

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
SPECIAL OPEN PUBLIC MEETING

March 16, 2023

11:30 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 TIMOTHY BECK, Member</p> <p>6 STEVEN J. CARRILLO, Member</p> <p>7 SHARON CLAHCHISCHILLIAGE, Member</p> <p>8 PATRICIA GIPSON, Member</p> <p>9 STEWART INGHAM, Member</p> <p>10 K.T. MANIS, Member</p> <p>11 MICHAEL TAYLOR, Member</p> <p>12 PED STAFF:</p> <p>13 CORINA CHAVEZ, Director</p> <p>14 Charter School/Options for</p> <p>15 Parents and Families Division</p> <p>16 LUCY VALENZUELA, Technical Assistance and</p> <p>17 Training Specialist</p> <p>18 Charter School/Options for Parents</p> <p>19 and Families Division</p> <p>20 SHARYN PEREA, Liaison to PEC</p> <p>21</p> <p>22 COUNSEL TO THE PEC:</p> <p>23 JULIA HOSFORD BARNES, ESQ.</p> <p>24 Barnes Mediation and Law, PC</p> <p>25 200 W. DeVargas Street, Suite 7</p> <p>Santa Fe, New Mexico 87501</p>	4	
3	<p>1 INDEX TO PROCEEDINGS</p> <p>2 PAGE</p> <p>3 1 Call to Order and Roll Call 4</p> <p>4 2 Approval of Agenda 5</p> <p>5 3 Consent Agenda 6</p> <p>6 4 Open Forum 7</p> <p>7 5 Discussion and Possible Action Related to 44</p> <p>8 La Tierra Montessori School of the Arts</p> <p>9 and Science [sic] Regarding Breach of</p> <p>10 Contract and Failure to Make Substantial</p> <p>11 Progress Towards Achievement of the</p> <p>12 Department's Standard of Excellence or</p> <p>13 Student Performance Standards Identified</p> <p>14 in the Contract, and Including Violations</p> <p>15 Related to Student Safety, Special Education</p> <p>16 Issues and Failure to Provide Appropriate</p> <p>17 Oversight at the School Requiring Immediate</p> <p>18 Action by the PEC Including Issuance of a</p> <p>19 Notice of Intent to Revoke the Contract</p> <p>20 6 Discussion of Performance Framework 65</p> <p>21 REPORTER'S CERTIFICATE 211</p> <p>22 ATTACHMENTS:</p> <p>23 1 Attendance List</p> <p>24</p> <p>25</p>	<p>1 THE CHAIR: Good afternoon, everyone. So</p> <p>2 I'm going to go ahead and call this meeting to</p> <p>3 order. It is 11:34, and we'll go ahead and begin.</p> <p>4 I wanted to share -- I asked Vice Chair</p> <p>5 Burt to play both roles of the vice chair and the</p> <p>6 secretary today, given Melissa's absence. And so</p> <p>7 Vice Chair/Secretary Burt, will you go ahead and</p> <p>8 take the roll call, please?</p> <p>9 COMMISSIONER BURT: Sure.</p> <p>10 Commissioner Armijo, not present.</p> <p>11 COMMISSIONER BURT: Commissioner Beck.</p> <p>12 Not present.</p> <p>13 Commissioner Brauer.</p> <p>14 THE CHAIR: Present.</p> <p>15 COMMISSIONER BURT: Commissioner Burt is</p> <p>16 here.</p> <p>17 Commissioner Clahchischilliage. Not</p> <p>18 present.</p> <p>19 Commissioner Ingham.</p> <p>20 COMMISSIONER INGHAM: Here.</p> <p>21 COMMISSIONER BURT: Commissioner Gipson.</p> <p>22 COMMISSIONER GIPSON: Here.</p> <p>23 COMMISSIONER BURT: Commissioner Taylor.</p> <p>24 COMMISSIONER TAYLOR: Here.</p> <p>25 COMMISSIONER BURT: Commissioner Manis.</p>	5

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1 THE CHAIR: Okay. Vice Chair Burt.
 2 COMMISSIONER BURT: Commissioner Brauer.
 3 THE CHAIR: Yes.
 4 COMMISSIONER BURT: Commissioner Carrillo.
 5 COMMISSIONER CARRILLO: Yeah.
 6 COMMISSIONER BURT: Commissioner Burt,
 7 yes.
 8 Commissioner Manis.
 9 COMMISSIONER MANIS: Yes.
 10 COMMISSIONER BURT: Commissioner Ingham.
 11 COMMISSIONER INGHAM: Yes.
 12 COMMISSIONER BURT: Commissioner Taylor.
 13 COMMISSIONER TAYLOR: Yes.
 14 COMMISSIONER BURT: And Commissioner
 15 Gipson.
 16 COMMISSIONER GIPSON: Yes.
 17 COMMISSIONER BURT: That passes,
 18 seven-zero.
 19 THE CHAIR: Item No. 3, Consent Agenda,
 20 Approval of Minutes and Transcripts:
 21 Part 1, the PEC Work Session Minutes from
 22 February 15 and 16, 2023, and Part 2, PEC Meeting
 23 Transcript for February 27, 2023.
 24 COMMISSIONER BURT: Move to approve the
 25 consent agenda.

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1 COMMISSIONER GIPSON: Second. I was going
 2 to consent.
 3 THE CHAIR: Vice Chair, do you mind taking
 4 the roll call again, please?
 5 COMMISSIONER BURT: All right.
 6 Commissioner Gipson.
 7 COMMISSIONER GIPSON: Yes.
 8 COMMISSIONER BURT: Commissioner Ingham.
 9 COMMISSIONER INGHAM: Yes.
 10 COMMISSIONER BURT: Commissioner Taylor.
 11 COMMISSIONER TAYLOR: Yes.
 12 COMMISSIONER BURT: Commissioner Manis.
 13 COMMISSIONER MANIS: Yes.
 14 COMMISSIONER BURT: Commissioner Burt,
 15 yes.
 16 Commissioner Carrillo.
 17 COMMISSIONER CARRILLO: Yes.
 18 COMMISSIONER BURT: And Chair Brauer.
 19 THE CHAIR: Yes.
 20 COMMISSIONER BURT: All right. That
 21 passes, seven-zero.
 22 THE CHAIR: All right. So our next item
 23 is Open Forum. So this time will be limited at the
 24 discretion of the Chair. We typically give three
 25 minutes per person, and we'll keep everyone at that

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1 level.
 2 But if I could get a quick number from --
 3 from Lucy on how many people would like to speak
 4 today.
 5 MS. LUCY VALENZUELA: Hi. Good morning.
 6 We have 13 people signed up to speak this morning.
 7 So what I am going to do is I will click on the --
 8 allow you to give permissions to speak to the first
 9 individual. When you see that you have that
 10 permission to speak, please state your full name and
 11 spell it out for the court reporter.
 12 The first commentator will be Ginger
 13 Juarez.
 14 THE CHAIR: Great. Thank you, Lucy. And,
 15 Ms. Juarez and other speakers, we will keep you --
 16 keep you at the three minutes. So please don't take
 17 it personally as we kind of do the curtain call. So
 18 please -- please just respect that three-minute time
 19 period today.
 20 Thank you.
 21 FROM THE PUBLIC: Thank you. My name is
 22 Ginger Juarez. G-i-n-g-e-r J-u-a-r-e-z, like the
 23 spice and the town.
 24 I am a parent of one daughter at
 25 La Tierra, and she is doing amazing there. I am

9

1 also an aunt of two children there who have had
 2 really hard times other places and have flourished
 3 and done amazing at La Tierra, this year even.
 4 We love the teachers that have stuck
 5 around and are doing their best. We really feel
 6 like, if given the opportunity, we as parents and
 7 staff are able to turn the school around.
 8 Our biggest problem right now is our
 9 governing council refusing to work with us.
 10 We have made it very clear everything that
 11 we're able to do to help the school and what we're
 12 able and willing to do to help the school, and have
 13 been told time and again that the governing council
 14 will not help us.
 15 We are here in front of you begging for
 16 any help we can get. We love this school. It is
 17 good for our community. It is good for our
 18 children. Please hear us.
 19 Thank you and have a good day.
 20 THE CHAIR: Thank you, Ms. Juarez.
 21 MS. LUCY VALENZUELA: Okay. The next
 22 speaker will be Andrez Juarez.
 23 FROM THE PUBLIC: Hello. My name is
 24 Andrez Juarez. I am the father of L. Juarez at the
 25 La Tierra Montessori school. My name is spelled

<p style="text-align: right;">10</p> <p>1 A-n-d-r-e-z J-u-a-r-e-z. 2 Sorry about that. 3 My -- I guess what I want to say is what 4 an incredible gem Montessori -- La Tierra Montessori 5 is for the Valley. For too long the Valley has been 6 on the top of every bad list and the bottom of every 7 good list. 8 The children who come to Montessori are 9 obviously children who have a difficult time -- or 10 maybe not. They just crave a different environment. 11 But the environment that is created by the teachers, 12 by everyone, is amazing, and it's allowed my 13 daughter to flourish. It's allowed her to become -- 14 you know, she went from wanting to be a farmer to 15 wanting to be a veterinarian, scientist in space. 16 She -- her desires have grown. And I can 17 only say that it's through her teacher, Angela 18 Feathers -- I don't want -- mean to call everybody 19 out. But she's amazing. And all the teachers there 20 are amazing, especially for all the stuff they've 21 had to deal with. 22 As far as I -- as far as everything else, 23 I believe that the leadership -- and I don't mean to 24 say this in the wrong way. But I think the 25 governing council is inept. I don't think they can</p>	<p style="text-align: right;">12</p> <p>1 THE CHAIR: Mr. Pearce, you can go ahead 2 and take yourself off mute and share your public 3 comment, please. 4 FROM THE PUBLIC: I apologize, 5 Commissioner. Thank you, honored Commissioners. 6 This is the -- gosh -- fourth time I've spoken in 7 regards to the school in the past six months. 8 I just want to say that I work with one of 9 the largest organizations in the nation regarding 10 community action. And we had submitted a petition 11 to recall Isaac Casados as a member of the La Tierra 12 governing council. 13 It was e-mailed on Tuesday. The petition 14 itself was delivered to the mailbox listed as the 15 governing council's address on Friday. 16 This is a great school. We've got 17 teacher -- we actually have award winning teachers 18 here. However, all of our pleas to the governing 19 council to keep La Tierra Montessori, to please 20 reach out to the parents, has fallen on deaf ears. 21 As a group, the parents were spreading 22 gravel to fix the potholes in the driveway of 23 La Tierra. Not a governing council member to be 24 seen to say hi or even to show any concern with 25 this.</p>
<p style="text-align: right;">11</p> <p>1 lead anybody out of a paper bag. 2 I've been in the military. I know what 3 leadership is. It doesn't exist there. They're not 4 responsive; they're not transparent. They, in no 5 way, ask or seek our help. 6 We could be the greatest resource we have 7 because we are concerned parents. We just want 8 what's best for all of our children. 9 And to that end, I feel all I can do is 10 ask you, please find us -- help us find a way -- 11 help us find a way to keep our school alive. Help 12 us find a way to help us become what we all believe, 13 because we wouldn't be here if we didn't believe it. 14 Thank you very much. 15 THE CHAIR: Thank you, Ms. Juarez -- or 16 Mr. Juarez. Sorry about that. I wanted to also 17 share on the record that Commissioner Beck joined 18 our call at 11:42 today. 19 (Commissioner Beck has joined the meeting.) 20 COMMISSIONER BECK: Yeah. I can't figure 21 out why the video is not working. But I'm here. 22 THE CHAIR: Okay. Thank you, 23 Commissioner. 24 MS. LUCY VALENZUELA: Okay. The next 25 speaker is Benjamin Pearce.</p>	<p style="text-align: right;">13</p> <p>1 I'm very concerned that despite -- 2 despite -- I apologize -- despite instruction not to 3 change the school's mission statement and goals from 4 the PEC, the governing council has gone ahead and 5 done so. 6 I'm concerned that there seems to be no 7 communication. The parents have reached out 8 numerous times, accepted offers from mediators and 9 quite a bit else. 10 This petition has over two-thirds of the 11 parents' signatures on it. And we've been 12 threatened at a previous board meeting that the 13 governing council may find, or believes, that the 14 signatures may have been collected with malfeasance. 15 We have no desire to do so. I've worked 16 on numerous petitions, numerous, with a lot of 17 different community organizations. And this is the 18 first time I've even heard of somebody saying that 19 collecting signatures for a petition is illegal. 20 I don't know what else to do. I know the 21 PEC, you all have very limited power. But we do 22 need to save the school. 23 Montessori is a great asset to our 24 community. I have three -- three children on 25 different levels of the neurodivergent scale, where</p>

<p style="text-align: right;">14</p> <p>1 the normal regular schools wasn't helping them. 2 They've thrived in this environment. They actually 3 have a desire to learn. Our teachers have done 4 great things. 5 We've got one teacher who's won a national 6 award for -- in the local area (inaudible). Thank 7 you for your time, Commissioners, and please help 8 us. 9 THE CHAIR: Thank you, Mr. Pearce. 10 I wanted to share that Commissioner 11 Clahchischilliage has joined as well at 11:44. 12 (Commissioner Clahchischilliage has joined 13 the meeting.) 14 THE CHAIR: And, Lucy, as you let folks 15 in, if you'd mind letting folks off the panel as 16 well if you get the chance. Thank you. 17 MS. LUCY VALENZUELA: So the next speaker 18 is Catherine Davis-Sparks. Okay. I guess she lost 19 connection or something. She's not on anymore. 20 I'll go down to the next speaker who 21 signed up. That is Andrew Brunner. 22 THE CHAIR: Thank you, Mr. Brunner. Go 23 ahead and spell your name and you go ahead and can 24 begin your three minutes. 25 FROM THE PUBLIC: Good morning, members of</p>	<p style="text-align: right;">16</p> <p>1 research I'm doing, I can't even find half the 2 minutes of these meetings that took place in the 3 past back to late 2021. How can I back on anything? 4 I just know that the Montessori school -- 5 my daughters are there because it's Montessori. If 6 I wanted them in a public education school, they 7 would be going to the school that is two and a half 8 blocks up from my street, from my house. It would 9 be nice and easy. 10 But it's important to me, after studying 11 what Montessori is all about, which, unfortunately, 12 I'm not sure why that's going on with the governing 13 council or the head learner at this point, who I do 14 support the head learner and I want to -- really 15 gave out a big -- a praise to the teachers and 16 people who have stuck around through the thick and 17 thin of all this. 18 They really are dedicated. And if it 19 wasn't for that, I would have pulled my daughters 20 out already. 21 Yes. I write to Mr. Casados in openness, 22 and I even forwarded that e-mail to Commissioner 23 Steve Carrillo so that everybody could see it. I 24 got not one single response from Mr. Casados. 25 This is how it's been from the get-go for</p>
<p style="text-align: right;">15</p> <p>1 the Commission. My name is Andrew Brunner. 2 A-n-d-r-e-w B-r-u-n-n-e-r. 3 I have not spoken at one of these meetings 4 yet. Mine is going to be real brief. 5 When I put my daughters in Montessori five 6 years ago, it was a developing Montessori. It was 7 very -- really awesome place to walk into. The 8 environment was so much different. 9 What I am seeing happen is an incremental 10 degrading of the Montessori structure there at 11 La Tierra. And this has been happening much more 12 rapidly since Isaac Casados became president of the 13 governing council back, I believe, in July of '22. 14 This is just what I am taking note of. I 15 have watched a lot of teachers go to the wayside 16 from this school that were very important to the 17 school; i.e., Mr. Krane and others losing their 18 positions over I'm not sure what yet. 19 There's a lot that needs to be found out. 20 I have not been given all the facts and the details 21 yet myself on why Ms. Feathers is no longer the head 22 learner. I'm still holding on to that area. 23 So all these things. There's no 24 transparency. I don't know who did what or who did 25 what, who's responsible for what or -- all the</p>	<p style="text-align: right;">17</p> <p>1 the last eight months. There is no transparency. I 2 feel like they're making decisions as if they're 3 above us, as if we as parents aren't capable of 4 making -- helping make decisions or create the 5 necessary help -- assist in contributing to the 6 necessary environment that needs to be 7 Montessori-based, not "inspired," not -- you know, 8 and being more and more Montessori is taking out of 9 this. 10 We have days where the kids are having to 11 do math over and over again because there's none in 12 the former curriculum. Also my daughter says the 13 teacher says, "You need this much math" to get 14 caught up to where they need to be. 15 There's -- I have so many problems with 16 that statement itself. But, anyway, I just wanted 17 to say I'm really concerned that Montessori is not 18 going to be here. We need to save that. 19 Thank you very much. 20 THE CHAIR: Thank you, Mr. Brunner. 21 MS. LUCY VALENZUELA: Okay. The next 22 speaker is Gary Goddard. 23 FROM THE PUBLIC: My name is -- 24 THE CHAIR: Go ahead and start with your 25 name and --</p>

<p style="text-align: right;">18</p> <p>1 FROM THE PUBLIC: Right. My name is Gary 2 Goddard. That's G-a-r-y G-o-d-d-a-r-d. And I'm a 3 parent of a fourth grader there. I'm also the 4 current president of the PTA, and I'm here today to 5 advocate for my son's education in the Valley. 6 My son is autistic, and La Tierra is the 7 fourth school in four years that he's been to. 8 We've been to the EPS in Alcalde, McCurdy, 9 and then we went to Santa Fe and Wood-Gormley. And 10 the standard school curriculum and the other 11 students, you know, that he's -- the standard 12 curriculum in the EPS has not served him well, and 13 Wood-Gormley. 14 He has thrived at La Tierra. He is 15 engaged with the material. He's engaged with the 16 other students. He -- I used to pick him up last 17 year at Alcalde. He would cry almost every time I 18 picked him up. 19 Now he's giggling and excited, and it's 20 just an amazing transformation to me. 21 So I just want to -- my heart goes out to 22 the teachers. And it's been a really great 23 experience. 24 It would be a huge hardship for us as a 25 family to the -- he will not work in EPS. We would</p>	<p style="text-align: right;">20</p> <p>1 believe that Isaac Casados's term is up since he 2 was -- first appears in the minutes in January 2021. 3 And it's a two-year limit. 4 The PTA -- I've contacted the head learner 5 and requested meetings, in-person meetings, as 6 requested by the other -- the other parents. And 7 we've been denied that. 8 I've also asked to -- that if we could 9 come in and help alleviate some of the issues in the 10 Poms report, because many of those issues are not -- 11 do not require a contractor, and they're just basic 12 housekeeping. 13 I mean, pallets are still stacked up on 14 the side of the school. I think there's a lot of 15 stuff that we as parents could do in being 16 supportive of the school if only we were given a 17 chance. 18 The way I think of it is, too, if even a 19 fraction of the time that I would be spending next 20 year driving to Santa Fe, Taos, or Los Alamos, if I 21 could spend a fraction of that time and other 22 students could spend a fraction of that time putting 23 that energy into the school, it would be an amazing 24 place. 25 So I think we need to replace the general</p>
<p style="text-align: right;">19</p> <p>1 have to work exploring Taos, Santa Fe, and 2 Los Alamos. And those are out, you know, to -- it's 3 an hour round trip -- I mean an hour each way for us 4 to do that. It would be quite a hardship and a 5 hardship to find a school that is Montessori, or at 6 least alternative experiential like that. 7 And I just wanted to fill you guys in on 8 some of the events that have occurred since the last 9 PEC meeting. 10 And that was -- so despite the PED letter, 11 the special ed noncompliance, to the head learner, I 12 have not received an IEP for my son that is required 13 by state law. And I've been asking for it many, 14 many times. 15 There has been no Montessori training for 16 the teachers conducted in the in-service days. 17 And despite the indigenous Montessori 18 training being listed on the Corrective Action Plan, 19 the first and second grade teachers resigned, and 20 there has been no discussion concerning the lack of 21 staffing to parents. 22 The Spanish teacher has also resigned with 23 no plans for a replacement. 24 And, you know, as has been said, we've got 25 the parent recall petition signed. And we also</p>	<p style="text-align: right;">21</p> <p>1 council, not just Isaac, the entire council, and -- 2 because this week, as parents, we have no way of 3 communicating, participating, helping in any way. 4 I've tried everything. I don't even know what to do 5 with the PTA anymore. There is nothing. There's no 6 events. 7 THE CHAIR: Mr. Goddard, if you could wrap 8 it up, please? Thank you. 9 FROM THE PUBLIC: Yes. I am -- there's 10 nothing for the -- so I have nothing -- as a PTA 11 president, I am completely impotent. So that is 12 what I had to say. 13 THE CHAIR: Thank you, sir. 14 MS. LUCY VALENZUELA: Okay. And, 15 actually, Catherine Davis-Sparks is back in the 16 chat. I will go ahead and give you permission to 17 allow Ms. Davis-Sparks. 18 Please state your full name for the court 19 reporter and you have three minutes to speak. 20 THE CHAIR: Ms. Davis-Sparks, can you hear 21 us? Okay. Catherine, can you hear us? We don't 22 hear you right now if you're talking. Catherine 23 Davis Sparks, do you hear me? 24 You know, Lucy, maybe if we can give her, 25 like, a -- a chat or something and just let her know</p>

<p style="text-align: right;">22</p> <p>1 that we're not hearing her right now, and maybe we 2 can bring somebody else in as she figures out her -- 3 MS. LUCY VALENZUELA: I'll do that. Looks 4 like she got kicked out again. 5 So the next speaker will be Meda Maitri. 6 FROM THE PUBLIC: Hello. This is Meda 7 Maitri, M-e-d-a M-a-i-t-r-i. I am the mother of one 8 daughter going into fourth grade at La Tierra 9 Montessori. 10 We are pretty perplexed by this situation. 11 We moved here from New York. In New York, we were 12 in a public school where we had plenty of 13 opportunities to (inaudible). This is not something 14 that is happening to her, and, as parents, we are 15 shuttled off and shooed, like, literally, from 16 school grounds for any kind of initiative that we 17 would like to have. 18 We are not allowed to have PTA meetings on 19 school grounds. The petition that went around to be 20 signed by parents was considered illegal. 21 I've been part of the -- the meetings for 22 the GC. And it's shocking. The items that the GC 23 is deciding to focus on, like having a provision, 24 for example, to not allow monkeys on school grounds 25 when we are dealing with the situation that we do.</p>	<p style="text-align: right;">24</p> <p>1 And we have -- we have people willing and 2 able to participate in the GC and represent properly 3 the interests of the parents and the interests of 4 the teachers and the interests of the community and 5 the Montessori-style learning. 6 Thank you so much. I hope that you can 7 help us today. Appreciate that. Have a good day. 8 THE CHAIR: Thank you, ma'am. 9 MS. LUCY VALENZUELA: Okay. So the next 10 speaker is Dr. Michael Kaplan. 11 THE CHAIR: All right. Mr. Gadomski. Go 12 ahead. You can take yourself off of mute and go 13 ahead and spell your name for the court reporter. 14 FROM THE PUBLIC: Okay. Sure. I'm 15 Michael Gadomski. I'm also Assistant General 16 Council in the Special Education Division of the 17 New Mexico Public Education Department. 18 My last name is spelled G-a-d-o-m-s-k-i. 19 I'm actually just observing the meeting, you know, 20 in my official capacity, but I don't actually have 21 any public comment to give. 22 THE CHAIR: You know what, Michael? Sorry 23 about that. I think we may have brought the wrong 24 Michael in, actually. 25 FROM THE PUBLIC: Okay. Can you hear me</p>
<p style="text-align: right;">23</p> <p>1 And we are experienc- -- we want to participate and 2 we want to help. We don't want the school to go to 3 the drain because -- (inaudible) education 4 (inaudible) it's highly necessary. 5 The traditional school system does not 6 address needs that are particular for some kids. 7 My child is also thriving in the 8 Montessori environment. And if not for this type of 9 environment, I don't know what else is there. 10 It would be a huge loss for us as a 11 community to not be participating in this type of 12 education. We absolutely love the teachers at the 13 school. Ms. Melisha -- that's our kid's teacher -- 14 Mr. Curtis, the science teacher. We are so sad that 15 we lost Ms. Natasha that was a Spanish teacher. 16 It seems at this point that the remaining 17 teachers are intimidated the same way we are by the 18 GC that is threatening legal action against parents 19 who dare to sign the petition. It's -- it's 20 unbelievable. 21 And we are here offering our support and 22 participation as parents. We want the school to 23 succeed. We need the school to succeed. We need 24 this GC that is -- it's a shame (inaudible). (Timer 25 indicates.)</p>	<p style="text-align: right;">25</p> <p>1 now? 2 THE CHAIR: Yes. We can hear you. 3 FROM THE PUBLIC: Okay. I'm Dr. Michael 4 Kaplan, M-i-c-h-a-e-l K-a-p-l-a-n. I'm the vice 5 chair of the governance council at New Mexico School 6 for the Arts. And I would like to just make a 7 comment about the revised performance framework. 8 And this is in regards to the governing 9 body membership training and responsibilities 3.A. 10 It's on Page 16. 11 I have a concern about -- under 12 "Training," it says there that all members of the 13 governing body and new members who served for at 14 least six months have completed all training hours 15 required by the CSD and the PEC. 16 But if you go and you read the charter 17 school statute, it says all training must be done 18 within the first year, within the year, the fiscal 19 year. So if the PEC and the CSD are changing 20 training requirements, the training now has to all 21 be done within the first six months. That is in 22 conflict with what the current statute says. 23 My other concern is that, you know, 24 governing council members serve, volunteer to serve 25 on governing councils. They're not elected. So my</p>

<p style="text-align: right;">26</p> <p>1 concern is just that if we're putting -- you know, 2 they want to do -- we want to do all the training. 3 But sometimes it's impossible to get all the 4 training completed within the first six months. 5 We've noticed that at the governance 6 council for the New Mexico School for the Arts. And 7 I'm sure it includes other schools as well. 8 My concern is that we need to go back and 9 give them the entire year for those members that 10 have extenuating circumstances that, for family or 11 business or whatever, and cannot get into the 12 trainings to complete them within the first six 13 months. This is for returning governing council 14 members rather than new governance council members. 15 So that's my comment about that. Thank 16 you very much for your time today. 17 THE CHAIR: Great. Thank you, Dr. Kaplan. 18 I just wanted to share that Item No. 6 in 19 today's agenda will also provide you, as a school 20 leader, an opportunity to weigh in even more. So 21 your comments don't have to be just here during this 22 time, but you can stay around if you have time and 23 share other comments as well, as we get into that 24 part of our agenda today. 25 Thank you.</p>	<p style="text-align: right;">28</p> <p>1 kids, the teachers that have been able and been 2 allowed to remain have been very steadfast 3 (inaudible). 4 Even though we have not received any IEPs 5 for them, our youngest one is receiving services, at 6 least as far as I'm aware. 7 The teachers have taken time out of their 8 own lives. Mr. Curtis took a team, including my 9 daughter, to Albuquerque because we placed in a 10 robotics competition. And they got to go. He paid 11 for the whole trip himself, including lunch and a 12 souvenir for the kids after they came in 14th place. 13 Mr. Paul came in on -- he went up to the 14 state level in a teacher competition for his 15 teaching style and his character. 16 And Ms. Remy, the former first and second 17 grade teacher, I believe, she was my son's best 18 friend. He was so excited every day to go see 19 Ms. Remy -- Ms. Remy Feathers. He's very sad she's 20 gone. And we don't have a clear answer as to why, 21 other than pure retaliation. 22 We parents also have an issue with the 23 removal and revision of Montessori vision education 24 and the mission statement for La Tierra. We want -- 25 we weren't informed of any of that happening. We</p>
<p style="text-align: right;">27</p> <p>1 MS. LUCY VALENZUELA: Okay, so Catherine 2 is back in. I'm going to see if she is able to 3 speak now. 4 THE CHAIR: Ms. Davis-Sparks, I believe 5 you joined us. 6 FROM THE PUBLIC: There we go. Can you 7 hear me? Yes. Can you hear me? Excellent. Yeah. 8 My mute button just popped out. So yeah. Yeah. 9 Hello. My name is Catherine Davis-Sparks. 10 C-a-t-h-e-r-i-n-e. Davis-Sparks is D-a-v-i-s hyphen 11 S-p-a-r-k-s. 12 I am a mother of four at La Tierra 13 Montessori. And they are -- three of them are very 14 neurodivergent to the point where they were not 15 surviving in the Española Public School system. It 16 got so bad that they lost -- the school actually 17 lost my son's intake packet, demanded I redo it, 18 because they thought the person that got fired took 19 it with them for nefarious purposes and didn't 20 report it to parents. 21 So I prefer La Tierra because I haven't 22 had that incident. 23 But I want to let you guys know that 24 despite all of the things that have been going on 25 with the governing council and the parents, the</p>	<p style="text-align: right;">29</p> <p>1 were not told that the governing council had this in 2 mind. They just put it onto us. 3 They -- you know, Mr. Casados, every time 4 we've asked him about this, he has claimed that we 5 are persecuting him for being gay, for being a 6 Native American, for being an abuse victim of a 7 priest. 8 I think that Mr. Casados has a lot of 9 trauma that he is forcing onto us that he is 10 refusing to get looked at, and it is hurting my 11 children. And I will take -- and I do take 12 exception to that. 13 The council remains negligent, I believe, 14 with transparency of parents. They have not fixed 15 the issues from the Poms report. They're still not 16 meeting up with parents for work parties despite 17 promising appearances. 18 This council is complicit in all of the 19 horrible things that Isaac Casados has done in the 20 name of council. They have remained silent and 21 watched him take away our choices, which is a civil 22 rights action right there, taking away our ability 23 to say, "You know what? We are not okay with this." 24 They have denied us our First Amendment. 25 Thank you so much for your time. I want</p>

<p style="text-align: right;">30</p> <p>1 to restate that Montessori needs to stay in the 2 school. The teachers deserve better. The current 3 council is technically invalid and defunct. They 4 refuse to follow the bylaws, and I would like to see 5 the Commission and council do something to help our 6 school, not close it down.</p> <p>7 I'm willing to serve as needed. Thank you 8 so much for your time today, and I appreciate 9 everything you all do.</p> <p>10 THE CHAIR: Thank you.</p> <p>11 MS. LUCY VALENZUELA: Okay. The next 12 speaker is Melissa Salazar.</p> <p>13 FROM THE PUBLIC: Hello. Good morning, 14 Commissioners and Chair.</p> <p>15 My name is Melissa Salazar. M-e-l-i-s-s-a 16 S-a-l-a-z-a-r.</p> <p>17 And I just want to begin my comments by 18 seeing and honoring all the parents that showed up 19 today. I know that you know this. But I just want 20 to tell the Commission that all of us work full 21 time, are farmers, run businesses. And to see so 22 many of us turn up today to speak on behalf of the 23 kids and the teachers really ought to be honored.</p> <p>24 We are some of the parents that are still 25 standing. The school is still bleeding students and</p>	<p style="text-align: right;">32</p> <p>1 We're always looking -- I've been in PTAs with the 2 same two people all year long running PTA.</p> <p>3 You have 13 people here. You have 37 that 4 signed a petition to get rid of our governing 5 council. We collected those signatures in a matter 6 of hours. Hours.</p> <p>7 It did not -- it was not hard. It was not 8 hard to gather 26 parents. We gave them two days' 9 notice to just gather off site in downtown Española 10 at a person's house. Twenty-six parents showed up. 11 We were overwhelmed with the support we had.</p> <p>12 And you've seen us here over and over, 13 some of the six or seven of us that you keep 14 recognizing our names by now. But look at who's 15 here today and look at who signed that petition. 16 That's two-thirds of the school. It's not -- we're 17 not a little group, and we're not a little bunch of 18 troublemakers. We're an asset to the Valley, and 19 we're an asset to the school, and we will not be 20 labeled that way.</p> <p>21 So what we are asking for you to do, we're 22 seeking legal advice to see if there is a civil case 23 that we can start filing here. I mean, we're not a 24 bunch of people that are just going to go away and 25 send our kids to other schools and scatter</p>
<p style="text-align: right;">31</p> <p>1 parents and teachers. And we're not going anywhere. 2 We just keep persevering and hoping. And it takes a 3 lot of time to -- out of our day to try to figure 4 out, to cancel and reschedule meetings so that we 5 can all dial in at this time. So I see you parents, 6 and I honor you. Thank you for being here.</p> <p>7 I think my general comments are just to 8 the Commission to understand, I think, the 9 structural problem that's happening here with our 10 governing council not including parents and not 11 really having the capacity to understand how to 12 include us as educators, as farmers, as business 13 owners.</p> <p>14 We know we're -- some of us are even 15 Montessorians. And I think what I've been learning 16 through charter school participation is that the 17 parent participation in a charter school is 18 radically different than a public school. Charter 19 school parents have made a choice, and they are 20 dogged in their participation in the school, and 21 they need to be honored because they are literally a 22 part of the school.</p> <p>23 I have been at many PTAs. As you've 24 known, my son has been with many schools. And we 25 beg for this kind of participation and engagement.</p>	<p style="text-align: right;">33</p> <p>1 throughout the Valley.</p> <p>2 You have heard today that we are committed 3 to keeping the school open one way or another. And 4 if we have to file federal action, we will do so.</p> <p>5 But I'll wrap up by just saying, imagine 6 what this school could be like if all the parents 7 with all these assets and aspirational resources, 8 all these lovely teachers that have remained, just 9 imagine what we could do to rebuild the school and 10 correct all the things in your action plan. We 11 could have it done. We meet weekly. We meet 12 sometimes more than weekly.</p> <p>13 THE CHAIR: Thank you, Ms. Salazar.</p> <p>14 FROM THE PUBLIC: Yes. So please allow us 15 a way in so that we can be running the school. 16 Thank you so much for your time. Sorry for going 17 overtime.</p> <p>18 THE CHAIR: Thank you.</p> <p>19 MS. LUCY VALENZUELA: Okay. The next 20 speaker is John.</p> <p>21 FROM THE PUBLIC: Hello. Can you hear me? 22 THE CHAIR: We can, sir.</p> <p>23 FROM THE PUBLIC: Okay. Thank you. Hello 24 to all. My name is John Myszko. J-o-h-n 25 M-y-s-z-k-o. And my daughter, Zoe, has been going</p>

<p style="text-align: right;">34</p> <p>1 to La Tierra for six great years now. She loves the 2 school. She has just excelled in it. She wants to 3 be a marine biologist when she gets older, and we've 4 been working to that end.</p> <p>5 Our school is a precious jewel the way 6 that I look at it. It is very unique, and it is 7 really important. The -- it serves a unique group 8 of kids and families that can't go other places or 9 don't want to go other places. It's this incredibly 10 valuable resource that is in our community.</p> <p>11 We have wonderful teachers that go so far 12 beyond what a teacher has to do because their heart 13 is in it. It's a heart-based school. We care about 14 each other. For many years now, we've all been 15 working together in a beautiful way.</p> <p>16 I'm happy to go in there and repair 17 something when it needs to get repaired. But we 18 have been completely thwarted in all of the pursuits 19 that we have tried to do to help the school, 20 specifically by the current governing council, and 21 specifically by Mr. Casados. I can't believe the 22 way that he has treated us as parents and community.</p> <p>23 So we want him out immediately. He's not 24 serving the children of the school. He's not 25 serving our community. And we have this group of</p>	<p style="text-align: right;">36</p> <p>1 speaker is Forrest.</p> <p>2 FROM THE PUBLIC: Good afternoon. Can you 3 hear me?</p> <p>4 THE CHAIR: We can hear you, sir.</p> <p>5 FROM THE PUBLIC: My name is Forrest, 6 F-o-r-r-e-s-t, Verde, V-e-r-d-e, Dudek, D-u-d-e-k. 7 Thank you for hearing us, and I want to thank all 8 the parents for showing up today.</p> <p>9 I know for myself, it's another day I have 10 to take time off of work to be here, and I know 11 we're all busy and having a family is very 12 difficult. So thank you for showing up for the 13 school and the community.</p> <p>14 And that's -- that's part of the issue 15 here is that this school is the community school. 16 This school is the Española Valley school. It's not 17 Isaac Casados's school. It's not the governing 18 council's school.</p> <p>19 And to close the school without attempting 20 to remove this -- this governing council would do a 21 disservice to our community. And there have been a 22 series of what seems like malice and malicious 23 attempts to dismantle this school, and Isaac Casados 24 appears to be a bad actor.</p> <p>25 And what happens when there's a bad actor</p>
<p style="text-align: right;">35</p> <p>1 parents that wants to help so much if we're allowed 2 to. We have not been allowed to.</p> <p>3 So what we could do together, if we were 4 able to dialogue, if we had a governing council and 5 a head learner that were talking to each other, is 6 bring the school back to what it used to be.</p> <p>7 In the six years that we've been there, 8 it's been just beautiful for most of the time that 9 we've been there. My daughter loves the school. 10 There would be so many displaced children and 11 families if this school were to close. I would 12 literally have to sell my house and move to a place 13 where there's a better school, because there's 14 nothing here that would serve my daughter.</p> <p>15 So I'm asking, please, on behalf of my 16 family, on behalf of the rest of LTMAS's families, 17 please help us in any way you can. We as a group 18 want to help and serve our community. We cannot do 19 it with current governing council.</p> <p>20 We have recalled Mr. Casados. Please, 21 please step down and let us do what we want to do 22 with this school.</p> <p>23 Thank you. I appreciate your time.</p> <p>24 THE CHAIR: Thank you, sir.</p> <p>25 MS. LUCY VALENZUELA: Okay. The next</p>	<p style="text-align: right;">37</p> <p>1 on a governing council? Do you have to close the 2 school down? What happens when there's a tumor in 3 your body? Do you just let it kill you? Or do you 4 have surgery to remove the tumor?</p> <p>5 Is there a possibility for this Commission 6 to remove this governing council? Us as parents and 7 I as a former parent, because my children were 8 disenrolled due to my -- my issues with the assaults 9 that took place against my son and standing up for 10 him and advocating for him, I'm a former parent. 11 But I still care about the school and I want it to 12 survive, and I care about the teachers.</p> <p>13 And how do we keep that intact and that 14 available for a community without shutting it down? 15 Because the reality is the community needs this 16 school. But we don't need Isaac Casados. And we 17 have signed that petition. We want him to leave. 18 He won't even hear the petition in the governing 19 council meeting. He is breaking bylaws by doing 20 that. He won't allow new members on the governing 21 council.</p> <p>22 I submitted my own intent -- letter of 23 intent to serve on the governing council in 24 November. It has not been heard. There are many, 25 many members of this community that are willing to</p>

<p style="text-align: right;">38</p> <p>1 serve on the governing council and save this school 2 and bring it back in good standing.</p> <p>3 But Isaac Casados is being malicious. It 4 seems like he has hijacked this school. And the 5 school and the students and the families are not 6 what he is serving. He is serving himself. And I 7 don't know what the other members on this governing 8 council are doing and looking at and just standing 9 by. But they are implicit in this.</p> <p>10 And I don't understand it. My family has 11 been a part of this school since (inaudible). 12 (Timer indicates.)</p> <p>13 Thank you. Please do all that you can to 14 get this governing council off, and we will find new 15 members to save this school.</p> <p>16 Thank you.</p> <p>17 THE CHAIR: Thank you, sir.</p> <p>18 MS. LUCY VALENZUELA: Okay. Our next 19 speaker is Marcos Trujillo.</p> <p>20 Okay. It looks like Marcos is no longer 21 with us.</p> <p>22 So the next one will be Mateo.</p> <p>23 FROM THE PUBLIC: Hello.</p> <p>24 THE CHAIR: Go ahead and spell your name 25 for us, and you can go ahead and begin.</p>	<p style="text-align: right;">40</p> <p>1 was like, "Okay. You know, well, this is just 2 interpersonal relationship-type stuff."</p> <p>3 But being able to view two or three 4 council meetings, it's abhorrent. It is bad. This 5 is a council that has no supervision. They're 6 rogue. They don't follow their laws. They don't 7 bring input. And they threaten continuously.</p> <p>8 I have zero confidence in that governing 9 council being able to run anything, from the top 10 down. They've been -- they've shown zero solutions.</p> <p>11 I thought there was a plan to fix the 12 school. Nothing has been implemented. They don't 13 have a full council. They won't bring people to 14 possibly be on the council. This is really bad.</p> <p>15 Do not close the school. You're going to 16 close a bunch of opportunities to children who don't 17 get a lot of opportunities. And that's all I have 18 to say.</p> <p>19 Thank you.</p> <p>20 THE CHAIR: Thank you, sir.</p> <p>21 MS. LUCY VALENZUELA: Okay. And our final 22 speaker this afternoon is Mateo.</p> <p>23 FROM THE PUBLIC: Hello. Good morning, 24 Commissioners. My name is Mateo Peixinho. It's 25 M-a-t-e-o P-e-i-x-i-n-h-o. And it was great to hear</p>
<p style="text-align: right;">39</p> <p>1 FROM THE PUBLIC: I'm Marcos Trujillo. 2 M-a-r-c-o-s T-r-u-j-i-l-l-o.</p> <p>3 Thank you for giving me the opportunity to 4 speak today.</p> <p>5 I just wanted to say that, you know, I'm a 6 parent of a child that's currently in kindergarten 7 at La Tierra. We as a family live on the 8 Ohkay Owingeh Pueblo where La Tierra is located. I 9 grew up five minutes away from Española.</p> <p>10 The unfortunate thing about this area is 11 these children have to grow up with a lot of 12 adversity. The positive about that is the 13 resiliency that they develop that everyone who is 14 born here and grew up here has to develop.</p> <p>15 I'm asking you that this is an invaluable 16 institution of this area. It provides opportunities 17 that they don't get a lot of.</p> <p>18 And being a first-year parent, the staff 19 and the parents have given me so much confidence in 20 the ability of this community to foster this school, 21 to keep it, you know, prospering. But the thing 22 that -- the first year parents introduced me to is 23 what I thought was literally hyperbole -- you know, 24 parents can say things and go off a little bit. And 25 the things I heard about the governing council, I</p>	<p style="text-align: right;">41</p> <p>1 NMSA brought up earlier. My son who's 13 just got 2 admitted, you know. And it's a big deal to make the 3 grade, you know.</p> <p>4 And La Tierra afforded him that, you know. 5 He had a lot of behavioral issues in the beginning. 6 And the teachers there loved him up, and now he's 7 going to go to high school in one of the best 8 schools in the Southwest, I believe, you know.</p> <p>9 So with that being said, you know, that in 10 the summer and then again in November, I reached out 11 to this governing council as a parent group, 12 concerned that Montessori was being eliminated and 13 things were going on at the school with head 14 learners and the positions not being filled properly 15 and all the issues that came to the surface 16 regarding special ed.</p> <p>17 So we reached out and asked, you know, 18 "Hey, could you have a special meeting and explain 19 to us what the plan is so that we can support you," 20 you know.</p> <p>21 And we were met with disgust and then 22 threats. And it's been horrible to see us get to 23 this point. And I feel like -- you know, there's 24 probably not much convincing that we need to do. 25 But we did want to inform you that we do</p>

<p style="text-align: right;">42</p> <p>1 have a plan as parents. We --</p> <p>2 THE CHAIR: Looks like he dropped. He</p> <p>3 didn't by chance just go back into the</p> <p>4 (incomprehensible), did he, Lucy? Or did he fall</p> <p>5 off completely?</p> <p>6 MS. LUCY VALENZUELA: We lost him</p> <p>7 completely it looks like.</p> <p>8 THE CHAIR: We'll just pause just for a</p> <p>9 moment here to see if he can hop back on.</p> <p>10 MS. LUCY VALENZUELA: Here we go. He is</p> <p>11 back on.</p> <p>12 FROM THE PUBLIC: I'm very sorry. Yeah.</p> <p>13 So our -- just -- we just don't know how</p> <p>14 the situation got this bad. As parents, you know,</p> <p>15 it doesn't seem like it needed to.</p> <p>16 And we do have leadership ready to step</p> <p>17 in. We have someone, Melissa, who is a Ph.D. and</p> <p>18 has a background in education, ready to assume the</p> <p>19 role of president of the -- of the board. We're</p> <p>20 calling ourselves the governing board in absentia,</p> <p>21 okay? You know, Montessorians are ready to form an</p> <p>22 advisory board to help the board get everything</p> <p>23 corrected.</p> <p>24 I'm willing to participate as far as the</p> <p>25 facilities committee. We have Montessorians -- this</p>	<p style="text-align: right;">44</p> <p>1 Thank you.</p> <p>2 THE CHAIR: Thank you, sir. Lucy, that</p> <p>3 was the last one; right?</p> <p>4 MS. LUCY VALENZUELA: Yes, he was the last</p> <p>5 speaker.</p> <p>6 THE CHAIR: Everyone who spoke today,</p> <p>7 thank you so much for your public comment. Much</p> <p>8 appreciated for sure.</p> <p>9 We're going to move on to the next item,</p> <p>10 Item No. 5 of our agenda, Discussion and Possible</p> <p>11 Action Related to La Tierra Montessori School of the</p> <p>12 Arts and Science [sic] Regarding Breach of Contract</p> <p>13 and Failure to Make Substantial Progress Towards</p> <p>14 Achievement of the Department's Standard of</p> <p>15 Excellence or Student Performance Standards</p> <p>16 Identified in the Contract, and Including Violations</p> <p>17 Related to Student Safety, Special Education Issues</p> <p>18 and Failure to Provide Appropriate Oversight at the</p> <p>19 School Requiring Immediate Action by the PEC,</p> <p>20 Including Issuance of Notice of Intent to Revoke the</p> <p>21 Contract.</p> <p>22 And so I'm going to pass the floor over to</p> <p>23 Ms. Barnes to provide additional context.</p> <p>24 MS. JULIA BARNES: Thank you, guys. We</p> <p>25 are looking to see if you want to take a vote today</p>
<p style="text-align: right;">43</p> <p>1 school, if we could somehow garner the help of the</p> <p>2 Charter School Division and -- you know, we could</p> <p>3 make it right, you know. We can make you guys</p> <p>4 proud.</p> <p>5 I'd love to come here next summer, you</p> <p>6 know -- next fall -- and report to you all how well</p> <p>7 things are, because this is an amazing school. As</p> <p>8 you see just by the last names of the speakers here.</p> <p>9 And it's located on a pueblo. The tribe invested</p> <p>10 over \$600,000 in renovating the school for this</p> <p>11 Montessori school because the leadership of the</p> <p>12 school knew that we had to have alternatives if they</p> <p>13 wanted to attract work for Tsay Corporation and to</p> <p>14 work for the pueblos, they needed positive schools.</p> <p>15 So they made an investment. We've made</p> <p>16 the investment. So, you know, we don't want our</p> <p>17 kids to be -- we don't want our kids to be</p> <p>18 traumatized. You know, COVID was bad enough. We</p> <p>19 really need to just have your help. If there's a</p> <p>20 way to direct the Charter School Division to work</p> <p>21 with us, we as the parents --</p> <p>22 THE CHAIR: Thank you, sir.</p> <p>23 FROM THE PUBLIC: -- are ready to serve.</p> <p>24 Thank you so much for your time and</p> <p>25 patience. We really honor you all. And thank you.</p>	<p style="text-align: right;">45</p> <p>1 on issuing a notice of -- or setting -- starting</p> <p>2 forth with a revocation of the charter.</p> <p>3 The school has been notified -- this is</p> <p>4 the third time that we've provided them written</p> <p>5 notice that there was an intent to revoke the</p> <p>6 charter. The next steps would be to issue a notice</p> <p>7 of intent to revoke, which would set up a revocation</p> <p>8 hearing.</p> <p>9 The contract requires that it be within 30</p> <p>10 to 60 days. Your next meeting in April might be a</p> <p>11 good time to set a revocation hearing if you vote to</p> <p>12 do that.</p> <p>13 The -- the contract requires that we state</p> <p>14 the legal basis for potential revocation and</p> <p>15 identify -- reasonably identify the evidence to</p> <p>16 support that.</p> <p>17 All of that is prepared. There is a draft</p> <p>18 motion if you choose to move forward with that.</p> <p>19 The hearing would be in Santa Fe in person</p> <p>20 at your next meeting, which is more than 30 days</p> <p>21 from now.</p> <p>22 We can establish the dates for the written</p> <p>23 materials and evidence within that 30-day period.</p> <p>24 And I don't believe that this Commission has ever</p> <p>25 used a hearing officer.</p>

<p style="text-align: right;">46</p> <p>1 I did want to indicate that we did send 2 out a letter to them, again, as I indicated that 3 identified, again, that there was a notice of -- a 4 potential notice of intent to revoke the charter. 5 And we did provide them all of the background 6 information that was in the folder last time. We've 7 put it in an organized format. 8 Since that time, two other things have 9 come up. 10 One is CSD received the audits for all of 11 the charter schools. And this school, there are 12 eleven findings, three material weaknesses in that. 13 In your materials, there is a summary -- I'm just 14 going to call it an excellent summary of that that 15 is clear and concise. We have also put in the 16 sections for you so that you can read that. 17 Again, I don't know that you necessarily 18 need to discuss it now. It would be discussed in 19 detail at a hearing. 20 The -- that number of violations, I think, 21 is another urgent issue potentially for you to 22 consider. It is a breach of contract and a breach 23 of the performance framework. 24 And then, second, as we have previously 25 indicated, we were going to move forward to reach</p>	<p style="text-align: right;">48</p> <p>1 But, Commissioner Gipson, if there are 2 other questions on your mind before we take any 3 action? 4 COMMISSIONER GIPSON: Yeah, sure. Thanks. 5 I just wanted to, first, acknowledge and 6 thank all the parents for the time that they put in 7 to offer comment. Unfortunately, what has continued 8 to be presented to us hasn't changed my mind in any 9 way about what we have to do in regards to this 10 school. 11 You know, our hands are tied. It is 12 frustrating, but there is nothing that the Public 13 Education Commission can do in regards to a 14 governance council that isn't, in anyone's view, 15 acting appropriately. We do not have the authority 16 to suspend; no one does at this point in time. 17 So I appreciate the parents' fervor in 18 wanting to take control of the school, but we can't 19 do that. And parents can't -- and, honestly, 20 parents just can't come in and run a school. 21 There's a system that's set up. 22 But I do want to acknowledge -- I -- you 23 know, I feel their frustration. We've been 24 frustrated with this school for well over a year 25 now. And we're sitting here in this position.</p>
<p style="text-align: right;">47</p> <p>1 out to Ohkay Owingeh in terms of tribal 2 consultation. And Chair Brauer may want to add a 3 little bit more. But it is my understanding that he 4 was told at that time that the school has not 5 conducted tribal consultation. That is a statutory 6 violation, one of the grounds for noncompliance. 7 So based on what we discussed last time 8 and this time, I think that there are violations and 9 breach of contract. There are violations of the 10 standard of excellence in terms of academics. And 11 now there is a potential violation of tribal 12 consultation. 13 So I think that at this point -- I will 14 indicate that we will continue to reach out to the 15 tribe to understand what they need to do. And if 16 you vote to move forward with the revocation, we are 17 ready to go ahead and submit that letter and 18 information to them that starts the process. 19 THE CHAIR: Thank you, Ms. Barnes. 20 Commissioner Gipson and Commissioner 21 Carrillo, I see your hands as well. 22 I did want to share that I wanted to have 23 Director Chavez also just share a brief -- brief 24 overview of the evaluation. So, Commissioner -- 25 sorry -- of the audit, rather.</p>	<p style="text-align: right;">49</p> <p>1 I understand the commitment that the 2 pueblo put into the building. But that building has 3 deteriorated to an appalling condition that children 4 should not be in that school. And, once again, it's 5 a public school. We should not be relying on 6 parents going in and volunteering their time to do 7 construction work that may not be up to adequacy 8 standards. 9 So this is -- I said this a couple of 10 weeks ago. This is always heartbreaking. It is. 11 But sometimes we have to do that tough job. And 12 my -- my mind has not changed from the last vote 13 that I took on this. So I'm going to continue to 14 support a vote for revocation. 15 THE CHAIR: Thank you, Commissioner 16 Gipson. 17 Commissioner Carrillo. You're on mute, 18 sir. 19 COMMISSIONER CARRILLO: There we go. So 20 first, as I understand it, the school has retained 21 counsel, and the counsel is present at this meeting; 22 is that correct? These are all yes-and-no 23 questions. 24 It is correct. His name is Geno Zamora. 25 He used to be the district's attorney. And he's --</p>

<p style="text-align: right;">50</p> <p>1 I know that he put in the chat that he was here, and 2 I understand that he has been retained. 3 So one of the first things I would -- one 4 of the first things I would say is perhaps you 5 should have looked at retaining counsel six months 6 ago, or listened to the counsel that you had at that 7 time. 8 The first thing I'll state is when you 9 have -- I'm curious now where all the money is 10 coming from. Because you don't seem to have the 11 money to do the repairs or anything you're supposed 12 to on your facility, but now all of a sudden you 13 have the money to pay for counsel. 14 And to anyone listening, money towards 15 legal comes from SEG, which is operational money, 16 which is money that comes right out of the 17 classroom; okay? 18 So you couldn't do all the things that you 19 needed to do for the school over the last six months 20 that may have cost something, but now, of course, 21 you have money for counsel. 22 So there's a couple of things I want to 23 comment on, and then questions, because I want -- I 24 want people to know who are listening and who came 25 to speak today that we as a Commission have</p>	<p style="text-align: right;">52</p> <p>1 know, always, when I get a letter, I forward it on 2 to Director Chavez. 3 But what's curious to me is there is no 4 one that spoke on behalf of the governing board, not 5 even a board member. He was talking about, you 6 know, board training. 7 But no one in all of this time has risen 8 up and spoken on behalf of the governing council and 9 admin making every possible effort to, you know, 10 correct those things that are concerns. 11 You know, that's a -- that's appalling. 12 And that's very telling. 13 So I want to be sure that on certain 14 things that I want them on the record. 15 Director Chavez -- and this is just -- 16 these are quick questions. 17 Does the PED -- because I know they do 18 sometimes with a school board, like they did in 19 Los Lunas -- does the PED have the authority to take 20 over this school and eliminate the council? 21 DIRECTOR CORINA CHAVEZ: Good question, 22 and I can get back with you on it. 23 COMMISSIONER CARRILLO: Okay. Then, 24 Ms. Barnes, do you know the answer to that question? 25 MS. JULIA BARNES: Say it again,</p>
<p style="text-align: right;">51</p> <p>1 exhausted everything that we can possibly do. 2 We've -- in checking with Director Chavez, 3 in checking with, you know, people at PED, what's 4 within the realm of possibility where the PEC can 5 act. 6 And intervention on our part, it's -- 7 like, it's not something that we can do. We count 8 on a governing council and a head administrator to 9 run a school. And that's the whole point of a 10 charter; right? Autonomy is the whole point of a 11 charter, to not have us intervene. 12 I would agree with -- with Commissioner 13 Gipson. She used the phrase "in anyone's view" when 14 she was describing in terms of where this school is 15 and where it hasn't ascended to meet its 16 responsibilities. 17 And, you know, I am -- I am very 18 impressed. I am very impressed by Mateo Peixinho 19 and Melissa and the different parents that -- Ben 20 Pearce. I mean, I see the same names. New names 21 today. An incredibly wonder- -- well, actually, 22 informative and scathing letter from Mr. Brunner 23 that was sent to all of us. And I don't respond 24 personally to letters like that because I don't get 25 in that kind of relationship. But I want you to</p>	<p style="text-align: right;">53</p> <p>1 Commissioner. 2 COMMISSIONER CARRILLO: Insofar as the 3 PED, if you remember, took over the board of 4 Los Lunas Public Schools not that long ago, does the 5 PED have the authority to take over a governing 6 council? 7 MS. JULIA BARNES: The PED has authority 8 to take over -- to suspend a board of finance for 9 various items that are identified in statute. I do 10 not believe they have authority to take over a 11 charter school governing board. They do a district 12 school. I have to double-check that. 13 COMMISSIONER CARRILLO: Okay. The next 14 question would be -- 15 MS. JULIA BARNES: And, Commissioner, 16 though, we don't -- you do not have that authority. 17 COMMISSIONER CARRILLO: I just want to -- 18 I'm asking these questions because I want these 19 people who have been -- someone used the word 20 "resilient," and I would say very resilient in 21 fighting for their little school, I just want them 22 to know we don't take this lightly. We do our 23 research, and we do what's possible. 24 So is there a mechanism whereby a charter 25 can be transferred?</p>

<p style="text-align: right;">54</p> <p>1 For instance, if this council were to 2 real- -- to see the writing on the wall, to have 3 even the lightest sense of humility, if they were to 4 step down, is there the ability -- I don't know -- 5 to treat that as they're asking, to step up and take 6 over the school? 7 DIRECTOR CORINA CHAVEZ: So, Commissioner 8 Carrillo, as far as I know, there's nothing in 9 statute that allows a charter school to be 10 transferred to another governing body. 11 COMMISSIONER CARRILLO: Okay. Thank you. 12 And the -- so as was pointed out from the 13 Poms report and very eloquently gone over by 14 Commissioner Gipson, the facility -- I mean, it's 15 one thing for someone to do a drive-by, you know, 16 and see the facility there. And it's another thing 17 to understand, based on the extensive research by 18 the Poms report for safety, that as much as we might 19 love this building or this space because it's super 20 special and it houses our school, it's probably a 21 property that would never ever in its current state 22 be approved for a school. 23 If you were coming right now for a new 24 charter, and an inspection were being done on that 25 property, I think it's very safe to say almost</p>	<p style="text-align: right;">56</p> <p>1 the governing council, he didn't defend the council 2 or the school at all. He was just -- that -- it's 3 just -- I'm looking at the notes -- incremental 4 degrading of the school. Couldn't govern their way 5 out of a paper bag. 6 The overwhelming lack of support for the 7 council and Mr. Casados, I don't see how, even after 8 the last several PEC meetings, you couldn't have 9 allowed -- you couldn't have taken the steps to 10 allow yourself to be replaced and have another group 11 come in and try to right the ship. 12 And it just seems like when we -- when we 13 look at why we're in the position we're in -- and 14 this is -- what? -- March 16th now -- the -- 15 y'all -- and I say the governing council and you, 16 Mr. Casados, as chair -- when you think you're 17 victims and this is something being done to you, no. 18 Look in the mirror. You did this to yourselves. 19 And I respect very, very much everything 20 the parents have done to support their school and to 21 work to save their school. 22 My mind has not been changed. I -- I 23 would definitely support the notice of revocation 24 and moving on to the hearing. And I am -- you know, 25 it's very unfortunate those parents that are going</p>
<p style="text-align: right;">55</p> <p>1 100 percent that property would not measure up and 2 you'd have to find another space. 3 And so we're looking at that as well. 4 And Ms. Gipson brought up, you know, 5 safety is always one of our biggest -- well -- like, 6 yeah -- well, safety and kids learning, it's, like, 7 that's it. That's everything. That's the 8 foundation of why we're here. 9 So -- and that's something that, as I 10 believe as Ms. Gipson stated -- or maybe it was 11 earlier - that someone with the Commission stated -- 12 that it's a public school. And, you know, I -- 13 it's, like, if there are problems at Sweeney 14 Elementary in Santa Fe, the district is not 15 depending on the parents to fix everything. It's a 16 public school, and there's money for that. Or 17 there's supposed to be. And there's supposed to be, 18 you know, a plan for taking care of these things. 19 And the reason I'm going over all of this 20 is to, again, let you know how much we have looked 21 at this. And we take this extremely seriously and 22 to see how heartbreaking it is. 23 You know, the one thing that's 24 overwhelming in terms of everyone that spoke -- and 25 I'll note again that the person -- Mr. Kaplan from</p>	<p style="text-align: right;">57</p> <p>1 to have to commute perhaps longer distances so their 2 kids are in a similar environment. 3 And that's all I have for now. Thank you. 4 THE CHAIR: Thank you, Commissioner 5 Carrillo. 6 Just for a point of clarification. Mr. -- 7 Commissioner Carrillo, Dr. Kaplan, I believe, is on 8 the New Mexico School for the Arts governing council 9 and not -- not La Tierra's. 10 COMMISSIONER CARRILLO: Oh. Thank you. I 11 didn't -- when I was taking notes, I didn't catch 12 that part. I'm sorry, Mr. Kaplan, to have gotten 13 that wrong. And thank you for your service to NMSA, 14 and thank you all from that school. I know you all 15 have a really wonderful active board. And I just 16 love that little -- I love that little school up 17 here. I think it's one of the best things we ever 18 did in New Mexico was to vote to have that school. 19 All right. Thank you. 20 THE CHAIR: Thank you, Commissioner. 21 Commissioner Gipson. 22 COMMISSIONER GIPSON: Yes. So I move that 23 the Public Education Commission issue a notice of 24 intent to revoke the charter of La Tierra Montessori 25 School for the Arts and Science (verbatim) regarding</p>

<p style="text-align: right;">58</p> <p>1 the following issues:</p> <p>2 The school has failed to conduct tribal</p> <p>3 consultation with the Ohkay Owinge Pueblo, in</p> <p>4 violation of NMSA 22-8B-12(4), and has violated the</p> <p>5 following contract terms resulting in violations of</p> <p>6 NMSA 22-8B-12(1), (2), (3).</p> <p>7 Urgent Safety and Special Education</p> <p>8 Concerns:</p> <p>9 Section 4.6, Operation, ii, iii, and viii.</p> <p>10 Comply with all federal and state laws</p> <p>11 relating to the education of children with</p> <p>12 disabilities. Comply with all laws related to</p> <p>13 safety. Notify the Commission of allegations of</p> <p>14 inappropriate contact with a student.</p> <p>15 Poms and CSD have identified numerous</p> <p>16 safety concerns at the school, and the school is</p> <p>17 being placed on a Corrective Action Plan by the</p> <p>18 Public Education Department.</p> <p>19 The new head administrator is a part-time</p> <p>20 position with that same staff person also providing</p> <p>21 special education services. There have been</p> <p>22 numerous complaints that this person is not able to</p> <p>23 adequately do both jobs in a manner that results in</p> <p>24 adequate supervision of the school and staff and</p> <p>25 adequately do the work of the special education</p>	<p style="text-align: right;">60</p> <p>1 noncompliance issues and three other matters in the</p> <p>2 audit of La Tierra Montessori, and provided a notice</p> <p>3 of disclaimed audit.</p> <p>4 A report has been made to PED and others</p> <p>5 regarding fiscal irregularities with the prior head</p> <p>6 administrator. The governing board was directed in</p> <p>7 August to work with its business manager to ensure</p> <p>8 that there were no fiscal irregularities and did not</p> <p>9 identify these issues of concern.</p> <p>10 Academic Concerns Relating Both to the</p> <p>11 Contract and State Standards of Excellence:</p> <p>12 Section 5.2 i, ii, and iv, Participate in</p> <p>13 state-required assessment and meet state standards</p> <p>14 of excellence.</p> <p>15 Students' results on the 2021-2022</p> <p>16 statewide assessments indicate 38 percent of the</p> <p>17 students scored proficient or above in the ELA,</p> <p>18 slightly higher than the state average of</p> <p>19 34 percent; 27 percent proficient in science, below</p> <p>20 the state average of 33 percent. Math proficiency</p> <p>21 is less than 20 percent. Early literacy proficiency</p> <p>22 is 5 percent.</p> <p>23 La Tierra's 2021-'22 assessment</p> <p>24 participation rate was low, with not more than</p> <p>25 69 percent of eligible students taking the</p>
<p style="text-align: right;">59</p> <p>1 instructor of students.</p> <p>2 Further, there are reports of two</p> <p>3 incidents where a student was involved in an</p> <p>4 altercation with a teacher. There have been</p> <p>5 numerous other complaints that the school has been</p> <p>6 an unsafe environment.</p> <p>7 Urgent Fiscal Concerns. Section 4.1,</p> <p>8 5.ix., 6, vii, and viii.</p> <p>9 Section 5.4. The school shall be governed</p> <p>10 and managed in a fiscally conservative manner. The</p> <p>11 board is responsible for compliance with public</p> <p>12 school finance and procurement. The school shall</p> <p>13 allow the Commission and the Department to conduct</p> <p>14 financial, program, or compliance audits, and shall</p> <p>15 hold open for inspection all records, documents, and</p> <p>16 files relating to any activity or program provided</p> <p>17 by the school relating to the school.</p> <p>18 This school shall notify the Commission</p> <p>19 within 15 days of allegations or convictions for any</p> <p>20 crime related to the misappropriation of school</p> <p>21 funds or theft of school property by any staff</p> <p>22 member.</p> <p>23 Financial performance framework: The PED</p> <p>24 FY22 Schedule of Finding and Question Costs</p> <p>25 identified three material weaknesses: five</p>	<p style="text-align: right;">61</p> <p>1 state-required assessments.</p> <p>2 Other Contract Violations:</p> <p>3 Section 2: "Scope," paragraph 2.i. and</p> <p>4 ii. Designated charter representative in its</p> <p>5 contract negotiations with the PEC or failure to</p> <p>6 comply with the contract by the present board signed</p> <p>7 by its designated charter representative.</p> <p>8 The school represented to PEC that the</p> <p>9 charter contract was negotiated by a person with</p> <p>10 authority and approved by the board when the present</p> <p>11 board now represents that they did not have such</p> <p>12 authority; or, if done appropriately, then the</p> <p>13 present board has failed to comply with the signed</p> <p>14 contract and implement it.</p> <p>15 Further, if there was an issue with</p> <p>16 authority to enter into a charter contract, the</p> <p>17 school failed to remedy any possible issues related</p> <p>18 to the contract from the time period May to July</p> <p>19 2022, even after being directed to correct these</p> <p>20 issues by the PEC on August 19th, 2022.</p> <p>21 Section 4. And that's blank, actually,</p> <p>22 Julia. Okay.</p> <p>23 Section 5: 1, Purpose.</p> <p>24 2, Mission.</p> <p>25 4.i.: Comprehensive educational program</p>

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1 of the school.

2 Performance Framework: The school failed

3 to institute a Montessori program with trained

4 Montessori staff to provide documentation to CSD

5 regarding how the mission-specific goals are being

6 implemented and to fully implement the mission and

7 educational program as negotiated.

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.

12 On December 12, 2022, and in January 2023,

13 the school submitted incomplete information to

14 revise the mission-specific goals after the request

15 to correct any errors was made on August 19th, 2022,

16 and CSD met with numerous staff members about the

17 need to implement the mission-specific goals.

18 Section 4.5, vi., vii., and ix. Comply

19 with all provisions of the contract and law, hiring

20 and overseeing the head administrator.

21 The new head administrator is a part-time

22 position with that same staff person also providing

23 special education services. There have been

24 numerous complaints that this person is not able to

25 adequately do both jobs in a manner that results in

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1 adequate supervision of the school and staff and

2 adequately do the work of the special education

3 instructor of students, creating a chaotic and

4 unsafe environment for children and staff.

5 The notice to the school shall provide a

6 proposed procedure to be used in the revocation

7 hearing and indicate that the revocation hearing

8 will be held at Mabry Hall in Santa Fe on

9 April 20th, 2023, at 9:00 a.m. The notice will also

10 be sent to Ohkay Owingeh Pueblo to notify them of

11 the revocation hearing.

12 COMMISSIONER TAYLOR: Second.

13 THE CHAIR: Thank you. Since we have a

14 second, we can -- the Commission can move into

15 discussion.

16 Commissioner Carrillo. You're on mute,

17 sir.

18 COMMISSIONER CARRILLO: Sorry. The only

19 thing I'll say -- and it was mentioned in the

20 motion -- the ongoing failure to comply with IEP

21 laws -- it's not just state, it's federal laws --

22 that is so serious. That is depriving a kid of

23 their federal right to a public education.

24 And I just hope you know how incredibly

25 serious that is.

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1 That's all. Thank you.

2 THE CHAIR: Yes, sir. I see no other

3 hands raised by Commissioners. That's -- if

4 we're -- I don't see anything else, so let's move

5 into a roll-call vote. Vice Chair?

6 COMMISSIONER BURT: Commissioner Beck.

7 COMMISSIONER BECK: Yes.

8 COMMISSIONER BURT: Commissioner Taylor.

9 COMMISSIONER TAYLOR: Yes.

10 COMMISSIONER BURT: Chair Brauer.

11 THE CHAIR: Yes.

12 COMMISSIONER BURT: Commissioner Manis.

13 COMMISSIONER MANIS: Yes.

14 COMMISSIONER BURT: Commissioner Carrillo.

15 COMMISSIONER CARRILLO: Yes.

16 COMMISSIONER BURT: Commissioner Ingham.

17 COMMISSIONER INGHAM: Yes.

18 COMMISSIONER BURT: Commissioner Gipson.

19 COMMISSIONER GIPSON: Yes.

20 COMMISSIONER BURT: Commissioner

21 Clahchischilliage.

22 COMMISSIONER CLAHCHISCHILLIAGE: Yes.

23 COMMISSIONER BURT: And Commissioner Burt,

24 yes.

25 That passes, nine-zero.

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1 THE CHAIR: All right. Thank you.

2 Commission, if it's -- if it behooves you, can we

3 take a five-minute break before we move on to the

4 next item?

5 Let's take five minutes, and we'll come

6 back at just a little past 1:00. Thank you.

7 (Recess taken, 12:56 p.m. to 1:07 p.m.)

8 THE CHAIR: All right.

9 Commissioners, I'm going to go ahead and

10 move on to Item No. 6 of our agenda, Discussion of

11 the Performance Framework: Part a., reviewing the

12 edits made to the most recent draft, and, part b.,

13 data -- the data test of the performance framework

14 based on school data from the previous year.

15 And so I'm going to pass it over to

16 Director Chavez and Naomi to kind of walk us through

17 those two items.

18 DIRECTOR CORINA CHAVEZ: Thank you, Chair

19 Brauer. Thank you, Commissioners.

20 I think we got started on this item about

21 an hour later than I had hoped. And so -- and I

22 know that Naomi doesn't have a lot of time, so I'll

23 limit my conversation.

24 But just to let you know that the draft

25 that is posted on the PEC's website that's in your

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1 folder is significantly different from the last
 2 draft that you reviewed.
 3 It incorporated all of the comments that
 4 were taken by Public Charters New Mexico in the
 5 several listening sessions that they conducted and
 6 the presentation that they made during your last
 7 meeting.
 8 It took into consideration the legal
 9 review conducted by -- by Julia and other feedback
 10 that we received.
 11 We hope that it is cleaned up. And
 12 because there was some last-minute written feedback,
 13 again, from Public Charter Schools New Mexico and
 14 others, including Dr. Kaplan, we made yet more edits
 15 to make it the best possible version that it could
 16 be.
 17 And so with that, I'm going to turn this
 18 over to Naomi DeVeaux, who is our contractor and
 19 friend working with us to create this revised
 20 performance framework.
 21 COMMISSIONER GIPSON: Can I just check in
 22 and make sure that the one that I'm looking at is
 23 the one that's dated 3/10? That's the correct one?
 24 DIRECTOR CORINA CHAVEZ: Commissioner
 25 Gipson, Commissioners, the one that you should be

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1 seeing is dated 3/13.
 2 COMMISSIONER GIPSON: 3/13. Okay. Okay.
 3 I opened, I guess, the wrong one that was in here.
 4 Okay. I'll find it. Thanks.
 5 THE CHAIR: And then, Corina, I just want
 6 to say -- sorry, Naomi, for jumping on your toes
 7 here. I want to see if we, when the time is right,
 8 to promote any school leader that are in the
 9 participants list, we can bring them in. But
 10 whenever that makes sense, maybe after Naomi shares,
 11 just to make sure we can have them be a part of this
 12 as well.
 13 DIRECTOR CORINA CHAVEZ: Yes. Also on the
 14 panel right now is one of my new staff members who I
 15 think you all met at your last meeting, Kyle Wood,
 16 who has done a tremendous job of compiling
 17 information.
 18 As Chair -- as -- excuse me -- Vice
 19 Chair Burt asked to do a trial run, we did our best.
 20 And so we can walk through that later. But I want
 21 to maximize Naomi's time. And I think she might
 22 need to share screen right now to walk us through.
 23 DIRECTOR CORINA CHAVEZ: It might be
 24 helpful, Chair Brauer, if the school leaders who are
 25 here to offer comment maybe have a chance to walk

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1 through the new version, because I think, like the
 2 comment that was made by Dr. Kaplan, both in
 3 writing, we incorporated some of his feedback in
 4 this most recent version.
 5 And if you're in the audience you can look
 6 at the PEC's webpage for the most recent version.
 7 And also meeting materials are posted.
 8 MS. NAOMI DeVEAUX: Can you hear me?
 9 THE CHAIR: We can hear you.
 10 MS. NAOMI DeVEAUX: So good to be back in
 11 person. I hope you're not in a snowstorm again. I
 12 seem to be bringing bad weather. I was in
 13 California, in Sacramento, and it was pouring rain.
 14 And I was not prepared for that, either. And that
 15 was this week.
 16 So welcome back. We are now on our second
 17 feedback session. So I think this is our third or
 18 fourth, or perhaps, for those of you who were with
 19 us at the very beginning, about the 20th draft of
 20 this framework. And each time it gets a little
 21 better.
 22 I want to really commend Corina and staff.
 23 One of the most powerful parts between this version
 24 and the previous was Corina met with the
 25 association, both the director and a consultant to

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1 the association, and went line by line through this
 2 framework with them, explaining things and getting
 3 their feedback on it. So this reflects all of the
 4 feedback from the association.
 5 And I also just want to commend the
 6 association for taking this seriously and working in
 7 partnership and with trust to build something that
 8 is going to show the schools their strength and be
 9 able -- be a useful tool to the Commission when it
 10 comes time to differentiate for renewal.
 11 So the first thing, just as a quick
 12 overview -- and I'm going to keep my -- I'm not
 13 going to show this as a large screen PowerPoint --
 14 is it hard to see? Is it easier if I make a
 15 PowerPoint view?
 16 THE CHAIR: Maybe make a PowerPoint view,
 17 if it's okay with you, Naomi.
 18 MS. NAOMI DeVEAUX: I lose being able to
 19 see you all, but I will try and see what happens.
 20 All right. And I can see you.
 21 So what -- I just wanted to share, on the
 22 left column performance area, those two columns show
 23 up twice. On the left was what we had. And on the
 24 right is where it stands currently.
 25 And you'll see 3.A.4., Oversight of

<p style="text-align: right;">70</p> <p>1 School's Head Administrator.</p> <p>2 The feedback from you all and from the</p> <p>3 public is this is not something we want in the</p> <p>4 framework. It's removed, as is 3.C.2. good standing</p> <p>5 is also removed.</p> <p>6 We did add one. And this came up at the</p> <p>7 end of our session in February to add in "Enrollment</p> <p>8 Variance," which -- under "Financial Health." So we</p> <p>9 added one, removed two.</p> <p>10 So let's look at Enrollment Variance.</p> <p>11 This is a really straightforward one.</p> <p>12 "The school makes accurate enrollment assumptions</p> <p>13 resulting in budget that is sound."</p> <p>14 This one is something that I don't think</p> <p>15 it wouldn't be fair to look retroactively on because</p> <p>16 schools have never been held accountable to this.</p> <p>17 And this would be something that you would be able</p> <p>18 to help and coach schools to do in partnership with</p> <p>19 them.</p> <p>20 But it's a really important way to think</p> <p>21 about it. Because if you're not thinking about your</p> <p>22 enrollment, and you're planning for too many</p> <p>23 students, and you budget for all those students,</p> <p>24 having to let go a teacher within the first few</p> <p>25 months of school is really not where you want to be.</p>	<p style="text-align: right;">72</p> <p>1 what I can do is forward you the written comment</p> <p>2 that Matt Pahl sent, I believe, last Monday or --</p> <p>3 yeah. Last Monday.</p> <p>4 COMMISSIONER GIPSON: I think that's the</p> <p>5 document that's listed as "High Stakes"? Is that</p> <p>6 the same document from Matt that you're referring</p> <p>7 to? That's in our list already? The "High</p> <p>8 Stakes" -- is that it?</p> <p>9 DIRECTOR CORINA CHAVEZ: I don't see the</p> <p>10 document that's called "High Stakes," but I may</p> <p>11 (inaudible) it to you. I'll make sure you get a</p> <p>12 copy.</p> <p>13 COMMISSIONER GIPSON: I thought it was in</p> <p>14 our Google Drive. I saw something in the Google</p> <p>15 Drive that said "High Stakes." Maybe it was just</p> <p>16 something else that was populated in there.</p> <p>17 DIRECTOR CORINA CHAVEZ: I think so. I</p> <p>18 think so.</p> <p>19 COMMISSIONER GIPSON: But -- so my</p> <p>20 question was -- okay. So here's the question. Were</p> <p>21 there any changes made to the document that we're</p> <p>22 viewing now as a result of those comments? Because</p> <p>23 if there was, I think -- A, I think we need to see</p> <p>24 those changes; and, B, in all honesty, I think the</p> <p>25 subcommittee should have been apprised of that and</p>
<p style="text-align: right;">71</p> <p>1 Commissioner Steven -- or Carrillo --</p> <p>2 please.</p> <p>3 COMMISSIONER CARRILLO: Yes, yes. Having</p> <p>4 trouble with my video, so I'll try it again. It</p> <p>5 says green-yellow-red. But since we're using like,</p> <p>6 teal-green-yellow-red now, is this going to be</p> <p>7 modified that way? Just --</p> <p>8 MS. NAOMI DeVEAUX: The Exceeds the</p> <p>9 Standards was only in the academic portion of the</p> <p>10 framework. And this is in the financial section.</p> <p>11 And the financial just had either two or three.</p> <p>12 It's either -- green and red is how we started. We</p> <p>13 added in yellow. We didn't say that we wanted to do</p> <p>14 an Exceeds. They don't really lend themselves to an</p> <p>15 exceeding.</p> <p>16 COMMISSIONER CARRILLO: Okay. Thank you.</p> <p>17 MS. NAOMI DeVEAUX: Thank you. Any other</p> <p>18 questions on this?</p> <p>19 COMMISSIONER GIPSON: I do. I just have a</p> <p>20 general question. Any changes that were made as a</p> <p>21 result of the conversation with CPSNM, are they</p> <p>22 reflected somewhere in here so I know what was</p> <p>23 changed out? Or do I have to go back and actually</p> <p>24 figure it out?</p> <p>25 DIRECTOR CORINA CHAVEZ: So, Chair Gipson,</p>	<p style="text-align: right;">73</p> <p>1 agreed to put those changes in, not just changes</p> <p>2 populated in if we don't see them as potential</p> <p>3 changes in this document. That's where I'm getting</p> <p>4 a little confused here.</p> <p>5 MS. NAOMI DeVEAUX: I think, Pattie, I</p> <p>6 want to -- none of the -- so one of the directives</p> <p>7 that I understood leaving was to have the -- have</p> <p>8 the association add in yellow for -- for the</p> <p>9 financial and the operational. So that's what we're</p> <p>10 looking at today. Those are the substantive</p> <p>11 changes.</p> <p>12 I have all the substantive changes, the</p> <p>13 material changes highlighted in the next slides. I</p> <p>14 don't -- other changes were -- were cosmetic in</p> <p>15 nature.</p> <p>16 So -- so they were, you know, cleaning the</p> <p>17 language to be clearer, but they did not change</p> <p>18 the -- the substance of what was said at all.</p> <p>19 There is a redline version, I believe,</p> <p>20 Corina, that you could send, that has all of these</p> <p>21 comments that I -- I used to clean. So I could send</p> <p>22 you the redline version, which would show you</p> <p>23 everything.</p> <p>24 COMMISSIONER GIPSON: I mean, I don't --</p> <p>25 I'm looking at this document, and I don't see any</p>

1 yellowed areas. So that's where my concern is. I
2 don't know where -- you know, without having to have
3 them side by side, I don't know what the -- if there
4 were --

5 MS. NAOMI DeVEAUX: Send her the redline
6 version.

7 THE CHAIR: Commissioner Gipson, I think
8 with -- and, Naomi -- I believe Commissioner
9 Gipson -- Naomi, when you said yellow, you meant
10 literally the yellow levels that we did not have
11 clarified yet. I think we were working on that.

12 MS. NAOMI DeVEAUX: I'm sorry. Thank you.
13 Thank you, Chair Brauer. Yes. It wasn't a -- I did
14 not find a ton of changes, or any changes, really.
15 It was mostly clarifications. (Incomprehensible due
16 to simultaneous speaking.)

17 DIRECTOR CORINA CHAVEZ: So if I may --
18 also, there are two documents in the PEC's folder.
19 One is dated 10/3. That's the one that is the
20 redlined. And so if you see something that's
21 highlighted in green, that is due to a change that I
22 made after having a conversation with Wayne Sherwood
23 from Public Charter Schools New Mexico.

24 And then there's other -- it's the
25 redlined version and document that is dated 3/13

1 simply cleans it up so it's easy to read, because it
2 was really pretty messy.

3 COMMISSIONER GIPSON: And I get that. But
4 I think the Commission needs to be able to see what
5 was changed that wasn't part of a conversation that
6 either the subcommittee is putting forward or that
7 the Commission as a -- from the past meeting, that
8 the Commission agreed to. That if I just look at
9 this final document, I have to think, oh, we must
10 have -- you know, maybe I don't remember that I
11 necessarily agreed to that.

12 And I think those are -- you know, the
13 changes that were put in post a PEC conversation
14 should be identified to see if the Commission agrees
15 to those changes.

16 DIRECTOR CORINA CHAVEZ: Commissioner
17 Gipson, I thought that's what today was, that we
18 were going to talk about those changes.

19 COMMISSIONER GIPSON: But where do I --
20 but in the document that's identified here that I'm
21 looking at that you said open up, 3/13, I don't see
22 changes.

23 DIRECTOR CORINA CHAVEZ: Right. And I
24 just clarified that 3/10 is the one that's redlined
25 and marked up.

1 COMMISSIONER GIPSON: Right.

2 MS. NAOMI DeVEAUX: So if you --
3 document -- do you want me to share it on the
4 screen?

5 COMMISSIONER GIPSON: So Commissioners
6 need to show what document -- they shouldn't be
7 looking at the 3/13 document.

8 MS. NAOMI DeVEAUX: Would you prefer that
9 we go into -- we go back to committee and we do not
10 share this with the whole group at this point, and
11 we do it in a committee where we can walk through
12 all of the changes?

13 That's fine. And we could do that and
14 then come back to the whole committee later. But...

15 COMMISSIONER GIPSON: But that pushes
16 us --

17 MS. NAOMI DeVEAUX: The PowerPoint slides,
18 Commissioner Gipson, are going through one by one,
19 just like I did last time, all of the changes, one
20 by one, that were identified. And that's what I was
21 planning to walk through holistically and then
22 measure it one by one.

23 But if you would prefer to do that in
24 subcommittee, that's fine.

25 COMMISSIONER GIPSON: The reality is I

1 would have preferred to do it in subcommittee first.
2 But now we're sitting here, and it's March 16th, and
3 we don't have a whole lot of time.

4 I do have a serious concern about the fact
5 that changes were just put in. And I'm not saying I
6 didn't want feedback. We did certainly want
7 feedback.

8 But the subcommittee should have been made
9 aware of those and agreed that that -- you know,
10 we're just not taking everyone's feedback and
11 putting it into -- into this document.

12 So that that's where my concern is, that
13 that, you know, the subcommittee, and, ultimately,
14 the Commission, was left out of any agreement to
15 those changes.

16 So, you know, I don't want to delay the
17 process. But I'm just really very disappointed in
18 how this played out at this point in time.

19 THE CHAIR: Vice Chair Burt.

20 COMMISSIONER BURT: I was just going to
21 say, yeah, I agree with Commissioner Gipson. I
22 think the way -- like, I think what's going to be
23 most -- I wish we could have -- we should have done
24 probably a subcommittee before this if we were going
25 to -- like, if there was anything that was outside

<p style="text-align: right;">78</p> <p>1 the Commission being included in this today, we 2 probably should have done a subcommittee meeting, 3 because it's just -- no one else has the authority 4 to do that besides Commissioners. 5 So I think that's where we should have 6 gone. But I don't think we need to go to 7 subcommittee now. We just need to just go through 8 it. 9 But if you could, I'll make this kind of 10 the same request as Commissioner Gipson. If you 11 can -- as we go through this, Naomi, if you can talk 12 about -- if you're able to distinguish which -- what 13 updates were made based off of the last Commission 14 meeting versus what was made outside of the 15 Commission's purview, I think that would be most 16 helpful for us. 17 So, like, if you're, like, "This we made 18 because this is what we heard the Commission say 19 last month." "This we made because of a 20 conversation with PCSNM." I think that is probably 21 going to be the most helpful, because we do have to 22 do this today. We don't have time to do it any 23 other way. 24 But I -- I'm just going to say, I agree 25 with Commissioner Gipson. And I'm thinking that,</p>	<p style="text-align: right;">80</p> <p>1 feedback from other people who are here as attendees 2 as well. Want to make sure that we hear from other 3 folks who have come to join us here today as well. 4 MS. NAOMI DeVEAUX: So I think I want to 5 be very clear on my role as your consultant. 6 I received a draft. It had many changes 7 on it that were done, some by -- all by PED. Some 8 were to clean up the language done by internal 9 members, which was -- which we needed; we needed 10 that review. And some were done by what we had 11 asked at the end of our session was that the 12 association help come up with yellow. 13 I actually came up with the yellow, like, 14 sort of idea. And then Corina -- or Dr. Chavez -- 15 or Commissioner -- can I just say Corina? -- Corina 16 worked with them to get the information, and I was 17 given a redline copy to highlight the changes. 18 I will do my very best to remember where 19 they all came from. 20 These idea -- so to begin with, this idea 21 to remove two measures and add one came directly out 22 of the meeting, all of us together. We did this. 23 What no one did except our consultant, Cindy 24 Shoemaker, provided me with this enrollment variance 25 description.</p>
<p style="text-align: right;">79</p> <p>1 yeah, if we could go through this that way, I think 2 that would probably be the easiest way to do it, if 3 that makes sense. 4 THE CHAIR: Yeah. Director Chavez, you 5 took your hand down, but I just wanted to make 6 sure -- 7 DIRECTOR CORINA CHAVEZ: Thank you. I 8 just wanted to say I would have been more than happy 9 to set up a committee meeting. And the changes I 10 made as a result of a conversation with Public 11 Charter Schools New Mexico are highlighted in green 12 and came directly out of the last conversation the 13 PEC had about the next version. 14 THE CHAIR: I do think -- I think given 15 the -- the -- you know, the time limit that we're 16 on, I think it would be great for us to move forward 17 and take in -- taking Commissioner Gipson's feedback 18 and Commissioner Burt -- Vice Chair Burt's feedback, 19 I think if you can identify where substantive 20 changes occurred during other meetings, not 21 including the Commission subcommittee, that would be 22 great. 23 But I think we probably should kind of see 24 what -- see where it's baked right now and be able 25 to engage in this with you all, and also get</p>	<p style="text-align: right;">81</p> <p>1 And so I'm asking and not telling, if this 2 is something the Commission wants to add, and if 3 this is at the right place. This is coming from our 4 consultant who believes this is at a reasonable 5 level -- in fact, I think we lowered it a little bit 6 knowing that you have small schools, enrollment is 7 really hard. 85 percent can happen really quickly 8 when you're a small school. So we tried to make it 9 be as conducive to your environment as we can. 10 THE CHAIR: Just a quick question for you. 11 Like, 85, 90 -- is that something that's just 12 standard? Like, what you've seen working in other 13 frameworks? 14 MS. NAOMI DeVEAUX: It's standard. 15 Definitely 85 percent, as Does Not Meet a standard, 16 the -- many don't have the yellow. So we created a 17 Working to Meet to be a reasonable place. 18 And I'll say, like, a very competitive 19 charter market, where you're in a city and 20 transportation isn't an issue, like, it can have a 21 much -- a much tighter enrollment. 22 So you want to control that variance. But 23 for your more rural situations, this is -- that is 24 best practice. 25 THE CHAIR: Okay. And then I have one --</p>

<p style="text-align: right;">82</p> <p>1 sorry, Corina. I have one, I think, straightforward 2 question, and then maybe one recommendation that 3 might be a little bit more spicy. 4 The one I'm just thinking about where we 5 do this, is this going to be at -- are we going to 6 check the enrollment variance at the 45-day, or the 7 other times when schools do S.T.A.R.S. reporting 8 here? 45? 80? 120? 9 So that's something -- I don't know if we 10 need to clarify it here. But I think just like the 11 cash on hand, it matters what time it happens, 12 because it could vary dramatically. 13 And then the more spicy question is I 14 can't remember if this is one of those things 15 that -- and I can see this cutting both ways for 16 first-year schools if we use similar processes? Or 17 is this something that -- and I'm thinking right 18 now, "Heck, yes, use it for beginning year schools," 19 but then also, because we have a storied past of 20 many schools not meeting their enrollment -- but we 21 want them to, like, start healthy, you know. But I 22 can also see we don't want to put our foot on their 23 throats as they develop their enrollment, too. 24 So that's more of a question, I'm 25 thinking, for the Commission to kind of see how we</p>	<p style="text-align: right;">84</p> <p>1 And this is not ready until those business 2 rules are done for exactly what you're stating. It 3 makes a huge difference on who's interpreting the 4 rules, and that needs to be clearly defined. 5 THE CHAIR: Yeah. So I would say maybe -- 6 and I don't want to, like, blow the subcommittee's 7 good work on this. And so I just want to throw this 8 out as something I've just been gnawing at. 9 I could see -- I know that the other 10 financials are not set up for the first year of a 11 new school. I could see this one as a really good 12 bellwether, one to see if the school is in good 13 health throughout and something that we could pay 14 attention to, and maybe we still hold harmless, just 15 because I think this is the one thing that we've 16 seen time and again, regardless of all the best 17 intentions of schools being way under enrollment. 18 Unless something changes, I've been really 19 keyed in for the last couple of years. But I'm not 20 throwing my -- my foot in the ground on either way, 21 but just something I'm thinking about. 22 Commissioner Gipson. 23 COMMISSIONER GIPSON: Yeah. So I -- I do 24 appreciate this. I like this. But I have a concern 25 that we were trying to stay away from using</p>
<p style="text-align: right;">83</p> <p>1 want to think about enrollment for new schools. 2 MS. NAOMI DeVEAUX: Let me take the second 3 question first. 4 If you look in your -- you've already 5 determined as a Commission that first-year schools 6 would be held not accountable to any of the 7 financial, including enrollment variance. Language 8 was added, I believe, by the PED to say that -- that 9 the information will be collected and that 10 recommendations may be used, but it will not be a 11 star -- you will not receive a rating. So you will 12 not be penalized in your first year. 13 So the first part of your question gets to 14 the business rules. And that's something that we 15 should talk about. 16 There are no business rules right now. 17 And we need to create the business rules. And that 18 is a whole other process. And those questions that 19 you brought up, Chair Brauer, are exactly -- and 20 that is something that once these -- this language 21 is agreed upon, we need to come up with the business 22 rules. 23 And I'm not sure. Do I work with the 24 Commission on that? Do I work with PED on that? 25 But that is the next step.</p>	<p style="text-align: right;">85</p> <p>1 enrollment in two places. I do like this. And I 2 hear Alan's concerns about new schools. 3 I mean, I think the last two schools that 4 we opened up are atypical of what has normally 5 happened with new schools. And I think they do -- 6 we do need to watch it. 7 I -- my other concern is by adding a 8 number "5," because we looked at, and we parsed out 9 so that academic was still going to weigh more, does 10 that affect that -- what we did prior, at the last 11 meeting, so that the academic was still going to be 12 weighing heavier? 13 MS. NAOMI DeVEAUX: It still weighs 14 heavier, because we removed 2, and at the last 15 meeting we added this. So I thought this was an 16 agreed-upon addition at the last meeting. So the 17 very last -- 18 COMMISSIONER GIPSON: Yeah, yeah, yeah. 19 MS. NAOMI DeVEAUX: In terms of the 20 enrollment being measured in two places in their 21 framework. The other place it's measured is the -- 22 well, there are three places. The 3.B. 23 COMMISSIONER GIPSON: The reenrollment. 24 MS. NAOMI DeVEAUX: The non-discriminatory 25 enrollment process. That's not exactly enrollment.</p>

<p style="text-align: right;">86</p> <p>1 And exactly as you said, the conducive learning 2 environment is the reenrollment rate. And that is 3 not anything to do with projections. That's after 4 this first year. That's the second year, are your 5 students are coming back. So we did differentiate 6 those three.</p> <p>7 COMMISSIONER GIPSON: Okay. All right. 8 Thanks.</p> <p>9 MS. NAOMI DeVEAUX: Yeah. Okay. So I 10 will -- I guess I need some clarity on what to do 11 about Commissioner -- or Chair Brauer's comment on 12 whether to make enrollment projections count in year 13 one.</p> <p>14 THE CHAIR: Yeah. And I want to follow 15 this up with you. Because I'm coming in, you know, 16 after eight months of you all working on this, so I 17 just want to be humble about that. But I just think 18 that is a thing that I constantly think about that 19 is so connected to the health of the school.</p> <p>20 MS. NAOMI DeVEAUX: Can I make a 21 suggestion?</p> <p>22 So we've currently said nothing -- so 23 schools are held harmless in their first year for 24 every single -- like, academic, like, everything. 25 It doesn't mean that this is -- like, nothing is</p>	<p style="text-align: right;">88</p> <p>1 category, they know. I mean, I feel like -- I feel 2 like there should be every single item they should 3 be rated on. But then they ended up getting a 4 purple anyway. So I think it's better to be honest, 5 like, as brutally honest as possible in the first 6 year so they can see where they're performing well 7 and where they need to make those adjustments, where 8 they need to narrow their focus for years to come.</p> <p>9 THE CHAIR: Thank you, Vice Chair.</p> <p>10 MS. NAOMI DeVEAUX: As a repeat back to 11 make sure I understand, would you like language 12 changed to make sure it's not applicable in their 13 first year of operation, but the data will be 14 displayed?</p> <p>15 COMMISSIONER BURT: I guess, like, for me 16 right now, what it says when I look at Page 5, and 17 it's talking about the annual evaluation, it has 18 blue, green, yellow, red, purple.</p> <p>19 MS. NAOMI DeVEAUX: Yes.</p> <p>20 COMMISSIONER BURT: Just schools in their 21 first year of operation get purple.</p> <p>22 I guess if we need to add something saying 23 that all first-year schools will be rated on each 24 individual indicator but will receive the purple as 25 the -- their overall rating, that's maybe more</p>
<p style="text-align: right;">87</p> <p>1 stopping you from checking this and having it as 2 part of their -- you know, your pre-opening 3 checklist and your initial review of schools.</p> <p>4 I think it isn't -- it isn't a practice 5 that I see nationally of -- an effective practice of 6 the schools in their very first year being held to 7 all these different things, because they often don't 8 know any better.</p> <p>9 And I hear you. Like, it causes 10 financial. But, like, it seems like a place to 11 weigh in and provide help with when they are opening 12 on getting good financials in place.</p> <p>13 THE CHAIR: Great. Thank you, Naomi. 14 Vice Chair Burt. Then Commissioner 15 Gipson. Then Commissioner Carrillo.</p> <p>16 COMMISSIONER BURT: I was going to say 17 that, that actually in our overall annual 18 evaluation, we have a purple not applicable. And 19 it's schools in their first year of operation.</p> <p>20 So I think we should be rating them on 21 this. They should get an idea of whether they were 22 green-yellow-red, so that it's something they can 23 adjust.</p> <p>24 And in their second year, when they are 25 going to receive a annual evaluation overall</p>	<p style="text-align: right;">89</p> <p>1 clear. That's how it's set up right now.</p> <p>2 DIRECTOR CORINA CHAVEZ: So if I may just 3 let the Commission know that we did a trial run with 4 this indicator. And looking at the results with the 5 existing portfolio, there are schools that are -- 6 the brand new schools have yellow and red, and 7 there's plenty of schools that most schools got 8 green. And some schools that got red are schools 9 that have been renewed in the past. So it's a mix 10 of schools that are older and newer that may or may 11 not have met the targets.</p> <p>12 THE CHAIR: Thank you, Director. 13 Commissioner Gipson.</p> <p>14 COMMISSIONER GIPSON: Yeah. And I thought 15 the schools were -- the new schools were going to be 16 reviewed. We'd get the information. They're just 17 not going to get an unsatisfactory performance 18 letter as a result of it. Because I think it's 19 important for both the school and for us to see how 20 their progress was at the end of their second year.</p> <p>21 But I just wanted to check. Corina and 22 Alan, you probably remember. With the new 23 applicants, there was a cutoff date during the 24 implementation year that school budget had 25 originally said, you know, "This is going to be your</p>

<p style="text-align: right;">90</p> <p>1 funded enrollment." And I forget what the date was. 2 And there was -- there's been multiple 3 discussions about that over the years. But that 4 still holds, does it not, that their funded money is 5 going to be whatever their enrollment was as of, 6 say, March 16th? And Budget set that date so that 7 there wasn't that -- schools weren't getting 8 overfunded, which was often a problem. And schools 9 had to be a little more proactive in terms of going 10 out and getting their lotteries set up and doing 11 their enrollment. So -- 12 DIRECTOR CORINA CHAVEZ: Commissioner 13 Gipson -- 14 COMMISSIONER GIPSON: -- new Commissioners 15 need to understand that there is some consequences, 16 even during the implementation year, and their very 17 opening if they overproject. But I still support 18 putting it into the performance framework. 19 DIRECTOR CORINA CHAVEZ: So, Commissioner 20 Gipson, Commissioners that have worked with charter 21 schools for a while know that it's really hard to 22 project accurately. That said, we have a first-year 23 school that came really close to meeting its 24 projection. It got 93 percent of its projection. 25 So I think that's tremendous for a first-year</p>	<p style="text-align: right;">92</p> <p>1 But I just wanted new Commissioners, I 2 thought, to know that there -- it shouldn't be a 3 real surprise if they've overprojected, because they 4 should be having those conversations with the Budget 5 Bureau. And I thought there were consequences 6 already in the implementation year for that. 7 So -- but, once again, I don't oppose this 8 going into the performance framework. I think 9 it's -- I think it's really important. 10 THE CHAIR: Commissioner Gipson, that's a 11 really good point to bring up to the whole 12 Commission, for sure, you know, thinking about where 13 are we March 15th. 14 I believe when I was -- when I was the 15 director of the Charter School Division, we -- I was 16 working with the Budget director at the time. And 17 he wanted it much earlier. And we kind of agreed to 18 somewhere in May, so that schools could generate 19 title funds, whether -- they are eligible for in 20 year one as well, and then all the other funds, like 21 Indian education funds, things of that nature, so 22 the budget could be ready by July 1st, given that 23 number of school enrollment. 24 I don't think, like -- like Corina said, 25 it was codified in some ways, but not really</p>
<p style="text-align: right;">91</p> <p>1 school. 2 I also would say that the process that 3 Commissioner Gipson described has varied over the 4 years with the way the PED addresses the cutoff and 5 the evidence that we would need at the PED level to 6 say, "You can -- you know, this is your budget." 7 I don't think that that was put into place 8 this past year. So another school might have been 9 funded at the amount that they projected but didn't 10 come close to Meet. And so that is an internal 11 discussion at PED about the degree to which we would 12 put those kind of policies into place. 13 I must say that when I shared this draft 14 indicator with School Budget, they very much liked 15 that we were -- that we were using this. 16 COMMISSIONER GIPSON: And I appreciate 17 that. But I actually thought it was in the 18 implementation year. I thought it had been codified 19 pre-COVID that there was that -- that there was that 20 agreement there would be that date. And PED Budget 21 was doing that. Because I think it's important for 22 the -- for the new applicants. 23 But that's, I think, a discussion to be 24 held over with new applications and implementation 25 year than in this.</p>	<p style="text-align: right;">93</p> <p>1 codified in practice. And so that might be 2 something that we could partner up with the PED 3 to -- kind of to see what's the right fit for 4 schools for sure. 5 MS. NAOMI DeVEAUX: Were there other 6 Commissioners? I thought -- 7 THE CHAIR: Commissioner Carrillo, I 8 thought you had your hand up, too, but then it went 9 down. So sorry. 10 COMMISSIONER CARRILLO: Yeah. Everything 11 was covered. I mean, with -- Commissioner Gipson 12 and Vice Chair Burt covered things that I was 13 curious about. 14 MS. NAOMI DeVEAUX: All right. So just 15 then, briefly, I've added in language into the draft 16 and highlighted that each school will have their 17 data displayed for each applicable measure for 18 informational purposes only in year one. 19 So while it says "Not Applicable," it will 20 be displayed. So we will make sure that that's very 21 clear to everyone. 22 So the next is the percent of students for 23 measures to be valid. 24 So this is a change -- and, Corina, I 25 think I'd like you to speak to it, because this came</p>

<p style="text-align: right;">94</p> <p>1 out of your discussions. A change in what the 2 minimum is to be for the percent of students tested 3 to count, you know, for a measure to count. 4 I think we had it at 95 percent at one 5 point. And it's set at 85 percent right now. And 6 that was a change that was a suggestion. So if you 7 could share where that came from and why, and that 8 would be helpful. 9 DIRECTOR CORINA CHAVEZ: Right. This was 10 direct feedback from Public Charter Schools 11 New Mexico after hearing from the schools about 12 that. 13 And so that was the suggestion. 14 And PEC is welcome to change it to 15 whatever they wish. I can look to see how schools 16 did with that threshold. Please remind me the -- 17 this is the participation? 18 MS. NAOMI DeVEAUX: This impacts a number 19 of different measures, because we -- you asked for 20 consistency across all measures. So all of those 21 that had a participation rate are set at 85 percent. 22 I didn't know what the rationale was 23 behind it. I think that would be helpful, why 24 85 percent is a reasonable number. I think that 25 would just help everyone sort of land here.</p>	<p style="text-align: right;">96</p> <p>1 DIRECTOR CORINA CHAVEZ: Okay. So, again, 2 that was a suggestion, that the PEC is welcome to 3 change if they'd like. 4 MS. NAOMI DeVEAUX: The question is what 5 happens at the state level with the state test. 6 When -- do you look at all data, whether they have 7 95 percent participation rate or not? 8 And I think the question is if you look at 9 it, even if they have only 85 percent take the test, 10 and you still count it, then why wouldn't you count 11 it in their own test if it was at 85 percent? 12 If, however, you don't -- I don't know 13 what your bar is at PED. But what happens when 14 students -- when a school does not test 95 percent 15 of their students, which is the federal requirement? 16 THE CHAIR: Commissioner Gipson, I see 17 your hand up; so... 18 COMMISSIONER GIPSON: Yeah. You know, I'm 19 not comfortable with changing this to the 20 85 percent. I can be persuaded maybe to go a little 21 below 95 percent. But, Corina, could -- I was a 22 little confused. When you ran it, the 95 percent, 23 how -- what was the percentage of -- how many 24 schools would not meet this? 25 DIRECTOR CORINA CHAVEZ: So I was looking</p>
<p style="text-align: right;">95</p> <p>1 DIRECTOR CORINA CHAVEZ: I can tell you 2 that in a dry run with using 95 percent as Meets and 3 85 percent as Working to Meet -- okay, so that's the 4 lower threshold -- we have 37 percent Exceeds, 5 37 percent Meets, and 15 percent is Working to Meet, 6 only 11 percent Does Not Meet. 7 MS. NAOMI DeVEAUX: So why should we 8 change it to 85? Why should we have moved up the 9 Meets to 85 instead of the 95 where it was? 10 DIRECTOR CORINA CHAVEZ: That was at the 11 suggestion of Public Charter Schools New Mexico. 12 And as I said, PEC can decide where they want it. 13 We ran the numbers using those figures. 14 MS. NAOMI DeVEAUX: You ran the numbers 15 using 95 percent. 16 DIRECTOR CORINA CHAVEZ: As 95 as Exceeds 17 and 85 percent as Working to Meet. And Meets is 18 between those two. 19 MS. NAOMI DeVEAUX: So I think you're 20 specifically talking about this measure. And 21 that -- this one, I think, has stayed, Working to -- 22 so this is -- say what I was talking about, Corina, 23 was to be -- to have it default from Option 2 or 3 24 back to Option 1. It's now set at 85 percent of 25 your students have to have taken the test.</p>	<p style="text-align: right;">97</p> <p>1 at state assessment participation rate. And this 2 is -- this is slightly different. 3 But to give you the feedback on the 4 participation rate with state assessments, if we're 5 using the threshold of 85 percent is Working to 6 Meet, and anything above that is Meets or Exceeds, 7 then we have only 11 percent of the schools not 8 meeting. We had 15 percent that are Working to 9 Meet, 37 percent Meets, and 37 percent Exceeds. 10 COMMISSIONER GIPSON: But when we're 11 looking at changing this percentage, we're not 12 looking at the percentage that participated in the 13 state assessment. We're looking at -- so I would 14 think that a school, for their own assessments, 15 would have a high number of students. I mean, the 16 objection, by and large, by parent groups is not 17 participation in the state assessments. 18 But, you know, I don't see any concerted 19 movement by local groups to not participate in the 20 schools' assessments. 21 DIRECTOR CORINA CHAVEZ: I think the 22 concern, Commissioner Gipson, is that because this 23 indicator looks at subgroups, and because sometimes 24 the "N" in subgroups is rather small, that's the -- 25 that was part of the consideration for -- for the</p>

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1 percentage. I'm not arguing that you should, too,
 2 that you --
 3 COMMISSIONER GIPSON: I got you. Yeah, I
 4 got you.
 5 MS. NAOMI DeVEAUX: I, actually, looking
 6 at this, this did not change. We kept it at
 7 85 percent. We kept 95 percent at Meets.
 8 So suggested is this change back to 95
 9 percent, because that's actually what you -- what
 10 this is about -- so this one is different. This one
 11 is at what point, if they picked Option 2 or
 12 Option 3, at what point would those -- would you, as
 13 a Commission, say, "We're not looking at this
 14 anymore, we're going to default you back to this"?
 15 COMMISSIONER GIPSON: Correct.
 16 MS. NAOMI DeVEAUX: And I think that since
 17 you have a participation rate of -- you know, you
 18 can go -- I could argue either side. I could say
 19 you already have a participation rate here. So they
 20 have to do it. And 85 is, like, okay, now we can't
 21 really look at this -- this is invalid data, because
 22 they're going to get -- they're not going to get a
 23 high score on this.
 24 So 85 is that Working to Meet. Now you're
 25 at Does Not Meet. And since you're -- it matches

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1 with Does Not Meet.
 2 So you didn't meet your participation
 3 criteria, and we're not going to look at your data
 4 therefore, and you're going to go back to Option 1,
 5 which I think might make the most sense, and why it
 6 landed at 85 percent, because at that point, they
 7 haven't met their performance criteria. Why would
 8 you accept their data?
 9 DIRECTOR CORINA CHAVEZ: Naomi, is this a
 10 business rule, where -- I'm looking at Page 11 of
 11 the draft performance framework. And the 85 percent
 12 says, "If the school has ten or more eligible
 13 students in a student population and tests fewer
 14 than 85 percent of students, the untested students
 15 will be considered not meeting their growth target."
 16 So all of this is really what I would
 17 expect would be part of the business rules. And I
 18 think I'm a little concerned that -- is it true that
 19 you have ten more minutes with us, and we have not
 20 gone through much? But...
 21 MS. NAOMI DeVEAUX: I'll stay. I'll stay.
 22 DIRECTOR CORINA CHAVEZ: Okay. Thank you.
 23 So to me this seems like it's a business
 24 rule. But I see that Commissioner --
 25 MS. NAOMI DeVEAUX: I think it's

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1 important -- it will become a business rule. I
 2 think it's really important is that you -- that you,
 3 as a Commission, decide at what point are you going
 4 to say, "I'm not looking at your Option 2," because
 5 this is going to become very much part of renewal
 6 and a reason to make it a goal or not.
 7 So 85 percent tracks with when your
 8 participation rate is not met.
 9 At that moment, do you say, "You didn't
 10 meet your own participation rate, we're going to
 11 look at the state, we're not accepting your Option 2
 12 data"? Vice Chair Burt.
 13 COMMISSIONER BURT: So I -- I do think it
 14 should be in here. I think it should be 95 percent.
 15 And this is why.
 16 One, I think it should be in here, and it
 17 should be clear. Because if schools are choosing
 18 Option 1 or 2 -- or sorry -- if they're choosing
 19 Options 2 or 3, they need to know that we have a
 20 high bar for that alternative assessment. They're
 21 not using the state assessment; they're choosing an
 22 assessment of their own.
 23 And I can say when I was a teacher -- it
 24 would be so rare that we did not get one of our
 25 students to not take the NWEA -- I could have them

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1 take it.
 2 Like, if they missed a week of school,
 3 they could take it the next day. The testing window
 4 that the PED imposes is not the same. Like, I have
 5 more flexibility in my school for the alternative
 6 assessments than I do using the state assessment.
 7 I think having it be 95 percent makes it
 8 to where the school knows this alternative
 9 assessment isn't -- once again, we're not trying to
 10 do it to where it's, like, this easier alternative
 11 outside of the state assessment. We're not trying
 12 to skirt around it. We're setting a high bar.
 13 The bar is 95 percent for the state
 14 assessment as well. I feel like that tracks. It's
 15 95 percent state. It should be 95 if you're using
 16 the alternative assessment as well.
 17 For me, that also then creates the -- I
 18 think most schools are probably -- for their
 19 alternative assessments, I'd be shocked if most of
 20 them aren't at that rate already. Like, this
 21 probably isn't a super difficult thing to get to for
 22 the alternative assessment.
 23 But if they're not, this, to me, applies
 24 pressure on, "Hey, you don't pick that alternative
 25 assessment if you don't take it seriously enough to

<p style="text-align: right;">102</p> <p>1 make sure all your kids get tested in it." 2 So I would say it does need to be in here. 3 That way, schools know if I pick Option 2 or 3, I 4 need to have due diligence in making sure I get all 5 my students tested. That way I can -- I do want to 6 use that. It is what I want the PEC to use. I'm 7 choosing that for my school. 8 And to me if they don't get that in their 9 own alternative assessment that they can give within 10 their own testing window, then, yeah, it defaults 11 back to the state assessment. 12 And I think the reason why I would want it 13 in here, so that they are very clear about it before 14 they pick Option 2 or 3, so that way, it's not in a 15 separate business rules or something different, 16 where they're like, "Oh, I didn't even know -- like, 17 I didn't realize when I was trying to decide what 18 this looks like." 19 So that's why I would say, should be 20 95 percent, and we should keep it in here. 21 MS. NAOMI DeVEAUX: So then my second 22 follow-up question is how do we amend participation 23 rate? Because that count -- 24 COMMISSIONER BURT: I like this one. I 25 think this is appropriate.</p>	<p style="text-align: right;">104</p> <p>1 assessment. Like, I think it's just the top one 2 should be -- 3 MS. NAOMI DeVEAUX: This is an N/A, 4 this -- so that's a change, so that the 5 participation rate is only for Option 1 and not for 6 Option -- 7 COMMISSIONER BURT: No. I think it's for 8 all schools. Regardless of what option they choose, 9 they still are all required to take the state 10 assessment. 11 MS. NAOMI DeVEAUX: But then that's on the 12 state -- that's on the state framework, to just 13 repeating the state framework. Because that's 14 already embedded in the state framework, which is 15 a -- 16 COMMISSIONER BURT: It's not embedded in 17 the state framework currently. 18 MS. NAOMI DeVEAUX: It was a comment that 19 was received last time we met saying, like, "You're 20 double-dinging us for this. We already are 21 responsible." 22 COMMISSIONER BURT: My understanding is 23 that there was a question of whether we were. I 24 looked into it that day. There's nothing in the 25 state -- there's nothing in the state performance</p>
<p style="text-align: right;">103</p> <p>1 MS. NAOMI DeVEAUX: It contradicts. 2 Because you could get a yellow, a Working to Meet, 3 if you chose Option 2 and had -- and had less than 4 95 percent. 5 COMMISSIONER BURT: Well, yeah. So we're 6 showing that they did not meet. They're -- they're 7 below expectation with yellow. 8 MS. NAOMI DeVEAUX: (Inaudible due to 9 simultaneous speaking) not eligible. The first one 10 would have said, "Now you're not eligible for 11 Option 2 or 3. So we're not even going to look at 12 your participation rate. I.C. would be you would be 13 back at Option 1." 14 You see what -- like, what we'd have to do 15 is -- whoops, sorry -- is strike the language. It 16 only matters for Option 1. And then you cross 17 out -- for their supplemental assessments, there is 18 no yellow. You didn't meet. 19 COMMISSIONER BURT: Okay. Partic- -- so I 20 guess I was -- I'm -- I did not realize that the 21 participation rate is going to be done by the 22 schools separately. I thought it was just the state 23 assessment, that they're -- whether they're doing 24 their state assessment, that they're participating 25 in the state assessment or not, not the alternative</p>	<p style="text-align: right;">105</p> <p>1 system as of right now that has anything to do with 2 participation rate. 3 It's a requirement from them, but they 4 don't do anything about it. They just -- if someone 5 goes below 95 percent, they like, modify their 6 formula for them. 7 There's no adverse effect from the state 8 level if the school has 50 percent participation 9 rate. I mean, but for us, I think we should -- 10 like, if a school chooses Option 3, and they created 11 their own -- they're not even using the state 12 assessment, they're using an alternative assessment 13 with us to show their academic performance. And 14 then they have 50 -- but on the state assessment, 15 which they are still required to do, it's not being 16 used for their academic performance with us, but 17 they're still required to do the state assessment. 18 If you have 50 percent of their students taking the 19 state assessment, that's highly inappropriate. 20 So that's where I -- that's where I guess 21 I'm seeing, like -- it only applies to the state 22 assessment participation. But if, like -- I still 23 think it should be above, that if they fall below it 24 for their alternative assessments, it defaults to 25 Option 1, that that's how it's used for the Option 2</p>

<p style="text-align: right;">106</p> <p>1 and 3. Any other Commissioners --</p> <p>2 THE CHAIR: Commissioner Gipson, go ahead</p> <p>3 and jump in if you'd like.</p> <p>4 COMMISSIONER GIPSON: And I agree. I</p> <p>5 thought it was an automatic default out. Once you</p> <p>6 got below that 95 percent participation in your</p> <p>7 own -- you defaulted back to the state assessment.</p> <p>8 I didn't think all -- I didn't think the</p> <p>9 green, yellow, and red applied to the school's</p> <p>10 internal assessment if they were taking Option 2.</p> <p>11 So I agree with that.</p> <p>12 I think, Naomi, schools are reflecting</p> <p>13 back to when we had a report card and they were</p> <p>14 dinged with participation. And because the new</p> <p>15 accountability system hasn't really rolled out</p> <p>16 fully, schools are still defaulting back to how it</p> <p>17 used to be.</p> <p>18 But right now, there's no -- there's no</p> <p>19 ding. Schools aren't going to lose a color or a</p> <p>20 number or whatever if they don't have the</p> <p>21 95 percent. And not that I'm saying schools do, but</p> <p>22 I do get concerned. If a school is not meeting the</p> <p>23 95 percent of their own internal assessment, then</p> <p>24 are they gaming the system, you know.</p> <p>25 And so that -- you know, that really does</p>	<p style="text-align: right;">108</p> <p>1 be a participation rate that they have to be part</p> <p>2 of.</p> <p>3 Okay. I've amended that language. So we</p> <p>4 will keep this as the -- as the overall -- sorry.</p> <p>5 So this is -- this is the overall. And that is</p> <p>6 changed now from 85 to 95 percent. And then we will</p> <p>7 have this one only be for the state assessment, not</p> <p>8 for their internal, because it's moot.</p> <p>9 So the next place that we went to is at</p> <p>10 our -- at our meeting, we said -- we determined that</p> <p>11 some of -- we were going to see if yellow would fit,</p> <p>12 if there was a Working to Meet for some of the</p> <p>13 operational and financial measures so that it wasn't</p> <p>14 just a binary yes or no.</p> <p>15 I provided model language to Director</p> <p>16 Chavez, who then worked with the association to --</p> <p>17 to finalize or to remove.</p> <p>18 So the first one is on training. "All</p> <p>19 members of the governing board and new members who</p> <p>20 have served for at least six months have completed</p> <p>21 all training hours required by CSD and PEC."</p> <p>22 Before we jump into this, I want to</p> <p>23 address the comment that was received earlier today</p> <p>24 that said that you have a year. I took the liberty</p> <p>25 of -- of communicating with your -- with your</p>
<p style="text-align: right;">107</p> <p>1 concern me. Because I agree. We afforded every</p> <p>2 opportunity for students to make up our own internal</p> <p>3 assessments, because we wanted that information. We</p> <p>4 used that information.</p> <p>5 So I think it's going to be incredibly</p> <p>6 rare, students going to be chronically absent and</p> <p>7 disenrolled. That's not going to be doing this. So</p> <p>8 I don't think the participation rate should be less</p> <p>9 than the 95 percent with this one.</p> <p>10 And I -- and I do agree. We have to</p> <p>11 change it to non-applicable for the green, yellow,</p> <p>12 and red if they're taking Option 2 or 3.</p> <p>13 MS. NAOMI DeVEAUX: So what I heard from</p> <p>14 Vice Chair Burt was not to change it to</p> <p>15 non-applicable, but, rather, hold every school,</p> <p>16 regardless of what their chosen accountability tests</p> <p>17 will be, to -- to say you have to take the state</p> <p>18 test.</p> <p>19 COMMISSIONER GIPSON: Yes.</p> <p>20 MS. NAOMI DeVEAUX: So it's --</p> <p>21 COMMISSIONER GIPSON: This only applies to</p> <p>22 a rating for the state test, not a rating for -- if</p> <p>23 they're taking Option 2 and 3, for their own</p> <p>24 internal assessments. That doesn't apply.</p> <p>25 MS. NAOMI DeVEAUX: But 1.C. is going to</p>	<p style="text-align: right;">109</p> <p>1 counsel, and, in that, it is our understanding that</p> <p>2 it is within that fiscal year, so that you have to</p> <p>3 complete the training -- you have that fiscal year.</p> <p>4 But it doesn't actually say a year from when you</p> <p>5 start.</p> <p>6 We've provided this bump, which is kind of</p> <p>7 why this goal was made with the six months, because</p> <p>8 we realized it was unfair to expect a new board</p> <p>9 member who comes on, let's say in April, to have</p> <p>10 completed all their training by the end of that</p> <p>11 fiscal year when they just came.</p> <p>12 So we said, "You know what? As long as</p> <p>13 you've been there for at least six months," that</p> <p>14 seemed like a reasonable amount of time to be able</p> <p>15 to address the training for all the reasons that</p> <p>16 were mentioned by the caller.</p> <p>17 These are volunteer board members, you</p> <p>18 know. There's a lot that goes on in our lives when</p> <p>19 you are on a board that make it really hard to go</p> <p>20 into the trainings.</p> <p>21 So I guess, Director Chavez, do you want</p> <p>22 to correct the record? Or --</p> <p>23 DIRECTOR CORINA CHAVEZ: No. What I'd</p> <p>24 like to say is, yeah, I think that there was a</p> <p>25 little bit of confusion about continuing members and</p>

<p style="text-align: right;">110</p> <p>1 the time frame they have to complete the training. 2 This allows the full twelve months for continuing 3 members, and it addresses the new members. 4 But we did run some numbers to compare how 5 schools would have scored last year on the indicator 6 relative to meeting the training requirements. And 7 one of the discoveries that we made was that it 8 wasn't due to new members not completing the 9 training. There was a lot of continuing members 10 that didn't complete the training. 11 So I know that this is an indicator that 12 is easy to track by fiscal year. Giving the 13 six-month buffer is a stretch for being able to 14 complete the rating of the school with all of its 15 members -- I mean, we can rate it -- we can rate the 16 school on some members, but not all, because we're 17 giving that extra time into the next fiscal year on 18 the annual reports. 19 And I hope that made sense. But, 20 basically, I don't know that it's necessary to give 21 that buffer. It is considerate. But what our 22 discovery found was that it didn't really make that 23 much of a difference. Board members that were 24 continuing members were the ones that tended to not 25 get their hours in.</p>	<p style="text-align: right;">112</p> <p>1 additional time, but it can't be reflected because 2 of the timing of the annual report. 3 So I'm thinking maybe it's better to take 4 out that six-month buffer because of that. 5 MS. NAOMI DeVEAUX: I guess -- hi, 6 Director Russell. Great to have you back. 7 DR. BRIGETTE RUSSELL: Thanks, Naomi. I 8 had my hand raised because I wanted to address this, 9 the six-month buffer. What we've talked about with 10 our staff, particularly the staff that track 11 governing board trainings, is that they recommend -- 12 and I agree with them -- that a three-month buffer 13 would be more appropriate. It would -- it would 14 allow us to close out our annual reporting a lot 15 sooner, and it would allow new members to have that 16 buffer. 17 MS. NAOMI DeVEAUX: Yeah. This came up at 18 our last public comment section where your comment 19 was voiced. And at that point, the Commission 20 landed on six months and stayed with six months at 21 that point -- 22 DR. BRIGETTE RUSSELL: Okay. 23 MS. NAOMI DeVEAUX: -- after that 24 conversation. 25 THE CHAIR: Vice Chair.</p>
<p style="text-align: right;">111</p> <p>1 And it's the way that we organize our 2 training. The new members take all the hours at 3 once as, like, an orientation. And continuing 4 members have to take each course separately. 5 MS. NAOMI DeVEAUX: Are there any -- any 6 objection to keeping this as is? 7 COMMISSIONER GIPSON: I don't necessarily 8 have an objection. But I do have a concern based on 9 Corina's comment. I want to make sure that the 10 annual report is going to accurately reflect and not 11 have schools get a letter of -- letter of 12 unsatisfactory performance, whatever we're calling 13 it, because -- because of what the annual report is 14 going to say, but based on the performance 15 framework, they've got members that still have time. 16 So there's a technicality there that they 17 have a buffer. But it's going to be -- but Corina's 18 not going to be able to rate it accurately for us to 19 close out and accept the annual reports by August or 20 September or whenever we're doing it. 21 So that's my only concern. I don't want 22 to end up with schools having to respond back to 23 something that technically they haven't failed to 24 do, but because of when we're closing out the annual 25 reports in that six months, they've been given that</p>	<p style="text-align: right;">113</p> <p>1 COMMISSIONER BURT: So I guess I'm 2 actually seeing it as we're actually basically 3 holding harmless anybody who joins a board after 4 December. And so, actually, I think it's going to 5 be easier to -- like, the only people CSD needs to 6 track to make sure they're being completed is people 7 who were on a board before December -- or before 8 January 1st, or whatever -- six months before the 9 deadline. Because then anybody who joins after 10 that, they're going to be basically held harmless 11 that year. They'll be required the next year to 12 have it. 13 So this is actually taking a lot of burden 14 off of CSD, the governing board -- I mean, I 15 actually think this is a lot less work. And CSD 16 could actually close out things much quicker, 17 because if, like, after a certain date if anyone 18 joins, you can track them, but you don't have to -- 19 and follow up, make sure they get the support and 20 things like that, but they do not go on the 21 performance framework. Like, they're not included 22 in it. 23 So, actually, I think we're actually 24 addressing the concern that the -- that the 25 governing board member that spoke to us earlier --</p>

<p style="text-align: right;">114</p> <p>1 his concern was, like, hey, these are volunteers, 2 sometimes really hard to get to the trainings. 3 We're actually -- I think this addresses that better 4 than if we didn't have this, honestly, if we didn't 5 have the six-months part. 6 I think the six-months part is allowing 7 for that -- that specific concern. And I know 8 that's what we talked about when we were doing the 9 working groups. That's what we were talking about, 10 is, like, you know, you want high-quality, active 11 people. But a lot of times people who are really 12 high quality and active are active with many 13 different things in their community. And so get 14 them on the board, hold them harmless if they're 15 there, you know, after January 1st, and then, like, 16 then follow up -- then they go as part of the rating 17 the next year. 18 So I don't know if that actually -- I 19 think it could possibly help CSD. And I know for 20 sure this is very pro-governing board to do. I 21 actually -- that's how I see this as a very 22 pro-governing board thing to support a governing 23 board, because I think if I'm, like, trying to 24 recruit someone in March, in April, and I'm, like, 25 "Oh, yeah, we're going to need you to come on, but</p>	<p style="text-align: right;">116</p> <p>1 have -- that only get six months. 2 So we changed the language. But I can run 3 it by that -- that governing board member again who 4 was concerned about continuing members. 5 I just wanted to clarify for the record, 6 though, that this doesn't necessarily make anything 7 easier for the CSD staff, because we are tracking 8 every member. So we have to go to the end of June 9 for all GC training. And so, yeah, this doesn't 10 necessarily make it easier. 11 I think if we just hold harmless the new 12 members, then what the first year we aren't -- if 13 they join in the second half of the year, then 14 there's just no consideration of their training at 15 all, or does it get reflected in the following 16 school year? That's one point of clarification. 17 MS. NAOMI DeVEAUX: That's how -- and I'm 18 going to have to move us on, because I can't -- I do 19 have a hard stop in 45 minutes. 20 I added the words "by the end of the 21 fiscal year." But what Commissioner -- Vice 22 Chair Burt mentioned, it's the end of the sentences, 23 so that's very clear when it has to be done. 24 I think that the business rules on how 25 it's done need to be in a different conversation,</p>
<p style="text-align: right;">115</p> <p>1 we're going to need you to do the eight hours right 2 away. You're going to have to get it done, because 3 it's March, and there's only three months -- there's 4 only a three-month buffer, you have to get it done 5 still," I'm not joining a board, no way, not 6 happening. 7 But if they're recruiting someone and, 8 like, "We're going to get you as much as we can, and 9 next year make sure we get you completely up to 10 date," I think that's a better recruiting method, an 11 easier recruitment method for the board. 12 I like this. I actually think it makes 13 sense. I don't know if there's maybe some 14 clarification that needs to be -- because if it's 15 being interpreted as making it a hindrance, instead 16 of it being more supportive, I think it's being 17 interpreted incorrectly. 18 But -- so if someone is reading this is 19 interpreting it as its being more restrictive, I 20 don't know what we could do to ensure that the 21 wording is very clear that this is less restrictive 22 to those new folks. 23 DIRECTOR CORINA CHAVEZ: So Vice Chair 24 Burt, you're absolutely right. There was an 25 interpretation that continuing members have to</p>	<p style="text-align: right;">117</p> <p>1 but that we have to decide that this is appropriate. 2 Is that okay? 3 COMMISSIONER BURT: (Indicates.) 4 MS. NAOMI DeVEAUX: Okay. So here's 5 another place where we added Working to Meet to the 6 Transparency and Documentation. 7 This is also under -- this is Meeting 8 Transparency and Documentation. It's 3.A.3., if 9 you're following along in the document. 10 This school provides -- is in compliance 11 with publicly -- with publicly posting meetings, 12 minutes, and calendar of meetings, as defined by the 13 Open Meetings Act guidance. 14 So the addition is that the school is 15 providing an accurate board calendar, and, for at 16 least 75 percent of board meetings in which a quorum 17 of the governing board is present, the school will 18 publicly post a notification with the agenda at 19 least 72 hours prior to the meeting and to publicly 20 post board-approved copies of the minutes within ten 21 days after approval. 22 So we have this sort of interim at 23 75 percent, not 100 percent. Originally, it was at 24 100 percent. And then red is where, you know, that 25 other -- for more than 25 percent. So it's the</p>

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1 reverse of the meetings of which quorum is present,
 2 they do not do this. So we've given schools a
 3 Working to Meet.
 4 Any objection or concerns?
 5 Perfect.
 6 Another Working To Meet is gets to 3.C. So
 7 we're now --
 8 MS. JULIA BARNES: Naomi, it's Julia
 9 Barnes. Can I just interrupt?
 10 The Open Meetings Act doesn't require that
 11 you post your meeting minutes. It requires that you
 12 have them, okay? So you're changing the Open
 13 Meetings Act; so...
 14 MS. NAOMI DeVEAUX: We don't want to do
 15 that. So how shall we rephrase? Thank you for
 16 jumping in.
 17 MS. JULIA BARNES: Just that they have
 18 them; so...
 19 DIRECTOR CORINA CHAVEZ: It says ten days
 20 after approval, which means that's the next time
 21 they meet, ten days after they meet that it's
 22 posted.
 23 MS. NAOMI DeVEAUX: It's the posting
 24 that's not required.
 25 DIRECTOR CORINA CHAVEZ: So this goes

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1 above and beyond what's in law. But as an
 2 authorizer, can you -- do you want to ask for this
 3 level of transparency? I know that I find it
 4 extremely helpful to see board minutes posted. And
 5 it would save us from having to ask each school
 6 individually.
 7 MS. NAOMI DeVEAUX: We would have to
 8 rephrase how we say it. Right now we say the reason
 9 we are doing this is defined by the Open Meetings
 10 Act guidance, which, if it doesn't mention the
 11 posting -- it says it has to have them available?
 12 Is that -- what's the right wording?
 13 MS. JULIA BARNES: Yes. I'll look exactly
 14 at the right wording for you, Naomi. But...
 15 MS. NAOMI DeVEAUX: We need to use that
 16 wording at this point. And whether you collect
 17 it -- I mean, the school can Oktopost them, or
 18 you'll collect them somehow at the division.
 19 MS. JULIA BARNES: What is the division
 20 doing with them when you collect them?
 21 DIRECTOR CORINA CHAVEZ: We are not
 22 collecting them. We go to the school's website to
 23 look at them.
 24 But I don't think we are doing it as
 25 systematically as this indicator is suggesting that

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1 we would. And there has been a substantial
 2 discussion with the work group about the value of
 3 looking at board minutes.
 4 THE CHAIR: I do think that on some of
 5 this, the visits that I was part of, both as a
 6 charter school person as well as the director, a lot
 7 of times people had a -- they had a binder full of
 8 these; right, Corina? You just go, and when you do
 9 your site visit, you review the binder. And that's
 10 what's really what the OMA, I believe, Julia, states
 11 is they have to be available on request, or if you
 12 IPRA it.
 13 Of course, it would be a better practice
 14 to have them all online and easily available to the
 15 public. But it sounds like that's superseding
 16 the -- the actual OMA; right?
 17 DIRECTOR CORINA CHAVEZ: So what -- two
 18 things:
 19 One is I think that COVID really shifted
 20 the way that governing board members worked and so
 21 that everybody is more likely to rely on electronic.
 22 But this does -- the only thing that this does --
 23 because it is worded to say "ten days after
 24 approval," which the OMA says must happen the next
 25 board meeting -- right? -- is that it says that it

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1 should be posted, which a lot of schools already do,
 2 not all. Some schools make you log in or have to
 3 have a log-in to get to the minutes. But this is
 4 extremely helpful.
 5 And I don't think too many people are
 6 relying on binders for their board minutes only.
 7 THE CHAIR: Commissioner Carrillo.
 8 COMMISSIONER CARRILLO: There shouldn't
 9 need to be a -- and I'm pretty adamant about this --
 10 there should not need to be a log-in for people to
 11 be able to access board minutes, because this is
 12 public material. And they shouldn't have to jump
 13 through hoops to get it.
 14 I would require every school to post their
 15 board minutes to their website, without exception.
 16 And I wouldn't use -- you don't even need to use or
 17 reference the OMA. We're not superseding the OMA;
 18 we're going beyond what the OMA is requiring.
 19 And that's what I would say that we should
 20 do as a Commission and require of our schools. I
 21 mean, is there anyone who thinks that's too
 22 stringent? Because I certainly don't.
 23 We heard -- even from this morning, we
 24 heard parents sometimes say it was very difficult to
 25 access information. Now, granted, this governing

<p style="text-align: right;">122</p> <p>1 council this morning was possibly an exception to 2 the rule relative to how challenged, we'll say 3 politely, that they were. 4 But everyone needs to be posting. 5 THE CHAIR: Commissioner Gipson. 6 COMMISSIONER GIPSON: I -- sorry. I 7 agree. We've discussed this before, that it's -- 8 it's extraordinarily difficult, not only for us, but 9 as Commissioner Carrillo said, for the public to be 10 able to access this information I think is really 11 important. 12 And I understand what OMA guidance is. 13 But I think as an authorizer, we do have the ability 14 to put that additional requirement in, because it's 15 just one more level of transparency for the schools. 16 So I think it's important for the minutes 17 to be posted -- once they're approved minutes -- to 18 be posted. 19 MS. NAOMI DeVEAUX: Should we clarify or 20 require that it be on their website, as Commissioner 21 Carrillo said? 22 COMMISSIONER CARRILLO: Carrillo. 23 (Correcting pronunciation.) 24 MS. NAOMI DeVEAUX: Yes, I apologize. 25 COMMISSIONER CARRILLO: You're forgiven,</p>	<p style="text-align: right;">124</p> <p>1 calendar of meetings," period, I mean, as defined by 2 you - as the expectation. 3 And, again, you are within what most 4 authorizers that I work with require of their 5 schools because they are public schools. Okay. 6 All right. Our next one is 3.C., 7 Compliance with Legal Requirements, adding a 8 Workings to Meet. 9 So I'm sorry. For the No. 7 in there, 10 that will get changed. "The school creates an 11 environment that supports student learning and 12 promotes the physical and emotional well-being of 13 students and is in compliance with the charter 14 contract, federal and state statutes and rules, and 15 PED guidelines unless waivers preserving charter 16 autonomy are in place." 17 We added one that said, "In compliance 18 with all requirements, but maybe late with 19 submissions and may have to resubmit due to errors 20 in the initial submission." 21 So we're giving some wiggle room for a 22 school to have -- to mess up every once in a while 23 and not immediately be a Meet or Does Not Meet. 24 I think that was -- this was, verbatim, 25 the language that I had suggested, I think in</p>
<p style="text-align: right;">123</p> <p>1 but I'm not going to forgive you next time. 2 Yeah, a requirement. 3 We can go further. They should also be 4 approving their minutes at the subsequent meeting 5 which typically gives them a month. Or so you can 6 say "within 30 days reasonably," or whatever, 7 because if they're having some sort of a special 8 meeting five days from their regular meeting, they 9 shouldn't necessarily be required to have the 10 previous meeting's minutes posted within five days. 11 I think there needs to be a timeline, and absolutely 12 posted. 13 MS. NAOMI DeVEAUX: Okay. I'll say "next 14 scheduled board meeting," which would avoid the 15 emergency board meeting. 16 COMMISSIONER CARRILLO: I think you would 17 say "regularly scheduled board meeting." 18 MS. NAOMI DeVEAUX: Okay. 19 COMMISSIONER CARRILLO: When we have a 20 regular PEC meeting, as opposed to, like, today. 21 MS. NAOMI DeVEAUX: Yeah. And then I am 22 going to remove any reference to OMA, so there is no 23 more debate from schools about this one. We are 24 not -- we're just going to say, "The school is in 25 compliance with publicly posting meeting minutes and</p>	<p style="text-align: right;">125</p> <p>1 particular around the timeliness. Sometimes it's -- 2 it's hard. And so giving a little bit of room for 3 something to be late can be helpful. 4 MS. JULIA BARNES: Naomi, Julia Barnes 5 again. The -- the sentence right under 3.C., that's 6 not a legal requirement. You don't have a legal 7 requirement to promote the physical and emotional 8 well-being. So I think if you just put the sentence 9 above the 3.C., then I don't have a problem with it. 10 But it's, like, the way it reads right now -- 11 MS. NAOMI DeVEAUX: Which -- so where -- 12 which -- 13 MS. JULIA BARNES: The header. Just put 14 the header below that sentence so that sentence 15 doesn't appear to be defining the legal requirement. 16 MS. NAOMI DeVEAUX: You want me to remove 17 the whole sentence, "The school creates an 18 environment to support student learning..."? 19 MS. JULIA BARNES: I don't mind that 20 sentence in general, but I don't know that it's -- 21 it's just not a legal requirement. So... 22 DIRECTOR CORINA CHAVEZ: I do think that 23 sentence could be reworked a little bit. And so I 24 think -- 25 MS. NAOMI DeVEAUX: I disagree -- yeah.</p>

<p style="text-align: right;">126</p> <p>1 Yeah.</p> <p>2 DIRECTOR CORINA CHAVEZ: So if you will</p> <p>3 let us -- by the 23rd or the 24th, whenever PEC</p> <p>4 meets next, we can have some changed language.</p> <p>5 MS. NAOMI DeVEAUX: I, right now, for, as</p> <p>6 a hold, I just removed that first part and said,</p> <p>7 "The school is...," and then where that blue line</p> <p>8 is, "...is in compliance with the charter contract."</p> <p>9 That is just very cut and dry.</p> <p>10 MS. JULIA BARNES: Uh-huh.</p> <p>11 MS. NAOMI DeVEAUX: I think the point is</p> <p>12 why, why do you need to be. And the reason is</p> <p>13 because of safety for the school, for the students.</p> <p>14 That's why you as Commissioners care. But we don't</p> <p>15 need to have it in the framework. It's just -- if</p> <p>16 anyone asks you why do you care so much about our</p> <p>17 Certificate of Occupancy.</p> <p>18 MS. JULIA BARNES: Or, Naomi, you could</p> <p>19 leave, "The school creates a safe environment." I</p> <p>20 think there's a legal requirement to do that. It's</p> <p>21 the -- and the other one can go somewhere else.</p> <p>22 It's just not the legal requirement.</p> <p>23 MS. NAOMI DeVEAUX: Yeah. I'll add that</p> <p>24 back in, "safe environment and is in compliance."</p> <p>25 Okay.</p>	<p style="text-align: right;">128</p> <p>1 upwards, or they'll vacillate, and then they'll be</p> <p>2 yellow when they trend down.</p> <p>3 And, remember, I think this is also just</p> <p>4 important. The way the framework was built, if you</p> <p>5 get a yellow in the -- in a financial that does --</p> <p>6 that can still get you a green -- like, a renewal</p> <p>7 without conditions or anything.</p> <p>8 These are just, "Hey, you're working to</p> <p>9 meet it."</p> <p>10 It doesn't mean that you're going to</p> <p>11 provide a condition on the school. The only things</p> <p>12 you do a condition would be if it's a red, where</p> <p>13 you're now -- if they have less than a month of cash</p> <p>14 on hand, it's probably worth it that they figure out</p> <p>15 what's going on.</p> <p>16 All right. The next one is Working to</p> <p>17 Meet to Annual Financial Audit. So that's the next</p> <p>18 financial question.</p> <p>19 The school follows the General</p> <p>20 Accounting -- Accepted Accounting Principles or</p> <p>21 GAAP. The Working to Meet, the school received an</p> <p>22 audit with Does Not Meet -- that Does Not Meet the</p> <p>23 definition of Meets and demonstrates improvement</p> <p>24 from the previous year's audit.</p> <p>25 So the definition of Meet is a pretty high</p>
<p style="text-align: right;">127</p> <p>1 MS. JULIA BARNES: Yeah. And we're using</p> <p>2 that. Actually, we're using that "safe school"</p> <p>3 concept. So...</p> <p>4 MS. NAOMI DeVEAUX: Wonderful. Any other</p> <p>5 Commissioners? Staff?</p> <p>6 (No response.)</p> <p>7 MS. NAOMI DeVEAUX: All right. Then we</p> <p>8 have the Working to Meet to Days of Cash on Hand.</p> <p>9 So this is -- now we're in the financial</p> <p>10 framework. And this is the very first indicator of</p> <p>11 the financial framework.</p> <p>12 We added -- this had been just -- you</p> <p>13 know, they either had it or they didn't. And now we</p> <p>14 have unrestricted days, cash ratios greater than</p> <p>15 30 days but less than 60 days, and does that meet</p> <p>16 the definition of Meets.</p> <p>17 So in the definition of Meets, they can be</p> <p>18 equal -- or greater than 30 days with a positive</p> <p>19 increase in days' cash in the recent fiscal year.</p> <p>20 So you can -- you can meet through -- by</p> <p>21 looking at a trend.</p> <p>22 And then yellow would be you're not</p> <p>23 trending upward, and you're not at 60 yet.</p> <p>24 I think many of your schools will fall</p> <p>25 into -- they'll either be green with that trending</p>	<p style="text-align: right;">129</p> <p>1 bar. Unqualified opinion is avoiding significant</p> <p>2 deficiencies and material weaknesses and does not</p> <p>3 include a going concern disclosure. We added</p> <p>4 "disclosure" after that -- any questions about this?</p> <p>5 MS. JULIA BARNES: Julia Barnes again.</p> <p>6 Schools often say that the -- a weakness or</p> <p>7 deficiency from the previous year follows -- you</p> <p>8 know, goes for a two-year period of time, because</p> <p>9 they don't find out about it in time to get it off</p> <p>10 the next year.</p> <p>11 MS. NAOMI DeVEAUX: Yeah.</p> <p>12 MS. JULIA BARNES: Does this address that?</p> <p>13 Then they're going to -- they get it for two years.</p> <p>14 Once they get one, they're going to get it for two</p> <p>15 years; so...</p> <p>16 MS. NAOMI DeVEAUX: The only thing I would</p> <p>17 say to that is the schools usually get preliminary</p> <p>18 audits, kind of like by August, September time</p> <p>19 frame, pretty early. It's just that the final</p> <p>20 audits that they're ready to submit to you are often</p> <p>21 not ready till January.</p> <p>22 I don't know. When do you collect the</p> <p>23 audits?</p> <p>24 DIRECTOR CORINA CHAVEZ: So the audits</p> <p>25 start as early as the summer, and in the fall is</p>

<p style="text-align: right;">130</p> <p>1 when the auditors have an exit meeting with the 2 schools. And it takes a while before the audit is 3 published. It was late February when it was 4 completed.</p> <p>5 And I actually do not know where the bill 6 is that is separating out the audit from its 7 authorizer. I know there was -- the legislature was 8 discussing that. Does anybody know the current 9 status of that bill? (Inaudible) up.</p> <p>10 MS. NAOMI DeVEAUX: I don't -- I think 11 that what I wanted to point out is -- because we 12 dealt with this a lot -- while it's not public, the 13 schools know.</p> <p>14 DIRECTOR CORINA CHAVEZ: By November, 15 December.</p> <p>16 MS. NAOMI DeVEAUX: They know, actually, 17 usually, pretty quickly. It's just that -- and then 18 it's just the reason the audits take a while is 19 they're looking to see if they can clean it up.</p> <p>20 So I -- you know, I don't want to be 21 unfair. But I also am not sure that I think that it 22 does take a whole year for them to recognize that 23 they're in need.</p> <p>24 So then adding -- this is the financial 25 reporting and compliance. This is the third under</p>	<p style="text-align: right;">132</p> <p>1 being accused of being arbitrary and capricious. 2 Anyone disagree with that language for 3 "consistent"?</p> <p>4 (No response.) 5 MS. NAOMI DeVEAUX: 6 All right. Then this is your fourth one 7 under Fiscal Oversight. 8 And this one, there was an extra bullet 9 added. The fourth -- the last bullet was new. So, 10 Corina, do you want to share that bullet? 11 "At least annually, the board audit 12 committee tests internal audit controls." That was 13 an add. Was that from the -- 14 DIRECTOR CORINA CHAVEZ: That wasn't 15 something that I discussed. I think that because 16 it's yellow, it was something that you had added. 17 MS. NAOMI DeVEAUX: No. I'm talking about 18 the last -- "At least annually, the board audit 19 committee tests internal audit controls." I think 20 that came from Missy, perhaps, in our last meeting. 21 That's perhaps where I added it. 22 So that -- I know she brought this up. 23 It's very important for her and for the oversight 24 that the committee test -- I don't know what that 25 means, to be very honest. I don't know what your --</p>
<p style="text-align: right;">131</p> <p>1 the financials. If you're following on in your 2 document, Page 19, the Working to Meet, "The school 3 demonstrates the ability to oversee public funding 4 designated for New Mexico students. Sometime during 5 the school year, the school is required to do 6 monthly reporting or the school does not meet the 7 criteria for Meets, but does not meet the criteria 8 for Does Not Meet."</p> <p>9 Again, created a little bit of a buffer. 10 Meets is very specific. You know, all budget 11 request documents and budget approval documents to 12 the PED, you know, with their established timelines.</p> <p>13 And I think that, you know, the errors -- 14 it could get probably cumbersome at times to meet 15 everything, and that a school is not -- immediately 16 it does not meet if one or two or seven are late or 17 have errors if they fix those up.</p> <p>18 I think the only thing I added at the 19 bottom, when I look at this, was the word 20 "consistently." I tried to define it. Means that 21 the event occurs for more than half of the required 22 document submissions.</p> <p>23 I think it's important when there's 24 language that we be as -- as clear as possible so 25 that you don't find yourselves in a position of</p>	<p style="text-align: right;">133</p> <p>1 what that means when we're saying that and how we're 2 verifying that they're doing it.</p> <p>3 DIRECTOR CORINA CHAVEZ: I think the thing 4 I think of is the closing of the two banks in this 5 past week. 6 I see Commissioner Gipson's hand up. 7 But that was -- the requirements for 8 testing were loosened on that one, and we had a 9 couple of banks that ended up closing.</p> <p>10 MS. NAOMI DeVEAUX: Well, I think the 11 question is, how do you, as a Commission or PED, 12 ensure it's actually happening? 13 COMMISSIONER GIPSON: My question is do -- 14 do the audit committees actually -- because I agree. 15 I don't fully understand what that means, and I 16 don't know whether the audit committees have -- do 17 they have the capacity to be able to do that? Or 18 would they need some outside entity to do that? 19 DIRECTOR CORINA CHAVEZ: Great point, 20 Commissioner Gipson. If we keep that, it needs to 21 be edited to say "the finance committee." That's 22 the appropriate committee that is supposed to be 23 reviewing the school's financials and could -- could 24 potentially test controls. The audit committee only 25 comes into place before, during, and at the exit of</p>

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1 the audit.

2 COMMISSIONER GIPSON: Right. Right.

3 So -- okay. And I like that better, because I think

4 the finance committee does have capacity to do that.

5 The audit committee, I don't -- so if we change that

6 to "the finance committee," I think I'd be okay with

7 it.

8 MS. NAOMI DeVEAUX: Okay. That's an easy

9 change.

10 So now I -- I think if this is another one

11 where I think we were -- I think this was at the end

12 of our last session. And so we were -- you know, we

13 were getting tired.

14 And we said, "The school and board

15 consistently demonstrate compliance with

16 requirements."

17 And then we said that it's not quite

18 consistently, and then it's consistently out of

19 compliance, and we didn't define it.

20 So I think it would be better if we could

21 actually define it, as a commission. What does it

22 mean -- what does "consistently" mean to you? Is it

23 the majority of seven items, or at least four?

24 Like, when is it -- when -- at what point do you

25 think they are consistently there? There's a lot of

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1 things.

2 Go ahead, Commissioner Gipson.

3 COMMISSIONER GIPSON: I think I have some

4 difficulty with it being at only half the meetings,

5 considering the fact that there's probably at least

6 maybe once a year that schools cancel meetings for

7 whatever reason. So you're talking about maybe only

8 eleven meetings a year. And so you're only -- I

9 think it has to be more than half for that

10 consistency.

11 MS. NAOMI DeVEAUX: So -- and you would

12 find these in their minutes?

13 COMMISSIONER GIPSON: Yeah. Yeah.

14 They're supposed to -- in the minutes, they're

15 supposed to identify whether the finance -- when the

16 agenda comes out, there's usually a finance

17 committee meeting prior to the start of the regular

18 meeting. Usually.

19 But then the finance committee would offer

20 a report in the minutes. And I think if they're not

21 meeting -- if they're not meeting before every board

22 meeting, there is a concern.

23 But I have a real problem with them only

24 meeting half the time. And that's okay, because all

25 too often we've got schools saying, "I didn't know

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1 that was a problem. I didn't know where it was. I

2 didn't know that was paid," or whatever it is.

3 So I think -- you know, it's incumbent on

4 us to make a stronger requirement for that -- too

5 often finance committees are not meeting, and that's

6 the problem.

7 MS. NAOMI DeVEAUX: Go ahead.

8 COMMISSIONER BURT: I don't know if all of

9 these are weighted equally. For me out of these

10 eight -- so there's eight? Seven? I'm trying to

11 count the dots -- seven items that they're expected

12 to do? I would say if they're not doing any two of

13 them, they would move to yellow, you know, like --

14 if it's one, maybe they still get the green, the

15 Meet.

16 Like, if there's one thing -- well,

17 actually, I don't know. Are these not the lowest

18 bar for a board? I don't know. This actually

19 sometimes like the low end of, like, what a board

20 should be doing, at minimum.

21 But I don't know. I don't know if it's,

22 like -- if they're able to provide evidence that

23 they're meeting all these expectations, which, for

24 me, it's just that they're submitting a board

25 minute -- or a board -- like, they're submitting

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1 their minutes and it's highlighted, where they did

2 these seven things. Like, it could be that simple;

3 right? Like, they're submitting documentation to

4 show evidence.

5 If they're not doing one of them, then

6 that's Working to Meet.

7 If they're not doing more than two or

8 three, then they're -- and maybe it's not -- it's

9 like a consistent thing as much as it is a

10 compliance -- I don't know. Maybe the

11 "consistently" part is what's not appropriate.

12 Like, take that out, and it's just that they're able

13 to provide evidence that they are meeting the -- the

14 following expectations.

15 And then how many of those -- like, all of

16 them is Meet. If they're missing two of them,

17 Working to Meet. If there's any more than two

18 missing, then they're red.

19 DIRECTOR CORINA CHAVEZ: It could be

20 either they're skipping one of those, or they're not

21 doing it consistently.

22 MS. NAOMI DeVEAUX: But some of these are

23 not consistent.

24 COMMISSIONER BURT: It's just a one-time

25 thing.

138	<p>1 MS. NAOMI DeVEAUX: Most of them are not. 2 There's only two that are consistent. 3 COMMISSIONER GIPSON: The definition of 4 "consistency" only ties to the financial. It 5 doesn't tie into any of the others. That's where 6 I'm struggling with that "consistency" thing is it's 7 all -- you know. 8 MS. NAOMI DeVEAUX: So I'm going to do 9 that. Let me see if I -- 10 DIRECTOR CORINA CHAVEZ: Can you separate 11 it out for the ones that need to be consistent? 12 MS. NAOMI DeVEAUX: Let me see if -- I 13 think -- I think I'm now sharing the document 14 itself. 15 So I've removed the red part. 16 "The school and the board provides 17 evidence of all seven indicators occur during the 18 fiscal year." (Verbatim.) 19 Is this something -- this is a one-time 20 review; right? 21 And then -- and then the -- "The school 22 and the board demonstrate compliance with the 23 requirements..." 24 COMMISSIONER BURT: But maybe unable to 25 provide evidence of one or two items, yeah.</p>	140	<p>1 DIRECTOR CORINA CHAVEZ: At least 2 annually. I can read exactly what statute says, if 3 that would be helpful. 4 MS. NAOMI DeVEAUX: No. I think if you 5 want to -- if we can remove it, then it becomes even 6 easier. 7 (Commissioner Taylor leaves meeting.) 8 MS. NAOMI DeVEAUX: "Complies with 9 (inaudible), but unable to provide evidence of no 10 more than two of the seven items." 11 COMMISSIONER BURT: I feel like that's -- 12 I'm a little hesitant of just like as an audit 13 committee. I don't know if that's enough. That's 14 not enough. Like, I do think that they need to show 15 evidence that they met before, during, and after the 16 audit. And then that's consistent with statute; 17 right? 18 DIRECTOR CORINA CHAVEZ: Yeah. Would it 19 be appropriate for me to copy language? Or would 20 you like me to read it from statute, copy it into 21 the chat? 22 COMMISSIONER BURT: Not in chat. 23 DIRECTOR CORINA CHAVEZ: Here's what 24 statute says, that, "The audit committee attends the 25 entrance and exit conference for annual and special</p>
139	<p>1 DIRECTOR CORINA CHAVEZ: I'm also 2 wondering about the language that says "at least 3 annually after the finance and audit committees," 4 because statute is pretty clear about the audit 5 committee needing to meet more than just once. 6 COMMISSIONER BURT: How many times does 7 the statute say they need to meet? 8 DIRECTOR CORINA CHAVEZ: Statute doesn't 9 name the number of times. It just says they need to 10 meet ahead of the audit to talk about the audit 11 about the preparing of the audit, during the audit 12 to make sure all materials are made available to the 13 auditors, and to attend the exit. That's how it's 14 described in law. 15 COMMISSIONER BURT: So is that twice? 16 DIRECTOR CORINA CHAVEZ: It ends up being 17 more than twice. It ends up being -- they're 18 preparing for; they're meeting during to make sure 19 everything is good; and they attend the exit. 20 That's how statute reads. 21 MS. NAOMI DeVEAUX: So you're wanting to 22 change, "The board has an audit committee that meets 23 at least annually"? I don't know where that came 24 from originally. Do you want to change that to 25 something else?</p>	141	<p>1 audits, meets with the external financial auditors 2 at least monthly after the audit fieldwork begins 3 and until the conclusion of the audit, and be 4 accessible to the external auditors as required to 5 facilitate communication with the board and the 6 superintendent, tracking report progress on the 7 status of the most recent audit findings and advise 8 the school board on policy changes needed to address 9 audit findings, provide other advice and assistance 10 as required by the board." 11 MS. NAOMI DeVEAUX: I'm not going to 12 rewrite all of that into your work. 13 DIRECTOR CORINA CHAVEZ: Before, during, 14 and after is sufficient. 15 MS. NAOMI DeVEAUX: I'm just going to say 16 it's described in statute. And then it refers them 17 back that they need to know, what they're 18 responsible for. 19 My question for you -- this gets into sort 20 of, like, at what level are you able to oversee 21 things? You know, when we create these sort of 22 requirements, then you also have to have the staff 23 and the -- the ability to determine whether this is 24 happening or not and not just arbitrarily decide 25 with one school to go deep and another school not.</p>

142	<p>1 DIRECTOR CORINA CHAVEZ: Yeah, I think</p> <p>2 that this one is easier to track than the posting of</p> <p>3 the board agenda within 72 hours, unless we ask the</p> <p>4 schools to put a date on when they post.</p> <p>5 COMMISSIONER BURT: Or if there's software</p> <p>6 that would allow it to be automatically done as</p> <p>7 well.</p> <p>8 MS. NAOMI DeVEAUX: All right.</p> <p>9 DIRECTOR CORINA CHAVEZ: I think that,</p> <p>10 "The audit committee attends in accordance to</p> <p>11 statute."</p> <p>12 MS. NAOMI DeVEAUX: If you want to</p> <p>13 revise -- I just wrote, "fulfills its requirements</p> <p>14 as described in statute" is what it says right now.</p> <p>15 I don't know if you can see my screen, but --</p> <p>16 MS. JULIA BARNES: Naomi, it's Julia</p> <p>17 Barnes again. If you have to leave -- so I just</p> <p>18 wanted to briefly look at the compliance as this --</p> <p>19 this relating to the rule and the contract.</p> <p>20 The main thing that we presently have in</p> <p>21 the rule is that, first, CSD has an obligation under</p> <p>22 statute to give a recommendation, including in these</p> <p>23 annual reports, about how the school is doing and --</p> <p>24 how the school is doing, and, therefore, be able to</p> <p>25 do a recommendation about whether anything needs to</p>	144	<p>1 "On track for renewal conditions."</p> <p>2 "The school earns Working to Meet in one</p> <p>3 or more performance areas of the academic framework</p> <p>4 but does not meet the criteria for not on track for</p> <p>5 renewal."</p> <p>6 And "Not on Track for Renewal" is, "This</p> <p>7 designation will be given if the school earns Does</p> <p>8 Not Meet in three or more performance areas of the</p> <p>9 academic framework, or the school earns eight or</p> <p>10 more Does Not Meet ratings across all three</p> <p>11 frameworks."</p> <p>12 So that was meant to be the roll-up, and</p> <p>13 the one sort of designation that would come out of</p> <p>14 these three frameworks on the annual basis that</p> <p>15 could be used by the Commission to determine, you</p> <p>16 know, what -- what differentiates your oversight.</p> <p>17 MS. JULIA BARNES: Okay. So just to show</p> <p>18 you how it's different than the rule, the comment we</p> <p>19 got on the rule was that "Renewal with Conditions"</p> <p>20 are "Not on Track for Renewal." They didn't want</p> <p>21 that designation, because it -- until the year</p> <p>22 before the renewal application -- so that's actually</p> <p>23 the beginning of year four -- because it could</p> <p>24 impact leasing. So we've -- and some of the fiscal</p> <p>25 implications for the school.</p>
143	<p>1 be -- any kind of notice needs to be issued or not.</p> <p>2 So I don't see -- and then the second</p> <p>3 thing is, in order to have PEC not get too involved</p> <p>4 in the nitty-gritty, we have listed the definition</p> <p>5 that the PEC can provide a notice on any academic</p> <p>6 indicator, but only on a roll-up from the</p> <p>7 organizational or the financial.</p> <p>8 I have dogs in my office, too, so they may</p> <p>9 bark.</p> <p>10 So I don't see -- I don't see a roll-up.</p> <p>11 And then I'm looking at the Annual</p> <p>12 Evaluation section at the top. And I think that</p> <p>13 that is potentially not what the statute requires,</p> <p>14 because I think the statute does require some kind</p> <p>15 of an evaluation. So -- and you need to indicate</p> <p>16 what that is.</p> <p>17 So one is we need some kind of a roll-up</p> <p>18 of organizational.</p> <p>19 MS. NAOMI DeVEAUX: This is the roll-up.</p> <p>20 "The school Meets or Exceeds for all performance</p> <p>21 areas in all frameworks. The school earns and Meets</p> <p>22 or Exceeds in all performance areas in the academic</p> <p>23 framework and earns a Working to Meet or Meets for</p> <p>24 all performance areas in the financial and</p> <p>25 operational frameworks."</p>	145	<p>1 So if in year one, you gave a Not on Track</p> <p>2 for Renewal, it could impact the school.</p> <p>3 So that's why we didn't do it this way.</p> <p>4 We did it Not on Track -- On Track for Renewal with</p> <p>5 Conditions, or On Track for -- Not on Track for</p> <p>6 Renewal is in effectively the last year of the</p> <p>7 school before renewal. And then the others were a</p> <p>8 Meets, Working to Meet, or Does Not Meet. So the --</p> <p>9 MS. NAOMI DeVEAUX: Yes, that's how</p> <p>10 this -- that tracks with these. If we change it to</p> <p>11 "success criteria"?</p> <p>12 MS. JULIA BARNES: I can match those</p> <p>13 words, that part --</p> <p>14 MS. NAOMI DeVEAUX: Exceeds, Meets,</p> <p>15 Working to Meet, Does Not Meet are really the words</p> <p>16 that should track.</p> <p>17 MS. JULIA BARNES: So the roll-up -- the</p> <p>18 roll-up is --</p> <p>19 MS. NAOMI DeVEAUX: The only thing I would</p> <p>20 say -- because I totally hear you, and the schools</p> <p>21 are absolutely right. It's -- you know, it's really</p> <p>22 hard to get financing if you're on the Not on Track</p> <p>23 for Renewal.</p> <p>24 However, the bar that you've set for Not</p> <p>25 on Track for Renewal, people need to know the</p>

<p style="text-align: right;">146</p> <p>1 school's in trouble. If you're having three of the 2 five academic indicators that you're not meeting, 3 like, that is -- they are not on track, and they 4 have -- so I'm not afraid -- and eight across -- you 5 have -- how many? -- sorry. Let me scroll up. It 6 makes everyone dizzy. Sorry.</p> <p>7 COMMISSIONER GIPSON: Can I just 8 interject? Is there a way that we could just put a 9 parallel grid next to the colored ones where it 10 says, On Track for Renewal and -- whatever it is, 11 I'm losing -- I'm losing my mind.</p> <p>12 If you just go to that, could we just put, 13 like, to the left of that, Year One-Two of your 14 annual report, it's just blue; the school meets or 15 exceeds.</p> <p>16 Could we do that? And then -- and then we 17 have the Year Three-Four, whatever it is -- so it's 18 designated.</p> <p>19 So the schools know that in Year One or 20 Two, they're only going to get a blue, and blue 21 means Meets or Exceeds. But if it's in their third 22 or fourth year, it means they're on track for -- for 23 expedited renewal.</p> <p>24 And do it that way. (Inaudible) way to do 25 that.</p>	<p style="text-align: right;">148</p> <p>1 these levels.</p> <p>2 So that's the way the rule reads is that 3 PEC members, when they're looking at a notice, may 4 want to do one based on any academic indicator, 5 where it's really not up to the standard they want.</p> <p>6 But in order not to get into the weeds 7 about were the governing board hours sufficient, or 8 was the six months counted right, so they're not 9 getting into an argument with -- PEC is not getting 10 into the argument with CSD and the schools, there 11 was a roll-up of organizational or financial.</p> <p>12 And that's as far as they were going to 13 go. CS- -- PEC wasn't going to go any further.</p> <p>14 MS. NAOMI DeVEAUX: What -- a roll-up 15 before this one. So you're saying a sub -- so, 16 like, they would say, "See..." -- yeah, I think 17 that's fine. So -- so we need to add -- so if I'm 18 hearing correctly, this is the overall evaluation, 19 and you would also like to have a sub-evaluation of 20 their academic.</p> <p>21 MS. JULIA BARNES: No. Of the other two.</p> <p>22 MS. NAOMI DeVEAUX: Of just the other two. 23 Well, wouldn't you want all three?</p> <p>24 MS. JULIA BARNES: Well, I think the PEC, 25 in the subcommittee, decided that where they don't</p>
<p style="text-align: right;">147</p> <p>1 MS. NAOMI DeVEAUX: I love the way you're 2 thinking, Commissioner Gipson, and I'm going to take 3 it a step further. Why not keep the renewal 4 language exclusively in the rule, remove it from 5 here altogether, so that this is allowed just to 6 say -- so blue can be Exceeds or Exceptional. Green 7 is Meet -- so that here, your overall evaluation is 8 a -- a designation.</p> <p>9 That's actually really coming from PED 10 more than the Commission in many ways; right? 11 You're saying, "Here's how you did and we think of 12 your performance."</p> <p>13 And then in the rule -- and Julia would 14 have to -- in the rule, you would have to say, "If 15 you have three reds..." -- whatever we decide that 16 is -- "...that would mean a..." -- and then you can 17 put that in that language, and within those years 18 where -- and that's a Commission sort of driven 19 action.</p> <p>20 MS. JULIA BARNES: That's going to work. 21 That's going to work great.</p> <p>22 The second thing, though, that I want to 23 say is that in order to not have PEC get into the 24 weeds, we had wanted there to be a roll-up, a 25 scoring of organizational and financial on one of</p>	<p style="text-align: right;">149</p> <p>1 want to get into the weeds on organizational or 2 financial and argue about governing board hours. 3 They very well may want to give a notice if one of 4 the academic indicators fell off the track.</p> <p>5 DIRECTOR CORINA CHAVEZ: Where are you 6 looking at the rule, Julia?</p> <p>7 MS. JULIA BARNES: The definition of 8 "Unsatisfactory Performance."</p> <p>9 DIRECTOR CORINA CHAVEZ: And then I also 10 think the yellow can stay Working to Meet.</p> <p>11 MS. NAOMI DeVEAUX: That's the language 12 in -- I wanted to keep this separate from what we 13 call these -- our language here. I guess we could. 14 Exceeds. Meets. Does that sound Working to Meet or 15 Approaching? Which -- which -- I'm completely 16 agnostic. Working to Meet?</p> <p>17 COMMISSIONER BURT: Keep it consistent 18 with Working to Meet, yeah.</p> <p>19 MS. NAOMI DeVEAUX: Working to Meet. And 20 the other with the red would be what? Does Not Meet 21 Performance Expectations?</p> <p>22 DIRECTOR CORINA CHAVEZ: The rule says 23 "Unsatisfactory Performance is a designation in the 24 final annual report." 25 MS. JULIA BARNES: Based on the</p>

<p style="text-align: right;">150</p> <p>1 performance framework.</p> <p>2 DIRECTOR CORINA CHAVEZ: Unsatisfactory</p> <p>3 Performance means "Fails to meet on any academic</p> <p>4 indicator or an overall designation identified by</p> <p>5 the division on the organizational and financial</p> <p>6 sections."</p> <p>7 MS. JULIA BARNES: Right. So you're going</p> <p>8 to do a roll-up of organizational and financial.</p> <p>9 The PEC is not going to get into the weeds on those.</p> <p>10 But the PEC could issue a notice on any academic --</p> <p>11 any one academic that Falls Far Below.</p> <p>12 MS. NAOMI DeVEAUX: So it -- (inaudible)</p> <p>13 if we have to, because we built that into this. The</p> <p>14 way we did -- we met that concern by saying, "You</p> <p>15 can be -- you can be -- you can earn this level of</p> <p>16 yellow or green with having, like, a Does Not Meet</p> <p>17 in the financial or the..." -- we weighted academics</p> <p>18 so much more than the other two.</p> <p>19 So I'm worried about playing with the</p> <p>20 other two, because it will bring light to -- it</p> <p>21 brings more light to them and more scrutiny than the</p> <p>22 way we've done it here, where they're embedded in</p> <p>23 this overall score, and they're weighted at a</p> <p>24 different -- it's a different scale.</p> <p>25 You have to earn eight Does Not Meets</p>	<p style="text-align: right;">152</p> <p>1 consistent with not getting into the weeds.</p> <p>2 MS. NAOMI DeVEAUX: Yes.</p> <p>3 THE CHAIR: Commissioner Carrillo, go</p> <p>4 ahead and jump in.</p> <p>5 COMMISSIONER CARRILLO: Really quickly.</p> <p>6 Did you mean that to say "expeditions" instead of</p> <p>7 "expectations"?</p> <p>8 MS. NAOMI DeVEAUX: No, I did not.</p> <p>9 COMMISSIONER CARRILLO: Okay. I was</p> <p>10 just -- I read that and said, "Maybe I just missed</p> <p>11 something."</p> <p>12 MS. NAOMI DeVEAUX: No, you did not.</p> <p>13 Thank you.</p> <p>14 All right.</p> <p>15 COMMISSIONER GIPSON: And you need to take</p> <p>16 out the "Not on Track for Renewal" from the Workings</p> <p>17 To Meet Performance, that last sentence there.</p> <p>18 MS. NAOMI DeVEAUX: Okay. Thank you.</p> <p>19 MS. JULIA BARNES: I think we --</p> <p>20 DIRECTOR CORINA CHAVEZ: Just real</p> <p>21 quickly, on the not getting into the weeds, I don't</p> <p>22 know if this aligns with that. But just so you</p> <p>23 know, when we looked at the academic performance</p> <p>24 indicators and talked about the expectations in this</p> <p>25 performance framework, because we are looking at</p>
<p style="text-align: right;">151</p> <p>1 across the 16 indicators to get a Does Not Meet</p> <p>2 Performance Expectation. Like, there is no school</p> <p>3 right now that's close to that based on what Corina</p> <p>4 has given me.</p> <p>5 And -- but you could do it with only three</p> <p>6 in -- out of the five academics. So, like, it's</p> <p>7 immediate. If they're academically low performing,</p> <p>8 you're on them.</p> <p>9 But they could be -- you are not going</p> <p>10 to -- unless they're really, really messing up with</p> <p>11 all of their operations and finance, this is -- so I</p> <p>12 would just wonder if the rule making could be</p> <p>13 adjusted to just -- to remove that. Otherwise,</p> <p>14 you're going to elevate the fact that there might be</p> <p>15 somewhat a school that --</p> <p>16 MS. JULIA BARNES: Yeah, we could do it --</p> <p>17 if we do it along the criteria of what the</p> <p>18 subcommittee was talking about, it would be on any</p> <p>19 academic indicator that is Working to Meet or Does</p> <p>20 Not Meet Performance, they can get a notice. And,</p> <p>21 second, could be aligned with this Working to Meet</p> <p>22 or Does Not Meet Performance on the overall</p> <p>23 evaluation.</p> <p>24 That would probably work. I can't see all</p> <p>25 the subcommittee members. But that would be</p>	<p style="text-align: right;">153</p> <p>1 subgroups, it could be harder for the schools to</p> <p>2 meet the expectations.</p> <p>3 And I don't know if that's getting into</p> <p>4 the weeds, if it aligns with that, or not.</p> <p>5 But just so you know, schools are doing</p> <p>6 all right meeting the reading. They're struggling</p> <p>7 with math. And then when we break it down by</p> <p>8 subgroup, there's even more struggle.</p> <p>9 MS. NAOMI DeVEAUX: I think what you're</p> <p>10 going to find is, when I looked at it briefly -- and</p> <p>11 I did not -- I mean, I got it -- yeah.</p> <p>12 Many of your schools with academic</p> <p>13 concerns are going to fall under the Working to Meet</p> <p>14 Performance Expectations, which is what you would</p> <p>15 then track to Renewal with Conditions, which is what</p> <p>16 the subcommittee here really wanted, that sort of</p> <p>17 extra oversight for those schools that are not</p> <p>18 making all their academics.</p> <p>19 And there are very few schools that are</p> <p>20 meeting performance expectations right now and</p> <p>21 exceeding performance expectations. And I think --</p> <p>22 on everything; right? But those that are, in</p> <p>23 academics, meet everything, and then having some</p> <p>24 areas of concern in the financial or the</p> <p>25 operational, they're still getting the expedited --</p>

<p style="text-align: right;">154</p> <p>1 not the expedited -- but they're going through 2 renewal.</p> <p>3 MS. JULIA BARNES: How many schools don't 4 meet their performance criteria once you add in 5 growth?</p> <p>6 DIRECTOR CORINA CHAVEZ: Okay. So I'm 7 looking at our run with the State Accountability, 8 and this is Option 1A, which uses the 76th to 99th 9 percentile for Exceed, 51st to 75 for Meets, 26 to 10 50 for --</p> <p>11 MS. NAOMI DeVEAUX: Can we just share my 12 screen? Do you want me to share my screen so they 13 can see what you're looking at?</p> <p>14 DIRECTOR CORINA CHAVEZ: Sure. It's a 15 pretty even split, actually. Like, a quarter, a 16 quarter, and a quarter.</p> <p>17 MS. NAOMI DeVEAUX: It's more than that. 18 It's a third are exceeding -- if you look at it -- I 19 would say -- I looked at it and said between -- you 20 know --</p> <p>21 DIRECTOR CORINA CHAVEZ: I'm looking at an 22 older one, I think. Actually, I think we should 23 have -- we should have Kyle give the --</p> <p>24 MS. NAOMI DeVEAUX: I'm a little 25 nervous -- so this is -- just know. There are no</p>	<p style="text-align: right;">156</p> <p>1 It's not, "This is the only way." So now, these 2 schools, you can focus on them and say, "Okay, let's 3 come up with some other measures and hope that 4 you'll now be in the Meets and Exceeds side of 5 this."</p> <p>6 So I was really happy with these results. 7 COMMISSIONER GIPSON: Yeah.</p> <p>8 MS. NAOMI DeVEAUX: I don't know if there 9 were -- I think participation rates already -- we 10 talked about whether that should be at 95 percent, 11 Exceeds and Meets well above -- you know, this is 12 set at the 95 percent. So this is the 85 percent. 13 11 percent of your schools are below 85 percent on 14 the state assessment right now.</p> <p>15 So, again, we're not talking about many. 16 And then you can hone in on those and make 17 sure --</p> <p>18 COMMISSIONER GIPSON: Right. 19 MS. NAOMI DeVEAUX: Mission-specific 20 goals. Again, I'm not sure if they were using the 21 RBA model. I don't know what is happen- -- what 22 these are now, so if this is academic performance 23 data. But most of the schools were meeting their 24 goals.</p> <p>25 MR. KYLE WOOD: I can speak to that. We</p>
<p style="text-align: right;">155</p> <p>1 business rules here. So I'm not sure how everything 2 was run.</p> <p>3 So I just want to put a big caveat. This 4 is amazing that this was done, but I have no idea 5 how. So the Exceeds and Meets, like, that half of 6 your schools are there is awesome; right? And then 7 there's Working to Meet, you have only less than a 8 quarter Does Not.</p> <p>9 COMMISSIONER GIPSON: Right.</p> <p>10 MS. NAOMI DeVEAUX: And I think that 11 really tracks with what you wanted. This is the 12 State Accountability. So this means, you know, for 13 the schools that are listening, you have no 14 reason -- if you're in the Exceeds or Meets, you 15 don't have to do Option 2 or 3. Like, you're fine. 16 And that's really what we wanted.</p> <p>17 And then the second one -- no, that's 18 State Accountability.</p> <p>19 DIRECTOR CORINA CHAVEZ: Special groups. 20 We don't have that.</p> <p>21 MS. NAOMI DeVEAUX: We don't have -- we 22 don't know what would happen if they chose Option 2 23 or 3. But what is really important is Option 2 and 24 3 is open to these schools. 25 It's not a -- it's not a death sentence.</p>	<p style="text-align: right;">157</p> <p>1 just plugged these in from 2021-'22 ratings. And 2 there was no Working to Meet. There was -- yeah, 3 so --</p> <p>4 MS. NAOMI DeVEAUX: Thank you.</p> <p>5 MS. JULIA BARNES: Why was 15 percent in 6 some other category? What's "Other"?</p> <p>7 DIRECTOR CORINA CHAVEZ: Some schools 8 didn't have mission-specific goals.</p> <p>9 MS. JULIA BARNES: So Not Applicable, 10 really. Is that what it means? Not -- there aren't 11 any? Or is there any reason for Other?</p> <p>12 MS. NAOMI DeVEAUX: That's an N/A.</p> <p>13 MS. JULIA BARNES: Not Applicable?</p> <p>14 MS. NAOMI DeVEAUX: Yeah. I wouldn't take 15 too much stock in the mission, because there's a 16 whole new process for them to do that; so -- yeah. 17 This is 2B. This is the education program. 18 Everyone was meeting it, I guess, so...</p> <p>19 DIRECTOR CORINA CHAVEZ: They did very 20 well.</p> <p>21 MS. NAOMI DeVEAUX: Yeah. And this is one 22 people were worried about. So there's really --</p> <p>23 DIRECTOR CORINA CHAVEZ: With the language 24 in the contract, it aligns perfectly with the 25 indicator that we have right now. I think it's --</p>

<p style="text-align: right;">158</p> <p>1 MS. NAOMI DeVEAUX: So the one that is 2 worth consideration of what our targets are is the 3 re-enrollment rate. 4 So we set really high expectations for 5 students to come back to the school. And we did get 6 feedback that, you know, this was really hard. 7 So I think that this is a moment to 8 consider, you know, do you pilot this, or do you 9 hold schools harmless if they fall in the Does Not 10 Meet for one year? 11 Just -- so give them the data, let them 12 see, but then hold them harmless for one year, just, 13 so that year, not penalizing a school that's just 14 trying to figure things out. 15 Commissioner Gipson. 16 COMMISSIONER GIPSON: This is one of those 17 areas that's really hard, because we're -- schools 18 are still coming back from COVID, and families are 19 still coming back and feeling more comfortable. 20 So I'd lean towards holding them harmless 21 for a year, just to see. Because I think after next 22 year, there should be a stabilization of, you know, 23 where kids are sitting in a -- you know, in a school 24 seat. So I'm comfortable with that. 25 DIRECTOR CORINA CHAVEZ: So I also want to</p>	<p style="text-align: right;">160</p> <p>1 This is about the environment of the 2 school, how many of those kids that chose that 3 school in year one decided to come back in year two. 4 COMMISSIONER GIPSON: Right. 5 MS. NAOMI DeVEAUX: So it's a different 6 way of thinking about it when -- I don't know. I 7 personally -- my personal opinion, it's -- there are 8 very few people who leave a school in the middle of 9 the year, and when they do, that's, like, huge, huge 10 concern. 11 But where you see a value of a school is 12 when a family says, "I'm not coming back next year. 13 Like, I'm going to take my kid out, and we're going 14 to a different school, and I'm going to go to 15 private school, I'm going to homeschool, I'm going 16 to go back to a district or a neighborhood school." 17 COMMISSIONER GIPSON: And that's 18 specifically what we were trying to target and have 19 that conversation with schools is how come they're 20 not coming back for that second or third year, yeah. 21 MS. NAOMI DeVEAUX: Because you can churn 22 kids out, like, "Oh, they're here for a year," you 23 treat the families poorly, and they leave. 24 Or there are good reasons to leave. What 25 this does not consider are all of the exceptions;</p>
<p style="text-align: right;">159</p> <p>1 say that this is one of the areas that is described 2 in statute that we need to track. And the way that 3 we're defining it in the performance framework isn't 4 a perfect alignment with the way that it's worded in 5 statute. 6 So we may want to look at the definitions 7 and compare results, so that instead of 40th day to 8 40th day, or end of the year to end of the year, it 9 is looked at in a different way that actually aligns 10 better with statute. 11 And I don't know if, Kyle, you want to 12 give a voiceover if you have that memorized. If you 13 don't, don't worry. But I think -- 14 MS. NAOMI DeVEAUX: I do. And I want 15 to -- I want to make sure -- 16 DIRECTOR CORINA CHAVEZ: I know, Naomi, 17 you feel strongly about the way that -- 18 MS. NAOMI DeVEAUX: It's a different -- 19 it's a different measurement. 20 DIRECTOR CORINA CHAVEZ: It is a different 21 measurement. 22 MS. NAOMI DeVEAUX: What percent of 23 students were there at the beginning of the year are 24 there at the end of the year. That's the 25 measurement.</p>	<p style="text-align: right;">161</p> <p>1 right? So we haven't done this (inaudible). 2 What would you do if a family of five 3 leave? Okay. Maybe they only count as one instead 4 of five. 5 'Cause I think there are things we have to 6 consider when building this type of a thing. 7 But in terms of what Director Chavez is 8 saying, you also may need to be -- you know, you 9 have to monitor the other as well. And that is 10 included in this. It's a subset of this. You would 11 just do a -- 12 COMMISSIONER GIPSON: Yeah. And by 13 holding them harmless for the year doesn't mean 14 we're not tracking them. It just means that they're 15 not going to be dinged for it that year. 16 THE CHAIR: Vice Chair Burt. Then 17 Director Chavez. 18 COMMISSIONER BURT: I guess I'm also just 19 wondering if, like, the 85 percent is the right 20 number for Meets. 21 Because I'm -- and, I mean, I don't have 22 this, so I can't, like, look through it. But it 23 just -- just from what I can see on the screen, it 24 looks like there's quite a few that if it was, like, 25 80 percent, they would have Meets. And I wonder how</p>

<p style="text-align: right;">162</p> <p>1 much.</p> <p>2 That amount of yellow is concerning to me</p> <p>3 even -- like, that's -- that amount of yellow is</p> <p>4 concerning to me. So I'm also thinking, like, the</p> <p>5 reason I wanted this data to look at now is to see</p> <p>6 if our percentages made sense. And to me, it could</p> <p>7 be -- I'm actually not as concerned about the Does</p> <p>8 Not Meet. If there's -- like, 13 percent to me is</p> <p>9 not a significant enough amount to feel like that</p> <p>10 less than 67 percent is -- is a bad bar.</p> <p>11 But I'm wondering if the 85 percent going</p> <p>12 down to 80, how significant -- how many of the</p> <p>13 yellows would get Meets, and if that's a more</p> <p>14 attainable --</p> <p>15 MS. NAOMI DeVEAUX: I just changed it to</p> <p>16 80 percent.</p> <p>17 COMMISSIONER BURT: To me, this actually</p> <p>18 looks more appropriate. But, once again, I'm</p> <p>19 also -- I'm interested -- I don't know how we could</p> <p>20 do this. But I think Commissioner Gipson is right</p> <p>21 with, like, going one year, because I do think</p> <p>22 this -- I think it's correct that, like, this --</p> <p>23 well, actually, I guess -- I'm going to say next</p> <p>24 school year, when this would be implemented next</p> <p>25 school year, I think we're trending towards the --</p>	<p style="text-align: right;">164</p> <p>1 to a middle school or something like that?</p> <p>2 MR. KYLE WOOD: That's the thing. The</p> <p>3 confidence level on some of these is a little rough,</p> <p>4 because, like you said, business rules largely</p> <p>5 weren't the -- haven't been considered. This is to</p> <p>6 kind of give us a rough estimate of ratings for now.</p> <p>7 MS. NAOMI DeVEAUX: I think we should run</p> <p>8 this again for business rules when we've figured out</p> <p>9 how to handle different situations. And then -- and</p> <p>10 then we run, and somewhere between 80 and 85 percent</p> <p>11 is going to be your cutoff is my guess.</p> <p>12 THE CHAIR: Naomi, can you go back -- so I</p> <p>13 see the results for these -- like, what happened to</p> <p>14 the Working to Meet and Meets? Can you go back and</p> <p>15 see where it was in the natural state that we</p> <p>16 started, just to see the -- I can't remember what it</p> <p>17 was.</p> <p>18 DIRECTOR CORINA CHAVEZ: It was 85 instead</p> <p>19 of --</p> <p>20 THE CHAIR: There you go. That's a pretty</p> <p>21 significant shift. And then I just think about,</p> <p>22 like, if that is -- Bekka, to your point, and to</p> <p>23 Commissioner Gipson's point, we're not in -- these</p> <p>24 aren't normal standards to use to make a decision.</p> <p>25 So 85 might actually be, in a normal year, the right</p>
<p style="text-align: right;">163</p> <p>1 we're in a consistent space.</p> <p>2 I feel, like, this is kind of like would</p> <p>3 be one of the last years I would like to, like, hold</p> <p>4 harmless if it was implemented this year. But I</p> <p>5 think next year, with it being -- I'm actually</p> <p>6 feeling like next year could be, like, more</p> <p>7 consistent.</p> <p>8 So I would say, like, for me, having one</p> <p>9 year as a hold harmless would be more to allow to</p> <p>10 see if our percentages are correct and less that</p> <p>11 it's about family turmoil still right now.</p> <p>12 But I still -- I'm just concerned --</p> <p>13 because I do think this is old data now, basically.</p> <p>14 This is turmoil data. And I don't know if it's</p> <p>15 necessarily great to make that decision -- but you</p> <p>16 did say this is '21-'22; is that right, Corina?</p> <p>17 This isn't 2018-'19?</p> <p>18 MR. KYLE WOOD: This data is pulled from</p> <p>19 this year, some of the ones that we looked at. All</p> <p>20 we had to work with was '21-'22.</p> <p>21 MS. NAOMI DeVEAUX: And I'll thank you for</p> <p>22 clarifying.</p> <p>23 Does this include -- how did you handle</p> <p>24 students who were in, like, fifth grade? Did you</p> <p>25 remove kids who would have been in a natural cutoff</p>	<p style="text-align: right;">165</p> <p>1 thing.</p> <p>2 So I think piloting it, and if it's --</p> <p>3 behooves the Commission to think about considering</p> <p>4 shifts in that original number, if we're, like,</p> <p>5 knocking it out of the park and everyone is meeting</p> <p>6 this, we make it meaningful and action-oriented for</p> <p>7 schools to learn from as well. So, anyhow.</p> <p>8 (Simultaneous speaking of multi-speakers.)</p> <p>9 COMMISSIONER BURT: I don't know what it</p> <p>10 looks like, from Julia's perspective, with contract</p> <p>11 negotiations. Once it's in their contract, for us</p> <p>12 to say, "We don't know if we're going to keep it as</p> <p>13 80 or 85, we want to figure it out for a year." I</p> <p>14 don't know what that might -- we have to consider,</p> <p>15 like, it being part of their contract.</p> <p>16 THE CHAIR: I think Corina was saying</p> <p>17 something, too.</p> <p>18 DIRECTOR CORINA CHAVEZ: A couple of</p> <p>19 things is the Commission can always decide to hold</p> <p>20 harmless an indicator, especially if we aren't</p> <p>21 certain that it's fair to the schools.</p> <p>22 The other thing I wanted to say is that,</p> <p>23 again, this was a rough estimate, not taking into</p> <p>24 consideration some of the language that we -- that</p> <p>25 the Commission had discussed before, such as we know</p>

<p style="text-align: right;">166</p> <p>1 a lot of schools that students shift school at when 2 they go to high school. They want to go to prom; 3 they want to be on the football team. 4 So the business rules have an impact here, 5 and that wasn't calculated into this mix. 6 We had a very short timeline to get you as 7 much information as we could. I think that the data 8 that Kyle has given us is tremendous. 9 But this would change once we took into 10 consideration those factors. 11 MS. JULIA BARNES: This is Julia. The one 12 thing to go back to what Bekka was just saying, this 13 is the one indicator -- and I can't remember what 14 you've done about it. But I can envision a school 15 coming to the negotiation and saying, "We lose kids 16 in fourth grade because..." blah-blah-blah, whatever 17 it -- whatever reason they want to give to you as to 18 why they lose kids that doesn't have anything to do 19 with their school. 20 So that... 21 DIRECTOR CORINA CHAVEZ: That's what we 22 were just talking about, Julia, that actually the 23 Commission came up with some language last time that 24 didn't get calculated here. 25 MS. JULIA BARNES: Yeah. But they've set</p>	<p style="text-align: right;">168</p> <p>1 lower stakes; right? So you haven't put the same 2 high-stakes emphasis as you had for academics. One 3 option. 4 Another option: A waiver process should 5 be part of the business rules. And that's 6 usually -- there are lots of reasons we'll never be 7 able to figure out right now for families to need to 8 leave a school that we wouldn't consider -- you 9 know, there's obvious ones of moving out of 10 jurisdiction, and, you know, change of circumstances 11 in the family. 12 But then there are these things that come 13 up. 14 And so I think that there needs to be a 15 process for student by student, a process that the 16 PED conducts with all the schools every year when 17 they do this, when they calculated this, to remove 18 some of these students that meet -- that meet the -- 19 some -- you know, that have a real authentic reason 20 not to be counted. 21 And it could be -- for example, in one 22 place I'm working with, there are magnet schools 23 that once a kid gets into a magnet school, that 24 feeder school, they're all going to go. And that's 25 a really good positive outcome for the kids, and the</p>
<p style="text-align: right;">167</p> <p>1 some criteria, like, not when you move to middle 2 school or not when you move to high school. I 3 understand that. And it's not calculated here. I 4 follow that. 5 What I still keep thinking is that an 6 individual charter school could come to the contract 7 negotiations and say, "Here's the deal. In my 8 school, we lose kids that doesn't have anything to 9 do with us in third grade." For whatever reason, I 10 don't know, whatever it is that they want to bring 11 forward, that I think a school ought to be able to 12 at least raise that unusual circumstance for their 13 school as part of contract negotiations, because 14 they would be raising, "This indicator isn't 15 assessing us correctly because of the following 16 specific things. (Inaudible due to simultaneous 17 speaking.) 18 MS. NAOMI DeVEAUX: So a couple of things 19 in practice. This is -- this is -- which section is 20 this one in? I forget. Is this in operations or 21 academic? 22 COMMISSIONER BURT: Academic. 23 MS. NAOMI DeVEAUX: You could move it to 24 operations if you wanted to. 25 And then the Working To Meet has got a</p>	<p style="text-align: right;">169</p> <p>1 charter recognized that, so you don't want to 2 penalize the family for making that choice, or the 3 school, because they lost the kid to the magnet 4 school. 5 MS. JULIA BARNES: That's a good example. 6 If there's an ability for the school to 7 make a case -- and then I think that that is 8 adequate. If you've got these numbers set pretty 9 well -- it sounds like you're looking at it -- but a 10 school needs to be able to come in and say, "We're 11 different," or whatever the thing is, and they're 12 likely to do a contract negotiation. 13 MS. NAOMI DeVEAUX: Well, I would do an 14 annual -- the school won't think of everything. You 15 know, there is going to be that year where something 16 happens in a family with eight kids. You know, 17 something happens, and they leave, and now you have 18 eight kids, and it's going to put them in the Does 19 Not Meet, and you'll want to have a waiver for that. 20 You'll want to be able to talk to that school and be 21 able to make a decision that you could -- that would 22 justify, you know, what happened. 23 So I think -- I think that in that would 24 be a process that we need to develop in the business 25 rules, and that would be codified in the charter</p>

<p style="text-align: right;">170</p> <p>1 agreement.</p> <p>2 MS. JULIA BARNES: Sure. Or either way,</p> <p>3 you know, annually, or if the school wanted to</p> <p>4 negotiate it.</p> <p>5 Part of the criticism I hear is that -- is</p> <p>6 that these are hard and fast, and what is the</p> <p>7 contract negotiation, and it's not a true contract</p> <p>8 negotiation because 95 percent of everything is off</p> <p>9 the table. And I hear that.</p> <p>10 MS. NAOMI DeVEAUX: Right. And the power</p> <p>11 dynamic. They want their school. And it's a lot.</p> <p>12 Yeah.</p> <p>13 So...</p> <p>14 MS. JULIA BARNES: Yeah. And then there</p> <p>15 was -- so I'm fine with that.</p> <p>16 There was one other one that I just wanted</p> <p>17 to make sure however you guys addressed it. And it</p> <p>18 has to do with the growth indicators.</p> <p>19 COMMISSIONER BURT: I still have another</p> <p>20 comment on this one, before we go to growth.</p> <p>21 THE CHAIR: Go ahead, Vice Chair Burt.</p> <p>22 COMMISSIONER BURT: I'm kind of interested</p> <p>23 in moving this to organizational. And I'm wondering</p> <p>24 if there's other Commissioners who might think so,</p> <p>25 because I'm wondering if it's really truly an</p>	<p style="text-align: right;">172</p> <p>1 like -- but if the Working to Meet -- if this is a</p> <p>2 pretty high bar -- I'm just wondering if the bar is</p> <p>3 set to where a Working to Meet is very damaging in</p> <p>4 this case.</p> <p>5 Because if there -- if they get a Working</p> <p>6 to Meet in this area, they're not going to qualify</p> <p>7 for expedited renewal, or they're not going to get a</p> <p>8 Meets or -- you know, it's actually a -- it's a much</p> <p>9 higher stake thing than academic. It's an important</p> <p>10 indicator. I've said the same thing you've said</p> <p>11 about this indicator. That's why I believe in this</p> <p>12 indicator.</p> <p>13 But when you said it's -- like, it's in a</p> <p>14 very high-stakes position in academics. And I just</p> <p>15 wonder if it would be better suited to allow for</p> <p>16 schools to get that Working to Meet in this</p> <p>17 indicator.</p> <p>18 MS. NAOMI DeVEAUX: I would personally</p> <p>19 rather you make it at 80 percent, you lower it, so</p> <p>20 you get more Meets.</p> <p>21 COMMISSIONER BURT: And then keep it in</p> <p>22 academic?</p> <p>23 MS. NAOMI DeVEAUX: (Inaudible due to</p> <p>24 simultaneous speaking) percent or more of their</p> <p>25 eligible kids. You want to be able to look under</p>
<p style="text-align: right;">171</p> <p>1 indicator of academics.</p> <p>2 You could have a school with really high</p> <p>3 academics, and they're losing kids, but it's not</p> <p>4 because of their poor academics; it is because of</p> <p>5 their culture.</p> <p>6 MS. NAOMI DeVEAUX: Which is, to me --</p> <p>7 this is an equity one for me, because it's</p> <p>8 (inaudible) the high academic schools, the</p> <p>9 no-excuses type, they're losing their kids because</p> <p>10 they're not welcome there, and so they're not coming</p> <p>11 back.</p> <p>12 So we put this in Academic, because if it</p> <p>13 was such an equity measure that your -- all kids,</p> <p>14 students with disabilities, English Learners,</p> <p>15 everyone who comes to your school, needs to stay,</p> <p>16 and you can't create your environment that allows</p> <p>17 for kids to move out.</p> <p>18 So I don't --</p> <p>19 COMMISSIONER BURT: That's what my --</p> <p>20 that's what I thought. That's what I've said as</p> <p>21 well about this indicator.</p> <p>22 I'm still just wondering if it should be,</p> <p>23 instead of organizational, to allow for the Working</p> <p>24 to Meet indicator to not be as damaging -- I don't</p> <p>25 know the right terminology to use to it. But</p>	<p style="text-align: right;">173</p> <p>1 the hood. This is your opportunity to look under</p> <p>2 the hood and say, "Who are you losing and why," and</p> <p>3 have that conversation with the school.</p> <p>4 COMMISSIONER BURT: That's true. So do</p> <p>5 you think -- Corina, do you think we would be able</p> <p>6 to, like, figure out and run -- like, I just don't</p> <p>7 want this to hold up, like, the whole performance</p> <p>8 framework, if this is -- if this is one place.</p> <p>9 Do you think we would be able to get,</p> <p>10 like, a -- some kind of confirmation of what either</p> <p>11 80 or 85 percent looks like by next week with --</p> <p>12 including, like, taking out those, like,</p> <p>13 transitioning fifth to sixth graders, taking out the</p> <p>14 eighth to ninth graders from schools, (inaudible)</p> <p>15 those students from the calculation?</p> <p>16 DIRECTOR CORINA CHAVEZ: Changing the</p> <p>17 targets is easy. What's not so easy is looking at</p> <p>18 those breaks. Kyle, I don't know if you want to add</p> <p>19 anymore.</p> <p>20 MR. KYLE WOOD: Sure.</p> <p>21 COMMISSIONER BURT: Don't we just take out</p> <p>22 those kids?</p> <p>23 MR. KYLE WOOD: Yeah. Basically, we don't</p> <p>24 have access to student-level data like that. So we</p> <p>25 would have to get with the S.T.A.R.S. team to create</p>

<p style="text-align: right;">174</p> <p>1 a brand new report.</p> <p>2 And I could get on that right away. How</p> <p>3 fast they'll get it to us, I'm not sure.</p> <p>4 COMMISSIONER BURT: Sounds like Chair</p> <p>5 Brauer needs to call the new Secretary and ask for</p> <p>6 some data. That's the only thing is I'm very</p> <p>7 concerned about -- I would be concerned voting on</p> <p>8 the entirety of this with this being kind of, for</p> <p>9 me, a little bit unsorted through.</p> <p>10 Because I just don't -- like, I still -- I</p> <p>11 guess I'm still unclear how we can -- I'm just</p> <p>12 thinking contract negotiations, and we tell schools</p> <p>13 "Okay, we're going to do this..." -- I guess I don't</p> <p>14 know.</p> <p>15 Like, how do you -- if we don't even know</p> <p>16 if it should be 80 or 85 percent until after a year,</p> <p>17 how do we write that into a contract, and how does</p> <p>18 it work? And it feels -- it feels -- I don't -- to</p> <p>19 me, it diminishes, like, the integrity of the</p> <p>20 performance framework to have the -- like, something</p> <p>21 seemingly kind of simple -- because maybe we're</p> <p>22 just, like, we're close to it, but not quite right.</p> <p>23 But it makes it feel like we're not ready to not</p> <p>24 have it.</p> <p>25 THE CHAIR: Thank you, Vice Chair.</p>	<p style="text-align: right;">176</p> <p>1 of that is just, like, connected to academics here,</p> <p>2 we would have to fine-tune all that language in</p> <p>3 there as well just to make it, like, align to, like,</p> <p>4 an organizational component.</p> <p>5 We do have, in the financials, the</p> <p>6 enrollment. So not putting another enrollment kind</p> <p>7 of standard into the -- into the -- to that part may</p> <p>8 be -- may pull back some of the clarity that we've</p> <p>9 been working on.</p> <p>10 And I would be much more in agreement to</p> <p>11 putting it at 80 percent. In my mind -- because I'm</p> <p>12 a simple-minded person, I'm, like, 90, 80, 70, just</p> <p>13 to make it look like parity and have, like, just</p> <p>14 round numbers. It didn't look like anyone was -- I</p> <p>15 didn't see many people close to the 70 percentile</p> <p>16 versus the 67. I don't know how that would mess up</p> <p>17 things.</p> <p>18 But it looked like people were -- some</p> <p>19 schools were a little bit lower than that. If they</p> <p>20 were below, if they were in the red. That was just</p> <p>21 at first blush. But that's a long way of saying I'm</p> <p>22 in agreement with the conversation. I'd rather have</p> <p>23 it stay here and lower the number and make it more</p> <p>24 doable.</p> <p>25 Naomi, I think you were talking.</p>
<p style="text-align: right;">175</p> <p>1 Commissioner Gipson.</p> <p>2 COMMISSIONER GIPSON: Yeah. I mean, I'm</p> <p>3 struggling with this in terms of -- with the</p> <p>4 percentage. I really would like to be comfortable</p> <p>5 with what that percentage should be before we go</p> <p>6 into contract negotiations. But I don't know if</p> <p>7 we're going to be.</p> <p>8 So I, you know, tend to support, if we</p> <p>9 have to, an 80 percent, not the 85 percent. I'm</p> <p>10 committed to keeping it where it is. I think it's</p> <p>11 really important for it to stay in the academic,</p> <p>12 because it is a high-stakes decision.</p> <p>13 But because of that, we need to be clear</p> <p>14 on what that information is that we're -- that's --</p> <p>15 you know that's the quandary there. It's really</p> <p>16 important. We put this in there and fought for this</p> <p>17 to be in that Academic for a specific reason.</p> <p>18 But 85 percent may be too high -- I mean,</p> <p>19 as it looks now, the 80 percent would probably be</p> <p>20 okay. So I think I'm leaning more towards just</p> <p>21 changing to the 80 percent. But I'm -- it's so --</p> <p>22 you know, I still have some agita.</p> <p>23 THE CHAIR: Commissioner Gipson, I agree.</p> <p>24 Bekka, your point is well-taken. I think that when</p> <p>25 it just says, like, learning environment, and a lot</p>	<p style="text-align: right;">177</p> <p>1 MS. NAOMI DeVEAUX: And so I think that's</p> <p>2 great to change to 80 percent. I -- I am -- I have</p> <p>3 sent to -- to Julia the -- the policy that we</p> <p>4 created in D.C. when we -- when we moved to a</p> <p>5 framework.</p> <p>6 We did not put in every charter agreement</p> <p>7 the goals, the targets, the specific -- the specific</p> <p>8 goals. Why? Because every year something came up.</p> <p>9 It might not have been the pandemic. But something</p> <p>10 came up that might have caused us to change a</p> <p>11 target, a floor, or something.</p> <p>12 Instead we have had the guide, the guide</p> <p>13 for the framework, and the schools elected to adopt</p> <p>14 the framework, and we just made sure we had a public</p> <p>15 comment period, and we made sure that was always out</p> <p>16 well in advance of the new school year so schools</p> <p>17 had an opportunity to amend what they had put in.</p> <p>18 But we didn't -- I caution putting in,</p> <p>19 like, the 85 percent or the 80 percent in the</p> <p>20 charter agreements when these are things that will</p> <p>21 fluctuate over time due to things that you have --</p> <p>22 that we can't imagine tomorrow will happen.</p> <p>23 MS. JULIA BARNES: The -- it's Julia. Our</p> <p>24 law requires that the performance framework be made</p> <p>25 a material term of the contract. So it -- it has to</p>

<p style="text-align: right;">178</p> <p>1 be one and done, or we have to go back to every 2 school and get an amendment. 3 I don't know that that answers all of 4 your -- all of your statement. It's not like each 5 year, "Oh, here's 2.0 or 3.0." And I'm not sure you 6 were saying that. 7 MS. NAOMI DeVEAUX: Just the same -- you 8 know what? We can talk offline, and we can share, 9 like, different approaches, 'cause -- 'cause I 10 think -- like, we -- our law was we had to renew 11 based on the goals in their charter agreement. 12 That's the law. Like, there was nothing else. So 13 we needed -- that had to be codified. 14 DIRECTOR CORINA CHAVEZ: Ours says there 15 has to be a performance framework. So I'm wondering 16 what the work-around on this is. And I do think 17 that the PEC might be able to say it's a 18 hold-harmless year for this indicator, or this 19 target might shift. But to negotiate with each 20 school a different target does make me feel a little 21 nervous. 22 And one of the thoughts that somebody 23 raised that I don't know if the PEC wants to take 24 into consideration is if there is a year in which 25 it's, like, a pilot using this new framework, I</p>	<p style="text-align: right;">180</p> <p>1 because then we're using this current performance 2 framework another -- in conjunction, on top of 3 another year -- like, it just -- to me, I think we 4 should just move. 5 I'm ready. I feel good that we can move 6 forward on it. And I think that -- like, it seems 7 appropriate -- the only -- the only thing that could 8 make me change my mind right now is if, like, there 9 was any -- if Kyle was able to get that data from 10 S.T.A.R.S. team really quickly and he's able to turn 11 it really fast, and he could tell us next week that 12 something is way off, then that could make a 13 difference. 14 But, otherwise, I feel like it's not -- 15 we're not making that big of an adjustment to me to 16 put off the whole thing or to -- but I think this 17 level of data allows us to make a better data-driven 18 decision because of the data that we do have. 19 But actually -- and I just think -- 20 honestly, I feel like if Kyle was able to look a 21 little bit deep and get some of those students 22 out -- it's going to increase. Like, it's going to 23 benefit schools. I don't think it's going to harm 24 them to add that additional information. 25 Like, that's what I feel like. But maybe</p>
<p style="text-align: right;">179</p> <p>1 don't know how that factors into contract 2 negotiations, because I know folks want to have this 3 done. 4 But I don't know where the school leaders 5 are, either, in terms of their feedback and how they 6 might feel about this. 7 THE CHAIR: Vice Chair Burt? 8 COMMISSIONER BURT: Thanks. I'm just 9 going to say I feel like, honestly, if we have, 10 like, kind of a consensus, or if there's other 11 Commissioners that feel like -- I feel like moving 12 to 80 percent feels right. 13 So let's say next year the world does even 14 out. Families start making more consistent choices 15 across the board, and more schools get Meets, then 16 this year, that's not a bad thing. That's not a 17 really bad thing. 18 And I don't think -- like, from 85 to 19 80 percent, we're not making a significant -- we're 20 not lowering the bar significantly to make it to 21 where we're, like, letting people get away with 22 things because of it. 23 I think it really does just balance the 24 data out, allows us to move forward. 25 I'm not super supportive of a pilot year,</p>	<p style="text-align: right;">181</p> <p>1 I'm incorrect, and maybe it's totally different. 2 But it seems like if you pull out students, it's 3 more likely that you're going to go up rather than 4 downward. That's where I'm coming from. 5 THE CHAIR: Sorry. Sorry. Commissioner 6 Gipson. 7 COMMISSIONER GIPSON: Yeah, I agree. I 8 think we just need to move on this now. Stick with 9 the 80 percent unless there's something -- and I 10 agree. I think more schools, if you factor out 11 the -- you know, those kids that transition to high 12 school and so on, it'll only help the school. It's 13 not going to hurt them. 14 So I think -- you know, and I agree. It's 15 not bad being in that yellow. So -- and I really -- 16 if I had agita about the numbers, I have real agita 17 about piloting. 18 So I just don't see how -- to me, you 19 know, now we're going five years down the road, and 20 people are saying, "Yeah, but that was a pilot year, 21 so early -- you know, how are you going to count 22 that?" 23 I can't see doing that with this. And I 24 think it would just send contract negotiations into 25 a mess.</p>

<p style="text-align: right;">182</p> <p>1 So we have to -- I've been at this too 2 long now. I mean, I -- seriously. This -- you 3 know, it's been two years we've been working on this 4 now? 5 So we need to -- you know, I can't say it 6 publicly what we need to do. So... 7 THE CHAIR: Commissioner Manis. 8 COMMISSIONER MANIS: Yeah, I agree. I 9 don't think that we need to do a pilot year. But I 10 just wanted to be clear on the re-enrollment 11 percentages. 12 Are we agreeing currently to change that 13 to 90/80/70? Or what is the consensus so I'm just 14 clear on my end? 15 COMMISSIONER BURT: I think that's right. 16 I don't mind -- I like Commissioner Brauer's idea of 17 making it just the straight numbers, yeah. 18 MS. NAOMI DeVEAUX: All right. 19 THE CHAIR: Julia, I see your hand up. 20 MS. JULIA BARNES: Yeah. I just -- and 21 maybe you've addressed it. It goes to growth. Or 22 it goes to subgroups. 23 I want to make sure, like, when you're 24 looking at boys, and you're looking at girls, and 25 boys and girls, in a school like 100 percent of the</p>	<p style="text-align: right;">184</p> <p>1 kids come back -- and yet when you split it between 2 boys and girls, they drop down a thing, because one 3 family left that had all girls. 4 I mean, I just want to make sure that some 5 of the scoring is getting -- all of it is getting at 6 what you want to be getting at. And maybe it's just 7 academics that you're looking at. 8 MS. NAOMI DeVEAUX: So I don't know if 9 Kyle has run all the other indicators by subgroups. 10 MR. KYLE WOOD: Yeah. For a few of them. 11 For this one, specifically, I was speaking with 12 Dr. Álvarez in Accountability. And he was very 13 clear that we need two years of consecutive testing 14 data to have -- to develop any kind of growth model. 15 MS. NAOMI DeVEAUX: So -- but did you run, 16 like, re-enrollment rate by student demographics? 17 MR. KYLE WOOD: Yes. It was far too 18 granular. I think hardly anyone met. 19 MS. NAOMI DeVEAUX: Yeah. This is why I 20 wanted this -- 21 COMMISSIONER MANIS: I didn't think we 22 were even using subgroups for re-enrollment. That's 23 not even a thing. That's why I'm kind of confused. 24 It's -- that's general. 25 MS. NAOMI DeVEAUX: It's not in -- what we</p>
<p style="text-align: right;">183</p> <p>1 kids, that there's -- the way that it's scored 2 doesn't give you different answers when you look at 3 the subgroups, so that if they are green when you 4 look at all kids in the school, and then you look at 5 boys versus girls, which is still all kids in the 6 school, they get a yellow. So I want to make sure 7 that -- 8 MS. NAOMI DeVEAUX: That could absolutely 9 happen. So if this school favors boys, it could 10 absolutely happen. And that's the point of this, 11 that you could find out, "Oh, great." 12 Like -- and this happens much more often 13 when a school has a majority of white population. 14 So, overall, great. Everyone looks great. When you 15 divide it up by race, it turns out only white 16 students are doing great. 17 And this happens nationally. So that's 18 the point of this, everyone. And it could 19 absolutely go into yellow or red. 20 MS. JULIA BARNES: And have you -- have 21 you run that to see how these things happen? 22 Because that just -- and maybe if it's just 23 academics. But if it's, like, re-enrollment, if 24 you're going to do that by subgroup, and you have 25 20 -- 20 kids, and 80 percent come back -- so 18</p>	<p style="text-align: right;">185</p> <p>1 had in an earlier version, it's been taken out. 2 MS. JULIA BARNES: Okay. So where is 3 growth? Just in academics? 4 MS. NAOMI DeVEAUX: Yeah. Yeah. 5 DIRECTOR CORINA CHAVEZ: Some groups are 6 also in proficiency, like overall proficiency also. 7 MS. NAOMI DeVEAUX: And that's a federal 8 requirement. So I.A. is all students, and then I.B. 9 is the subgroups; right? 10 MS. JULIA BARNES: And we have no idea how 11 the percentages roll out for subgroups. 12 MS. NAOMI DeVEAUX: Probably not. 13 DIRECTOR CORINA CHAVEZ: Not for growth. 14 But we have data talking about proficiencies. And 15 when we look at proficiencies, there are some gaps 16 in schools based on subgroup. 17 MS. JULIA BARNES: So no one is going to 18 exceed them in your accountability system because of 19 growth? Because you had to do all; right? 20 MR. KYLE WOOD: If you look at the 21 participation analysis that we did, that is an 22 example of an indicator with subgroups that we did 23 look at. 24 MS. JULIA BARNES: So Exceeds, though, 25 is -- well, it's Meets or Exceeds. So we don't know</p>

<p style="text-align: right;">186</p> <p>1 about meeting. But if no one is on a growth target, 2 then no one is going to exceed.</p> <p>3 MS. NAOMI DeVEAUX: Yeah. I would say 4 that the Commission -- and the subgroup that worked 5 on this set an extremely high bar for academics 6 overall, and, for Exceeds, is extremely high. And I 7 think the one that most schools are going to miss is 8 the 1.B., which is the subgroup growth data.</p> <p>9 MS. JULIA BARNES: So --</p> <p>10 MS. NAOMI DeVEAUX: And that's --</p> <p>11 MS. JULIA BARNES: No one's going to make 12 it? So then --</p> <p>13 MS. NAOMI DeVEAUX: I don't think that's 14 the right wording. I think that many are going to 15 fall into Working to Meet, which is what the 16 Commission -- my understanding is the Commission 17 wanted, because they wanted to have that. They 18 wanted to give a green light and wave someone 19 through a -- an expedited renewal without being able 20 to say to them, "Hey, you're going to get renewed, 21 but, look, we want to talk to you about the fact 22 that we see this achievement gap between your kids, 23 and it's a growth gap."</p> <p>24 So we've moved from achievement and said 25 that growth can happen, and you want to have that</p>	<p style="text-align: right;">188</p> <p>1 rank 50th year over year over year, we are not 2 conduits of change then. Like, we are conduits of 3 continuing mediocrity, or worse than that.</p> <p>4 And so we cannot, like, keep allowing to 5 be, like, "Well, nobody's -- we have to allow for 6 schools to make it."</p> <p>7 Like, we have to make it to where they -- 8 we can't make it to where all the schools look bad 9 or something. Like, you know, across our state, 10 like, we have to be honest about where we're at, and 11 we have to hold a higher bar, because, like, as 12 authorizers, the data shows that schools follow the 13 expectation of their authorizer, and the schools 14 tend to be as good as their authorizer's 15 expectations are.</p> <p>16 So if it comes out that nobody gets teal 17 because people are underserving subgroups over and 18 over and over again, they need to do better and stop 19 underserving subgroups in their school. We can't -- 20 I'm not -- like, for me, that's where I am -- like, 21 it's so easy for me to be, like, yeah, maybe nobody 22 does get expedited renewal. And you know what? 23 Maybe nobody is at the place right now in these 24 first five years to attain that.</p> <p>25 But ideally over time, with really high</p>
<p style="text-align: right;">187</p> <p>1 conversation.</p> <p>2 So I don't think it's fair at all to call 3 it -- you know, that they're not making it. They're 4 making it. But they might get a condition, or they 5 might at least have a conversation when it comes 6 time to renewal.</p> <p>7 MS. JULIA BARNES: I'm more talking about 8 the turquoise. It sounds to me like no one is going 9 to make turquoise, because you're not going to meet 10 or exceed on all performance areas.</p> <p>11 MS. NAOMI DeVEAUX: Well, I don't -- I 12 think that's a very skeptical -- like, very negative 13 way of thinking. I think you will have schools that 14 will do this well. Go ahead. Sorry.</p> <p>15 COMMISSIONER BURT: I guess -- the way 16 that -- and this is the way we kind of talked about 17 it in the working group, and I know we've talked 18 about it as a Commission before.</p> <p>19 If we're going to be, like, truth-tellers 20 in our performance framework, we have to be honest 21 with our ourselves as adults that, like, in 22 education nationally, New Mexico is ranking at the 23 bottom.</p> <p>24 So if we're going to sit there and tell 25 schools that they're exceptional, but we continue to</p>	<p style="text-align: right;">189</p> <p>1 standards, students are rising to that, and their 2 leaders are rising to that, and they're pushing 3 everyone.</p> <p>4 Like, we have to have the system change at 5 some point, because we keep getting 48th, 49th -- 6 we're fighting for the bottom three spots over and 7 over and over again. We have to do something 8 different at some point.</p> <p>9 So I think that's kind of where my, like, 10 personal, but also, like, I think as a Commission, 11 we've really -- like, the reason we're setting a 12 high bar is because our schools are 50th in the 13 country. And that's not okay for our New Mexico 14 students. Like, it's not okay for my kids to go to 15 school here, or -- I would need to move to another 16 state in order to get my students access to a 17 quality education? Like, that's not okay for 18 families.</p> <p>19 So I think for us, in the positions that 20 we hold, we can be conduits of high expectations and 21 change. And I think that's where the idea of having 22 these high expectations is coming from. Like, we 23 can't -- we don't have the ability -- we're not in 24 the top ten in the country. We don't have the 25 ability to, like, sit and wait for schools to -- the</p>

<p style="text-align: right;">190</p> <p>1 low schools to get better. Like, we need all of our 2 schools to feel an urgency, feel a pressure, in 3 order to, like, change, like, we have to do it at 4 some point. 5 So that's where I'm kind of like -- I have 6 this, like -- you know, we're taking a stand as a 7 Commission on, like, that we can be agents of high 8 academic achievement in charter schools. And that's 9 what charter schools in New Mexico can be known for, 10 of, like -- charter schools in New Mexico are super 11 high achieving. They're reaching -- like, I just 12 imagine the data that we can show that shows, "Look 13 at these charter schools that are showing that, 14 like, ethnicity doesn't matter, race doesn't matter, 15 ZIP Codes don't matter. Like, they are serving all 16 of their students well." 17 And if we don't look at it, and if we just 18 pretend like it's not -- like, we don't look at it 19 or, like, because everyone's not doing it well, we 20 don't evaluate it, we won't be able to see whether 21 the schools that are doing a really good job at it. 22 And so that's where I'm, like, really 23 adamant about keeping it and keeping it a high bar. 24 And I don't know which student groups we're going be 25 like, "Well, if you don't serve these student groups</p>	<p style="text-align: right;">192</p> <p>1 the bottom too easy." 2 And now it's, like, "I am not going to 3 make the top..." -- the top should be really hard to 4 get at, and schools should be absolutely celebrated 5 for doing that, which we don't do enough of. I 6 agree. We don't do enough of the celebration. 7 But it -- we should not be making it just, 8 "Oh, we have to have schools that get expedited 9 renewal." 10 So I'm comfortable with where we're at at 11 this point in time. And I don't want to -- I'm not 12 here to make it easier. We're under fire with a 13 lawsuit, and that's why we moved it to growth 14 instead of proficiency, because you should be able 15 to show growth easier than you can proficiency. 16 But once again, it's still growth towards 17 proficiency. And the bar has to stay high to make 18 sure schools are reaching that. So I'm not -- I'm 19 not going to compromise on that. 20 THE CHAIR: Naomi and then Vice Chair. 21 MS. NAOMI DeVEAUX: That -- I want to put 22 it in a different light. If you were to expedite a 23 renewal for a school who has an extreme achievement 24 gap, that is going to be blasted in the papers. And 25 that is something you're going to have to defend.</p>
<p style="text-align: right;">191</p> <p>1 as well as the others, that's okay. We'll give you 2 a Meets, because it's just one student group you're 3 underserving." 4 But that's kind of the mindset I have 5 behind it. Every student group deserves -- I don't 6 know a student group that shouldn't be attaining 7 proficiency at some point or growing. And actually 8 I should say growing. This is about growth only, 9 too. It's not about proficiency. Every student 10 group in a school can grow, every single one. 11 And if anyone would like to tell me 12 publicly which student group can't grow, and we 13 should remove it, by all means, say it. But I don't 14 see a student group that can't do it. So that's 15 where I'm at on it. 16 THE CHAIR: Commissioner Gipson. 17 COMMISSIONER GIPSON: I agree. I'll be 18 disappointed if someone doesn't get expedited 19 renewal. But at the end of the day, I'm still going 20 to sleep, because my job isn't to make it easier for 21 them to make expedited renewal. 22 You know, it's funny, because the last 23 time we did a big do of this, it was, "Oh, my god, 24 no one's going to get non-renewed." So they were 25 looking at the bottom and saying, "Oh, you're making</p>	<p style="text-align: right;">193</p> <p>1 And I would rather see you never in that situation. 2 So expedited renewals means you're not 3 looking under the hood at all, and you want to 4 reserve that for the schools that are really doing 5 great, and you don't want to be surprised later 6 because you found out you expedited a renewal of a 7 school that actually, you know, got there because of 8 their population, and they were serving a different 9 population than all the other schools. 10 So focusing on it that way, that might 11 help you, Julia, understand why this bar is set here 12 and -- and they've given it a chance with this 13 subgroup, you know. 14 It's important that there is this 15 opportunity to show how great you're doing. And the 16 only thing I would suggest is, you know, are these 17 numbers at the right place? 18 I know I've talked about this a lot, you 19 know. Is it -- is 75 percent too high? But I -- 20 but you'll find that out. 21 MS. JULIA BARNES: So it's not going to -- 22 it's not -- I don't see an expedited renewal. It's 23 now going to be On Track -- it's now going to be 24 Exceeds Success Criteria. 25 MS. NAOMI DeVEAUX: You're going to</p>

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1 (inaudible) expedited renewal into the rule making.
 2 MS. JULIA BARNES: It's not in the rule
 3 making.
 4 MS. NAOMI DeVEAUX: I've been putting
 5 comments in. The rule making right now only allows
 6 for notices in the negative. Requires notices. You
 7 have to put notices in the positive, too. So I
 8 would say the rule making needs, under your notice
 9 section, a notice of exceptional performance, which
 10 will mean expedited renewal, and a notice of
 11 satisfactory performance, which will mean renewal
 12 without conditions, and define that.
 13 And then you have your notices of -- of,
 14 you know, notice of -- but if you don't add in what
 15 it means to do well, you've written a rule that only
 16 focuses on your powers to -- you know, on one side,
 17 we've got -- without showing all the positives that
 18 you could do to help schools and differentiate your
 19 oversight (inaudible due to simultaneous speaking).
 20 MS. JULIA BARNES: And then, you know, I
 21 don't vote on the Commission, so the Commission can
 22 do whatever they want.
 23 I am concerned with a growth metric that
 24 we have no idea, that there's not data to understand
 25 it, and so we haven't had two years to even know

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1 what you're voting on.
 2 I don't mind it, because the sections give
 3 a lot of kind of room for that. But, you know, to
 4 the extent that you want information on the other
 5 things to see if they're correct, you just don't
 6 have it on growth.
 7 I would love to be able to see growth.
 8 And we've been trying to see if we could see growth
 9 for the last five years. And the answer is no. So
 10 it's a little bit of a shot in the dark.
 11 And I guess that the overall criteria,
 12 it's -- so -- whatever -- the turquoise - is all
 13 performance areas. And then On Track with Renewal
 14 Without Conditions or Meeting is, again, all
 15 performance areas in the academic framework.
 16 So if growth knocks everybody down, all
 17 schools are going to be in yellow.
 18 MS. NAOMI DeVEAUX: That's correct. That
 19 is correct. And that is where the Commission at
 20 least stands, because they do not want to do an
 21 expedited or even a renewal that when you are having
 22 student populations that are not being served.
 23 So I think your observations are
 24 absolutely correct. I think you're right in that it
 25 is unfortunate that we can't pilot some of these

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1 growth measures, you know, so that we would know --
 2 we were able to look at some Options 2 and 3 growth
 3 measures.
 4 And I think this is where schools will
 5 want to use a different growth measure.
 6 And they can pick one now. And they can
 7 pick a growth measure where they have a little more
 8 understanding of the assessment, and their learning
 9 and, align better to their -- I don't think it's as
 10 impossible as you're making it sound, especially if
 11 they choose Option 2, and for this -- this
 12 particular indicator.
 13 And then I have to say it's almost 6:00 my
 14 time, and I was on a red-eye last night. I'm stupid
 15 tired. I'm probably going to need to sign off in a
 16 minute.
 17 MS. JULIA BARNES: Great.
 18 COMMISSIONER BURT: I can be really quick
 19 about what I think about it, Julia. So I think --
 20 so as a teacher, I think -- I don't think this is
 21 out of the possibility.
 22 You know, like, when -- when you're
 23 doing -- especially -- and I think Naomi is correct.
 24 I think this could be done.
 25 I think a lot of schools might choose an

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1 alternative assessment that they're using to show
 2 this, because it's something they can even show --
 3 they can show a beginning, a middle, and end of
 4 year, and they can do it at a time that works for
 5 their students. It could definitely be in that
 6 realm as well.
 7 But I also think -- I actually -- what I
 8 was going to say is I saw Naomi's note about that
 9 we -- right now we're only sending out the notices
 10 to low performing schools. But I think we can -- I
 11 actually do agree that we should just as much send
 12 out notices of meeting and exceeding performance as
 13 well.
 14 I think that that's actually a really --
 15 it should be balanced in all ways. And I think that
 16 that's where I come with that.
 17 And I just -- I -- this is actually to me,
 18 like, the most important indicator on the whole
 19 performance framework.
 20 I don't know how to explain it. Like,
 21 this, to me, like, this one indicator alone is,
 22 like, the most important indicator for me, because
 23 it's -- like, it is -- and it is nationwide, it's
 24 not just a New Mexico thing, but we definitely have
 25 this here as well -- where we have really high

<p style="text-align: right;">198</p> <p>1 performing schools who are serving some students 2 really well and not others.</p> <p>3 And it's just -- we have to stop -- like, 4 we have to stop that. We have to stop it.</p> <p>5 And so I do think, like, maybe there is a 6 school that gets teal, teal, teal, and then this 7 one's a yellow, and they're upset that they don't 8 get expedited renewal. But, actually, like, if they 9 are severely underserving a student group, they 10 might get a condition for that. Like, that is 11 serious. It's so serious to be -- like, to have 12 that in your school.</p> <p>13 And, once again, ideally, it's -- we are 14 shining the light to schools to show them, like, 15 we're just reflecting back to them what their school 16 performance is, and they can then go and do what 17 they're supposed to do in order to help serve those 18 students better.</p> <p>19 But I think a balance of it is that we do 20 send out notices of meeting and exceeding 21 performance. So once again, it's just clear to the 22 schools either way, like, whether they're performing 23 well or they're not performing well. And it's 24 more -- or it's more apathetic to just being 25 negative. It allows us to just be clear-cut. "Your</p>	<p style="text-align: right;">200</p> <p>1 right. The kids that took the state assessment, 2 they're gone, you know. We don't have them anymore. 3 So that data doesn't do me any good.</p> <p>4 But that day-to-day data for the current 5 year with the assessments that I'm using, that is 6 really important.</p> <p>7 And I appreciate the thought on sending 8 out positives, because it goes to the statement I 9 made before. We don't do enough to celebrate the 10 schools that are doing well. So, yes, a notice of 11 saying congratulations, you've done a great job, 12 thank you very much for serving kids so well, and 13 it's -- everyone should get some form of notice as a 14 result of the annual report, plain and simple, so 15 that they can celebrate it, they can appreciate it, 16 and they can commiserate over it, whichever they 17 want to do with it.</p> <p>18 THE CHAIR: Well, Commissioners, I wanted 19 to see, is there anyone in the attendees list that 20 are -- do we have any school leaders anymore? Or 21 are those all -- those all PED staff, Corina?</p> <p>22 DIRECTOR CORINA CHAVEZ: We can take a 23 look at -- and I guess if you want for people to be 24 invited to offer comments, we do have a few folks -- 25 we still have Dr. Kaplan. I don't know who SO is.</p>
<p style="text-align: right;">199</p> <p>1 school is doing well." "Your school is not." Both 2 ways.</p> <p>3 But I would hope that would make a 4 difference, too, in considering this. But as a 5 teacher, this is attainable. Like, it's individual 6 growth targets. It's not the state -- maybe I do 7 want to use the state accountability system for my 8 school.</p> <p>9 But for me as a teacher, I was using this 10 all the time. This is what I used in my -- planning 11 my lesson plans. I used this data. I wasn't using 12 the state data when I was a teacher. I was using 13 our formative assessments throughout the year to 14 figure out my lessons, to look at how I'm serving 15 different students, how -- my students on IEPs, am I 16 meeting their goals. And this is the data I was 17 using.</p> <p>18 So I actually think it's just much more -- 19 it's a much more powerful tool than I think we're -- 20 like, I think we -- we have to keep it and keep it 21 at a high bar.</p> <p>22 THE CHAIR: Commissioner Gipson. 23 COMMISSIONER GIPSON: Yeah. I mean, 24 schools can easily show growth. And that's -- you 25 know, that's just not an issue. Because you're</p>	<p style="text-align: right;">201</p> <p>1 And Mr. Brunner. Otherwise, it's CSD staff.</p> <p>2 THE CHAIR: Is there a way for them to put 3 up their hand or something so Lucy can see if they 4 want to share? Do they have that access to do that?</p> <p>5 MS. LUCY VALENZUELA: Yes, they do have 6 access.</p> <p>7 THE CHAIR: All right. So if there's 8 anyone in the attendees list, if you either can 9 write something in the chat or throw up your hand so 10 that Lucy can see that you would like to make any 11 public comment? And we appreciate you.</p> <p>12 MS. LUCY VALENZUELA: Chat is disabled, 13 but they can raise your hand.</p> <p>14 THE CHAIR: All right. You can raise your 15 hand. If you go down to the tool bar at the bottom 16 of your screen, you can see the raise-hand access 17 right by the "show captions" part. So we have one. 18 All right. Dr. Kaplan.</p> <p>19 FROM THE PUBLIC: So I just wanted to 20 comment. I put some comments as you were talking 21 about, specifically in Section 3 and 4 of the 22 performance framework, I put some of my comments in 23 the chat for probably Ms. Chavez to see. I don't 24 know if she saw them.</p> <p>25 MS. JULIA BARNES: We can't take comments</p>

<p style="text-align: right;">202</p> <p>1 in the chat. So you'll need to -- it's an open 2 meeting; so...</p> <p>3 FROM THE PUBLIC: No, I know. But I sent 4 messages by my personal chat to Ms. Chavez as you 5 were having these conversations about 3 and 4.</p> <p>6 I appreciate your willingness to, you 7 know, accept our comments today and listen to our 8 feedback into some of the areas that you've talked 9 about.</p> <p>10 I think changing the percentage back to 80 11 from 85 will certainly help a lot of schools and get 12 them into the Meets category rather than Not Meeting 13 or Working to Meet. So I appreciate the willingness 14 of the PEC doing that in this conversation. But 15 that's the only comments I have at this point.</p> <p>16 THE CHAIR: Thank you, Dr. Kaplan. 17 Appreciate you.</p> <p>18 Is there anyone else from the -- looks 19 like Mr. Brunner, I believe, has a comment.</p> <p>20 FROM THE PUBLIC: Yes, thank you. I, too, 21 wanted to -- I appreciate that, too, bringing it 22 from 85 to 80, made it a little bit easier on 23 everybody. Definitely. I saw that the whole time 24 I'm looking at this chart. So I was, like, wow. I 25 don't know if everybody's going to be able to pull</p>	<p style="text-align: right;">204</p> <p>1 That just feels a little bit to me like 2 not so much an evaluation and a -- what's the 3 word? -- a grading, if you will, of the school, 4 'cause it's up to the school to determine -- you 5 know, we have to build a budget based on the number 6 of kids that show up. And we're going to get our 7 budget based on the number of kids who end up being 8 enrolled.</p> <p>9 If we have to cut a teacher, we have to 10 cut a teacher; right?</p> <p>11 But the idea of grading our projections 12 seems to me to just be a little bit out of alignment 13 with kind of an evaluation of schools' overall 14 performance.</p> <p>15 So I -- I love -- I appreciate the work 16 that you've done and the taking all the comments and 17 making adjustments. I just do feel like there are 18 some pieces that are straddling that issue of 19 evaluation versus we're trying to help you be a 20 better school.</p> <p>21 And from my position, and when I was in 22 other positions, I would say, "You know what? The 23 school has to do what the school has to do"; right? 24 If they don't meet their projections, okay, they 25 don't meet their projections. But it's not</p>
<p style="text-align: right;">203</p> <p>1 that off.</p> <p>2 But, you know, bringing it to 80, yeah, 3 thank you very much. That will definitely be a nice 4 little -- that is perfect. Thank you.</p> <p>5 THE CHAIR: Thank you, Mr. Brunner.</p> <p>6 SO. And if you don't mind just sharing 7 who you are, so we know who "SO" is. Or if you say 8 that as "so," that's your name.</p> <p>9 FROM THE PUBLIC: Can you hear me?</p> <p>10 THE CHAIR: Yeah, we can hear you.</p> <p>11 FROM THE PUBLIC: Okay. This is Sam 12 Obenshain. I'm from New Mexico Connections Academy. 13 I am not sure -- I guess the only real kind of 14 overarching comment that I have is the challenge 15 that you all are dealing with in the sense of trying 16 to provide assistance, technical assistance, if you 17 will, at the same time as you are evaluating a 18 school.</p> <p>19 And I'm not sure where you ended up on 20 things like the enrollment variance. So that's one 21 of the things that I just get nervous about as a 22 school, that it seems a little overreaching in the 23 sense of who is responsible for making sure that our 24 enrollment projections are on target and how they 25 affect our budget.</p>	<p style="text-align: right;">205</p> <p>1 necessarily an evaluation of how they're performing 2 as an entity.</p> <p>3 So, anyway, those are my comments. I do 4 appreciate all the work you all have done and your 5 openness to all this feedback. Thank you.</p> <p>6 THE CHAIR: Thank you. Excellent. 7 Any other comments?</p> <p>8 MS. JULIA BARNES: Alan, last thing is -- 9 that I don't think we should do today -- but 10 Brigitte and Corina raised a few issues to look at 11 on the rule and clarifying the rule. And I'll just 12 send out an e-mail to the subcommittee and see if we 13 can't get with them on a Zoom to clarify that.</p> <p>14 I think it's a language and kind of a 15 conversation that -- that we can work through that. 16 But at least I'm on Zoom overload, at least for me 17 right now.</p> <p>18 THE CHAIR: And you're talking about Item 19 No. 7? Did you kind of allude to Item No. 7?</p> <p>20 MS. JULIA BARNES: We've done a lot of 21 item No. 7, which is -- which was great to have 22 Naomi on for that as well.</p> <p>23 But I think actually, this morning, Corina 24 gave a list of several items, and at least one is on 25 Brigitte. So I don't think it'll take long. So I</p>

<p style="text-align: right;">206</p> <p>1 think I'll just send out -- try to find a time for 2 the subcommittee, Corina, and Brigette, so that we 3 can modify the language. Because that's -- that's 4 what I think is the level of those -- those things. 5 And, overall, I don't think that it goes 6 in the rule about expedited renewal. I think that 7 that may be something outside of the rule. 8 The rule is really the process that you're 9 going to use. And you've got the evaluations in 10 here. So I think that goes somewhere else, but not 11 in a rule -- the rules really -- how are you going 12 to operate, not hard wiring what you're going to do 13 about expedited renewal. 14 THE CHAIR: Okay. Excellent. Well, thank 15 you all so much for all the work today. I wanted to 16 just acknowledge that I don't know if this is true 17 or not, but I would have to think that having three 18 former charter school directors on one call must be 19 a record at some point. 20 I mean, it has to be a record to have 21 Dr. Kaplan and Sam and some -- another person on 22 here. So, anyhow, I just wanted to acknowledge 23 that, and their experience that they bring to 24 this -- this space. 25 So with that, unless there's any other</p>	<p style="text-align: right;">208</p> <p>1 rated on it. 2 Can you take the growth data from 3 2018-2019 and run it through our new performance 4 framework for that data? 5 MR. KYLE WOOD: I can run it, yeah. 6 COMMISSIONER BURT: Not make up anything. 7 Like, literally just, like, use what's already 8 there. Don't make up anything new. 9 MR. KYLE WOOD: Yeah, I can run that. 10 COMMISSIONER BURT: And just see what that 11 indicator might have looked like. Like, let's 12 pretend PEC was doing it back then. What would that 13 indicator look like for all the schools? 14 It is true -- I've said this -- I know 15 Corina has heard me say this so many times. I'm so 16 worried about having everybody be red. I'm not 17 worried about some people not getting expedited and 18 being upset about expedited. I am worried that 19 every school is going to be red on that indicator. 20 And so I know we don't have -- I know we 21 don't have any growth data for the last, like, 22 three -- four years now. It's going to be a while. 23 We're going pretty far back. But we do have that 24 year historical growth data, when the world was 25 normal, school was normal, the test was normal.</p>
<p style="text-align: right;">207</p> <p>1 comment, we can -- 2 COMMISSIONER BURT: I have one request -- 3 I'm so sorry. I have one request. Is there any 4 way, Kyle, can we look at the growth data from 5 2018-2019 and run it through the student group -- 6 like, through 1.B.? 7 MR. KYLE WOOD: Well, yeah, that's what 8 Goodlaw was trying to do. He took, like -- he 9 called it a super accountability -- or a super 10 proficiency rating, and he took four years -- 11 COMMISSIONER BURT: No, no, no, no, no. 12 That's not what I'm asking. 13 MR. KYLE WOOD: Ask again, please. Sorry. 14 COMMISSIONER BURT: Pretend that we are in 15 the year 2019. 16 MR. KYLE WOOD: Okay. 17 COMMISSIONER BURT: And that we're 18 doing -- we want to change our growth to look the 19 way 2.A. shows -- or is it 1 -- 2.B -- 1.B. 20 MR. KYLE WOOD: 1.B.? Okay. 21 COMMISSIONER BURT: I'm off. There was 22 individual student growth data back then, like, that 23 one year. Because they had 2018 -- 2017-2018, 24 2018-2019; right? That was the same test. They had 25 data that was given to the public. Schools were</p>	<p style="text-align: right;">209</p> <p>1 Like, just use that. 2 MR. KYLE WOOD: Pre-COVID. Sure, I'll run 3 it. 4 COMMISSIONER BURT: Just to have something 5 to let us know if we're super far off on that 6 indicator. Cool. That was my last request. 7 Thanks. Sorry, Chair. 8 THE CHAIR: Can we get a -- if that's 9 everything, can we get a motion for adjournment? 10 COMMISSIONER GIPSON: So moved. 11 COMMISSIONER BURT: Second. 12 THE CHAIR: Great. Chair Burt -- or Vice 13 Chair Burt, can you do a quick roll call? 14 COMMISSIONER BURT: Let me -- I'm trying 15 to see who's here. 16 THE CHAIR: There's six of us. 17 COMMISSIONER BURT: Commissioner Ingham. 18 COMMISSIONER INGHAM: Yes. 19 COMMISSIONER BURT: Commissioner Gipson. 20 COMMISSIONER GIPSON: Yes. 21 COMMISSIONER BURT: Chair Brauer. 22 THE CHAIR: Yes. 23 COMMISSIONER BURT: Commissioner Manis. 24 COMMISSIONER MANIS: Yes. 25 COMMISSIONER BURT: Commissioner</p>

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1 Clahchischilliage.
 2 COMMISSIONER CLAHCHISCHILLIAGE: Yes.
 3 COMMISSIONER BURT: And Vice Chair Burt,
 4 yes. That passes unanimously.
 5 THE CHAIR: All right, y'all. Have a good
 6 one. See you. Bye-bye.
 7 (Proceedings concluded at 4:11 p.m.)
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1 RECEIPT
 2 JOB NUMBER: 8033N CC Date: 3/16/23
 3 PROCEEDINGS: SPECIAL OPEN PUBLIC MEETING
 4 CASE CAPTION: In re: Special Open Public Meeting of
 5 the Public Education Commission
 6 *****
 7 ATTORNEY: MS. SHARYN PEREA - PED
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1 BEFORE THE PUBLIC EDUCATION COMMISSION
 2 STATE OF NEW MEXICO
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 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 March 25, 2023.
 16
 17
 18
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BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

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

In testimony whereof, I have hereunto set my hand on March 25, 2023.

Cynthia Chapman

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