

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
OPEN SPECIAL PUBLIC MEETING

April 20, 2023

9:00 a.m.

Mabry Hall, Jerry Apodaca Education Building

300 Don Gaspar

Santa Fe, New Mexico

AND

Via Zoom Webinar

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

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2	<p>1 APPEARANCES</p> <p>2 COMMISSIONERS:</p> <p>3 ALAN BRAUER, Chair</p> <p>4 REBEKKA BURT, Vice Chair</p> <p>5 MELISSA ARMIJO, Secretary</p> <p>6 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 MISSY BROWN Technical Assistance and Support and</p> <p>21 Training Administrator</p> <p>22 Charter School/Options for</p> <p>23 Parents and Families Division</p> <p>24 SHARYN PEREA, Liaison to PEC</p> <p>25</p> <p>COUNSEL TO THE PEC:</p> <p>JULIA HOSFORD BARNES, ESQ.</p> <p>Barnes Mediation and Law, PC</p> <p>200 W. DeVargas Street, Suite 7</p> <p>Santa Fe, New Mexico 87501</p>
3	<p>1 AGENDA ITEM 4 APPEARANCES</p> <p>2 FOR the New Mexico Public Education Commission:</p> <p>3</p> <p>4 NATHAN E. WINGER, ESQ.</p> <p>5 WINGER LAW FIRM</p> <p>6 509 Roma Avenue, NW</p> <p>7 Albuquerque, New Mexico 87102</p> <p>8 nathan@wingerlawfirm.com</p> <p>9 For La Tierra Montessori School for the Arts and</p> <p>10 Sciences:</p> <p>11 GENO ZAMORA, ESQ.</p> <p>12 MEAGAN R. MUÑOZ, ESQ.</p> <p>13 ORTIZ & ZAMORA, Attorneys at Law</p> <p>14 2011 Botolph Road, Suite 200</p> <p>15 Santa Fe, New Mexico 87505</p> <p>16 geno@ortiz-zamora.com</p> <p>17 meagan@ortiz-zamora.com</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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6	<p>1 INDEX TO PROCEEDINGS</p> <p>2 CONTINUED</p> <p>3</p> <p>4 ATTACHMENTS:</p> <p>5 1. List of Stipulated Exhibits Presented by</p> <p>6 NMPEC</p> <p>7 (By Stipulation, Stored in NMPEC Google Drive)</p> <p>8 2. List of Stipulated Exhibits Presented by</p> <p>9 La Tierra Montessori School for the Arts and</p> <p>10 Sciences</p> <p>11 (By Stipulation, Stored in NMPEC Google Drive)</p> <p>12 3. List of Attendees</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	8	<p>1 COMMISSIONER ARMIJO: Commissioner</p> <p>2 Carrillo.</p> <p>3 COMMISSIONER CARRILLO: Here.</p> <p>4 COMMISSIONER ARMIJO: We have a quorum OF</p> <p>5 eight.</p> <p>6 THE CHAIR: Thank you, Commissioner.</p> <p>7 In lieu of Commissioner Beck, Commissioner</p> <p>8 Ingham, can you lead us in the Pledge of Allegiance,</p> <p>9 please? And then, Commissioner Taylor, can you move</p> <p>10 us into the New Mexico Salute?</p> <p>11 (Pledge of Allegiance and Salute to the</p> <p>12 New Mexico Flag conducted.)</p> <p>13 THE CHAIR: Commissioners who are on Zoom,</p> <p>14 if you can't hear us, please just interrupt me to</p> <p>15 make sure that we -- that you can hear us at any</p> <p>16 moment. Or you can raise your hand and let Missy</p> <p>17 Brown know that you're having an issue with</p> <p>18 hearing -- hearing us today.</p> <p>19 All right. So we're going to move on to</p> <p>20 Item No. 2, which is the approval of the agenda. I</p> <p>21 do want to acknowledge there is a typo that should</p> <p>22 be corrected on 4.3. It should say "Presentation of</p> <p>23 Case Against Revocation, Including Presentation of</p> <p>24 Witnesses and any Cross-Examination of PEC</p> <p>25 Witnesses."</p>
7	<p>1 (Hearing Call to Order inaudible.)</p> <p>2 THE CHAIR: Commissioner Armijo, can you</p> <p>3 go ahead and do roll call, please?</p> <p>4 COMMISSIONER ARMIJO: Yes. Can everyone</p> <p>5 hear me?</p> <p>6 THE CHAIR: Yes, we can hear you now.</p> <p>7 COMMISSIONER ARMIJO: Chair Brauer.</p> <p>8 THE CHAIR: Present.</p> <p>9 COMMISSIONER ARMIJO: Vice Chair Burt.</p> <p>10 COMMISSIONER BURT: Here.</p> <p>11 COMMISSIONER ARMIJO: Secretary Armijo is</p> <p>12 here.</p> <p>13 Commissioner Ingham.</p> <p>14 COMMISSIONER INGHAM: Here.</p> <p>15 COMMISSIONER ARMIJO: Commissioner</p> <p>16 Clahchischilliage.</p> <p>17 (No response.)</p> <p>18 COMMISSIONER ARMIJO: Commissioner Gipson.</p> <p>19 COMMISSIONER GIPSON: Here.</p> <p>20 COMMISSIONER ARMIJO: Commissioner Manis.</p> <p>21 COMMISSIONER MANIS: I am here.</p> <p>22 COMMISSIONER ARMIJO: Commissioner Beck.</p> <p>23 (No response.)</p> <p>24 COMMISSIONER ARMIJO: Commissioner Taylor.</p> <p>25 COMMISSIONER TAYLOR: Here.</p>	9	<p>1 So I would like to make a motion to make</p> <p>2 that correction.</p> <p>3 (Discussion re audio issues.)</p> <p>4 THE CHAIR: So I'm go to go ahead and take</p> <p>5 two.</p> <p>6 So I'm going to call this meeting to</p> <p>7 order. It's 9:05. Ms. Armijo, can you go ahead and</p> <p>8 take roll call, please?</p> <p>9 COMMISSIONER ARMIJO: Yes.</p> <p>10 Chair Brauer.</p> <p>11 THE CHAIR: Yes.</p> <p>12 COMMISSIONER ARMIJO: Vice Chair Burt.</p> <p>13 COMMISSIONER BURT: Here.</p> <p>14 COMMISSIONER ARMIJO: Secretary Armijo is</p> <p>15 here.</p> <p>16 Commissioner Ingham.</p> <p>17 COMMISSIONER INGHAM: Here.</p> <p>18 COMMISSIONER ARMIJO: Commissioner</p> <p>19 Clahchischilliage.</p> <p>20 (No response.)</p> <p>21 COMMISSIONER ARMIJO: Commissioner Gipson.</p> <p>22 COMMISSIONER GIPSON: Here.</p> <p>23 COMMISSIONER ARMIJO: Commissioner Manis.</p> <p>24 COMMISSIONER MANIS: I'm here.</p> <p>25 COMMISSIONER ARMIJO: Commissioner Beck.</p>

10	<p>1 (No response.)</p> <p>2 COMMISSIONER ARMIJO: Commissioner Taylor.</p> <p>3 COMMISSIONER TAYLOR: Here.</p> <p>4 COMMISSIONER ARMIJO: And Commissioner</p> <p>5 Carrillo.</p> <p>6 COMMISSIONER CARRILLO: Here.</p> <p>7 COMMISSIONER ARMIJO: We have a quorum of</p> <p>8 eight. Commissioner Clahchischilliage and</p> <p>9 Commissioner Beck are not present.</p> <p>10 Did you hear me, Cindy?</p> <p>11 THE REPORTER: Yes, ma'am.</p> <p>12 COMMISSIONER ARMIJO: Thank you.</p> <p>13 THE CHAIR: Melissa, make sure -- it</p> <p>14 sounds like Commissioner Clahchischilliage is with</p> <p>15 us as well. So we're -- nine are present.</p> <p>16 COMMISSIONER ARMIJO: Thank you. I will</p> <p>17 record it correctly.</p> <p>18 THE CHAIR: And can you -- Commissioner,</p> <p>19 can you say "Present" for us, please, so we have it</p> <p>20 down on the record?</p> <p>21 COMMISSIONER CLAHCHISCHILLIAGE: This is</p> <p>22 Sharon. Can you hear me now?</p> <p>23 THE CHAIR: Yes, we can hear you.</p> <p>24 COMMISSIONER CLAHCHISCHILLIAGE: Okay.</p> <p>25 I've been on since we started, and I keep getting</p>	12	<p>1 call, Commissioner Armijo?</p> <p>2 COMMISSIONER ARMIJO: Yes.</p> <p>3 Vice Chair Burt.</p> <p>4 COMMISSIONER BURT: Yes.</p> <p>5 COMMISSIONER ARMIJO: Secretary Armijo</p> <p>6 votes yes.</p> <p>7 Commissioner Ingham.</p> <p>8 COMMISSIONER INGHAM: Yes.</p> <p>9 COMMISSIONER ARMIJO: Commissioner</p> <p>10 Clahchischilliage.</p> <p>11 COMMISSIONER CLAHCHISCHILLIAGE: Yes.</p> <p>12 COMMISSIONER ARMIJO: Commissioner Gipson.</p> <p>13 COMMISSIONER GIPSON: Yes.</p> <p>14 COMMISSIONER ARMIJO: Commissioner Manis.</p> <p>15 COMMISSIONER MANIS: Yes.</p> <p>16 COMMISSIONER ARMIJO: Commissioner Taylor.</p> <p>17 COMMISSIONER TAYLOR: Yes.</p> <p>18 COMMISSIONER ARMIJO: Commissioner</p> <p>19 Carrillo.</p> <p>20 COMMISSIONER CARRILLO: Yes.</p> <p>21 COMMISSIONER ARMIJO: And Chair Brauer.</p> <p>22 THE CHAIR: Yes.</p> <p>23 COMMISSIONER ARMIJO: That passes, nine to</p> <p>24 zero.</p> <p>25 THE CHAIR: All right. So let's go ahead</p>
11	<p>1 cut out. So I don't know what's going on.</p> <p>2 THE CHAIR: Okay. Thank you. Just let us</p> <p>3 know if you lose us again. Just make sure that we</p> <p>4 can figure that out.</p> <p>5 COMMISSIONER CLAHCHISCHILLIAGE: Okay.</p> <p>6 Thank you.</p> <p>7 THE CHAIR: We have nine of our</p> <p>8 Commissioners present.</p> <p>9 COMMISSIONER CLAHCHISCHILLIAGE: Uh-huh.</p> <p>10 THE CHAIR: Okay. So we're going to move</p> <p>11 on. We already did the Pledge and the Salute, so if</p> <p>12 we all feel comfortable with that, we're going to go</p> <p>13 with the first take on that, and we're going to go</p> <p>14 back to Item No. 2, the Approval of the Minutes</p> <p>15 (verbatim).</p> <p>16 There is a typo on 4.3. It should read</p> <p>17 "Presentation of Case Against Revocation, Including</p> <p>18 Presentation of Witnesses and Any Cross-Examination</p> <p>19 of PEC Witnesses."</p> <p>20 So I'd like to make a motion to make that</p> <p>21 correction on the -- on the agenda today.</p> <p>22 COMMISSIONER BURT: Second.</p> <p>23 THE CHAIR: Any discussion?</p> <p>24 (No response.)</p> <p>25 THE CHAIR: Can we go ahead and do a roll</p>	13	<p>1 and move into approving the agenda as well. Can I</p> <p>2 get a motion? Unless there is any other items that</p> <p>3 we want to have any other amendments to, can we</p> <p>4 just -- yeah, I feel like we did that, too. So</p> <p>5 never mind. I think that we're good on approving</p> <p>6 the agenda. Yeah.</p> <p>7 Great. Thank you, Commissioner.</p> <p>8 All right. So the -- so I am -- today I</p> <p>9 am going to be reading some information here as</p> <p>10 well, just so that I'm sharing all the information</p> <p>11 that we have today.</p> <p>12 So I just wanted to acknowledge that. And</p> <p>13 so the counsel presenting the case for the PEC will</p> <p>14 go first, and the counsel for the school will go</p> <p>15 second.</p> <p>16 Do any Commissioners have any other</p> <p>17 comment prior to moving on to the agenda?</p> <p>18 COMMISSIONER CARRILLO: Yes, sir. Yes,</p> <p>19 Chair Brauer.</p> <p>20 THE CHAIR: Commissioner Carrillo.</p> <p>21 COMMISSIONER CARRILLO: And I want to make</p> <p>22 sure, because I'm turning this way to hear this.</p> <p>23 Cindy, are you able to hear me okay?</p> <p>24 THE REPORTER: Yes, sir.</p> <p>25 COMMISSIONER CARRILLO: I wanted to read</p>

<p style="text-align: right;">14</p> <p>1 this into the record before we get started.</p> <p>2 Chair Brauer, Commissioners and guests,</p> <p>3 prior to the consideration of the agenda item on</p> <p>4 revocation for La Tierra Montessori School of the</p> <p>5 Arts and Sciences, I wanted to put a statement on</p> <p>6 the record.</p> <p>7 Based on the publicity in the news</p> <p>8 regarding the school and the fact that I was</p> <p>9 mentioned in some of the articles, I have reviewed</p> <p>10 the PEC Rules of Procedure on recusal and will not</p> <p>11 be recusing myself at the hearing or in the</p> <p>12 discussion and possible action following the</p> <p>13 hearing.</p> <p>14 I have not made up my mind on the issue.</p> <p>15 I will be listening and asking questions during the</p> <p>16 hearing, as I always do. I will then discuss,</p> <p>17 listen, and vote on the next agenda item.</p> <p>18 Even though I've listened to constituents</p> <p>19 over the past months and heard from many of them via</p> <p>20 e-mail, I can still take action -- the action</p> <p>21 required of me as a Commissioner and believe that</p> <p>22 there is and has been no undue influence or an</p> <p>23 appearance of undue influence.</p> <p>24 And also into the record I'd like to read</p> <p>25 the PEC procedure on this matter. And it's in</p>	<p style="text-align: right;">16</p> <p>1 Thank you.</p> <p>2 THE CHAIR: Thank you, Commissioner</p> <p>3 Carrillo. Any other comments from the Commission?</p> <p>4 Seeing none, we're going to move on to</p> <p>5 Public Forum.</p> <p>6 I wanted to confirm with counsel that any</p> <p>7 public comment received on La Tierra Montessori</p> <p>8 School of the Arts and Sciences this morning will be</p> <p>9 made a part of the record on the revocation hearing.</p> <p>10 Mr. Winger and Mr. Zamora, do you have any</p> <p>11 objection?</p> <p>12 MR. WINGER: I have no objection.</p> <p>13 MR. ZAMORA: No objection, Chair Brauer.</p> <p>14 If I may make one comment on Commissioner Carrillo's</p> <p>15 disclosure.</p> <p>16 This is Geno Zamora, counsel for the</p> <p>17 school.</p> <p>18 In response to Commissioner Carrillo's</p> <p>19 disclosure that he has received e-mails prior to</p> <p>20 today's hearing, I would just ask for a reminder</p> <p>21 from the Chair that the decision is to be made based</p> <p>22 on the evidence presented at the hearing and not</p> <p>23 prior to the hearing.</p> <p>24 THE CHAIR: Thank you, Mr. Zamora.</p> <p>25 We will now move -- or sorry. We will now</p>
<p style="text-align: right;">15</p> <p>1 Section J. Action by the Commission, Voting.</p> <p>2 Recusal and Abstention.</p> <p>3 "A Commissioner shall, before the</p> <p>4 consideration of any agenda item, disclose whether</p> <p>5 he or she has any financial interest in that agenda</p> <p>6 item and whether there are any facts which could</p> <p>7 give rise to undue influence or an appearance of</p> <p>8 undue influence, as considered under the Government</p> <p>9 Conduct Act, Gift Act, or Procurement Code with</p> <p>10 respect to that agenda item.</p> <p>11 "A: A Commissioner shall recuse himself</p> <p>12 or herself or themselves from the discussion,</p> <p>13 consideration, and voting on any issue in which he,</p> <p>14 she, or they has or have a financial interest, a</p> <p>15 conflict of interest, the appearance of a conflict</p> <p>16 of interest, undue influence, or the appearance of</p> <p>17 undue influence.</p> <p>18 "And, B: In the event that a Commissioner</p> <p>19 who has disclosed a financial interest or a conflict</p> <p>20 of interest or undue influence or the appearance of</p> <p>21 one does not recuse himself, herself, or themselves,</p> <p>22 the Commission may, by a vote of the members</p> <p>23 present, require the Commissioner making the</p> <p>24 disclosure to recuse himself, herself, or</p> <p>25 themselves."</p>	<p style="text-align: right;">17</p> <p>1 hear from those who signed up.</p> <p>2 (Off-the-record discussion.)</p> <p>3 THE CHAIR: All right. Wonderful. We</p> <p>4 will now hear from those who signed up for Public</p> <p>5 Forum. Each person will have two minutes to speak,</p> <p>6 to identify themselves, spell your name for the</p> <p>7 record, and identify the purpose of your comment.</p> <p>8 We do not accept any documentation at Public Forum.</p> <p>9 And so, PED staff, you can let the first</p> <p>10 person in. And as we -- as we move forward, please</p> <p>11 don't take offense if I cut you off. We just want</p> <p>12 to respect the two-minute time.</p> <p>13 You'll probably hear some music or a ring</p> <p>14 tone, and I'll likely step in if you're going over</p> <p>15 your time. Thank you.</p> <p>16 MS. MELISSA BROWN: Our first speaker is</p> <p>17 Ginger Juarez.</p> <p>18 FROM THE PUBLIC: As she said, my name is</p> <p>19 Ginger Juarez, spelled just like the spice and the</p> <p>20 town.</p> <p>21 I am here to speak on behalf of my</p> <p>22 daughter who is a kindergartener at La Tierra. We</p> <p>23 had heard great things about the school, and I can</p> <p>24 see that it once was great. As of now, they are</p> <p>25 basically just babysitters. And that's sad, because</p>

<p style="text-align: right;">18</p> <p>1 my daughter and her classmates deserve a whole lot 2 more and better.</p> <p>3 And we have had absolutely no help from 4 the general council as of now. They have in no way 5 worked with us.</p> <p>6 As a group of parents, we have done 7 everything we possibly can. And we're now at our 8 wits' end, and we feel like this is no longer a good 9 place for anyone's child.</p> <p>10 Thank you and have a wonderful day.</p> <p>11 THE CHAIR: Thank you, Ms. Juarez.</p> <p>12 MS. MELISSA BROWN: Our next public 13 speaker is Melissa Salazar.</p> <p>14 FROM THE PUBLIC: Hello. My name is 15 Melissa Salazar. M-e-l-i-s-s-a. Last name, 16 S-a-l-a-z-a-r.</p> <p>17 I'm here today as our final stage 18 representing some parents at La Tierra Montessori 19 School. My son is in fourth grade and is ten years 20 old. This was our first year at La Tierra.</p> <p>21 And like Ms. Juarez, we had heard great 22 things about the school and had expected a very 23 different year.</p> <p>24 I think La Tierra hasn't been a perfect 25 model of education. But many of its problems are</p>	<p style="text-align: right;">20</p> <p>1 that's why we're here today.</p> <p>2 So we parents are now going to gather 3 ourself and start a new public Montessori. We want 4 Española to have a public Montessori. There's 5 obviously the desire for it.</p> <p>6 There have been over 100 kids enrolled in 7 this school for the past decade. So our valley 8 needs this. Whatever happens today, we are not 9 willing to continue to wait for this governing 10 council to figure out what they're doing and listen 11 to us.</p> <p>12 We have tried every way possible to work 13 with them. We have sent them letters. We have 14 asked for mediated meetings. We have waited for 15 them to come to the table --</p> <p>16 THE CHAIR: Thank you, Ms. Salazar.</p> <p>17 FROM THE PUBLIC: -- stretched all our 18 branches out, and we're tired. We're done. 19 Whatever happens today, we will be moving on, and 20 you will probably be seeing a charter from us in the 21 next year, an application to reboot the school.</p> <p>22 THE CHAIR: Thank you.</p> <p>23 MS. MELISSA BROWN: Our next speaker is 24 Andrez Juarez.</p> <p>25 FROM THE PUBLIC: Hello. My name is</p>
<p style="text-align: right;">19</p> <p>1 reflecting systemic problems, nationwide, statewide. 2 But for the last ten years that it was open, I think 3 there was something different than what happened 4 this year.</p> <p>5 And I think the difference is they had a 6 governing council that worked with parents and 7 administrators that worked with parents. And I 8 think this year, the big switch is that parents were 9 shoved to the side, told they were complainers and 10 were not included in any meaningful dialogue 11 whatsoever about Montessori.</p> <p>12 Parents and teachers are both there, and 13 they are the heart of the school, the soul of the 14 school, and they were there for Montessori. All of 15 us Anglo, Hispanic, and Native parents were here 16 because our kids were not thriving in public 17 education that was traditional, that was 18 worksheet-based, that was -- had no children 19 involved in decision-making. And what was thriving 20 about La Tierra was its Montessori model.</p> <p>21 When the governing council decided to pull 22 away from the Montessori model claiming that they 23 couldn't staff it that way, that they wanted to 24 change charter with no provocation from teachers and 25 parents, that's when it fell apart. And I think</p>	<p style="text-align: right;">21</p> <p>1 Andrez Juarez, spelled A-n-d-r-e-z. Last name, 2 J-u-a-r-e-z.</p> <p>3 I would like to thank you for the 4 opportunity to speak to you. I am the parent of Vel 5 Juarez, who is attending kindergarten at what once 6 was La Tierra Montessori School.</p> <p>7 I would like to begin my remarks by 8 thanking the teachers, with the exception of the 9 head learner, who have persevered under great duress 10 despite the odds that were aligned against you.</p> <p>11 You have showed great courage. You did 12 your jobs. You protected our greatest treasures, 13 our children, from the malevolent forces arrayed 14 against you. You have earned my deepest gratitude 15 and my greatest respect.</p> <p>16 To the governing council, you have 17 obfuscated the truth, committed sins of omission, 18 and moved the goal posts whenever your interests 19 were threatened. But worse than that, you have 20 waged an unrelenting war against the most vulnerable 21 population, our children, without remorse.</p> <p>22 For that alone, you deserve no 23 forgiveness. For these reasons and many more, too 24 many more to name in the time allotted, I 25 respectfully request that PEC revoke the charter and</p>

22	<p>1 ensure that none of these individuals ever sit on a 2 governing board that oversees education of children. 3 Finally, to the parents who first took up 4 this immense burden, Ben, Melissa, Gary, Prairie, 5 you were our light of hope in the darkness of 6 despair when we were threatened of being overwhelmed 7 by that sadness. Character is not defined by what 8 we do in the light of day, but instead what we do in 9 the darkness when no one is watching. 10 Thank you. 11 THE CHAIR: Thank you, Mr. Juarez. 12 MS. MELISSA BROWN: Our next speaker is 13 Delisha Gordon-Brown. 14 FROM THE FLOOR: Thank you, Chair Brauer, 15 Commissioners, Director Chavez, and all of PED. 16 My name is Delisha Gordon-Brown. 17 D-e-l-i-s-h-a G-o-r-d-o-n hyphen B-r-o-w-n, like the 18 color. 19 I am the current secretary for the 20 La Tierra Montessori School of the Arts governing 21 council. I was voted onto the governing council in 22 January of 2022, prior to me even moving back to the 23 Valley. 24 I joined this council because this wasn't 25 an opportunity for me 25 years ago -- and I've spoke</p>	24	<p>1 That will be done. We'll get it moving forward. 2 In the meantime, our head learner, we have 3 so much faith in her. She's done so many great 4 things. She continues to put the students at the 5 forefront of every thing and every day. 6 So we just urge you to listen to the 7 evidence. It's there. We can move forward, stop -- 8 stop the emotional issues from the past, and move 9 forward and give us an opportunity. 10 I, as the secretary, have had 11 conversations with the parents about how I have 12 plans to move this governing council forward. So 13 just give us the opportunity. Thank you. 14 THE CHAIR: Thank you, Ms. Gordon-Brown. 15 MS. MELISSA BROWN: Our next speaker is 16 Ms. Willie Williams. 17 THE CHAIR: Ms. Willie Williams, it's your 18 turn to share, if you can take yourself off of mute, 19 please. 20 FROM THE PUBLIC: It won't let me unmute. 21 THE CHAIR: Go ahead. We can hear you 22 now. 23 FROM THE PUBLIC: All right. Good 24 morning. Good morning. First of all, thank you, 25 PEC, for all you do and all you have done.</p>
23	<p>1 about it before. This school, while I don't have 2 children invested in this school, means a lot to me. 3 I have family that have gone on from this school. 4 If this opportunity did not exist in this 5 valley -- or I'm sorry -- if it existed 25 years 6 ago, I may have never left. I think it's important 7 to keep this opportunity of this school available 8 for our students now. 9 It's kind of disheartening. I have 10 talking points. But it's disheartening hearing 11 previous comments because I was just on the phone 12 yesterday with some of the parents, and the day 13 before yesterday with some of the parents. And to 14 say that this governing council isn't listening to 15 them, it's just false. 16 Anyway, I just ask you and I urge you to 17 listen to the evidence that is presented today by 18 our counsel, by Mr. Zamora. We have a potential for 19 a new start with a new head learner. And what is 20 included in that comes with a performance evaluation 21 and review, which was something that was denied to 22 us last year by a previous head learner. We can 23 move forward with a position and a contract with the 24 head learner the way this governing council and the 25 school deserves to have. We need to do this review.</p>	25	<p>1 The truth matters. Lies have 2 consequences. They knew. I would like to start -- 3 THE CHAIR: I hate to interrupt you. Can 4 you go ahead and spell your name for the court 5 reporter? 6 FROM THE PUBLIC: I am the former 7 president of La Tierra Montessori School, '21-'22. 8 My name is Willie Williams. W-i-l-l-i-e 9 W-i-l-l-i-a-m-s. 10 I was the first Black school board 11 president to put together the most diverse board in 12 Northern New Mexico -- in the history of Northern 13 New Mexico. 14 I -- that board went rogue. That board, 15 on June 30th, refused to renew the contract without 16 any plan. They started with me and the community, 17 with community members offering contracts, firing 18 and hiring without my knowledge or my approval. 19 They dropped financial files into the public, eight 20 files, the school files. They were breached. The 21 financial files, the personnel files, the student 22 files, the contract files were all dumped into the 23 community to the governing council. 24 Then I trained them. I had a board 25 retreat, which Missy Brown presented. We had a</p>

26	<p>1 PowerPoint put together for them for the</p> <p>2 mission-specific goals, the charter renewal,</p> <p>3 procurement. All of that was on the back table.</p> <p>4 They never picked it up.</p> <p>5 Then they were out here just doing what</p> <p>6 they want. They went rogue. They compromised those</p> <p>7 files. They compromised everything. They did not</p> <p>8 listen to the parents. And then when I told them,</p> <p>9 they removed me as president.</p> <p>10 This board caused this problem, the three</p> <p>11 members of this board who violated Open Meetings</p> <p>12 Act, because Ms. Chavez brought us in. Missy Brown</p> <p>13 told us. Patty Matthews. That's why she's not</p> <p>14 here. She was at a loss.</p> <p>15 They knew. And all I can say is what</p> <p>16 about the children? And all I ask is that you ask</p> <p>17 yourself, like I asked myself, did I do everything</p> <p>18 legally, morally, educationally, emotionally</p> <p>19 advantageous for the families, schools, and staff of</p> <p>20 La Tierra Montessori School.</p> <p>21 I will be available for questions if</p> <p>22 anybody wanted to know. Thank you.</p> <p>23 THE CHAIR: Thank you, Ms. Williams.</p> <p>24 MS. MELISSA BROWN: Our next speaker is</p> <p>25 Mateo with the name that I cannot pronounce.</p>	28	<p>1 has been a great disconnect between the</p> <p>2 communication that happens so well between parents,</p> <p>3 the governing council, and leadership of the school.</p> <p>4 That just completely dissolved.</p> <p>5 The current governing council led by</p> <p>6 Mr. Isaac Casados has not included the parents and</p> <p>7 not been interested in dialogue, but basically just</p> <p>8 snubbed us off.</p> <p>9 We re-called Mr. Casados, and he basically</p> <p>10 didn't listen to that, threw it aside. And now</p> <p>11 we're here in this situation where a great treasure</p> <p>12 is going to be taken away from the children and</p> <p>13 families of this community for reasons that I</p> <p>14 believe could have been fixed had capable people had</p> <p>15 the chance to address the issues.</p> <p>16 Instead, us parents have been sitting back</p> <p>17 pulling our hair out watching our school dissolve</p> <p>18 while we've wanted to do something. We wanted to be</p> <p>19 included. We have professionals that could have</p> <p>20 helped but we were not allowed to.</p> <p>21 The governing council, I hold them</p> <p>22 responsible. And I find it ironic that Mr. Casados</p> <p>23 has said he was intent on protecting the legacy of</p> <p>24 Mr. Roger Montoya, who created this beautiful</p> <p>25 school, when he, in fact, has been the one, in my</p>
27	<p>1 Peixinho. Thank you.</p> <p>2 THE CHAIR: Mr. Peixinho, go ahead.</p> <p>3 Mateo, I see you're off mute, but we don't hear you.</p> <p>4 Maybe check your mic?</p> <p>5 We still don't hear you. Maybe you can</p> <p>6 log back in, and, Missy, maybe you can go to someone</p> <p>7 else. If you can hear me, Mateo, if you can log</p> <p>8 back out and in? I'm sorry.</p> <p>9 MS. MELISSA BROWN: Our next speaker is</p> <p>10 John Myszko.</p> <p>11 FROM THE PUBLIC: That's Myszko. Can you</p> <p>12 hear me?</p> <p>13 THE CHAIR: Yes, we can hear you,</p> <p>14 Mr. Myszko.</p> <p>15 FROM THE PUBLIC: Thank you. My name is</p> <p>16 John Myszko. J-o-h-n M-y-s-z-k-o. My daughter is</p> <p>17 Zoe. And Zoe has been going to La Tierra for six</p> <p>18 years now. And five of them have been wonderful,</p> <p>19 and our family counts it as a great blessing that</p> <p>20 this community has had such a wonderful place for</p> <p>21 children who couldn't quite go for various reasons</p> <p>22 to the other public schools in town.</p> <p>23 It is a precious gem that we cherish. And</p> <p>24 our teachers, in the past and currently, have been</p> <p>25 wonderful. And what has happened in the last year</p>	29	<p>1 mind and the parents' minds of the school, who has</p> <p>2 dissolved it, who has destroyed it.</p> <p>3 And I think going forward, we can resolve</p> <p>4 this -- these issues if we're given a chance.</p> <p>5 So I ask, please allow the people, the</p> <p>6 kids, the children, the families to have a chance to</p> <p>7 address these problems -- they are not that big,</p> <p>8 from what I understand -- and allow this community</p> <p>9 to keep -- this very underserved community to keep</p> <p>10 this precious school open.</p> <p>11 Thank you.</p> <p>12 THE CHAIR: Thank you, Mr. Myszko.</p> <p>13 MS. MELISSA BROWN: Our next speaker is</p> <p>14 Mateo Peixinho.</p> <p>15 FROM THE PUBLIC: Yes. Good morning. Can</p> <p>16 you hear me now?</p> <p>17 THE CHAIR: Yes, we can, sir.</p> <p>18 FROM THE PUBLIC: Oh, great. Thank you so</p> <p>19 much. My name is Mateo, M-a-t-e-o, Peixinho,</p> <p>20 P-e-i-x-i-n-h-o.</p> <p>21 And I thank you for the opportunity to</p> <p>22 speak.</p> <p>23 I have to concur with all the other</p> <p>24 parents and perhaps take a moment to explain to</p> <p>25 Secretary Delisha that a few phone calls with</p>

30	<p>1 parents trying to sort things out is not what we 2 have been requesting since last November. 3 This recent attempt, where, you know, Liz 4 Guillen, an attorney that has worked for educational 5 advocacy for years, we asked for meetings. How can 6 we help? Please allow us to be a part of the 7 solution. And you-all didn't even respond. It's 8 just too much. And it's heartbreaking. 9 I first contacted the president of the 10 governing council back in October to see if I could 11 help salvage the field trip for the seventh- and 12 eighth-graders, which is a huge part of Montessori 13 curriculum. They had raised money. They're trying 14 to go to the Model UN in New York. It was big 15 plans, and my son was so happy. 16 We had a librarian. STEM was really 17 happening. And it's just deteriorated since then. 18 November was horrible. We never got anywhere. And 19 it's just been excruciating to watch this process. 20 I've had schools kids in this school for 21 over ten years. And now my eighth-grader refuses to 22 enter the building. He's been bullied by this 23 principal. She's not a head learner. She comes 24 straight from Carlos Vigil. And her way of dealing 25 with teachers since November has proven to be</p>	32	<p>1 And it's been -- thank you for your time. 2 Honored, yet again. 3 This has been a very troublesome year with 4 the school, and we've had some great accomplishment 5 by the teachers. We've had teachers win awards and 6 bring the students to come (inaudible due to audio 7 distortion) as they've never been a part of before. 8 However, my comment for this meeting 9 (inaudible due to audio distortion) short and brief. 10 The counsel for the school and the governing council 11 had asked that if anybody has anything they need to 12 say about the school or how it's being run, not to 13 make a statement. 14 So I'm not making same. Thank you very 15 much, honored Commissioners. 16 THE CHAIR: Thank you, Mr. Pearce. Cindy, 17 did you get that last -- did you get that 18 information from the last speaker? 19 Maybe -- yeah, maybe we can bring 20 Mr. Pearce back in if he's still on the -- Mr. 21 Pearce, if you hear me, don't jump off yet. 22 Mr. Pearce, if you can hear me, we -- yeah -- you 23 were garbled. And if you could get closer to your 24 phone -- or to your device, please, so we can hear 25 you.</p>
31	<p>1 disastrous. 2 My son's education -- and I want the 3 governing council to hear this, because Roger 4 Montoya wanted me to pull him from school way back 5 when I first started trying to help the school 6 improve. 7 He said, "Get Calayo (ph) out of there. 8 Get him to the education he deserves." 9 And that's not what we do. But now my son 10 refuses to go. He's depressed. He's volunteering 11 at the homeless shelter. He helps cook at the Sikh 12 temple. He's doing homeschooling. He's enrolled in 13 the homeschool program. 14 THE CHAIR: Mr. Peixinho, wrap up, please. 15 FROM THE PUBLIC: Yes. I'm just 16 devastated and ask if there's any way to allow this 17 group to take over the school. As other parents 18 said, please help us find it. Thank you. 19 MS. MELISSA BROWN: Excuse me. Our next 20 speaker is Benjamin Pearce. 21 THE CHAIR: Mr. Pearce, go ahead. You're 22 on. Go ahead and unmute yourself. 23 FROM THE PUBLIC: Okay. I am sorry about 24 that. My name is Benjamin Pearce. B-e-n-j-a-m-i-n 25 P-e-a-r-c-e.</p>	33	<p>1 FROM THE PUBLIC: My name is Benjamin 2 Pearce. B-e-n-j-a-m-i-n P-e-a-r-c-e. (Audio 3 distortion due to connectivity issue.) 4 THE CHAIR: Mr. Pearce, we still can -- 5 sorry, sir. We can barely hear you. It sounds like 6 you have something else in the background that we're 7 getting an echo on. 8 Mr. Pearce, can you hear me? 9 FROM THE PUBLIC: Yes, sir. I apologize. 10 THE CHAIR: That's much better. Go ahead, 11 please. 12 FROM THE PUBLIC: Yes. I'm not going to 13 spell my name again, because I figure that probably 14 made it into the record. Benjamin Pearce. 15 (Continued inaudibility.) 16 THE CHAIR: Something just changed on your 17 end, sir, because we were hearing you very clear, 18 but now we're not hearing you. 19 FROM THE PUBLIC: However, thinking to the 20 last meeting and the last comments at the last 21 governing council meeting, the council members and 22 their attorney had asked that if anybody had -- 23 doesn't have anything positive to say, not to say 24 anything. 25 So I am choosing not to say anything.</p>

<p style="text-align: right;">34</p> <p>1 Thank you very much for your time, honored 2 Commissioners. 3 THE CHAIR: Thank you. 4 MS. MELISSA BROWN: Our next speaker is 5 Forrest Verde Dudek. 6 FROM THE PUBLIC: Good morning. Can you 7 hear me? 8 THE CHAIR: Yes. 9 FROM THE PUBLIC: Okay. My name is 10 Forrest Verde Dudek. That's F-o-r-r-e-s-t V-e-r-d-e 11 D-u-d-e-k. 12 Thank you again for allowing me to speak 13 on La Tierra and the issues that we've faced as 14 parents and students and teachers and -- 15 COMMISSIONER CLAHCHISCHILLIAGE: (Unmuted 16 Commissioner Clahchischilliage) Thank you for 17 calling Civil Engineering. We will be with you in 18 one moment. 19 FROM THE PUBLIC: That's not me. 20 THE CHAIR: Thank you. 21 FROM THE PUBLIC: Thank you. I'm really 22 disappointed. My family has -- 23 THE CHAIR: Sir, we don't hear you 24 anymore. 25 FROM THE PUBLIC: -- not the same school</p>	<p style="text-align: right;">36</p> <p>1 beautiful and thriving. 2 And under this leadership, this school has 3 been nothing but a disaster and a dangerous place 4 for students and for teachers and for their careers. 5 I'm really disappointed. And I cannot 6 believe that the governing council is changing their 7 own bylaws. They're not even following the bylaws 8 as written. 9 Thank you. I do appreciate it. 10 MS. MELISSA BROWN: Our final speaker is 11 Prairie Boulmier. 12 FROM THE PUBLIC: Hi. Can you hear me? 13 THE CHAIR: Yes, we can hear you. 14 FROM THE PUBLIC: All right. Great. 15 Okay. Thank you, Commissioners, for 16 allowing me to speak. And I just want to quickly 17 say thank you to each and every one of you for the 18 really tough job. I believe they're volunteer jobs 19 that you-all have for the State of New Mexico. 20 THE CHAIR: Can you go ahead and spell 21 your name, please, for the record? 22 FROM THE PUBLIC: Yeah. Sure. It's 23 P-r-a-i-r-i-e B-o-u-l-m-i-e-r. Got it? 24 THE REPORTER: Yes. 25 THE CHAIR: Thank you.</p>
<p style="text-align: right;">35</p> <p>1 that he went to this year. This year has just been 2 a complete disaster. My seven-year-old was 3 assaulted by a staff member. And the way that this 4 governing council pushed it under the rug and tried 5 to downplay the incident was disappointing. 6 Bringing this issue to them over and over again, 7 trying to get some kind of resolution was just the 8 tip of the iceberg of what looks like actual malice 9 in the way that this school has been -- been led by 10 this governing council, and especially Isaac 11 Casados, and the way that the teacher firing of 12 Mr. Krane was handled when he spoke out about my 13 son's assault. 14 I think this is -- this needs to be 15 investigated further. 16 There's something else going on at 17 La Tierra that just seems too -- too malicious to be 18 chalked up as ignorance and the lack of -- of 19 knowledge about how to run a school. It seems like 20 there is actual malicious intent, malfeasance with 21 this governing council. And it's with a heavy heart 22 that I say this isn't the same school that my 23 children deserve in this valley that the -- the 24 students of Española valley deserve, and maybe it 25 should close, because we need a school that is</p>	<p style="text-align: right;">37</p> <p>1 FROM THE PUBLIC: So I -- I just want to 2 say that, you know, for me, you know, I spent about 3 seven years working on writing the original charter 4 of La Tierra. And it was made very clear to us 5 applicants that, you know, we would lose our ability 6 to have any influence over the school once the 7 charter was approved and it became a -- you know, a 8 part of the State of New Mexico Education 9 Department. 10 And eleven years ago, when we got our 11 approval -- or twelve -- you know, the governing 12 council made a decision to pull away resources for 13 Montessori training for the board, for staff, for 14 ancillary staff. 15 And I knew at that time that the right 16 thing for me to do was to walk away. It was a 17 democratic decision on the part of the governing 18 council. 19 So I'm not surprised to be here now with 20 the school failing to implement a full Montessori 21 program. I just wish it hadn't taken ten years. 22 And I do know, and I deeply appreciate, the efforts 23 that have gone on in the past couple of years, 24 especially when it seemed like there was finally a 25 Montessori person and things were finally turning</p>

<p style="text-align: right;">38</p> <p>1 around.</p> <p>2 But that day is over, and all of the</p> <p>3 allegations and all of the fighting and everything</p> <p>4 else really doesn't matter in terms of what's best</p> <p>5 for the children.</p> <p>6 I don't believe, as you've all stated,</p> <p>7 that this governing council is capable of running a</p> <p>8 charter school or a Montessori School. And what I'm</p> <p>9 hearing from --</p> <p>10 THE CHAIR: Thank you, ma'am. Go ahead</p> <p>11 and wrap it up, please.</p> <p>12 FROM THE PUBLIC: Okay. The school is not</p> <p>13 safe now. I ask the PEC to find a way to close the</p> <p>14 school as soon as possible before something terrible</p> <p>15 happens. All the signs are there.</p> <p>16 Thank you very much.</p> <p>17 THE CHAIR: Thank you.</p> <p>18 All right. Missy, was that the last</p> <p>19 person?</p> <p>20 All right. I'm going to read for a little</p> <p>21 bit here, just to set up the process for today's</p> <p>22 proceedings.</p> <p>23 This hearing came to order at 9:05 a.m. on</p> <p>24 Thursday, April 20th, 2003 (verbatim).</p> <p>25 I apologize. I'm also on Item No. 4 of</p>	<p style="text-align: right;">40</p> <p>1 THE CHAIR: Thank you. And, Counsel, if</p> <p>2 it's more comfortable for you or easier to stay</p> <p>3 seated, that's fine. If you do want to stand up,</p> <p>4 too, that's fine, too. Just be sure you bring the</p> <p>5 mic closer to you so that the recording can happen.</p> <p>6 The purpose of this hearing is to hold a</p> <p>7 hearing regarding a possible revocation or other</p> <p>8 possible action under the intervention ladder</p> <p>9 related to La Tierra Montessori School of the Arts</p> <p>10 and Sciences.</p> <p>11 We will conduct a full and fair hearing.</p> <p>12 Following the hearing, the Public</p> <p>13 Education Commission will move to the next agenda</p> <p>14 item, which is to consider whether or not to revoke</p> <p>15 the charter/charter contract, of La Tierra</p> <p>16 Montessori School of the Arts and Sciences, or to</p> <p>17 take other action under the intervention ladder.</p> <p>18 La Tierra Montessori School of the Arts</p> <p>19 and Sciences has the right to appeal a revocation</p> <p>20 decision to the secretary of the New Mexico Public</p> <p>21 Education Department, pursuant to NMSA 1978 Sections</p> <p>22 22-8B-12N of the Charter Schools Act.</p> <p>23 I'm now going to go through a couple of</p> <p>24 different items, just to set the table today for us.</p> <p>25 I'm going to discuss the stipulations of</p>
<p style="text-align: right;">39</p> <p>1 our agenda.</p> <p>2 This hearing is being held in Mabry Hall</p> <p>3 at the Public Education Department in Santa Fe,</p> <p>4 New Mexico. I am Commissioner Alan Brauer, and I</p> <p>5 will serve as the presiding officer for this</p> <p>6 hearing.</p> <p>7 The Public Education Commission attorney,</p> <p>8 Julia Barnes, to my stage left will advise me in</p> <p>9 this matter.</p> <p>10 Will the parties please state their</p> <p>11 appearance for the record? Put your -- yeah.</p> <p>12 MR. WINGER: I'm going to get this by the</p> <p>13 end of the day, I promise.</p> <p>14 How's that?</p> <p>15 Good morning, everyone, Mr. Chairperson,</p> <p>16 thank you. My name is Nathan Winger, and I am</p> <p>17 appearing on behalf of the Public Education</p> <p>18 Commission this morning. Thank you.</p> <p>19 THE CHAIR: Thank you.</p> <p>20 MR. ZAMORA: Good morning, Chair Brauer.</p> <p>21 My name is Geno Zamora. I am at table. With me is</p> <p>22 Meagan Muñoz, associate attorney with Ortiz & Zamora</p> <p>23 law firm, representing La Tierra Montessori School</p> <p>24 for the Arts and Sciences.</p> <p>25 Thank you.</p>	<p style="text-align: right;">41</p> <p>1 the parties, the evidence process, the sequence of</p> <p>2 hearing, and then we're going to get into the</p> <p>3 hearing.</p> <p>4 So the stipulation of the parties:</p> <p>5 The parties have met and agreed to</p> <p>6 stipulate to the documents to be presented and</p> <p>7 considered in this case. I appreciate counsel</p> <p>8 working together to allow the hearing to be</p> <p>9 efficient and still effectively present their cases.</p> <p>10 I have accepted the stipulations. And all</p> <p>11 documents that are in the revocation hearing Google</p> <p>12 Drive are entered into the record for this hearing</p> <p>13 at this time without further foundation.</p> <p>14 (Each party's stipulated exhibits, having</p> <p>15 been stored in the NMPEC Google Drive,</p> <p>16 admitted into evidence.)</p> <p>17 THE CHAIR: I further understand that</p> <p>18 because of the stipulations, the party -- the</p> <p>19 parties have also further agreed to limit the</p> <p>20 witnesses that they will present in this case.</p> <p>21 I accept the agreement of the parties, and</p> <p>22 will not require witness testimony unless counsel</p> <p>23 determines that a witness should be called, and will</p> <p>24 allow the parties to rely on and discuss the</p> <p>25 documentation in the record without requiring</p>

<p style="text-align: right;">42</p> <p>1 witnesses.</p> <p>2 Counsel and Commissioners may question any</p> <p>3 witness that is called.</p> <p>4 Commissioners may also ask questions of</p> <p>5 counsel with regard to their presentation of</p> <p>6 arguments during the hearing.</p> <p>7 The Commissioners will not question</p> <p>8 witnesses or counsel after the close of the hearing.</p> <p>9 Evidence:</p> <p>10 The New Mexico Public Education Commission</p> <p>11 is not bound by formal rules of evidence. While</p> <p>12 hearsay may be introduced and may be contained in</p> <p>13 the stipulations, the Commissioners may give hearsay</p> <p>14 its due weight.</p> <p>15 With regard to witness testimony, I will</p> <p>16 exclude any witness testimony that is incompetent,</p> <p>17 irrelevant, immaterial, unduly repetitious, or</p> <p>18 otherwise unreliable or of little probative value.</p> <p>19 Any exception to an objection overruled by</p> <p>20 me shall be automatic and is not waived by further</p> <p>21 participation in the hearing.</p> <p>22 A complete record shall be made of all</p> <p>23 evidence received during the course of this hearing.</p> <p>24 Testimony at this hearing shall be taken</p> <p>25 under oath and shall be recorded. Please be sure to</p>	<p style="text-align: right;">44</p> <p>1 include questioning by Commissioners of witnesses or</p> <p>2 of counsel.</p> <p>3 Each party shall be permitted to call and</p> <p>4 examine witnesses and refer to exhibits already in</p> <p>5 the record, as well as cross-examine witnesses.</p> <p>6 The cross-examination of witnesses shall</p> <p>7 be limited to the scope of the direct testimony</p> <p>8 offered.</p> <p>9 4. Redirect and recross-examination of</p> <p>10 witnesses is not permitted.</p> <p>11 5. After each party has examined a</p> <p>12 witness, the Commissioners may ask questions of the</p> <p>13 witnesses within the scope of the testimony given or</p> <p>14 evidence in the record referenced to the record.</p> <p>15 The time will not -- sorry.</p> <p>16 The time will stop during Commissioner</p> <p>17 questioning. No party shall be allowed to examine a</p> <p>18 witness after the Commissioners have finished</p> <p>19 questioning the witness.</p> <p>20 6. Each party shall be permitted to</p> <p>21 present closing arguments. Mr. Winger will go</p> <p>22 first, followed by Mr. Zamora for the school.</p> <p>23 7. The hearing record shall be closed</p> <p>24 after closing arguments by Counsel.</p> <p>25 All right. We're going to Section 5,</p>
<p style="text-align: right;">43</p> <p>1 speak clearly, as the recording will not pick up</p> <p>2 nods, gestures, or mumbled answers.</p> <p>3 Please clearly identify any references to</p> <p>4 the record by the name of the document and the page</p> <p>5 you are referring to.</p> <p>6 We may take a break as needed for the</p> <p>7 court reporter.</p> <p>8 I'm going to move on to the sequence of</p> <p>9 hearing.</p> <p>10 It is our intention to hold a thorough,</p> <p>11 fair, and impartial hearing. The hearing shall</p> <p>12 proceed in the following manner:</p> <p>13 1. Each party may provide brief opening</p> <p>14 and closing statements that are not counted against</p> <p>15 the time limits allotted.</p> <p>16 2. Following the opening argument, each</p> <p>17 party will be given one hour to present its case in</p> <p>18 total.</p> <p>19 Mr. Winger will present the arguments and</p> <p>20 witnesses for the Commission first. Mr. Zamora and</p> <p>21 his counsel for the school will then follow.</p> <p>22 The one-hour time limit will include</p> <p>23 presentation, argument, and questioning of</p> <p>24 cross-examination of witnesses.</p> <p>25 The time provided to each party will not</p>	<p style="text-align: right;">45</p> <p>1 which is the hearing. So, Mr. Winger, you may</p> <p>2 proceed with your opening statement, and then</p> <p>3 Mr. Zamora, you'll have the chance to do your</p> <p>4 opening statement.</p> <p>5 Are we good to keep on moving forward? Or</p> <p>6 does -- the Commission would like a -- you know,</p> <p>7 let's take -- let's take a five-minute break before</p> <p>8 we jump in.</p> <p>9 Cindy, I'm sure your hands would like a</p> <p>10 rest as well after what I just read. So let's come</p> <p>11 back at 10:00.</p> <p>12 (Recess taken, 9:53 a.m. to 10:04 a.m.)</p> <p>13 THE CHAIR: All right. Now I mean it for</p> <p>14 reals this time. We're going to come back together.</p> <p>15 It's 10- -- it's 10:04.</p> <p>16 Cindy, do a quick mic check. Can you hear</p> <p>17 us?</p> <p>18 THE REPORTER: I do hear you. Thank you.</p> <p>19 THE CHAIR: We're going to pick up where</p> <p>20 we left off with the actual hearing.</p> <p>21 Mr. Winger, you may proceed with your</p> <p>22 opening statement.</p> <p>23 MR. WINGER: Thank you. And good morning,</p> <p>24 Mr. Chairman, and Council, members of the public.</p> <p>25 I'm here today on behalf of the PEC and</p>

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1 will present evidence and argument for your
 2 consideration of the proposed revocation of
 3 La Tierra Montessori School's charter.
 4 This is a rather unique situation. As you
 5 are aware, there is a stipulation between the PEC
 6 and La Tierra as to the exhibits and witness
 7 testimony that will be presented today.
 8 This means that as far as this case I will
 9 be presenting for revocation, you will hear from a
 10 single witness, Larry Vigil of Poms & Associates.
 11 As for the rest of the exhibits and
 12 witness statements you will hear discussed today,
 13 the parties have stipulated to the admission of each
 14 side's exhibits.
 15 Generally, we would have to lay a
 16 foundation and develop a need to introduce each
 17 document we would seek to present to the Commission.
 18 However, in the interests of time and an
 19 efficient use of resources, and limited to this
 20 hearing only, the exhibits and materials that you
 21 are going to hear presented today have been agreed
 22 to by each side.
 23 However, whatever weight you decide to
 24 give to any specific document or to an entire side's
 25 documents as a whole is up to you, as the decision

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1 makers in this hearing.
 2 What you will hear from the lawyers as we
 3 present our respective positions is the argument of
 4 counsel. The evidence itself is the materials
 5 before you and the witness testimony you will hear
 6 today.
 7 What I will talk about today and what you
 8 will consider at the conclusion of this hearing are
 9 documents and witness testimony concerning long-term
 10 safety concerns which have been ongoing for a long
 11 time regarding La Tierra.
 12 You're going to hear about fiscal
 13 management issues which have also been long-term
 14 considerations and problems for La Tierra.
 15 You're going to hear about parent and
 16 employer complaints. And you've already started to
 17 hear part of those from the public forum that was
 18 held earlier today.
 19 In addition, there's academic concerns and
 20 a general failure by the school to abide by its
 21 contract with the PEC.
 22 This matter is before you, Commissioners,
 23 today, and falls within your discretion as a
 24 Commission.
 25 The facts are going to be before you.

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1 I don't think that there's any
 2 disagreement at all today, or if there is, it's very
 3 little, between myself and Mr. Zamora as to what has
 4 occurred over the last at least six months.
 5 What is up to you as Commissioners is to
 6 decide what you want to do with those facts and how
 7 you choose to act in this instance.
 8 I look forward to presenting my case, and
 9 I would now pass to Mr. Zamora for any opening he
 10 may have.
 11 THE CHAIR: Thank you, Mr. Winger.
 12 Mr. Zamora, your opening statements.
 13 MR. ZAMORA: Thank you, Chair Brauer.
 14 Thank you, Commissioners. And thank you, PEC
 15 Counsel Winger.
 16 What Mr. Winger stated is correct; that
 17 is, one, there's a lot of agreement about what --
 18 what's going on, what's been changing, what needs to
 19 continue to change at La Tierra Montessori.
 20 You know, in preparing for today, I know
 21 it might be a little bit cliché, but I thought this
 22 really is A Tale of Two Cities, like London and
 23 Paris, but the same school, with the difference
 24 being years and the current year.
 25 And PEC is right to be concerned. It's

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1 clear that under the Charter School Act, it has the
 2 authority to suspend or revoke La Tierra Montessori.
 3 It's also true that PEC has the authority, under the
 4 Charter School Act, to take corrective actions,
 5 including developing, or further developing and
 6 executing, a corrective action plan with time frames
 7 for compliance. I'll even add strict time frames.
 8 The word "strict" isn't in the statute. But strict
 9 time frames for compliance. You have that ability.
 10 And, yes, PEC should be concerned and
 11 should be making sure that a charter school like
 12 La Tierra Montessori be in regular consultation with
 13 the tribal authority when it's located on tribal
 14 property within tribal boundaries. That
 15 government-to-government relationship is core, and
 16 it's key, and it's an appropriate way to respect our
 17 tribal leadership.
 18 What I'm hear-- what you'll hear through
 19 the evidence is that a continued and updated
 20 correction plan is the appropriate action to take.
 21 You'll hear that through the evidence.
 22 But why? Why? Because as you'll see in
 23 the review of the exhibits in our defense opposing
 24 revocation, the seven issues raised in PEC's
 25 March 16th, '23, Notice of Intent to Revoke the

<p style="text-align: right;">50</p> <p>1 Charter -- by the way, that's what I go by. That's 2 what the statute goes by.</p> <p>3 What's in the notice? There's a lot of 4 extraneous stuff out there, either through public 5 comment or sometimes in some of the evidence on 6 either side. It's not related to seven specific 7 issues that the charter school is on notice for.</p> <p>8 But you'll see that the evidence that we 9 provide shows that most, if not all -- I'll say 10 most, because there are a few that originated this 11 year. But most issues have -- in Counsel Winger's 12 words, have been long-term problems.</p> <p>13 And so now the difference is that 14 La Tierra and its governing council has brought in 15 Ms. Patricia Herrera and has moved her, on the 16 guidance of the PEC, to a full-time role as head 17 learner to focus on what needs to be done.</p> <p>18 The March 16th letter is not something to 19 be contradicted. It's not something to be thrown to 20 the side. It's not something to be combative over. 21 It is to be a road map for compliance and providing 22 students the best educational environment.</p> <p>23 And as you'll see from the exhibits, 24 La Tierra Montessori has done exactly that. It used 25 the Poms assessment. It used the PEC's feedback as</p>	<p style="text-align: right;">52</p> <p>1 the Poms reports. You can't -- can't accomplish all 2 of that in four months, five months.</p> <p>3 But I hope that you see the progress that 4 demonstrates that the head learner, the staff, and 5 the community are serious about getting this school 6 on track from years of systemic issues and 7 maintaining this school as a viable option for its 8 students, the students who every parent has stated 9 need this environment at La Tierra Montessori.</p> <p>10 So, finally, I can't help but think about 11 what my law partner, Tony Ortiz, says when he's 12 working with school boards and chartering 13 authorities. And I repeat them all the time. Are 14 we getting caught up in adult issues? Disputes 15 among adults? Personalities? Disagreement on 16 meetings? On things that aren't inside the 17 classroom? Or are we addressing child issues, 18 making sure children have the appropriate 19 environment for learning?</p> <p>20 La Tierra Montessori wasn't perfect in 21 August of 2022. It wasn't perfect in May of 2022. 22 It's not perfect today.</p> <p>23 But it's closer, and it's further on down 24 the road toward being that new school that has the 25 proper -- that is working towards the proper</p>
<p style="text-align: right;">51</p> <p>1 a road map.</p> <p>2 And of the 120 exhibits that we submitted, 3 it's to show progress.</p> <p>4 Remember that tale of two schools? We've 5 heard it from both sides that 12 months ago, this 6 was the ideal school. And 12 months later, it 7 should be shuttered. It should be closed. It 8 should be removed from existence. In 12 months.</p> <p>9 As you'll see in the evidence, most all of 10 these problems existed 12 months ago, 24 months ago, 11 in some instances, eight years ago. But the 12 governing council -- but more importantly than the 13 governing council, because they don't have the 14 operational authority, the head learner does -- is 15 taking your red map and improving this school piece 16 by piece, bit by bit.</p> <p>17 All La Tierra will be asking for is a 18 reasonable time frame for compliance.</p> <p>19 Again, they don't oppose PEC's 20 requirements for statutory or regulatory compliance. 21 The school and its staff simply need more time.</p> <p>22 The evidence that we reference today will 23 show you how much they've accomplished since 24 October. Again, you've seen -- you've seen the 25 evidence. You've seen your own notice. You've seen</p>	<p style="text-align: right;">53</p> <p>1 learning environment for students.</p> <p>2 Thank you.</p> <p>3 THE CHAIR: Thank you, Mr. Zamora.</p> <p>4 Mr. Winger, you may move forward to 5 present your case, your witnesses, presentations and 6 argument, which may reference any documents 7 stipulated in the Google Drive.</p> <p>8 Please ensure that any references to the 9 documents are clear for the record.</p> <p>10 MR. WINGER: Thank you, Chair. I would 11 like to call Larry Vigil. He is slightly out of 12 order. However, he's got an obligation in a few 13 hours. He's appearing via Zoom, and so I think it's 14 important for the Commission to hear his testimony, 15 even if it is slightly out of order at this time.</p> <p>16 THE CHAIR: Thank you very much, 17 Mr. Vigil. I'm going to swear you in by giving you 18 the -- sorry -- I'm going to administer the oath. 19 Can you please stand and raise your right hand?</p> <p>20 THE WITNESS: Good morning. Can everyone 21 hear me okay?</p> <p>22 THE CHAIR: I can hear you just fine, sir.</p> <p>23 THE WITNESS: Okay.</p> <p>24</p> <p>25</p>

<p style="text-align: right;">54</p> <p>1 LARRY VIGIL, 2 after having been first duly sworn under oath, 3 was questioned and testified as follows: 4 THE CHAIR: Thank you. And before we 5 proceed to hearing any of the merits of this case, 6 are there any preliminary motions or matters at this 7 time? 8 MR. WINGER: None from the Public 9 Education Commission. 10 MR. ZAMORA: None from the school. 11 THE CHAIR: Great. Thank you. 12 Mr. Vigil, I just want to share the 13 limitations that we have, especially around Zoom 14 testimony. Please remember that you are under oath, 15 and you are not to refer to any documents during 16 your testimony unless instructed to do so. 17 In the event that you are instructed to 18 review documents, you must clearly identify the 19 documents that you are referring to so that it is 20 clear for the record that document you are referring 21 to. 22 Do you understand these instructions 23 regarding the Zoom testimony? 24 THE WITNESS: I do, Mr. Chair. 25 THE CHAIR: Thank you, sir. Mr. Winger?</p>	<p style="text-align: right;">56</p> <p>1 I also have a number of districts and 2 schools that I personally handle myself. 3 Q. And is La Tierra one of those schools? 4 A. La Tierra is of the schools. Being in the 5 Española -- within the Española school system, 6 that's one of the schools that I'm assigned to as 7 well, given my self-assignment to. 8 Q. Sure. In the course of your employment 9 within the last five months, have you had the 10 opportunity to visit La Tierra Montessori School? 11 A. I have. 12 Q. And why did you visit the school? 13 A. So our office was contacted by members of 14 the Public Education Commission -- I believe it was 15 Barbara -- and I'm going to refer to some notes that 16 I've just prepared for myself for memory jogging 17 purposes. It was Barbara Gardner through Katherine 18 Bulkevich [ph], who contacted James Vautier, who's 19 another senior manager on our team, who then reached 20 out to me as the loss prevention consultant for the 21 school. 22 So I was contacted by the Public Education 23 Commission, by those individuals, regarding some 24 complaints that were received. They asked if we can 25 go out and perform a loss prevention or loss control</p>
<p style="text-align: right;">55</p> <p>1 MR. WINGER: Thank you. 2 DIRECT EXAMINATION 3 BY MR. WINGER: 4 Q. Sir, can you spell your name for the 5 record, please? 6 A. Yes. It's L-a-r-r-y V-i-g-i-l. 7 Q. And how are you employed? 8 A. I am senior risk manager for loss 9 prevention with Poms & Associates. 10 Q. And who is Poms & Associates? 11 A. Poms & Associates is a contractor for the 12 New Mexico Public School Insurance Authority. 13 Q. And can you tell the Commission a little 14 bit about the work that you do? 15 A. Yes. Absolutely. So as the senior 16 manager on the loss prevention team, I'm responsible 17 for overseeing the loss prevention safety program 18 for the New Mexico Public School Insurance Authority 19 Loss Prevention Program. 20 We're contracted with NMPSIA to provide a 21 loss prevention mechanism that was created by 22 New Mexico statute. As the senior manager on the 23 team, I supervise seven employees who are assigned 24 districts and charter schools, higher education 25 institutions throughout the state.</p>	<p style="text-align: right;">57</p> <p>1 audit on the school. 2 Q. And do you recall what date you visited 3 the school? 4 A. I believe it was on January 25th. 5 Q. Prior to January -- and to be clear for 6 the record, was it January 25th of 2023? 7 A. Yes, sir. 8 Q. And prior to January 25th of 2023, had you 9 ever visited the school in your -- in the course of 10 your employment with Poms? 11 A. Yes, I had. 12 Q. And can you tell the Commission about your 13 prior visits? 14 A. Sure. I visited them on two other 15 occasions, both in 2017. One was in February of 16 2017. We were contacted by Pamela Rodriguez from 17 La Tierra Montessori regarding a playground that 18 they were interested in installing. They had some 19 questions regarding installation procedures and 20 whether or not they would be in compliance with 21 playground standards if they were to have this 22 playground installed. 23 Our office was contacted to -- to consult 24 with them. That's part of the loss prevention 25 procedures, to consult on any loss prevention</p>

1 issues.

2 **And later that year in September, I was at**
3 **the school to provide a first aid/CPR training for**
4 **their staff.**

5 Q. And that was in 2017; is that correct?

6 A. **2017. Correct.**

7 Q. From 2017 until 2023, do you have any
8 recollection of ever visiting the school again?

9 A. **I do not.**

10 Q. Can you tell the Commission what the
11 purpose of your visit on January 25th of 2023 was?

12 A. **So on January 25th, the purpose of my**
13 **visit was to conduct a loss control safety**
14 **inspection. We call that an audit. Generally, it's**
15 **to identify any hazards that we can find at the**
16 **school that could be corrected to prevent claims**
17 **from happening in the future.**

18 Q. And as a result of your visit there, did
19 you author any reports regarding what your findings
20 were?

21 A. **I did. I issued two reports. One was a**
22 **loss control safety audit, and the other was**
23 **certified playground safety inspection.**

24 Q. And can you tell the Commission just a
25 little bit about what your findings were regarding

1 **court area. My recommendation at the time was**
2 **before you're going to install it over the**
3 **basketball court, you need to follow the procedures**
4 **laid out by the CPSC handbook regarding installation**
5 **over hard surfaces.**

6 **When I looked at the playground, I dug**
7 **into the playground surface material and realized**
8 **that the blacktop was directly underneath it. So it**
9 **did not look to me like it had been properly**
10 **installed.**

11 **So I asked Ms. Herrera if she had any**
12 **records of the installation of the playground, and**
13 **she did not.**

14 **So, immediately, that was, you know, one**
15 **of the big issues that I found.**

16 **I also found some issues with some**
17 **equipment that was broken, equipment that did not**
18 **have the proper surface protection underneath it,**
19 **items on the playground that were not necessarily**
20 **playground equipment.**

21 **There were some wooden structures that**
22 **looked like they had been constructed by somebody.**
23 **They were deteriorated and the -- I'm sorry -- did I**
24 **say metal? I meant wood. Wooden structures that**
25 **had been deteriorated through the weather, sun, just**

1 the playground audit?

2 A. **Yes, I can. So the -- regarding the**
3 **playground audit -- so just to back up a little bit,**
4 **I'm also a Certified Playground Safety Inspector.**
5 **That's part of my role within -- within my job here**
6 **at Poms & Associates.**

7 **Each of our staff members go through a**
8 **training through the National Parks and Recreation**
9 **Service called Certified Playground Safety**
10 **Inspection. I've had my CPSI since 2012.**

11 **I went to the school and inspected the**
12 **playground as part of the loss control safety**
13 **procedures. Any time we go to an elementary school**
14 **that has a playground, we generally will take a look**
15 **at the playground as well as part of our process.**

16 **My findings within the playground at**
17 **La Tierra Montessori, one of the big issues I had**
18 **with the playground was there were no records of the**
19 **installation being performed.**

20 **And remembering back to when I had visited**
21 **back in 2017, our recommendation at the time was to**
22 **have the playground installed by a certified**
23 **playground installer.**

24 **The playground they were talking about**
25 **installing was over a blacktop over a basketball**

1 **kind of beaten up out there. And it looked to me**
2 **like they were hazardous.**

3 **My, you know, role -- my training as a**
4 **Certified Playground Safety Inspector, wooden**
5 **components tend to deteriorate over time. And it**
6 **looked like these had been deteriorated.**

7 **They also were not really playground**
8 **structures. They were just improvised structures**
9 **that looked like they had been constructed to be on**
10 **the play area -- not necessarily in the playground,**
11 **but on the play area.**

12 **Those with were the findings, the big ones**
13 **that come to mind from that report.**

14 **MR. WINGER:** And for the Commission's
15 reference, that report is listed as PEC 51 through
16 93 as part of our exhibits.

17 Q. (By Mr. Winger) Sir, can you tell the
18 Commission what you found during your loss control
19 and safety audit?

20 A. **Yeah. So regarding the loss control and**
21 **safety audit, some of the major issues -- one of the**
22 **very first things that I noticed when I arrived at**
23 **the school, there was a -- a locking mechanism on**
24 **the front door. However, when I pulled the door I**
25 **was able to just walk right in.**

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1 **So the locking mechanism was not engaged.**
 2 **The buzzer system was essentially inactive or not --**
 3 **not activated at the time, so the door hadn't shut**
 4 **properly.**
 5 **When I walked into the school, I was**
 6 **greeted by somebody at the front. I identified**
 7 **myself. I was there unannounced. They had no idea**
 8 **that I was coming.**
 9 **I identified myself. I showed my**
 10 **credentials. Ms. Herrera met me, and we sat down**
 11 **and had a brief visit before I began walking around**
 12 **the school to identify the hazards.**
 13 **One of the things that I noticed that I**
 14 **told her about was the door. Now, the door kind of**
 15 **falls outside of the realm of the loss control and**
 16 **safety audit. That's more of our security and**
 17 **vulnerability assessment that's handled by our**
 18 **senior manager and our team on the security side of**
 19 **things.**
 20 **But I did comment on that verbally to her.**
 21 **I think I may have even taken a picture of it just**
 22 **for perspective when I did the report.**
 23 **Immediately when we started walking around**
 24 **through the facility, I noticed that there was -- in**
 25 **the rear entrance -- the rear egress from the**

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1 cafeteria, I noticed a lot of debris, a lot of
 2 clutter, just some items that had been flippantly
 3 kind of stacked near the door, which I believed to
 4 impede the exit in the event of an emergency. So
 5 that was a big issue that I put on my report.
 6 **I also tend -- I look in classrooms, I**
 7 **look in storage closets. One of the electrical**
 8 **rooms that I opened, which was also a storage**
 9 **closet, had a lot of clutter, a lot of excess**
 10 **materials. Some of them were stacked near the**
 11 **electrical panels, which is a hazard. Those areas**
 12 **should remain clear within 36 inches of that**
 13 **electrical panel.**
 14 **There were some chemicals, I believe, that**
 15 **were stored in there. Whenever we see chemicals, we**
 16 **ask for the safety data sheets and ask what the**
 17 **chemical management plan is in place, and**
 18 **Ms. Herrera did not have any information about the**
 19 **safety data sheets or any information about the**
 20 **location of that plan. So that went on the report.**
 21 **I also noticed a couple of the classrooms**
 22 **had, I believe, some -- some other types of**
 23 **electrical hazards that we identified. There was I**
 24 **believe a fish tank in one of the classrooms that**
 25 **had some animals in it, reptiles, I believe. Any**

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1 time we see that, we ask what the plans are at the
 2 school, what the policies are with regard to those
 3 types of environments.
 4 **Generally speaking, a lot of storage and**
 5 **housekeeping issues, some egress issues, and a few**
 6 **electrical issues that I identified on the report.**
 7 MR. WINGER: And for the Commission's
 8 reference, that report is listed as PEC 94 through
 9 136 in the materials that we've presented.
 10 Q. Sir, through your inspection of the school
 11 premises, can you tell the PEC -- or tell the
 12 Commission, rather -- how that building is situated
 13 regarding other buildings nearby?
 14 **A. Yes. So the school is adjacent to -- in**
 15 **between the school -- so I guess right outside of**
 16 **the rear entrance where the cafeteria is, there's**
 17 **another structure, which looks like it was a storage**
 18 **structure at some point. That was another issue**
 19 **that I identified on the report was, you know, the**
 20 **fact that this structure was kind of out there.**
 21 **And my recommendation, I think, to**
 22 **Ms. Herrera was that should either be cleaned out or**
 23 **torn down, I think was -- may have even been the**
 24 **language I used with her. The structure seemed to**
 25 **be not used. She didn't even have a key for it, or**

65

1 it sounded like the door was really hard to get
 2 access to. She would need to get a different key,
 3 and we'd really have to jiggle the door to get into
 4 it, I think she said.
 5 **So we didn't bother to go into the actual**
 6 **structure itself. But from looking at the outside**
 7 **of it, it looked like it was in poor repair.**
 8 **Next to that there were other structures.**
 9 **I believe there were one, possibly two, which she**
 10 **identified as being tenants that were leasing space**
 11 **for -- they were third-party contractors. I think**
 12 **one was a janitorial service. I don't remember what**
 13 **the other tenant -- what their -- nature of their**
 14 **business was. But they were also on the campus**
 15 **footprint and had access to the campus.**
 16 **And so one of the things that I noted, I**
 17 **believe, in the report, and also verbally, was my**
 18 **concern with, you know, students being dropped off**
 19 **with this traffic immediately on the campuses, and**
 20 **whether or not, you know, that was any kind of risk**
 21 **to students with their being dropped off at the time**
 22 **to the janitorial services coming in and out. And**
 23 **generally who's on campus at that time.**
 24 **Again, that kind of goes back to our**
 25 **security and vulnerability assessment. So I kind of**

1 left most of that to Mr. Vautier to address when he
2 went out. The intention was for both of us to go
3 out at the same time, or within the same couple of
4 days.

5 But, unfortunately, Mr. Vautier suffered
6 an injury, slipped on some ice, and had to delay his
7 visit to the campus. And I believe he ended up
8 going out a couple of weeks, or even a month or two
9 later.

10 MR. WINGER: Sir, I don't have any more
11 questions for you at this time. I would pass the
12 witness.

13 CROSS-EXAMINATION

14 BY MR. ZAMORA:

15 Q. Good morning, Mr. Vigil. This is Geno
16 Zamora on behalf of La Tierra Montessori School.

17 A. Good morning, Mr. Zamora.

18 Q. Good morning. We know each other, don't
19 we?

20 A. We do, sir.

21 Q. Yes. We've worked together on several
22 projects involving school districts throughout the
23 state. Does that sound about right?

24 A. That's correct. And I believe we've
25 presented at some conferences at the same time or

1 seen each other at different school conferences.

2 Q. Yes. I think, actually, we presented
3 together, you and I and James Vautier, regarding
4 guns on campus and safety requirements. Does that
5 sound familiar?

6 A. It does.

7 Q. All right. Well, it's good to speak with
8 you this morning.

9 A. Yes, sir.

10 Q. So, Mr. Vigil, it's -- you may or may not
11 have heard that not a lot of things are contested in
12 today's hearing. And, one, I would like to thank
13 you for your comprehensive analysis and your
14 playground audit and your safety audit. There's no
15 intention to discredit or even dispute any of your
16 observations. I would just like to ask some
17 additional details if I may.

18 A. Okay.

19 Q. Regarding your observations of the
20 playground equipment, I believe you used the words
21 "not properly installed, broken equipment,
22 deteriorated wooden structures."

23 Did any of the structures appear to have
24 been new or installed within the last six months?

25 A. No, they did not.

1 Q. Okay. And I believe one of your
2 recommendations may have been to actually shut down
3 or cordon off the -- the unsafe equipment on the
4 playground; is that correct?

5 A. That's correct. One of the mechanisms
6 within the loss prevention rule, if there is a
7 hazard that we deem to be above average for risk of
8 injury -- not necessarily imminent, but above
9 average for risk of an injury to occur, which could
10 be a larger-than-average type of injury, is for us
11 to issue what's called a "critical hazard letter."

12 I issued a critical hazard letter on that
13 playground. And on that letter, my recommendation
14 was to go ahead and shut down the playground until
15 it could be -- equipment could be removed or have
16 somebody come out and properly install the surface
17 material under the playground equipment and certify
18 that the installation had been performed correctly.
19 They just didn't have any records of the
20 installation of it.

21 Q. Thank you. Have -- Mr. Vigil, have you
22 worked with CES contractors with regard to proper
23 installation of playground equipment?

24 A. Not necessarily worked with them, but I've
25 spoken to them. We've reviewed plans together.

1 Generally, we defer to their -- as installers, they
2 go through some of the similar training that we do.
3 There's usually Certified Playground Safety
4 Inspectors. Those are some of the other people who
5 go to the course I described earlier.

6 So I've spoken to several of the
7 installers. The information that that we received
8 back in 2017 was that this school was going to use
9 Dixie playground equipment as the manufacturer -- or
10 the -- who they were going to purchase the equipment
11 from. I have never worked with them.

12 Q. Okay. Do you think -- in your experience,
13 do you think one of the appropriate options when
14 considering playground equipment is to consider
15 CES-approved contractors?

16 A. Yes. Absolutely. Yeah. Those
17 contractors generally are the ones who are more
18 experienced with New Mexico and have worked with our
19 school districts in the past. They've been vetted,
20 so to speak.

21 Q. Great. Thank you.

22 Now, I am assuming over the years you've
23 probably generated dozens, if not hundreds, of
24 playground audit reports and safety audit reports;
25 is that correct?

1 **A. That's correct. Yeah. I've been doing**
 2 **this since 2012; so...**
 3 Q. Is part of your purpose in generating
 4 those reports really to create a road map to assist
 5 the school or the district with coming into
 6 compliance?
 7 **A. Oftentimes, it is. You know,**
 8 **occasionally, you know, we'll go to districts who,**
 9 **you know, you find kind of everything in order, and**
 10 **we don't usually see a lot of issues with them.**
 11 **They have sometimes their own risk management**
 12 **department that we're working with, and so we're**
 13 **more of an advisory consulting role with those**
 14 **districts.**
 15 **In other districts, they don't have**
 16 **anybody that serves in that capacity, and so they**
 17 **rely on our guidance and our consulting, our**
 18 **information, to kind of, like you said, provide that**
 19 **road map for compliance.**
 20 Q. Great. Thank you.
 21 Now, since -- since January of 2023, have
 22 you returned to -- to La Tierra Montessori's campus
 23 to review whether any changes were made?
 24 **A. I did revisit the campus, I believe, about**
 25 **two to three weeks after we sent out the critical**

1 **hazard letter, which was probably at least a month**
 2 **after my initial visit.**
 3 **When I arrived at the campus, the gates**
 4 **were locked, and I was not able to go in. So I did**
 5 **not actually speak with Ms. Herrera or actually walk**
 6 **around the facility to see if anything had been**
 7 **corrected.**
 8 **It was my intention that day to do that.**
 9 **Again, I was unannounced, but I did not find the**
 10 **gates open, so I was not able to perform that**
 11 **follow-up.**
 12 Q. If La Tierra were to request a follow-up
 13 visit for you -- from you, what are your scheduling
 14 time frames? How soon could you be out if you
 15 receive an updated request to review progress?
 16 **A. Well, looking at my calendar, I'll**
 17 **actually be in Española next Thursday. So I can**
 18 **actually be out there within the next seven days.**
 19 **That would be my next available -- actually, not**
 20 **Thursday. I was speaking incorrectly here.**
 21 **Wednesday.**
 22 **So on the 26th, I'm scheduled to be in**
 23 **Española. Generally speaking, we do follow up on**
 24 **all of our loss control safety audits, playground**
 25 **inspections. We do follow up usually within 30 to**

1 **60 days of the report being delivered to the member,**
 2 **to the NMPSIA member. We follow up, and those**
 3 **statistics are kept so that we can report that back**
 4 **to the NMPSIA board.**
 5 Q. Thank you. I'd also like to ask you if
 6 you're familiar with the Raptor system for schools
 7 and school safety use.
 8 **A. I am.**
 9 Q. Could you please describe what a Rap- --
 10 what the purpose of a Raptor system is?
 11 **A. My understanding is the Raptor system is a**
 12 **visitor -- a visitor screening and authorization**
 13 **system. So when you arrive at a school campus, you**
 14 **show your identification. They run it through the**
 15 **Raptor system, and they take your picture and issue**
 16 **a visitor badge.**
 17 **I probably way oversimplified that, but...**
 18 Q. And is a Raptor system an important
 19 component of a safety plan?
 20 **A. Absolutely. Yeah, it's absolutely**
 21 **critical for safety and security of schools to**
 22 **identify and vet their visitors.**
 23 MR. WINGER: Okay. Thank you, Mr. Vigil,
 24 for your time this morning. I have no further
 25 questions.

1 THE WITNESS: Okay. Thank you.
 2 MR. WINGER: Chair Brauer, I don't know if
 3 anyone from the Commission has any questions for
 4 this witness.
 5 THE CHAIR: Commissioner Ingham.
 6 COMMISSIONER INGHAM: Yes. I was just
 7 wondering -- and I'm not sure if I have the correct
 8 terminology -- but did you perform a drop test on
 9 the surface, the playground surface there? And what
 10 were the results?
 11 THE WITNESS: Mr. Chair, members of the
 12 Commission, no, sir, I did not perform a drop test.
 13 As a Certified Playground Safety Inspector, I don't
 14 have the tools or the knowledge to perform that drop
 15 test. They're typically performed by other
 16 contractors that have the specific equipment to
 17 perform that.
 18 Generally speaking, what we look for is
 19 the amount of loose fill surface material that is
 20 underneath a playground structure. And if we find
 21 the appropriate depth or the type of playground
 22 surface material -- for example, I believe there
 23 were woodchips underneath this particular playground
 24 structure -- or this playground. Woodchips will
 25 give a minimum of 9 feet of fall height for 9 inches

<p style="text-align: right;">74</p> <p>1 of depth.</p> <p>2 And so if we see that minimum depth, then</p> <p>3 our recommendation is that it's in accordance with</p> <p>4 the CPSI standards. If we see less than that depth,</p> <p>5 we recommend they install more. We usually, when we</p> <p>6 ask for those, if they have the plans, the</p> <p>7 installation records of the playground equipment,</p> <p>8 that's usually where you'll find the drop test that</p> <p>9 has either been performed by the installer, or if</p> <p>10 that drop test was performed in a laboratory, you'll</p> <p>11 also have those test results in the records of the</p> <p>12 playground installation.</p> <p>13 So we do not perform those tests.</p> <p>14 THE CHAIR: Commissioner Carrillo.</p> <p>15 COMMISSIONER CARRILLO: Mr. Vigil, good</p> <p>16 morning. Thank you for being here.</p> <p>17 Curious about the Raptor system. Was the</p> <p>18 Raptor system -- to the best of your knowledge when</p> <p>19 you were at the school, was that something that they</p> <p>20 employed at La Tierra?</p> <p>21 THE WITNESS: You know, I'm trying to</p> <p>22 remember. And, honestly, I can't remember if the</p> <p>23 Raptor system was in place at that school or not.</p> <p>24 I've probably been to about 30 different campuses</p> <p>25 since that visit, and I really can't remember.</p>	<p style="text-align: right;">76</p> <p>1 would have expected would take longer than the --</p> <p>2 like, if you were a team to visit next week, are</p> <p>3 there any concerns that you had that you would</p> <p>4 expect to not have been able to have the time --</p> <p>5 like, it would have taken a longer time to fix?</p> <p>6 THE WITNESS: Yes, Madam Commissioner. We</p> <p>7 typically, on our reports, will identify hazards as</p> <p>8 either being -- as either being capital or</p> <p>9 noncapital. And what we mean by that are the</p> <p>10 capital improvements that we're recommending, the</p> <p>11 capital hazards -- recommendations with a capital</p> <p>12 identifier are things that are going to require</p> <p>13 additional funding, for example.</p> <p>14 Non-capital are typically things that can</p> <p>15 be done within the scope of your operational budget.</p> <p>16 And so we expect the non-capital hazards to be at</p> <p>17 least 70 percent of what we've recommended. Within</p> <p>18 that 60 days, that's our expectation for what we're</p> <p>19 looking for as far as compliance and for</p> <p>20 improvement. We call those the abatements of those</p> <p>21 hazards. I usually look for about 70 percent.</p> <p>22 Now, some of the issues regarding</p> <p>23 housekeeping that we talked about at the school that</p> <p>24 Ms. Herrera had identified, she had several</p> <p>25 instructional materials, books, things like that</p>
<p style="text-align: right;">75</p> <p>1 I've got a bunch of those stickers. When</p> <p>2 I get out of my car, I come back in, and I then in</p> <p>3 my little trashcan in my car. And that bag is</p> <p>4 usually full by the end of the month.</p> <p>5 So I don't remember if they did or not.</p> <p>6 COMMISSIONER CARRILLO: So Raptor is a</p> <p>7 brand of security identification that schools</p> <p>8 employ; is that correct?</p> <p>9 THE WITNESS: Correct.</p> <p>10 COMMISSIONER CARRILLO: Was there possibly</p> <p>11 another brand or system used as a screening tool at</p> <p>12 La Tierra for visitors?</p> <p>13 THE WITNESS: It's possible. I just don't</p> <p>14 recall if I was asked to use their system or not.</p> <p>15 COMMISSIONER CARRILLO: Terrific. Thank</p> <p>16 you.</p> <p>17 THE CHAIR: Vice Chair.</p> <p>18 COMMISSIONER BURT: Thank you. Thank you,</p> <p>19 Mr. Vigil.</p> <p>20 From your experience, would any -- what</p> <p>21 would be your expectation of -- you know, visiting</p> <p>22 the school again, would you expect all of the -- I</p> <p>23 mean, there's a significant amount of concerns from</p> <p>24 the reports.</p> <p>25 Is there any of the concerns that you</p>	<p style="text-align: right;">77</p> <p>1 that were stacked above a storage area near the</p> <p>2 cafeteria. And I think that, you know, that being</p> <p>3 said, some of those items may take longer to discard</p> <p>4 because you have to go through different processes.</p> <p>5 The stuff that was just -- I'll call it</p> <p>6 junk that was just stacked up by the back door of</p> <p>7 the cafeteria, she expressed to me that that was</p> <p>8 going to be cleared up by a board member with a</p> <p>9 pickup truck and a trailer within a couple of days</p> <p>10 of my visit.</p> <p>11 So the things that she has said, "We're</p> <p>12 working on these, and I know we're going to get</p> <p>13 these done," those are things, when I go back, I</p> <p>14 would expect to see cleared up.</p> <p>15 Structural things and anything that has to</p> <p>16 do with additional funding I think it's reasonable</p> <p>17 to expect a longer process for those.</p> <p>18 COMMISSIONER BURT: Okay. Thank you.</p> <p>19 THE CHAIR: Commissioner Gipson.</p> <p>20 COMMISSIONER GIPSON: Thanks. So,</p> <p>21 Mr. Vigil, looking at the report that -- that you</p> <p>22 did submit, I'm not sure whether I can differentiate</p> <p>23 what you're referring to in terms of capital</p> <p>24 priorities or -- I see you've got items that are</p> <p>25 identified as high-risk, low-risk, medium-risk.</p>

78	<p>1 So if you're going back, would it be 2 your -- I don't know how to discern which ones would 3 be an expectation of they should have been able to 4 fix them within this almost two-month time period 5 since you've been out. 6 So can you help with that a little bit? 7 THE WITNESS: Sure. Absolutely, Madam 8 Commissioner. 9 So on our reports, there is a key that 10 you'll see under each inspector section. 11 So, for example, looking at the La Tierra 12 Montessori School of Arts and Sciences report, under 13 Section 1, General Conditions, Inspector, you'll see 14 a key on Page 9 of the report that shows Hazard 15 Type, Hazard Scope, Hazard Urgency, and then Capital 16 or Non-Capital, and then with that, the priority of 17 each of the questions -- so, for example, on 18 Question 1.1.1, the hazard priority has a code of 4, 19 which is the hazard type, regulatory or a legal 20 issue. 5, which is accepted best practices under 21 that same hazard type list. A, which is facilities 22 and planning. C, which is policies and/or 23 procedures. H for high urgency. And N -- that last 24 letter that's on the column there is non-capital. 25 So it goes in order by the different types</p>	80
79	<p>1 of hazard priorities that we're identifying. 2 So the very last letter of each of the 3 questions will tell you whether it's capital or 4 non-capital. 5 So just glancing quickly at my report, the 6 first capital improvement that I see is Question 7 1.2.2, Do building structures and finish materials 8 appear to be in good condition and free of visible 9 deterioration? I identified that as a capital, 10 because my recommendation was to have a structural 11 engineer come out and give an assessment of the 12 facility, the building where it looked like it may 13 be settling, to determine whether or not the 14 building was structurally sound. 15 To me, that's -- these are all judgments 16 of the loss control consultant. To me, that's above 17 an operational budget, and that may require some 18 additional funding. So it wouldn't be my 19 expectation that that was done yet. 20 Now, if I see a building that looks like 21 it's completely falling down and about to create an 22 above-average opportunity for a claim, then that 23 could then turn into a critical hazard, or even an 24 imminent hazard. And we have issued those on 25 schools in the past, even if they were capital</p>	81
	<p>1 improvements. 2 So the expectation for abatement of the 3 hazard also depends on the urgency of what the 4 recommendation is. 5 COMMISSIONER GIPSON: Thank you. And I do 6 see that now. So thank you so much. 7 THE WITNESS: Absolutely. And it's very 8 confusing. We're working on trying to clean that up 9 a little bit. 10 THE CHAIR: Commissioner Ingham. 11 COMMISSIONER INGHAM: Sorry. I had one 12 more question. 13 When you had your return visit and were 14 not able to enter, could you see the playground? 15 And was it cordoned off as you expected, or as you 16 recommended in your first visit? 17 THE WITNESS: Yes, Mr. Commissioner. I 18 was able to drive through the access road behind the 19 school to turn around. Actually, I had to drive 20 back to the area where the playground was to turn my 21 vehicle around. 22 And so I glanced over at the playground, 23 and it appeared to be in the same condition it was 24 when I was -- when I was at the school previously. 25 I didn't -- it did not look like there was anything</p>	

82	<p>1 what Chair Brauer said, it may not have been given 2 to the PEC. Was that report at least made available 3 to the Charter School Division? 4 THE WITNESS: Sir, I could not answer that 5 question. I am not sure. 6 COMMISSIONER CARRILLO: Okay. Going back 7 to the second time you -- the follow-up visit, you 8 said that it was chained or locked shut; is that 9 correct? 10 THE WITNESS: The gate was closed. I do 11 not recall if there were any chains on it. But the 12 gate was closed, and it looked like the school 13 was -- there were no vehicles in the parking lot. 14 It didn't look like anyone was home, so I didn't try 15 to open the gate. So I couldn't tell you if it was 16 locked or not. 17 COMMISSIONER CARRILLO: Okay. So that 18 wasn't during school hours. 19 THE WITNESS: It was during school hours, 20 and it was on a regular school day. I'm not sure if 21 it was spring break or what was going on at the 22 time. It was around the time that some schools were 23 having their spring break. It was shortly before 24 Easter. So I want to say it was probably, like, at 25 least a week -- two weeks before Easter. So it was</p>	84	<p>1 and probably walk down the hallway unabated. And 2 that's kind of what we do on the security and 3 vulnerability assessment that James Vautier does. 4 He does that test, that penetration test, to see if 5 there's any greeting of visitors or guests on the 6 campus. My impression was it was easy. 7 COMMISSIONER CARRILLO: Okay. Thank you. 8 And that area where there was maybe nobody 9 posted or we spoke of a window, is that just right 10 inside the front door as though there should be an 11 administrator immediately there to be able to see 12 somebody coming in? 13 THE WITNESS: That's correct. Personnel, 14 whether it's an administrator or a secretary at -- 15 you know, somebody that -- looked like there was -- 16 I believe there was a sign-in book, and that's where 17 a visitor would sign in. Yes, sir, it's right as 18 soon as you walk in the front door immediately to 19 your left. 20 COMMISSIONER CARRILLO: But to clarify, 21 there was nobody there the day you visited. You had 22 to seek out -- 23 THE WITNESS: There was nobody directly at 24 the window. There was somebody at a desk that was 25 away from the window. I had to get her attention to</p>
83	<p>1 right in that window when a lot of schools were on 2 spring break. 3 COMMISSIONER CARRILLO: Okay. So on the 4 first visit -- so I'm very familiar with Raptor, 5 because as a board member with Santa Fe Public 6 Schools, we decided to have the Raptor for all of 7 our schools. And it's an amazing system in terms of 8 screening and identification. 9 My concern -- and I want to ask you about 10 when you first went to the school. What was your 11 impression of the ability for anyone to be able to 12 go in the front doors and whether or not there would 13 be someone immediately at a desk or an office or a 14 window to confront a person coming into the campus 15 to screen them? What was your observation of that? 16 THE WITNESS: Yes, Mr. Commissioner. My 17 observation was it was fairly easy for me to have 18 had access to the campus. I walked in through that 19 door. I sought out the person that was in the 20 office that was at the window. There was not 21 necessarily somebody at the window that greeted me. 22 I actually had to seek out that person to ask for 23 Ms. Herrera. 24 And so I -- it was fairly easy for me, if 25 I had been anyone else, to be able to just walk in</p>	85	<p>1 ask for Ms. Herrera. 2 COMMISSIONER CARRILLO: Terrific. Thank 3 you. 4 THE CHAIR: Commissioner Gipson. 5 COMMISSIONER GIPSON: Mr. Vigil, I'm not 6 sure whether it's within the purview of what you do. 7 But do you look at ADA compliance when you go out 8 with your risk assessments? 9 THE WITNESS: Yes, Madam Commissioner, we 10 do look at ADA compliance. On the playground, for 11 example, we look at ADA compliance. We also look 12 throughout the facility for ADA compliance. 13 It's -- I wouldn't say it's a big focus, 14 but there is a section of our report that is titled 15 "Disability Access" or "Disabled Access." And so we 16 do look for those things. 17 COMMISSIONER GIPSON: Because I didn't 18 notice -- I know in the report you mentioned about 19 parking striping and the concerns about damage that 20 may occur because there's no clear parking spaces. 21 So am I to assume that there's no designated 22 handicapped parking even there at the school? 23 THE WITNESS: So, Madam Commissioner, I do 24 not recall looking for the disabled -- disability 25 parking spaces. In the photograph that I took, I do</p>

<p style="text-align: right;">86</p> <p>1 see that there were two spots that are identified 2 as -- as parking, it looks like, immediately, with 3 my vehicle on the first thing that you see. And 4 just next to that it looks like there are blue signs 5 which would indicate that those are handicapped 6 parking. 7 And so I -- usually, if we don't comment 8 on the report, it's something we either didn't look 9 for, or we didn't find anything that necessarily 10 needed correction. 11 But the disclaimer on our report is we 12 might not have found everything that could 13 potentially be a hazard at the school. And so it's 14 possible that they did not have marked spots. But I 15 do not -- just looking at my picture, I believe that 16 they did have spots that were indicated for 17 handicapped parking. 18 COMMISSIONER GIPSON: Okay. Thanks. And 19 just one more thing, because I did see the -- I 20 looked at the one picture that I think is the 21 entrance door. And I think -- I think the dark 22 material is probably because there had been snow on 23 the ground, and so it might have been put out there 24 for ice. 25 But did you -- do you remember if you saw</p>	<p style="text-align: right;">88</p> <p>1 problem for access. I can't remember if there was a 2 button to -- on the door to open the door, if 3 somebody needed assistance that way or not. 4 I do remember there was, you know, the 5 button to hit for access control. But like I said, 6 I was able just to pull the door and open it. 7 COMMISSIONER GIPSON: Okay. Thank you 8 very much. 9 THE CHAIR: Commissioner Carrillo. 10 COMMISSIONER CARRILLO: In following up on 11 facilities and what Commissioner Gipson was asking, 12 when you spoke with -- in the first visit, you were 13 able to meet with Ms. Herrera; is that correct? 14 A. Yes. The visit in -- this year in 2023, 15 yes. The first time I went out there, I was able to 16 speak with her. 17 Q. And as a result of this visit, to the best 18 of your knowledge, is there someone that's 19 designated to be the facilities maintenance director 20 or the facility manager at the school? 21 THE WITNESS: Mr. Commissioner, it did not 22 sound to me like there was. 23 COMMISSIONER CARRILLO: Okay. And in your 24 judgment, the school, as it appeared -- because we 25 haven't been made aware of different things that may</p>
<p style="text-align: right;">87</p> <p>1 anything that would be -- provide difficulties for 2 individuals with disabilities in accessing the -- 3 the building? 4 THE WITNESS: So, Madam Commissioner, 5 the -- I believe -- just the general parking, just 6 the unevenness of the terrain could potentially 7 be -- you know, if you were trying to get a 8 wheelchair -- if you were somebody that's trying to 9 use some sort of assistive device like a walker or 10 wheelchair, you may have difficulty. 11 There was ice and snow on the ground at 12 the time of the visit, and, yes, you could see on 13 the first picture, on Page 11 -- and, actually, 14 there is a disabled access spot right there in that 15 picture as well -- there was also salt or something 16 that had been applied to the ice. And I believe, 17 you know, that could create a surface that would be 18 difficult to manage. 19 And then looking at the -- the area just 20 leading into the doorways, yeah, I didn't drop a 21 tape measure on the -- on the threshold at that 22 front door. But my impression when I walked in was 23 it was not necessarily a hazard. 24 I have been to schools where I see a big 25 gap in that threshold, and those typically present a</p>	<p style="text-align: right;">89</p> <p>1 have happened in these last months -- if somebody 2 were -- if an entity were applying to use this 3 property as a public school, in your judgment, would 4 this facility be approved? 5 THE WITNESS: Mr. Commissioner, I believe 6 there -- you know, the facility could be used as a 7 public school if somebody were to ask to use it in 8 such a manner with some improvements. 9 You know, I think definitely some of the 10 electrical hazards should be corrected. There were 11 little things like cover plates missing over a 12 couple of electrical outlets, that kind of thing. 13 I think with those things being corrected, 14 and probably, you know, I would also want to see a 15 structural engineer go out and take a look at the 16 facility to determine if there is any settling 17 happening with the building, and if that -- if that 18 in any way compromises the integrity of the 19 structure. 20 But I -- you know, for the most part, 21 generally speaking, the school did not necessarily 22 look in worse condition than some of the other 23 schools I have visited. You know, I've seen some that 24 look a lot better. I've seen some that look 25 worse. There were issues with the school that I</p>

<p style="text-align: right;">90</p> <p>1 believed to be correctable, but it did not seem to 2 me, in my judgment, to be a facility that was not 3 usable.</p> <p>4 COMMISSIONER CARRILLO: And would you 5 happen to know the last time that Ohkay Owingeh -- 6 that the pueblo made any capital improvements or 7 expressed concerns or took action regarding the 8 facility and the property?</p> <p>9 THE WITNESS: No, Mr. Commissioner, I have 10 no knowledge of that.</p> <p>11 COMMISSIONER CARRILLO: Okay. All right. 12 Thank you.</p> <p>13 THE CHAIR: Any other questions for the 14 witness?</p> <p>15 Mr. Winger?</p> <p>16 MR. WINGER: Chair Brauer, I have no 17 further questions. I don't know if Mr. Zamora does.</p> <p>18 MR. ZAMORA: No questions.</p> <p>19 MR. WINGER: I think this witness can be 20 excused, with your permission.</p> <p>21 THE CHAIR: Thank you, Mr. Vigil.</p> <p>22 THE WITNESS: All right. Thank you, all.</p> <p>23 MR. WINGER: Thank you.</p> <p>24 MR. ZAMORA: Thank you.</p> <p>25 MR. WINGER: I certainly appreciate the</p>	<p style="text-align: right;">92</p> <p>1 testimony. It's a little out of order for how I 2 intend to proceed today. So just kind of put that 3 in the back of your mind for right now.</p> <p>4 Although there were a series of Corrective 5 Action Plans that were put in place regarding 6 La Tierra, the last Corrective Action Plan, which is 7 numbered as PEC155 was put in place on February 14th 8 of 2023.</p> <p>9 By March 16th of 2023, this Commission had 10 issued a letter setting today's hearing, which we're 11 here for today.</p> <p>12 I just want to keep that in the back of 13 everyone's mind as well, that there is -- and the 14 documents that we have presented have these 15 Corrective Action Plans in there. This has been an 16 ongoing problem for quite a while.</p> <p>17 Although I will point to specific 18 documents today, I will not cover them all. There 19 are hundreds of documents which you have been 20 presented and which you can consider as part of this 21 hearing today.</p> <p>22 And I want to be clear that even though I 23 don't mention them, that doesn't prevent you from 24 considering them.</p> <p>25 Likewise, if there is something that the</p>
<p style="text-align: right;">91</p> <p>1 Commission's understanding in having Mr. Vigil come 2 and testify. As I said earlier, he's got some 3 appointments later this afternoon that he needs to 4 attend to so --</p> <p>5 THE CHAIR: Mr. Winger, I'm real sorry. 6 If we could take a five-minute break?</p> <p>7 MR. WINGER: Absolutely.</p> <p>8 THE CHAIR: Thank you very much. 9 (Recess taken, 11:01 a.m. to 11:13 a.m.)</p> <p>10 THE CHAIR: All right. Thank you. I'm 11 going to call us back. It's 11:13. I just want to 12 thank the Commissioners and Counsel for that time. 13 I needed to take care of something that was 14 work-related, so I appreciate you all giving me that 15 space.</p> <p>16 As we transition into the next phase, 17 Commissioners, I just want to remind us that as we 18 move forward with your questioning, we can only 19 direct our question to the counsel of the two 20 parties, not to any other witnesses or anything like 21 that moving forward.</p> <p>22 Mr. Winger, you have the floor.</p> <p>23 MR. WINGER: Thank you, Chair Brauer. 24 And, again, as I said before the break, I appreciate 25 the Commission's understanding with Mr. Vigil's</p>	<p style="text-align: right;">93</p> <p>1 materials don't reference -- so the exclusion of 2 something -- you're free to consider that as well.</p> <p>3 As a starting point for my argument today, 4 I want to go back to New Mexico statute, which forms 5 the basis as to how the contract is created, and 6 then from there, how the Commission is to handle 7 this revocation.</p> <p>8 Specifically, NMSA 22-8B-12, subparagraphs 9 (1), (2), and (3), in addition to paragraphs F and 10 K, are applicable to our revocation hearing today.</p> <p>11 I will read into the record 12 subparagraph F, talk briefly about that, and then 13 we'll move on to the applicable facts which apply to 14 the other statute -- or the other subsection.</p> <p>15 Paragraph F states, "If, based on the 16 performance review conducted by the chartering 17 authority pursuant to subsection D of this section, 18 a charter school's fiscal overall governance or 19 student performance or legal compliance appears 20 unsatisfactory, the chartering authority will 21 promptly notify the governing body of the charter 22 school for the unsatisfactory review and provide 23 reasonable opportunity for the governing body to 24 remedy the problem, provided that if the 25 unsatisfactory review warrants revocation, the</p>

<p style="text-align: right;">94</p> <p>1 revocation procedures set forth in this section 2 shall apply. 3 "A chartering authority may take 4 appropriate corrective actions or exercise sanctions 5 as long as such sanctions do not constitute 6 revocation in response to the unsatisfactory review. 7 Such actions or sanctions by the chartering 8 authority may include requiring a governing body to 9 develop and execute a corrective action plan with 10 the chartering authority that sets forth time frames 11 for compliance." 12 As I mentioned a few moments ago, there 13 have been a series of corrective action plans which 14 have been issued to La Tierra going back months, 15 going back to August of last year, even before then. 16 I want to go -- as Mr. Zamora said earlier 17 in his opening statement, the March 16th, 2023, 18 letter setting out the alleged violations is key. 19 That is the road map for today's hearing. 20 I want to start first with going through 21 it, and I will certainly present the evidence that 22 we have related to each of the alleged violations. 23 The first alleged violation is the lack of 24 contact with Ohkay Owingeh in the educational 25 council.</p>	<p style="text-align: right;">96</p> <p>1 were supposed to have contact. 2 To go back to, as I said earlier, 3 NMSA 22-8B-12, subparagraph (4), sub-subparagraph K, 4 "A charter may be suspended, revoked, or not renewed 5 by the chartering authority if the chartering 6 authority determines that the charter school did any 7 of the following:" 8 And we'll talk about the three preceding 9 paragraphs that come before (4), but key to this is 10 paragraph (4): 11 "...for a charter school located on tribal 12 land, failed to comply with the ongoing 13 consultations pursuant to the Indian Education 14 Act..." 15 There is no evidence that the school has 16 in any way complied up through today with that. 17 The failure of La Tierra to comply with 18 their contact and their ongoing requirements, given 19 that the school is located on tribal property, with 20 Ohkay Owingeh for ongoing consultation alone 21 constitutes a sufficient basis for the Commission to 22 consider revocation of the school's charter. 23 Moving down to, as I mentioned, the 24 preceding paragraphs, which include violations of 25 NMSA 22-8B-12, subparagraphs (1), (2), and (3), and</p>
<p style="text-align: right;">95</p> <p>1 I will say as a stipulation that I have 2 with Mr. Zamora as well, I have sought to obtain a 3 letter from Ms. Aileen Lopez, who is the head of the 4 education department for the tribe. As of today, I 5 do not have a letter. However, it is undisputed 6 that the school has not had any kind of contact with 7 her or her office. 8 Now, I think Mr. Zamora is going to 9 present some evidence that there's been other 10 members of the tribe that the school has had contact 11 with. But it has not been Ms. Lopez, any of her 12 predecessors or her department. 13 Further, I will say, my course of 14 conversation with Ms. Lopez, that she told me that 15 this school has had no contact with her at all, 16 either. 17 So not only is there any evidence from the 18 school that they've had contact with her; she's also 19 confirmed that. 20 What has been presented is from 21 La Tierra's Exhibit 2A, which is an e-mail 22 correspondence between the head learner Herrera and 23 Mr. Ron Lovato, with the Tsay Corporation. I'm sure 24 Mr. Zamora will talk further about that. But that 25 clearly is not the tribal liaison for which they</p>	<p style="text-align: right;">97</p> <p>1 then, again, paragraph K, "A charter may be 2 suspended, revoked, or not renewed by the chartering 3 authority if the chartering authority determines 4 that the charter school did any of the following:" 5 And you'll recall I just previously read 6 paragraph (4). 7 The first three read as follows: 8 Paragraph (1), "committed a material 9 violation of any of the conditions, standards, or 10 procedures set forth in the charter contract. 11 (2), "failed to meet or make substantial 12 progress towards achievement of the department's 13 standards of excellence or student performance 14 standards identified in the charter contract. 15 Or, (3), "failed to meet generally 16 accepted standards of fiscal management." 17 I'd like to now return, as I mentioned, to 18 the March 16th, 2023, letter, which again functions 19 as our road map for today. 20 Previously this morning, you heard 21 testimony from Larry Vigil of Poms related to what 22 he saw when he went out to the school and conducted 23 his audit. 24 Further, and in support of our position 25 regarding revocation, PEC Documents 223 to 229</p>

98	<p>1 document a CSD visit of January 9th of 2023.</p> <p>2 I'm going to go ahead and, if I can, do a</p> <p>3 share screen so I can be able to pull those up,</p> <p>4 specifically referring to Page 226, which I'll go</p> <p>5 ahead and do my share screen for.</p> <p>6 And there we go. See if that's a little</p> <p>7 more legible -- I'll read from the highlighted</p> <p>8 portion.</p> <p>9 "During the site visit, the team was able</p> <p>10 to observe that La Tierra Montessori School has</p> <p>11 maintained Patricia Herrera..." -- I apologize.</p> <p>12 That is the wrong section. Let me make sure I've</p> <p>13 got that here. Here we go.</p> <p>14 It's PEC227. I apologize for the record.</p> <p>15 "The site visit team observed that</p> <p>16 students arrived at the school as early as 7:45 a.m.</p> <p>17 However, most teaching staff did not arrive until</p> <p>18 after 8:20 a.m. This resulted in insufficient</p> <p>19 supervision of students throughout the school</p> <p>20 building and no student supervision outside of the</p> <p>21 school during student arrival and drop-off. At</p> <p>22 various times throughout the morning, the site visit</p> <p>23 team observed students who were unattended for over</p> <p>24 30 minutes due to the lack of timely teacher arrival</p> <p>25 to the school and to the classrooms. One teacher</p>	100	<p>1 of children with disabilities.</p> <p>2 "The school shall comply with the</p> <p>3 applicable federal, state, and local rules,</p> <p>4 regulations, and statutes relating to the health,</p> <p>5 safety, civil rights, and insurance."</p> <p>6 Continuing on with Roman numeral viii,</p> <p>7 "The school shall notify the commission and the</p> <p>8 department within 15 days of the allegations of or</p> <p>9 convictions for inappropriate contact with a student</p> <p>10 or other minor by any staff member, employee, or</p> <p>11 contractor, and shall notify the Commission within</p> <p>12 15 days of allegations of or convictions for any</p> <p>13 crime related to the misappropriation of school</p> <p>14 funds or theft of school property by any staff</p> <p>15 member."</p> <p>16 This moves into the second area identified</p> <p>17 within the Urgent Safety and Special Education</p> <p>18 Concerns of the March 16th, 2023, letter, which</p> <p>19 involved relate- -- which involved two incidents</p> <p>20 where students were involved in an altercation with</p> <p>21 a teacher at the school.</p> <p>22 There have also been other numerous</p> <p>23 complaints from parents and staff that the school</p> <p>24 has been made an unsafe environment.</p> <p>25 Specifically PEC, Page 371, documents</p>
99	<p>1 was also observed supervising multiple classrooms in</p> <p>2 the absence of the regular teacher and timely</p> <p>3 arrival of a substitute."</p> <p>4 Further, continuing down -- this is PEC</p> <p>5 228: "Upon student arrival to the school, the front</p> <p>6 door was propped open with a large rock, allowing</p> <p>7 free access to the building until 8:20 a.m. At the</p> <p>8 start of the school day, a side door to the school</p> <p>9 was discovered ajar by a member of the site visit</p> <p>10 team, and the interim head learner was notified</p> <p>11 immediately. Upon notification, the interim head</p> <p>12 learner explained that she has to, quote, 'do door</p> <p>13 checks throughout the morning every morning, because</p> <p>14 staff prop the doors open for their friends who come</p> <p>15 to work late,'" closed quote.</p> <p>16 And I appreciate everyone's patience while</p> <p>17 I jump back and forth through these multiple</p> <p>18 exhibits this morning.</p> <p>19 As identified in the letter of March 16th,</p> <p>20 2022, referring specifically to the charter contract</p> <p>21 with the school, Section 4.6 was discussed. And</p> <p>22 that involves the provision -- and I will again read</p> <p>23 the relevant portions into the record.</p> <p>24 Lower ii: "The school shall comply with</p> <p>25 all federal and state laws relating to the education</p>	101	<p>1 public comments made by parents related to a student</p> <p>2 who was allegedly assaulted by a staff member. A</p> <p>3 police investigation took place, but parents were</p> <p>4 not made aware, within the confines of the</p> <p>5 requirements of the contract, as to what had</p> <p>6 occurred.</p> <p>7 PEC407 documents a public comment by a</p> <p>8 parent who has also alleged that their child was</p> <p>9 assaulted at school, but complained that they had</p> <p>10 been unable to obtain any information from either</p> <p>11 the head learner or from the governing board as to</p> <p>12 the details of that allegation or to get any kind of</p> <p>13 response from the school.</p> <p>14 In response to the other section regarding</p> <p>15 the head learner, again, within this subsection, the</p> <p>16 new head administrator is a part-time position, with</p> <p>17 that same staff person providing special education</p> <p>18 services.</p> <p>19 PEC226 also discusses this. And that is a</p> <p>20 report from the site visit that I mentioned earlier</p> <p>21 today by CSD. There have been numerous complaints</p> <p>22 that that person who was in that position was not</p> <p>23 able to adequately do both jobs in a manner that</p> <p>24 results in adequate supervision of the school and</p> <p>25 staff and adequately is able to do the work of the</p>

<p style="text-align: right;">102</p> <p>1 special education instructor for the students. 2 That was included also within PEC137 and 3 138. 4 In regards to additional information 5 related to the physical safety and condition of the 6 school, this was, again, produced by the school. 7 This is Exhibit 2A. 8 The La Tierra Montessori School of the 9 Arts Environmental Health Survey Inspection. This 10 is the -- this is a report from obviously 11 independent people who are unrelated to anything 12 that we are talking about today. These are people 13 from the Ohkay Owingeh Environmental Affairs Office 14 and from the Division of Environmental Health 15 Services for the State. 16 They went out and conducted an inspection. 17 And you may recall earlier today the 18 testimony of Larry Vigil who had talked about, in 19 part, the reptile tank that was in one of the 20 classrooms. And he kind of mentioned it in passing, 21 but you can get a good idea of what it actually 22 looks like, because there's a clearly explicit 23 picture in the middle of the third page of this 24 exhibit. 25 This report is incredibly concerning. It</p>	<p style="text-align: right;">104</p> <p>1 Even more critical or something even more 2 concerning is is that the date of this report is 3 less than a month ago. This report was issued on 4 March 21st, 2023. 5 It does raise, certainly, concerns about 6 the current condition of the school. Certainly, 7 Mr. Vigil's testimony earlier today started to 8 document a lot of the issues. His reports do 9 address some of these things. But, certainly, 10 what's contained within this report not only adds 11 further detail, it adds photos and another set of 12 eyes to this process. 13 In regards to fiscal concerns -- and I'll 14 go ahead and take this down. Moving on to that 15 particular section, in Section 4.1 of the 16 contract -- and that is on PEC iv -- so I'll scroll 17 back there -- let me see here -- Section 4.1 18 discusses the purpose of the school, which is that 19 it "...shall operate a public school consistent with 20 the terms of the charter and the contract and all 21 applicable laws. It shall achieve student outcomes 22 according to the educational standards established 23 by law, this charter, and contract, and shall be 24 governed and managed in a financially prudent 25 manner."</p>
<p style="text-align: right;">103</p> <p>1 raises a lot of red flags. It discusses how the 2 children are fed from the cafeteria, the physical 3 structure of the building. And I think probably 4 most damaging are the end quotes that are included 5 here. 6 From the last observations on the final 7 page, there was -- talking about no internal 8 administrative procedure -- or structure, rather -- 9 for the school, which included no formal signs, no 10 sign-in sheet, no security cameras visible, and no 11 staff at the explanation. 12 Highlighted on the next line, "There was 13 no structure or format for the children, including 14 no authoritative oversight." 15 It does go on to make some 16 recommendations. But I think, overall, this 17 following quote -- "Overall, the school lacks 18 guidance and authority as an education facility. We 19 did not observe any curriculum in progress. It was 20 unclear if all the teaching was computer-based only, 21 and how this entity has continued to operate on 22 tribal land is questionable. This is a disaster 23 waiting to happen." 24 This is a State report that was issued and 25 is certainly out there.</p>	<p style="text-align: right;">105</p> <p>1 In addition, there's further contract 2 terms, including on PEC vi, which talks about 3 although it covers a couple of -- I've already read 4 this once -- "The school shall notify the Commission 5 within 15 days of any and all allegations or 6 convictions of...," and it goes on to talk about 7 inappropriate contact. 8 But the last part of that paragraph is 9 also operative here, which says, "...any crime 10 related to the misappropriation of school funds or 11 theft of school property by a member of the 12 governing body." 13 Further, it goes on to state in Roman 14 numeral viii, "The governing body have a duty to 15 comply with provisions of the contract, all 16 applicable laws, including, without limitation, the 17 Act, all limitations or reporting requirements." 18 Finally Section 5.4 is found on PEC -- 19 what's been marked as Public Education Commission 10 20 and PEC 11, which discusses financial performance 21 indicators and evaluations and requires that the 22 school meet generally accepted standards of fiscal 23 management, "which shall include complying with all 24 applicable provisions of the Public School Finance 25 Code and Procurement Code and the Audit Act."</p>

<p style="text-align: right;">106</p> <p>1 In support of our contention that these 2 concerns have been violated, I would point out to 3 the PED Fiscal Year 2022 Schedule of Findings and 4 Questioned Costs. And if you can give me just a 5 moment, I will go ahead and pull that up. 6 For the record, and just so that I'm clear 7 here, this is the fiscal report that -- for Fiscal 8 Year 2022. I believe we've produced it as well as 9 La Tierra. 10 And, again, this is a stipulated exhibit. 11 This is the fiscal financial statements 12 and supplementary information which ended on 13 June 30th of 2022. 14 And, again, excuse my scrolling. 15 There are some findings in here that I 16 think are applicable to this fiscal concern, which 17 was identified in the March 16th, 2023, letter. 18 And I will again read this into the 19 record. 20 "On July 25th, 2022, and August 29, 2022, 21 the Public Education Commission issued, quote, 22 'letters of concern,' closed quote, to the school's 23 governing council. These letters of concern were 24 not disclosed or provided to the external auditors. 25 The external auditors became aware of these letters</p>	<p style="text-align: right;">108</p> <p>1 In other words, due to the stalling nature 2 and the representations that were made during the 3 audit, the auditor was unable to complete their 4 report in time. They have their own internal 5 guidelines that they have to follow. They have some 6 that are mandated by state law. The Administrative 7 Code requires -- and that's below -- in accordance 8 with NMAC 2.2.2.9, the report of the PED is due to 9 the OSA by the Wednesday before Thanksgiving. This 10 report was not able to be completed and submitted on 11 time. 12 Further, there was -- on July 25th, 2022, 13 and then, again, as it's mentioned August 29th, 14 2022, these letters of concern were issued by the 15 PEC to the school, and they were told and informed 16 that the school was to work with its business 17 manager, work with its attorney, and do what it 18 needed to comply with the requirements and the 19 requests of the PEC and external auditors. 20 That did not happen. Those documents are 21 labeled as PEC302 to 304 and 306 to 307. 22 In addition, there are academic concerns 23 that were outlined in the March 16th, 2022 -- or I'm 24 sorry -- 2023, letter. And that -- if I may, I will 25 jump back here to PEC x, Section 5, which outlines</p>
<p style="text-align: right;">107</p> <p>1 of concern from the Charter School Division of PED 2 after we informed the CSD, on September 23, 2022, of 3 the difficulties we were having with the audit and 4 the lack of timely submission of audit requests." 5 It goes on to state that, "On 6 September 19th, 2022, the former head learner of the 7 school, through June 30 of 2022, filed a complaint 8 against the school with the district court. This 9 lawsuit was not disclosed to the external auditors 10 until November 18, 2022, after an inquiry of the 11 current head learner of any litigation. On 12 November 20th, 2022, we received the full complaint, 13 which included various ethical and procurement 14 concerns." 15 Q. And if I may, I'll direct you specifically 16 to the lawsuit, which is listed as PEC409 through 17 419. 18 Continuing further, and, again, another 19 operative form of this report, which specifically 20 applies to the issues raised in the March 16th 21 letter, "Due to the significant challenges and 22 inadequate/untimely disclosures and representations 23 during the audit, we were unable to complete our 24 quality control to allow for a timely submission to 25 the Office of the State Auditor." "OSA."</p>	<p style="text-align: right;">109</p> <p>1 performance frameworks. 2 The contract requires that the school 3 "...shall, as part of its academic performance 4 indicators and evaluation, provide a comprehensive 5 educational program which aligns with the state 6 academic standards prescribed by the department for 7 grades approved to operate, and to participate in 8 the state-required assessments, as designated by the 9 department or the U.S. Department of Education. 10 And then Roman numeral iv, "meet or make 11 substantial progress towards achievement of the 12 departments's standards of excellence on a C or 13 better on an A-through-F grading scale." 14 PEC Document 229 discusses the school 15 results from the 2021 through 2022 statewide 16 assessments, which indicate that 38 percent of the 17 students scored proficient or above in ELA, which is 18 slightly higher than the State's 34 percent average. 19 27 percent proficiency in math, which was 20 below the State average of 33 percent -- I'm sorry, 21 in science. And math proficiency is less than 22 20 percent, with early literacy proficiency at 23 5 percent. 24 As I mentioned earlier, there are 25 additional contract violations which were identified</p>

<p style="text-align: right;">110</p> <p>1 within that March 16th, 2022 -- I'm sorry -- 2023 -- 2 letter, in particular, PEC IV. 3 In addition, that's at Section 2, 4 paragraph 2. "The person authorized to sign and act 5 on behalf of the Commission is the chair, or such 6 other person as the chair may lawfully designate 7 from time to time. 8 "The charter school must maintain one or 9 more charter representatives, including one charter 10 representative who is a head administrator and 11 provide contact information to the commission within 12 30 days of the change of a charter representative." 13 Roman numeral II outlines that the 14 Commission shall direct all communication with 15 regard to the charter and the contract to the 16 charter representatives. 17 There are numerous violations going back 18 to August of last year, which discuss changes, 19 unilateral changes, in the school's mission by the 20 governing board. There is then follow-up discussion 21 with the board by the PEC which discusses whether or 22 not the board -- the governing board could just 23 simply change its mission. 24 PEC242 addresses this. And the school 25 failed to remedy these issues related to this, which</p>	<p style="text-align: right;">112</p> <p>1 highlighted, but I will go ahead and make sure that 2 it gets highlighted. I'll read into the record. 3 "During the site visit, consistent 4 Montessori-based instruction, including the use of 5 Montessori instructional materials, was not observed 6 across all classrooms. However, the implementation 7 of Montessori instruction, including the use of 8 Montessori instructional materials, was observed in 9 the lower grade classrooms. There were materials 10 there, but it does not appear that the school has 11 moved that curriculum across all grades." 12 It goes on, to follow and, quote, "The 13 interim head learner, Ms. Herrera, expressed the 14 strong desire to continue and grow the school's 15 heritage of Montessori practices, while also having 16 the opportunity to integrate other innovative 17 teaching and learning strategies, improve on 18 school-wide data collection and assessment, and 19 improve academic and developmental outcomes for all 20 of the students at La Tierra." 21 As of today, I'm not sure that that has 22 been ruled out. Mr. Zamora may have more 23 information about that. But I believe, as the 24 educational mission is now, that is certainly not 25 the case.</p>
<p style="text-align: right;">111</p> <p>1 were existing from May through July of 2022. And 2 even after the PEC directed them to correct this, 3 they did not. 4 These issues further persisted and were 5 related to whether or not the person negotiating the 6 contract on behalf of the governing board even had 7 the authority to do so. 8 PEC156, which was the CSD analysis of the 9 La Tierra CAP -- or at least, at that point, the CAP 10 that was in place -- outlines these discussions. 11 The next identified issue within the 12 March 16th, 2023, letter, which was the failing -- 13 or failure, rather -- to institute a Montessori 14 program. That's contained within PEC9, which I've 15 already read into the record and discussed, 16 discusses the performance frameworks, making sure 17 that the school has a clear delineated plan. This 18 was documented in the January 9th, 2023, site visit, 19 which has been marked and identified as PEC226. 20 It's also identified in PEC156, which is the CSD 21 analysis. 22 If you can give me just a second, I will 23 go ahead and pull up 226. 24 Okay. Again, "During the site visit 25 here -- and at the top of the page -- this is not</p>	<p style="text-align: right;">113</p> <p>1 Again, (inaudible due to audio distortion) 2 this also relates to PEC226, and that had to do with 3 the head learner who was part-time, also providing 4 special education services. 5 There are numerous complaints from 6 parents. Those are contained further down within 7 the online comments, and then comments which had 8 been made during public comment periods, that this 9 person couldn't do both of those same jobs. 10 At this time, I believe that there is more 11 than sufficient evidence for the Commission to 12 consider revocation. I'm certainly happy to take 13 any questions that the Commissioners may have. 14 THE CHAIR: Thank you, Mr. Winger. 15 Commissioners, I just have a question for 16 you. Would we want to ask questions right now of 17 Mr. Winger, or wait until after (inaudible due to 18 audio distortion). 19 COMMISSIONER BURT: Is this our only 20 chance to ask Mr. Winger anything for the rest of 21 the day? 22 THE CHAIR: I was just asking, like -- the 23 way that our agenda is written, Mr. Winger went. 24 Mr. Zamora can do that. Then we have questions at 25 the end.</p>

<p style="text-align: right;">114</p> <p>1 COMMISSIONER BURT: I'm okay waiting. 2 COMMISSIONER CARRILLO: While it's fresh 3 in our minds, I would rather have the ability to ask 4 Mr. Winger questions right now. We can certainly 5 ask more at the end. 6 COMMISSIONER GIPSON: I don't know. I 7 think that has to be the question answered. If we 8 ask Mr. Winger questions now, does that end our 9 opportunity? And then Mr. Zamora goes, and we get 10 to question Mr. Zamora, and then we're done? Or do 11 we get to question Mr. Winger now, then Mr. Zamora, 12 and then we go back -- we can ask Mr. Winger back 13 again? 14 That's what I need to -- because if that's 15 not the case, I would prefer to wait to be able to 16 ask, because I may ask a question and it may be more 17 appropriate that Mr. Winger answer it than 18 Mr. Zamora. 19 So I think I'd rather wait and be able to 20 have both options. That's my preference. 21 THE CHAIR: If it pleases the Commission, 22 I lean towards that. And that is how our agenda is 23 set up. We did ask questions to the one sole 24 witness. But if that behooves the Commission, I 25 think I would like to do that as well.</p>	<p style="text-align: right;">116</p> <p>1 Again, Mr. Winger and I share a lot of 2 common ground, including our understanding of how to 3 proceed. 4 We've stipulated to each other's 5 documents. And it's my argument that together, his 6 documents and our documents, tell a story. And 7 they -- with two common themes to take from the 8 story. 9 Number one, there are significant problems 10 identified. 11 Number two, those problems are being -- 12 being addressed. 13 And, again, as I mentioned earlier, the 14 overwhelming amount of the issues that have been 15 identified have existed for years, and they're 16 attempting to be remedied through Head Learner 17 Herrera and her staff. 18 There's that old saying, "How do you eat 19 an elephant? One bite at a time." 20 And as you've seen from the information 21 presented by Counsel Winger, there's some pretty big 22 elephants out there. But you can't eat them all at 23 once. 24 And I think it was an important 25 question -- or issue -- raised with Larry Garcia by</p>
<p style="text-align: right;">115</p> <p>1 COMMISSIONER CARRILLO: What I'm hearing 2 is save all questions until both people have made 3 their case. 4 THE CHAIR: That's right, Commissioner. 5 COMMISSIONER CARRILLO: Sure. 6 THE CHAIR: Thank you. And, also, 7 Commission, I just wanted to ask. It is 11:48. 8 Would we like to take a breather right now? Or do 9 we want to move forward and hear from the -- from 10 Mr. Zamora? 11 COMMISSIONER CARRILLO: I'd like to hear 12 from Mr. Zamora now, as we have flow at least. 13 COMMISSIONER GIPSON: I think we should 14 close out Mr. Zamora. If we want to -- my 15 preference would be to hear from the school at this 16 moment. And then if we want to take that break, I 17 think that's a more natural break. 18 THE CHAIR: All right. I think we have 19 some consensus on that. So, Mr. Zamora, the floor 20 is yours. 21 MR. ZAMORA: Chair Brauer and 22 Commissioners, I will do my best and not make the 23 Commissioners "hangry" at us. 24 Yes. No "hangry" allowed during today's 25 hearing.</p>	<p style="text-align: right;">117</p> <p>1 Commissioner Gipson in what's the priority and how 2 does this get resolved? So sometimes I'll add to 3 the analogy. It's not just that you eat an elephant 4 one bite at a time, but maybe sometimes where do you 5 start on that elephant. 6 And so the second piece of the picture 7 that I'll be presenting is really the progress 8 through addressing several of the issues that have 9 been raised. 10 And it's the proposal, as Mr. Winger 11 raised when he cited statute under 22-8B-12 and the 12 litany of opportunities for revocation, always 13 preceded with the word "may." It's not preceded 14 with the word "shall." That "may," that fulcrum, 15 that balance, that seesaw, is are we seeing progress 16 for continued corrective action, or are we seeing 17 the case for revocation. 18 I think what you'll see is through this 19 presentation is making a case for both. And 20 La Tierra is asking for the (inaudible due to audio 21 distortion) for further corrective action and 22 progress. 23 And so, again, as Mr. Winger said, we 24 could spend hours explaining each topic and each 25 exhibit. It's best to summarize.</p>

118	<p>1 Over 120 exhibits have been provided to</p> <p>2 you, admitting where we've been wrong, some showing</p> <p>3 that we're starting progress and working on some</p> <p>4 sensitive items, and some showing that the issues</p> <p>5 have been completed.</p> <p>6 And, Commissioner Carrillo, I apologize if</p> <p>7 in my questioning of Mr. Vigil, I created confusion</p> <p>8 as to the establishment of the Raptor system or the</p> <p>9 implementation of the Raptor system. As you'll see</p> <p>10 in the exhibits, it was not until after (inaudible</p> <p>11 due to audio distortion).</p> <p>12 (Reporter requests clearer speaking.)</p> <p>13 MR. ZAMORA: Okay. I will do better.</p> <p>14 Thank you.</p> <p>15 So in going through the exhibits, I think</p> <p>16 it's important to recognize that there are issues</p> <p>17 that are most in need of work.</p> <p>18 And first is an apology from La Tierra</p> <p>19 Montessori to the Pueblo of Ohkay Owingeh, because</p> <p>20 in these last six months, there was a</p> <p>21 misunderstanding as to the purpose and the</p> <p>22 individual portrayal for liaising with the tribe.</p> <p>23 They did misunderstand that that was Ron Lovato,</p> <p>24 whom they were in contact with frequently.</p> <p>25 Ron Lovato was the tribe's liaison as it</p>	120	<p>1 folder that you all received under 1A, April 20th,</p> <p>2 La Tierra Revocation.</p> <p>3 So it looks like everyone's okay with it?</p> <p>4 Great.</p> <p>5 MR. ZAMORA: So it's labeled Exhibit 1</p> <p>6 "Correspondence with Ohkay Owingeh."</p> <p>7 And this -- it's just -- it's introduced</p> <p>8 simply to show that there's consistent constant</p> <p>9 contact with the property management arm, and that</p> <p>10 there are requests for -- for inspections, and that</p> <p>11 they're being informed of compliance that we need to</p> <p>12 make.</p> <p>13 I think, if you'll go to Exhibit 2A -- oh,</p> <p>14 I'm sorry -- 2A, "Ron Lovato Correspondence." 2A.</p> <p>15 There are a lot of 2As. So it's, "2A Ron Lovato."</p> <p>16 You'll find it under 2A and then R.</p> <p>17 Okay. Again, correspondence with</p> <p>18 Mr. Lovato. If you can go down again slightly --</p> <p>19 the other down -- in February, asking for an</p> <p>20 environmental inspection.</p> <p>21 There are several other exhibits that</p> <p>22 establish consistent correspondence with Mr. Lovato.</p> <p>23 One is very important. And I'm sorry that I've lost</p> <p>24 the number on it, but I will describe it to you.</p> <p>25 And that is a correspondence with Ron Lovato that</p>
119	<p>1 related to the property, and not to the education</p> <p>2 issues.</p> <p>3 And so, yes, La Tierra Montessori is</p> <p>4 committed to connecting with Aileen Lopez, Executive</p> <p>5 Director of Education. And, as Mr. Winger stated,</p> <p>6 we -- I was waiting for the letter as well as he</p> <p>7 was, to be -- because my understanding from our</p> <p>8 communications is that Ms. Lopez was going to state,</p> <p>9 "No, La Tierra Montessori had not been in contact</p> <p>10 with her this year, or last year, or the year</p> <p>11 before, or for the entirety of the existence of</p> <p>12 La Tierra Montessori."</p> <p>13 And, yes, that needs to be corrected.</p> <p>14 What you have in your exhibits, if you</p> <p>15 look at Exhibit 1 and Exhibit 2A, is correspondence</p> <p>16 with Mr. Lovato. Those exhibits are designed just</p> <p>17 to show evidence of correspondence with him. But</p> <p>18 what you also find in it -- actually, Exhibit 1 --</p> <p>19 and I'll give Ms. Muñoz a moment to pull it up.</p> <p>20 THE CHAIR: I just wanted to clarify to</p> <p>21 the Commission that exhibits are in -- and,</p> <p>22 Commissioners, I'm trying to back out here.</p> <p>23 But does everyone have access to the</p> <p>24 exhibits? Does everyone know where they are?</p> <p>25 Okay. It says school exhibits in the</p>	121	<p>1 says, "Our lease, which has been for the term of the</p> <p>2 charter, is..." -- and he doesn't use these words</p> <p>3 but I'll describe it this way -- a triple-net lease,</p> <p>4 which is we give you the building, you maintain the</p> <p>5 building. And after contact -- is it in the</p> <p>6 supplemental Ron Lovato correspondence? 2A Ron</p> <p>7 Lovato correspondence?</p> <p>8 And it says, "We are now going to look at</p> <p>9 reshifting that lease to a fully maintained lease by</p> <p>10 the landlord."</p> <p>11 And that goes to one of the questions, I</p> <p>12 believe, from Commissioner Carrillo to Mr. Vigil:</p> <p>13 Is there a facilities director? And there is not.</p> <p>14 And that's the importance of shifting the lease to</p> <p>15 Tsay Corporation, who has the bandwidth, the</p> <p>16 contractors, the skilled labor to be able to provide</p> <p>17 the facilities maintenance.</p> <p>18 So, historically, the school was</p> <p>19 responsible for all maintenance, and we're shifting</p> <p>20 that to the landlord.</p> <p>21 THE CHAIR: Mr. Zamora, I just wanted to</p> <p>22 put into the record that it's Exhibit 2A-Ron Lovato</p> <p>23 Correspondence. It's the third one in the Google</p> <p>24 Drive.</p> <p>25 MR. ZAMORA: Great. Thank you.</p>

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1 Well, one of the other issues that's most
 2 in need of work is the playground. We heard a lot
 3 from Mr. Garcia on that.
 4 I -- I'll get to it shortly as I proceed
 5 in linear order. But we will show you photographs
 6 of the playground being shut down.
 7 We'll show you e-mails with CES vendors
 8 trying to get contractors engaged to -- to conduct
 9 the work, to tear down the existing non-compliant
 10 playground, and to install a compliant playground.
 11 Okay. So, like Mr. Winger, I'm going to
 12 do my best to proceed by showing you exhibits in
 13 order with what I term the seven items contained in
 14 the March 16th notice letter.
 15 The exhibits reflect that, in the letter,
 16 there were items numbered 1 through 7, in that under
 17 paragraph 2, especially there were subparagraphs.
 18 Under 2, 3, and 5, there were several subparagraphs.
 19 And that's how our exhibits are labeled relating to
 20 the subparagraphs.
 21 Okay. With regard to playground and
 22 response to the playground audit, I'm going to show
 23 you Exhibits 2A, Playground Closed, 1 through 13.
 24 Okay, please proceed to the next one.
 25 Now, first and foremost, as Mr. Vigil

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1 testified, the playground is removed -- has a little
 2 bit of distance from the -- from the school
 3 facility, and students are not taken down there.
 4 However, to ensure that students don't wander there,
 5 you'll also see next an e-mail regarding usage.
 6 But until we can get that contractor to
 7 actually remove, the best we can do is signage at
 8 this moment.
 9 I will state as an aside that one
 10 contractor offered to do this at cost. That
 11 contractor was the head learner's husband. And we
 12 didn't feel that would be appropriate for the head
 13 learner's husband to contract that. Okay?
 14 Next we will show you -- you know, I'm not
 15 going to go through all of them. Enclosed in --
 16 included were e-mails of attempts to contact
 17 contractors. However, I think it is important for
 18 2A, Closed Playground Notice E-mail, to be
 19 displayed.
 20 This is to staff from the head learner.
 21 "Please be advised, per risk services,
 22 Poms & Associates, the big playground is off limits.
 23 It's closed until further notice. Please reach out
 24 to me if you have any questions or concerns."
 25 Anything further down below that? That is

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1 on Wednesday, January 25th. Immediate action was
 2 taken once information received -- the report was
 3 received from Poms to close the playground, and
 4 staff was made aware to not take the children to the
 5 playground.
 6 In your Google Drive -- and I'm -- we're
 7 not pulling these up, but I do want to direct you
 8 to -- under 2A, when you raise the concerns through
 9 the notice of the Poms safety audit, you'll find the
 10 progress. It's not complete. But there's the
 11 addition of office signage -- actually, I want to
 12 show that on Exhibit 2A, Office Signage.
 13 But you'll also see work towards improving
 14 the building conditions, getting a quote for the
 15 electrical work, working with the landlord to -- to
 16 inform them of improvements that need to be made and
 17 inspections that need to be made, including the
 18 advanced remediation mold test and the environmental
 19 health inspection that was referenced by Mr. Winger.
 20 The requests were by the school. And,
 21 yes, the results of those reports are pretty harsh
 22 and pretty hard to hear. But the requests came from
 23 the school through the -- through the landlord.
 24 And, fortunately, included in the
 25 materials is the mold report. It states that there

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1 were no mold abnormalities found through a very
 2 comprehensive mold test.
 3 I won't repeat the IHS inspection. Yes,
 4 there were significant issues identified.
 5 But when we get to things that have been
 6 completed, some of them easy. We've got Exhibits
 7 2A, with posted evacuation sign. It's got -- little
 8 hard to see. But it's got the layout of the
 9 building, and it informs the evacuation routes.
 10 Okay. Now, in addition, if you'll look at
 11 Utility Closet 1 and 2, under 2A, it's showing that
 12 the immediate things that could be done were done,
 13 such as cleaning out the utility closet.
 14 If you compare this photograph to the Poms
 15 reporting, you would have seen -- you will see, in
 16 the Poms photograph, boxes, stacks of items,
 17 chemicals, bottles, et cetera.
 18 And if you'll move on to 2A, Extinguishers
 19 1 and 2 -- okay, there we go. Okay.
 20 Upon review of the video and upon review
 21 of the exhibits, you'll see the tags where they are
 22 updated. And part of what was in the Poms report
 23 was that the -- the extinguishers were years out of
 24 compliance. They've been inspected. They've been
 25 updated. And so the low-hanging fruit like that is

<p style="text-align: right;">126</p> <p>1 being done. The contractors are being called to 2 perform those.</p> <p>3 The exhibits regarding the housekeeping 4 and storage practices in addition to the storage 5 closet, we're not going to go there. But you're 6 going to see those at Exhibits 2A, Chemical Closet, 7 Utility Closet 1 and 2, and Electrical Panel.</p> <p>8 And, by the way, the guide that I'm 9 referencing is the -- the guide that I'm referencing 10 is the exhibit list that is in the file. That is 11 your -- your road map to our exhibits. And they're 12 identified by category, much as I'm reading them to 13 you now.</p> <p>14 One of the other big issues raised -- and 15 it's a serious issue regarding student safety -- is 16 the subleases of the building to outside entities, 17 to third parties. That would be AVANYU Rental. And 18 we've included -- or AVANYU Company. And that's a 19 rental agreement. That's posted as Exhibit 2A. I'm 20 not pulling that up, but that's available to see 21 that there is a rental agreement.</p> <p>22 But what's important to note is that it's 23 dated 2015. Those tenants have been there since 24 2015. And as a result of the recommendations from 25 Poms, PCS, who's the other tenant, with -- with a</p>	<p style="text-align: right;">128</p> <p>1 learner was both the special education provider and 2 the head learner.</p> <p>3 And the early indications were that that 4 was not sufficient work to do both.</p> <p>5 The governing council, at its March 27th 6 meeting, elevated Ms. Herrera to full-time head 7 learner. And if I can opine, that's why you see so 8 much more things getting done. You were correct. 9 So much more is getting done post-March 27th with 10 the head learner's focus on being head learner.</p> <p>11 That didn't abandon the special ed role. 12 There's a Level 3 special education-licensed 13 employee with La Tierra. And you'll find, at 14 Exhibit 2A, a Judy Salipan has been moved to provide 15 special education services. And that exhibit will 16 show you the stipend that she receives as well as a 17 copy of her licensure, Special Education Level 3 18 licensure.</p> <p>19 In hindsight, if I had been as smart as 20 Mr. Winger, I would have put all of these exhibits 21 in one packet in linear order and been able to 22 reference them a little bit easier.</p> <p>23 As you can see, we've got Judy Salipan's 24 licensure, showing she's qualified to do that. And 25 as I mentioned to you in that same exhibit, you see</p>
<p style="text-align: right;">127</p> <p>1 lease agreement dated 2015 -- so they're at least -- 2 they're almost eight years each -- what we have is 3 Exhibit -- Lease Termination, Exhibit 2A, Lease 4 Termination, which is on your screen.</p> <p>5 The fortunate thing after our law firm 6 reviewed the two leases is that they have 30-day 7 notice provisions for termination of the lease. 8 Both tenants -- one tenant has received a 30-day, 9 and the other tenant actually had in their lease 10 60 days' notice negotiation.</p> <p>11 They have both received their lease 12 termination notices as of March.</p> <p>13 Meagan, go back up -- March 23rd of 2023. 14 For both tenants that have -- those have 15 been issued. We're still within the termination 16 period. So one tenant should be gone by -- by the 17 early part of May, and another in June.</p> <p>18 Now, with breaks for the summer, we may 19 need to negotiate a bit with one of the tenants to 20 make sure that they are gone before the start of 21 school in the fall.</p> <p>22 School staffing: La Tierra Montessori and 23 its governing council took very seriously from the 24 notice and from an initial draft of the Notice of 25 Revocation that there was a concern that the head</p>	<p style="text-align: right;">129</p> <p>1 that she is being paid a stipend to provide special 2 education services.</p> <p>3 Also, there's been a lot of the discussion 4 and concern about the Montessori mission of 5 La Tierra Montessori. The -- although the board -- 6 the governing council, throughout the year, has 7 expressed concern whether that mission is 8 achievable, maintainable, affordable, all of those 9 items, it does -- it does remain in the contract. 10 It is part of the charter contract and the charter 11 purpose.</p> <p>12 And so on March 31st, La Tierra provided 13 training -- and this is in Exhibit 2A -- Indigenous 14 Montessori Institute certificates. It provided 15 training to seven educators and administrators at 16 La Tierra Montessori, and, again, using the 17 Indigenous Montessori Learning Center.</p> <p>18 Give it a moment for that to appear on the 19 screen. Sometimes I even wonder if we need to get 20 it on the screen. But I would like to provide 21 evidence visually also. Provided through the Keres 22 Children's Learning Center of Cochiti Pueblo, 23 New Mexico. It's hard to distinguish when we go 24 page from page, but you'll see the name in the 25 middle changes.</p>

130	<p>1 Okay.</p> <p>2 School health and safety under the CSD</p> <p>3 site visit report:</p> <p>4 I'd like to show you what is labeled as</p> <p>5 Exhibit 2A, LTMAS -- it might be a typo -- LTMS --</p> <p>6 daily schedule. Zoom in a little bit.</p> <p>7 Part of what we're accomplishing with</p> <p>8 these schedules is addressing the concerns raised in</p> <p>9 the Indian Health Services report about staffing</p> <p>10 and, you know, taking care of students, covering</p> <p>11 recesses, covering lunches, et cetera.</p> <p>12 And so on February 14th, much more focus</p> <p>13 was put on that, and the schedules were improved and</p> <p>14 have been in force.</p> <p>15 Also relating to school health and safety,</p> <p>16 we have several exhibits, 2A, "Secure Doors 1</p> <p>17 through 7," to demonstrate that the issues regarding</p> <p>18 doors that didn't stay locked that could be pulled</p> <p>19 open or were not alarmed have been addressed, and,</p> <p>20 if given the opportunity, we would like to be able</p> <p>21 to show those to Mr. -- to Larry Vigil with Poms, to</p> <p>22 demonstrate the progress and also to get feedback to</p> <p>23 make sure it's being done correctly.</p> <p>24 Signage, alarms, lock fixes are what you</p> <p>25 see in these exhibits.</p>	132	<p>1 not be able to enter and roam around. You would be</p> <p>2 outside the locked door, the speaker to inform that</p> <p>3 they're there to be allowed in and complete the</p> <p>4 Raptor system, which scans an ID, creates a badge</p> <p>5 for the visitor that the visitor can be identified</p> <p>6 and recalled at any point.</p> <p>7 It's 12:25. I'm going to try and speed up</p> <p>8 a little bit here.</p> <p>9 Again, you do -- I'm reading from the road</p> <p>10 map that was provided to you as an exhibit list, but</p> <p>11 I do think there are some things to -- to highlight.</p> <p>12 You've heard --</p> <p>13 THE CHAIR: Mr. Zamora, I'm sorry.</p> <p>14 Apologize for interrupting you. On 2A, the special</p> <p>15 education information, there are student names on</p> <p>16 that. We're trying to get that remedied as well,</p> <p>17 just in case. Ms. Muñoz, we didn't want to throw</p> <p>18 that up on to the screen.</p> <p>19 MR. ZAMORA: Thank you. I did realize</p> <p>20 that a little bit earlier in our presentation. I've</p> <p>21 tried to avoid putting anything on screen with a</p> <p>22 student name.</p> <p>23 I will reference Exhibit 2C, because we</p> <p>24 have heard through public comment and through, I</p> <p>25 believe, Mr. Winger's presentation, concerns of</p>
131	<p>1 Go slower.</p> <p>2 Yeah. You see the signage of doors to</p> <p>3 remain closed. Alarm will sound. And additional</p> <p>4 signage.</p> <p>5 Okay. The alarms on that door -- I think</p> <p>6 we have -- there are pictures of those. They're</p> <p>7 dark. But what's also demonstrated are the -- the</p> <p>8 items -- if you see the top right on this picture --</p> <p>9 it's showing up a little bit dark on the screen --</p> <p>10 those are the alarm systems that sound if the</p> <p>11 contact isn't made.</p> <p>12 Again, that's an opportunity to speak</p> <p>13 with -- to review with Mr. Vigil to ensure that</p> <p>14 those are made -- Meagan, if you'll stop there. Top</p> <p>15 left of the door, you're seeing the alarm contact</p> <p>16 system.</p> <p>17 And because it's been a popular topic thus</p> <p>18 far relating to school health and safety, it's</p> <p>19 simply a photograph of the visitor check-in system.</p> <p>20 Exhibit 2A, Visitor Check-In, 1 through 5. In that,</p> <p>21 you'll also see the Raptor system as well as other</p> <p>22 signage and securing of door -- of entries.</p> <p>23 Important to note is that the doors and</p> <p>24 access are locked now so that what was described</p> <p>25 earlier to get into an area with students, you would</p>	133	<p>1 student incidents that were -- that had been</p> <p>2 described as not dealt with, as unaddressed.</p> <p>3 The head learner -- the school is aware of</p> <p>4 one student incident which was fully investigated</p> <p>5 which was referred to the County Sheriff, Rio Arriba</p> <p>6 County Sheriff, for investigation. And both the</p> <p>7 school and the Sheriff's Department concluded that</p> <p>8 there was insufficient evidence to -- to conclude an</p> <p>9 assault.</p> <p>10 During the time of the investigation by</p> <p>11 the school, the -- the staff member was placed on</p> <p>12 leave with pay, as you would do with proper HR</p> <p>13 practices. So the employee doesn't -- is removed</p> <p>14 from the workplace so that no incident happens</p> <p>15 again, and so that the staff member cannot have</p> <p>16 undue influence on an investigation.</p> <p>17 When the investigation was complete and</p> <p>18 the allegations were unable to be corroborated, the</p> <p>19 staff member was returned, and a meeting was held</p> <p>20 between the head learner and the parent to inform</p> <p>21 of -- of the conclusion.</p> <p>22 Thank you, Chair Brauer, for that</p> <p>23 reminder.</p> <p>24 With regard to the urgent fiscal concerns</p> <p>25 under Section 3 of the March letter, the Notice of</p>

<p style="text-align: right;">134</p> <p>1 Revocation letter, I do want to remind the 2 Commission, the finding, the problems, the issues 3 raised were for the year ended 6/30/2022, the last 4 school year, not for this current school year. 5 And what you will find in our supplemented 6 exhibits -- we turned in all exhibits at one point 7 last week and then asked for the ability to 8 supplement. We were waiting on the Vigil Group to 9 provide its management responses to the concerns 10 raised in the audit. Those are included as an 11 Exhibit 3A, "Response by Vigil Group." And you'll 12 have the opportunity to review this. 13 You'll find in Exhibits 4, corresponding 14 with concerns relating to the contract and state 15 standards of excellence, concerns have been 16 expressed by PEC about the -- about providing the 17 standardized testing. 18 You will find evidence of the providing 19 standardized testing by the school at Exhibits 4. 20 And there were two documents there. 21 Finally -- and I've addressed this earlier 22 on concerns about the Montessori programming, in 23 5B -- in 5B, under 2A, E-Mail Correspondence with 24 Indigenous Montessori Learning Center and the 25 Indigenous Montessori Institute Certificates, we</p>	<p style="text-align: right;">136</p> <p>1 simply demonstrative to show the level of 2 communication that goes out to the community. 3 And then governing council changes, the 4 final component. We don't attach any exhibits. But 5 the membership has been stable this year. The same 6 five members are on today as started the year. 7 A real big change that the board 8 supported, approved, and implemented at its last 9 board meeting is the creation of a board member 10 application for people to express their interest, 11 put down their credentials, show their 12 qualifications for being a board member. 13 That was posted in March. It was approved 14 at the last March meeting and posted on the website 15 inviting all members of the community. 16 You've heard in -- in public forum several 17 parents stating, "Please turn this over to the 18 parents." 19 I think we've had previous discussions. I 20 think the PEC discussed at its last meeting there 21 isn't authority to remove the board and replace the 22 board. But after that hearing, PEC hearing, is when 23 the governing council created the application, 24 posted the application. Per its bylaws, there's a 25 minimum of five board members required for La Tierra</p>
<p style="text-align: right;">135</p> <p>1 have -- we have demonstrated a continuation of the 2 Montessori programming and staff attendance as 3 well -- and I've lost the number, Ms. Muñoz. 4 Included in your exhibits is the actual 5 presentation, the materials provided by the -- the 6 Indigenous Montessori Learning Center. We have a 7 comprehensive material packet. 8 Under 5C, Exhibit 5C, there's one 9 document, and this is a place that we're still 10 lagging. We've submitted mission-specific goals, 11 but they are not complete. And we still wish to 12 work with the Charter School Division as well as PEC 13 to finalize some -- some mission-specific goals that 14 are sufficient to meet the needs of the school, as 15 well as sufficient to meet the requirements of PEC 16 and Charter School Division. 17 And, finally, in Supplemental Exhibit 6, 18 there are seven exhibits that are snapshots of 19 communications, examples of communications that go 20 out to the community. There have been statements 21 in -- in some Open Forum testimony that the school 22 doesn't communicate, doesn't keep them up to date on 23 big changes, such as the previous head learner for 24 the last school year. Those notices went out, and 25 they're evidenced in Exhibit 6. They're really</p>	<p style="text-align: right;">137</p> <p>1 and a maximum of nine. 2 So at the very least, there are four 3 positions that will be open at the annual meeting 4 held in June. And La Tierra is encouraging all 5 applicants. 6 And so some of the folks that have been on 7 Public Forum -- all of the folks that have been on 8 Public Forum -- that wish to lead this organization 9 have an opportunity to apply for and fill at least 10 four vacancies. 11 And, again, as it states on both, in the 12 bylaws as well as on the application, it states the 13 timelines and process for conducting the election 14 and states that one will be conducted at its annual 15 meeting in June. 16 So governing council changes are on the 17 forefront. 18 That -- I would also like to inform that 19 in your document packets, La Tierra has submitted a 20 Corrective Action Plan proposal intended as a 21 working document, so that if -- if the Commission 22 chooses to -- to engage in a revised Corrective 23 Action Plan, it can account for those items that 24 were already accomplished, as well as put more 25 specific deadlines on what needs to be accomplished.</p>

<p style="text-align: right;">138</p> <p>1 So I do want to inform you that that was 2 provided earlier this week through Ms. Barnes, and 3 that was uploaded into your -- your documents so 4 that you can see the seriousness and the attempt of 5 La Tierra Montessori to continue operating and 6 serving its students under a revised Corrective 7 Action Plan. 8 Thank you. That concludes my review of 9 the documents. 10 THE CHAIR: Thank you, Mr. Zamora. It is 11 12:30. Do we want to take a lunch break, 12 Commission, before we move into questions? 13 COMMISSIONER CARRILLO: We could take 14 lunch after the hearing completes. But -- isn't 15 that correct? I don't know -- sorry. What? 16 THE CHAIR: Let's take a 25-minute break. 17 COMMISSIONER BURT: Since we don't have a 18 time. Like, we knew you only had an hour. We don't 19 know how long this next section is going to be. It 20 could be 10 minutes; it could be three hours. So I 21 would say just do it now. 22 COMMISSIONER GIPSON: Time isn't time. So 23 it could take -- I think it could take a significant 24 amount of time. 25 THE CHAIR: Thank you, Commissioners.</p>	<p style="text-align: right;">140</p> <p>1 exhibits, but we are able to share screen from -- 2 from the website. 3 To answer Commissioner Ingham's question 4 regarding the process for recruiting new 5 membership -- you just had it. Where did it go? 6 Okay. On the governing council's webpage, 7 it's got, "LTMAS Governance Board Recruitment. The 8 governance board is seeking candidates to serve on 9 its board. Interested individuals can submit a 10 letter of interest to,..." and it's got 11 GoverningCouncil@MontessoriLaTierra.org. 12 And to go through the application itself, 13 our law firm, and specifically me, I assisted 14 La Tierra with the preparation of this. Several 15 school districts can -- throughout the years have 16 gone through filling vacancies. And so because we 17 represent about 25 school districts in the state and 18 one of the state colleges, adapted a public school 19 district board vacancy form, but, in this case, to 20 conform with the bylaws of La Tierra -- La Tierra 21 Montessori. 22 And so what you have in front of you is 23 the application. They're asked to submit a current 24 resume, a letter of interest. And then it -- it 25 says -- it recommends being familiar with the</p>
<p style="text-align: right;">139</p> <p>1 Let's take lunch until 1:30. Thank you. 2 (A recess was taken at 12:36 p.m., and 3 reconvened at 1:35 p.m., as follows:) 4 THE CHAIR: All right. Commissioners and 5 public, we're going to come back together. It is 6 1:35, and we're going to move back into Item No. 4 7 of our hearing, and we're going to Part c, questions 8 by Commissioners. And, again, I just want to remind 9 the Commissioners our questions are related to what 10 was shared today and directed to the counsel. 11 Commissioner Ingham. 12 COMMISSIONER INGHAM: Yes. I was going to 13 ask, I thought that I saw a copy of the board 14 application, but I couldn't find it. Is that -- do 15 I have it? I would like to see that if you have a 16 copy of it. I couldn't find it. I'd like to have 17 some understanding of what the criteria is. Because 18 you've insinuated that there's an opportunity for 19 the community to get elected to the board. And 20 that -- if that application is going to allow -- 21 who's going to -- who's going to be allowed to apply 22 for that board membership? 23 MR. ZAMORA: Commissioner Ingham, we were 24 able to find it on the website for La Tierra, and 25 we're going to share screen on it. It's not in the</p>	<p style="text-align: right;">141</p> <p>1 Charter Schools Act as well as being familiar with 2 policies and procedures, asks an individual to 3 provide their full name, preferred legal name, 4 preferred name, date of birth, business, addresses, 5 and then it requests disclosures that would be 6 typical considerations for board members, just to 7 see whether there are any conflicts from family 8 employees. So it asks if there are any employees 9 working. 10 There is not a prohibition in the bylaws, 11 but it is important to be aware of the disclosure. 12 Governmental Conduct Act requires disclosure of real 13 and potential conflicts of interest. 14 There is no prohibition in the bylaws for 15 parents serving. 16 But it does ask whether or not there are 17 children enrolled. And that gives the board the 18 opportunity to say, "We're short parent 19 representatives," or, "We're overfilled on those." 20 There is a notice in there. So what 21 occurs -- when you're filling a board vacancy, it's 22 not the same as a public election or an -- and in 23 the public election, the media and others will 24 scrutinize. 25 And so there is just a notation in there</p>

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1 that LTMAS or its representatives will be conducting
 2 a public records review of court records, because,
 3 of course, it would be concerning if there were
 4 crimes against a child or something of that sort in
 5 the background.
 6 But it is not a background check. It's an
 7 online check of public records.
 8 COMMISSIONER INGHAM: So there was a place
 9 there where you referenced bylaws, I think. And I'm
 10 just trying to make sure that there was nothing
 11 buried there that would keep a person -- one of the
 12 people that are obviously very involved in being a
 13 part of the board, like -- like expectations of
 14 professional degrees or -- understanding?
 15 I think also there needs to be a
 16 willingness, because we have a fairly rigorous
 17 requirement for training. As board members, they
 18 have to be willing and committed to doing that board
 19 training. And I don't know if you mentioned that in
 20 here.
 21 And -- I mean, because I believe -- is the
 22 rest of you -- I believe that was another question
 23 is, is the rest of the board current on their
 24 training? Or is the -- so that's two questions.
 25 Sorry.

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1 MR. ZAMORA: Sure. I'll answer the second
 2 first, Commissioner Ingham. Because that was not in
 3 the Notice of Revocation, that is not anything we
 4 are prepared to answer today. So I don't know the
 5 status of that.
 6 COMMISSIONER INGHAM: Is that something
 7 you could ask -- oh, she's not -- sorry. Sorry.
 8 Sorry. Oops.
 9 MR. ZAMORA: And, secondarily, the one
 10 prohibition that is in the bylaws, there is,
 11 pursuant to Bylaw Section 3.2, "Individuals who have
 12 immediate family members that are school employees
 13 are ineligible to serve on the governing council."
 14 And, of course, that's in quotes, lifted directly
 15 from the -- the bylaws. Bylaws define immediate
 16 council members as -- and then it lays out who those
 17 individuals are.
 18 COMMISSIONER INGHAM: Could you scroll up,
 19 and we can pull up that thing to the --
 20 MR. ZAMORA: These are to the policies.
 21 Would you like us to click on it? That's not to the
 22 bylaws, but it's to the policies.
 23 Oh, okay. We do have bylaws. And I have
 24 a copy with me here regarding the Elections section.
 25 There -- other than what has been cited,

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1 any other criteria or requirements for governing
 2 council would have been included in the application.
 3 There aren't.
 4 COMMISSIONER INGHAM: Okay.
 5 MR. ZAMORA: There aren't.
 6 COMMISSIONER INGHAM: One final question.
 7 And that is when does the chairmanship come up for
 8 reelection?
 9 MR. ZAMORA: I believe that's at each
 10 annual meeting, all officers -- by law, all officers
 11 are up for election at each annual meeting.
 12 COMMISSIONER INGHAM: That's when?
 13 MR. ZAMORA: June.
 14 COMMISSIONER INGHAM: June also. So you
 15 would have annual board members, and then at the
 16 same time, like we did -- okay. Thank you.
 17 THE CHAIR: Commissioner Taylor. Then
 18 Commissioner Gipson.
 19 COMMISSIONER TAYLOR: So, yeah, thank you
 20 very much. Mr. Zamora, when -- when did it become
 21 apparent to the -- the school that Ms. Lopez was the
 22 point of contact for the educational liaison with
 23 the -- with the tribal council or authorities at --
 24 for the tribe?
 25 MR. ZAMORA: During the process of

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1 preparation for today's hearing, PEC counsel
 2 disclosed her name and position. Prior to that, the
 3 school was not aware of her or her position.
 4 COMMISSIONER TAYLOR: When was that?
 5 Like --
 6 MR. ZAMORA: Within the last ten days to
 7 two weeks.
 8 COMMISSIONER TAYLOR: All right. That's
 9 short-term. But have they attempted to contact
 10 Ms. Lopez at this point? It says no contact with
 11 them, she said, but --
 12 MR. ZAMORA: That is correct. There has
 13 not been an attempt; although, there has been a
 14 proposal to reach out to her and -- and to have a
 15 meeting prior to (inaudible).
 16 COMMISSIONER TAYLOR: So I still have --
 17 and I still have lots of concerns. The scope -- you
 18 know, typically, when we're dealing with problems or
 19 issues with -- with a school, we're focused -- I
 20 mean, we're focused in one area, you know.
 21 Obviously, we are -- you know, we've got facilities
 22 issues. You know, we've got complaints about
 23 leadership.
 24 One of my big concerns is one of the ones
 25 that maybe wasn't identified as -- as a real

<p style="text-align: right;">146</p> <p>1 concern, but just the fact that, you know, students 2 are arriving at 7:45 and teachers are leaving doors 3 propped open for teachers -- their friends -- that 4 are coming late, after 8:20. 5 That goes to me -- that shows me just sort 6 of an attitude that is prevalent amongst even the 7 teachers in that -- and it extends all the way down 8 to if you look at the academic performance of the 9 kids. They're all -- in almost every aspect, 10 they're below State averages, you know. 11 So it's, like, we're dealing with -- as 12 you made reference to earlier, lots of big 13 elephants. 14 And so with a small staff and even taking 15 small bites of those elephants along the way, you 16 know, I feel like the ultimate end result is the 17 kids are the ones that are -- that are suffering 18 through this; right? 19 And so at what -- at what -- at what time 20 do we say, "Okay, let's -- let's cut ties and -- 21 and -- and pull the Band-Aid off and let these kids 22 find someplace else where their needs can be met," 23 you know? 24 I really struggle with the -- the 25 magnitude of the issues that we're dealing with in</p>	<p style="text-align: right;">148</p> <p>1 COMMISSIONER TAYLOR: Right. 2 MR. ZAMORA: It's in process. But it 3 takes time. And it's hard -- you know, it's hard to 4 change it immediately. It takes time, takes 5 reinforcement, takes boundaries. It takes renewal 6 of contracts. It takes non-renewal of contracts 7 to -- to engage in culture change. 8 But I have been very direct, regarding the 9 head learner's presence for five months, that 10 systemic issues are hard to solve in five months. 11 But with the large elephants in the room 12 and with the bites at a time, they're in process. 13 COMMISSIONER TAYLOR: But -- yeah. I 14 mean, it goes, still, to my concern that -- that, 15 meanwhile, while we're taking these small bites of 16 the elephant, the kids are continuing to -- to be in 17 a situation that may not be the most ideal situation 18 for them. And we're not providing -- you know, 19 we're not providing the best course for them 20 necessarily -- as we try to get our -- everything 21 organized and in place and correct the systemic 22 issues, you know, they still continue to struggle 23 and -- and not -- not have the best of -- of 24 situations, you know. 25 That's -- I mean, ultimately, that's why</p>
<p style="text-align: right;">147</p> <p>1 all of these different areas. And the ones that are 2 suffering are the kids, you know? 3 So that's more of a statement than a 4 question, you know. But I have deep concern in 5 those regards. 6 MR. ZAMORA: And, Commissioner Taylor, 7 thank you. I think your observations are consistent 8 with some of the theme-ing I've used today. 9 There are some systemic issues. There are 10 some in-the-building culture issues that are in the 11 process of being corrected. 12 That can lead to unpopularity. Years of 13 not managing staff arrival and departure time can 14 turn into resentment when schedules come in and 15 enforcement comes in. 16 The students arrive at 8:00. The 17 observations were that staff -- you know, staff 18 wasn't arriving on time. But since that 19 February 14th schedule revision, there has been 20 enforcement. And it has led to struggles with 21 staff. Struggles with staff and threats of 22 discipline, unpaid leaves. That can make a head 23 learner incredibly unpopular with staff. And 24 especially if staff's communicating displeasure to 25 parents, to correct this is going to be tough.</p>	<p style="text-align: right;">149</p> <p>1 we're there; right? So... 2 MR. ZAMORA: Yes, sir. Commissioner 3 Taylor, one last follow-up on that. 4 I listen very closely now, for at least 5 the third time during my tenure -- and I'm with 6 La Tierra about a month and a half -- at least the 7 third time of Public Forum. And I heard it again 8 today in Public Forum. "We don't like the school. 9 We don't like the head learner. We don't like the 10 governing council. We don't like..." specific names 11 of people. "But the students and the teachers have 12 to be commended" is the theme coming out of Public 13 Forum. 14 And the students and the teachers are 15 doing well. And that's when I talk about some of 16 these -- or we talk about adult issues, and we're 17 talking about kid issues. 18 There is testimony today from parents, 19 displeased parents, saying that they're pleased with 20 the teachers and with the kids in the classroom. 21 COMMISSIONER TAYLOR: One final thing. 22 The -- one of the exhibits on here -- it's 2A. It 23 was the -- the report that Mr. Winger referenced in 24 regards to environmental health/safety inspection 25 conducted by the Albuquerque area IHS.</p>

<p style="text-align: right;">150</p> <p>1 That was -- that was dated 3/21 of this 2 year, well into this whole process of trying to make 3 corrections and trying to improve situations and so 4 forth. And yet they're still in -- vast number of 5 issues that are not -- are not addressed. 6 That, to me, is concerning. I mean, I 7 think -- I think if you're under the microscope and 8 you're struggling for the last six months, to have 9 something that's less than a month ago or right at a 10 month still report fairly large issues with how 11 things are being managed and handled, that, again, 12 is concerning to me. 13 How did they -- how did the governing 14 council and the teachers, administration, how did 15 they manage or receive this -- this most recent 16 inspection, and what changes maybe have been made in 17 regards to those -- those items listed on here? 18 MR. ZAMORA: Commissioner Taylor, I have 19 not seen the governing body's review of this report. 20 So there are portions I will be unable to respond to 21 you on. 22 What I will state is this: The report's 23 very concerning. And it -- I think it's heavily 24 weighted toward the issues regarding the facility. 25 The -- the majority of the concerns, and</p>	<p style="text-align: right;">152</p> <p>1 with us to address the concerns in the building. 2 But I -- La Tierra accepts that that is a 3 harsh report and a big wake-up call. And they're 4 acting -- they're acting on it and finding the 5 professionals to come to the table to do it. 6 COMMISSIONER TAYLOR: Thank you. 7 THE CHAIR: Commissioner Gipson. Then I'm 8 going to reserve some time. 9 COMMISSIONER GIPSON: You know -- and, 10 Mr. Zamora, I appreciate the journey you've tried to 11 take us on and outlining this as a road map for 12 improvement. I think unfortunately your journey 13 begins a little later than my journey begins. 14 You know, on using a AAA TripTik, you've 15 got pages that you flip over. Yours is starting in 16 the middle of my TripTik with this -- with this 17 school. 18 We started back with this school -- and I 19 agree. The Commission has been trying very hard 20 over the past several years to be prescriptive, not 21 proscriptive, that we're here to help the school to 22 improve and offer support as best we can. 23 And I think we've done that through the 24 engagement with the school, not since March, and 25 say, "Oh, there was a wake-up call in March, and</p>
<p style="text-align: right;">151</p> <p>1 even some of the very stark conclusions -- and we'll 2 compare that with Larry Vigil saying, you know, he's 3 not recommending leaving the building. He's 4 recommending work on the building, maybe some 5 additional tests. But it falls in the middle with 6 regard to school facilities. 7 THE CHAIR: Move closer to the mic. 8 MR. ZAMORA: This report has a stronger 9 conclusion. Why are they in the building? 10 And what postdates that report is a 11 conversation with Tsay Corporation to say, "We need 12 significant changes. We need bids on electrical 13 work. We need bids on trades work to improve this 14 building." 15 And Tsay Corporation also stating that 16 they -- they will take over the maintenance, but 17 that they had not been maintaining in the past. 18 So for eight-plus years, this -- it's -- 19 it's like any of our homes. You do deferred 20 maintenance for eight to ten to fifteen years, 21 you're going to end up with a report like this. And 22 that's -- that's what we're working through. 23 But we have a good partner in Tsay 24 Corporation, and we appreciate that the pueblo, 25 through Tsay Corporation, is going to be working</p>	<p style="text-align: right;">153</p> <p>1 we're now -- we now hear you that the head learner 2 shouldn't be .5." 3 We've been saying that since back in -- 4 probably June, definitely July. The first Letter of 5 Concern went out in August, which means the school 6 was here in July, and we talked about this. And we 7 have expressed concerns on the record, and the 8 transcripts of our meetings are part of the record 9 of this hearing, that we've expressed that concern 10 to the school over and over again. 11 But now it's as a result of the revocation 12 hearing that, "Oh, we better do something about 13 this." 14 But in the meantime, there's been concerns 15 raised -- and I don't see, unfortunately, in the 16 record -- I see in the record the pullout calendar, 17 and I see -- I see a signature page for the SpEd 18 Corrective Action Plan. But the action plan itself 19 isn't in the documents. So I don't see it. 20 And what does concern me is how many hours 21 is this school potentially still behind in servicing 22 students? And that's where we've been expressing 23 concerns over and over again, that with the ability 24 for someone to try to right the ship, and they're 25 only a .5, that is a nearly impossible task.</p>

<p style="text-align: right;">154</p> <p>1 But on the record, that head learner did 2 respond to us when we raised concerns about doors 3 being open, about staff coming in late. And her 4 response was, "What do you want me to do about it?" 5 And, "Do you know how many rocks are in 6 Northern New Mexico? Do you want me to remove all 7 the rocks in Northern New Mexico?" 8 That was her response to us when we raised 9 those concerns back months ago about safety of 10 students at the school. 11 And I appreciate the fact that parents are 12 coming and saying, "Oh, the teachers are doing a 13 great job. The students are happy." 14 And, you know, I -- you know, parents have 15 invested -- parents don't want to admit that they're 16 sending their child to a school that's not good for 17 them. 18 I mean, I understand that. But there -- 19 we have an obligation to make sure that students are 20 going someplace that is a safe environment. 21 In my previous life, I did contract 22 enforcement and contract negotiations. I am very 23 well aware of how difficult it is to do a 24 turnaround. 25 But that's the job of a head learner. The</p>	<p style="text-align: right;">156</p> <p>1 school was not coming to us and saying, "This is 2 what we're doing. These are the steps we've taken 3 to try to fix this." 4 They had a wake-up call in March, and 5 that's when they decided that they were going to 6 start -- "Ooh, we better really start fixing this 7 now." 8 And that's -- you know, it's a little too 9 late for the massive amount of fixes that needed to 10 take place and an acknowledgment, because too many 11 months have gone by when members of the governance 12 council have come here, and all they keep doing is 13 looking back and saying, "It's not our fault. It's 14 the previous head learner. It's the previous 15 governance council. It's not our fault," instead of 16 saying, "You know what? Yeah, we weren't here, but 17 we're going to move forward and try to fix this." 18 But they just kept coming back month 19 after month to us with excuses as to why they 20 weren't accountable for those problems, and not 21 coming to us and showing us a genuine interest in 22 trying to take care of the health and safety of 23 students in the -- in the school. 24 But I -- maybe I ran too long, but I do 25 have a couple of questions.</p>
<p style="text-align: right;">155</p> <p>1 governing council did not -- they did not do their 2 job for months -- month after month after month, 3 keeping her at a .5. 4 Now, I acknowledge the fact that no one at 5 a .5 position can fix the problems that were in the 6 school. That was an untenable position that that 7 governing council put her in, with us expressing 8 month after month after month that this has to be 9 addressed. 10 So that's where, at this moment in time, 11 for a school to come to us and say, "Oh, look. Now 12 we're fixing it." 13 The Corrective Action Plan that was 14 provided to us is the same Corrective Action Plan 15 that has been provided to us for at least three 16 months, at least three months. 17 The only thing that has changed is they're 18 kicking the problem down the road. It changed the 19 dates of when things are going to be fixed by. 20 You know, for me, for a school to say, 21 "Give us that second chance or third chance or 22 fourth chance," they needed to come to us and say, 23 "Look at all the things that we fixed. Look at 24 this," and not that, "Since March, we fixed it." 25 But for month after month after month, the</p>	<p style="text-align: right;">157</p> <p>1 MR. ZAMORA: May I respond? 2 COMMISSIONER GIPSON: Oh, sure. 3 MR. ZAMORA: Thank you, Commissioner 4 Gipson. 5 To put the full context in, yes, there was 6 a false start in the July-to-October time frame, 7 because there have been two -- actually, this is the 8 third head learner; right? There was a head learner 9 at the end of last school year. And then the school 10 year began with a different head learner that was 11 then switched out, and Ms. Herrera was brought in in 12 October at half-time -- half-time head learner in 13 October. And so, yes, in the last four and a half 14 months, here's where we are. 15 It's a double-edged sword. La Tierra 16 Montessori accepts that itself, as a school, got 17 itself in this position. We have not backed away 18 from that. 19 January, and not March, is when La Tierra 20 started approaching Tsay Corporation. And that's 21 why -- that's what initiated the IHS inspection. It 22 also initiated the mold inspection that was 23 completed in mid-February. 24 I -- you know, in -- in an ideal world, 25 these things wouldn't have started in January. They</p>

<p style="text-align: right;">158</p> <p>1 would have started the first week of October, 2 when -- when -- when Ms. Herrera, or Head Learner 3 Herrera, started. They take time. 4 The school got itself here. But the 5 distinction is this. The distinction is this. In 6 the five months that Ms. Herrera has been here, 7 she's fixing the seven issues that are in the -- the 8 revocation notice that are systemic. 9 They did not start five months ago. And 10 it's not simply intended to not take responsibility. 11 In fact, she's done exactly the opposite. Leases 12 that have been in place eight years, she's issuing 13 eviction notices. 14 But these things, they do take time. And 15 I think I would be dishonest with the PEC if I 16 didn't acknowledge that they started before 17 October 1st, that they started before July 1st in 18 the great majority of these. 19 But the school owns it. And the current 20 executive of the school is Ms. Herrera. And what 21 we've tried to convey in the exhibits is the work 22 that has been done to this point. 23 Thank you. 24 COMMISSIONER GIPSON: And I appreciate 25 that. But -- and I know at this point in time</p>	<p style="text-align: right;">160</p> <p>1 me that those subleases existed, because I couldn't 2 see in the lease that they -- that they had the 3 legal ability to do those subleases. So that's -- 4 that's concerning to me. 5 And it was through this population of 6 materials that I think any of us became aware that 7 those subleases existed. That's the first time I've 8 known of that. So I have a concern over that. 9 MR. ZAMORA: Commissioner Gipson, the 10 current administration shares that concern. Number 11 one, because it wasn't in the notice, I do not have 12 a ready answer for what the original lease allowed 13 for. But Poms did raise it in -- in its report, 14 that it was a safety concern to have the sublessors 15 there, people who were probably not 16 background-checked, people who do not have an 17 educational relationship to the campus. And that is 18 why the eviction notices have gone out. 19 I apologize that I have not read that 20 portion of the lease that you're asking about as to 21 whether it's there. But whether or not they were 22 allowed to, no longer. And there's -- eviction 23 notices are issued, and the time will expire soon 24 for them to vacate the premises. 25 COMMISSIONER GIPSON: And in regards to</p>
<p style="text-align: right;">159</p> <p>1 you're representing the school. But I want to say 2 that the school, members of the governance council, 3 have never acknowledged that they're at fault. 4 You are saying that now. But no one from 5 the school prior to this moment, no one actually 6 from the school has owned what has happened. They 7 haven't. And I -- you know, I fully acknowledge the 8 difficulties Ms. Herrera has. She was the one who 9 responded that she can't make people come to school, 10 and, "Do you want me to remove all the rocks?" That 11 was her statement, not any of the prior head 12 administrators. 13 But the governance council has been here. 14 It's been the governance council, head of the 15 governing council that's been at these meetings that 16 we have spoken to. So regardless of who the head 17 learner is, the governing council is also 18 responsible for making sure that this is going on, 19 regardless of who the head administrator is. 20 So I'm -- but I do want to -- I do have a 21 question about the lease, or the leases, because I 22 couldn't see in the lease of the school -- in the 23 lease of the school, where they had the ability to 24 sublease. 25 So that's -- it's a little concerning to</p>	<p style="text-align: right;">161</p> <p>1 the Poms report, was that shared with Ohkay Owingeh 2 when it was received? Because that would go to 3 the -- more to the facility folks than it would to 4 the tribal education folks. 5 MR. ZAMORA: Although we're not taking 6 testimony, I had to look for a head nod behind me. 7 What I knew had happened from my preparation for 8 today was that the details of the report were 9 shared, but I was not sure if the report itself was 10 shared. And Ms. Herrera confirmed for me that, yes, 11 the report was shared with them. 12 COMMISSIONER GIPSON: Thanks. Thank you. 13 THE CHAIR: I had a few questions. Were 14 you going to say something else real quick or -- 15 okay. 16 MR. ZAMORA: Commissioner Gipson, I think 17 you asked where the Corrective Action Plan for 18 special education was in all the documents. It's at 19 PEC139. 20 COMMISSIONER GIPSON: And, you know, when 21 I look at my populated list here, I don't have C. 22 THE CHAIR: Mr. Zamora, I want to just 23 acknowledge that a lot of the exhibits that you 24 shared today does show progress. 25 MR. ZAMORA: Thank you.</p>

162	<p>1 THE CHAIR: That helps me. I still have</p> <p>2 concerns, because of the -- the -- the scope of the</p> <p>3 problems that we're seeing and the concerns that we</p> <p>4 have.</p> <p>5 I wanted to share I see progress.</p> <p>6 I wanted to touch base on a few things</p> <p>7 that are progress, but I have some clarifying</p> <p>8 questions.</p> <p>9 In some of the exhibits -- I'm sorry, I</p> <p>10 didn't write those down. But there was a</p> <p>11 security -- the security resources that were put on</p> <p>12 the doors.</p> <p>13 MR. ZAMORA: Yes.</p> <p>14 THE CHAIR: And the signage and the new</p> <p>15 visitor sign-in process, those are all good steps.</p> <p>16 The other step that I thought was really</p> <p>17 helpful to piggyback off of something that</p> <p>18 Commissioner Gipson just mentioned, one of the</p> <p>19 things that was just heartbreaking to me when I</p> <p>20 first came onto the Commission was that there were</p> <p>21 students at the school without any staff, like, no</p> <p>22 staff were at the school. So students were hanging</p> <p>23 out.</p> <p>24 Ms. Herrera mentioned this, that this was</p> <p>25 an issue. She also mentioned at the time that what</p>	164	<p>1 There have been the schedules, as you</p> <p>2 mentioned.</p> <p>3 There have been the e-mails to implement</p> <p>4 them.</p> <p>5 And, in addition, there have been the</p> <p>6 one-to-one meetings when staff has been late.</p> <p>7 Because it doesn't stop overnight. It's training.</p> <p>8 And there have been the conversations of, "Oh, just</p> <p>9 flex it out," "Oh, just use my vacation time," "Oh,</p> <p>10 use my sick leave."</p> <p>11 And the answer is, "No. You're required</p> <p>12 to be here at this time. You're not at this time.</p> <p>13 You're going to be docked pay for that."</p> <p>14 It has not reached a point of discipline</p> <p>15 at this point in time. But those are the hard</p> <p>16 things. That's what's next.</p> <p>17 There's letters of coaching, letters of</p> <p>18 warning. There's actual reprimands, and there's</p> <p>19 termination and discharge. Nothing has reached that</p> <p>20 point with regard to the start times. But as</p> <p>21 counsel for the school, unfortunately, those are</p> <p>22 things we're very familiar with. And with 25 school</p> <p>23 districts, there's discharge and non-renewal season,</p> <p>24 and we're approaching that now.</p> <p>25 So culture change is hard. The</p>
163	<p>1 is she supposed to do, how can she get staff to show</p> <p>2 up on time?</p> <p>3 And this is no indictment towards you,</p> <p>4 Ms. Herrera, but just parroting back what you</p> <p>5 shared.</p> <p>6 The -- the new schedule that you-all</p> <p>7 shared is progress, just like the resources that we</p> <p>8 see for -- for technology and for security. Those</p> <p>9 resources, though, including the new schedule,</p> <p>10 really doesn't hold much water unless there's new</p> <p>11 staff training and ways to ensure that they're</p> <p>12 actually being implemented.</p> <p>13 What evidence do you-all have that there</p> <p>14 has been, like, retraining and staff -- or</p> <p>15 understanding of the -- how to use these resources</p> <p>16 and that teachers are legitimately showing up and</p> <p>17 taking their seat or their spot in that new master</p> <p>18 schedule?</p> <p>19 MR. ZAMORA: Chair Brauer, again, bit by</p> <p>20 bit, piece by piece, there are trainings being</p> <p>21 scheduled. There was a safety training with Jim</p> <p>22 Vautier regarding lockdowns and school site safety</p> <p>23 that was just conducted at the end of March.</p> <p>24 There was the Montessori training that has</p> <p>25 come in.</p>	165	<p>1 conversations have been had. Those are oral</p> <p>2 conversations at this point.</p> <p>3 But it's -- like I say, it hasn't reached</p> <p>4 a discipline level. But that is the next level.</p> <p>5 THE CHAIR: Thank you. I just wanted to</p> <p>6 touch base just a little bit on --</p> <p>7 MR. ZAMORA: And, Chair Brauer, there's</p> <p>8 also -- as Exhibit 2 -- in the supplemental</p> <p>9 exhibits, 2A PLC, there are sign-in sheets for</p> <p>10 professional development days, the most recent being</p> <p>11 held on April 14th.</p> <p>12 So a lot of this training is being</p> <p>13 reinforced through professional development days.</p> <p>14 THE CHAIR: Okay. Great. I see that.</p> <p>15 I think for me what would be helpful, if</p> <p>16 there was -- if that document showed, "This was the</p> <p>17 training for the new visitor log system," or</p> <p>18 whatever you call that thing. "This is how we are</p> <p>19 ensuring that we're using best practices in making</p> <p>20 sure that the doors are locked and you understand</p> <p>21 how to open them in case of emergency."</p> <p>22 But I'm not nickel-and-diming. But, I</p> <p>23 just think about -- it's very obvious to me that</p> <p>24 there needs to be a cultural change and shift at</p> <p>25 La Tierra. And, you know, that there -- again, as I</p>

<p style="text-align: right;">166</p> <p>1 said before, I think there's been progress. Give 2 credit where credit is due. I want to do that. 3 But also just knowing the mountain that we 4 need to climb to make sure we're doing right by 5 students and the community is something that I'm 6 thinking about for sure. 7 MR. ZAMORA: Chair Brauer, if I may make 8 something clear, because I would hate to give the 9 wrong impression. There are good parents, a lot of 10 good, caring parents at La Tierra Montessori, a lot 11 of good kids, a lot of good teachers, a lot of good 12 staff, and a lot of good administrators, and a lot 13 of committed governing council members. 14 But there is time and culture shift and 15 change to unite all of those. And that's -- that's 16 a work in progress. 17 THE CHAIR: For sure. I have two more 18 things. 19 Mr. Zamora, it's so hard -- so painfully 20 hard for me to understand how the school did not 21 know Aileen Lopez was the point of contact as the 22 head -- as the tribal education director at the 23 school. It's painfully hard for me to understand. 24 And I'm trying to seek -- and I'm trying 25 to suspend judgment on how that's possible on the</p>	<p style="text-align: right;">168</p> <p>1 requirements from PEC, so that it develops that 2 habit, that muscle memory. 3 What I think La Tierra will find after 4 their first meeting is that it opens up to them a 5 wealth of resources and expertise on how to provide 6 valuable programming at their school. I wish that I 7 could provide you with a clear reason why. 8 And the sole reason, at least for the last 9 five months, has -- and this isn't the best 10 answer -- but it's been the interaction with Tsay 11 and Mr. Lovato that just seemed to -- to garner that 12 connection. 13 But it's painfully clear today that that 14 was not sufficient, and they intend to remedy that. 15 THE CHAIR: I'd love for you to walk 16 through the Corrective Action Plan that you shared, 17 especially -- I've reviewed it, and similar 18 sentiment as Commissioner Gipson mentioned. We've 19 seen a lot of similar things here. 20 I'd love for you-all to walk through -- 21 what -- how should I, as a Commissioner, have 22 confidence that this time around is going to be -- 23 it would be the time that we're going to get some 24 things in order, and it's going to be meeting the 25 deadlines that we have on this paper, and that these</p>
<p style="text-align: right;">167</p> <p>1 lone school in the Valley that's on Ohkay Owingeh 2 land in terms of a charter school, that are 3 literally in the village and they didn't know who to 4 talk to. That's hard for me to understand, 5 especially knowing that that person, Ms. Lopez, has 6 been in that position for at least three years. At 7 least three years. 8 And so it's -- I just do think that, like, 9 tribal consultation is something not to be taken 10 lightly. And when I talked to Ms. Lopez, she 11 mentioned to me that is the only school that doesn't 12 do this. And -- and so -- and this is the school -- 13 a charter school that's on tribal lands. 14 So I just wanted to share that on the 15 record, that that's something that's bothersome to 16 me that we -- that's easily corrected. But it 17 sounds like that's also been potentially an element 18 of, like, a need for a shift in culture in ensuring 19 that we are not just satisfying the requirements, 20 but respecting sovereignty and respecting that 21 process. 22 MR. ZAMORA: Chair Brauer, exactly what 23 you've just described is why it's in the proposal 24 for not only conducting a meeting prior to May 1st, 25 but quarterly thereafter, as part of the</p>	<p style="text-align: right;">169</p> <p>1 deadlines matter? 2 So I'd love -- so with that, I'd love for 3 you to walk us through it, but with the focus on how 4 is this different than the last couple of times? 5 MR. ZAMORA: Chair Brauer, Commissioner -- 6 Chair Brauer, Commissioners, the Corrective Action 7 Plan that we've submitted, I would like to put the 8 caveat in there that this is intended to be a 9 discussion document, to not be perfect in its 10 proposal, but to get something out there for 11 discussion and finalization. And that is -- could 12 you pull it up, Ms. Muñoz? 13 THE CHAIR: Thank you. I have it here, 14 but I'm not technology-connected right now. 15 MR. ZAMORA: Thank goodness Ms. Muñoz is 16 of the younger generation. She can do this better. 17 So with that context, this was -- this is 18 an initial discussion document to reach a 19 resolution. I will say that the tone of this 20 document, once complete -- I sat in on a Supreme 21 Court hearing once, not for me, but for someone I 22 care about, who was a lawyer getting his license 23 back. 24 The Justice of the Court said, "You're 25 getting your license back for the second time. Have</p>

<p style="text-align: right;">170</p> <p>1 you ever heard of anyone getting their license back 2 for a third time?" Trying to get through the 3 emotion. 4 And so the Supreme Court Justice said, 5 "Counselor, you're getting your license back for the 6 second time. Have you ever heard anyone get it back 7 for the third time?" 8 And the respondent answered, "No, and I 9 don't expect to come back and ask you if it's a 10 third time." 11 And I think the tone -- I think we're at 12 that point, where this document has to be serious. 13 The deadlines have to be reasonable, achievable, but 14 also serious, because I don't know that La Tierra 15 Montessori gets to come back for another Corrective 16 Action Plan after this. 17 And so that's -- that's the intent. That 18 is the context for this. 19 So I'll go through the plan, sort of 20 thumbnail-sketch it. 21 In some instances, even as the days go by, 22 some of the proposals expire because they're further 23 along in process. 24 As I talked about with tribal 25 consultation, meet with Ms. Lopez by May 1st,</p>	<p style="text-align: right;">172</p> <p>1 out the -- at least getting an RFP out, if not using 2 CES. 3 The signs, the labels, the information, 4 again, these are tied together. If we don't have a 5 playground, what signage do we need? But when we 6 get it in, we'd better be in compliance. 7 And as Mr. Garcia (verbatim) said, people 8 call him on the front end, call him on the front 9 end. "What do we need? Who should we be talking to 10 when we're reviewing proposals? Are these proposals 11 complete?" It's that type of interaction. 12 And the disabled access features, building 13 a whole new playground, are those in the plans? 14 Maybe they're not installed yet. Maybe installation 15 doesn't come for six more months. But are they in 16 the plans? Things to think about. 17 I think -- I think that generally covers 18 all the playground issues. I don't want to go cell 19 by cell on that. 20 We did put a deadline in the final cell on 21 the playground: Scheduled removal of improper 22 equipment by May 15th. 23 You know, that date, I think might be a 24 little -- if I were re-proposing it, I might give it 25 a little bit more flexibility. The difference</p>
<p style="text-align: right;">171</p> <p>1 thereafter, at least quarterly. And if we don't, 2 and we don't provide the evidence of that at the 3 time for review of this, Mr. Winger pointed out, on 4 that item alone, you can consider revocation. 5 Without any of the rest of them. 6 So for tribal consultation, it's important 7 to have that government-to-government 8 relationship -- relationship and recognition and 9 respect. And so that's why that proposal is there. 10 Do you know, some of these are a little 11 bit amorphous. I'll be honest with you. 12 Playground. First thing we've got to do 13 is rip it out. Next thing we've got to do is build 14 it back and build it back correctly and sign it 15 correctly. 16 It's a little bit hard -- that's a harder 17 one, because Ms. Herrera has been, for speed and 18 ease, polling CES contractors, and specifically 19 playground contractors, not only to clear it out, 20 but also to rebuild it. 21 And the time frames are tough. The time 22 frames are tough. So that's -- that's a hard one. 23 But to the -- I think where that could 24 probably evolve is with deadlines for removal of the 25 existing equipment, and then I think we can build</p>	<p style="text-align: right;">173</p> <p>1 between getting it done May 15th or June 15th or 2 July 15th, you know, I would defer to negotiations 3 with the PEC on that, but clearly prior to the 4 beginning of school next year, July 31st at the 5 latest. I think we proposed May 15th just to show 6 ready for action. 7 The Poms safety audit, as we get into that 8 proposal, we've got May 30th as the deadline for 9 main office signage outside of the office building 10 leading up to main office, each exit, and to have 11 the parking stall -- this is in consultation with 12 Tsay -- the parking stall stripes painted, parking 13 lot stall painting by June 30th, 2023. 14 So, again addressing the parking lot 15 issues that Mr. Garcia (verbatim) raised. 16 THE CHAIR: Real quick. Does this also 17 include the assessment that was most recently done 18 also by the -- what was the last assessment? Was 19 that the BIA that came in, or the BIE? The safety 20 assessment. Does this Corrective Action Plan 21 include some of those elements as well? 22 MR. ZAMORA: One second. 23 THE CHAIR: Sorry. I meant the 24 environmental health, that element. 25 MR. ZAMORA: The IHS.</p>

<p style="text-align: right;">174</p> <p>1 THE CHAIR: Right, sir. Sorry. I'm 2 talking about that, as well as what Mr. Vigil was 3 talking about today, too, the assessment that we 4 haven't received yet.</p> <p>5 So both of those things seem like they're 6 a little bit more fresh. And I was wondering if 7 there was a chance to bake some of those elements 8 in, especially the things that were new from that, 9 like the turtle pond, for instance.</p> <p>10 MR. ZAMORA: Right. The short answer is 11 IHS has not been integrated into this. But, yes, we 12 are open to and agree that it should be integrated 13 into it. And all the turtles have been removed from 14 the school.</p> <p>15 So looking at the Poms safety audit, 16 again, I'll skip and summarize.</p> <p>17 But the building conditions, as we've 18 introduced in the exhibits, Tsay Corporation is 19 gearing up to address the issues. And, again, we'll 20 be likely negotiating a new lease to cover those -- 21 the fact that they'll be providing the improvements. 22 And during that time, just as a lawyer that's dealt 23 with this before, we're going to have to 24 appropriately manage in the lease the use of HB33 25 and SB9 monies so that allocations to La Tierra for</p>	<p style="text-align: right;">176</p> <p>1 A lot of the work on classroom and office 2 inspections have been done as it relates to tables, 3 furnishings, countertops, clutter, all of that. 4 From the photographs, it does appear that we're 5 still going to need to work on material 6 replacements. And we have July 15th in there.</p> <p>7 Some of these, again, I do think we have 8 flexibil- -- we could build in flexibility to 9 July 31. But that particular cell is definitely a 10 prior to students reentering in the fall.</p> <p>11 THE CHAIR: Sure. Mr. Zamora, I think 12 this is helpful for me. If it's okay, I want to 13 make sure I'm respectful of the other Commissioners 14 as well. I may have some questions around 15 educational programming as well and what's going to 16 be changing around that.</p> <p>17 It is, like I said, giving credit where 18 credit is due. I'm glad that you all have worked 19 with the Indigenous Montessori Institute. That has 20 been something that we've heard often. I know 21 that's happened most recently. But I just want to 22 share and put that on the record that that's good 23 that that happened. That is something that I heard 24 in January when I joined the Commission. 25 The last thing I wanted to share is I</p>
<p style="text-align: right;">175</p> <p>1 capital improvements can be properly utilized.</p> <p>2 Although we've met things like doors, 3 exits, and things of egress, I think it's good to 4 keep them on there so that we're routinely checking 5 them and ensuring compliance.</p> <p>6 And the mechanical and utility systems are 7 part of what we're working with Tsay on. They have 8 electricians retained and laborers to be able to 9 make those corrections also.</p> <p>10 Back to some of the cultural issues, when 11 it comes to chemicals and chemical storage, it's -- 12 it's ensuring that we continue the process of the 13 safety data sheets, the proper storage, et cetera. 14 Again, a good thing to leave on here as we're 15 working through this. We're ensuring that we don't 16 fall backwards into bad habits.</p> <p>17 The housekeeping and storage practice, the 18 removal of debris outside, although it's begun, is 19 not completed. And so we're looking at May 30th for 20 that also.</p> <p>21 And we've already covered the leases. But 22 I do think there's a report that should be contained 23 within this as to the status to confirm, again, 24 that -- that the tenants vacated and that we don't 25 have those same risks.</p>	<p style="text-align: right;">177</p> <p>1 wanted to just acknowledge Ms. Herrera is there 2 with you. she's present here with you as well. So 3 I wanted to put that onto the record.</p> <p>4 And with that, I'll rest for right now. I 5 think Commissioner Carrillo was next. I think she 6 was after you, if I remember. And then, Vice Chair 7 Burt, you can go next.</p> <p>8 COMMISSIONER CARRILLO: Mr. Chair, I would 9 first echo a lot of the concerns that have been 10 brought up so far.</p> <p>11 So I have notes -- I may be skipping 12 around, because my notes skip around.</p> <p>13 Relative to food safety and food service, 14 to the best of your knowledge, are any of the people 15 who are involved in the food delivery 16 ServSafe-certified? It's what servers and 17 restaurants and everyone has got to go through if 18 you're handling food in New Mexico. Everyone has 19 got to have a ServSafe certificate.</p> <p>20 MR. ZAMORA: Did not research that prior 21 to today's hearing, so I do not have an answer to 22 that.</p> <p>23 COMMISSIONER CARRILLO: I would have you 24 make a note of it. Anyone transferring from McCurdy 25 to the site, being mindful of temperatures, being</p>

178	<p>1 mindful of how food storage works, all of that 2 stuff.</p> <p>3 MR. ZAMORA: Thank you.</p> <p>4 COMMISSIONER CARRILLO: You're welcome.</p> <p>5 How to use a three-sink compartment. All 6 of that is part of ServSafe.</p> <p>7 And as I said, I'm going to skip around. 8 I'm going to start with, if you wouldn't mind, 9 bringing up Exhibit 2A-5. It's playground. If we 10 could put that on the screen.</p> <p>11 Are we bringing that up? Leave that up 12 there.</p> <p>13 So I'm going to say -- in echoing a great 14 deal of what Ms. Gipson said, I'm going to say the 15 roads -- I'm paraphrasing whatever the cliché. 16 The road to success is paved with good 17 intentions.</p> <p>18 We have seen one CAP after another, 19 literally, and I'm using the word literally 20 correctly, with no completion date, no 21 this-is-performed-by date, but all, "We're going 22 to..." -- "We're going to call this person." We're 23 going to reach out to this person." We're looking 24 into this."</p> <p>25 That's what it's been for months on end.</p>	180	<p>1 Counselor Carrillo (verbatim), to this day, yes.</p> <p>2 COMMISSIONER CARRILLO: Not independently 3 with your firm. But you were actually employed by 4 SFPS as counsel prior to Mr. Ortiz.</p> <p>5 MR. ZAMORA: For 2013 through 2015, I was 6 in-house counsel for Santa Fe Public Schools.</p> <p>7 COMMISSIONER CARRILLO: You were a 8 pleasure to work with, okay?</p> <p>9 MR. ZAMORA: Thank you. Yourself also.</p> <p>10 COMMISSIONER CARRILLO: Absolutely. Do 11 you remember? Were you present at the time that the 12 federal turnaround program was implemented for 13 Ramirez Thomas school?</p> <p>14 MR. ZAMORA: Commissioner Carrillo, I 15 don't recall being involved with that as it related 16 to Ramirez Thomas school.</p> <p>17 COMMISSIONER CARRILLO: Are you familiar 18 with federal turnaround programs, how they'll work 19 for a specific school as a district or as a charter?</p> <p>20 MR. ZAMORA: Commissioner Carrillo, I have 21 not been directly engaged with federal turnaround 22 programs, either at Santa Fe Public Schools or in my 23 private practice.</p> <p>24 COMMISSIONER CARRILLO: Okay. My 25 understanding of what made that successful at</p>
179	<p>1 I wanted to put that slide in particular 2 up, because, to me, very unfortunately, that is 3 representative of the school right now.</p> <p>4 And as I understand it, even though 5 there's a letter from -- I've got it up here -- the 6 letter from -- I believe it's the 25th -- closing 7 the playground, it was still actually being used -- 8 kids were still running around on it until the 9 caution tape was put up on April 12.</p> <p>10 Okay. You're shaking your head, but 11 that's what I -- in terms of -- yeah, I -- I copped 12 to -- not "copped to," that sounds -- I have 13 acknowledged that I've spoken with parents and that 14 they've reached out to me, I mean, all through -- 15 I'm their Commissioner.</p> <p>16 MR. ZAMORA: Chair -- Commissioner 17 Carrillo, I'm -- I think where my struggle is, is if 18 we're introducing evidence from outside this 19 hearing.</p> <p>20 COMMISSIONER CARRILLO: Okay. I 21 understand. I get it.</p> <p>22 Okay. So, Mr. Zamora, you were the 23 counsel for quite a bit of time for Santa Fe Public 24 Schools; correct?</p> <p>25 MR. ZAMORA: Commissioner Brauer,</p>	181	<p>1 Ramirez Thomas is one of the first things you do in 2 a federal turnaround program, as a condition for 3 getting, in this case \$1 million a year for three 4 years, is pretty much everybody in a management 5 level is terminated, because they're seen as the 6 cause for that school failing so miserably.</p> <p>7 And when I think about turnaround models, 8 I think about -- it's like when you see a sign 9 versus -- "Under New Ownership" versus "Under New 10 Management" for a restaurant or a business, there's 11 that point at which that entity cannot continue with 12 that current leadership. We all know what the 13 challenges are, but it cannot continue.</p> <p>14 And that's what the turnaround model, as I 15 understand it, federal turnaround model, I don't 16 think they have it in existence anymore. But when 17 they did Ramirez Thomas, that's what it was.</p> <p>18 And I think that highlights a lot of the 19 concerns that others -- that I have -- I can't speak 20 for others -- with the staff, the leadership, and 21 the board at La Tierra.</p> <p>22 The very fact that Chair Brauer had said 23 it's -- I'll use the word -- unconscionable that you 24 couldn't have known who the director of education 25 was for Ohkay Owingeh and not reached out to them</p>

<p style="text-align: right;">182</p> <p>1 for months and months and years and years on end. 2 It makes absolutely no sense except neglect, which 3 is why I wanted to leave that picture up there. 4 The -- we have made so many attempts to 5 give the school, I believe, every opportunity and 6 then some. I won't even say reasonable opportunity, 7 possible opportunity, because I know there's that 8 difference legalese, every reasonable versus every 9 possible. We have made every possible attempt, and, 10 to no avail, had results. 11 It's always -- and even I think you 12 mentioned -- there was a slide that was up where the 13 date was -- oh, it was under parking, scheduling 14 parking by -- whatever it was -- June 31st. It's 15 not a completed-by date. We're going to schedule 16 this. 17 Well, you can schedule it for whatever, 18 but there's no completion date. And that's been the 19 story of our relationship with the school. 20 And now we hear that you intend to reach 21 out to the pueblo by May 1st, even though you've 22 been in -- and both parties have stipulated to 23 this -- you've been in absolute violation of the 24 contract by not doing so. And now you intend to do 25 this by May 1st.</p>	<p style="text-align: right;">184</p> <p>1 COMMISSIONER GIPSON: (Off mic.) 2 COMMISSIONER CARRILLO: It was the best 3 playground. Our kids loved it. Best playground 4 ever. 5 The -- I mentioned the turnaround model in 6 relation to staffing. 7 I mentioned the parking in relation to 8 there's never any completion-by dates. 9 We did make an effort -- and one of our 10 former Commissioners, because we heard comments so 11 often -- and we agreed. Like, why can't the adults 12 just get together and work this out? 13 And we even had a Commissioner who's no 14 longer with us offer to mediate to get the parties 15 together just to talk with one another civilly. 16 And -- but that was not met with -- it 17 wasn't accepted. Even the -- because we -- you 18 know, we -- it was obvious to us, even, in many of 19 these meetings, man, somehow these groups have to 20 come to the table and find a way to do what's best 21 for kids and not always be at juggernaut -- is that 22 the right? -- loggerheads? -- be in conflict, okay? 23 While I -- we saw all the certificates for 24 the school, are you aware of the difference between, 25 like, the PED -- that these people got -- I don't</p>
<p style="text-align: right;">183</p> <p>1 How many times have we seen these dates 2 come and go? And that is, as it's been stipulated, 3 in and of itself is cause for revocation, not to 4 mention that photograph that I'm going to leave up 5 there. That is just -- I can't even -- I would 6 never, ever, ever let my son -- late son -- play in 7 an area like that. 8 And I know that it was roped off -- we'll 9 say January 25th, that it was absolutely closed, but 10 all those years prior. Because this is just -- as 11 all of us who have children know, you go to a 12 playground these days and every effort is made to 13 make sure that nobody can even get a splinter or get 14 hurt or even fall too far off a slide. All the 15 playgrounds these days seem to be designed by 16 attorneys. 17 You may remember this, Mr. Zamora, because 18 you're from Santa Fe. The slide that used to be at 19 the church, Capital Christian on Cordova, it was the 20 best slide in all of Santa Fe. It was stainless 21 steel, and it was really high, and you could go 22 really fast. 23 Well, they took that out. But it's -- 24 that's where our kids played. But now playgrounds 25 are designed by attorneys.</p>	<p style="text-align: right;">185</p> <p>1 want to say "these people," that's disrespectful -- 2 that these teachers received from the Montessori 3 Institute in Cochiti versus actual Montessori 4 training? 5 MR. ZAMORA: We're looking for an exhibit 6 in the supplemental items. 7 COMMISSIONER CARRILLO: You could also, if 8 you want to, look on their website. 9 MR. ZAMORA: It's called "The Transparent 10 Classroom." Right. Well, I don't know that 11 Commissioner Carrillo wants the picture removed yet. 12 COMMISSIONER CARRILLO: No, I want to 13 leave that picture up there for the duration, I 14 think, of what I speak. Oh. Then you share. Go 15 ahead and share. 16 MR. ZAMORA: Window into your -- so this 17 is part of the training process. It's -- it's the 18 program that was used in the training in March. And 19 it's -- and it is -- it is reflective of the 20 Montessori system that is being used in the 21 classroom now. 22 COMMISSIONER CARRILLO: We've been made 23 aware of the difference -- and I've been made aware 24 of the difference. 25 MR. ZAMORA: For the record, it's</p>

<p style="text-align: right;">186</p> <p>1 Exhibit 2A, Transparent Classroom, in the 2 supplemental exhibits. 3 COMMISSIONER CARRILLO: We were told -- 4 and I'm sure it's a matter of record probably 5 sometime last fall -- that the school couldn't do 6 any Montessori training because they couldn't afford 7 it, because it was \$13,000 per teacher, to be 8 actually a Montessori-certified teacher. 9 And so I just want to point out the 10 difference between two hours of professional 11 developments at the Indigenous Montessori Institute 12 versus Montessori-certified training, because in my 13 understanding, they are so significantly different. 14 And we've heard the term again, and I'm 15 sure it's on the record in all our meetings. We 16 were -- and, actually, when I brought this up, the 17 board chair for the school kept using -- in a way to 18 correct me, saying, "No, no, no. We're 19 Montessori-inspired; we're not a Montessori school," 20 by constantly correcting me in that way. 21 I was, like, "No, no, no. Your mission 22 statement clearly says." 23 And so I just want to make that point. 24 It's, like, the charter -- it was granted based on 25 this being a Montessori school, not</p>	<p style="text-align: right;">188</p> <p>1 vacancies are there? 2 MR. ZAMORA: Per the bylaws, none, because 3 a minimum of five is required. However, a maximum 4 of nine is permitted. 5 COMMISSIONER CARRILLO: So there could 6 additionally be four more seats. 7 MR. ZAMORA: There could. And, again, in 8 the bylaws, those are to be filled at an annual 9 meeting. And so they have geared up -- in the 10 discretion of the board, it can go up to nine. But 11 those are filled only at an annual meeting. 12 If there were a midyear vacancy, it would 13 be filled immediately. So let's say someone 14 resigned tomorrow. It could be filled immediately. 15 But filling open spots versus vacancies will occur 16 at an annual meeting. And that's the basis for 17 development of the application, publication of the 18 election. Again, the governing council has heard 19 the interest from the Public Forums of so many 20 people that want to be engaged and help lead this 21 organization. They -- they are entertaining nine 22 full members at its -- it's lawyer-speak. I think 23 that I may have gotten into lawyer-speak when I say 24 "entertaining." That's all dependent on having 25 enough applicants, and qualified applicants.</p>
<p style="text-align: right;">187</p> <p>1 Montessori-inspired. We're not adding a new spice 2 palate to the education. This is an actual 3 curriculum and a way teaching is done. And it's not 4 through the two hours of PD. 5 You know, I appreciate the effort. Too 6 little too late on the Montessori training side, as 7 far as I'm concerned. 8 MR. ZAMORA: If I may respond? 9 COMMISSIONER CARRILLO: Of course. 10 MR. ZAMORA: As stated earlier during our 11 presentation, the -- the -- La Tierra Montessori 12 accepts the -- the charter contract with PEC and 13 understands that if it wishes to be Montessori -- if 14 it wants to alter the -- the way that it has been 15 chartered, that it will need to continue that 16 process. 17 COMMISSIONER CARRILLO: I understand. 18 Thank you for stating that. 19 Let's see. Regarding the board, how many 20 members right now are on the board for -- or the 21 governing council -- for -- I know how many. I want 22 it on the record. 23 MR. ZAMORA: On the record, there are five 24 members. 25 COMMISSIONER CARRILLO: And how many</p>	<p style="text-align: right;">189</p> <p>1 COMMISSIONER CARRILLO: I get it. I get 2 it. Who approves those applications? Who would 3 approve those if they wanted to expand the board to 4 nine seats? 5 MR. ZAMORA: The board. 6 COMMISSIONER CARRILLO: I have a very hard 7 time believing that the board in its current makeup 8 would do anything to have four people that might 9 conflict, or even three. They would want to 10 maintain their majority of five. My experience 11 being on the Santa Fe Public Schools' board and just 12 looking down at Albuquerque, oh, my God, the idea of 13 a nine-member board for a school with 100 kids. 14 You have nine-member boards in this country for 15 districts with 50,000 kids. So I can't even imagine 16 a meeting. That's just editorializing there. 17 My big concern is the majority that would 18 exist in maintaining a status quo. 19 The -- 20 MR. ZAMORA: Assuming every -- the current 21 five run for reelection, they -- 22 COMMISSIONER CARRILLO: They may have had 23 enough, who knows? 24 MR. ZAMORA: And assuming that they're 25 actually a five-zero majority.</p>

<p style="text-align: right;">190</p> <p>1 COMMISSIONER CARRILLO: I understand. I'm 2 just kind of picturing them playing this out. 3 The -- so I -- you know, in the same kind 4 of vein that you had your "How do you eat an 5 elephant" story, my story is much darker. 6 And it's a story, of, say, spousal abuse 7 that starts with -- not that I know anyone who's 8 going through this. It's just the steps. 9 You know, it starts with a complaint being 10 made and ends up having anger management. Then 11 people go to couples counseling, all the while 12 somebody's getting beaten up. 13 Then someone is removed from the home. 14 "I'll never, ever, ever do this again." 15 And then someone returns with conditions. 16 "I'll never do this again." 17 And then someone is enrolled in a 12-step 18 program to make amends and change their life and get 19 the support they need. 20 And, you know, all these things don't 21 work. 22 And then a restraining order is filed. 23 Step after step after step after step, nothing 24 changes. 25 And then the last little bullet point I</p>	<p style="text-align: right;">192</p> <p>1 I -- and I appreciate the efforts that have been 2 made. 3 But sometimes -- sometimes there's -- 4 enough is enough. And so I don't have any more 5 questions. I'm sure that I might. After maybe 6 piggybacking on somebody else that will have 7 questions, something will pop in my head. But 8 that's it for now. Thank you for entertaining my 9 dark elephant story. 10 THE CHAIR: Vice Chair Burt. 11 COMMISSIONER BURT: Thank you. I think my 12 frustration is different than what I think my fellow 13 Commissioners have. 14 So I actually have a little bit different 15 opinion about where the school's at and how we got 16 there. 17 I do think -- I think from the beginning, 18 we've seen that it's systemic issues that have been 19 present at this school. And I -- you know, I've 20 only been on the Commission for two and a half 21 years, and I've heard about issues that have been 22 with this school well before I started on the 23 Commission. 24 So it is a -- I think this school has had 25 a history of issues that have come up and maybe been</p>
<p style="text-align: right;">191</p> <p>1 wrote is, "This doesn't end well." 2 And -- and the reason I say that -- and I 3 know that's probably very exaggerated. But I see 4 what's happened one step after another, more times, 5 more times. Someone comes back -- I mean, the ER 6 with a black eye, and nothing changes. 7 And, you know, so I appreciate very much 8 your presentation, Mr. Zamora. And the -- I 9 appreciate the intent of different people involved 10 in wanting to take the school to another level. 11 The biggest challenge I have also is it is 12 April 20th. So we have to make a decision soon, 13 because if we make any decision that drags on after 14 May -- ¡Hijole! -- people have to know where they're 15 going to school. Parents have to know what they're 16 going to do. 17 We're talking about, okay, we're going to 18 have this playground stuff removed, maybe removed by 19 the 30th of June, or things may be done by the 20 middle of July. It's, like, that's assuming there's 21 another school year. 22 But we can't -- there's no more kicking 23 the can, man. This is do or die time for all of us. 24 And -- you know -- and I -- I'm going 25 to -- I've gone through a lot of the material, and</p>	<p style="text-align: right;">193</p> <p>1 remedied, maybe not. Maybe there are things that 2 haven't even been looked at to be remedied, and 3 they've just been perpetuated at the school. 4 I actually do see -- when I was hearing 5 Commissioner Carrillo talk about, you know, when 6 you -- the turnaround model did require schools 7 to -- to turn over the leadership at the school 8 because that -- I mean -- and I believe this as a 9 Commissioner, as a parent, as a teacher -- that the 10 leadership -- a school board, governing board, and 11 the principal or superintendent, to me, you have 12 those good in a school or school district, it's 13 pretty much that the school and school district is 14 going to be good as well. 15 But what I see is that actually already 16 started, that this is what the governing board's 17 intention was by turning over the head learner at 18 that time, by seeing that there was issues. And 19 that's what -- I feel like the turnaround was trying 20 to get started at that time. 21 And so I actually do have the same 22 perspective that Mr. Zamora came up with of -- I 23 think the turnaround started and was met with a lot 24 of resistance, a lot, a massive amount of 25 resistance, especially when that -- the head learner</p>

<p style="text-align: right;">194</p> <p>1 was released and then rehired back at the school. I 2 think it just created a lot of that. And this is 3 what I've said from the very beginning. It's people 4 problems, like lots and lots of people problems 5 here.</p> <p>6 So I do think -- and I will say from my 7 time as chair last year in working with this school, 8 I do think everything that came up, the governing 9 board and the head learner, whether it was the first 10 one or Ms. Herrera were, "Okay, yeah, we're going to 11 figure out a plan, like, we're going to figure it 12 out."</p> <p>13 I think those plans have fallen short 14 sometimes, but I think what my frustration is is 15 something pops up, and we're, like, "Okay, we need 16 you guys to fix this. We found you have a pre-K. 17 You can't have a pre-K." 18 So they go back. They remove the pre-K. 19 "Okay, we got that right." 20 So we come to the next thing, and another 21 issue pops up. We have this, like, checklist of 22 issues, and, like, ten things get checked off, but 23 then eleven things get added after.</p> <p>24 And I think that's where my frustration 25 has come with this process is -- and that's why I</p>	<p style="text-align: right;">196</p> <p>1 that were historical, but they're present now 2 again -- right?</p> <p>3 Like, it's -- there are financial concerns 4 that happened in the past that need to be addressed. 5 That's not addressed in here; right? Like, how do 6 we ensure something like that doesn't happen again?</p> <p>7 It's just -- I feel like it just -- that's 8 my frustration, is I actually do think -- I -- I 9 have a different opinion about us giving direction 10 to the school.</p> <p>11 And I do think the school received it. 12 And we had volunteer governing board members being 13 pounded, you know, by their -- by their 14 constituents, which, it's part of the job as well. 15 And I do wish that a lot of the relationship 16 building could have gone differently during this 17 last school year as well.</p> <p>18 And I think, ideally, everyone who's in 19 these leadership positions probably could reflect 20 back and be, like, "Maybe we could have done things 21 a little differently." But we are where we are.</p> <p>22 My concern is continuing the school -- I 23 mean, I could -- I actually do think this -- like, 24 the corrective action process is what this school 25 needed. I believed that from the beginning when we</p>
<p style="text-align: right;">195</p> <p>1 think it also feels neverending. Like, I'm 2 concerned -- this is where -- because I do think -- 3 I actually -- I still don't think the Corrective 4 Action Plan that's proposed is quite where -- I 5 think if this was the original one that was proposed 6 when we asked for one, maybe we could be in a 7 different space today.</p> <p>8 And so I'm -- I'm sad about that that this 9 wasn't the level to which we could have started the 10 negotiations, because the one that was proposed to 11 us was really, really, really not good. I mean, it 12 just really was a really poor CAP to be proposing.</p> <p>13 That's why, for me, at that time, I was, 14 like, I don't even know where to start. Like, we 15 shouldn't have to rewrite a whole thing. We should 16 be able to just like nitpick; right? Like, let's 17 add some dates. Let's do -- but for me, it felt, 18 like, overwhelming, like, we're going to just have 19 to start from scratch with this.</p> <p>20 So my concern is, you know, I already 21 think that this is -- the CAP right here doesn't 22 address all the concerns that are now present again; 23 right? There's more things that have come up. 24 There's more financial things that have been 25 uncovered by the governing board, by Ms. Herrera,</p>	<p style="text-align: right;">197</p> <p>1 started it. This is what it's there for. We're 2 supposed to be identifying these things. The 3 school -- they have the support from CSD. The 4 guidance, the oversight is a little bit heavier, and 5 let's get them right back on track. Let's get them 6 on track.</p> <p>7 My concern is it feels so heavily 8 dependent on Ms. Herrera sticking to and following 9 through -- I don't know if I should say this in this 10 forum. I don't know if I would do it. I don't know 11 if I would resign my contract, like, after this 12 school year. I don't know if I would be trying to 13 find a different job.</p> <p>14 And I'm so concerned about the turnover at 15 the school and not having consistency, because I 16 think that's what -- I think we got our hopes up 17 every time. Like, okay. Now they got someone. Now 18 it's going to be consistent. Then they had the 19 turnover; right?</p> <p>20 Okay. Now they hired someone who's 21 special-ed-certified, and they're going to come in 22 and take that off. And they leave the job a couple 23 of weeks later; right?</p> <p>24 And so that's what my concern continually 25 is, is you do have to -- turnaround is difficult.</p>

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1 And I do think this school probably has been on a
 2 turnaround path or needed for a while, and it's
 3 difficult. And you do have to have the buy-in of
 4 your community.
 5 And I just am not super-confident about if
 6 the community is really going to support the
 7 turnaround of this school.
 8 So, obviously, I didn't ask any questions
 9 yet, but I do have questions.
 10 One of my -- one of my concerns that I had
 11 was we have -- the Public Education Commission -- we
 12 have a mission goal that we are very clear this
 13 school was supposed to be deploying throughout this
 14 school year. We didn't know that there was a
 15 discrepancy between what the school knew or the
 16 governing board or what we knew until later on.
 17 I know that's an issue that's been looked
 18 at by the governing board. And the solution was to
 19 propose some different mission goals that would be
 20 more aligned to what the work is already doing.
 21 And I don't think that's the direction I
 22 really support in the school. I actually think
 23 that -- and I think it's more about process than it
 24 was about what it was, because I think you do have
 25 mission goals in place. My expectation would be

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1 that I want to see progress on those mission goals
 2 this year.
 3 And if you want to change mission goals,
 4 that's fine. It probably wouldn't go into effect
 5 until next year anyway. You know, even proposing
 6 mission goals, even if they were proposed in
 7 February, maybe, it's too late to change them
 8 halfway through your school year. So they wouldn't
 9 be in effect till next year anyway.
 10 So I feel like this school is not doing --
 11 is not showing us evidence of their mission goals
 12 right now. Like, there should be some -- like, that
 13 should be a focus. Like, "Okay. We have these two
 14 mission goals in place. We want to change them."
 15 Great. That's down the road -- like,
 16 that's down the road.
 17 But there's this, like, tunnel vision.
 18 It's like, "We need to change our mission goals.
 19 They're not aligned."
 20 And so that's what we should focus on is
 21 changing the mission goals instead of, "Let's figure
 22 out these mission goals this year. Let's do the
 23 best we can. Let's go to the PEC, see what it --
 24 like, if there's a better way to do this, and next
 25 year, we'll course-correct there."

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1 That's something that -- I don't know if
 2 there's anywhere in which we can -- that's something
 3 I've asked about from the school for a couple --
 4 like, actually since the fall, probably. It's,
 5 like, what are you doing on your mission goals that
 6 are set -- they were signed on; they're in your
 7 contract; they're in your performance framework.
 8 What does that look like right now?
 9 So I don't think there's anything -- I
 10 don't think there's anything about it in the
 11 documents, but just in case.
 12 MR. ZAMORA: In Exhibit 5C entitled,
 13 "Mission-specific goals," we do have the cover page
 14 of the -- actually, we do have the mission-specific
 15 goals that were submitted on February 13th of 2023.
 16 And that -- so we were showing progress to that this
 17 school year in line for -- in time for the -- the
 18 school year.
 19 And as part of that is conducting the
 20 trainings. We've been working towards our
 21 mission-specific goals that were submitted on the
 22 13th of February.
 23 COMMISSIONER BURT: So I think my question
 24 is there are mission goals in place right now.
 25 Let's say these may not even get approved. So what

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1 is happening with the mission goals that are there
 2 right now, that should be -- that's part of the
 3 contract, and they should be followed?
 4 MR. ZAMORA: The -- Commissioner Burt,
 5 you're correct, we have not received approval of
 6 those yet. So the mission-specific goals of record
 7 are the mission-specific goals of record.
 8 The contract of record is the contract of
 9 record.
 10 COMMISSIONER BURT: Yeah. And that's --
 11 this is -- that's the discussion that I brought up
 12 last fall was the -- the hypothetical new goals,
 13 like, that's a parallel track. Like, they're two
 14 separate things.
 15 What I've been wanting to see as an
 16 authorizer is how are you doing those mission -- the
 17 ones that are in place, how are those being
 18 fulfilled right now? And I think from my
 19 understanding is they're just not right now, that
 20 they're just not being fulfilled. Or we've asked
 21 for evidence of it, of, like, well, what are you --
 22 like, show that you're doing something with it.
 23 And I think that -- like I said, it's just
 24 been, like, this tunnel vision of, "We have to
 25 change them, we have to change them, we have to

<p style="text-align: right;">202</p> <p>1 change them," instead of, "Okay, let's follow our 2 contract now." 3 And so that's where -- that's, once again, 4 one of those things, like, when we look at are they 5 fulfilling their contract, my concern is, like, it's 6 an obvious no, because they're not doing their 7 mission goals as agreed to in the contract. 8 MR. ZAMORA: If I may have a moment? 9 COMMISSIONER BURT: Sure. 10 COMMISSIONER GIPSON: As long as she's 11 opened the door, can we have a moment? 12 THE CHAIR: Let's take a ten-minute break 13 and we'll come back -- Mr. Zamora, Mr. Winger, let's 14 take a ten-minute break. And we'll take a bio-break 15 as well. 16 MR. ZAMORA: Thank you. 17 (Recess taken, 3:07 p.m. to 3:22 p.m.) 18 THE CHAIR: All right. Let's come back 19 together. It's 3:22. 20 I was just -- yeah. We're back. I think, 21 Mr. Zamora, you had the floor. You were researching 22 an item that was going to clarify a question from 23 Vice Chair Burt, I believe. 24 MR. ZAMORA: Vice Chair Burt, although we 25 didn't provide evidence in 5C, per the head learner,</p>	<p style="text-align: right;">204</p> <p>1 haven't had data in a long time. 2 And I don't know if this is data I would 3 want to, like, take action on. But it does concern 4 me about the idea that, you know, not a single 5 second grader -- there's not a single second grader 6 at La Tierra Montessori that is anywhere near 7 proficient in reading. 8 There's not a single third grader at 9 La Tierra Montessori, there's not one kid in that 10 school who's near proficiency in math in third 11 grade. And I know that these are going to be hard 12 numbers that La Tierra and their teachers, I'm sure, 13 are looking at this and not feeling great about it. 14 But, once again, I'm concerned about 15 having to add on -- you know, when State results 16 come out, like, what does that look like for 17 La Tierra? Because when I'm looking at the growth 18 over time, if I go down further in the report, you 19 know, they have the beginning-of-year to 20 end-of-year -- or middle-of-year trends. And some 21 of them actually go down across the year. Many of 22 them are just kind of flatline. 23 And, to me, once again, this is a -- for 24 me -- and, once again, this is for me as a former 25 teacher, as a mom -- to me, this is a direct impact</p>
<p style="text-align: right;">203</p> <p>1 they continue to make progress and monitoring and 2 testing toward the existing mission-specific goal. 3 COMMISSIONER BURT: Okay. So I think this 4 is just going to -- it's going to feel -- or I hope 5 it feels like the same theme of questions, because 6 the way I've tried to, like, really take my 7 understanding of what this school really needs and 8 the support it needs is -- to me, always just comes 9 back to what's in black and white, what's in the 10 contract. 11 And I try to, like, take out all the noise 12 around it and just -- is it being followed and 13 implemented or not? 14 So one of the other things that -- and 15 then we always have the additions. That's -- once 16 again, we always have these additional things. 17 So the next thing I wanted to -- I guess 18 one of the other concerns I have -- which there's no 19 narrative around it, it's just me looking at the 20 report -- is the Istation reports that were given to 21 us. 22 There's an executive summary and an 23 executive report. And, once again, when I think 24 about, like, okay, well, we haven't put academics in 25 a concern before, because we didn't -- we really</p>	<p style="text-align: right;">205</p> <p>1 of the noise around the people fighting and how it's 2 impacting students. Like, you know, for me, I'm, 3 like -- and I said it to the school, I said it to 4 the families back then -- like, this is an adult 5 thing. This is an adult problem. This is -- and 6 you guys need to come together. 7 I actually don't -- I don't think the -- I 8 still think that actually the governing board 9 turning over might have been the best thing for the 10 school, because now they're uncovering things that 11 weren't really seen for the past who knows how many 12 years, they're looking at them, and they're, like, 13 bringing them to the PEC. 14 I mean, that's the other thing is, like, 15 they're actually taking -- like, they're telling on 16 themselves, you know. Like, no one's trying to keep 17 it a secret. Like, "Yeah, we found this out now." 18 "We found this out." "Now there's this, and now 19 there's this, and we're finding this." 20 So I actually think, like -- I don't know 21 if it's the governing board and the head learner 22 that needs to be, like, relooking at it. But all 23 the people around them, the teachers who are 24 coming -- who were coming in late but now have to 25 have a schedule, to tell them that they need to be</p>

<p style="text-align: right;">206</p> <p>1 to work on time, like, that, to me, is the bigger 2 problem.</p> <p>3 And if there is, like, a -- a normalcy of 4 not having quality teaching and learning and 5 education happening at the school, that's been the 6 culture for who knows how long, and now it's trying 7 to be turned around, and there's getting a bunch of 8 friction because of it, I don't know how to solve 9 that.</p> <p>10 That's my concern. I don't know how to 11 solve it. So I'm more concerned about how is it 12 impacting the kids? If there's all this, like, 13 adult bickering at each other, things happening, 14 people don't want to change, people don't want to 15 follow new procedures, people don't want to listen 16 to a new governing board president say that this is 17 how we need to move in this direction, that's -- 18 like, that's fine. If the kids are proficient, if 19 they're growing academically, I could overlook those 20 things.</p> <p>21 Figure it out. Fight with yourselves, 22 whatever. The kids need to be served, and they are 23 being. That's what gives me some hope to put a CAP 24 in place, and let's figure out these adult issues 25 and move on.</p>	<p style="text-align: right;">208</p> <p>1 continue at this school be continually underserved 2 because of the adults.</p> <p>3 And so what is the -- is the school open 4 to more things being added to the CAP that haven't 5 been listed that we're finding out now? Because 6 I -- also there's a fiscal audit that came out with 7 a massive amount of audit findings that is not 8 addressed in this CAP now, either; right?</p> <p>9 So what is -- what are we going to do 10 about the new things that are coming up if we were 11 going to -- I mean, we've had a struggle to get -- 12 and, I mean, I would say some of these things in the 13 CAP right now are kind of -- it really is just, 14 like, just fix it; right? Like, a lot of it, just 15 get rid of the -- get rid of the debris, or get rid 16 of the books up there, you know. Like, they're not 17 like, these major things, but it's, like, death by a 18 million paper cuts, just these little things that 19 pile up over the course of a decade; right?</p> <p>20 Like, someone started putting books up on 21 a shelf over here eight years ago, and they just 22 kept adding to it, and it kind of collects. Those 23 are all things -- I mean, I do feel like those 24 things can -- can those get fixed? Yeah, I do. 25 But with the financial audit and the</p>
<p style="text-align: right;">207</p> <p>1 But I think -- and I think this is along 2 the lines of what Commissioner Taylor said -- 3 there's a third-grader that's there right now who is 4 in red on Istation this year. I mean -- and they 5 didn't grow. It got worse. Like, over the course 6 of the year, first grade went down in Istation in 7 reading. Second grade flat; like, third grade, 8 flat. Like, there's not growth happening at this 9 school for the students. And so it's hard to 10 overlook some of the things that are in the CAP 11 because a lot of those, I think, are systemic, old 12 issues that adults have been neglectful of pieces of 13 the school.</p> <p>14 People -- whoever put in that playground 15 however many years ago didn't follow the right 16 process. Like, they just didn't do it the right 17 way. They didn't follow it. And now someone has to 18 come in and do it the right way.</p> <p>19 Whoever built those pallet -- I almost 20 said dog houses, but that's rude. Like, whoever 21 built those was neglectful. That was inappropriate. 22 That's not okay. And now they have to get removed, 23 and you have to take away from other people's 24 neglect and do things rights now. 25 But what I struggle with is having kids</p>	<p style="text-align: right;">209</p> <p>1 fiscal problems that the school is having, does the 2 school have the money to be able to fix those 3 capital -- you know, the ones that had "capital" on 4 them, and then any future things that are coming up? 5 I mean, I know the financial struggles with the 6 school is also a part of the issues at the school.</p> <p>7 So how is the school planning on 8 addressing the items that were not a part of our 9 revocation letter but keep popping up since then?</p> <p>10 MR. ZAMORA: Chair Brauer, Commissioner 11 Burt, there's a lot to unpack.</p> <p>12 COMMISSIONER BURT: I know. I'm sorry. I 13 tend to talk way too long before I ask a question. 14 So I'm sorry.</p> <p>15 MR. ZAMORA: No, it was all meaningful and 16 it was all important. I think where I want to start 17 from is from the proposed CAP. And, number one, 18 that we're -- we're not opposed to edits to it. 19 We're not opposed to, you know, in light of some of 20 your comments, some of Commissioner Carrillo's 21 comments, less amorphous, more direct.</p> <p>22 Time frames. I think there are things -- 23 it's a balance of saying, "The parking lot is going 24 to be paved and striped in June," And we agree to 25 that, and we find out none of the contractors can do</p>

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1 it till July. So there's a level of flexibility to
 2 recognize the intent.
 3 So I think, number one, as far as the
 4 proposed CAP, La Tierra is open to wordsmithing that
 5 with the PEC or PEC representatives -- of course,
 6 the Charter School Division -- to tighten this up.
 7 In many ways I see a CAP almost as a
 8 settlement agreement, meaning it can be negotiated.
 9 And when you negotiate, maybe you can go outside
 10 some parameters.
 11 So when you talk about does La Tierra have
 12 an issue considering adding things to a CAP as part
 13 of negotiation, that's one thing, and I think that's
 14 part of how we get to a solution; right?
 15 I think if the question were, "Hey, do you
 16 mind if we add a couple of things so that we can
 17 consider revocation on those new issues?" No, we'd
 18 have difficulty with that.
 19 I did want to give you the right analogy.
 20 You were almost there. Whack-a-mole. Sometimes
 21 it's a little bit like playing whack-a-mole. I
 22 think we've got a head learner that's doing her best
 23 to identify the issues.
 24 I also want to thank you, Commissioner
 25 Burt, for acknowledging the transparency from the

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1 school. I think for the exhibit on testing, we
 2 could have just had a cover page that said, "We
 3 tested on this date. We provided the testing."
 4 There's a lot. There's a lot to work on.
 5 I think the hard part about this is the
 6 school community cares. The parents care. They
 7 want to see the improvement. In addition, to the
 8 grade -- grades and comprehension issues, what's
 9 also important is that they fit in here and didn't
 10 fit in elsewhere.
 11 So I appreciate your questions in the
 12 context of how do we get to a CAP? It gives
 13 La Tierra an opportunity to provide success for
 14 their students, and La Tierra is open to that.
 15 COMMISSIONER BURT: Yeah. And I'll also
 16 say I'm very grateful for -- I mean, I would say, in
 17 general, charter communities are fortunate to have
 18 families who are choosing the school, and so
 19 inherently are more involved with education choices
 20 than the average traditional public school family
 21 might be.
 22 And so I don't expect anything less than,
 23 you know, the amount of support that the La Tierra
 24 families have. And we want this school to be
 25 better. We want it to -- we want to keep it. Like,

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1 we'll do anything we can to keep it. Give it to us.
 2 We'll -- you know, even to that level of extremity.
 3 But I do think it's -- and I -- once
 4 again, my concern is, you know, we -- I do think --
 5 I think there is a head learner that wants to have
 6 the -- all this list -- and I imagine it's a lot
 7 of -- you know, you have a list to start the day and
 8 you cross a bunch off, and you end up with more on
 9 your list at the end of the day.
 10 And I know it's a lot day over day to do
 11 that consistently and constantly. And so I'm just
 12 wondering if there's the supports below Ms. Herrera
 13 to keep doing that and to actually make progress and
 14 do it.
 15 I mean -- because I do think you need the
 16 families to also be in the same -- like, everyone
 17 does need to get on the same page and be able to
 18 move forward.
 19 And I'm worried about if the teachers
 20 under Ms. Herrera are the right teachers to turn
 21 this school around, and if the communication with
 22 the families -- I mean, there is a lot of
 23 communication from that messenger. I saw the pages
 24 and pages of messages that go out to the families.
 25 But I think that those informal

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1 communications are probably the more important, the
 2 saying -- you know, the pick-up and dropoff times,
 3 having the communication there with families, and
 4 how Ms. Herrera is engaging with the families there,
 5 how the teachers are engaging with families outside
 6 of the messenger is going to build that culture more
 7 than, you know, "Hey, we're having a governing board
 8 meeting."
 9 I appreciate that you're always showing --
 10 I never know when my kids' governing board meetings
 11 are. I have to look. The fact that that's going
 12 out to the families is communication. But when I
 13 hear families saying, "We're not getting
 14 communication," it's not those formal pieces; right?
 15 It's those in-between times that -- and that, once
 16 again, I think is -- like, it's one of those
 17 intangible pieces that I don't know if we could put
 18 into a CAP to get fixed. But it's this massive core
 19 part of turning a school -- like, of a turnaround
 20 portion of a school.
 21 So I guess our -- is there -- how can the
 22 school commit at this time, today, that they have
 23 the right people in place, both in the
 24 administrative level and in the teacher level, to
 25 follow through with all these things?

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1 MR. ZAMORA: Commissioner Burt, I think
2 that is hard for any school to commit, in crisis or
3 in perfection. In the public school system, I think
4 it's hard to make that commitment. Although at the
5 break, I did get a message from Head Learner
6 Herrera, saying, "I'm working hard. I'm dedicated
7 to this. I wouldn't be sitting here today if it
8 wasn't my intent to be here next year."

9 But with the rest of the administrators,
10 with the teachers, to understand that commitment, I
11 think I addressed it earlier with -- with
12 Commissioner Taylor that there's culture change, and
13 there are some that are able to adapt and there are
14 some that aren't.

15 And I think it's got to be a management
16 willingness to create a culture -- to build a
17 culture -- not create -- and be able to say, "This
18 person is adapting," and also be able to say, "Thank
19 you for your service, but there's another place for
20 you."

21 That's -- that's hard to predict.

22 In a strange way it feels a little bit
23 like negotiating out in public. But it's -- there's
24 some brainstorming. And if you're asking for ideas
25 off the top of my head, I think there is a way to

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1 I've seen districts implement that. It's got to
2 work with the finances, of course.

3 COMMISSIONER BURT: Thanks for that.

4 Okay. I guess -- yeah, I'm just so
5 conflicted. I actually -- because I had to -- I
6 have -- I really, really believed, you know, last
7 fall that, like, we could make progress in this
8 school year. I just genuinely thought -- I really
9 believed. I'm, like, I think it's going to happen.
10 And I do think, like -- like, the things that were
11 listed, you know, the head learner is moved up to
12 1 FTE, great. Like, there has been things.

13 The Montessori -- even just getting those
14 two hours of training in. \$1,000. It's not -- it's
15 not -- that could have been done a long time ago.
16 You know, it's, like, those kind of things that are,
17 like, okay, it's finally happening.

18 But it does -- my -- I guess it doesn't
19 matter why if it did -- it was because, oh, they got
20 to the point of revocation, "So now we really have
21 to do this"? I guess it doesn't matter, because
22 unless the -- like, implementing a CAP, if it
23 doesn't really help, it, like, required a revocation
24 hearing, because the CAPs really didn't do much.

25 But I also really -- I don't know if we've

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1 incorporate into the CAP something along the line of
2 board work sessions dedicated to the CAP, on a
3 monthly or quarterly basis, with the community, so
4 that every -- there's input, there's buy-in,
5 hopefully, and there are progress reports to the
6 community.

7 So that is one thought.

8 Another thought I have -- but I'm, again,
9 just speaking in the spirit of trying to help
10 identify solutions for you. It's nothing I've
11 discussed with the client. I couldn't tell you the
12 finances, but I do think there is a possibility of
13 the need for a contracted project manager dedicated
14 to the CAP.

15 Number one, it shouldn't be the lawyers.
16 It's a little bit expensive. And it's -- I'm not
17 saying that's what it is. But in preparation for a
18 hearing, the lawyers are project managers to put
19 120 progress exhibits together.

20 That's a lot. The amount of work that
21 Ms. Herrera and her staff have done to prepare for
22 this hearing is almost paralyzing. And I think
23 there might just need to be some dedicated help
24 through contracted project management.

25 And I've seen schools implement that.

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1 really had -- the CAP that we've had just wasn't --
2 we have didn't have, like, the dates. We didn't
3 have -- all these proposals, they were too -- they
4 weren't concrete enough.

5 But the things that were and that CSD
6 followed up with did get remedied during that time.
7 So it does make me hopeful that we could -- like, if
8 we -- if we were to do, like, the most intensive
9 massive CAP I could imagine, but include -- I feel
10 like it would touch on like every little aspect of
11 the school, and it feels overwhelming to manage that
12 much of the school. Like, if it was a couple of
13 things, okay. But it feels like it just touches on
14 every aspect of the school, and it's concerning.

15 MR. ZAMORA: Commissioner Burt, you also
16 mentioned, as I've mentioned in some of my
17 presentation, adult issues versus student issues.

18 One of the proposals in the CAP is -- is
19 additional board training throughout the year.
20 There are several sources. However, examples of
21 training that we do: Open Meetings Act; right?
22 We've seen that in some of these concern documents.
23 Open Meetings Act. Conformance with IPRA. The
24 Governmental Conduct Act, which we're seeing would
25 have been nice to have training to staff and board

<p style="text-align: right;">218</p> <p>1 on the Governmental Conduct Act.</p> <p>2 But in addition, my law partner, Tony,</p> <p>3 does an excellent training on the traits of</p> <p>4 successful boards.</p> <p>5 And this isn't my first rodeo. I've</p> <p>6 worked with enough groups that sometimes they need a</p> <p>7 little bit of help. And when the board's getting</p> <p>8 along and the board's productive, they get along</p> <p>9 with unity, the classroom succeeds. And when that</p> <p>10 doesn't happen, whether or not the classroom</p> <p>11 succeeds is irrelevant, because the community thinks</p> <p>12 it's not.</p> <p>13 So I think some of these things -- look, I</p> <p>14 think the current board has done -- has worked as</p> <p>15 hard as they can. Each year you try and improve.</p> <p>16 You learn a little bit from the previous year, and</p> <p>17 you implement techniques. So that's part of why</p> <p>18 that's proposed in there is to help the adults deal</p> <p>19 with the adult issues.</p> <p>20 COMMISSIONER BURT: Yeah. I remember when</p> <p>21 we -- I don't have any more questions. This is us</p> <p>22 probably just (inaudible). Española doesn't have an</p> <p>23 enormous amount of options for these students to go</p> <p>24 to if they don't have this as a school option. And</p> <p>25 that makes it more challenging for me, because I</p>	<p style="text-align: right;">220</p> <p>1 upsetting to me to not -- to even be at the space</p> <p>2 where there's a possibility that's no longer an</p> <p>3 option for them.</p> <p>4 And it's not because the community doesn't</p> <p>5 want it; it's because they're not fulfilling their</p> <p>6 promise to the community.</p> <p>7 That's all I have, Chair Brauer.</p> <p>8 THE CHAIR: Thank you, Vice Chair.</p> <p>9 Commissioner Ingham.</p> <p>10 COMMISSIONER INGHAM: Yeah. I'm going to</p> <p>11 say I'm kind of a simple guy. But I didn't hear the</p> <p>12 answer to Bekka's question. And that is can the</p> <p>13 school afford it?</p> <p>14 I am a very simple guy. I heard from the</p> <p>15 school they couldn't afford Montessori training.</p> <p>16 They couldn't afford having a full-time head</p> <p>17 learner. Couldn't afford.</p> <p>18 And now we're going to have a massive</p> <p>19 influx of costs. Happen to know how much it costs</p> <p>20 for a certified playground. Installed a lot of</p> <p>21 them. It's not cheap.</p> <p>22 I see all sorts of facility issues.</p> <p>23 Paving is not cheap.</p> <p>24 I am going to say, providing a project</p> <p>25 manager, I'm not cheap. That's what I do.</p>
<p style="text-align: right;">219</p> <p>1 feel like if this school was located in a more urban</p> <p>2 area, and the kids could -- had many options of</p> <p>3 where else to go, I feel like it would actually make</p> <p>4 my decision easier.</p> <p>5 But I'm -- I do -- I struggle with</p> <p>6 thinking of the students and the families who</p> <p>7 entrusted their students at this school and who</p> <p>8 believe in the -- in the Montessori name. They feel</p> <p>9 like they're putting their students in the best</p> <p>10 place possible.</p> <p>11 And I don't think that this school has</p> <p>12 succeeded in its promise to its families.</p> <p>13 And I am always of the mindset of, you</p> <p>14 know, if you're not going to provide a better</p> <p>15 environment than the traditional public school is,</p> <p>16 then you shouldn't be an option.</p> <p>17 So I think I'm going to struggle with that</p> <p>18 a little bit. And I do think that's where -- like I</p> <p>19 said, I do try to keep to the black and white in the</p> <p>20 contract. And I don't really consider a lot of -- I</p> <p>21 don't consider a lot of hearsay when I hear it.</p> <p>22 But I think of the location of this and</p> <p>23 the community that came to support the renewal and</p> <p>24 how grateful they are to have a free Montessori</p> <p>25 public school in the community. And it really is</p>	<p style="text-align: right;">221</p> <p>1 I'm just going to say, "You're talking</p> <p>2 about a lot of money, honey."</p> <p>3 We need -- I don't know. You said</p> <p>4 something about House Bill 33 money.</p> <p>5 I don't know about your funding sources or</p> <p>6 the school's funding sources. I don't know if you</p> <p>7 do. But all I'm going to say is all these ideas and</p> <p>8 CAP are all things that cost money.</p> <p>9 And if you were already struggling for</p> <p>10 money before, you can sign an agreement with the</p> <p>11 pueblo to do the maintenance. What's that going to</p> <p>12 do? That's going to raise your rates. They have to</p> <p>13 increase -- they're not going to do that for free.</p> <p>14 How are we going to -- how do we expect to</p> <p>15 finance all these improvements even if we were</p> <p>16 successful in dealing with the adult problems? How</p> <p>17 are we going to finance the facility issues?</p> <p>18 Thank you.</p> <p>19 THE CHAIR: Commissioner Carrillo.</p> <p>20 COMMISSIONER CARRILLO: I think</p> <p>21 Commissioner Ingham -- he says he's a simple guy,</p> <p>22 but he's not. We've had lunch together. He's very</p> <p>23 complex.</p> <p>24 But he had asked the question of how are</p> <p>25 we -- so I'm not asking rhetorically. How are you</p>

<p style="text-align: right;">222</p> <p>1 going to fund everything?</p> <p>2 MR. ZAMORA: That's a good question that</p> <p>3 I'm not prepared to answer today. I think it's --</p> <p>4 as we progress through this and our options, what is</p> <p>5 Tsay Corporation covering, how are we renegotiating</p> <p>6 a lease, I mean the benefit of having your landlord</p> <p>7 make improvements is that it can be amortized;</p> <p>8 right? If the school makes it, they pay it today.</p> <p>9 But the landlord can recover it over a term of</p> <p>10 years; five, ten, fifteen years.</p> <p>11 And so I think that's -- that may even be</p> <p>12 part of a negotiated CAP, or understanding by "X"</p> <p>13 date the financing to accomplish the things in the</p> <p>14 CAP.</p> <p>15 COMMISSIONER CARRILLO: I understand. And</p> <p>16 it would seem to be in their interest to maintain</p> <p>17 the property, at least maintain the value as it is</p> <p>18 right now.</p> <p>19 The question I had relates to -- well,</p> <p>20 there's two.</p> <p>21 Willingness, only because -- oh, I wrote</p> <p>22 this down. Willingness, only because it's the</p> <p>23 eleventh hour. Like, the willingness to do all of</p> <p>24 these things right now because we're at the cliff,</p> <p>25 the 11th Hour, so now there's this willingness to</p>	<p style="text-align: right;">224</p> <p>1 program. So it's -- that's used within Montessori,</p> <p>2 not Montessori texts or Montessori classroom</p> <p>3 instruction or curricular or anything like that.</p> <p>4 That's my understanding from just looking this up, a</p> <p>5 Transparent Classroom up.</p> <p>6 The -- in hearing from parents -- because</p> <p>7 they talk so favorably often about the school, I'm</p> <p>8 remembering -- and, Mr. Zamora, you remember this as</p> <p>9 well. It's like when we used to do the 360 surveys</p> <p>10 at Santa Fe Public School, you know, it could be a</p> <p>11 school that I won't name that may have been a "D"</p> <p>12 school forever -- right? -- and their scores are</p> <p>13 just always really horrible.</p> <p>14 But everyone there is happy. They love</p> <p>15 their school. They love their principal. They love</p> <p>16 their parent group. Their kids are happy, and they</p> <p>17 love their little school, but the district sucks. I</p> <p>18 mean, that would often come back. "The district is</p> <p>19 the problem. Our little school is great."</p> <p>20 And everyone loves their little school,</p> <p>21 mostly; right? And just -- because it's their</p> <p>22 little school. It's their playmates. For parents,</p> <p>23 it sometimes becomes their social group.</p> <p>24 But that -- when we look at the academics</p> <p>25 of the school, that can't be, I don't think, a</p>
<p style="text-align: right;">223</p> <p>1 negotiate more things and everything in the CAP.</p> <p>2 I was on -- thank you, Commissioner Burt,</p> <p>3 for the questions and kind of the focus on</p> <p>4 education.</p> <p>5 I would imagine in that dark home that I</p> <p>6 described, the kids probably weren't doing very well</p> <p>7 in school. I mean, when you have adults fighting</p> <p>8 all around you and the noise is just horrible all</p> <p>9 around you -- and the kids feel conflict: Conflict</p> <p>10 among parents, conflict between board members or</p> <p>11 teachers and parents. They feel all that stuff. I</p> <p>12 see how that could have a drastic effect on their</p> <p>13 performance.</p> <p>14 Those numbers -- and I remember the one</p> <p>15 number I just -- didn't literally fall out of my</p> <p>16 chair, because then I wouldn't be using the word</p> <p>17 "literally" correctly -- my jaw to drop -- the early</p> <p>18 literacy at 5 percent. Wow, that was stunning,</p> <p>19 stunningly horrible.</p> <p>20 And what's interesting, because we hear</p> <p>21 from parents a lot -- I'll get to that.</p> <p>22 I looked up Transparent Classroom, because</p> <p>23 that came up and you brought it up. And Transparent</p> <p>24 Classroom is not a teaching tool. It's not</p> <p>25 Montessori education. It's a record-keeping</p>	<p style="text-align: right;">225</p> <p>1 reason to keep going, because the -- ultimately,</p> <p>2 we're -- because if we're talking about kids --</p> <p>3 right? We're always -- even when we were talking</p> <p>4 about -- or renewals, and renewals with conditions,</p> <p>5 we're always talking about, oh, my God. So if we</p> <p>6 have do this, this is another year or another two</p> <p>7 years. And if they don't meet the conditions of</p> <p>8 their renewal, that's two more years that this kid</p> <p>9 has lost of quality education.</p> <p>10 So by the time maybe they're leaving their</p> <p>11 elementary going into middle, they're going into</p> <p>12 sixth grade, and they're at a fourth-grade level,</p> <p>13 because we gave a school two years of conditions to</p> <p>14 try to lift themselves up by the bootstraps.</p> <p>15 So it's hard when we're making these</p> <p>16 decisions for another school year and another one</p> <p>17 after.</p> <p>18 And -- this is daunting. And I -- you</p> <p>19 know, I agree with Commissioner Burt. It's a</p> <p>20 daunting decision. But -- and you've heard me say</p> <p>21 this a million times, Mr. Zamora, it's all about the</p> <p>22 kids. And, you know, Frank Montaño -- bless his</p> <p>23 heart, he was a councilman and also a board member</p> <p>24 for years and years in Santa Fe. He said at the end</p> <p>25 of -- when questions came up at the end of meetings,</p>

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1 he was, like, "What did I do for kids today?" That
2 was always definitively what he was asking.

3 So that's going to weigh heavily into how
4 I approach decision-making relying to today. What
5 am I doing for kids today?

6 Yeah. That's all for now.

7 THE CHAIR: Commissioner Taylor.

8 COMMISSIONER TAYLOR: So, Mr. Winger,
9 you've had a lot of --

10 MR. WINGER: I'm here.

11 COMMISSIONER TAYLOR: Yes. Glad. So I
12 don't know if this is even an appropriate question
13 or not for you. So I'll ask it. And if it isn't an
14 appropriate question, you don't have to answer.

15 But have you heard anything presented
16 today in the evidence and in the questions that
17 makes you think the PEC should change their position
18 from the revocation?

19 MR. WINGER: Yeah. So I will tell you
20 that I -- as I interpret your question, you're
21 probably asking me to testify or at least to give
22 some opinion as to what's been presented. So I
23 can't do that.

24 But what I can tell you is that I think
25 that the PEC, this Commission, is faced with a

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1 want to share, and then we'll move into our next
2 item as we discuss a potential decision as well.

3 And so if you all have things that you
4 want to share, we'll kind of do another quick round
5 here if you have some item to share. But I do want
6 to make sure that we're able to move forward with
7 our agenda, but also be effective and efficient with
8 what we need to do today.

9 Commissioner Gipson. Then Commissioner
10 Manis.

11 COMMISSIONER GIPSON: Yeah, I'll try to
12 make this brief. I think for me, one of the more
13 compelling pieces was that last piece, the
14 environmental -- I'm going to say impact, but it
15 wasn't impact. So that -- and I know they weren't
16 educational experts that came in. But the -- to me
17 it was a statement of a promise not fulfilled when
18 they put in there that they don't -- they don't see
19 how the school has been able to operate on tribal
20 lands and has been operating -- to me, that's a
21 statement that, you know, the school has not been
22 fulfilling the promise on those tribal lands.

23 And it raised a new concern about are the
24 kids doing all their instruction online? That was
25 worrisome to me when I read that, because that's not

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1 choice. I think that the Commission can elect to
2 move forward and revoke the school's charter.

3 I think there's also been a very
4 compelling argument made for the discussion or
5 further discussions of alternatives to revocation.
6 And I would leave it at that.

7 THE CHAIR: You, Commissioner Taylor, I
8 just want to say that what you just asked Mr. --
9 can't think of it.

10 MR. WINGER: Winger.

11 THE CHAIR: I was going to say Winkler,
12 and that wasn't right. That's our job right now.
13 That's on our shoulders.

14 COMMISSIONER TAYLOR: I understand that.

15 THE CHAIR: Yeah. And I know where you're
16 going with that. We get extensive time in the next
17 part of our agenda to make that decision. Given the
18 time that we have, I know we're getting -- we've
19 been here for a while. I want to encourage our
20 Commission, if we have any last remarks or
21 questions, I would love for us to focus in on
22 questions and not remarks. Our remarks are much
23 longer than our questions, and there's still
24 arguments that need to be made.

25 There's a few thoughts that I have that I

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1 something that we've -- but I think is has to do
2 with staffing concerns, potentially, and the -- you
3 know, the observations that were made, you know,
4 children running amuck, and it doesn't appear that
5 there's any administrative oversight, you know.
6 That's worrisome to me.

7 And I'm just going to say, I appreciate
8 the school coming forward with the CAP at this
9 moment in time. And I know there was a lot of work
10 that was put into it. I will acknowledge that.

11 But as I said before, this is the third or
12 fourth iteration of a CAP that we've seen. And when
13 it was first -- a CAP potentially was going to come
14 forward to us -- and Commissioner Burt made
15 reference to that first CAP -- and it was such a
16 mess, it was the governance council that said, "We
17 saw your template, and we just didn't like it."

18 So they proposed this CAP that didn't
19 follow the guidelines and trust the Charter School
20 Division and the Commission that's been at this for
21 a long time on what best serves a Corrective Action
22 Plan. But the governance council flat out refused
23 and said, "We didn't like that. This -- so we went
24 ahead with proposing this."

25 This is where my concern is, that this

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1 entity doesn't have capacity to move forward with
 2 fidelity to anything.
 3 So if I think of anything else, I have to
 4 say it will probably have to come in further
 5 remarks.
 6 THE CHAIR: Commissioner Manis. Then
 7 Commissioner Ingham.
 8 COMMISSIONER MANIS: Thank you. And while
 9 I haven't spoke much during the hearing today, I --
 10 I share many of the same concerns that the other
 11 Commissioners have already brought up, so I'm not
 12 going to rehash some of those issues.
 13 One of the things that concerned me -- and
 14 it's what I've brought up in previous meetings -- is
 15 the notion of the Montessori training. And one
 16 question that -- why it came up was a comment that I
 17 had made was the notion of intent versus action.
 18 And it appeared to me, looking through the
 19 e-mail correspondence between the Indigenous
 20 Montessori Institute, that the training could have
 21 started much earlier, but the ball had been dropped
 22 at several points in time. Especially, there was
 23 about a two-month lag between the initial
 24 correspondence between Mr. Casados and the pretty
 25 much immediate response from Povi, if I'm saying

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1 that correctly.
 2 And it just seemed to me that the
 3 priority -- these priorities weren't being
 4 prioritized. The training, it really wouldn't a
 5 priority for them.
 6 So why was there such a -- a lack of
 7 correspondence or, really, priority to -- to take on
 8 some of these things that we had really mentioned as
 9 key concerns for us up to February-March time frame?
 10 MR. ZAMORA: Commissioner, thank you for
 11 the question. I'll -- I'll address it in two
 12 points. First, from discussions with Head Learner
 13 Herrera, the training group is popular, for lack of
 14 a better way to describe it. And the scheduling is
 15 at least two to three months out. And so I don't
 16 want it to be perceived that -- that the district --
 17 excuse me -- the school called them up and said,
 18 "Hey, we need training next week so we can check --
 19 mark that off prior to the hearing." It takes
 20 months of advanced scheduling.
 21 I think also, Commissioner, that you point
 22 something out that I've been meaning to point out
 23 even since Public Comment, and that is clarification
 24 of the roles. That's also part of the training.
 25 Governing council members, you know, have roles as

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1 governing council members, and head learners have
 2 roles as head learners. And sometimes -- and that
 3 gets confused. You know, it can cause some delays.
 4 The training, professional development,
 5 those are head learner roles. And as the head
 6 learner took on the roles, the trainings got
 7 scheduled.
 8 Now, in any small community, in any small
 9 educational community, sure, our governing council
 10 is going to have expertise. They're going to have
 11 contacts. They're going to know people to work
 12 with. You know, Commissioner Ingham is someone
 13 that's going to know exactly who should be
 14 installing playgrounds.
 15 But at the same time, it shouldn't be
 16 Commissioner Ingham's role, if he were on the
 17 governing council, to be implementing a playground.
 18 So it's part of that. I think to answer
 19 the question of what took so long, I think it's
 20 getting the right assignments to the right roles,
 21 reinforcing that with training, like we've talked
 22 about this weekend.
 23 The thing I want to address is -- and we
 24 heard this a lot during the Public Forum comment --
 25 I'm not sure the community also understands the

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1 difference in roles between the head learner and the
 2 governing council, because there were comments that
 3 were made about the governing council's failure
 4 to -- to do the operations the way that the
 5 commenter wanted them.
 6 Well, the operational obligations are the
 7 head learner's. And, yes, there was a hiccup at the
 8 beginning of the year with the initial selected head
 9 learner. And I want to thank Commissioner Burt for
 10 pointing out that changes in head learners is
 11 showing the need to change.
 12 So a couple of months were lost prior to
 13 Head Learner Herrera coming on. And I think what's
 14 speeding things up is a coalescence of her team and
 15 the partners around the table, including our firm,
 16 to get things moving. And that takes -- takes
 17 months in any organization, and she's doing that at
 18 four and a half months.
 19 THE CHAIR: Thank you, Commissioner Manis.
 20 Commissioner Ingham, and then any final
 21 Commissioners.
 22 COMMISSIONER INGHAM: I just want to say I
 23 am a simple guy. I don't even know what a
 24 rhetorical question is.
 25 Okay. I'm just going to say it was not a

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1 rhetorical question. The point I'm making is any
2 CAP has a cost associated with it. And for you, I'm
3 sorry to say I'm not prepared to address that in
4 this situation, where we're about ready to make a
5 decision that is -- I mean, we're here. And without
6 even -- by telling me that they haven't even
7 considered where all that money is going to come
8 from tells me you have no idea how you're going to
9 make this work.

10 And so for me, that's a really bad thing.
11 Coming from a project management standpoint, part of
12 a Corrective Action Plan is how are you going to pay
13 for it? So with you coming here and saying you're
14 not prepared to respond to that question, gives me
15 no confidence. I'm sorry.

16 MR. ZAMORA: Commissioner Ingham, thank
17 you for the feedback. I think you've pointed out a
18 weakness in -- one weakness in an otherwise strong
19 stipulation to today's hearing.

20 We had listed Mike Vigil, CEO of the Vigil
21 Group, who provides the business office services.
22 He's listed as a witness. And, you know, had I
23 thought through to your question, right, maybe I
24 wouldn't have stipulated that we weren't calling
25 witnesses today, that we can handle, you know, those

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1 questions that weren't accounted for.

2 That said, I have proposed a solution to
3 that in adding that to the CAP, identifying the
4 finances and coming to the conclusion whether or not
5 that can be funded.

6 I do apologize that I didn't foresee your
7 question when stipulating to no witnesses. With
8 that said, I've proposed a solution to that.

9 COMMISSIONER INGHAM: It's, just -- it's a
10 critical issue for us to make that decision today.

11 MR. ZAMORA: Thank you.

12 THE CHAIR: Commissioner Gipson. Then
13 Commissioner Carrillo.

14 COMMISSIONER GIPSON: Yeah. Going back to
15 the environmental report that was submitted, there
16 was an indication that there were four staff members
17 that the school had.

18 So can you just tell me, do you know what
19 the current enrollment is and how many staff?
20 Because it seemed to indicate that there wasn't
21 enough staff for the number of students that are
22 there.

23 And I'm quickly trying to go through the
24 contract to see if (inaudible) is, the contract part
25 of the document, anyway. But -- because there seems

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1 to be an indication on this report that there is not
2 sufficient staff.

3 And I don't know if that's accurate or
4 not. And I don't know if the school -- you know --
5 and I don't see anything in any of these documents
6 that gives me that information. But there was --
7 but that was presented in this document.

8 MR. WINGER: Commissioner Gipson, the
9 contract for the school starts on PEC2.

10 COMMISSIONER GIPSON: Okay. And I was
11 looking to see if -- now we have a check box that
12 says we do mixed grades. And I was running through
13 the contract real quick to see if I could find that,
14 and I must be just scrolling too quick. So I don't
15 know if that's checked.

16 MR. WINGER: I believe there's also an
17 amendment from the renewal -- or the renewal
18 documents are also included in there as well. May
19 have been included at that time.

20 COMMISSIONER GIPSON: That's on me,
21 because I picked this up late, and I'm trying to run
22 through it now. But I don't think the amendment had
23 to do with grade mixing.

24 MR. WINGER: I think you are correct. I
25 don't think that it did.

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1 (Commissioner Gipson speaking off
2 microphone.)

3 COMMISSIONER GIPSON: It's just easier for
4 me to get the contract on our -- yeah.

5 MR. ZAMORA: Commissioner Gipson, there
6 are approximately 86 students enrolled, five
7 teachers, plus a STEM instructor and three
8 administrators.

9 COMMISSIONER GIPSON: Three
10 administrators?

11 MR. ZAMORA: In administration. I'm
12 not -- I didn't mean to imply administrator license.
13 I meant three in administration.

14 THE CHAIR: Yeah. Go ahead.

15 COMMISSIONER BURT: Just really quickly, I
16 did see in the contract that there's a section in
17 the contract that says a school -- it's generic that
18 a school may not provide mixed-level instruction
19 unless it's in their ed program. I looked at the ed
20 program in the amendment, and it is specific to this
21 school that the school will use Montessori
22 instruction in multi-age groupings. So it is in the
23 contract.

24 THE CHAIR: Thank you.

25 Commissioner Gipson. Vice Chair Burt.

<p style="text-align: right;">238</p> <p>1 Commissioner Carrillo.</p> <p>2 COMMISSIONER CARRILLO: Just, you're</p> <p>3 saying they'll use Montessori instruction and that</p> <p>4 that's in the contract, that's a violation of the</p> <p>5 contract.</p> <p>6 So when we had a break -- so I'm going to</p> <p>7 tell you a story. Years ago -- I don't know if you</p> <p>8 were on the board at that time -- Alameda Junior</p> <p>9 High, or whatever we called it at the time in</p> <p>10 Santa Fe Public Schools, they came to us, and there</p> <p>11 was a big -- there was a real problem bullying. We</p> <p>12 had a number of people, parents who had come to us,</p> <p>13 whose kids -- unfortunately, the kids ended up</p> <p>14 leaving the school, not the bully.</p> <p>15 But it came to us. And I remember -- I'll</p> <p>16 never, ever, forget this happening to me. I used</p> <p>17 the word "thug" when I was commenting on the</p> <p>18 environment in the school.</p> <p>19 We had a meeting every two weeks. At the</p> <p>20 next meeting of the meeting for the board, the board</p> <p>21 room was full, and there was a bunch of parents who</p> <p>22 wanted my head on a platter for characterizing the</p> <p>23 school in that fashion. They just, one after</p> <p>24 another, skewered me, and they were right. And I</p> <p>25 was reminded of a phrase that one of my friends</p>	<p style="text-align: right;">240</p> <p>1 Ms. Muñoz. It's been a pleasure working with them</p> <p>2 on this matter. They've been very professional,</p> <p>3 very attentive, and as good as something like this</p> <p>4 can go, I think it's gone very well.</p> <p>5 There's no question that the Commission</p> <p>6 can move forward with revocation if it so chooses</p> <p>7 today. You've heard the evidence that has been</p> <p>8 presented. And, in fact, on the basis of what we</p> <p>9 first started with this morning, in the March 16,</p> <p>10 2013 (verbatim), notice letter regarding whether or</p> <p>11 not this school had conducted tribal consultation</p> <p>12 with the Ohkay Owingeh Pueblo in violation of</p> <p>13 New Mexico statute, that's clear. It is actually</p> <p>14 uncontested at this point that that is at issue.</p> <p>15 So if the Commission chooses, and on that</p> <p>16 basis alone, the Commission can move forward with</p> <p>17 revocation.</p> <p>18 As we move forward through, again, the</p> <p>19 notice letter serving as the road map for what we're</p> <p>20 doing here today, we start again with the urgent</p> <p>21 safety and special education concerns outlined in</p> <p>22 the contract.</p> <p>23 You heard the testimony of Larry Vigil</p> <p>24 this morning. You heard argument in my reference to</p> <p>25 the CSD visits. You saw the IHS report that was</p>
<p style="text-align: right;">239</p> <p>1 who's -- who died years ago of cancer, she said --</p> <p>2 she used the phrase one time, "Left with the echo of</p> <p>3 your own words."</p> <p>4 And, man, was I -- and I'll never forget</p> <p>5 it, ever. But while we were on break, it came to my</p> <p>6 attention that however well-intended my dark story</p> <p>7 was, it was presented in a way that may have been</p> <p>8 too extreme and offended some people who were paying</p> <p>9 attention on Zoom.</p> <p>10 And -- and I apologize. It would never be</p> <p>11 my intent to offend. I was making a point that I --</p> <p>12 of how extreme I consider this situation and how</p> <p>13 things can progress when they're not intended to.</p> <p>14 That was my point, perhaps made in a -- made poorly.</p> <p>15 So to anyone that I might have offended, I</p> <p>16 just want to apologize for that. That's it.</p> <p>17 THE CHAIR: Thank you, Commissioner. And</p> <p>18 with that, I'm going to make the move for us to move</p> <p>19 into closing arguments.</p> <p>20 I believe you go first, Mr. Winger.</p> <p>21 MR. WINGER: Chair Brauer, thank you very</p> <p>22 much for your time today, Commissioners. I</p> <p>23 appreciate everybody's attention to, I think,</p> <p>24 presentations from both sides.</p> <p>25 I would also like to thank Mr. Zamora and</p>	<p style="text-align: right;">241</p> <p>1 presented by the school.</p> <p>2 There's no question that there are</p> <p>3 substantial issues with the physical structure of</p> <p>4 the school, with the safety of the students while</p> <p>5 they're at the school. And at this point, we</p> <p>6 believe that that's sufficient evidence to move</p> <p>7 forward and serve as a basis for voting on the</p> <p>8 revocation.</p> <p>9 Further, again, and uncontested, there are</p> <p>10 the two reported incidents where students were</p> <p>11 involved in altercations at the school. You heard,</p> <p>12 again, evidence and considered that as well as to</p> <p>13 how the board handled that.</p> <p>14 In terms of the fiscal considerations and</p> <p>15 fiscal concerns that are ongoing, again, as well,</p> <p>16 heard evidence regarding Fiscal Year 2022 audits;</p> <p>17 the delay in the audit, the problems that the board</p> <p>18 had in responding to questions from the auditor,</p> <p>19 potential misrepresentations that were made which</p> <p>20 delayed the audit. All of that information has been</p> <p>21 presented to you today. It's all contained within</p> <p>22 the record, again, serving as a basis for any kind</p> <p>23 of potential revocation going forward.</p> <p>24 There's also, as well, in support of this,</p> <p>25 the report which was made to PED recently regarding</p>

<p style="text-align: right;">242</p> <p>1 fiscal irregularities with the prior head 2 administrator.</p> <p>3 The governing board -- and again this 4 overlaps with what I just said a few moments ago -- 5 was directed in August to work with the business 6 manager and its attorneys to ensure that there were 7 no fiscal irregularities. That was in August of 8 2022.</p> <p>9 We're here today. We're still having 10 these issues which are ongoing. I don't think 11 there's any question again that that would serve as 12 a basis to move forward with revocation.</p> <p>13 In regards to the academic concerns, we 14 raised those earlier today. They've been discussed, 15 I think, rather thoroughly. Based on evidence 16 that's been presented today, there are issues that 17 still continue and are ongoing at the school 18 regarding statewide assessments and participation in 19 those statewide assessments.</p> <p>20 Finally, there is evidence of -- and we 21 did briefly touch on this -- as to whether or not 22 there is a designated charter representative who was 23 able to negotiate with the PEC and reach an 24 agreement. That was again raised in August of last 25 year. The board was told to fix that. That did not</p>	<p style="text-align: right;">244</p> <p>1 the March 16 letter, and so serves as conversation 2 today for revocation.</p> <p>3 All of that being said, and, certainly, in 4 response to the question that Commissioner Taylor 5 asked me earlier, the Commission has a choice. You 6 can decide what you want to do.</p> <p>7 If you move forward with revocation, I 8 believe that there's a substantial basis for that, 9 and I believe that the Commission would be right to 10 do so.</p> <p>11 Likewise, Mr. Zamora and Ms. Muñoz have 12 presented what they would like to see happen. And 13 I'm sure Mr. Zamora is going to speak more on that. 14 But that also remains a possibility at this juncture 15 today.</p> <p>16 So with that being said, you have a 17 difficult choice that you're going to need to make. 18 And I think everybody in this room can appreciate 19 the gravity of the decision that you're going to 20 need to vote on.</p> <p>21 That being said, I appreciate your time, 22 your attentiveness today, and I thank you for making 23 this decision.</p> <p>24 Thank you.</p> <p>25 THE CHAIR: Thank you, Mr. Winger.</p>
<p style="text-align: right;">243</p> <p>1 happen. And it took well into this year before that 2 was actually remedied.</p> <p>3 Another issue which has come up and been 4 the focus of a lot of conversation and a lot of 5 questions today from the Commission is regarding 6 what kind of Montessori program is currently in 7 place at the school as compared to what are the 8 goals and the stated purpose in the contract of the 9 school.</p> <p>10 So with that being said, I believe that 11 there's a disconnect between what has been agreed to 12 by the school in its charter contract and what is 13 currently happening now. That evidence, again, has 14 been present and would serve as a basis for 15 revocation.</p> <p>16 And, finally, the issues with the new head 17 administrator being brought on originally as 18 part-time and also serving in special education 19 services, we believe forms a basis for revocation.</p> <p>20 You've heard the complaints -- those have 21 been referenced from parents, from other employees 22 at the school -- that when that person was put into 23 that role, it pulled them in so many directions at 24 one time that they weren't efficient at either role. 25 Although that has been remedied, it was raised in</p>	<p style="text-align: right;">245</p> <p>1 Mr. Zamora.</p> <p>2 MR. ZAMORA: Chair Brauer, Commissioners, 3 I want to thank you for today's hearing, the 4 questioning, the examination of the important 5 question before you. Does La Tierra Montessori 6 continue, or does it end? Does La Tierra Montessori 7 remain the best place for the students that are 8 there, per the testimony of their parents, or are 9 they displaced?</p> <p>10 For a year, you've heard proposals through 11 various public forums, "Oh, this will be re-formed." 12 Do they get displaced again in another 13 year when a new local school is -- is introduced? 14 Heavy is the head that wears the crown. 15 And you -- you have a tough decision before you.</p> <p>16 What we've tried to establish on behalf of 17 La Tierra Montessori is that your message has been 18 heard. Your message has been heard. Nine months 19 ago -- it's been stated several times by 20 Commissioners, nine months ago, you got the 21 attention of La Tierra Montessori. Ten months ago 22 there was a change in head learner because the 23 governing council felt there needed to be changes. 24 It wasn't quite the start they were 25 looking for, so they made another change in October,</p>

<p style="text-align: right;">246</p> <p>1 and they've tweaked that change. It wasn't anything 2 I had in -- in my outline. But I thought of that -- 3 about it as we spoke. 4 There's time for a team to coalesce. 5 There's time for leadership changes to gain 6 traction. And that's occurring; occurring three 7 months in, when the head learner turns to the 8 landlord and says, "We need -- we need these 9 inspections, we need these health and safety 10 inspections, we need mold inspections." 11 It occurs again when we walk the grounds 12 with Poms to get a full facilities assessment. And 13 more traction is gained. And then when a Poms 14 report comes out, the head learner used it as a road 15 map for improvements. 16 A number of those 120 exhibits that were 17 introduced were, "Here's the work we're doing," from 18 October to April. It's a short time frame. 19 Commissioner Carrillo has talked about 20 some of my previous roles. You change out a 21 superintendent in a district, and you ask the 22 superintendent, "Has the district turned around in 23 five months?" 24 The answer is, "No." 25 Is it starting? Do we see progress? Do</p>	<p style="text-align: right;">248</p> <p>1 moving forward. And they're not backsliding. And, 2 yes, if they're being honest, and if they're being 3 transparent, I don't think all the problems have 4 been exposed yet. There are going to be more. 5 This school is 15 years old. I don't know 6 that nine months of notice, five months of finding 7 the right team to start coalescing, is enough to 8 shut down a 15-year school. I don't know that. 9 That's a tough decision. And that's why we present 10 an alternative. 11 Yes, you've been waiting for this list to 12 be complete for nine months. Yes, there's progress. 13 Yes, maybe things get added to the list. But what 14 La Tierra is asking for is a revised CAP, a revised 15 correction -- Corrective Action Plan that recognizes 16 its traction and gives it more work to get it to 17 where it needs to be. 18 In my opening comments, I talked about two 19 schools. It's still one community. There's a 20 school of previous years. There's the school of the 21 current year finally getting it, a governing council 22 finally getting it. Progression. 23 The community is the same. The 24 expectations from the surrounding community are the 25 same. The desire for a Montessori School is the</p>
<p style="text-align: right;">247</p> <p>1 we see engagement? Do we see interest? Yeah. 2 Yeah. 3 Another role that Mr. Carrillo had 4 mentioned of mine, I worked for a governor. I used 5 to meet with the cabinet secretaries, and I used to 6 say, "You know, for the first six months, blame the 7 last guy. But at six months and one day, you own 8 it; right?" 9 That -- five months. Ownership has been 10 taken. This is -- they're trying to make the 11 change. It trickles down -- not just trickles down. 12 It takes care of the kids. Give them a safe 13 environment. Surround them with the right teachers. 14 Get them the training that they need. Help give the 15 teachers and staff some boundaries. Remind them how 16 important it is to get to school on time. Watch 17 over the kids. Take the safety obstacles and block 18 them off. Start developing plans to get the kids a 19 playground. 20 Yeah, examples in conversation with 21 Commissioner Carrillo were about Santa Fe Public 22 Schools. La Tierra doesn't have that 23 infrastructure, and a lot of charters don't have 24 that infrastructure. La Tierra is not the only one. 25 But they're working on it. And they're</p>	<p style="text-align: right;">249</p> <p>1 same. The parental community is the same from this 2 year to last year. And the children are, too. 3 La Tierra has got a long past. We're 4 asking for correction -- a Corrective Action Plan to 5 give it more than nine months to improve its future. 6 There are always tough circumstances when 7 everyone's got to sort of parade out the failures 8 and things that have been dropped. And that's fair. 9 That's part of the process you need to follow. 10 But I think it's also fair to recognize 11 the successes. I think it's also fair to recognize 12 the improvements. 13 You know, some may describe it as eleventh 14 hour, last-minute. Some might describe it as 15 survival. If we're ever tested on survival, we can 16 roll over and go away. The board could have chosen 17 not to oppose revocation. Ms. Herrera could have 18 chosen to leave by now. 19 But they're sticking with it. They're 20 sticking with it. And they're inviting more people 21 to be at the table. This is a heavy lift, and, 22 yeah, it might be a little unwieldy with nine. But 23 have we seen the draft Corrective Action Plan? I'd 24 sure love to have 18 hands for that Corrective 25 Action Plan.</p>

<p style="text-align: right;">250</p> <p>1 We rely on family a lot in Northern 2 New Mexico. Sometimes families get along; sometimes 3 they don't. La Tierra is a family. I'm going to 4 share one of my family stories, a story my dad 5 always told in closing arguments in trial. 6 And it was about youth in a community that 7 were tired of being told what to do by their 8 parents. And the parents always turned to the wise 9 matriarch in the community. And they said -- 10 parents would say, "We can't control our kids 11 anymore. What do we do?" 12 And the gramita would say, "Well, here's 13 how you handle them." 14 And after a while, the children got tired 15 of it. They didn't like the wise matriarch having 16 all the right answers, so they had to discredit the 17 matriarch of the community. 18 And one of the students, one of the 19 children, said, "Here's how I'm going to do it." 20 Turned to all the other children, "We're going to 21 discredit her. And once we do, parents won't turn 22 to her. We'll be able to do whatever we want." 23 He said, "This is what we're going to do." 24 The oldest child said, "Take a little bird, and I'm 25 going to hold that bird in my hands And when -- and</p>	<p style="text-align: right;">252</p> <p>1 And so I ask that the PEC consider that 2 opportunity for a revised Corrective Action Plan 3 that will have tougher deadlines, more concreteness, 4 to continue the traction, to continue to take care 5 of those children who thrive at La Tierra -- at 6 La Tierra Montessori. 7 I just want to hit one -- one point. And 8 by the way, I do want to thank Mr. Winger, because 9 this is an unusual process. We were much more 10 collaborative -- we were collaborative. I don't 11 think there's any other word to be described. We 12 stipulated to the documents because we agreed what's 13 there; right? It's the interpretation of what's 14 there that's going to be important. 15 But I do think one thing is important. It 16 was pointed out that you can revoke -- you "may," a 17 very important word; you're not required to 18 revoke -- based on failure to consult with the 19 appropriate person at Ohkay Owingeh Pueblo. 20 We've noted that we did that wrong. But 21 it's -- the word is "may." 22 We also stipulated and discussed that that 23 liaison would have testified or submitted a letter 24 that said there's been no contact during the 25 existence of this charter school. It's not helpful,</p>
<p style="text-align: right;">251</p> <p>1 I'm going to go up to the gramita, and I'm going to 2 say, 'Is this bird alive or dead?' 3 "And if she says, 'The bird is dead,' I 4 open my hands and the bird flies away. But if the 5 gramita says, 'The bird is alive,' then I squeeze 6 that bird in my hands, and I show her that it's 7 dead." 8 So they did. They approached her in the 9 town square, wanted to make sure everybody was 10 watching, and they approached the gramita and said, 11 "Tell me. Is this bird alive or dead?" 12 And the gramita turned to the child and 13 said, "Hijo, the life of that bird is in your 14 hands." 15 I say that not only because the life of 16 the La Tierra Montessori community is in this Public 17 Education Commission's hands, whether they get that 18 opportunity to continue the traction, but it's also 19 the life of those students. Yes, yes, the education 20 metrics need to continue, need to get the focus. 21 But I think we also recognize the myriad of parents 22 in the last three months that have testified before 23 you that this is the place where their child 24 thrives, and that the surrounding offerings did not 25 work.</p>	<p style="text-align: right;">253</p> <p>1 either. But I'll tell you one thing that was not 2 said by the tribal liaison, or by the tribe, that 3 this Montessori school shall be closed. No such 4 statement. No such call from the Pueblo of 5 Ohkay Owingeh. 6 And that's why we pledge to build that 7 relationship and hold to metrics of quarterly 8 meetings, not only for our benefit, but if those 9 meetings are successful and we get the resources we 10 need from the pueblo, I hope it becomes an even 11 better alternative for the students on the pueblo. 12 So with that, I would like to take the 13 opportunity to thank you on behalf of La Tierra 14 Montessori. Thank you for listening to those -- 15 those things we need to work on that we're not doing 16 right, and thank you during your deliberations to 17 also recognize those things we are doing right. And 18 thank you for also recognizing the traction we're 19 getting, the opportunity that's ahead of us, and the 20 request to have more time to consider our successes 21 and to continue growing our successes. 22 Thank you. 23 THE CHAIR: Thank you, Mr. Zamora. Thank 24 you, Mr. Winger. 25 Before we move into the conclusion of this</p>

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1 hearing, I believe you had a casual conversation
2 with Ms. Barnes as well around waiting for the
3 written notice five business days after the
4 transcript will be available to us so that we can
5 incorporate that into any written notice that we
6 have from the Commission.

7 I just wanted to hear from you all. Is
8 that something that you all can agree to?

9 MR. WINGER: Yeah. We would stipulate to
10 that.

11 MR. ZAMORA: La Tierra Montessori also
12 stipulates to that. Thank you very much.

13 THE CHAIR: Great. Thank you very much.
14 Appreciate you.

15 So this hearing, not this meeting total,
16 but the hearing part of the revocation is adjourned,
17 and the record is closed.

18 The time is 4:42. The Commission will now
19 move to its next agenda item and enter into
20 deliberations regarding this matter.

21 No one other than the Commission members
22 and Ms. Barnes, as appropriate, will be permitted to
23 participate in the deliberation discussion.

24 The Commission's determination of this
25 matter shall be issued in writing and submitted to

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1 Revoke the Charter Contract or Take Other Action
2 Under the Intervention Ladder Regarding La Tierra
3 Montessori School for the Arts and Sciences.

4 I do also want to share the proposed
5 motions with the Commission. If you have not seen
6 them, they are under the folder for today underneath
7 the No. 1 folder, and then -- does everybody have
8 those?

9 All right. So now we're in session to
10 discuss and take possible action.

11 Vice Chair Burt.

12 COMMISSIONER BURT: I just have a question
13 for Julia real quick. Is the -- the information
14 received regarding all of the -- I'm trying -- I
15 am -- my brain is going to think past 5:00. I know
16 it's going to.

17 Is the findings that we just got from the
18 last audit, from the 2022 -- is that separate from
19 what we're considering today? Or is that part of
20 what we're considering today as well?

21 MS. BARNES: It's part of what we're
22 considering today, because it was made available
23 before the notice went out. And that documentation
24 was included. In the Google Folder on revocation,
25 it was one of the documents in the main section.

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1 the New Mexico Public Education Department.

2 Thank you very much, Counsel.

3 Let's take a five-minute breather, if
4 you're okay with that. Can we do a 15-minute? Have
5 we got 15? Let's do 15. Thank you.

6 (Recess taken, 4:43 p.m. to 4:59 p.m.)

7 THE CHAIR: All right. Commissioners,
8 we're going to come back into our regular meeting.

9 Just -- I heard there might have been some
10 confusion about whether or not we were going to go
11 into executive session. We are not. We are going
12 to keep this an open meeting.

13 So we are back into our regular meeting as
14 a Public Education Commission.

15 I do also want to acknowledge that
16 Secretary Armijo is no longer present. She left a
17 few minutes ago. And so thank you very much, Vice
18 Chair Burt, for being our secretary and our Vice
19 Chair.

20 COMMISSIONER BURT: (Indicates.)

21 THE CHAIR: You have the information she
22 sent to us? Okay. Wonderful.

23 COMMISSIONER BURT: (Indicates.)

24 THE CHAIR: Okay. So we're going to move
25 on to Item No. 5, Discussion and Possible Action to

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1 And the school had received it before.

2 So that was in there. And if I can just
3 add to that -- and I think that it was brought up a
4 couple of times -- the academic performance of the
5 school is also in here as well and was in the
6 notice.

7 COMMISSIONER BURT: Okay. That's all I
8 have for right now. I just wanted to make sure. I
9 was, like, trying to make and figure out what --

10 THE CHAIR: Thank you, Vice Chair. Let's
11 move into discussion. Thank you, Commissioner
12 Gipson.

13 COMMISSIONER GIPSON: You know, I think
14 I've told Commissioners here. This unfortunately
15 isn't my first rodeo with a revocation hearing.
16 This is my fourth revocation hearing that I've
17 unfortunately had to participate in.

18 And it's slightly different, because the
19 other three revocation hearings, I've expressed such
20 deep regret, because if we had only known, maybe we
21 could have stepped in and done something. This
22 school, my deep regret is I think we've tried so
23 many meetings to try to do something and give as
24 much direction as, you know, we have the capacity to
25 do, and it's gone, you know, mostly unheeded.

<p style="text-align: right;">258</p> <p>1 You know, I -- you know, I certainly 2 acknowledge that steps have been taken. But when 3 I -- you know, when I'm reflecting back to all these 4 months and, you know, I've also -- I know as we 5 approach this day, said to Commissioners, you know, 6 "This is -- this is the hardest thing we do. It 7 absolutely is." 8 You can walk away and say, "I have no 9 regrets about the vote that I took," and feel clear 10 about whatever vote it is. But it is still 11 devastating to have to -- if a decision is made, to 12 close a school. 13 And I acknowledge the fact that, you know, 14 there are parents that firmly believe that this 15 school is serving their needs, you know. And 16 Mr. Zamora's closing arguments, he even said, "Does 17 it remain the best place for students and parents?" 18 And my answer has to be, "No, it's not." 19 You know, parents do believe it. I get that. And 20 should it be the best place? Yes. 21 But I think in terms of general health and 22 safety, it's not. And I think the -- the data we 23 have available at our hands does not show that 24 educationally, it's the best place for students at 25 this moment in time.</p>	<p style="text-align: right;">260</p> <p>1 things around. But that's part of the charter 2 compact that you -- that's made. 3 You don't get the same opportunities as a 4 traditional public school. No one is closing down a 5 traditional public school district. They're not. 6 But a charter can be. And that's the deal that's 7 made between the authorizer and the schools. 8 And most of the time, it works. And the 9 system is working now. But, you know, I have great 10 pause for promises that have gone unbroken to the 11 community, to the tribal entity. And I don't -- 12 based on the actions, particularly of the governance 13 council that we have to deal with right now, can't 14 look at what might be in the future, I have very 15 little confidence that they have a commitment to 16 really want to make the changes that need to be 17 made. 18 I don't believe that there is -- do you 19 see parents engaged? I see parents engaged amongst 20 themselves and engaged in trying to do something for 21 this community. But I don't see engagement with the 22 school in a positive manner. So that -- that is 23 significantly concerning to me, so that I don't see 24 the engagement that needs to take place that can 25 show me that the school is going to be on firm</p>
<p style="text-align: right;">259</p> <p>1 And, you know, the statement that, "Let 2 Tierra Montessori continue," I think La Tierra has 3 been continuing. But La Tierra Montessori has not 4 been continuing. And that's -- you know, the 5 contractual promise for a Montessori education has, 6 throughout this -- this year, been continually -- 7 the narrative has tried to be switched to, "Oh, it's 8 going to be inspired. We're going to fix it by 9 being inspired, not having to do what we committed 10 to the community that we're going to offer." 11 And that does -- that gives me great 12 pause. 13 Can I see progress? Yes. And that's a 14 little "yes." It's a very small "yes." I can see 15 some progress. I can. And it has to be 16 acknowledged. 17 Is it enough progress? I don't believe 18 so, because I think there's been too much reluctance 19 to want to really make the genuine changes. So I 20 don't see the progress. 21 And, you know, yes, the school has been in 22 existence for ten-plus years, and that does mean a 23 lot. However, part of the charter compact is the 24 knowledge that you can be closed at any time, 25 different than -- yes, it takes a long time to turn</p>	<p style="text-align: right;">261</p> <p>1 ground for -- for next year. 2 There's a -- you know, I said it at a 3 previous meeting. There's been a climate of 4 disrespect that has -- in the school. And that is 5 profoundly difficult. We've always worked in 6 environments where that's become endemic. And it 7 becomes so pervasive. I think Commissioner Carrillo 8 might have even mentioned it. The families feel it. 9 The kids feel it when they're in the school when 10 there's that tension that's going on. 11 And that's why I also don't believe it's 12 the best place for students at this point in time. 13 And I -- I do have pause for concern where students 14 may be going. But I think staying there is not in 15 their best interests, either. 16 And from an educational standpoint, I 17 don't think they're being served in the classroom 18 the way they should be. And I think that the data 19 is showing that. So that -- and that's kind of been 20 consistent over years as well. 21 So at this point in time, I don't have 22 confidence that a Corrective Action Plan would be 23 successful, because there's too many blank spaces 24 that need to be negotiated into it. And it's May. 25 For all intent and purposes, it's May. And we don't</p>

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1 know how successful those negotiations would be.
2 And then if they break down, not only where are we
3 sitting, but, more importantly, that just delays
4 decisions that parents need to make for their
5 children for the following school year. And I don't
6 want to offer hope to those parents and it not be
7 successful.

8 THE CHAIR: Thank you, Commissioner
9 Gipson.

10 Vice Chair Burt.

11 COMMISSIONER BURT: I think I agree with a
12 lot of what Commissioner Gipson said. I do think --
13 I actually do believe that the -- I do believe that
14 the head learner and the governing council, I do
15 believe they want to implement change. I do believe
16 that there's a lot of momentum towards that path.

17 I think it's -- if -- it's too much. I
18 think there's too many issues with the school that
19 are severe issues, and I think the health, safety,
20 and academic success of students is at risk by
21 continuing the school.

22 And I just don't know if the amount of
23 things that need to be done in order to ensure that
24 the health, welfare, safety, and academic success of
25 the students could be accomplished by the -- you

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1 that from grounds for revocation was my mindset.

2 So I was thinking that one.

3 I also thought the last one, "Comply with
4 all provisions of contract and law, hiring and
5 overseeing the head administrator," at that time,
6 that is happening. There's a full-time head
7 administrator. There's a 1.0 FTE in place. There
8 is a contract in place. So I feel like that's not,
9 at this time, grounds for revocation.

10 I also thought the -- so those two.

11 And then I also saw, under Urgent Fiscal
12 Concerns, which I do have very -- I have concerns
13 about the fiscal. But I did think the -- "The board
14 is responsible for compliance with the public school
15 finances and procurement," I think that is of the
16 case of this school. And I don't see it as grounds
17 for revocation at this time.

18 And the school notifying the Commission
19 within 15 days of allegations of or convictions for
20 any crime, I don't know if that's something that
21 would be grounds for revocation, either.

22 And those were the four.

23 COMMISSIONER GIPSON: (Inaudible) on those
24 issues --

25 COMMISSIONER BURT: Those were the four

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1 know, that there's already tangible enough changes
2 that could be made between now and the next school
3 year -- which I do think at least there's the
4 summer, maybe -- that's a time where a lot of
5 momentum could happen.

6 I just think that the serious -- there's
7 too many severe serious issues to continue having
8 students be in that school.

9 That being said, I do think that there are
10 some items that I have been convinced maybe should
11 not be grounds for revocation any longer.

12 And so I did look through the draft motion
13 and kind of highlighted areas where I think we, as a
14 Commission, might consider -- I would propose
15 removing them from the motion and from the grounds
16 for revocation.

17 Specifically one is Section 2, Scope,
18 paragraph 2i and ii, and, "The designated charter
19 representative in its charter negotiations with the
20 PEC or failure to comply with the contract by the
21 present board signed by its designated charter
22 representative," I think that's been remedied. They
23 have someone who has the ability to do that. I
24 think this could be removed. Like, I kind of looked
25 at it as what did get remedied, and can we remove

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1 that I looked at and felt were not -- Section 4, for
2 me, the safety -- the first section, Section 4.6,
3 I'm absolutely -- yes, should -- like, for me, has
4 to stay in. I also think section for the Purpose,
5 Mission, Comprehensive Educational Program of the
6 school, those, to me, are the most significant
7 issues in this school.

8 THE CHAIR: Commissioner Gipson, and
9 then --

10 COMMISSIONER GIPSON: I'm only going to
11 speak to that.

12 So -- and I agree with you totally with
13 the last one. I didn't know we were at that point
14 that we were going to discuss the motion. But
15 thanks for that.

16 So I would support that completely,
17 because I think that doesn't. But -- so my only
18 question is would it be more appropriate -- 'cause I
19 mean, I read the audit. So I don't remember if the
20 audit included procurement. But the fact that
21 public school finance, I think it still fits then.
22 Because I don't know whether your concern with that
23 was based on the complaint that was filed more than
24 anything else and the procurement being in there.

25 COMMISSIONER BURT: So I think it was that

1 the board is responsible for compliance -- I don't
2 think there's any evidence to show that the board is
3 absconding responsibility of compliance in public
4 school finance.

5 COMMISSIONER GIPSON: Okay. It was their
6 fault because the audit committee didn't meet, and
7 so, therefore, PED's audit was delayed.

8 COMMISSIONER BURT: Well, that, I thought
9 was in the next one. Yes.

10 COMMISSIONER GIPSON: In the next one?
11 Okay.

12 COMMISSIONER BURT: That's what I read it
13 as. But I'm open. I mean --

14 COMMISSIONER GIPSON: Yeah. Yeah. I
15 just -- I don't want to capture something. That's
16 my only concern.

17 So -- and then my only comment with the
18 Section 2 one was they haven't complied with the
19 contract by the present board, because they haven't
20 complied with the educational programming, and they
21 haven't complied with the mission-specific goals.

22 So that's -- you know, that's my concern
23 with that one.

24 COMMISSIONER BURT: I'm convinced of that
25 one. I'll change my mind on Section 2.

1 reactive. It's reactive to the current
2 circumstances. And it's not, like, a -- a
3 proactive -- it doesn't feel like a proactive
4 healthy environment for kids to be in and exist in,
5 because everything is just responding to all the
6 stuff that's wrong, you know?

7 And I -- and that leaves -- again, that
8 leaves those kids in a situation that's -- we're
9 treading water. You know, we're just trying to --
10 we're just trying to survive. We're just trying to
11 survive, get through the tough things so that we can
12 get to the good stuff in a couple of years.

13 And I just think that's sacrificing the
14 education of those young people during that --
15 during that treading-water time.

16 And, quite frankly, with -- with -- I'm
17 not up here trying to -- to make anybody feel bad or
18 anything. I feel like -- but I personally don't
19 have the confidence in the -- the governing council
20 or the head learner to really enact the things that
21 need to be enacted to make this school thrive.

22 So I -- yeah, those are my comments.

23 THE CHAIR: Commissioner Ingham. Then
24 Commissioner Carrillo.

25 COMMISSIONER INGHAM: Okay. So my

1 THE CHAIR: Thank you. I do want to just
2 share. I do think we have some time for some
3 discussion before we get way into motions, too.

4 Commissioner Taylor. Then Commissioner
5 Ingham, and then Commissioner Carrillo.

6 COMMISSIONER TAYLOR: Yeah. Thank you. I
7 just have just a couple of comments. I feel like --
8 you know, I feel like that, you know, oftentimes we
9 get responses from parents and kids that are in
10 situations that are not the best of situations. But
11 they're the situations that they know.

12 And so change from that situation is often
13 scarier than the current place that they're in, you
14 know?

15 And so for the -- you know, for the
16 parents that -- for the argument of the parents that
17 said that they -- their kids have really thrived in
18 this -- in this environment, I would question, have
19 they really? You know, their academic -- you know,
20 their academic performance has not really been
21 demonstrative of a thriving situation, you know?

22 I think too much of what's happening in
23 the school right now, because of the overwhelming
24 number of things that need to be -- to be addressed
25 and improved, so much of what's happening now is

1 insecurity about my level of understanding. I was
2 pretty settled until you made your comment about the
3 fiscal situation at the school. Because, for me,
4 things are pretty black-and-white.

5 The emotional stuff, man, you can play on
6 me, and I react.

7 But to me, in order to enact the
8 Corrective Action Plan, you have to have resources
9 to do that. With no demonstrateable [ph]
10 understanding or nothing brought to us that would
11 indicate that they would have the resources to enact
12 that plan, I have no confidence -- they could be the
13 best people in the world. If they don't have the
14 resources, they can't do it.

15 And so for me, it's really
16 black-and-white. But what I'm trying to get to is
17 is that not a criteria that -- am I settled, but I'm
18 settled on the wrong criteria? Because I -- I'm not
19 sure that's on the revocation checklist there.

20 THE CHAIR: I don't think that's something
21 that we can -- Commissioner. I mean, I think it's a
22 good question. I think it's something to have
23 wonderment about for sure. But I don't think that
24 would be on our decision to say, "What's their
25 balance sheet look like right now," for us to make a

<p style="text-align: right;">270</p> <p>1 decision on our -- on what -- what we want to do 2 right here right now.</p> <p>3 That's my opinion. And so other people 4 could disagree. But I think that schools have the 5 ability to shift some of their funding to make sure 6 that they can put it behind the priorities that they 7 need. And that can happen within a CAP. That can 8 happen within what subjects they want to focus more 9 on than others, so on and so forth. So...</p> <p>10 COMMISSIONER BURT: I'll also say there 11 are -- my -- in my proposal to remove two of the 12 pieces of -- or grounds for revocation, there's 13 still two others that are fiscal concerns. So I do 14 think there is grounds for revocation based off of 15 their fiscal situation, historically.</p> <p>16 So not what it is in the future, that's 17 not -- I mean, that's -- there's no documentation 18 that we would use here to say, "Oh, because of in 19 the future, this might happen."</p> <p>20 But there has been serious fiscal issues 21 with the school previously, which are in here. And 22 I think that it still also leads to, you know, 23 you're going to need good finances in order to 24 correct a lot of these issues.</p> <p>25 But one of the issues of the school is it</p>	<p style="text-align: right;">272</p> <p>1 can't be in the motion.</p> <p>2 So I appreciate very much Mr. Zamora's 3 storytelling. I'll try to remember the one about, 4 "The life of the bird is in your hands."</p> <p>5 That's a -- I really liked that a lot, 6 and, certainly, it's relevant.</p> <p>7 So what's interesting is we've heard the 8 word "thrive" a number of times. Then I put, 9 "Thrive. Really?"</p> <p>10 It's, like, what is thriving? And it's 11 like -- is it kids being super happy at a school 12 because they have all their friends, and, you know, 13 they have parent-teacher nights that are great 14 spaghetti dinners? Not that they're accomplishing 15 anything at these -- not saying you guys have 16 parent-teacher nights. But I just remember as a 17 kid, there were -- when I was in elementary school, 18 at Hancock Park School, yeah, we had spaghetti 19 dinners.</p> <p>20 It was not like today. There was no 21 purpose for them except getting together. At least 22 I don't remember my mom being engaged to sign up for 23 one committee or another on that night.</p> <p>24 It was just getting together for 25 spaghetti. And it was actually the first time I</p>
<p style="text-align: right;">271</p> <p>1 doesn't have good finances. So I think it does kind 2 of encapsulate your concern.</p> <p>3 But I don't -- I think, yeah, we wouldn't 4 put it in here as grounds that they may not have 5 money in the future.</p> <p>6 But there is -- so the two parts of the 7 contract that I would propose we do keep in there is 8 that, "The school shall be governed and managed in a 9 fiscally conservative manner." So that that's not 10 happening -- that has not happened previously.</p> <p>11 And that, "The school shall allow the 12 Commission and the Department to conduct financial, 13 program, or compliance audits and shall hold open 14 for inspection all records, documents, and files 15 relating to any activity or program provided by the 16 school relating to the school."</p> <p>17 And I believe that that should stay, 18 because, specifically, the audit was late, because 19 the school did not -- was not able to provide 20 documentation.</p> <p>21 COMMISSIONER INGHAM: Thank you.</p> <p>22 THE CHAIR: Commissioner Carrillo.</p> <p>23 COMMISSIONER CARRILLO: Thank you. No, I 24 think it's perfectly okay, like Bekka said, for you 25 to have that as a very, very real concern. It just</p>	<p style="text-align: right;">273</p> <p>1 learned how to twirl spaghetti instead of slurping 2 it and getting it all over my shirt. So in that way 3 it was very, very beneficial.</p> <p>4 Coming back to "thrive."</p> <p>5 So we have schools -- we have RioGAFa, 6 which is an arts-embedded school. We have the 7 Aeronautics Academy. That's kind of the focus of 8 theirs. We learned yesterday a lot of real cool 9 things that the media schools, art school is doing. 10 All of them have different things they're doing. 11 Explore Academy with their different pedagogy and 12 having flavors so that kids can kind of choose the 13 way they're going to learn the core subject, but in 14 a way that actually interests them.</p> <p>15 And so in all of these areas, the thing 16 that we're going to look at with annual reports, if 17 one day we actually get reports from PED about 18 academic success, I don't know how long my hair is 19 going to be by the time that happens.</p> <p>20 And -- but, ultimately, our -- even though 21 it's wonderful to create an environment where kids 22 are happy, where they're with each other, they're 23 playing sports, they're -- you know, just all coming 24 together in their diversity. In the Española 25 Valley, the diversity is, you know, Native American,</p>

<p style="text-align: right;">274</p> <p>1 people from Ohkay Owingeh, and Hispanic and Anglo. 2 And everyone's coming together. And, you know, I'm 3 glad families can do things together and kids are 4 making great friends. 5 But are they learning? I mean, 6 ultimately -- I'm not trying to be callous. 7 Ultimately, I don't care how happy kids are at a 8 school. But if they're not learning to read and 9 write, and they can't even fill out a job 10 application when they finish high school, we have 11 failed them. 12 If they don't know how to capitalize and 13 punctuate a sentence, we have failed them. 14 Sometimes I even -- I'm very critical of 15 the bilingual education certification in New Mexico, 16 because how many people are getting that 17 certification that aren't really that fluent in 18 either language. It makes me very concerned. Are 19 we failing them, and by not giving them the tools 20 they need to be able to succeed in whatever is next. 21 Our charge is education. Our charge is 22 not happiness. Happiness is a byproduct of creating 23 an environment; right? 24 And here, specifically relative to the 25 contract, it's a Montessori education; not being</p>	<p style="text-align: right;">276</p> <p>1 And we were playing Albuquerque Academy -- 2 talk about a Tale of Two Cities, you know -- over at 3 the Albuquerque complex. It was just -- it was, 4 like, the greatest thing ever, you know. But you're 5 giving this person time to get the job done. 6 You're giving the person that second time, 7 not coming a third time before the Supreme Court to 8 make sure he keeps his license. 9 Well, now we're five times before the 10 Supreme Court to -- it's just how much time. Kids 11 don't have any more time. It's one grade. They're 12 moving along. They're getting older. They might 13 end up being in fifth or sixth grade next year at a 14 third-grade reading level. 15 We failed them. And I can't -- I can't 16 have that be part of my watch on the Public 17 Education Commission. 18 And it is unfortunate, I'm sorry to say, 19 that, you know, if this were a district school, I 20 would propose, as I've done in board meetings 21 before, that it be on a turnaround model, because I 22 don't have confidence that this is the team that can 23 get this done, much more so relative to the board 24 than the head administrator. 25 But, you know, the board -- and Mr. Zamora</p>
<p style="text-align: right;">275</p> <p>1 inspired by Maria Montessori, but following the 2 tenets of Montessori education all the way through, 3 not just -- all the way through whatever grade, 4 structure, a school may have. 5 The -- the -- I agree with Bekka in some 6 of these things. I don't think they need to be part 7 of the motion and am certainly willing to take them 8 out, things that have been corrected and things that 9 are not as severe, maybe. 10 I would -- you know, I -- I agree with 11 Commissioner Taylor. I don't have the confidence in 12 this team. If I -- you know, and I use analogies 13 for sports a lot. 14 And I remember at Capital High School when 15 Coach Moon, Bill Moon, came on, the district and -- 16 you know, basically, "Bill, this is what you need to 17 do. You hire the people you need to do to get the 18 job done. Basically you have four years." 19 Four years is like a standard time in 20 sports to completely turn around a program; right? 21 And it happened with their soccer program. You 22 remember, I think, when they one State; right? You 23 were with the district when they won State. Oh, my 24 God. It was the most amazing thing ever when 25 Capital High won State.</p>	<p style="text-align: right;">277</p> <p>1 even alluded to this. If you have a great board 2 that gets along, connects with community and 3 teachers and kids, you can't help but be successful. 4 I mean, we had just remarkable success for many 5 years at Santa Fe Public Schools. And we were just 6 clicking on all cylinders. And it was just such a 7 great feeling. 8 I don't see that happening here. Don't 9 have the confidence that it can, certainly not in 10 the next few months. Our decision has to be made 11 because the next school year is fast approaching. 12 And so I'm very inclined, very unfortunately, to 13 encourage the parents and kids to find alternatives 14 for August. 15 Really, I just -- this is -- it's the 16 absolute worst part of what we do. But it's also -- 17 and Ms. Gipson said it earlier. The system is 18 working that we are all at this point now. 19 And so that's all for now -- no, there's 20 one more thing, and I even bookmarked it, not on the 21 computer but the old-fashioned way with a piece of 22 paper. 23 This is the first time in Public Comment 24 I've heard comments as forceful as today, where we 25 heard, It's just a matter of their being</p>

<p style="text-align: right;">278</p> <p>1 babysitters. Not good for anyone's child. Not 2 willing to wait any longer. We need a new 3 Montessori in the Valley, things like that, where we 4 actually heard a lot of the people who have spoken 5 to us over the last many months finally reach their 6 limit in saying, "It's time. It's time for us to 7 move on to what's next," and maybe there is a 8 rebirth of a Montessori in the Valley. Certainly 9 would be a great thing if somebody were to do that. 10 And, yeah, there you have it. Thank you. 11 THE CHAIR: Commissioners, thank you very 12 much for sharing this. I respect everyone's 13 thoughts. 14 I am likely going to be a minority 15 dissenting thought on this. 16 I think this school has a lot to work on. 17 I think you all have a lot more baggage in that than 18 I do as a newbie to this Commission; although, I was 19 in Corina's chair at one point, and I know that 20 there were some things that were happening with the 21 school that we needed to fix and correct, and there 22 was progress at that time. Commissioner Gipson, you 23 remember that, especially around having a certified 24 head learner for the school. 25 So I feel like I also have seen a track</p>	<p style="text-align: right;">280</p> <p>1 I think there's been a lot of -- I think 2 there's been considerable improvements that I saw 3 that I acknowledged earlier from this school. 4 Insufficient, but important. Insufficient progress. 5 But I've seen some important progress. 6 I'm struggling right now to say that this 7 is the last stretch for the school to show any 8 chance that they can continue to serve kids. 9 And most, in terms of my feeling for 10 revocation, I think it's -- it just bothers me in my 11 heart that the school failed to conduct tribal 12 consultation. I think that's hard for me to get 13 past. 14 But I can't -- I can't, right now, like, 15 vote for revocation. I just can't do that right 16 now. I feel like there is an opportunity -- this is 17 the first time in my -- correct me if I'm wrong -- 18 this is the first time I've seen the school actually 19 come with counsel. It's not the first time? First 20 time for me -- no, with their counsel, with an 21 attorney -- to support them. I think that's a very 22 different -- I think that's a very different level 23 of organization that I think I see from the school 24 at this stage. 25 And many of you, I hear you. Like, it's</p>
<p style="text-align: right;">279</p> <p>1 record of growth, in moments where there were 2 situations at the specific school, that we saw 3 things shift. 4 Revocation is such a heavy thing, and I 5 don't think there's not a single person who's not 6 feeling that heaviness right now. I think I respect 7 everyone's thoughts around where you are on this. 8 There's a litany of things that need to be fixed in 9 this school. 10 I am moved by the community coming 11 together, especially the parent community, to 12 provide a counter-narrative, like, time and again 13 over the last -- how many months? Like, three or 14 four months since I've been part of the -- part of 15 the Commission. 16 I do think there is a -- there's been a 17 lot of stories being told today, a lot of different 18 analogies. My analogies always deal with farming, 19 because I'm a farmer to my bones. 20 This is the springtime. This is new 21 beginnings. This is new life. This is the time 22 when we plant seeds. 23 And seeds are promise. And we always say 24 this on our farm. Like, seeds are promise, and 25 seeds are teachers.</p>	<p style="text-align: right;">281</p> <p>1 too late, too little too late. But I also feel like 2 hope springs eternal in my heart. And hope is not a 3 strategy, as some of my friends would tell me. But 4 I think you start with -- you start with -- you 5 start with hope to really start to see some 6 improvements at a school. 7 So I'm leaning more towards really 8 building out a Corrective Action that is on super 9 tight rails. I'm not saying we haven't done that 10 already. But I feel like there is a chance for us 11 to really get this right for this school before 12 we -- before we shutter the doors. 13 And right now I think, Commissioner 14 Gipson, you started with, like, the regret we'll 15 have. We'll have a regret in some way. At some 16 point, we'll have regrets around some decisions that 17 we make, regardless of what they are, potentially. 18 Yeah. Yeah. You've regretted votes in 19 the past -- or I forget what you said in the 20 beginning. 21 COMMISSIONER GIPSON: I said I won't 22 regret my vote. I'll always be heartsick over the 23 decision that I had to make. But I walk away not 24 regretting my vote. 25 THE CHAIR: Okay. I would regret right</p>

<p style="text-align: right;">282</p> <p>1 now voting for -- to revoke this school. I would 2 like to see this school really take this opportunity 3 where you're on the edge right now and really step 4 up and do what's right for students. 5 So that's where I'm at right now. There's 6 a lot of other things in terms of logistics and 7 things like that I just can't stop thinking about 8 of, like, the process after this. 9 The school has due diligence -- or due 10 process that the school has and what that might look 11 like and what the results would look like in that. 12 And I feel like, in partnership with us and CSD, to 13 ensure that this CAP is going to work for kids is 14 the best bet that we're going to do the most good 15 for the students that we're serving. 16 Commissioner Carrillo. 17 COMMISSIONER CARRILLO: Before I speak, I 18 wanted to give others who haven't spoken the 19 opportunity if they just want to raise their hand 20 now. That's, you know, fine or not or whatever. I 21 don't see hands going up. 22 The time for a CAP on -- oh, I just saw a 23 hand pop up. 24 THE CHAIR: Commissioner 25 Clahchischilliage, please.</p>	<p style="text-align: right;">284</p> <p>1 students. And this was an alternative that they 2 looked at very hopefully. 3 And, I mean, this -- the administration 4 can't measure up to even the -- the type of school 5 that is supposed to be there, a Montessori school. 6 There are many components, basic components that 7 aren't there and that aren't built in. 8 I -- I just -- I just feel we can't allow 9 this to escalate like this. And it seems like it's 10 escalated from the beginning, and there's been no 11 resolution from the school's part on how they were 12 going to take care of this. It's almost as if it 13 was like, "Oh, well, this is the message we'll 14 give," and the -- there are justifications that they 15 have put into their minds as to what needs to be 16 presented to us in order for them to slide by again. 17 And I -- that's -- to me it's very -- I 18 mean, I just look at it very basically, and that's 19 kind of what I see with the school. I mean, the -- 20 yeah, there's all kinds of potentials. But we know 21 about potentials. I mean, the road to hell was 22 paved on potentials. 23 And we can't -- I feel like it would be a 24 very -- oh, my gosh -- a disservice to the students. 25 The students are the ones who are suffering. And as</p>
<p style="text-align: right;">283</p> <p>1 COMMISSIONER CLAHCHISCHILLIAGE: Thank you 2 very much for acknowledging my -- the raising of my 3 hand. 4 But I have to ditto a lot of what everyone 5 has said about what we've been listening to today. 6 It -- I feel like -- I just couldn't 7 justify going in favor of a lot of the 8 recommendations that were made by the school, simply 9 because there's a real disconnect between the 10 behavior that has been demonstrated from the school, 11 like the pictures and the behavior of the school 12 versus what they say they're going to do, in other 13 words, the logic, I guess you could say, the logic 14 of what they're going to do. 15 And yet we've gone through -- what? -- is 16 this the fourth round now? The fourth rodeo, so to 17 speak? And the improvements that were supposed -- 18 that should have been instituted are not there -- 19 are not there. And yet there's been plenty of time 20 allowed to make this happen. 21 I -- it saddens me that we have 22 professionals who aren't very responsible, so to 23 speak, in terms of management and administering a 24 school. I mean, you -- it's very loud and clear as 25 to what the community and the parents want for their</p>	<p style="text-align: right;">285</p> <p>1 a result, I feel like this is too high level for the 2 skill level of the current administration. 3 The -- they don't have the skill level for 4 a Montessori school. It isn't there. The basic 5 components that need to be built in for the school 6 isn't there. 7 And I'm -- I'm -- it disheartens me to see 8 this, because I can see what can happen listening to 9 the parents, listening to the advocates for the 10 school. I -- I can't support it. I just simply 11 can't. There are too many facts that are very 12 telling of the school. 13 I mean, the playground was very revealing 14 to me. I was looking at everything there, and I was 15 thinking about the school wondering, "Where is the 16 mental health of this team? And is there a team?" 17 I mean, you don't have the type of 18 playground for students like that in the school. 19 You don't. 20 And there's just -- there's just too much. 21 I -- I can't support it. I just -- it would be on 22 my conscience that I supported the school, because, 23 I mean, the -- the measuring system, the structuring 24 that is needed is not there. 25 A lot of these students really need</p>

286	<p>1 structure, and yet that isn't there. And they --</p> <p>2 they want the structure. You know, a lot of times</p> <p>3 the special ed kids, the acting out students, that's</p> <p>4 what they need is structure. And yet we don't have</p> <p>5 it.</p> <p>6 The administration needs structure. And</p> <p>7 just all around, it -- the school needs too much</p> <p>8 help.</p> <p>9 So I guess I -- coming from the mental</p> <p>10 health field, I just see the mental health of the</p> <p>11 school just being too low and below standard.</p> <p>12 So that's my -- it hurts me to listen to</p> <p>13 all of this. It -- I was just having a hard time</p> <p>14 listening to it, because I could read into</p> <p>15 everything that was being presented. And I was</p> <p>16 wondering where -- the cognitions of the</p> <p>17 administration is just appalling to me. And the</p> <p>18 result is what we see in these pictures. What they</p> <p>19 demonstrate is what we see.</p> <p>20 So that's where I'm coming from. Thank</p> <p>21 you very much.</p> <p>22 THE CHAIR: Thank you, Commissioner.</p> <p>23 Commissioner Carrillo, did you have other</p> <p>24 comments? Or are you good?</p> <p>25 COMMISSIONER CARRILLO: K.T. is probably</p>	288	<p>1 "Seeds are promise, and seeds are</p> <p>2 teachers, and a CAP on rails."</p> <p>3 I love that. But the time for a CAP on</p> <p>4 rails was January. And I would have said -- in</p> <p>5 January, I would have said, you know, "If we can</p> <p>6 come up with a CAP on rails, we'll even withdraw the</p> <p>7 breach."</p> <p>8 You'd think a breach would have been like</p> <p>9 the wake-up call of wake-up calls. But somehow it</p> <p>10 wasn't.</p> <p>11 And I would have totally supported a CAP</p> <p>12 on rails in January.</p> <p>13 Right now, time is out. School's -- it's</p> <p>14 the middle of April. Kids are coming back to</p> <p>15 wherever they're going in August. And as -- as</p> <p>16 Commissioner Clahchischillige said, "Is there a</p> <p>17 team?"</p> <p>18 Well, this will be the same group. If</p> <p>19 there was a CAP on rails CAP on rails right now? If</p> <p>20 we decided, you know what? We are going to -- we</p> <p>21 are very compassionate, and, you know, we're a land</p> <p>22 of second and third and fourth chances, it's going</p> <p>23 to be the same group. This group is not changing</p> <p>24 until possibly July 1st. And then it's just all too</p> <p>25 late.</p>
287	<p>1 saving his comments.</p> <p>2 So, yeah, I appreciate very much what</p> <p>3 Commissioner Clahchischillige has to say.</p> <p>4 "Your fourth rodeo, our eighth rodeo" is</p> <p>5 what I wrote down, a note right there.</p> <p>6 And then just your -- the observation --</p> <p>7 and I think you put it so eloquently -- "Is there a</p> <p>8 team?"</p> <p>9 We talk about the team that can do this or</p> <p>10 the team that can move this forward or the team that</p> <p>11 can implement a CAP. Is there even a team? And</p> <p>12 bringing up -- and this was -- I believe this was so</p> <p>13 insightful of you, Commissioner Clahchischillige,</p> <p>14 in commenting on the mental health of the school.</p> <p>15 That just really -- that -- it was just --</p> <p>16 that was -- very revealing and certainly very</p> <p>17 relevant.</p> <p>18 Chair Brauer, the analogy to farming.</p> <p>19 "Seeds are promise, and seeds are teachers." You</p> <p>20 take away in life -- like I said that earlier</p> <p>21 comment about -- and I remembered it since, like, my</p> <p>22 friend Linda said it in 1982, "Left with the echo of</p> <p>23 your own words." When my son would say things he</p> <p>24 would regret, I would tell him that. "You're going</p> <p>25 to regret this." And sure enough, he would.</p>	289	<p>1 And, you know, at the end of the day here,</p> <p>2 I mean, you know, if someone says, you know, "Steve,</p> <p>3 how could you do that," I'm going to say, "I did</p> <p>4 what I felt was best for kids."</p> <p>5 I don't -- I cannot let another year or</p> <p>6 two years go by with this kind of educational</p> <p>7 mediocrity as being systemic on that property in</p> <p>8 New Mexico. That, to me, would be something I would</p> <p>9 profoundly regret.</p> <p>10 Unless something sparks a new thought or a</p> <p>11 new question, I think that is good for me for now.</p> <p>12 THE CHAIR: Thank you. Commissioner</p> <p>13 Gipson.</p> <p>14 COMMISSIONER GIPSON: I move that the</p> <p>15 Public Education Commission revoke the charter and</p> <p>16 charter contract of La Tierra Montessori School for</p> <p>17 the Arts and Sciences effective July 1st, 2023,</p> <p>18 based on the following grounds for revocation under</p> <p>19 the Charter School Act:</p> <p>20 A. 1. The school has failed to conduct</p> <p>21 tribal consultation with the Ohkay Owingeh Pueblo in</p> <p>22 violation of NMSA 22-8B-12K(4); and</p> <p>23 2. Has violated the following contract</p> <p>24 terms resulting in violations of NMSA 22-8B-12K</p> <p>25 Sections (1), (2), and (3).</p>

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1 **Urgent Safety and Special Education**
 2 **Concerns:**
 3 **Section 4.6, Operation, ii, iii, and viii:**
 4 **Comply with all federal and state laws relating to**
 5 **the education of children with disabilities, comply**
 6 **with all laws related to safety, notify the**
 7 **Commission of allegations of inappropriate contact**
 8 **with a student.**
 9 **Urgent Fiscal Concerns:**
 10 **Sections 4.1; 5 ix; 6, vii and viii.**
 11 **Contract: The school shall be governed**
 12 **and managed in a fiscally conservative manner. The**
 13 **school shall allow the Commission and the Department**
 14 **to conduct financial, program, or compliance audits**
 15 **and shall hold open for inspection automatic**
 16 **records, documents, and files relating to any**
 17 **activity or program provided by the school relating**
 18 **to the school.**
 19 **Performance Framework:**
 20 **Section 5. And Financial Performance**
 21 **Framework Indicators:**
 22 **5.a.: Is the school meeting financial**
 23 **reporting and compliance requirements?**
 24 **5.b.: Is the school following generally**
 25 **accepted accounting principles?**

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1 **5.c.: Is the school responsible to audit**
 2 **findings -- responsive to audit findings?**
 3 **5.e.: Is the school adequately staffed to**
 4 **ensure proper fiscal management?**
 5 **5.f.: Is the school meeting their**
 6 **obligations timely and with appropriate internal**
 7 **controls?**
 8 **Academic Concerns Relating Both to The**
 9 **Contract and State Standards of Excellence:**
 10 **Section 5.2 i, ii, and iv: Participate in**
 11 **State-required assessment and meet State's standards**
 12 **of excellence.**
 13 **Other Contract Violations:**
 14 **Section 2, Scope. Paragraph 2i and ii:**
 15 **Designated charter representative in its contract**
 16 **negotiations with the PEC or failure to comply with**
 17 **the contract by the present board signed by its**
 18 **designated charter representative.**
 19 **Section 4, 1, Purpose: The school shall**
 20 **operate a public school consistent with the terms of**
 21 **the charter and the contract and all applicable**
 22 **laws; shall achieve student outcomes according to**
 23 **the educational standards established by law, this**
 24 **charter and contract, and shall be governed and**
 25 **managed in a financially prudent manner.**

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1 **2, Mission: The charter school shall**
 2 **implement the mission identified below: La Tierra**
 3 **Montessori School of the Arts and Sciences will**
 4 **provide students and their families in the Española**
 5 **region the opportunity to improve educational**
 6 **outcomes utilizing an integrated approach that**
 7 **includes Montessori, the Arts and Sciences.**
 8 **4,i, Comprehensive Educational Program of**
 9 **the School: The school's educational program shall**
 10 **be as described below:**
 11 **i, Montessori methods and materials that**
 12 **address the education of the whole child will be**
 13 **utilized as an approach to instruction. The school**
 14 **will use Montessori instruction in multi-age**
 15 **groupings with teachers who are trained in**
 16 **Montessori curriculum and practices. Self-directed**
 17 **Montessori materials designed for hands-on learning**
 18 **are part of each child's experience in every**
 19 **classroom.**
 20 **Performance Framework, Section 1:**
 21 **1.a.: Is the school implementing the**
 22 **material terms of the approved charter application**
 23 **as defined in the charter contract?**
 24 **1.b.: Does the school comply with state**
 25 **and contractual assessment requirements?**

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1 **1.c.: Is the school protecting the rights**
 2 **of students with special needs?**
 3 **1.d.: Is the school protecting the rights**
 4 **of English Learner students?**
 5 **The Chair shall provide written findings**
 6 **of fact and conclusions of law five business days**
 7 **after receipt of the transcript from the hearing and**
 8 **include documentation that supports each violation**
 9 **by identifying the exhibits and the pages from the**
 10 **hearing transcript. The school may appeal to the**
 11 **Secretary pursuant to NMSA 1978, 22-8B-7, and**
 12 **provisions of Section 6.80.4.14.**
 13 **COMMISSIONER CARRILLO: Second.**
 14 **THE CHAIR: All right. Commissioners,**
 15 **let's move into discussion of the motion.**
 16 **Vice Chair.**
 17 **COMMISSIONER BURT: I'm going to support**
 18 **this. But I don't -- I actually do think that the**
 19 **case presented to us today from Mr. Zamora is very**
 20 **accurate, and that this is -- actually, I'm going to**
 21 **kind of take -- I'm taking your farm reference and**
 22 **seeds. I actually think these seeds were planted**
 23 **ten-plus years ago, and weeds have just overgrown**
 24 **the farm to now where you've just got to take it**
 25 **all -- like, there's no way to go pull out all the**

294	<p>1 weeds.</p> <p>2 It's just too -- it's too far -- you know,</p> <p>3 if -- maybe if this had started ten years ago, you</p> <p>4 wouldn't -- it wouldn't be in this type of</p> <p>5 situation. So that's kind of the similar thing to</p> <p>6 how I perceive the situation.</p> <p>7 So I actually don't fully -- like, I don't</p> <p>8 think every single one of these pieces is something</p> <p>9 that is based off of the folks that are there today.</p> <p>10 I think -- I do think that having the --</p> <p>11 when the contract was renegotiated, the inclusion of</p> <p>12 the very specific Montessori language -- because</p> <p>13 I -- from my understanding is there's actually --</p> <p>14 they're doing the same thing that they've always</p> <p>15 done right now as far as including Montessori-light</p> <p>16 teaching in the school. But the way the contract</p> <p>17 has been written for this term is it's very clear</p> <p>18 that it's Montessori-heavy and not Montessori-light.</p> <p>19 So I think that that is what should have</p> <p>20 been followed, and it hasn't been.</p> <p>21 And I think that that, once again, was</p> <p>22 just something that it -- it kind of is what it is.</p> <p>23 But I do think -- I do see that a lot of these</p> <p>24 issues are very long-standing and are not of -- you</p> <p>25 know, they're -- they're in the cleanup process, the</p>	296	<p>1 THE CHAIR: No.</p> <p>2 COMMISSIONER BURT: Commissioner Carrillo.</p> <p>3 COMMISSIONER CARRILLO: Yes.</p> <p>4 COMMISSIONER BURT: And Commissioner Burt,</p> <p>5 yes. That passes --</p> <p>6 THE CHAIR: I think that's seven to one.</p> <p>7 COMMISSIONER BURT: -- seven to one.</p> <p>8 THE CHAIR: All right. Thank you, Vice</p> <p>9 Chair.</p> <p>10 Thank you, Commissioners. Thank you,</p> <p>11 Counsel, and team here.</p> <p>12 We're going to move on to -- well, I know</p> <p>13 we were supposed to have a work session after this.</p> <p>14 I would like to propose that we just start with that</p> <p>15 tomorrow morning, if you all are okay with that.</p> <p>16 We'll just pick up the work session tomorrow. I</p> <p>17 don't believe there's anything that we needed to do</p> <p>18 today in order to have a good, like, full meeting</p> <p>19 tomorrow.</p> <p>20 I think we can pick up some time tomorrow,</p> <p>21 if that behooves the Commission, for us to adjust</p> <p>22 our schedule that way. Do we need to take a vote on</p> <p>23 that to --</p> <p>24 COMMISSIONER CARRILLO: I don't think so,</p> <p>25 but --</p>
295	<p>1 people who are there, trying to get through those</p> <p>2 weeds and trying to get -- like, keep the clean --</p> <p>3 the nice farm going and trying to get all the weeds</p> <p>4 out. But I think it's just -- I think it's</p> <p>5 overwhelming.</p> <p>6 THE CHAIR: Any other comments?</p> <p>7 Any other discussion items about the</p> <p>8 motion?</p> <p>9 (No response.)</p> <p>10 THE CHAIR: Let's go ahead and move into a</p> <p>11 roll-call vote. Thank you, Vice Chair.</p> <p>12 COMMISSIONER BURT: Commissioner Manis.</p> <p>13 I'll come back to him.</p> <p>14 COMMISSIONER MANIS: Yes.</p> <p>15 COMMISSIONER BURT: Sorry. Thank you,</p> <p>16 Commissioner Manis. We got the affirmative yes.</p> <p>17 Commissioner Clahchischilliage.</p> <p>18 COMMISSIONER CLAHCHISCHILLIAGE: Yes.</p> <p>19 COMMISSIONER BURT: Commissioner Gipson.</p> <p>20 COMMISSIONER GIPSON: Yes.</p> <p>21 COMMISSIONER BURT: Commissioner Ingham.</p> <p>22 COMMISSIONER INGHAM: Yes.</p> <p>23 COMMISSIONER BURT: Commissioner Taylor.</p> <p>24 COMMISSIONER TAYLOR: Yes.</p> <p>25 COMMISSIONER BURT: Commissioner Brauer.</p>	297	<p>1 THE CHAIR: Okay. Okay. Commissioner</p> <p>2 Carrillo.</p> <p>3 COMMISSIONER CARRILLO: Usually at work</p> <p>4 sessions, we don't start with the pledge. So long</p> <p>5 as you say that we can start with the pledge</p> <p>6 tomorrow morning, since it's not the regular agenda.</p> <p>7 THE CHAIR: Okay. Yeah, for sure. We'll</p> <p>8 start with it.</p> <p>9 COMMISSIONER CARRILLO: Thank you.</p> <p>10 THE CHAIR: All right. Well, if we're</p> <p>11 good with that, I'll take a motion to adjourn.</p> <p>12 COMMISSIONER BURT: Move to adjourn.</p> <p>13 COMMISSIONER GIPSON: Second.</p> <p>14 THE CHAIR: Great. Can we do a roll-call</p> <p>15 vote, please?</p> <p>16 COMMISSIONER BURT: Commissioner Ingham.</p> <p>17 COMMISSIONER INGHAM: Yes.</p> <p>18 COMMISSIONER ARMIJO: Commissioner</p> <p>19 Clahchischilliage.</p> <p>20 COMMISSIONER CLAHCHISCHILLIAGE: Yes.</p> <p>21 COMMISSIONER BURT: Commissioner Brauer.</p> <p>22 THE CHAIR: Yes.</p> <p>23 COMMISSIONER BURT: Commissioner Gipson.</p> <p>24 COMMISSIONER GIPSON: Yes.</p> <p>25 COMMISSIONER BURT: Commissioner Carrillo.</p>

1 COMMISSIONER CARRILLO: Yes.
 2 COMMISSIONER BURT: Commissioner Burt,
 3 yes.
 4 Commissioner Taylor.
 5 COMMISSIONER TAYLOR: Yes.
 6 COMMISSIONER BURT: And Commissioner
 7 Manis, he left. So that passes, seven to zero.
 8 THE CHAIR: Commissioners, thank you so
 9 much. We're adjourned till tomorrow morning at
 10 9:00. Thank you.
 11 (Proceedings concluded at 6:00 p.m.)
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1 RECEIPT
 2 JOB NUMBER: 8181N CC Date: 4/20/23
 3 PROCEEDINGS: SPECIAL PUBLIC MEETING and REVOCATION
 4 HEARING RE LA TIERRA SCHOOL FOR THE ARTS AND SCIENCES
 5 CASE CAPTION: In re: Special Public Meeting of the
 6 Public Education Commission
 7 *****
 8 ATTORNEY: MS. SHARYN PEREA - PED
 9 DOCUMENT: Transcript / Exhibits / Disks / Other ____
 10 DATE DELIVERED: _____ DEL'D BY: _____
 11 REC'D BY: _____ TIME: _____
 12 *****
 13 ATTORNEY:
 14 DOCUMENT: Transcript / Exhibits / Disks / Other ____
 15 DATE DELIVERED: _____ DEL'D BY: _____
 16 REC'D BY: _____ TIME: _____
 17 *****
 18 ATTORNEY:
 19 DOCUMENT: Transcript / Exhibits / Disks / Other ____
 20 DATE DELIVERED: _____ DEL'D BY: _____
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 23
 24
 25

1 BEFORE THE PUBLIC EDUCATION COMMISSION
 2 STATE OF NEW MEXICO
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 6
 7 REPORTER'S CERTIFICATE
 8 I, Cynthia C. Chapman, RMR, CCR #219, Certified
 9 Court Reporter in the State of New Mexico, do hereby
 10 certify that the foregoing pages constitute a true
 11 transcript of proceedings had before the said
 12 NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the
 13 State of New Mexico, in the matter therein stated.
 14 In testimony whereof, I have hereunto set my
 15 hand on May 4, 2023.
 16
 17
 18 _____
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 20 New Mexico Certified Reporter #219
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2 STATE OF NEW MEXICO

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16
17
18 *Cynthia Chapman*

19 -----
20 Cynthia C. Chapman, RMR-CRR
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