

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
OPEN PUBLIC MEETING

April 21, 2023

12:40 p.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

Bean & Associates, Inc.

Professional Court Reporting Service

201 Third Street, NW, Suite 1630

Albuquerque, New Mexico 87102

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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 ARMIGO, 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 MARTICA DAVIS Authorizing Practices Administrator</p> <p>25 SHARYN PEREA, Liaison to PEC</p> <p>COUNSEL TO THE PEC:</p> <p>JULIA HOSFORD BARNES, ESQ.</p> <p>Barnes Mediation and Law, PC</p> <p>200 W. DeVargas Street, Suite 7</p> <p>Santa Fe, New Mexico 87501</p>
3	<p>1 INDEX TO PROCEEDINGS</p> <p>2 PAGE</p> <p>3 1 Call to Order 4</p> <p>4 2 Approval of Agenda 6</p> <p>5 3 Open Forum - No Speakers 9</p> <p>6 4 Consent Agenda 9</p> <p>7 5 Discussion if Items Removed from Agenda - 10</p> <p>8 Not Conducted</p> <p>9 6 Report on FY2022 Audit Reports for 10</p> <p>10 State Charters</p> <p>11 7 Discussion and Possible Action Under the 23</p> <p>12 Intervention Ladder for Schools With</p> <p>13 Significant Fiscal Issues</p> <p>14 8 Report from Charter Schools Division 79</p> <p>15 9 Report from the Chair 87</p> <p>16 10 Discussion and Possible Action on 95</p> <p>17 PEC Attorney Contract for FY2024</p> <p>18 11 Reports from PEC Liaisons 99</p> <p>19 12 PEC Comments - No Discussion or 101</p> <p>20 Action Taken</p> <p>21 13 Discussion of New Business Topics 103</p> <p>22 for the Next Agenda</p> <p>23 14 Adjourn 104</p> <p>24 REPORTER'S CERTIFICATE 106</p> <p>25 ATTACHMENTS:</p> <p>1. List of Attendees</p>
4	<p>1 THE CHAIR: Good afternoon, everyone.</p> <p>2 We're going to start our official PEC meeting.</p> <p>3 It is 12:39 p.m., on Friday, April 21st,</p> <p>4 2023.</p> <p>5 If I could get the roll call, please. I</p> <p>6 believe -- is Secretary Armijo -- are you with us</p> <p>7 right now? If you are not, that's okay. Vice</p> <p>8 Chair -- I know that Secretary Armijo had to step</p> <p>9 away for a little bit, so she might just have her</p> <p>10 resume on still.</p> <p>11 Vice Chair Burt is also prepared to take</p> <p>12 the roll call as well.</p> <p>13 COMMISSIONER BURT: Sure, I am.</p> <p>14 THE CHAIR: Thank you for that.</p> <p>15 COMMISSIONER BURT: Chair Brauer.</p> <p>16 THE CHAIR: Present.</p> <p>17 COMMISSIONER BURT: Vice Chair Burt is</p> <p>18 here.</p> <p>19 Commissioner Ingham.</p> <p>20 COMMISSIONER INGHAM: Here.</p> <p>21 COMMISSIONER BURT: Commissioner</p> <p>22 Clahchischilliage.</p> <p>23 COMMISSIONER CLAHCHISCHILLIAGE: Here.</p> <p>24 COMMISSIONER BURT: Commissioner Gipson.</p> <p>25 COMMISSIONER GIPSON: Here.</p>
5	<p>1 COMMISSIONER BURT: Commissioner Manis.</p> <p>2 Commissioner Manis. I'll come back to</p> <p>3 him.</p> <p>4 THE CHAIR: Commissioner Manis, if you can</p> <p>5 take yourself off of mute and just say that you're</p> <p>6 present.</p> <p>7 COMMISSIONER BURT: I don't think he can</p> <p>8 hear. Sharyn, can you text him?</p> <p>9 Commissioner Taylor.</p> <p>10 COMMISSIONER TAYLOR: Here.</p> <p>11 COMMISSIONER BURT: Commissioner Carrillo.</p> <p>12 COMMISSIONER CARRILLO: I'm here. And I</p> <p>13 have a question.</p> <p>14 COMMISSIONER BURT: Can I finish roll real</p> <p>15 quick?</p> <p>16 COMMISSIONER CARRILLO: Sure.</p> <p>17 COMMISSIONER BURT: Commissioner Armijo,</p> <p>18 not present.</p> <p>19 Commissioner Beck, not present.</p> <p>20 Commissioner Manis. He is present. We</p> <p>21 may be.</p> <p>22 COMMISSIONER MANIS: I cannot hear</p> <p>23 anything.</p> <p>24 COMMISSIONER BURT: He is here, though.</p> <p>25 So...</p>

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1 DIRECTOR CORINA CHAVEZ: Can you hear me,
 2 Commissioner Manis? Thumbs up if you can hear.
 3 COMMISSIONER MANIS: (Indicates.)
 4 COMMISSIONER BURT: Can you hear everyone
 5 now?
 6 COMMISSIONER MANIS: (Indicates.)
 7 THE CHAIR: Okay, great. Thank you. All
 8 right. We're going to move into the --
 9 COMMISSIONER CARRILLO: I had a question.
 10 Is it not alphabetical? Because I always wonder --
 11 COMMISSIONER BURT: It's not.
 12 COMMISSIONER CARRILLO: Okay. That's
 13 fine. Whatever. I don't care. I'm not attached.
 14 COMMISSIONER GIPSON: You shouldn't be the
 15 person always to be the deciding vote or the first
 16 vote. Yeah.
 17 THE CHAIR: Thank you. Commissioner
 18 Carrillo, can you lead us in the pledge as well as
 19 the salute to the New Mexico flag.
 20 COMMISSIONER CARRILLO: I'd be happy to.
 21 (Pledge of Allegiance and Salute to
 22 the New Mexico Flag conducted.)
 23 THE CHAIR: Thank you. Item No. 2,
 24 approval of the agenda. I have two things I wanted
 25 to field in terms of minor shifts in the agenda.

7

1 Under the Consent Agenda, there were two items that
 2 were no longer on the Consent Agenda based upon the
 3 school's request.
 4 So Item No. 1, under 4.a., Montessori
 5 Elementary and Middle School retracted their name
 6 change for this month.
 7 And under 4.b.1., La -- underneath
 8 governing board changes, La Academia Dolores Huerta
 9 retracted theirs as well. I wanted to make those
 10 two changes to the agenda.
 11 Are there any other items for discussion
 12 or amendments?
 13 (No response.)
 14 THE CHAIR: All right. Let's go ahead and
 15 move in, if there's a motion to approve.
 16 Dr. Russell.
 17 DR. BRIGETTE RUSSELL: Thank you, Chair
 18 Brauer.
 19 La Academia Dolores Huerta did not
 20 withdraw their amendment. We did not complete the
 21 paperwork in time to get it to Public Education
 22 Commission for the meeting. Montessori Elementary
 23 and Middle School did withdraw theirs, however.
 24 THE CHAIR: Thank you. But that does not
 25 change us taking it off the agenda; right?

8

1 DR. BRIGETTE RUSSELL: Correct.
 2 THE CHAIR: Can I get a motion, please?
 3 COMMISSIONER CARRILLO: Sure. I move to
 4 pass the Consent Agenda --
 5 THE CHAIR: The agenda --
 6 COMMISSIONER CARRILLO: -- as amended.
 7 THE CHAIR: This will be the entire agenda
 8 right now.
 9 COMMISSIONER CARRILLO: Sorry.
 10 THE CHAIR: That's okay.
 11 COMMISSIONER CARRILLO: Sure. A motion to
 12 approve the agenda.
 13 COMMISSIONER BURT: As amended.
 14 COMMISSIONER CARRILLO: As amended.
 15 THE CHAIR: Second.
 16 Let's go ahead and take a roll-call vote,
 17 please. Thank you, Vice Chair.
 18 COMMISSIONER BURT: Commissioner Carrillo.
 19 COMMISSIONER CARRILLO: Yes.
 20 COMMISSIONER BURT: Commissioner Taylor.
 21 COMMISSIONER TAYLOR: Yes.
 22 COMMISSIONER BURT: Commissioner Manis.
 23 COMMISSIONER MANIS: Yes.
 24 COMMISSIONER BURT: Commissioner Gipson.
 25 COMMISSIONER GIPSON: Yes.

9

1 COMMISSIONER BURT: Commissioner
 2 Clahchischilliage.
 3 COMMISSIONER CLAHCHISCHILLIAGE: Yes.
 4 COMMISSIONER BURT: Commissioner Ingham.
 5 COMMISSIONER INGHAM: Yes.
 6 COMMISSIONER BURT: Commissioner Burt,
 7 yes. And Commissioner Brauer.
 8 THE CHAIR: Yes.
 9 COMMISSIONER BURT: That motion passes.
 10 THE CHAIR: Open Forum. Is there anyone
 11 in Open Forum that waited around since earlier
 12 today?
 13 MS. MISSY BROWN: Nobody is signed up for
 14 Open Forum.
 15 THE CHAIR: Thank you very much. We're
 16 going to move into Item No. 4, Consent Agenda.
 17 COMMISSIONER BURT: Move to approve the
 18 Consent Agenda.
 19 COMMISSIONER GIPSON: Second.
 20 THE CHAIR: All right. Let's move into
 21 roll-call vote.
 22 COMMISSIONER BURT: Commissioner
 23 Clahchischilliage.
 24 COMMISSIONER CLAHCHISCHILLIAGE: Yes.
 25 COMMISSIONER BURT: Commissioner Ingham.

10	<p>1 COMMISSIONER INGHAM: Yes. 2 COMMISSIONER BURT: Commissioner Gipson. 3 COMMISSIONER GIPSON: Yes. 4 COMMISSIONER BURT: Commissioner Burt, 5 yes. 6 Commissioner Manis. 7 COMMISSIONER MANIS: Yes. 8 COMMISSIONER BURT: Commissioner Brauer. 9 THE CHAIR: Yes. 10 COMMISSIONER BURT: Commissioner Carrillo. 11 COMMISSIONER CARRILLO: Yes. 12 COMMISSIONER BURT: Commissioner Taylor. 13 COMMISSIONER TAYLOR: Yes. 14 COMMISSIONER BURT: Passes unanimously. 15 THE CHAIR: Good. Since there was nothing 16 that was pulled off the Consent Agenda, we're going 17 to skip Item 5. 18 We're on to Item No. 6, Report on Fiscal 19 Year 2022 Audit Reports for State Charters. 20 Commissioner Chavez? Or, sorry. Director Chavez. 21 I'm on a Commissioner roll right now. 22 DIRECTOR CORINA CHAVEZ: Thank you, Chair 23 Brauer, Commissioners. As you recall, we touched on 24 this at last month's work session. And in your 25 folder and posted to the website is the PED's</p>	12	<p>1 Learning Center, Tierra Encantada Charter School, 2 and Turquoise Trail Charter School. 3 If these -- if this is a school that is 4 within your district, you might just give them a 5 call and say, "Hey, great job." 6 It's really difficult to have zero audit 7 findings, and so we are celebrating these schools. 8 Moving along, I just want to orient you to 9 this document. What we did was distill all the 10 information on every other charter school, and we've 11 listed them in alphabetical order. 12 21st Century Learning -- Public Academy is 13 first. And then ACES Technical. We include the 14 school and their foundation, where it exists. We 15 are giving you the total number of findings and the 16 number of repeat findings. 17 And we wanted to separate out which 18 schools had material weaknesses or significant 19 deficiencies. 20 So this chart is just giving you, in a 21 bird's eye view, what is detailed in the agency's 22 audit. And you can see that there's some schools 23 with just one audit finding. There are some that 24 have four or eleven and everything in between. So 25 this is just a summary of what those schools' audit</p>
11	<p>1 Statement and Supplementary Information. It is the 2 Fiscal Year 2022 financial audit that has all State 3 charter schools listed individually with their audit 4 findings and management response. 5 It also has additional information about 6 the overall PED audit. And we talked about it last 7 month. That's -- that's document 6a, but it's a 8 very lengthy document. So I will call your 9 attention to document 6b. And I don't know if it's 10 possible to screen share. I hate to ask you to do 11 this, Missy or Lucy. If you could screen share, 12 that would be great. 13 I want to start out by saying that we have 14 something to celebrate. So the charter schools -- 15 the State charter schools that have absolutely no 16 findings in Fiscal Year '22 really need to be 17 uplifted, congratulated, and recognized for having 18 zero audit findings. And this was true with not 19 just the school, but if they're -- if they had a 20 foundation, the foundation also didn't have a 21 finding. 22 So those are Amy Biehl, Horizon Academy 23 West, Hózhó Academy, New Mexico Academy for the 24 Media Arts, New Mexico School for the Arts, 25 Rio Grande Academy of Fine Arts, Southwest Secondary</p>	13	<p>1 findings are. 2 I think you want to pay attention to 3 whether there is a material weakness or a 4 significant deficiency, and be sure that you're 5 clear about -- about those. 6 If we continue to scroll down on this 7 document starting on Page 4, then we have the 8 information arranged by -- by number, starting with 9 the foundations. And so the schools that had the 10 highest number of foundation findings are listed 11 first, and then the schools that had the highest 12 number of findings are listed where you see the 13 school. 14 So those are, in a nutshell, what we 15 found. 16 And then we want to scroll down to Page -- 17 Page 6. And this chart basically just summarizes to 18 you some of the charter schools that had significant 19 issues with the Fiscal Year '22 audit. 20 I want to start out with the two that had 21 disclaimed opinions: La Tierra Montessori and 22 Las Montañas. Both were not able to provide the 23 information to the auditors in time for the audit to 24 be otherwise. So they are considered disclaimed. 25 They delayed the publishing of the audit.</p>

<p style="text-align: right;">14</p> <p>1 And then between the School of Dreams 2 Academy and School of Dreams Academy Foundation, 3 there were several there that we thought you might 4 want to attend to. The GREAT Academy and The GREAT 5 Academy Foundation is listed simply because I know 6 it's a school that is under condition of renewal and 7 that we may possibly talk about moving forward. 8 I do want to let you all know, in terms of 9 The GREAT Academy, that we've had to postpone the 10 site visit to the school due to loss of staff on our 11 end. So we have the visit scheduled later. And for 12 that reason, I don't think we're doing a full 13 discussion about The GREAT Academy. 14 Later on, we're talking about -- I'm 15 giving you an update on conditions of renewal. But 16 because we haven't visited the school, there's a 17 little bit less information. But this is their 18 audit report and their audit findings. 19 And by the way, I am joined by 20 Ms. Kimberly Gonzales, who you all met last month or 21 the month before. She is the financial 22 administrator in our office who's working really 23 closely with the schools, their business managers, 24 their boards. 25 She has been on -- well, she has to go to</p>	<p style="text-align: right;">16</p> <p>1 completely ignorant, what I can do to help them and 2 what I should do to encourage them. 3 DIRECTOR CORINA CHAVEZ: Right. So I'll 4 start out, and, Kimberly, if I forget something, 5 please jump in. 6 So, first of all, I think recognizing with 7 any of the schools that you talk to that you've 8 looked at their audit and you know what's in it and 9 that we talked about it at the PEC meeting is 10 important. So they know that you're attending to 11 it; right? 12 The next item on our agenda is where we're 13 talking about potentially working with Corrective 14 Action Plans. And so that's a whole other 15 discussion. 16 But I always -- I believe that people 17 perform better when they have more information and 18 training; right? And last year we did a series on 19 how to avoid audit findings. This year and every 20 year we do governing board training on fiscal 21 management. And so encouraging the schools to have 22 their board members trained, trained early, and 23 attend as many learning opportunities as possible. 24 And then in -- you know, you want to look 25 at each school individually and why they got the</p>
<p style="text-align: right;">15</p> <p>1 every single school's site visit to do the focus 2 group with the business managers and to really be 3 looking at not just the Fiscal '22 audit, because, 4 remember, that's what we're using for next year's 5 annual report, but she's been looking at the Fiscal 6 Year '21 audit reports and having real targeted 7 discussions with the school, their business manager, 8 and their boards, around how they are responding to 9 the audit findings. 10 And so if I can't answer the question, 11 Ms. Gonzales, I'm sure, will be able to. And when 12 you do, just press the button. 13 All right. Commissioner Ingham. 14 COMMISSIONER INGHAM: (Inaudible due to 15 audio issues.) Sorry. Turned the wrong way. Being 16 a newbie, I'd like to know how I can help with this. 17 I get the indication that it would be helpful to 18 encourage the schools in our district to reduce 19 their audit findings, obviously, and encourage them 20 in a direction. And I just was wondering how we can 21 do that. 22 I see the School of Dreams is one of my 23 schools, and I would very much like to help them in 24 any way I can. And so how is that appropriate for 25 us? Because that's what I really don't know. I'm</p>	<p style="text-align: right;">17</p> <p>1 audit finding. If the school got one audit finding 2 because they didn't deposit money within 24 hours, 3 that's quite a bit different than if they had a 4 disclaimed opinion in their audit, because that 5 means they were not working as closely with the 6 auditors to provide the information in time. 7 And so how's their audit committee 8 functioning is a question that I would ask. 9 And, Kim, would you add to any of that? 10 MS. KIMBERLY GONZALES: Sure. So. 11 DIRECTOR CORINA CHAVEZ: Well, actually, 12 we're going to talk about School of Dreams for Item 13 No. 7. Yeah, it's on the agenda. 14 MS. KIMBERLY GONZALES: So, Commissioner 15 Ingham, just to answer your question, how you could 16 be helpful to the schools that you represent in your 17 district, I feel that by really engaging with their 18 governing board, their audit committee, and their 19 head administrator and their business manager would 20 be a really good start so you can get to understand 21 what actually occurred. 22 And there is a lot of findings for School 23 of Dreams. But there has also been many people who 24 are trying to go in and assist them, and, just, it 25 would be a much longer conversation. So if you</p>

<p style="text-align: right;">18</p> <p>1 would like, I can sit with you at a break or 2 sometime, and we can go into the details. 3 But, really, just checking in with their 4 governing council and their audit committee to make 5 sure that they're aware and see what kind of support 6 they need. 7 I offer my support and assistance to the 8 business managers. And, you know, we start from 9 there. 10 COMMISSIONER INGHAM: Well, I just know I 11 was at that breakout at the business -- 12 DIRECTOR CORINA CHAVEZ: Spring Budget 13 Workshop. 14 COMMISSIONER INGHAM: At the Spring Budget 15 Workshop. 16 THE CHAIR: Commissioner Ingham, can you 17 pull this down to your mouth? 18 COMMISSIONER INGHAM: Oh, okay. Sorry. 19 That I was at that breakout session, and 20 the State Auditor really threw charter schools under 21 the bus and said, basically, that if we didn't have 22 charter schools dragging us down, we would be fine. 23 And so I don't need -- I don't need to 24 hear that. And I would like to do whatever I can, 25 especially with the schools in my end. So if this</p>	<p style="text-align: right;">20</p> <p>1 Commissioner, you don't do compliance. So, yes, 2 having a discussion about, "Hey, you know, I saw 3 your audit, just want to know..." and having a 4 general conversation. But when it -- when it digs 5 into a little bit more technical pieces -- because 6 this potentially is something that would be voted on 7 in a public meeting, perhaps for action, so that all 8 the information should be the same information that 9 all Commissioners have when they vote, so that a 10 discussion with their business manager, in 11 particular, probably wouldn't be the most 12 appropriate conversation to have, because that's 13 what the Charter School Division does for us. 14 Then they come back and report to us about 15 those discussions. Because you're just there to, 16 you know, kind of be a liaison if there's -- you 17 know, if there's some issues. 18 But when we visit schools, we visit 19 schools as a -- you know, a fun kind of thing. 20 It's -- we do not do compliance, which is why we 21 don't, you know, participate in site visits for -- 22 you know, for that reason. 23 So that -- so it's just, you know, "I'm 24 here, absolutely, you know. I've been aware. You 25 know, if there's anything the Charter School</p>
<p style="text-align: right;">19</p> <p>1 is a particular -- 2 DIRECTOR CORINA CHAVEZ: We're not talking 3 about a particular school right now. 4 But I think, generally, because they are a 5 component unit of the PED, and we have a total of -- 6 was it -- how many, Kimberly? Total findings? 7 MS. KIMBERLY GONZALES: It was, I believe, 8 around 47. And some of them were actually the 9 foundation and not the school. But it was a 10 combination of both. 11 DIRECTOR CORINA CHAVEZ: I think it was 12 close to 106 total audit findings in the PED's audit 13 report that were due to school's audit findings. 14 So I think just you recognizing that it's 15 an issue, being in communication with your schools 16 and letting them know that you're paying attention, 17 letting them know that we're talking about it -- and 18 today, I think we will talk about a couple of 19 schools, putting them on a differentiated Corrective 20 Action Plan. 21 But I'll talk about how we're dealing with 22 all of the audit findings here in a minute. 23 THE CHAIR: Commissioner Gipson. 24 COMMISSIONER GIPSON: So I'm just going to 25 offer a little bit of caution, because, as a</p>	<p style="text-align: right;">21</p> <p>1 Division can do to help support you and, you know, 2 additional training or whatever, to help you along 3 the way," that's -- you know, that's a casual enough 4 conversation. 5 COMMISSIONER INGHAM: That's what I was 6 asking, because I don't want to be out of line, but 7 I want to offer as much help as I can. 8 THE CHAIR: And, you know, Commissioner 9 Ingham, we don't want a school to come back and say 10 "Well, Commissioner Ingham said if I did this and 11 this only, but now he's voting against us," that's 12 segregation of duties as a Commissioner versus a 13 technical support person. 14 DIRECTOR CORINA CHAVEZ: So encourage the 15 school just to do what it needs to do and knowing 16 that the PEC is looking at it. 17 THE CHAIR: Director Chavez, any other 18 updates here? And I'm going to open it up to other 19 questions from the Commission as well. 20 DIRECTOR CORINA CHAVEZ: I think now is 21 the time to ask any questions about the audit 22 itself. 23 Lucy, if you will promote Kimberly to the 24 panel, Kimberly can find the specific place within 25 the audit and share screen if you guys want to look</p>

<p style="text-align: right;">22</p> <p>1 at any parts of the actual audit. But --</p> <p>2 MS. BARNES: I have a question. I was</p> <p>3 trying to find the material weaknesses for one of</p> <p>4 the schools. Is it in document 6a?</p> <p>5 DIRECTOR CORINA CHAVEZ: So Document 6a is</p> <p>6 the -- what? -- how many thousand -- a thousand-plus</p> <p>7 pages that was the actual audit that is on the</p> <p>8 auditor's website. And it is complex, and it has</p> <p>9 lots of information about every single school.</p> <p>10 And then we distilled that information</p> <p>11 into document 6b. But if there's a particular</p> <p>12 question around a particular school or findings --</p> <p>13 MS. BARNES: I was just trying to look --</p> <p>14 COMMISSIONER GIPSON: It's in the full</p> <p>15 audit. You'll find the listing of the material</p> <p>16 weak- -- this just -- you have to -- you can go to</p> <p>17 the schools on the -- in that document and you'll</p> <p>18 find it.</p> <p>19 DIRECTOR CORINA CHAVEZ: That's what we're</p> <p>20 trying to help.</p> <p>21 COMMISSIONER GIPSON: It is all in the</p> <p>22 particular school's audit, the material weak- -- it</p> <p>23 is listed. At least when I looked at it, it was.</p> <p>24 THE CHAIR: And you may -- Ms. Barnes, if</p> <p>25 you're looking at it in preview, you might have to</p>	<p style="text-align: right;">24</p> <p>1 shifted.</p> <p>2 Last year at this time, we were asking</p> <p>3 schools to submit an audit CAP, not to the PED Audit</p> <p>4 Bureau, as written in the performance framework, but</p> <p>5 to our staff so that we could keep track of the</p> <p>6 financial CAP. The person that sat in</p> <p>7 Ms. Gonzales's position a year ago at this time also</p> <p>8 said, "What I'm noticing is that the schools are</p> <p>9 cutting and pasting from the financial audit</p> <p>10 management response what their Corrective Action</p> <p>11 Plan is."</p> <p>12 And that makes a lot of sense. The</p> <p>13 financial audit identifies the audit findings, and</p> <p>14 then schools, managers, management -- that's where</p> <p>15 the audit committee comes in -- are expected to</p> <p>16 provide a response to the auditors about how they</p> <p>17 will fix that audit.</p> <p>18 And that's legitimate. That's specific.</p> <p>19 That's directly tied to each audit finding. And so</p> <p>20 this year, instead of asking schools to cut and</p> <p>21 paste a document and send it to us -- and then maybe</p> <p>22 we get it or they forget to send it to us or it gets</p> <p>23 lost in the mail.</p> <p>24 And this year I was at a school visit</p> <p>25 where I said, "Okay, we are giving you a Working to</p>
<p style="text-align: right;">23</p> <p>1 download it to do a file search or a --</p> <p>2 MS. BARNES: (Inaudible due to off mic.)</p> <p>3 THE CHAIR: Okay. All right. Other</p> <p>4 questions?</p> <p>5 Ms. Chavez, are you finished with your</p> <p>6 report?</p> <p>7 DIRECTOR CORINA CHAVEZ: Happy to answer</p> <p>8 any questions. Otherwise, we can move on to the</p> <p>9 next item.</p> <p>10 THE CHAIR: I don't see any hands raised.</p> <p>11 Well, let's move on to Item No. 7, Discussion and</p> <p>12 Possible Action Under the Intervention Ladder for</p> <p>13 Schools With Significant Fiscal Issues.</p> <p>14 Ms. Chavez, you can continue your report,</p> <p>15 and then if there are any school leadership or</p> <p>16 representatives that are in the audience, we can let</p> <p>17 them in as well.</p> <p>18 DIRECTOR CORINA CHAVEZ: So thank you,</p> <p>19 Chair Brauer. I wanted to share with the Commission</p> <p>20 that one of the things Commissioners should be aware</p> <p>21 of is that in the current performance framework</p> <p>22 that -- that the schools are all under, in the</p> <p>23 financial indicators, there is some language that</p> <p>24 speaks to a financial audit CAP. And over time, the</p> <p>25 interpretation of what this CAP was like has</p>	<p style="text-align: right;">25</p> <p>1 Meet because we didn't get your financial audit</p> <p>2 CAP."</p> <p>3 And they said, "Oh, here it is."</p> <p>4 They created it. They'd been using it.</p> <p>5 They'd been working to make improvements based on</p> <p>6 it, but we didn't receive it.</p> <p>7 So rather than asking them to submit a</p> <p>8 separate document to us called the "Financial Audit</p> <p>9 CAP," I sent a memo to schools.</p> <p>10 So I will call your attention to the</p> <p>11 document under Item No. 7.</p> <p>12 So I sent this memo on April 11th to all</p> <p>13 State charters and their business managers, and just</p> <p>14 reminding them that PED is responsible for</p> <p>15 overseeing all State charter schools and public</p> <p>16 school finances across the state, but, in</p> <p>17 particular, in the Fiscal Year '22 audit report,</p> <p>18 they are a component unit of the PED, that we had</p> <p>19 106 audits, and that the Department requires charter</p> <p>20 schools with findings to submit a Corrective Action</p> <p>21 Plan.</p> <p>22 But for the Fiscal Year '22 audit, rather</p> <p>23 than asking them to send a separate CAP, we are</p> <p>24 considering the management response to be the</p> <p>25 financial audit Corrective Action Plan, unless the</p>

<p style="text-align: right;">26</p> <p>1 PEC determines that there needs to be a more 2 detailed CAP. All right?</p> <p>3 And I did discuss this with some members 4 of the Executive Committee, that there's a few 5 schools that I would say we should have a closer 6 watch on. I'd like to set some timelines. I'd like 7 for Ms. Gonzales to be working more closely with 8 those schools to take a look at the management 9 responses, put people responsible for making the 10 changes and to closely monitor the implementation of 11 that CAP.</p> <p>12 Those three schools that I'm recommending 13 have a more detailed CAP are La Tierra, 14 Las Montañas, and School of Dreams Academy.</p> <p>15 You'll see that the final line in my memo 16 says that the PEC may ask the charter schools to 17 take further action also by creating a more detailed 18 Corrective Action Plan under the intervention 19 ladder.</p> <p>20 So those are the three schools that I 21 would say it would be appropriate to provide a 22 Notice of Concern and to have us work more closely 23 with the school on a Corrective Action Plan.</p> <p>24 THE CHAIR: Ms. Barnes? 25 MS. BARNES: So, obviously, you moved --</p>	<p style="text-align: right;">28</p> <p>1 check-ins is the bottom line, more frequent 2 check-ins with concrete action steps.</p> <p>3 I don't have the plan for that school yet, 4 because what I am proposing is that we work with the 5 school to create the action plan.</p> <p>6 MS. BARNES: I'm just trying to follow the 7 intervention ladder.</p> <p>8 And so to move towards the intervention 9 ladder, we're supposed to have that expectations and 10 outcomes, or they are supposed to have approved a 11 CAP? So I'm just not positive, however you want to 12 address that.</p> <p>13 THE CHAIR: Vice Chair Burt, and then 14 Commissioner Carrillo.</p> <p>15 COMMISSIONER BURT: Two different things. 16 I actually think it's a good point about La Tierra. 17 I feel like we should not bring action -- I would 18 not support action on La Tierra today. We know from 19 the public meeting yesterday they have the ability 20 to appeal. I think depending on the school's 21 actions in the future, that maybe this is something 22 that we might need to bring back up. But as of 23 today, I don't feel like it's even appropriate to 24 do -- do this right now today. 25 But for the other two, I actually do</p>
<p style="text-align: right;">27</p> <p>1 you took action to revoke La Tierra yesterday. So I 2 guess I just want to think about whether taking 3 additional action under the intervention ladder 4 again today makes sense or not.</p> <p>5 And then -- and then -- so that's one 6 thing.</p> <p>7 And then the second is -- so, you know, 8 Chair Brauer just found me La Tierra's management 9 response.</p> <p>10 So here's an example. "The management is 11 aware of the need to disclose certain issues, and 12 the audit committee will work towards higher 13 communication with the auditors in such manner."</p> <p>14 So is -- how would you -- how would that 15 set an expectation? So just on this one example, 16 that feels like a really vague answer they gave.</p> <p>17 DIRECTOR CORINA CHAVEZ: Right. So that's 18 why, for most schools, they can figure it out. For 19 the schools that I'm recommending that we create a 20 more detailed Corrective Action Plan, then we would 21 set steps, such as the school identifies the 22 individuals who sit on the audit committee and 23 convenes them prior to the audit beginning. They 24 have periodic check-ins with us about the audit 25 committee meeting. So there would be more frequent</p>	<p style="text-align: right;">29</p> <p>1 think -- I'm pretty clear about the outcomes and 2 expectations, because they are already required to 3 develop a CAP for -- they're required to develop, 4 like, how they're going to fix these issues with the 5 auditor, with PED. That's already happening.</p> <p>6 All we're determining is if we want to 7 just use that and allow CSD to have extra oversight 8 over it. That's an outcome and expectation.</p> <p>9 Or do we want the school to develop a 10 better, a more descriptive CAP and work with CSD 11 on -- so I don't know. To me, the outcomes and 12 expectations make sense. They're already, for this 13 particular, because it's about the audit, it's 14 already pretty transparent what the outcomes and 15 expectations are, because they're already doing it, 16 and we're just trying to provide additional 17 oversight through CSD.</p> <p>18 MS. BARNES: So just check out the 19 language in the motion. Make sure that that -- I 20 mean, I tried to do it that way, and I just want to 21 make sure if there's something in addition that's 22 going to be created, though, I think it should be in 23 the motion.</p> <p>24 COMMISSIONER BURT: Because it -- 25 generally, when there's a CAP, the school's</p>

30	<p>1 responsible for creating that. We're not creating 2 it for them, anyway. Right.</p> <p>3 THE CHAIR: Missy, is there anyone from 4 the schools that are on? Just want to make sure 5 that we're providing them an opportunity.</p> <p>6 MS. MISSY BROWN: There's a board member 7 from SODA who's here.</p> <p>8 DIRECTOR CORINA CHAVEZ: And 9 Commissioners, I do want to let you know that both 10 Ms. Gonzales and I were part of the site visit team 11 to Las Montañas. We sat down with the school. We 12 talked about the concern over the audit. And we 13 learned that the school has already obtained the 14 services of a retired business manager to work 15 closely with the business manager that's on staff, 16 who is a fairly new, but a full-time, on-site, 17 business manager, which is wonderful.</p> <p>18 And they obtained the services of 19 Ms. Betty Seeley, who we all know has even been a 20 consultant working with us on financial matters.</p> <p>21 So I feel like that school has really 22 gotten started on the implementation of a CAP, and 23 that if we sat down with them, we would certainly 24 document how frequently Ms. Seeley was working with 25 the business manager and what was the scope of the</p>	32	<p>1 do like they did last time with The GREAT Academy. 2 It took eight months or nine months for 3 the Court to render their decision with The GREAT 4 Academy. So I don't want to let all this time go 5 by. This is a very serious issue that needs to be 6 addressed, and I think they need to do that.</p> <p>7 That's the first part. You had your -- 8 THE CHAIR: Commissioner Carrillo, I'm 9 just going to share one thought that I have. I 10 think we -- I think it might behoove us to wait to 11 take an action to see if the school is going to 12 actually file an appeal with the Secretary. If they 13 do file an appeal with the Secretary, we can cross 14 this bridge at that stage.</p> <p>15 I think that would also show just a sense 16 of grace, I think, to the school, given what we just 17 did. And we're not talking about eight months; 18 we're talking about a month. And then we could take 19 action, potentially, in May, if we need to, if they 20 do decide to file an appeal.</p> <p>21 If they don't decide to file an appeal, 22 I -- I would like to give them a little bit of grace 23 and not pile on on this -- on these last two days. 24 That's my -- that's my perspective. Even though we 25 don't take an action today, we can still take an</p>
31	<p>1 mentoring and support that she could provide to the 2 school.</p> <p>3 So I feel like they've already gotten 4 started.</p> <p>5 We also -- I also sat down with SODA and 6 Mr. Ogas and another member of his leadership team. 7 And so he's aware that -- that he would be on the 8 agenda for today and has some context for why they 9 are where they're at, but, also, I think, could 10 appreciate some more frequent check-ins with us to 11 make sure that they're on track.</p> <p>12 THE CHAIR: Commissioner Carrillo, thank 13 you for being patient.</p> <p>14 COMMISSIONER CARRILLO: Me? I'm not 15 patient at all. But you're welcome.</p> <p>16 I think we should have a letter of concern 17 for La Tierra Montessori, because there is -- they 18 have the chance -- and all this stuff takes time -- 19 they have this chance to appeal to the Secretary. 20 Then who knows what they're planning on doing 21 relative to if the Secretary were to uphold our 22 decision, then -- then, honestly, the school's, 23 unfortunately, in its current state, likely to stay 24 open for another year while the district court 25 dillydallies with whatever decision they're going to</p>	33	<p>1 action a month from now.</p> <p>2 COMMISSIONER CARRILLO: When is the -- I 3 appreciate that point of view. Not that I concur, 4 but I appreciate it.</p> <p>5 When is the deadline for them to file 6 their appeal?</p> <p>7 MS. BARNES: Thirty days after they 8 receive our written document. And our written 9 document is due five business days after we receive 10 the transcript.</p> <p>11 So it's probably going to be 15 days, 12 because the written notice refers to the transcript, 13 and we can't refer to the transcript till we have 14 it; so...</p> <p>15 COMMISSIONER CARRILLO: So you're talking 16 a June meeting.</p> <p>17 THE CHAIR: June, yeah.</p> <p>18 DIRECTOR CORINA CHAVEZ: So may I ask -- 19 COMMISSIONER CARRILLO: I'm not done.</p> <p>20 DIRECTOR CORINA CHAVEZ: Okay. Well, I 21 was just wondering about the date count. Because I 22 think -- doesn't statute say 30 days after the 23 decision is made?</p> <p>24 MS. BARNES: No. The -- and we've checked 25 it. They have 30 days after receipt of the</p>

34	<p>1 decision, which is the written document from the 2 PEC.</p> <p>3 And there was a stipulation by counsel. 4 So it's -- it's triggered by when they receive the 5 document. We talked to counsel about the need for 6 the transcript, and that stipulation was put in the 7 record.</p> <p>8 COMMISSIONER CARRILLO: Okay. So if it's 9 30 days after that receipt, so when do we reasonably 10 expect -- is this done by certified mail so we know 11 when they received it? Is it a read receipt? 12 Electronic?</p> <p>13 MS. BARNES: It's done by e-mail.</p> <p>14 COMMISSIONER CARRILLO: Okay. So it's 15 reasonable to say, obviously, the moment we send it, 16 they'll receive it. So when are we sending it?</p> <p>17 MS. BARNES: Within five days of -- I 18 mean -- no. So the -- the motion that's going to 19 form the basis of the letter is ready. All of the 20 exhibits, we're going to refer to each of the 21 exhibits to prove that. But that's largely -- we've 22 largely already done that.</p> <p>23 But we need to wait for Cindy's transcript 24 and then do that process. So we have five business 25 days to do that.</p>	36	<p>1 just, you know, they received it?</p> <p>2 DIRECTOR CORINA CHAVEZ: Because we look 3 at the audit findings, and because there is 4 performance framework indicators directly tied to 5 that, and if they don't have a green, in a sense 6 that's the threshold; right? In a sense that's when 7 Kimberly really knows to focus in on questioning 8 around what the school is doing to have those audit 9 findings and to not have them the next year.</p> <p>10 So I don't know if that helps.</p> <p>11 COMMISSIONER CARRILLO: It helps. But 12 let's -- so I'm looking here specifically at -- in 13 this moment. And not to pick on these schools, but 14 if they feel picked on, that's their own issue.</p> <p>15 I'm looking at Estancia Valley Classical, 16 and I'm looking at Monte del Sol Charter. You know, 17 Monte Del Sol Charter has a total of seven findings. 18 Estancia, ten.</p> <p>19 So at what point do we send them -- and, 20 yeah, there might be a yellow. But there's no 21 orange between yellow and red. I mean, at what 22 point do we issue a Letter of concern?</p> <p>23 THE CHAIR: Commissioner Carrillo, we have 24 to only focus in on the schools that are on the 25 agenda for right now as well.</p>
35	<p>1 COMMISSIONER CARRILLO: Cindy's transcript 2 is included in that five days?</p> <p>3 MS. BARNES: No. Cindy has ten days to 4 give you a transcript.</p> <p>5 COMMISSIONER CARRILLO: Do you see how 6 this is going? That's my concern is -- because then 7 all of a sudden, Mr. Zamora and the school -- it's 8 too long. No, I will not agree to that. I think 9 that we need -- I don't consider it piling on. I 10 consider it the natural progression of events, given 11 their audit findings and their plethora of audit 12 findings.</p> <p>13 So as much as I appreciate your not 14 wanting -- your wanting to have -- use the word 15 "grace," it's nothing to do with grace. This is 16 business. They screwed up. We need to send them a 17 Notice of Concern. I believe that, and I would hope 18 that my other Commissioners would feel likewise.</p> <p>19 So that's the first part of what I'm 20 saying. And, actually, Ms. Gonzales may be able to 21 answer this.</p> <p>22 Is there -- or Ms. Chavez -- is there a 23 threshold when all of a sudden they move from this 24 category of the three that we're discussing on our 25 agenda today to greater attention, if you will, than</p>	37	<p>1 COMMISSIONER CARRILLO: Well, I'm looking 2 at -- this piece is an exhibit that was on the 3 agenda. So I'm just asking about a threshold, not 4 asking to take -- I'm not saying we should today 5 vote on any of that. That's not what I'm doing at 6 all. I'm asking where is the threshold that we do?</p> <p>7 THE CHAIR: I understand your sentiment, 8 for sure. We are on No. 7, and we're talking about 9 those -- specifically, those three schools. So, 10 Ms. Chavez, I think we could talk about some of 11 these at another time, but I want to make sure we're 12 being diligent.</p> <p>13 DIRECTOR CORINA CHAVEZ: Sure. And I 14 would say that that's what our team did. We looked 15 at the audit. We picked out the schools that we 16 felt were the most severe. Those were the three 17 schools that we're now recommending that you issue a 18 Notice of Concern and that we work closely with to 19 develop a more detailed Corrective Action Plan so 20 that we're working with them.</p> <p>21 COMMISSIONER CARRILLO: Okay. So in 22 keeping with the spirit of the agenda item, at what 23 point -- like, for instance, you chose these three. 24 Where did you, in your mind, have that cutoff where 25 you didn't include another three?</p>

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1 DIRECTOR CORINA CHAVEZ: Right. So -- so
 2 we looked at the most severe. We could have had
 3 14 Corrective Action Plans and notices. And I felt
 4 like that was too many, and that we are already
 5 focusing the schools on the audit in a more
 6 intentional way as part of our site visits that I
 7 don't know has happened in the past.
 8 Kimberly can probably speak to when she's
 9 doing the site visits and asking the questions. And
 10 we've had some schools, like, come back and say,
 11 "Oh, you've changed the way you're looking at us,"
 12 and we're, like, "No, this indicator has always been
 13 there, but, yeah, we are looking at the specific
 14 audit findings and having that discussion with you."
 15 I think that we don't want to have
 16 14 Notices of Concern and separate Corrective Action
 17 Plans to monitor more frequently than at next year's
 18 annual visit.
 19 That said, I do think that we work very
 20 closely when the audit is happening and the auditors
 21 let us know if there's concerns. And as you've seen
 22 before, we let the school know if there's concerns
 23 that are happening during the audit.
 24 But that's -- that's how we -- we chose
 25 the schools that had disclaimers, which means they

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1 weren't working closely with the auditor, and the
 2 schools that we felt had the most audits and the
 3 most severe audits.
 4 COMMISSIONER CARRILLO: Thank you.
 5 THE CHAIR: Commissioner Carrillo, I also
 6 want to --
 7 MS. KIMBERLY GONZALES: I just want to add
 8 one other thing. We also look at whether or not
 9 it's a significant deficiency or a material
 10 weakness.
 11 So if it has one of those, that is telling
 12 us that there's been a repeat of the finding. So
 13 that's what made us determine, like, the 14, because
 14 of the severity of the (inaudible due to mic
 15 issues).
 16 THE CHAIR: Commissioner Carrillo, I did
 17 want to share that if there are other schools you
 18 would like to discuss in the upcoming meeting,
 19 Agenda Item 14 would be an opportunity as well, if
 20 there's ones after you review that you feel like we
 21 would to -- okay.
 22 COMMISSIONER CARRILLO: Yes.
 23 THE CHAIR: Commissioner Manis.
 24 COMMISSIONER MANIS: I guess I was unaware
 25 that we went past No. 6, because I felt like that

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1 No. 6, that's where we could bring up some of the
 2 schools. Like, I have three or four that I've
 3 pointed out myself after looking at the audit
 4 findings that they have significant deficiencies,
 5 that, to me -- significant deficiencies and material
 6 weaknesses -- they should be included on the list
 7 for No. 7.
 8 So I guess I was unaware we moved to No. 7
 9 before we finished our discussion of 6 to be able to
 10 include schools on No. 7 that may not already be
 11 there.
 12 THE CHAIR: Commissioner Manis, your point
 13 is well-taken. We did have that opportunity to do
 14 that. If we do need to revisit this Agenda Item
 15 No. 14, we can discuss others for the upcoming --
 16 the upcoming meeting in May as well. I felt like we
 17 had some space to do that.
 18 I did ask. I did not see any other hands
 19 come up after we talked about a few schools.
 20 COMMISSIONER MANIS: And maybe I just
 21 missed it was the thing. So thank you.
 22 THE CHAIR: Commissioner Carrillo.
 23 COMMISSIONER CARRILLO: Procedurally,
 24 you're allowed, as Chair, if he -- if Commissioner
 25 Manis wanted to bring up something on 6, I think

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1 that you have the discretion, as Chair, to go back
 2 to Item 6.
 3 THE CHAIR: Well, if you're right,
 4 Commissioner Carrillo, I think that -- I think we
 5 can -- I feel comfortable with sticking on No. 7
 6 right now. If we feel that after we review some of
 7 the other ones that we're noticing we may want to
 8 take action on, I think that we can address those in
 9 an upcoming meeting as well.
 10 And we're not losing that much time in
 11 terms of taking action with them. So if there are
 12 others that the Commissioners are interested in
 13 exploring more information, this will give the CSD a
 14 chance to dig deeper and provide us more detailed
 15 understandings about what they've done so far with
 16 the schools, any actions that they've taken, as well
 17 as give us an opportunity to review a little bit
 18 more. So that's where my mind is.
 19 Vice Chair?
 20 COMMISSIONER BURT: I do think we can
 21 bring up schools next month. But I think we would
 22 definitely need to -- like, I -- we have to do that,
 23 especially if we're, like, considering maybe
 24 possibly sending out a Letter of Concern based off
 25 of it, you know.

<p style="text-align: right;">42</p> <p>1 So if Commissioner Manis saw something in 2 there, and he's, like, "Actually, I feel like 3 there's something really big, I'd like to...," they 4 probably should get a Letter of Concern as well. We 5 would need to wait to do that until next month. 6 But I'm also wondering if there's -- 7 'cause I think if we did that, then the school would 8 get listed, it would probably get anxious over the 9 course of the next month, and then getting the 10 notice that we're going to be talking about next 11 month. 12 Whereas, I'm wondering if we do go back to 13 6, let Commissioner Manis bring up those couple of 14 schools, because if there's answers that we can give 15 right now to where we don't feel like they need to 16 be brought back up next month, it actually might be 17 better to kind of, like, get it out of the way so 18 that they're not kind of hanging in the -- I'm just 19 thinking from the school perspective of, like, "I 20 don't want to be sitting out there for a month, 21 like, now I have to get ready and respond to an 22 audit," when maybe, like if we waited till next 23 month to bring it up, it's, like, "Oh, well, here's 24 this response. Oh. Never mind. This wouldn't be a 25 notice of concern, and, like, I get it now."</p>	<p style="text-align: right;">44</p> <p>1 get into the rigmarole of -- I just want to make 2 sure -- 3 COMMISSIONER GIPSON: I'm not talking 4 about doing a Letter of Concern, but looking at 5 identifying these schools. And their responses to 6 the audit would be populated into the materials for 7 next month's meeting so that we would be able to 8 look at those, and those responses may alleviate 9 Commissioners' concerns about the school, because 10 they're comfortable with how the school is 11 addressing the audit issues. And then it doesn't 12 have to go any further than that. 13 THE CHAIR: And then I do want us to 14 finish up No. 7. And then, since I'm feeling 15 consensus from all sides of the room and on the 16 Zoom, we'll slip back to 6. But, yeah, go ahead 17 Ms. Barnes. 18 MS. BARNES: I -- I think, given what 19 you're saying, though, I don't -- unless one of you 20 wants to put it on or -- and give them the ten-day 21 notice, I agree with everything you said, except I 22 don't know why you would put it in the meeting 23 minutes next month. 24 If you go back to 6, and if Commissioner 25 Manis raises something and is, like, "Okay, good, I</p>
<p style="text-align: right;">43</p> <p>1 Maybe it might be good to go back -- I 2 still feel like we should finish 7. It might be 3 good to go back, just to see if, like, Commissioner 4 Manis is going to bring up something that would lead 5 to a Letter of Concern, and maybe not, or it can 6 just get resolved today and the school doesn't need 7 to be put on notice for next month. 8 COMMISSIONER GIPSON: So I just have a 9 question. 10 So have the schools already -- they've 11 already prepared and done their response, so that -- 12 yeah. So I agree that if we could look at those 13 responses, that might be sufficient enough to say -- 14 so if we had those schools listed out, Commissioner 15 Manis, you know, identifies those, then those 16 responses could be put into the next month's 17 minutes, and that might be sufficient enough to say, 18 "Okay, this is how they responded to it, we're okay 19 with it," if that's okay with Commissioner Manis. 20 DIRECTOR CORINA CHAVEZ: So -- 21 THE CHAIR: And I'm just -- sorry, 22 Ms. Chavez. 23 And I just want the Commission to just be 24 cautious about us, you know, moving into a -- we're 25 going to send a Letter of Concern. Then, like, we</p>	<p style="text-align: right;">45</p> <p>1 see what you said, I see why we don't need to worry 2 about it," we don't need to put the school in the 3 meeting minutes next month. It's right here. It's 4 right here in the meeting minutes right now. 5 If, on the other hand, you said, for 6 School X, "No, I want to add them," then they would 7 be added in a similar way to the three schools right 8 now, and then you could have that conversation. But 9 only if you might -- 10 COMMISSIONER GIPSON: I'm getting 11 confused. So the responses are already here? 12 Okay. You're right. They're in the 13 audit. 14 MS. BARNES: Yes. 15 COMMISSIONER GIPSON: So I guess -- I get 16 that. So -- and I guess what I meant by the meeting 17 minutes, that could just be re-populated in, because 18 it's already there. But if it's -- 19 MS. BARNES: You're not going to move 20 forward with any action. If Commissioner Manis 21 raises a school and then is satisfied that this body 22 doesn't need to take any action, you don't need to 23 put anything in next month's meeting. 24 If there's another school, a fourth school 25 or a fifth school, that you do want to look at, then</p>

46	<p>1 you will give them the notice, just like Director 2 Chavez gave these three schools ten days ago, and 3 you'll just repeat the process. So... 4 COMMISSIONER GIPSON: Right. I thought 5 that's -- so maybe I didn't make myself clear, 6 because I thought that's what we were doing. 7 THE CHAIR: All right. Are we ready for 8 any motions? 9 Commissioner Carrillo. 10 COMMISSIONER CARRILLO: I'll let somebody 11 else make the motion. 12 So I imagine we're taking these things, 13 each of these schools, individually. 14 Okay. Then I'll make the motion. 15 I don't have language in front of me -- 16 (Off-mic discussion.) 17 COMMISSIONER CARRILLO: Yeah. But you 18 might not agree with my motion. 19 I'm sorry, Julia. What did you say to me? 20 MS. BARNES: For Las Montañas and School 21 of Dreams, I have draft motions presented. I can 22 pretty quickly do one for La Tierra. And if 23 somebody started with the other two, I could 24 populate it. 25 COMMISSIONER CARRILLO: Oh, okay. Can I</p>	48	<p>1 I further move that Las Montañas Charter 2 High School must meet the expected outcomes and 3 deadlines identified in audit finding and the 4 management response to the audit findings, and that 5 CSD report back to the PEC on progress of the school 6 and recommend, when possible, to put the school back 7 in good standing, or, if necessary, to take further 8 action on the intervention ladder. 9 THE CHAIR: Do we have a second? 10 COMMISSIONER GIPSON: Second. 11 THE CHAIR: All right. Discussion of this 12 motion. 13 Any discussion from the Commission? 14 (No response.) 15 THE CHAIR: Seeing none, let's go ahead 16 and do a roll-call vote. 17 COMMISSIONER BURT: Chair Brauer. 18 THE CHAIR: Yes. 19 COMMISSIONER BURT: Commissioner Carrillo. 20 COMMISSIONER CARRILLO: Yes. 21 COMMISSIONER BURT: Commissioner Burt, 22 yes. 23 Commissioner Taylor. 24 COMMISSIONER TAYLOR: Yes. 25 COMMISSIONER BURT: Commissioner Ingham.</p>
47	<p>1 wing it? Does it have to be so specific? 2 MS. BARNES: Let me just fix it real 3 quick. So somebody start with the other schools. 4 COMMISSIONER GIPSON: Because it's number 5 one, I think it could be critically important, so 6 you don't want to wing it. 7 But I think -- I don't see why you 8 couldn't just superimpose La Tierra Montessori into 9 the motions that's already there. 10 COMMISSIONER CARRILLO: Okay. Why don't 11 you start with -- Chair, if we do B and C first, and 12 we'll come back to A, and I'll have a motion for A. 13 COMMISSIONER GIPSON: Don't mess with the 14 one I'm going to read. 15 THE CHAIR: Can I entertain a motion? 16 Vice Chair Burt. 17 COMMISSIONER BURT: I move that the Public 18 Education Commission place Las Montañas Charter High 19 School on the intervention ladder and issue a Notice 20 of Concern for failure to comply with laws and the 21 charter contract regarding fiscal management under 22 Section 5(4), as reflected in the audit findings for 23 the Public Education Department, fiscal statements, 24 and supplementary information for the year ending 25 2022.</p>	49	<p>1 COMMISSIONER INGHAM: Yes. 2 COMMISSIONER BURT: Commissioner Manis. 3 COMMISSIONER MANIS: Yes. 4 COMMISSIONER BURT: Commissioner 5 Clahchischilliage. 6 COMMISSIONER CLAHCHISCHILLIAGE: Yes. 7 COMMISSIONER BURT: And Commissioner 8 Gipson. 9 COMMISSIONER GIPSON: Yes. 10 COMMISSIONER BURT: That passes 11 unanimously. 12 COMMISSIONER GIPSON: Okay. Ready? 13 THE CHAIR: Commissioner Gipson. 14 COMMISSIONER GIPSON: So I move that the 15 Public Education Commission place -- I don't know 16 why it's "Law School of Dreams" -- School of Dreams 17 Academy -- on the intervention ladder and issue a 18 Notice of Concern for failure to comply with laws 19 and the charter contract regarding fiscal management 20 under Section 5(4), as reflected in the audit 21 findings for the Public Education Department, fiscal 22 statements, and supplementary information for the 23 year ending 2022. 24 I further move that the School of Dreams 25 Academy must meet the expected outcomes and</p>

50	<p>1 deadlines identified in audit finding and the</p> <p>2 management response to the audit findings, and that</p> <p>3 the CSD report back to the PEC on the progress of</p> <p>4 the school and recommend, when possible, to put the</p> <p>5 school back in good standing, or, if necessary, to</p> <p>6 take further action on the intervention ladder.</p> <p>7 COMMISSIONER BURT: Second.</p> <p>8 THE CHAIR: Thank you. We have a second.</p> <p>9 Now we're into discussion of the motion.</p> <p>10 (No response.)</p> <p>11 THE CHAIR: Commissioners, I see no</p> <p>12 discussion at this time. Let's do a roll-call vote.</p> <p>13 COMMISSIONER BURT: Commissioner Ingham.</p> <p>14 COMMISSIONER INGHAM: Yes.</p> <p>15 COMMISSIONER BURT: Commissioner</p> <p>16 Clahchischilliage.</p> <p>17 COMMISSIONER CLAHCHISCHILLIAGE: (So</p> <p>18 indicates.)</p> <p>19 THE CHAIR: I think we have to hear you.</p> <p>20 COMMISSIONER BURT: I'll come back to you.</p> <p>21 We have to hear you. I'll give you one more second.</p> <p>22 Just try to push your space bar.</p> <p>23 COMMISSIONER CLAHCHISCHILLIAGE: Okay.</p> <p>24 There we go. Yes.</p> <p>25 COMMISSIONER BURT: Thank you.</p>	52	<p>1 fiscal management under Section 5(4) as reflected in</p> <p>2 the audit findings for the Public Education</p> <p>3 Department, fiscal statements, and supplementary</p> <p>4 information for the year ending 2022.</p> <p>5 I further move that La Tierra Montessori</p> <p>6 School for the Arts and Sciences must meet the</p> <p>7 expected outcomes and deadlines identified in the</p> <p>8 audit finding and management response to the audit</p> <p>9 findings.</p> <p>10 I further move that La Tierra Montessori</p> <p>11 School for the Arts and Sciences must meet the</p> <p>12 expected outcomes and deadlines identified in the</p> <p>13 audit finding and the management response to the</p> <p>14 audit findings, and that CSD report back to the PEC</p> <p>15 on the progress of the school.</p> <p>16 COMMISSIONER TAYLOR: Second.</p> <p>17 THE CHAIR: Hearing a second, we'll move</p> <p>18 into discussion of this motion. Seeing no -- oh,</p> <p>19 sorry. I didn't see -- I looked over at you first</p> <p>20 and didn't see anything.</p> <p>21 Commissioner Gipson, and then Vice Chair</p> <p>22 Burt.</p> <p>23 COMMISSIONER GIPSON: Okay. You know,</p> <p>24 I -- I think this is like pouring salt into a wound</p> <p>25 at this moment in time. The school already has to</p>
51	<p>1 Commissioner Gipson.</p> <p>2 COMMISSIONER GIPSON: Yes.</p> <p>3 COMMISSIONER BURT: Commissioner Manis.</p> <p>4 COMMISSIONER MANIS: Yes.</p> <p>5 COMMISSIONER BURT: Commissioner Taylor.</p> <p>6 COMMISSIONER TAYLOR: Yes.</p> <p>7 COMMISSIONER BURT: Commissioner Carrillo.</p> <p>8 COMMISSIONER CARRILLO: Yes.</p> <p>9 COMMISSIONER BURT: Commissioner Brauer.</p> <p>10 THE CHAIR: Yes.</p> <p>11 COMMISSIONER BURT: And Commissioner Burt,</p> <p>12 yes.</p> <p>13 That passes unanimously.</p> <p>14 THE CHAIR: Thank you, Vice Chair.</p> <p>15 Any other motions?</p> <p>16 COMMISSIONER CARRILLO: Oh, yes. I'm</p> <p>17 sorry.</p> <p>18 THE CHAIR: Commissioner Carrillo.</p> <p>19 COMMISSIONER CARRILLO: Yes, sir.</p> <p>20 I'd like to make a motion relative to 7a.</p> <p>21 And that is, I move that the Public Education</p> <p>22 Commission place La Tierra Montessori School for the</p> <p>23 Arts and Sciences on the intervention ladder and</p> <p>24 issuing a notice of concern for failure to comply</p> <p>25 with the laws and the charter contract regarding</p>	53	<p>1 provide a response to -- and has already provided a</p> <p>2 response to the audit finding and has to carry that</p> <p>3 out regardless of what happened yesterday. So I</p> <p>4 don't think it delays anything at this point in</p> <p>5 time.</p> <p>6 And, you know, I think timing has a lot to</p> <p>7 do with it. And I just think it's really not -- I</p> <p>8 don't see why they should get that devastating</p> <p>9 letter that they've been closed, and then, "Oh, and</p> <p>10 by the way, we're also putting you as a Letter of</p> <p>11 Concern." I don't see the -- I don't see the</p> <p>12 purpose of it at this moment in time.</p> <p>13 The school still has to respond. The</p> <p>14 school still has to do whatever Corrective Action</p> <p>15 Plan that they've created, so that it doesn't --</p> <p>16 this isn't asking them to do, really, anything</p> <p>17 different than they would already have to do.</p> <p>18 And I would think that we're just a little</p> <p>19 bit better than that at this point in time to be</p> <p>20 able to deal with them in a more thoughtful and kind</p> <p>21 manner right now.</p> <p>22 THE CHAIR: Thank you, Commissioner. Vice</p> <p>23 Chair Burt.</p> <p>24 COMMISSIONER BURT: I think I have a</p> <p>25 mildly different reason why I won't support it. And</p>

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1 it's that as far as my -- as far as I know, the
 2 school will be closed at the end of this school
 3 year. And so I don't see it being -- I think that's
 4 what we voted on yesterday.
 5 And so at this very moment, today, telling
 6 them to do additional work besides helping get their
 7 students prepared to move to a different school next
 8 year, helping their families figure out their next
 9 moves, figuring out how to close their building, how
 10 to get their records right and move down that path
 11 is where I see that's the next steps based off of
 12 the Commission action that was taken yesterday.
 13 So having them do additional work on
 14 something that was two years ago, like, all these
 15 audit findings were from two school years -- like, a
 16 school year and a half ago. So to me, it just
 17 doesn't make sense for the action that we took
 18 yesterday.
 19 And so -- and like I said, I think if --
 20 if the school were to do something different, and if
 21 there's some other decision that we need to consider
 22 because the school will be open for some reason next
 23 year, then I would -- I would like to bring the
 24 school back and issue a Letter of Concern at that
 25 time. I just don't think today's the right time for

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1 me.
 2 THE CHAIR: I'll just share really
 3 quickly, and then Commissioner Taylor.
 4 The terminal level of the ladder of
 5 intervention was executed yesterday, which was
 6 revocation. And we voted as a body to revoke the
 7 charter of the school.
 8 Commissioner Taylor.
 9 COMMISSIONER TAYLOR: So, yeah, that --
 10 that is a perspective I hadn't thought about.
 11 My -- my thought process was is that
 12 although we voted to revoke the charter, the school,
 13 as of now, it's open; right? It's -- it hasn't --
 14 it's still in operation. It's still open.
 15 And under those terms, I feel like we need
 16 to treat this school as we would any other school
 17 that has that many audit findings.
 18 So I do feel like it's an appropriate move
 19 on our behalf, and I don't think that -- that -- I'm
 20 a man of grace, typically, you know. And I don't
 21 think this has -- I don't view this as a grace
 22 matter. I view this as a procedural matter, that we
 23 need to follow the procedures that we would with
 24 every other school that's in operation currently.
 25 So...

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1 THE CHAIR: Ms. Chavez, I don't think you
 2 can discuss this right now because we're in a motion
 3 right now.
 4 And then Vice Chair Burt, and then
 5 Commissioner Carrillo.
 6 COMMISSIONER BURT: I think I'm just going
 7 to go with what Commissioner Brauer said. Yesterday
 8 we included this audit in their revocation grounds.
 9 Like, we literally revoked them as part of one of
 10 these audits.
 11 So sending a Letter of Concern is actually
 12 diminishing what we did yesterday. To me, like, why
 13 would we send -- we revoked them on the ground of
 14 fiscal mismanagement. We revoked them. That's like
 15 the furthest -- it's like taking this Letter of
 16 Concern, and, like, we did the breach already. We
 17 did the -- like, we revoked yesterday based off of
 18 this. So we're doing a second action that's lesser.
 19 That doesn't -- that's what I'm saying.
 20 It just doesn't quite -- the timing doesn't make
 21 sense right now.
 22 THE CHAIR: Commissioner Carrillo.
 23 COMMISSIONER CARRILLO: To me it's about
 24 the timing. So you give notice for your job. You
 25 give two weeks' notice. You're still connected to

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1 do the job for the next two weeks, even though
 2 you've given your notice, just like in the real
 3 world or private sector. This, to me, is a
 4 procedural necessity. It's a school still in
 5 operation.
 6 We have no guarantee that the revocation
 7 is going to be upheld, either by the Secretary, or
 8 we have no guarantee that they're not going to go to
 9 District Court. And probably the immediate decision
 10 of District Court, like it was with The GREAT
 11 Academy, is to issue a stay and let the school
 12 operate for another year.
 13 And lived through it. Was extremely
 14 disappointed, as many were, with that District Court
 15 decision. So this is a school still in operation.
 16 They need to abide by the rules, just as all of the
 17 other schools in operation need to abide by the
 18 rules.
 19 And it's the timelines that worry me the
 20 most. And certainly not trying to pile anything on.
 21 This is just a matter to me of procedural necessity.
 22 THE CHAIR: Thank you, Commissioner
 23 Carrillo.
 24 Commissioner Ingham.
 25 COMMISSIONER INGHAM: Can I ask a

58	<p>1 question? If they are -- if they are not going to 2 file an appeal, wouldn't they just ignore this? In 3 other words, if you're -- if you're not going to 4 file an appeal, and you're ready to -- to close the 5 school, then you would take this notification and 6 drop it in File 13.</p> <p>7 If you are going to file a -- an appeal, 8 then -- then this would be something that might even 9 encourage you not to file an appeal, just because 10 it's one more thing that you would have to answer to 11 in the process.</p> <p>12 So in some ways I'm arguing for Steve's 13 deal, in that I see them ignoring this if they're 14 ready to -- if they're ready to give up and not file 15 an appeal.</p> <p>16 I wouldn't see that it would bother them a 17 bit what Steve's proposing. If they are going to 18 appeal, then this is going to give them one more 19 notice of something that they're going to have to 20 attend to in the meantime, along with the appeal. 21 That's -- I just -- am I viewing this correctly?</p> <p>22 THE CHAIR: Thank you, Commissioner 23 Ingham.</p> <p>24 One more thing, Commissioner Carrillo, and 25 I'd like to go into a vote.</p>	60	<p>1 COMMISSIONER BURT: Commissioner Brauer. 2 THE CHAIR: No.</p> <p>3 COMMISSIONER BURT: Commissioner Taylor. 4 COMMISSIONER TAYLOR: Yes.</p> <p>5 COMMISSIONER BURT: Commissioner Burt, no. 6 Commissioner Manis.</p> <p>7 COMMISSIONER MANIS: Yes.</p> <p>8 COMMISSIONER BURT: Commissioner Ingham. 9 COMMISSIONER INGHAM: Yes.</p> <p>10 COMMISSIONER BURT: Commissioner Gipson. 11 COMMISSIONER GIPSON: No.</p> <p>12 COMMISSIONER BURT: Commissioner 13 Clahchischilliage.</p> <p>14 COMMISSIONER CLAHCHISCHILLIAGE: No. 15 THE CHAIR: The motion -- it's four-four, 16 so the motion fails.</p> <p>17 Can we just check to see if Commissioner 18 Armijo was on? I know -- I see her face. But, 19 Commissioner Armijo, are you back with us? 20 (No response.)</p> <p>21 THE CHAIR: I just wanted to make sure. 22 Yeah. Maybe, Missy, is it possible to take her off, 23 just so -- if she's not here, I don't get the 24 impression that she is here? 25 (Off-the-record discussion.)</p>
59	<p>1 COMMISSIONER CARRILLO: Yes, you're 2 viewing this correctly. And if -- if they were 3 filing for an appeal, this would put, at probably 4 the top of their to-do list, something they've got 5 to take care of, as opposed to all of those other 6 items that were listed in yesterday's motion.</p> <p>7 THE CHAIR: Thank you. Seeing no other 8 comments, either on zoom or here, let's go ahead and 9 do a roll-call vote.</p> <p>10 This is the longest motion discussion that 11 I've had in the four months that I've been here. So 12 I appreciate everyone's thinking behind this.</p> <p>13 I had -- it may be longer, Commissioner 14 Gipson, but I just want to appreciate everyone for 15 sharing their viewpoints. I think this is 16 important, and I think this shows the heaviness of 17 the work that we do.</p> <p>18 Thank you.</p> <p>19 COMMISSIONER BURT: Commissioner Carrillo. 20 COMMISSIONER GIPSON: (Inaudible due to 21 off-mic.)</p> <p>22 COMMISSIONER CARRILLO: Patti was talking, 23 so I didn't hear what you said.</p> <p>24 COMMISSIONER BURT: Commissioner Carrillo. 25 COMMISSIONER CARRILLO: Yes.</p>	61	<p>1 THE CHAIR: All right. So I think we're 2 not moving on. I think we're going back. Go ahead.</p> <p>3 MS. BARNES: So Director Chavez raised a 4 question on the language of the motion on the two 5 that passed, because CSD would like to work in 6 detail with those schools to develop more details 7 than just the management response for those two 8 schools.</p> <p>9 I think, just confirming that everyone 10 understands that, the Chair can put that in the 11 letter, and I think that that allows her to do that, 12 because it is in the audit findings. And then the 13 management response. And then it will be clear in 14 the record that CSD will develop a further document.</p> <p>15 Does that satisfy -- okay. That will be 16 in the letter from you, Chair, on the two that 17 passed.</p> <p>18 THE CHAIR: We're going to revert back to 19 Item No. 6. Commissioner Manis.</p> <p>20 COMMISSIONER MANIS: Thank you. And thank 21 you for your willingness to go back to Item No. 6.</p> <p>22 I had looked through the -- both the full 23 fiscal year of 2022 PED audit and the -- the other 24 audit findings for PEC meeting. And I tried to 25 decipher which schools that I had picked out from</p>

<p style="text-align: right;">62</p> <p>1 the audit finding document, 6b, that had actually 2 resolved some of their issues.</p> <p>3 And so the ones that I had pointed out 4 initially were Red River Valley Charter School, 5 J. Paul Taylor, Estancia Valley Classical Academy, 6 Aldo Leopold, and then The GREAT Academy Foundation.</p> <p>7 And I just wanted to clarify with Director 8 Chavez that in the documents, which I guess should 9 be -- I'm trying to go here -- 6a -- that way -- I 10 guess it's, like, in the -- it's Page No. 287 of 11 that long, long, long document -- that they -- the 12 things that say "Resolved," are those things that 13 have been resolved for the current issues? Or are 14 those past resolved issues? Just for clarification.</p> <p>15 DIRECTOR CORINA CHAVEZ: Let's bring up 16 the audit and go to Page 280, you said?</p> <p>17 COMMISSIONER MANIS: Yeah. It's -- if 18 you're looking at the PDF, the PDF page says 298 on 19 my screen. But in the actual document itself, it's 20 Page 287. Just so I'm clear on what that is.</p> <p>21 Probably just still loading. And I could 22 share my screen if you wanted me to. I have it up 23 as well.</p> <p>24 DIRECTOR CORINA CHAVEZ: Okay. So we're 25 looking at the Walatowa?</p>	<p style="text-align: right;">64</p> <p>1 whether the Fiscal Year 2022 audit findings are 2 resolved until Fiscal Year '23 audit comes out.</p> <p>3 But if there was an audit, let's say -- 4 and I don't know if this is true. But let's just 5 say that one of the schools you see here, 6 Albuquerque Bilingual, had a second audit, but it 7 wasn't resolved, then it would be listed in Fiscal 8 Year 2022 audit findings as a repeat.</p> <p>9 COMMISSIONER MANIS: Understand. Okay.</p> <p>10 So with that being said, I guess looking 11 at 6b, the reason why I picked out some of the -- 12 some of these schools is because it was noted that 13 they had significant deficiency. And, for example, 14 if we look at -- I'm trying to go here.</p> <p>15 DIRECTOR CORINA CHAVEZ: Can we scroll 16 down? Because I think if we -- it's great that we 17 see a lot of "Resolved," but you also see some 18 "Repeat."</p> <p>19 COMMISSIONER MANIS: Right. Yeah. I 20 guess I'm going back to 6b, the -- the more 21 summarized version of the Fiscal Year 2022 audit 22 findings.</p> <p>23 DIRECTOR CORINA CHAVEZ: Okay.</p> <p>24 COMMISSIONER MANIS: The -- what I had 25 really, I guess, focused on were the schools that</p>
<p style="text-align: right;">63</p> <p>1 COMMISSIONER MANIS: No, it's not that 2 one. It's -- yes, starting at this point, yeah. So 3 if we scroll down, there's Aldo Leopold, and there's 4 the schools. So are those --</p> <p>5 DIRECTOR CORINA CHAVEZ: So these are 6 referencing Fiscal Year '21. Do you see on the far 7 right-hand column under the name of the school?</p> <p>8 COMMISSIONER MANIS: Yes. So these are 9 previous audit findings; correct?</p> <p>10 DIRECTOR CORINA CHAVEZ: Yes.</p> <p>11 COMMISSIONER MANIS: Okay. So I just 12 wanted to understand if the current audit findings, 13 if they -- if those have been looked at. Has any 14 resolved or -- because I didn't see that anywhere. 15 I looked through the 1,200 pages and couldn't find 16 if they had a -- if there was a note in here that 17 said 2022 -- example, just like this 2021, if there 18 was a 2022 version that listed any of these that had 19 been resolved up to this point, or if we're not at 20 that stage. So that's just a point of clarification 21 for me.</p> <p>22 DIRECTOR CORINA CHAVEZ: Okay. So because 23 the audit for Fiscal Year 2022 tells us whether 24 audit findings from Fiscal Year '21 were resolved or 25 not, that's all we know about -- we don't know</p>	<p style="text-align: right;">65</p> <p>1 had the significant deficiency, like J. Paul Taylor. 2 Aldo Leopold had that significant deficiency. And I 3 believe that's a repeat. They had two repeats.</p> <p>4 So my question if on some of those that 5 have the significant deficiency and repeats, why 6 they weren't included, or -- you know, because I -- 7 I tried to go through that 6a to see if they had a 8 response or anything like that. And it was just too 9 hard to -- to pull that out.</p> <p>10 DIRECTOR CORINA CHAVEZ: So, Commissioner 11 Manis, my thinking is that the audit report is one 12 of the best sources of data we have for schools. 13 It's concrete. It's detailed. It tells us exactly 14 where the schools have been deficient in some of 15 their financial management, and it tells us what 16 they want to do in response to those deficiencies or 17 those lacks -- lack of processes that gave them an 18 audit finding.</p> <p>19 I could have given up 14 names of schools 20 that had significant deficiencies, material 21 weaknesses, and a number of repeat audit findings. 22 But I feel like we are monitoring them, anyway, and 23 they've already said how they're going to fix it. 24 And I didn't feel like it should advance to the -- 25 the corrective -- the intervention ladder.</p>

<p style="text-align: right;">66</p> <p>1 I didn't feel like I wanted to make that 2 recommendation to take them to the intervention 3 ladder. 4 We're already monitoring. We already know 5 what the weaknesses are. They've already said how 6 they're going to fix them. 7 We're going to go back to the school. 8 We're going to talk about it again. The three 9 schools that I brought to your attention were the 10 ones that I think need extra attention, more 11 frequent check-ins, and a more specific plan 12 developed. 13 COMMISSIONER MANIS: Okay. The -- 14 whenever you said. And I appreciate that. Whenever 15 you said that they've -- the schools that had the 16 significant deficiency/material weaknesses, that 17 they've already responded on how they're going to 18 address those issues, is that in 6a? Or where is 19 that information? 20 DIRECTOR CORINA CHAVEZ: So are you -- are 21 you on -- can you screen share and show where in the 22 audit it is? I'm wondering -- we're going to toggle 23 back now to having -- I don't see you on the panel. 24 Maybe you could just let Ms. Lucy know exactly what 25 page you're looking at.</p>	<p style="text-align: right;">68</p> <p>1 or a significant deficiency. 2 So that's where, kind of, I'm -- I'm 3 weighing the matrix there that, okay, there's four. 4 You have two that are repeat findings, one that's a 5 material weakness, one that's also a significant 6 deficiency. So that combined, to me, is more 7 concerning than, okay, we maybe have two audit 8 findings or three audit findings, none are material 9 weakness, and none are repeat findings. 10 Okay. Fine. They had some issues, but 11 those are going to be corrected. 12 So the repeat findings along with the 13 combination of significant deficiency and material 14 weakness is concerning, because if it's a repeat 15 finding and significant deficiency, or material 16 weakness, that indicates that this has been an 17 ongoing issue, in my mind. 18 COMMISSIONER BURT: I think I'm on -- I 19 think I understand where Commissioner Manis is 20 coming from. But I also will say I think one of 21 the -- I feel like we're in this in-between time of 22 accountability, in that I think we're doing, for the 23 first time, a proactive measure instead of it coming 24 to the annual report next year and then taking 25 action.</p>
<p style="text-align: right;">67</p> <p>1 But within the audit -- and sometimes it's 2 easy to do Control-F to search for a school's name 3 and to find the management response. 4 But let's just pick a school. Let's look 5 at the big audit. And, Kimberly, you want -- 6 MS. KIMBERLY GONZALES: In the main audit, 7 if you could just search "management responses," 8 that should take you to the section in the audit. 9 And I believe it is Page -- it says 209 in the 10 actual page. But I'm not sure, if you're entering 11 it in the PDF, what number that would come to. 12 But it's 209. And that's where it starts. 13 That is incorrect. Let me see here. It's 14 actually 191. 15 COMMISSIONER BURT: So the PDF number is 16 202, Commissioner Manis. 17 COMMISSIONER MANIS: Yeah, I found it. I 18 had to search a little bit, because I went down to 19 Aldo Leopold since they were the first school, I 20 think, on my list. 21 So, yeah, I understand what you're saying. 22 I just -- part of me is conflicted, because I think 23 those with significant deficiencies and repeat 24 findings both are more of a concern to me than maybe 25 just a repeat finding that's not a material weakness</p>	<p style="text-align: right;">69</p> <p>1 And so I think it feels, like, a little 2 awkward to me, because it's the first time we're 3 doing this in advance of an annual report, which I 4 love, number one. But also I think, like, what 5 Commissioner Manis is referring to is where my, 6 like -- I'm most conflicted as well, because I do 7 think there's some of -- some of these things that 8 when -- like, not this year, but next year when we 9 do annual reports, we are going to be sending out 10 more letters of concern. But, like, the notice 11 that, "Hey, we saw that you had a repeat finding," 12 or, "We -- like, we're accepting the report and 13 we're letting you know..." -- right? -- this -- 14 like, form that we're talking about that's going out 15 to the schools about their yellows and reds that 16 they get on their annual report, that the PEC is, 17 like, acknowledging that they're not performing to 18 par. 19 So I feel like a lot of -- that's where -- 20 when we start doing that, that's where these other 21 eleven schools would get that, like, notice from us 22 of, "We see you had a repeat finding, and please -- 23 please resolve it. You know, if you need support 24 from CSD, great, use it. Please have it resolved by 25 next annual report."</p>

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1 And I think we're just kind of like in
 2 between that space right now and being proactive and
 3 I like it.
 4 But I see what Commissioner Manis is
 5 saying, too, with, like, there are some of these
 6 other issues that are concerns. And right now we
 7 don't have a lever that happened last year, last
 8 year's annual reports, to say, "Hey, don't have a
 9 repeat finding again."
 10 So we're kind of like initiating this,
 11 because we -- I don't know when the last time a
 12 Letter of Concern went out over -- not since I've
 13 been here, we haven't done a Letter of Concern over
 14 audit findings.
 15 COMMISSIONER GIPSON: Probably "Nevuary."
 16 COMMISSIONER BURT: Actually, that makes
 17 me feel better and worse. I don't know. But it's,
 18 like, a new process. So I feel like I -- I was
 19 really supportive of Director Chavez bringing
 20 forward the most significant schools at this time to
 21 start down the intervention ladder with a more and
 22 closer intensive look with them, more collaboration
 23 between CSD and the schools.
 24 I do think, along the lines of what
 25 Commissioner Manis is saying, the intent that we

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1 have to start issuing -- to actually start taking
 2 action based off of annual report will cover a lot
 3 of the concerns that Commissioner Manis brought up,
 4 and I have, about the schools that have repeat
 5 material findings also receiving notice of some sort
 6 saying, "We're concerned by this."
 7 I just don't know if at this time -- I
 8 feel like what I'm asking for schools to do right
 9 now is more intensive than just, "Fix it by next
 10 time," which I think a lot of these would just be
 11 "Fix it by next time."
 12 THE CHAIR: Thank you, Vice Chair. Missy,
 13 can you let Secretary Armijo back in, please?
 14 I think I saw Ms. Chavez and Commissioner
 15 Taylor. And then Commissioner Carrillo.
 16 DIRECTOR CORINA CHAVEZ: So the other
 17 thing I just wanted to mention, Commissioner Manis.
 18 I know this might feel to you like we're letting the
 19 schools off when there's been some concerning
 20 financial performance. And I -- I just want to
 21 remind you that because there are indicators in the
 22 performance framework that directly relate to the
 23 audit performance, the school -- the schools that
 24 have the significant deficiencies, material
 25 weaknesses, are going to not have a green. It is

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1 going to be noted. And so we aren't just letting
 2 them off.
 3 And so I don't know if that creates any
 4 sort of comfort. But, essentially, when you approve
 5 the annual reports, you're acknowledging their
 6 performance and the need for improvement if it's not
 7 a green. It's just that there's a lag, and that's
 8 why I wanted to intervene more quickly with the
 9 schools that, in their Fiscal Year '22 audit report,
 10 were the most significant.
 11 THE CHAIR: Commissioner Taylor.
 12 COMMISSIONER TAYLOR: So -- thank you. So
 13 I would just like to say that I feel like CSD seems
 14 like they're on this, you know. I feel like the --
 15 we need to trust the process to just proceed the way
 16 that it was designed to proceed.
 17 And CSD is involved. They've talked to
 18 those schools that have audit findings. They've
 19 established plans with them to work out those audit
 20 findings. And so I trust the fact that we're
 21 getting the ones that need the most attention, and
 22 CSD will continue to intervene where need be. So I
 23 trust that process; so...
 24 THE CHAIR: Commissioner Carrillo, then
 25 Commissioner Gipson.

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1 COMMISSIONER CARRILLO: So I understand --
 2 I trust the process and understand completely
 3 Commissioner Manis's concerns. And then, you know,
 4 Ms. Burt, you used the phrase "most significant,"
 5 which brings me back to the thing that I was talking
 6 about earlier. What determines? Where is the
 7 threshold for most significant? Significant? Most
 8 significant? Uber significant?
 9 I mean, where is -- is that determination?
 10 Because when I look at some of these other schools
 11 that -- a couple that I mentioned earlier, I would
 12 put them not in the "Uber," but I would put them in
 13 the -- you know. I'm just curious.
 14 MS. KIMBERLY GONZALES: Commissioner
 15 Carrillo, in our performance indicators, if there
 16 was an issue where there was a repeat or a
 17 significant deficiency or material weakness, we
 18 would be rating them as a Does Not Meet.
 19 And the next question after that would be
 20 is this school -- like, how are they responsive to
 21 audit findings?
 22 So we already know that in the FY22 audit,
 23 that we did receive the management response. So
 24 from that, they wouldn't get a Meets; they would get
 25 a follow-up. And the follow-up is our indicator at

<p style="text-align: right;">74</p> <p>1 the CSD to actually check in with the school and 2 find out what implementation to the management 3 response has already occurred. 4 And that's how we're following up on, 5 like, the 14 schools, or any schools that did not 6 meet the indicator for following the generally 7 accepted accounting principles. 8 COMMISSIONER CARRILLO: Thank you. 9 THE CHAIR: Commissioner Gipson. 10 COMMISSIONER GIPSON: I think for me at 11 this point in time, I think the process is fine. I 12 think that CAP memo that's in our documents 13 sufficiently outlines to the schools what they have 14 to do, what CSD is going to do. 15 And, yes, next year it'll be a little bit 16 clearer. Schools that don't get a -- don't get a 17 green, don't get maybe the yellow, whatever colors 18 we're choosing, they're automatically going to get 19 that additional little nudge. 20 But right now, the memo gives them a 21 pretty good nudge. It does. 22 THE CHAIR: Thank you, Commissioner 23 Gipson. 24 Commissioner Manis, I think your hand is 25 raised, if that's still -- okay. Go ahead.</p>	<p style="text-align: right;">76</p> <p>1 Ms. Chavez. 2 DIRECTOR CORINA CHAVEZ: Commissioner 3 Manis, the disclaimed opinion was what stood out 4 most to us as an indication that -- I guess, as an 5 educator, when we think about students and our 6 expectations for students, bottom line is do you 7 show up; right? That is, like, the bottom line. 8 Beyond that, it's like how did you 9 perform? 10 And what the disclaimed audit tells me is 11 that they were having a hard time showing up, 12 meeting with the auditors, submitting the materials 13 on time. 14 As a result, the audit was late. And to 15 me, that suggests that there needs to be a lot of 16 attention paid to that audit committee, and 17 management needs to pay attention to the audit 18 process and make sure that their records are well 19 organized, they're provided to the auditor, that 20 they are attending to the audit. 21 And, indeed, there is a school with 22 several audit findings that was part of the 23 disclaimer. And the other school that had the 24 second highest number of audit findings and also had 25 two material weaknesses for the school and three for</p>
<p style="text-align: right;">75</p> <p>1 COMMISSIONER MANIS: Thank you. And I do 2 want to clarify that I do trust the process. 3 Obviously, the long documentation establishes a lot 4 of work went into this. 5 My question, I think, stemmed back from 6 what Commissioner Carrillo was asking relative to 7 what is the threshold. And, to me, some of the 8 things -- like, we had included Las Montañas as part 9 of the three. And I understand that -- that they 10 had a disclaimed opinion. 11 But with their four audit findings, that's 12 what drew my attention. There are other schools 13 that have five audit findings, but also similar 14 material weaknesses, or even more so, significant 15 deficiencies, which sparked my brain to think, okay, 16 well, why aren't some of these that they seem more 17 serious in nature based on material weaknesses, 18 significant deficiencies? 19 So that's where I wanted point of 20 clarification, because it just seemed quite 21 different than one of -- specifically, one of the 22 three, Las Montañas, there were schools that maybe 23 had more audit findings. So that's where my -- my 24 questions started sparking in my mind. 25 THE CHAIR: Thank you, Commissioner Manis.</p>	<p style="text-align: right;">77</p> <p>1 the foundation was added for that reason. 2 So I know that, at some point, you have to 3 create a cutoff point. And it was, like, in our 4 mind, it was these three or 14? And I didn't feel 5 like we wanted to issue 14 notices of concern under 6 the intervention ladder. To me, that seems extreme. 7 So we went with what we believe are the 8 most severe. 9 THE CHAIR: Thank you. 10 Any other comments? 11 COMMISSIONER MANIS: I just wanted to 12 follow up, if possible. 13 THE CHAIR: Sure. Go ahead, Commissioner 14 Manis. And then Kimberly. 15 COMMISSIONER MANIS: Thank you for that, 16 because just the discussion helped clarify my 17 understanding of where -- where this -- how this 18 whole process goes about. Because I think that for 19 me, it was something I just wanted clarification on. 20 And I think based on our previous 21 discussion to go back to No. 6, that was the whole 22 purpose of this going back, to make sure that this 23 could be settled. So thank you for that. 24 THE CHAIR: Thank you, Commissioner Manis. 25 Kimberly.</p>

<p style="text-align: right;">78</p> <p>1 MS. KIMBERLY GONZALES: Thank you, 2 Commissioner. I would like to also just let you 3 guys know that we could upload a document that I 4 have to just give you a quick guide on the types of 5 audit opinions. And that would also be very helpful 6 to help you understand how significant the 7 disclaimer of opinion is. I can actually show this 8 with you right now. I just got permission. 9 This is a really good reference term that 10 the Office of the State Auditor had published a 11 couple of years ago, and this is actually what I use 12 when I'm doing my data analysis on the audit. 13 An unmodified opinion is what everybody 14 strives for. It's the clean audit. So when we 15 looked at School of Dreams, La Tierra, Las Montañas, 16 for La Tierra and Las Montañas, they received a 17 Disclaimer of Opinion. 18 So that was a really big flag for us, 19 because at that point, our auditors went in there 20 didn't receive the information that they needed. So 21 it was almost like a hands-off. And that is what we 22 don't want. We want the ability to go in there and 23 look at everything and have the information. 24 So we'll put this in your Google Drive so 25 you can access it and become more familiar with the</p>	<p style="text-align: right;">80</p> <p>1 from the motion that you all made. 2 So going in alphabetical order, we say 3 that Alma d'Arte was the first one. And then it 4 goes on to show McCurdy, Pecos Cyber, Walatowa, and 5 The GREAT Academy. Those were the schools that you 6 issued a condition of renewal. 7 So then what we are doing is showing you 8 the monitoring updates and how we have maintained 9 some level of communication with the schools to 10 provide reminders about the need for sending reports 11 to the -- to the Charter Schools Division. And then 12 there's just some notes that were taken when contact 13 was made. 14 On the far right-hand corner is just sort 15 of a summary of where we are and any sort of 16 recommendations. I know you're not taking action 17 today. But moving forward, this is what we would 18 recommend. And you'll see that with some schools, 19 the notation also is on track to Meeting conditions. 20 So in the case of Alma, we are pending 21 some data from the school. 22 And -- and I also want the Commission to 23 know that, you know, timing is everything, and it's 24 really difficult. As we get closer to your 25 meetings, and materials are finished and sent to the</p>
<p style="text-align: right;">79</p> <p>1 different types of opinions and why we are asking 2 for, you know, the financial CAP, so we can help 3 them. 4 THE CHAIR: Thank you, Kimberly. I think 5 that document would be really helpful. 6 All right. If it is okay with the 7 Commission, I'm going to move on to Item No. 8, 8 which is the Report from the Charter Schools 9 Division. 10 You know, you may have the written -- 11 the -- just so that the -- the Commission knows, 12 the -- the typed-out version, that is an old version 13 of the document for the agenda. And so the -- No. 8 14 on this, actually, is -- should not be on there. 15 So we're going to go to No. 8, which is 16 the Report from the Charter School Division. 17 DIRECTOR CORINA CHAVEZ: Thank you, Chair 18 Brauer. If somebody else could help me by screen 19 sharing, that would be great. 20 This is item No. 8a. And this is an 21 update on conditions of renewal. 22 And so what you have in your folder, 23 Commissioners, are all the schools that this year 24 have a condition of renewal. And in the condition 25 details, contractual language is pulled directly</p>	<p style="text-align: right;">81</p> <p>1 schools, we have a procedural -- we have a procedure 2 for PEC where we inform schools ten days prior to 3 your meeting if their name shows up; right? 4 And we can't discuss any other school or 5 make decisions about the schools. You guys can't 6 make actions unless they get something ten days in 7 advance. 8 So this -- this is why this -- this 9 document is for -- just an update. I did let all 10 the schools that are under conditions of renewal 11 know that we were going to be talking about it today 12 but there would not be actions on the part of PEC. 13 That said, I also let them know that, you 14 know, we are going to provide PEC with what we have 15 as of, you know, the date that I sent this last 16 week, and that, leading up to this meeting, if they 17 submitted more information, I can't -- I don't have 18 time; right? 19 We've been in contract negotiations. 20 We've been in work sessions and in a revocation 21 hearing. So I don't have time to update this with 22 additional information they might provide at the 23 last minute. 24 So this is a status check. It may or may 25 not align with the dates that the schools have</p>

<p style="text-align: right;">82</p> <p>1 provided us. This is just to let you know that 2 we're aware of the conditions of renewal. We're 3 working with the schools that have conditions of 4 renewal. 5 There are some schools that you want to 6 celebrate because they're on track to meeting their 7 conditions. There are some schools that we still 8 need to monitor. 9 So that's simply what this is. 10 I think that the school that has the 11 largest conditions of renewal, there's several parts 12 to that. We haven't visited that school. Through 13 no fault of the schools, we don't have an update for 14 you yet. We're planning to visit the school in May. 15 And we may or may not come back with the May agenda 16 to discuss something further about the school. 17 But this was just mainly to let you know 18 how we are tracking the renewal schools. 19 THE CHAIR: Is that your full report, 20 or -- 21 DIRECTOR CORINA CHAVEZ: That's my full 22 report. 23 THE CHAIR: Okay. Seeing no hand raised 24 in person or -- I wasn't sure if there was any 25 questions or -- do we -- we can ask questions;</p>	<p style="text-align: right;">84</p> <p>1 last time. Did somebody have a question this time? 2 I don't have a question. 3 THE CHAIR: Thank you. We're going to 4 move on then to Item No. 9, the report from the 5 Chair. I have no -- 6 DIRECTOR CORINA CHAVEZ: I'm sorry. Are 7 we on 8b? 8 THE CHAIR: Oh. I asked you if you were 9 finished. 10 DIRECTOR CORINA CHAVEZ: Oh, I was 11 finished with a. 12 THE CHAIR: All right. All right. Go 13 ahead. 14 DIRECTOR CORINA CHAVEZ: No, I won't make 15 this that long. 16 So 8b is an update on the school site 17 visits. I just wanted to let the Commission know 18 that the Charter Schools Division team, with some 19 support from our contractors, have done just a 20 tremendous job. We've almost visited all of the 21 schools for this year. I think we have 22 approximately six schools left to visit. We've had 23 to reschedule a few. 24 But in each case, our -- our teams go to 25 the school, and they do classroom observations,</p>
<p style="text-align: right;">83</p> <p>1 right? Or do we normally don't? 2 COMMISSIONER GIPSON: You know, that I 3 think the wording on that item has to change so that 4 it could be discussion -- report and possible 5 discussion, and not -- and just leave out the action 6 part with it, so that there's the opportunity for 7 questions and possible discussion. Right now, it's 8 just a report. 9 DIRECTOR CORINA CHAVEZ: Yeah. 10 THE CHAIR: Thank you, Commissioner. 11 COMMISSIONER GIPSON: We've gone back and 12 forth on this. And, you know, at one time, the 13 Commission didn't want -- it's, like, "No, she's 14 just reporting out to us, and we're not taking 15 questions. We're not discussing." So it's -- 16 MS. BARNES: Yeah. I think we can fix it. 17 But I think also last time we talked about that a 18 question is not a discussion. If they have a 19 question, we can ask it. We can change -- we can 20 talk about that in EC and make sure the language is 21 right. 22 THE CHAIR: For sure. 23 Commissioner Carrillo. 24 COMMISSIONER CARRILLO: Exactly. Because 25 I remember that was the one that was in conflict</p>	<p style="text-align: right;">85</p> <p>1 focus groups with all of the leaders and the school 2 community, and within ten days get back to the 3 schools with some preliminary feedback on how the 4 schools are doing. 5 In some cases, we ask the schools for 6 specific information they need to get us. But the 7 larger share of information that is needed to 8 finalize any sort of annual report comes from 9 documents that are closed out at the end of the 10 school year; so the board training, and academic 11 data. 12 So just wanted to give props to the team 13 for nearly completing the school site visits. And I 14 wanted to give you an update on annual reports for 15 '21-'22. 16 I know we've waited forever because we've 17 waited for data to be certified. The last I've 18 heard is that the data will be released May 1. So I 19 am hoping that we would be able to release all that 20 information to the PEC by the -- by the May PEC 21 meetings. 22 And just so you know, I am in current 23 discussion with Deputy Director Russell and the team 24 to see if it's feasible for us to update the draft 25 annual reports with the same level of data</p>

<p style="text-align: right;">86</p> <p>1 graphics -- I would say, info-graphics, the charts, 2 the tables. It's a lot of money to -- a lot of time 3 to extract from the Excel spreadsheets and create 4 into beautiful graphics. 5 Since you have, I believe, decided that 6 you will wholesale approve all of them in one 7 meeting, we may give you a table that shows the 8 proficiencies or other data not directly inputted 9 into the school's report, but maybe would be an 10 addendum to the school's report so it could be 11 referenced. 12 Deputy Director Russell and I are working 13 on that. But we are also really aiming to have some 14 information for you in May. 15 And then the final thing: CSD staffing 16 updates. 17 I actually don't have a whole lot of 18 updates on that. We have some open positions. We 19 have offers made. We're waiting for paperwork to be 20 able to announce any final new additions to our 21 staff. 22 And that's it. Thank you. 23 THE CHAIR: Thank you, Director Chavez. 24 Thank you to the Charter School Division team that's 25 here with us today, and also the ones who are not,</p>	<p style="text-align: right;">88</p> <p>1 COMMISSIONER GIPSON: My neighbor. 2 MR. WAYNE SHERWOOD: Yup. They can have 3 whoever, my golf buddy, whoever, do my audit. 4 Charter schools don't get that choice. 5 Second, district schools have somebody 6 working in the central office, maybe one, two, three 7 people working in the central office that that's all 8 they do. 9 I was looking at that list of charter 10 schools. And I can tell you I know three very 11 closely that they either lost their business 12 manager, retired, left, whatever, or they had to 13 change contractors. Most of the charter schools are 14 now having to go through contractors to do their 15 business management. 16 So -- and then we lost small school 17 funding. So it's really super difficult for charter 18 schools to even live up to these expectations year 19 after year after year. 20 And I think they're doing a pretty good 21 job. I mean, I think they're scrutinized a lot 22 harder than the district schools are. 23 I mean, I have no doubt in my mind that 24 they're scrutinized a lot more. I mean, just what 25 the CSD does, going to a visit every single school</p>
<p style="text-align: right;">87</p> <p>1 both in person and in Zoom. Really appreciate all 2 the work that you all do constantly for the PEC and 3 for our schools and our children, for sure. 4 Item No. 9, Report from the Chair. 5 I have no other -- I have no new or 6 updated PEC or school issues at this time. 7 Item No. b, Public Charter Schools of 8 New Mexico. 9 Mr. Sherwood? 10 MR. WAYNE SHERWOOD: All right. Thank 11 you, Chair Brauer and Commissioners. Just a few 12 things. 13 One, I wanted to go back to that audit. 14 There was a comment made earlier, "Well, if it 15 wasn't for charter schools in the audits, the State 16 would be great." 17 I don't know if you guys are all aware, 18 but the charter schools don't have a choice on who's 19 going to do their audit. The State actually 20 contracts out and that's who charter schools get 21 their audits done by. 22 District schools, on the other hand, they 23 get to choose who they want their audits to -- they 24 can say, "Well, I want my local auditor," you know, 25 whatever --</p>	<p style="text-align: right;">89</p> <p>1 every single year, and then, every five years, go 2 through a renewal, wow. Do that to a district 3 school and let's see what they look like then, all 4 these district schools. 5 So kind of a little unfair to throw 6 charter schools under the bus for the audit like 7 that. 8 Did you have a question? 9 COMMISSIONER INGHAM: Yeah. (Inaudible) 10 at that -- at that breakout session when they were 11 throwing us under the bus. I mean, somebody should 12 have said something. "You guys don't live by the 13 same rules." 14 I was offended, honestly, by the remark 15 the State Auditor made. And it was coarse. 16 MR. WAYNE SHERWOOD: I wish I would have 17 been in that meeting, 'cause -- 18 COMMISSIONER INGHAM: I didn't know what 19 to say. But that's what I would just say. Can -- 20 we need to refute that kind of language. 21 MR. WAYNE SHERWOOD: Absolutely. We do. 22 And that's part of what PCSNM is here to do, to 23 listen to the charter schools. And then that's why 24 I'm coming here to listen to you guys so we can try 25 to work together with CSD. So I think it's really</p>

<p style="text-align: right;">90</p> <p>1 important.</p> <p>2 THE CHAIR: Kimberly, and then Ms. Chavez,</p> <p>3 I want to remind everyone it is 2:31 after two long</p> <p>4 days, so, thank you.</p> <p>5 MS. KIMBERLY GONZALES: Thank you,</p> <p>6 Commissioner. I was actually at that session at</p> <p>7 Spring Budget. And I did have a conversation before</p> <p>8 and afterwards with the State Auditor himself, the</p> <p>9 Deputy State Auditor. And then I actually met their</p> <p>10 special investigator, who was also a presenter.</p> <p>11 And the conversation has evolved into</p> <p>12 trying to get a collaborative effort between OSA and</p> <p>13 charter schools to work with charter schools to see</p> <p>14 how we clean this up. And part of that is they are</p> <p>15 willing to come to a meeting or even be a part of</p> <p>16 our July conference at Tamaya so we can actually</p> <p>17 have this conversation together.</p> <p>18 Because I didn't see or hear from your</p> <p>19 organization. I knew you were in there. But the</p> <p>20 conversations that have actually been occurring</p> <p>21 between myself and the Deputy State Auditor is us</p> <p>22 trying to nail down an actual time and date for all</p> <p>23 of us to collaborate together and meet and discuss</p> <p>24 further.</p> <p>25 DIRECTOR CORINA CHAVEZ: May I just</p>	<p style="text-align: right;">92</p> <p>1 up at Spring Budget in that presentation.</p> <p>2 THE CHAIR: Thank you. Okay.</p> <p>3 MR. WAYNE SHERWOOD: Okay. So, also,</p> <p>4 Commissioners, I'd really like to thank you guys for</p> <p>5 bringing up the 2 percent. I know the bill was</p> <p>6 vetoed, and it was something Public Charter Schools</p> <p>7 of New Mexico was really trying to push just to have</p> <p>8 the oversight, because that is what our schools want</p> <p>9 to see.</p> <p>10 They don't know where that money goes.</p> <p>11 When we, as PCSNM, when they come to us and ask us,</p> <p>12 we can just go back to statute and say, "Well, this</p> <p>13 is in statute. This is what the money is being used</p> <p>14 for." But it's very vague.</p> <p>15 And asking CSD or PED right now to look at</p> <p>16 that and figure out where that money is going, I</p> <p>17 think that's even hard for them to even figure that</p> <p>18 out, because I know they're short-staffed. I</p> <p>19 understand we're in a transition phase. So</p> <p>20 hopefully next year we can push that bill again</p> <p>21 and -- because that is budgetarily (verbatim). And</p> <p>22 it's oversight. And it's something all of us as</p> <p>23 New Mexicans want to know where our taxpayer dollars</p> <p>24 are going. It's just simple. Where is our money</p> <p>25 going? If we don't know that answer, we need to</p>
<p style="text-align: right;">91</p> <p>1 quickly add that stories do matter. And telling the</p> <p>2 story of accountability, like we just heard Wayne</p> <p>3 tell, is an important story for everybody to hear,</p> <p>4 that charter schools do have very high</p> <p>5 accountability. And maybe people aren't all aware.</p> <p>6 But people in this building are. And they</p> <p>7 often look to us of how we are doing the work and</p> <p>8 consider it to be high quality.</p> <p>9 THE CHAIR: Quickly, please. Thank you.</p> <p>10 MS. KIMBERLY GONZALES: Another thing I</p> <p>11 would like to mention is in regards to the way</p> <p>12 districts are overseen. And charter schools with</p> <p>13 their audits, it's actually really beneficial that</p> <p>14 PED continues to provide the same auditor to all of</p> <p>15 the charter schools, because if we allowed them to</p> <p>16 go out and independently seek their own auditors, it</p> <p>17 would be that much more difficult for us to actually</p> <p>18 oversee it and maintain the internal controls that</p> <p>19 we have as a division.</p> <p>20 And the big issue, like the gentleman -- I</p> <p>21 don't -- Wayne -- mentioned is we do have an issue</p> <p>22 with a high turnover in business managers. But we</p> <p>23 also have a shortage overall in the state of</p> <p>24 accountants. So that is actually one of the bigger</p> <p>25 issues and one of the main issues that was brought</p>	<p style="text-align: right;">93</p> <p>1 push that.</p> <p>2 The next -- the last thing I'll talk about</p> <p>3 is what we have been doing with PCSNM, is we have</p> <p>4 been holding meetings with our directors on the</p> <p>5 calendar. This year there were some pretty big</p> <p>6 changes. All students now have to go to school</p> <p>7 1,140 hours. And that's big for elementary, because</p> <p>8 elementary was only 990 before. Secondary was</p> <p>9 1,080.</p> <p>10 So this is going to affect the calendars.</p> <p>11 And it really is confusing to a lot of business</p> <p>12 managers and directors trying to put their calendars</p> <p>13 together, and governing council members, for that</p> <p>14 matter, because they have to approve it.</p> <p>15 So speaking of approval, the tentative</p> <p>16 calendars had to be approved by April 14th when we</p> <p>17 just found out -- the Governor -- there was one line</p> <p>18 in House Bill 2, which is the budget, that PCSNM</p> <p>19 asked for her to line-item veto, and that was, "All</p> <p>20 schools must have the same number of calendar days</p> <p>21 as they did last year."</p> <p>22 Well, a lot of charter schools chose to do</p> <p>23 what's called ELTP, Extended Learning Time Program.</p> <p>24 They added ten days to their calendar.</p> <p>25 Well, they did that because they needed</p>

<p style="text-align: right;">94</p> <p>1 the extra money. They were given more money in 2 their SEG. And they were -- they were pretty much 3 promised that, "If you do this, you're not going to 4 be held accountable to this any -- you can just do 5 it this year." 6 And then once they started doing it, 7 they're, like, they can't get out of it. 8 So now all those charter schools and other 9 districts that chose to do the ELTP, they now have 10 to do -- if they did 190 days last year, they have 11 to do 190 days this year, regardless of how many 12 hours they have. 13 We've been meeting with directors, trying 14 to figure this out and get all these calendars. 15 This week we're going to start working on budget 16 with the directors, because it's another thing the 17 Governor -- the budget said 6 percent average and 18 then a 1 percent on top of that. But she just -- so 19 we know she works that pen well, but just on certain 20 things. 21 And the one thing she marked out was 22 "average." So now it's a 6 percent across-the-board 23 raise, which is great. But it's really hard for 24 schools to come up with a 6 percent across the 25 board; although, they did get a 13.2 percent</p>	<p style="text-align: right;">96</p> <p>1 multiple years, we do have to approve or approve 2 with changes if we want to continue to retain 3 Ms. Barnes as our attorney. 4 We could also explore the possibility of 5 creating a new Request for Proposal as well and 6 entertaining new proposals for a new attorney. 7 And so our options right now is -- and our 8 discussions are to approve the current contract as 9 is, approve the contract with changes, or approve a 10 plan to -- to renew a Request for Proposal and 11 explore options for new attorneys. 12 Does that all make sense to everyone? 13 Commissioner Gipson. 14 COMMISSIONER GIPSON: I'm fine with 15 this -- approving the contract as it is. I -- I am 16 not in any way interested in opening this up and -- 17 I don't see any reason to. 18 But it's a very small pool of people who 19 have the expertise to work with charter schools in 20 particular. And I don't see any reason why we 21 wouldn't want to just continue with Julia 22 representing us. 23 THE CHAIR: Thank you, Commissioner 24 Gipson. 25 Commissioner Carrillo.</p>
<p style="text-align: right;">95</p> <p>1 increase in the SEG. So that should help a lot. 2 I think it's going to help small schools, 3 and it's really going to pad the larger schools with 4 their budget this year. 5 That's all I have. Thank you. 6 Any questions, I should say. 7 THE CHAIR: Thank you, Wayne. Thanks for 8 all the advocacy that you do on behalf of the 9 schools. And thanks for being here with us for 17 10 and a half hours this week. 11 Seeing no question -- no hands raised, 12 let's -- 13 COMMISSIONER GIPSON: I just wanted to be 14 honest and admit that you scheduled that meeting in 15 Cruces because you knew I was up here. 16 THE CHAIR: We're going to move on to Item 17 No. 10, which is this Discussion and Possible Action 18 on the Public Education Commission's Attorney 19 Contract for Fiscal Year 2024. 20 So correct me if I'm wrong. It's -- Items 21 No. 10a and 10b, which includes the request for 22 proposal, which is 10a, and then the current 23 contract with Ms. Barnes to represent the Public 24 Education Commission. 25 I believe -- even though the RFP is for</p>	<p style="text-align: right;">97</p> <p>1 COMMISSIONER CARRILLO: I'd like to echo 2 what Commissioner Gipson said. It's a very small 3 pool. I understand that last time, unless we went 4 out somehow nationally, which I don't think we want 5 to do, it's a very small pool of people that can do 6 this work. And I think she's done an excellent job. 7 I think she's done an excellent job. If 8 she wants a raise, I would support that, too. 9 THE CHAIR: Other discussion points? Or I 10 will also entertain a motion if there is a motion 11 ready. Commissioner Taylor. 12 COMMISSIONER TAYLOR: I move to accept the 13 proposal for the -- the current proposal for the 14 renewal of the attorney contract. 15 COMMISSIONER CLAHCHISCHILLIAGE: I second 16 it. 17 COMMISSIONER TAYLOR: As is. 18 COMMISSIONER CLAHCHISCHILLIAGE: I second 19 it. 20 THE CHAIR: Great. All right. We have 21 a -- we have a motion to approve the current 22 contract with Barnes Mediation. We're open for 23 discussion. 24 COMMISSIONER CLAHCHISCHILLIAGE: Unh-unh. 25 THE CHAIR: Mr. Carr-- -- or Commissioner</p>

98	<p>1 Carrillo.</p> <p>2 COMMISSIONER CARRILLO: I also want to</p> <p>3 acknowledge how accessible Ms. Barnes is. At any</p> <p>4 time we need information, we can just give her a</p> <p>5 call. Generally, we'll get a call back within 24</p> <p>6 hours at the most. So I appreciate that very much.</p> <p>7 THE CHAIR: Seeing no other hands raised,</p> <p>8 Vice -- sorry -- Secretary Armijo, would you please</p> <p>9 do a roll call?</p> <p>10 COMMISSIONER ARMIJO: Yes.</p> <p>11 Chair Brauer.</p> <p>12 THE CHAIR: Yes.</p> <p>13 COMMISSIONER ARMIJO: Vice Chair Burt.</p> <p>14 COMMISSIONER BURT: Yes.</p> <p>15 COMMISSIONER ARMIJO: Secretary Armijo</p> <p>16 votes yes.</p> <p>17 Commissioner Ingham.</p> <p>18 COMMISSIONER INGHAM: Yes.</p> <p>19 COMMISSIONER ARMIJO: Commissioner</p> <p>20 Clahchischilliage.</p> <p>21 COMMISSIONER CLAHCHISCHILLIAGE: Yes.</p> <p>22 COMMISSIONER ARMIJO: Commissioner Gipson.</p> <p>23 COMMISSIONER GIPSON: Yes.</p> <p>24 COMMISSIONER ARMIJO: Commissioner Manis.</p> <p>25 COMMISSIONER MANIS: Yes.</p>
99	<p>1 COMMISSIONER ARMIJO: Commissioner Taylor.</p> <p>2 COMMISSIONER TAYLOR: Yes.</p> <p>3 COMMISSIONER ARMIJO: And Commissioner</p> <p>4 Carrillo.</p> <p>5 COMMISSIONER CARRILLO: Sí.</p> <p>6 COMMISSIONER ARMIJO: That passes, nine to</p> <p>7 zero.</p> <p>8 THE CHAIR: Thank you, all. We're going</p> <p>9 to move on to Item No. 11, Reports from the PEC</p> <p>10 Liaisons. Up first is Commissioner Gipson. You get</p> <p>11 a twofer, the LESC and the LFC.</p> <p>12 COMMISSIONER GIPSON: (Off-mic.)</p> <p>13 (Reporter requests clarification.)</p> <p>14 THE CHAIR: Thank you, Cindy.</p> <p>15 Commissioner Gipson just shared that there was no --</p> <p>16 there hasn't been any meetings with LESC or LFC.</p> <p>17 Commissioner Clahchischilliage, updates</p> <p>18 from the New Mexico Indian Education Advisory</p> <p>19 Council.</p> <p>20 COMMISSIONER CLAHCHISCHILLIAGE: I have no</p> <p>21 report. There has been no meeting scheduled.</p> <p>22 THE CHAIR: Thank you, Commissioner.</p> <p>23 Commissioner Ingham on the PSCOC.</p> <p>24 COMMISSIONER INGHAM: Yes. We met, both</p> <p>25 the AMS Committee and the PSCOC. There's a lot</p>
100	<p>1 going on with different programs, especially -- and</p> <p>2 I don't know how this is going to affect what the</p> <p>3 big deal is there -- broadband distribution network</p> <p>4 that they're putting together. And I hope that the</p> <p>5 charter schools will be included in that ability.</p> <p>6 But there's one thing that I really wanted</p> <p>7 to bring up, and that was that the -- the funding</p> <p>8 apparatus for the -- through NMFA. And I -- PSFA</p> <p>9 and NMFA would be willing to do a presentation -- I</p> <p>10 know this is the last thing on the next agenda. But</p> <p>11 if we could, for our next meeting, possibly put them</p> <p>12 on the agenda to give us a presentation on how</p> <p>13 charter schools can access that funding for -- for</p> <p>14 new facilities and systems.</p> <p>15 THE CHAIR: Thank, you Commissioner</p> <p>16 Ingham.</p> <p>17 Commissioner Manis, NMPSIA.</p> <p>18 COMMISSIONER MANIS: I attended the April</p> <p>19 meeting. I don't have anything substantial to</p> <p>20 report at this time. However, I did want to report</p> <p>21 and invite anybody who would like to attend the --</p> <p>22 our annual meeting is going to be in Las Cruces in</p> <p>23 July at Hotel Encantado. I don't have those exact</p> <p>24 dates right in front of me, but it will be in July.</p> <p>25 Thank you.</p>
101	<p>1 THE CHAIR: Thank you, Commissioner Manis.</p> <p>2 Commissioner Carrillo, the New Mexico</p> <p>3 School Boards Association.</p> <p>4 COMMISSIONER CARRILLO: I have not spoken</p> <p>5 with Joe Guillen for no other reason than I forgot.</p> <p>6 You have my word that he and I will touch base in</p> <p>7 this next 30 days.</p> <p>8 This is all around trying to partner,</p> <p>9 especially for their December convention, having</p> <p>10 breakout sessions where we can share information</p> <p>11 that works.</p> <p>12 THE CHAIR: Thank you, Commissioner</p> <p>13 Carrillo.</p> <p>14 Commissioner Taylor, any updates from the</p> <p>15 New Mexico State Library Commission?</p> <p>16 COMMISSIONER TAYLOR: Our April meeting</p> <p>17 was postponed, so nothing to report.</p> <p>18 THE CHAIR: Thank you. And then</p> <p>19 Commissioner Beck is not with us right now. But</p> <p>20 we'll catch up with NMCEL next month.</p> <p>21 All right. So Item No. 12, PEC Comments.</p> <p>22 Just want to remind the Commission,</p> <p>23 there's no absolute need. If you have a desire to</p> <p>24 share, you can do that. If you don't feel like you</p> <p>25 have any additional information to share that we</p>

102	<p>1 haven't over the last couple of days, that's okay, 2 too.</p> <p>3 No discussion or action items are going to 4 be coming out of this.</p> <p>5 Any Commissioners have any final comments? 6 COMMISSIONER CARRILLO: Just have a -- 7 just have a question.</p> <p>8 THE CHAIR: Commissioner Carrillo. 9 COMMISSIONER CARRILLO: When are we going 10 to -- those two schools that want to come back to us 11 on contract stuff. When are we going to know 12 whether they're going to do that? And it's sooner 13 rather than later, because those of us that actually 14 have full-time jobs, we really need to schedule that 15 in.</p> <p>16 You golf. I'm saying you golf, and you 17 can change your tee time easier than I can change an 18 appointment.</p> <p>19 COMMISSIONER GIPSON: I do have other 20 stuff, but...</p> <p>21 COMMISSIONER CARRILLO: I'm kidding. 22 THE CHAIR: You voiced that. We'll make 23 sure we get that information to everyone, for sure. 24 COMMISSIONER GIPSON: I don't think it's 25 going to be until -- I would say about the -- oh,</p>	104	<p>1 THE CHAIR: All right. Well, I say we 2 move to Item No. 14, which is adjournment. 3 COMMISSIONER BURT: Move to adjourn. 4 THE CHAIR: I second. 5 All right. Can we take a roll call, 6 please, Secretary Armijo? 7 COMMISSIONER ARMIJO: Chair Brauer. 8 THE CHAIR: Yes. 9 COMMISSIONER ARMIJO: Vice Chair Burt. 10 COMMISSIONER BURT: Yes. 11 COMMISSIONER ARMIJO: Secretary Armijo 12 votes yes. 13 Commissioner Ingham. 14 COMMISSIONER INGHAM: Yes. 15 COMMISSIONER ARMIJO: Commissioner 16 Clahchischilliage. 17 COMMISSIONER CLAHCHISCHILLIAGE: Yes. 18 COMMISSIONER ARMIJO: Commissioner Gipson. 19 COMMISSIONER GIPSON: Yes. 20 COMMISSIONER ARMIJO: Commissioner Manis. 21 COMMISSIONER MANIS: Yes. 22 COMMISSIONER ARMIJO: Commissioner Taylor. 23 COMMISSIONER TAYLOR: Yes. 24 COMMISSIONER ARMIJO: And Commissioner 25 Carrillo.</p>
103	<p>1 that's right. Sorry. 2 THE CHAIR: We'll make that happen. 3 COMMISSIONER GIPSON: (Inaudible) after 4 this. 5 THE CHAIR: Any other comments from he 6 Public Education Commission? 7 Going once? Going twice? 8 All right. So Item No. 13, Discussion on 9 New Business Topics for the Next Agenda. 10 We have the PSCOC, to include them on 11 the -- is that what you said? Or which one? 12 COMMISSIONER INGHAM: PSFA and NMFA. 13 Sorry. So that was PSFA and NMFA. And 14 they would like to come and make a presentation on 15 what we can do, because it sounds like to me there's 16 a lot of funding that we're not accessing. And 17 that -- that would be a very positive thing. So... 18 THE CHAIR: Thank you, Commissioner 19 Ingham. 20 Any other items right now? Although you 21 know you will have a chance to e-mail me if there 22 are other items as well so that the Executive 23 Committee can discuss and put on to the agenda. 24 Any other items? 25 (No response.)</p>	105	<p>1 COMMISSIONER CARRILLO: Yes. 2 COMMISSIONER ARMIJO: That passes, nine to 3 zero. We are adjourned. 4 (Proceedings adjourned at 2:49 p.m.) 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

REPORTER'S CERTIFICATE

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

In testimony whereof, I have hereunto set my hand on May 5, 2023.

Cynthia C. Chapman, RMR-CRR
New Mexico Certified Reporter #219
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