

Minutes for PEC Work Session on Thursday, February 16, 2023

Links to Recording of Meeting:

[PEC February 16, 2023, Work Session Part 1 of 2 - YouTube](#)

[PEC February 16, 2023, Work Session Part 2 of 2 - YouTube](#)

Link to PEC Meeting Materials on PEC Website:

<https://webnew.ped.state.nm.us/bureaus/public-education-commission/2023-public-education-commission-meeting-information/>

CALL TO ORDER

Commissioners in Attendance in Person in Mabry Hall

Commissioner Alan Brauer, District 2, Albuquerque
Commissioner Timothy Beck, District 3, Albuquerque
Commissioner Stewart Ingham, District 6, Deming
Commissioner Patricia Gipson, District 7, Las Cruces
Commissioner Michael Taylor, District 8, Roswell
Commissioner Steven J. Carrillo, District 10, Santa Fe

Commissioners in Attendance on ZOOM Webinar

Commissioner Melissa Armijo, Secretary District 1, Albuquerque
Commissioner Rebekka Burt, PEC Chair, District 4, Rio Rancho
Commissioner Sharon Clahchischilliage, District 5, Aztec
Commissioner K.T. Manis, District 9, Hobbs

Also Present:

Julia Barnes, PEC Attorney
Corina Chavez, Charter School Division (CSD) Director
Sharyn Perrea, PEC Liaison, CSD
Melissa "Missy" Brown, CSD
Lucy Valenzuela, CSD

Members of the public on Zoom are listed on the attendance document.

1. Call to Order and Roll Call

Chair Alan Brauer called the PEC Work Session to order at 9:04 a.m.

2. Team building and Sharing: for PEC (9:00-10:00)

PEC members and CSD staff shared something about themselves through an artifact that had meaning for them and why they brought it.

Chair Brauer wanted to have this opportunity to team build and share to understand who we are and where we come from. Would like to be creative to have this as a standing opportunity for future meetings, either public lives or personal to build community between each other and to get to know one another to bring understanding of who we are and what we bring to the table.

3. Public input on proposed rule (10:00)

No members of the public signed up.

Moved to Item #5 on the agenda until staff were present to discuss item #4

4. School data platform

Discussed issuing a Request for Information regarding charter authorizing computer-based systems that are web-based, a shared electronic database system or otherwise provides a computer network system to assist authorizers and charter schools.

Director Corina Chavez explained that PED had transparency platforms and has asked staff to make presentations as Dr. Alexis Alvarez had presented information on Agenda Item #6. Deputy Director Louie Torrez introduced IT Staff to present on the Department's Transparency Platforms. A zoom presentation was made to the PEC on the Annual-State, District and schools Attendance Report. Commissioners asked questions about the data that was presented. Louie provided an update to the status of the Request for Information. The Request for Information has not been posted. It is going through internal discussion, prior to moving onto next steps, due to due diligence. Chair Brauer asked that CSD and PEC Exec team are in alignment when items are put on the agenda, to use time the best way. Commissioners asked if it was looked into the vendor being a Sole Source.

5. Discussion and Review of 2023 Charter School Renewal Application

Director Chavez explained that 3 documents related to the applications were in the google drive, related to the Renewal Application. Melissa (Missy) Brown provided an overview of changes to the Charter Renewal Application. Informing Commissioners that trainings have already occurred. A substantive change was information for Equity and Identity was added. Commissioners provided their suggestions/edits to the document. It was suggested that Charter Schools consider using the Regional Educational Cooperatives (REC) model. School site visits occur in October to verify data. Schools going through the renewal process will be in front of the PEC in December.

6. Review and discussion of 2021-22 Annual Report Process

Director Chavez provided an over of the Annual Report Process. She explained to Commissioners where the State Charter School Contracts and Annual Reports could be found on the website (www.nmped.pec).

Corina introduced Dr. Alexis Alvarez and he was asked to provide an update on the current status of the Academic Performance Data and proficient data. In early/late March outcome data will be provided. A new model is being used, New Mexico Vistas which has data up to SY2021 (www.nmschools.com).

PEC Attorney Julia Barnes asked how the PEC wants to accept the report, how will the PEC deal with this in the future, and how will they deal with it right now? There are old contracts that are not currently relevant.

The Commissioners discussed that a form is created, of acknowledgment, to be sent with the Annual Report to explain areas of concerns, along with timelines, that are visibly and publicly available with the letter coming from the PEC and signed by the Governance Council.

7. Discussion of Amendments to Rules of Procedure

PEC Attorney Julia Barnes provided an update to the Rules of Procedure suggesting that all documents, Contract, Performance Framework, and the Rules get to a final point of getting approved at the same time. Seven schools this year need contracts and ten schools from last year need contracts, these schools are impacted and want clarity. A discussion about Rule Making and the process occurred. More discussion occurred in Agenda Item #8. Explained the Financial Disclosure Act only applies to those confirmed by the Senate, this does not apply to the Commissioners. Reviewed the document and made suggestions.

8. Discussion of Contract documents: Draft contract and rule

- a. Timeline of process and AG opinion
- b. Timeline to complete; final vote on March 24, 2023, with performance framework
- c. Discussion of documents including input from stakeholders

PEC Attorney Julia Barnes discussed the purpose of the proposed rule. She would like a subcommittee of commissioners, fewer than a quorum, to take a deep dive into the proposed rule, and contract, with a series of virtual meetings to take place in the next month. Right now the PEC is on track to push toward a finished contract and a finished Performance Framework, with a proposed Rule that would tie the two together. Ms. Barnes explained the purpose of the DRAFT Rule, to give consistency and certainty to all charter schools. This rule is to look at PEC processes only that would be hard wired in the Proposed Rule. Ms. Barnes introduced Attorney Patricia Matthews, who represents 20 Charter Schools. Ms. Barnes reviewed the DRAFT rule and language, explaining that all schools can expect with the same process. Commissioner Beck, Commissioner Gipson, Vice Chair Burt, Chair Brauer volunteered to be on the subcommittee. Chair Brauer extended the invite for others outside of the Commissioners to join the subcommittee.

Moved to Item #4 on the agenda

Julia provided a history/timeline of the letter from the AG's office. The letter was forwarded to the PEC. It is a letter not an opinion from the AG's office, these opinions are not binding on a judge, but they are given extreme difference. It is her opinion that they should follow it. An AG's letter would be upheld in court. The Charter School Act is silence. The state rules act must be followed, it is not option. It is implied in the state charter law, it is implied. Does not mean they do not have the ability. Does the PEC need to go through PED? No. PED has not changed their position. There was discussion on the proposed rule and the letter from the AG's Office.

9. Review and discussion of timelines on Intervention Ladder and authorizer decision and how to expedite the timelines

Julia has a proposal for the subgroup to take a look at this and the details of this can be reviewed then.

10. Subcommittee Discussion

What are the working subcommittees? Who are the commissioners on them? In 2022 there was: Budget, Foundation, Virtual School and Performance Framework Project Team.

Chair Brauer had a list of requests for Liaisons or Subcommittees.
LESC and LFC-Commissioner Gipson, and Chair Brauer
Indian Education Advisory Council- Commissioner Clahchischilliage
Coalition of Education Leaders-Commissioner Beck
New Mexico Public School Capital Outlay-Commissioner Ingham
New Mexico Public School Insurance Authority-Commissioner Manis
School Board Association-Commissioner Carrillo
State Library Commission-Commissioner Taylor
New Mexico School Boards Association of- Commissioner Beck, Chair Beck

List of subcommittees

Virtual School Subcommittee-No longer continue
Foundation Subcommittee-Commissioner Taylor and Commissioner Gipson
Budget Subcommittee-Commissioner-Vice Chair Burt, Commissioner Taylor, Commissioner Gipson
Performance Framework Project Team-No longer continue or continue as Implementation

Rule Making Subcommittee, created at this meeting-Commissioner Gipson, Commissioner Beck, Chair Brauer, and Vice Chair Burt

Commissioners should let Chair Brauer know if they would like to serve as a Liaison or subcommittee member.

ADJOURN

Chair Brauer adjourned the meeting at 4:47 pm

No votes were taken by Commissioners on items during this work session.

Submitted by Sharyn Perea, PED Liaison to the PEC

March 14, 2023