

Public Education Commission Work Session

January 18, 2023

Open Public Meeting via Zoom Webinar and in person at
the Jerry Apodaca Education Building, 300 Don Gaspar Ave., Santa Fe, NM 87501

Link to Meeting Recording–Add from [PEC YouTube](#)

Commissioner Rebekka Burt called the work session to order at 8:59am

1. Call to Order and Roll Call

Commissioners in attendance in person:

Commissioner Alan Brauer, Chair, District 2, Albuquerque
Commissioner Rebekka Burt, Vice-chair, District 4, Rio Rancho
Commissioner Timothy Beck, District 3, Albuquerque
Commissioner Sharon Clahchischilliage, District 5, Aztec
Commissioner Stewart Ingham, District 6, Deming
Commissioner Patricia Gipson, District 7, Las Cruces
Commissioner Michael Taylor, District 8, Roswell
Commissioner K.T. Manis, District 9, Hobbs
Commissioner Steven J. Carrillo, District 10, Santa Fe

Commissioners in attendance by Zoom:

Commissioner Melissa Armijo, Secretary District 1, Albuquerque

Commissioners not in attendance:

Also Present:

Julia Barnes, PEC Attorney
Corina Chavez, Charter School Division (CSD) Director
Dr. Brigette Russell, CSD Deputy Director
Melissa “Missy” Brown, CSD
Lucy Valenzuela, CSD
Bianca Olona-Elwell, CSD
Cheryl Rowe, CSD
Julianna Montoya, CSD
Samantha Ramirez, CSD
Jessica Juarez, CSD
Martica Davis, CSD
Kimberly Gonzales, CSD
Miguel Lozano, Chief Counsel, Office of Special Education
Sharyn Perea, Dispute Resolution Coordinator, Office of Special Education
Tim Crum, Office of Special Education
Matt Pahl, PCSNM

Members of the Public in person and on Zoom are listed on the attendance document.

2. Spotlight (9:00 - 10:00) Special Education Division, Dr. Margaret Cage and Charlene Marcotte

Dr. Margaret Cage and Charlene Marcotte provided brief introductions. Ms. Marcotte shared a presentation -LEA Annual Determinations and Correcting Non-Compliance. Ms. Marcotte shared Annual Determinations (ADs) and statuses were recently sent to Charter Leaders. Ms. Marcotte shared Determination Categories, Elements of Annual Determinations, and Data Information Sources. Ms. Marcotte discussed data metrics and assigning indicators. Ms. Marcotte shared that determination criteria will be changing next year, the steps for determination letters and next steps for schools. There was a brief overview of Charter Schools Annual Determination Data for 2021-2022 and 2022-2023. According to Ms. Marcotte, there is an issue of underreporting and misrepresentation of data and OSEP has issued new guidelines for enforcement actions. There was a review of Correcting Non-Compliance, including timeline, monitoring procedures, corrective action plan and data review.

Commissioner Patricia Gipson had questions about the complaint process and an anticipated time frame for resolutions. Mr. Miguel Lozano responded by sharing information about the timeline, due process hearings and how to access the forms to file the complaints. Dr. Cage discussed updates with Special Education to include, data collection, unifying the student information system, unified IEP infrastructure that will allow all IEPs to be uploaded to ensure students don't lose access to services, updating compliance, and monitoring structures which includes inspection of what has been reported. Dr. Cage and Mr. Lozano explained OSEP is implementing more sanctions to ensure that students receive their services. Vice-Chair Burt asked about serving the Gifted Community and Dr. Cage and Mr. Lozano provided information. Commissioners provided feedback to CSD regarding providing Commissioners preliminary information about special education concerns at schools.

3. First review and discussion on Performance Framework Compliance document

There was discussion by PEC Attorney Julia Barnes, Commissioners Gipson, Timothy Beck, Steven J . Carrillo, Vice-Chair Rebekka Burt and Director Chavez regarding the timeline, consideration and acknowledgment of where the school is regarding compliance or non-compliance. Dr. Russell shared site visit dates and how this correlates to Compliance Requirements, and Annual Reports. Ms. Barnes shared the possibility of updating language to ensure compliance and accountability from schools. Comment and questions from PCSNM, Matt Pahl regarding regular compliance, repeat of submission of documents, two attendance sections, Multi Layered Systems of Supports (MLSS) Dash, 90 Day Plan, and citing statute. Commissioners agreed that minor adjustments were needed before the document is finalized.

4. Discussion of Renewal Cycle Process, including timing of renewal hearings and possible use of fourth year site visit reports

Vice-Chair Burt made the recommendation to invite excellent and spotlight renewal schools to attend a renewal hearing in November. Several Commissioners agreed. Chair Alan Brauer recommended Commissioners come prepared with questions to ensure efficiency and effectiveness for the renewal time frame. Ms. Barnes mentioned that the Commission can schedule the schools as needed. Commissioner Beck made the suggestion of adding an additional meeting day in November to complete eight renewals before December. Dr. Russell and Director Chavez clarified Site Visit schedule, Annual Reports and data being completed prior to renewals. Chair Brauer asked Director Chavez and Dr. Russell about Part A being completed. Dr. Russell shared that the CSD team is hoping to get Part A sent out in June. Consensus to discuss renewal timeline in another meeting.

5. Discussion of focus group purpose at site visit and related indicators

Director Chavez discussed focus groups and shared the Site Visit Focus Group Mapped to Indicator Matrix document. Director Chavez assured the Commissioners that the questions in the focus groups are tailored to the school's performance. Commissioner Beck commented that focus groups should have open-ended questions to ensure that more information can be provided. Chair Brauer said there is not an issue with sharing the information with the schools prior to visits. Vice-Chair Burt agreed with Chair Brauer and suggested that the focus group should be positive for the people who were participating, and that's not the feedback she has received. Vice-Chair Burt suggested transparency and the importance of explaining that schools are not rated off focus group conversations. Ms. Barnes mentioned students' legal right to privacy during focus groups.

6. Discussion and identification of 2024-2025 approved documents to modify by June 30, 2024, if any

There was a discussion of any upcoming changes to ensure there are no last minute emergency changes and recommendations. Commissioners were reminded to let Director Chavez know prior to the upcoming agenda. Chair Brauer recommended all Commissioners review Charter School Policies and Procedures to discuss during the February PEC work session.

7. Subcommittee Updates

- a. Performance Framework - No Update
- b. Budget - Vice-Chair Burt said they met last week and The Sub Committee is set to discuss ideas how to spend down prior to funds being reverted. This is to ensure the money gets back into schools in meaningful ways. Director Chavez provided dates June 12-14, 2024 for the Charter School Conference.
- c. Policy- Vice-Chair Burt recommended tabling the revision of the MOU. The Notice of Intent (NOI) to submit a new charter application was reviewed and

Commissioners provided feedback to revise the document in alignment with national best practices. Commissioner Gipson clarified the independent reviewers should provide feedback, and support the application team with some guidance to statute.

- d. Centralized Lottery and Enrollment System
Commissioner Carrillo - no update. Director Chavez will be the CSD staff assigned.
- e. Food Service - Lucy Valenzuela will be the CSD staff assigned.
Director Chavez shared where data is located for Commissioners to review.
- f. Review of RFP for Authorizer Software
Dr. Russell said the RFP had to be amended for the third time and the amendment is on the website. Review dates have been set and more information will be forthcoming.

8. REPORTS FROM PEC LIAISONS

- a. Legislative Education Study Committee (LESC) – Commissioner Gipson
Commissioner Gipson said there is nothing specific to charter schools on Legislation. No other updates.
- b. Legislative Finance Committee (LFC) – Commissioner Gipson
Commissioner Gipson spoke about Charter School 2% transparency. No other updates.
- c. NM Indian Education Advisory Council – Commissioner Clahchischillige
No update
- d. NM Public School Capital Outlay Council (PSCOC) – Commissioner Ingham
Commissioner Ingham said they met several times. They approved the agenda for many projects moving forward.
- e. NM Public School Insurance Authority (NMPSIA) – Commissioner Manis
No update
- f. NM School Boards Association (NMSBA) – Commissioner Carrillo
No update
- g. NM State Library Commission – Commissioner Taylor
No update
- h. NM Coalition of Educational Leaders – Commissioner Beck
No update

Chair Brauer adjourned the meeting at 3:23pm

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

Submitted by Bianca Olona-Elwell, CSD