

Public Education Commission Work Session

January 16, 2025

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

<https://us02web.zoom.us/rec/share/iYpbw-u6rKWveleKaEeb3fM-egg82VBddW7BYxinJihTN9Vu15qfRf1sRjxH-9j.y0yWDIaUsOzQfnLx>

Chair Patricia Gipson called the work session to order at 9:08 am.

1. Call to Order and Roll Call

Commissioners in attendance in person:

Commissioner Patricia Gipson, Chair, District 7, Las Cruces
Commissioner Steven J. Carrillo, Vice-chair, District 10, Santa Fe
Commissioner Timothy Beck, Secretary, District 3, Albuquerque
Commissioner Sam S. Obenshain, Secretary District 1, Albuquerque
Commissioner Alan Brauer, District 2, Albuquerque (Arrived at 9:56 am, Departed at 1:34 pm)
Commissioner Rebekka Burt, District 4, Rio Rancho
Commissioner Stewart Ingham, District 6, Deming
Commissioner Michael Taylor, District 8, Roswell

Commissioners in attendance by Zoom:

Commissioner Sharon Clahchischilliage, District 5, Aztec
Commissioner K.T. Manis, District 9, Hobbs

Commissioners not in attendance:

Also Present:

Julia Barnes, PEC Attorney
Corina Chavez, Charter School Division (CSD) Director
Dr. Brigette Russell, CSD Deputy Director (virtual, beginning with item 8)
Cheryl Rowe, CSD
Melissa "Missy" Brown, CSD
Nicola Davis, CSD

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

2. Clarification from PED and discussion of food service requirement, which schools must provide food service, and rollout of current rule. New Mexico Student Nutrition Bureau: Michael Chavez, Rachele DiQuarto, Laura Henry-Hand

- Student Nutrition Bureau provided a presentation about the revised rule and grants available to charter schools, as well as a spreadsheet to show which charter schools had grants.
- Review of new scratch meal program, for which schools can still qualify

- Schools are encouraged to apply for USDA grant.
- The Federal government will pay an established amount if a school is at threshold; if not, the income of every household must be ascertained and then schools must find a vendor at \$2.37/breakfast or \$4.30/lunch per student, must pre-order and may be reimbursed only for food that is picked up by students. The school is not reimbursed for meals not picked up. Incorporating a variance around 20% would cover unforeseen absences.
- Under discussion: Should charter schools add additional requirements regarding meals and add that to the contracts?
- Building kitchens is very expensive at around \$1000/sq ft; one option is to have warming trays.
- Chairwoman Gipson proposed moving this issue to the Policy Subcommittee for further discussion.

3. Discussion related to state charters associated with Nations, tribes and pueblos

A. Support for state charters associated with Nations, tribes and pueblos

Indian Education Division: Damian Wierzbicki, Deputy Director

1. Deputy Director Damian Wierzbicki provided data regarding New Mexico's Native American student population, with details on funding, grants, tribal consultation and charter schools designated as Historical Indian-impacted schools.
2. Commissioners held a lengthy discussion over using funding and context of the schools.

B. Consultation and outreach regarding any concerns. Addressed above

C. Ways to support an increase in student outcomes. Addressed above

D. Ways to include charters into agreements with other states to provide funding for out-of-state students. Natasha Cuylear (Attorney), Daniel Ivey DeSoto

1. Natasha Cuylear: Arizona offers state scholarships that might cover tuition for students attending in New Mexico.
2. Daniel Ivey DeSoto: Supplemental school funding: NMAC 5.7.18.10 -G states rule of tuition reciprocity for CO and AZ residing students. Indian protection status is based upon a political, rather than racial, distinction per a Supreme Court ruling. The recommendation is for tribes to address this issue with the state rather than local districts as it would create an agreement between two sovereigns.
3. Statute 22-15-5, regarding attendance section C mentions rules for tuition limits for an out of state student for a district school.

4. Discussion, demonstration and uses of Epicenter by various users and discussion of possible uses and expectations Director Corina Chavez, Cheryl Rowe

- Initial year of Epicenter; some is customizable, some is not
- CSD meets with Epicenter weekly and continues to build the application.
- Placeholders exist for items with specific due dates, but not those without due dates.
- Schools have given positive feedback for Epicenter. Notifications and amendments are cumbersome; the Epicenter program cannot cover all the attributes.
- The PEC website must include all information that needs to be publicly available.
- Epicenter allows for internal viewing before any changes or additions are made public for real-time viewing by PEC.

- Next steps: Scorecard and Reports tabs will be added to the top. An annual reports submission option will be added. Per request, a form library and kick-back option for incomplete submissions can be added.

5. Discussion of guidance on rental of school facilities for school events and the publicity related to those events: Julia Barnes reports the donation clause allows any amount to be charged; other clauses can cover insurance. The anti-donation clause requires renting not to be free for non-school events.

6. Discussion regarding requiring schools to have a provision in their bylaws related to what happens if the board falls below the number needed for a quorum (Second discussion) Notification of Resignation of Governing Board Member form. Director Corina Chavez

- Per a bylaw audit, most boards do not have a quorum for appointing new members when falling below a quorum.
- Proposed changes to the Governing Board By-laws Change Notification form: 1) Adding an additional checkmark creating a requirement for By-laws to include a provision for how the board can vote new members if and when their total membership falls below quorum, 2) Omit the 30-day extension for schools that fall below five members, b) Add a yes/no checkmark indicating whether a Board is below five, and c) Addition of related wording.
- Schools with less than five Board members should be added to the Consent Agenda

7. Discussion on notifications that result in a school being temporarily out of compliance (Second reading): No updates

a. **Notification of Resignation of Governing Board Member form** No updates

8. Discussion of implementing ideas from National Association of Charter School Authorizers (NACSA) conference and other areas of interest

a. **In lieu of revocation, last option would be to enter into Performance Framework turnaround contract or close.**

- Arizona's model and positive results were discussed.
- Equity issues arise when some schools have more access to funds for an appeal.

b. **Utilizing a prepared metric to look at the viability of a school**

- Bellwether has created a tool to assess a charter school's readiness for growth and expansion with measurable components called "Dimensions." The PEC is interested in working with Bellwether to learn more about the tool.

c. **Goal setting tools for charter schools to assist in setting mission specific goals** Corina

Chavez: NACSA Pre-conference session "A-Game" categorizes goals and provides goal-setting tools. These were sent to new schools to encourage adoption.

d. **Process to ensure that there is sufficient charter support where a need is identified and charter sector mapping** Director Corina Chavez: Amee Evan is a national partner with an

Indicators of Distress early warning system. Also, PCSNM provides mentorship of Head Administrators. There are gaps, however, in the charter section, for example, in nurturing new schools who are in the application process. Schools can access our survey tool which helps them to identify their own indicators of distress/success. The goal is to elevate all NM charter schools.

e. **Expedited renewal**

- This was included in the pre-Covid Performance Framework. This could be a consideration for high-performing schools. The PEC Framework Subcommittee will look at this.

9. Discussion and possible action to approve the PEC budget

- Director Corina Chavez reviewed a spreadsheet that examined 1) charter 2% funding trends, looking at projected 40-day membership and preliminary unit value and actual membership (the half is due to half-day kindergartens); 2) SWREC IGA budget; 3) the final FY25 budget after an increased BAR; and 4) FY25 budget detail.

10. Discussion, status and possible action on rollout and budget of items approved:

- a. **Board Acknowledgement awards: Nomination form being drafted.**
- b. **School Support Program: No updates.**
 - i. **Status of IGA amendment of type of work that can be funded for school support awards:**
No updates.
 - ii. **Status of transfer for full amount of funds for school support program:**
 - iii. **Report from subcommittee on requests, awards and rollout**
Fourteen schools received a letter from the chair based on their request. The PEC will send out letters soon. Schools need to ensure compliance with grant spending. If a school chooses to be reimbursed instead of the SWREC paying directly to the subcontractor, they need to submit paperwork properly. If the money is coming directly to the school, they would need a bar and the fund code.

11. Discussion and update on Performance Framework templates and status of posting of corrected templates to the PEC website

- a. **Status of corrected templates (Cesar Chavez Community School).**
 - Cesar Chavez is delayed due to a family emergency; Deputy Director Brigitte Russell will be providing an overview, but the template might not be ready. Los Montañas Charter will have a complete options 3 framework by the next meeting and a better idea of timelines.
- b. **New templates needed for option 3 renewing contracts.**

12. Report from Chair: charter school concerns and scheduling for contract negotiations

- Chairwoman Gipson: New Mexico Academy for the Media Arts had a substantial loss in student enrollment of 15 students; they worked out a solution with School Budget. Contract Negotiations are coming up; Commissioners need to be sure to be available when they are scheduled.

13. Subcommittee Updates

- a. **Charter Performance:** no further updates on Epicenter rollout
- b. **Budget:** no further update
- c. **Policy:** Chair Gipson reports they discussed the Lottery Rule and Performance Framework; they will inform the PEC when recommendations are solidified.
- d. **Legislative:** Chair Gipson: Discussions with the Legislative Caucus chairs have been successful regarding number one priority of decoupling from the PED and authorization. The house has a proposal but with some differences. Hoping for legislation supporting out-of-state cohort support.
- e. **Board Acknowledgement:** A nomination survey is under discussion.
- f. **Indication of Success and Performance Framework Support Program:** Director Corina Chavez reports CSD is gathering information from sources to develop this.

14. Reports from PEC Liaisons and members who attended conferences

- a. **Legislative Education Study Committee (LESC):** Commissioner Gipson was unable to attend due to schedule conflict.
- b. **Legislative Finance Committee (LFC):** Commissioner Gipson reported no updates.
- c. **NM Indian Education Advisory Council:** Commissioner Clahchischilliage reported the meeting discussed the concerns expressed by tribal chiefs and funding.
- d. **NM Public School Capital Outlay Council (PSCOC):** Commissioner Ingham reported that the application period for spring projects is closed, but they are allowing SODA as they pre-applied with some issues that need resolving. He suggested that charter schools need a different arrangement, which is under discussion and going to the Director. PEC's input is requested on the matter.
- e. **NM Public School Insurance Authority (NMPSIA):** Commissioner Manis reported no updates.
- f. **NM Public School Boards Association (NMSBA):** Commissioner Carrillo reported discussions on transportation and housing to attract teachers.
- g. **NM State Library Commission:** Commissioner Taylor reports that meeting will take place later this month.
- h. **Charter School conference reports regarding nationally recognized standards for quality charter authorizing (NMSA 22-8B-5.3.H):** No updates

Chair Gipson adjourned the meeting at 6:09 pm.

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

Submitted by Nicola Davis, CSD