

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

OPEN PUBLIC MEETING

October 11, 2019

9:00 a.m.

Jerry Apodaca Education Building - Mabry Hall

300 Don Gaspar Avenue

Santa Fe, New Mexico

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

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1 APPEARANCES

2 COMMISSIONERS:

3 MS. PATRICIA GIPSON, Chair
 4 MS. TRISH RUIZ, Vice Chair
 5 MS. KARYL ANN ARMBRUSTER, Secretary
 6 MR. R. CARLOS CABALLERO, Member
 7 MR. MICHAEL CHAVEZ, Member
 8 MR. TIM CRONE, Member
 9 MS. GEORGINA DAVIS, Member
 10 MS. M. SONIA RAFTERY, Member
 11 MR. DAVID ROBBINS, Member
 12 MS. GLENNA VOIGT, Member

13 PED STAFF:

14 MR. ALAN BRAUER, Acting Director, Options for
 15 Parents and Families
 16 MS. KAREN WOERNER, Deputy Director, Options for
 17 Parents and Families
 18 (Telephonically)
 19 MS. BEVERLY FRIEDMAN, PED Custodian of Record
 20 and Liaison to the PEC

21 PEC COUNSEL:

22 MS. AMI JAEGER, Counsel to the PEC
 23 MR. MARK CHAIKEN, Counsel to the PEC
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1 THE CHAIR: I am going to call to order
 2 this meeting of the Public Education Commission. It
 3 is Friday, October 11th, and it is 9:05 a.m.
 4 Commissioner Armbruster, roll call,
 5 please.
 6 COMMISSIONER ARMBRUSTER: Commissioner
 7 Robbins?
 8 COMMISSIONER ROBBINS: Present.
 9 COMMISSIONER ARMBRUSTER: Commissioner
 10 Voigt?
 11 COMMISSIONER VOIGT: Present.
 12 COMMISSIONER ARMBRUSTER: Commissioner
 13 Armbruster is here.
 14 Commissioner Davis?
 15 COMMISSIONER DAVIS: Present.
 16 COMMISSIONER ARMBRUSTER: Commissioner
 17 Chavez?
 18 COMMISSIONER CHAVEZ: Present.
 19 COMMISSIONER ARMBRUSTER: Commissioner
 20 Gipson?
 21 THE CHAIR: Here.
 22 COMMISSIONER ARMBRUSTER: Commissioner
 23 Raftery?
 24 COMMISSIONER RAFTERY: Present.
 25 COMMISSIONER ARMBRUSTER: Commissioner

<p style="text-align: right;">Page 6</p> <p>1 Crone?</p> <p>2 COMMISSIONER CRONE: Here.</p> <p>3 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>4 Ruiz?</p> <p>5 COMMISSIONER RUIZ: Present.</p> <p>6 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>7 Caballero?</p> <p>8 COMMISSIONER CABALLERO: Here.</p> <p>9 COMMISSIONER ARMBRUSTER: We are ten.</p> <p>10 Everybody's here.</p> <p>11 THE CHAIR: Everyone's here. Thank you</p> <p>12 very much.</p> <p>13 I'm going to ask Commissioner Robbins to</p> <p>14 lead us in the Pledge of Allegiance and Commissioner</p> <p>15 Crone in the Salute to the New Mexico flag.</p> <p>16 (Pledge of Allegiance and Salute to the</p> <p>17 New Mexico Flag conducted.)</p> <p>18 THE CHAIR: We are on to Item No. 2, which</p> <p>19 is the approval of the agenda. And I do have one</p> <p>20 change for the agenda.</p> <p>21 On -- on the Consent -- oh, well, it's on</p> <p>22 the Consent Agenda, but we'll change it. I'll tell</p> <p>23 you what the change is now. We will remove Item</p> <p>24 No. 5. Monte del Sol can be removed. They've</p> <p>25 turned in all their paperwork. Under C. I'm sorry.</p>	<p style="text-align: right;">Page 8</p> <p>1 Commissioner Ruiz, a second by Commissioner Crone.</p> <p>2 All in favor?</p> <p>3 (Commissioners so indicate.)</p> <p>4 THE CHAIR: Opposed?</p> <p>5 (No response.)</p> <p>6 THE CHAIR: Hearing no opposition, the</p> <p>7 motion passes.</p> <p>8 We are on to Item No. 3 which is Open</p> <p>9 Forum. And no one signed up, so we will move to</p> <p>10 Item No. 4, which is the Consent Agenda.</p> <p>11 And are there any changes to the Consent</p> <p>12 Agenda?</p> <p>13 COMMISSIONER RUIZ: Motion to approve.</p> <p>14 THE CHAIR: Okay. There's a motion to</p> <p>15 approve.</p> <p>16 COMMISSIONER ROBBINS: Second.</p> <p>17 THE CHAIR: A second by Commissioner</p> <p>18 Robbins.</p> <p>19 Roll call, please.</p> <p>20 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>21 Caballero?</p> <p>22 COMMISSIONER CABALLERO: Yes.</p> <p>23 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>24 Ruiz?</p> <p>25 COMMISSIONER RUIZ: Yes.</p>
<p style="text-align: right;">Page 7</p> <p>1 Under C, 5-C, Notification Concerns.</p> <p>2 COMMISSIONER ARMBRUSTER: Got it.</p> <p>3 THE CHAIR: No. 2.</p> <p>4 COMMISSIONER ARMBRUSTER: Madam Chair?</p> <p>5 THE CHAIR: No, it's not -- it's Item</p> <p>6 No. 5 on the report from Options. So Monte del Sol</p> <p>7 comes off because they're no longer a concern there,</p> <p>8 okay?</p> <p>9 (Chair consults with Commission counsel.)</p> <p>10 THE CHAIR: Alan, do they -- have we --</p> <p>11 have we seen all the other paperwork? So they're</p> <p>12 not moving to consent because all the paperwork is</p> <p>13 in? Or are they already on Consent and I missed it?</p> <p>14 MR. ALAN BRAUER: Monte del Sol?</p> <p>15 THE CHAIR: They are on the agenda.</p> <p>16 They're on the Consent Agenda. Okay. We're good.</p> <p>17 COMMISSIONER RUIZ: Madam Chair?</p> <p>18 THE CHAIR: Hold on. What's the problem?</p> <p>19 COMMISSIONER ARMBRUSTER: Is Karen on the</p> <p>20 phone?</p> <p>21 THE CHAIR: Karen's on the phone.</p> <p>22 COMMISSIONER RUIZ: Motion to approve the</p> <p>23 agenda with the aforementioned changes.</p> <p>24 COMMISSIONER CRONE: Second.</p> <p>25 THE CHAIR: There's a motion by</p>	<p style="text-align: right;">Page 9</p> <p>1 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>2 Crone?</p> <p>3 COMMISSIONER CRONE: Yes.</p> <p>4 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>5 Raftery?</p> <p>6 COMMISSIONER RAFTERY: Yes.</p> <p>7 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>8 Gipson?</p> <p>9 THE CHAIR: Yes.</p> <p>10 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>11 Chavez?</p> <p>12 COMMISSIONER CHAVEZ: Yes.</p> <p>13 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>14 Davis?</p> <p>15 COMMISSIONER DAVIS: Yes.</p> <p>16 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>17 Armbruster votes "Yes."</p> <p>18 Commissioner Voigt?</p> <p>19 COMMISSIONER VOIGT: Yes.</p> <p>20 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>21 Robbins?</p> <p>22 COMMISSIONER ROBBINS: Yes.</p> <p>23 COMMISSIONER ARMBRUSTER: Ten-to-zero</p> <p>24 vote. Passes.</p> <p>25 THE CHAIR: Okay. Thank you.</p>

<p style="text-align: right;">Page 10</p> <p>1 Moving right along, we are on to Item 2 No. 5, Report from Options for Parents and the 3 Charter School Division. 4 MR. ALAN BRAUER: Good morning, 5 Madam Chair, members of the Commission. Good to be 6 here with you today. 7 The first part of my report is to welcome 8 Secretary Ryan Stewart to our team. I did mention 9 that it probably would be around 9:30 about when he 10 would be able to join. So he'll join later on. But 11 I wanted to share that with you-all, that we're all 12 a little bit ahead of schedule than I thought we 13 might be at this point; so... 14 THE CHAIR: I know. We're either late or 15 early. 16 MR. ALAN BRAUER: For sure. 17 So in terms of my updates, I wanted to 18 give some staffing updates. I first wanted to 19 acknowledge Dylan Wilson. He was just promoted to a 20 new position of Technical Assistance Training and 21 Support Specialist. 22 (Applause.) 23 MR. ALAN BRAUER: Started last Monday, I 24 believe -- or this Monday. It was this Monday. 25 So congratulations, Dylan, on that.</p>	<p style="text-align: right;">Page 12</p> <p>1 schools. And so we're awaiting a new list of 2 candidates so that we can reopen that process. 3 Unfortunately, we had a couple of people 4 who we really wanted to join our team. As the 5 school year starts and progresses, it's very hard to 6 take somebody out of the classroom and have -- and 7 join our team. There's definitely an ethical 8 dilemma there. And two of our candidates that we 9 made offers to, understandably so, wanted to stay in 10 their schools and continue their work there. And we 11 acknowledge that and accept that, for sure. So we 12 are urgently working to fill that position. 13 I wanted to give a quick update on the 14 Charter School Program Grant process. I'm pleased 15 to say we have one new school award. ACES Technical 16 High School will be awarded a grant for their -- 17 their new site. So we're really excited about that, 18 and we can celebrate that with Dr. Campbell when we 19 see him later on today on one of our items. 20 We also have ten applications for 21 expansion throughout the state. It was a good mix 22 of PEC-authorized schools and local-authorized 23 schools who have applied. We're hoping that we 24 complete the entire review process here by the end 25 of today or early next week so that we can</p>
<p style="text-align: right;">Page 11</p> <p>1 THE CHAIR: Congratulations. 2 MR. DYLAN WILSON: Thank you. 3 MR. ALAN BRAUER: We also have an offer 4 out for a Finance and Data Director role. We're 5 hoping to hear back from that person very soon. As 6 you-all know, that is a position that we've been 7 trying to fill since probably last year at this 8 time. And we're really hopeful that we're going to 9 be able to get somebody -- get this person to join 10 our team. 11 THE CHAIR: Before your time, it was 12 filled for three days. It was -- he stayed a very 13 short, short time with us. 14 MR. ALAN BRAUER: Yeah. Got you. 15 And then I wanted to share that we also 16 have an offer out for a person to be the Charter 17 School Program Grant Coordinator with Leslie Kelly. 18 We still are awaiting their decision as well. But 19 we really are hopeful that these two positions, 20 we're going to be able to celebrate sooner than 21 later on that. 22 We have a few other openings. We are 23 urgently working to fill our other authorizing 24 practices admin aide to join Megan Maestas for our 25 work involving site visits and supports to our</p>	<p style="text-align: right;">Page 13</p> <p>1 acknowledge the awards, and also think about what 2 might be on the horizon for us for next steps. 3 In talking with Leslie, we can have 4 another round of applications, and we would like to 5 open that up again, once we finish up this 6 application deadline process. And so we're hoping 7 that we can encourage even more schools who meet the 8 qualifications, the eligibility requirements around 9 increased enrollment status, and get them to apply 10 again so that we can really support our schools. 11 As we know, there have been different -- 12 there have been, you know, some dilemmas that 13 they've experienced with making ends meet in their 14 budget this year. And we really do believe that 15 this is a great opportunity for schools that were 16 expanding their program, and we really want to make 17 sure we're able to support their work and meeting 18 the application's expectations. And so -- but also 19 encouraging them to apply is the first step. And so 20 we hope to do that sooner than later, for sure. 21 I wanted to pause and share my gratitude 22 to the Charter School Division team. As you-all 23 know, Madam Chair, and the Commission, October is a 24 very busy time with site visits for renewals, 25 regular site visits that need to happen, as well as</p>

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1 completing annual reports.

2 And so many of the team members have been,
3 you know, trekking across the state, starting last
4 week down in the southern part of our state and then
5 out west this week. And so I just wanted to
6 acknowledge and share my gratitude to the team, as
7 every single one of them are working extremely hard
8 right now and doing work beyond what their current
9 scope of work is to support our efforts in
10 delivering our promises to you-all and to our
11 schools, for sure.

12 So thank you very much, Team.

13 I also wanted to acknowledge the two
14 charter-related conferences that are coming up in
15 November: The Public Charter Schools of New Mexico.
16 I'm sure Mr. Pahl is going to share a little bit
17 more about the conference in his comments later on.
18 But I know that we're going to be meeting on the
19 15th, I believe the 15th, of that conference. And
20 so I just wanted to acknowledge that, and we're
21 looking forward to participating in that conference.

22 I'm also, alongside Mayra Valtierrez,
23 going to do a session there on Yazzie-Martinez and
24 developing a multicultural framework for schools.
25 And we really want to make sure that our charter

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1 available to you all as well.

2 THE CHAIR: Okay. And my understanding --
3 and it's been a while since I spoke with the
4 gentleman. But my understanding is that we're not
5 comped for that. And it was a pretty pricy
6 conference.

7 MR. ALAN BRAUER: Yeah. Madam Chair?

8 THE CHAIR: Thank you to the Public
9 Charter Schools for comping us for the -- for the
10 conference. But, yeah, that was my understanding,
11 that there was -- so that it was an individual -- I
12 think, like, \$300, like, per person for us to be
13 able to attend that.

14 So we all -- we all did get it, I believe,
15 a long time ago. We were all copied the invitation.

16 But I spoke with him. And it's months ago
17 now. And the indication was there was -- there was
18 not going to be any compensate -- you know, comping
19 us. And so I didn't -- I didn't put in an
20 application for it.

21 MR. ALAN BRAUER: Madam Chair,
22 Commissioners, I believe that is correct. The PED
23 staff, I asked Debbie Dolbow to support me in seeing
24 what we could do to support our staff to go. And so
25 we are planning -- we got a discounted price. I was

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1 schools are really taking leadership in that and
2 getting an opportunity to engage deeply with their
3 communities and their students and families to
4 devise and design a really strong framework that is
5 going to support all of our students to be secure in
6 their identity, healthy, and college -- and
7 academically prepared.

8 I also wanted to note that on
9 November the 17th through the 20th, there is an
10 Independent Charter School Symposium. If you were
11 on the call yesterday morning with charter leaders,
12 Rafe Martinez from Albuquerque Sign Language Academy
13 gave a quick overview of the symposium.

14 But this is a great opportunity for
15 New Mexico. We're one of the states that has almost
16 exclusively independent charter schools, mom-and-pop
17 charter schools that have developed here and have
18 done a lot of great innovations for our students and
19 our communities.

20 This is the first time that we've ever had
21 the annual Independent Charter Symposium here in
22 Albuquerque. And so we really are hoping that our
23 school leaders and the PEC will be able to join.

24 And I can share more about that, and I
25 have a couple of fliers left that I can make

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1 able to finagle that.

2 I would like to open that up to the
3 members of the PEC as well, if there is interest.
4 And I have some fliers here, and I can talk with you
5 all offline about the potential.

6 COMMISSIONER ROBBINS: Remind us again of
7 the date.

8 THE CHAIR: It's the following Monday
9 after -- so it's the Monday-Tuesday after the
10 charter conference.

11 COMMISSIONER ROBBINS: 18th, 19th.

12 COMMISSIONER VOIGT: The 17th.

13 THE CHAIR: Yeah. I think that's what it
14 is. So you have more swagger, I guess, than I do.

15 MR. ALAN BRAUER: Madam Chair, I would
16 never say that. You have plenty of swagger, for
17 sure.

18 THE CHAIR: Hold on. I'm trying to get
19 the exact dates for Commissioner -- the 18th and
20 19th, yeah.

21 So I guess it would be best -- if it was
22 because of, you know, the convoluted system of
23 reimbursement, I guess it would be best by the end
24 of the day if people could identify if they were
25 interested in attending that as well so that that

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1 can be taken care of.

2 Commissioner Armbruster?

3 COMMISSIONER ARMBRUSTER: Since my
4 computer was wiped clean yesterday, I have zero
5 PEC-anything on my computer. Could someone send me
6 that?

7 THE CHAIR: No. When I said we were
8 copied it, it was months ago that we got an e-mail.
9 So -- and, honestly, I don't even remember the
10 gentleman's name any longer.

11 MR. ALAN BRAUER: Steve. Steve Zimmerman
12 is who it was. Yeah.

13 THE CHAIR: It was months ago when they
14 were first thinking about the conference and coming
15 into New Mexico. And since that time, I have
16 received no information from them since that early
17 contact.

18 COMMISSIONER ARMBRUSTER: Okay.

19 THE CHAIR: So I haven't been really aware
20 of much that the conference is doing. So, yeah. If
21 you could send that out so folks could look at it
22 and make a decision if they wanted to go by the end
23 of the day so we could get that in the works, I'd
24 appreciate it.

25 So I guess we should stop there at this

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1 universities and were really surrounded in a
2 community that supported them, that loved them and
3 really defied the narrative about what it means to
4 grow up in low-income communities in many ways;
5 just, the assets that were there were so rich and
6 powerful.

7 I know we have that in so many of our
8 communities here in New Mexico. I know that the
9 opportunities and the abilities of all of our kids
10 are limitless regardless of their circumstances in
11 terms of their economic well-being, in terms of
12 where they grow up. And we have so many great
13 opportunities.

14 So really looking forward to being able to
15 work across all of our different areas of the sector
16 to make sure that we are -- that we are driving
17 forward in New Mexico and creating a national model
18 for how we can do this really well.

19 When it comes to the -- the systems that
20 we have, one of the things I'm really passionate
21 about is answering this question of how are we
22 organized as a state to be coherent across our
23 governance models, and also how are we organized to
24 learn.

25 Because one of the things that I've seen

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1 point in time because I see Secretary Stewart has
2 arrived. So --

3 MR. ALAN BRAUER: Secretary Stewart, it
4 would be great for you to join us up here.

5 SECRETARY RYAN STEWART: Thank you. Thank
6 you for the invitation to come speak. I know I've
7 gotten to meet a few of you around the state and in
8 Hobbs and Silver City. And it's great to be able to
9 meet the full body. So thank you for the
10 opportunity to speak.

11 THE CHAIR: Thank you. And we appreciate
12 you coming. So I don't know if you just want to say
13 a few words?

14 SECRETARY RYAN STEWART: Absolutely.
15 So -- this is loud.

16 So, first of all, just to start off, I
17 want to say, as an introduction for myself, the --
18 the whole reason I'm here is to make sure that we,
19 as a state, are able to provide a really great
20 world-class education for every single child.

21 My parents grew up in poor communities,
22 segregated communities in the Midwest, and they were
23 living proof that demography is not destiny, were
24 able to have a wonderful educational experience in
25 their public schools, were able to attend great

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1 in my work -- in my short time here and then, of
2 course, nationally, is we have a lot of great things
3 going on kind of all across different schools,
4 different governance models. And we don't have a
5 lot of great systems to make sure that great
6 learning gets shared across, and that when you talk
7 to educators and you sit down and kind of get past a
8 lot of the politics and funding streams and
9 governance models, they just want to know how they
10 can do better for their kids. And would love to be
11 able to share and be able to hear from others.

12 And so when we do that really well, I
13 think we're going to be able to create a new
14 paradigm for our district schools, our charter
15 schools, and our sector really comes together to
16 move forward with kids. So I look forward to moving
17 forward with all of you in this effort.

18 So thank you.

19 THE CHAIR: Thank you. And thank you for
20 all the work that you're going to be doing.

21 SECRETARY RYAN STEWART: It has started.
22 I promise.

23 THE CHAIR: Well, I was in Silver City.
24 So it's -- it's an exciting challenge to be here
25 where we are today. And, of course, when you speak

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1 of better communication, being able to work
2 together, that's the backbone of why charters were
3 established here in New Mexico was to offer that
4 model for innovation. And I think that's where
5 we've failed is to share out as much as we should
6 with schools and in partnership with our traditional
7 public schools.

8 It's -- that really hasn't happened as
9 much as it should. And that's where, hopefully
10 moving forward, we can have those broader
11 conversations and that sharing out so that it is --
12 it's an effort that we're all joining together to
13 move New Mexico forward, and we're not just sitting
14 in our own little world and trying to move our small
15 sector. It's -- we're in this all together.

16 So, Commissioners, I don't know if anyone
17 else wants to say anything.

18 COMMISSIONER RUIZ: Yes. Thank you,
19 Secretary Ryan Stewart, for coming to Hobbs and for
20 the tours that you've made across New Mexico. I'm
21 so excited to see what great things you have in
22 store and the collaboration between us, the PEC,
23 and, of course, education in general. And I was
24 just really thrilled to see you in our little corner
25 of the state.

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1 to assist. Thank you.

2 COMMISSIONER CRONE: Mr. Secretary, Trish
3 and I are on the NMPSIA board. And the provider for
4 NMPSIA is Davis Vision. So if you contacted Sam
5 Garcia at Davis Vision -- I don't have a number for
6 him right now -- but I believe he'd be able to help
7 you.

8 SECRETARY RYAN STEWART: Thank you.
9 Appreciate that. We'll follow back up with him.

10 COMMISSIONER CRONE: One last thing. From
11 what I've heard from the education community, I
12 don't believe you'll have to hire personal
13 bodyguards.

14 SECRETARY RYAN STEWART: Well, I hope not,
15 and I'll hold you to that six months from now.

16 THE CHAIR: Well, thank you once again.
17 And, please, hopefully, this -- this communication
18 doesn't end here. And we're a partner in this work.
19 So we look forward to helping you in however we can,
20 and I hope it's mutual.

21 SECRETARY RYAN STEWART: I appreciate
22 that. And I want to make sure that I also reiterate
23 on our end that we want to have a great relationship
24 and open communication and be able to move forward.
25 Because the work that you all are doing is so

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1 So thank you.

2 SECRETARY RYAN STEWART: Well, thank you.

3 It was a pleasure to be down there. And I don't
4 know if you had anything to do with the wonderful
5 food that was available at that school. But that
6 was absolutely delicious. So that was a double
7 thank you.

8 And one of the things that was great was
9 just to be able to be out in the community and hear
10 from stakeholders from all over the city, not just
11 about education, but about other things.

12 And one of the things that I heard -- and
13 we were in the same small group there -- was around
14 vision care access in the schools and people who
15 were there not being able to find providers for
16 their children around vision care. So we've been
17 looking into that since then and have been trying to
18 follow up with the woman who actually brought that
19 issue up, because we identified some potential
20 providers and solutions.

21 And so I think we've actually had a hard
22 time following up with that person. So maybe I'll
23 follow up with you and see if I can get in touch
24 with you.

25 COMMISSIONER RUIZ: So whatever I can do

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1 important to making sure that we've got the right
2 infrastructure in place to make sure that we're able
3 to deliver for all of our kids.

4 So look forward to that open line of
5 communication, and thank you again.

6 THE CHAIR: Okay. Thank you so much.
7 So can the record reflect that
8 Commissioner Ruiz is out right now?

9 MR. ALAN BRAUER: Madam Chair and members
10 of the Commission -- thank you, Secretary Stewart,
11 for joining us today.

12 SECRETARY RYAN STEWART: Thank you.

13 MR. ALAN BRAUER: I -- just one last
14 thing. I do have -- I have only six fliers for the
15 Independent Charter Symposium. I apologize I don't
16 have more. We've been doling these out to some
17 schools. But if you are interested and want to
18 learn more about the opportunity to join, there's
19 enough information in there to keep you busy on
20 that.

21 I wanted to move on to Notification
22 Concerns.

23 Madam Chair, Monte del Sol did send in all
24 their governing board information, as you shared
25 earlier.

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1 La Tierra Montessori did send in all their
2 information for their business manager CPO change.
3 However, I did share with the -- with the PEC, one
4 of your documents is a contract of employment for
5 the Business Manager CPO. I did want to share that
6 with you all for the conversation with La Tierra
7 later on in the agenda. It's a short contract
8 between October 1st and October 16th of this year.
9 So I wanted to flag that for you-all.

10 And one thing that I noticed when we
11 received this yesterday as well is that the -- the
12 director's signature looks like it's the -- it's
13 been signed by the governing council president. And
14 so I wanted to flag that for you all for the
15 discussion item later on today.

16 THE CHAIR: All right. Thank you.

17 MR. ALAN BRAUER: So, now, my favorite
18 part of the meeting is the acknowledgments and
19 appreciations. We did something a little bit
20 different this time. We wanted to acknowledge a
21 school, but also share our acknowledgments and
22 gratitude towards some key bureaus and divisions
23 within the PED that have been really integral to our
24 work over the last couple of months.

25 And so we wanted to acknowledge and share

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1 The school restructured how it teaches
2 content all through short terms with a focus on
3 standards mastery.

4 Grading is now standard-based instead of
5 traditional grading, a huge shift for the staff, and
6 takes a lot of commitment and professional
7 development to really make that happen.

8 Most schools that go through this type of
9 redesign lose many staff members. But Las Montañas
10 has retained their teachers. The entire school is
11 to be commended for their sustained efforts to
12 constantly grow and to do what is best for their
13 students.

14 So I wanted to just thank them publicly
15 and acknowledge all their hard work as they continue
16 to support our students in Las Cruces.

17 I also wanted to acknowledge a few bureaus
18 here.

19 First off, the Language and Culture
20 Division, under the leadership of Mayra Valtierrez
21 and Kirsi Laine, the Director and Deputy Director of
22 that team. They've been extremely supportive of our
23 efforts over the last year, and I wanted to
24 acknowledge their support in making sure that we're
25 providing equity to all of our students regardless

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1 our gratitude with La Montañas High School. Chaz --
2 or Caz -- Martinez was not able to join us today.
3 But he did send us a kind e-mail yesterday and
4 showing his appreciation for being appreciated by
5 us. And I think he mentioned that Matt Pahl was
6 going to be here accepting the kind words today on
7 his behalf.

8 So -- but just wanted to share a few words
9 from our team with regard to Las Montañas. The
10 administration, faculty, and staff at Las Montañas
11 Charter High School have demonstrated a high level
12 of commitment to continuous school improvement.

13 The Head Administrator, Caz Martinez,
14 participated in the Principals Pursuing Excellence
15 program, and the school implemented the New Mexico
16 DASH plan with fidelity, raising school grades from
17 an "F" in 2017 to a "C" in 2018.

18 Proficiency rates for 2019 have increased
19 significantly. And we're looking forward to seeing
20 how that is amplified within our new dashboard
21 system.

22 Most recently, the school has joined the
23 High School Redesign Network in the year 2018-'19 --
24 that was their planning year -- and the changes are
25 being implemented this year at the school.

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1 of their identified English language status.

2 And Kirsi, especially, has always been
3 willing to review any data, support us in developing
4 plans to really bring out the best in our schools.
5 And I just wanted to acknowledge and share my
6 gratitude to that team, for sure.

7 Similarly, the Special Education Bureau
8 has also been very, very helpful to us. Deborah
9 Dominguez-Clark and I -- it took us several months
10 to have quality time with Deborah. We did a
11 presentation a couple of weeks ago as a conference,
12 and it's just really great to learn from her wisdom
13 and her team's wisdom, especially Charlene, who has
14 been here with us through our support of schools, as
15 well as the deputy director, Tim Crum.

16 And so they're always willing and ready to
17 support us, especially in areas that, quite frankly,
18 are personally my blind spots in really
19 understanding all the ins-and-outs about special
20 education. It's just really great to have a team
21 who's there to really support our team in general
22 around that.

23 And so, most recently, they did join us
24 for a visit to Alma d'Arte. Alma d'Arte requested
25 that we visit with them after the meeting in August.

<p style="text-align: right;">Page 30</p> <p>1 And so we joined them early in October. The Special 2 Education team came down as well. And I think that 3 just exemplifies the interagency dependence as well 4 as partnership that's really possible for us. So I 5 just wanted to thank them as well. 6 And then, last but not least, the Early 7 Childhood Division under the leadership of Brenda 8 Kofahl. We had a lot of quality time with Brenda 9 yesterday. I'm immensely grateful to her and to her 10 team. At a moment's notice, they're always ready to 11 support me and my team, as well as you-all, with our 12 questions around how to best support our youngest 13 students to make sure that they are being offered a 14 really quality academic and -- and social experience 15 at the early childhood level. 16 So I just wanted to acknowledge those 17 three divisions and bureaus as being integral to our 18 work as we move forward. 19 That's all my comments. 20 THE CHAIR: All right. Thank you. 21 MR. ALAN BRAUER: Thank you. 22 THE CHAIR: Let me ask. Do we want to 23 push No. 6 off? Is he planning on being here? 24 FROM THE FLOOR: Yes. 25 THE CHAIR: Because I'll hold off, and we</p>	<p style="text-align: right;">Page 32</p> <p>1 going to be on the phone. 2 We usually don't make that arrangement on 3 the fly. And I don't know if Commissioners have 4 questions, because we hadn't gotten to it. And I 5 didn't know that he wasn't going to be here. So 6 that's unfortunate. And I know this is timely for 7 them. 8 The school has -- needs their Board of 9 Finance approved so that they can begin to receive 10 the CPS Grant money. So that was why they asked to 11 be put on the agenda for this month so that they 12 could get that in the works. So I'm a little 13 disappointed that they didn't come. 14 COMMISSIONER CABALLERO: Madam Chair, 15 if -- I think it's important for them to be here. 16 THE CHAIR: I do, too. 17 COMMISSIONER CABALLERO: And so if I may 18 move to move the item for the next PEC regular 19 session meeting -- 20 THE CHAIR: Yeah. 21 COMMISSIONER CABALLERO: -- and make sure 22 that they attend. 23 THE CHAIR: So would you like to make that 24 motion? 25 COMMISSIONER CABALLERO: Yes. I would</p>
<p style="text-align: right;">Page 31</p> <p>1 can move on. 2 MR. ALAN BRAUER: Madam Chair, I think 3 that would be good. 4 THE CHAIR: We're just earlier than -- 5 okay. All right. So we'll -- 6 MS. KAREN WOERNER: Excuse me. 7 Madam Chair? 8 THE CHAIR: Yes. 9 MS. KAREN WOERNER: Jerome Campbell -- are 10 you talking about the ACES Board of Finance? 11 THE CHAIR: Yes. 12 MS. KAREN WOERNER: He is in Las Cruces. 13 And he had called yesterday and asked that if he had 14 everything submitted and he was set to go -- he has 15 submitted everything necessary. And I told him that 16 if there were questions, we could call him, because 17 he was finding it difficult to get to the meeting 18 today. 19 THE CHAIR: Okay. All right. Thank you. 20 So -- I -- are we good? 21 (Chair consults with Commission counsel.) 22 THE CHAIR: We normally make arrangements 23 for anyone that's going to participate on phone at 24 least the night before, that there's an 25 acknowledgment that someone from the schools is</p>	<p style="text-align: right;">Page 33</p> <p>1 make that into a motion, that we take it off the 2 agenda for today and put it on next month's. 3 MS. AMI JAEGER: I think it's better if 4 you table. We've already changed the agenda. So to 5 table it until the November meeting. 6 COMMISSIONER CABALLERO: Yes. I move to 7 table this item until the next regular monthly 8 meeting. 9 COMMISSIONER ROBBINS: I'll second. 10 THE CHAIR: There's a motion by 11 Commissioner Caballero and a second by Commissioner 12 Robbins. 13 Any discussion? 14 COMMISSIONER CRONE: Yes. I know our 15 November and December meetings -- our agendas are 16 really crowded; so... 17 THE CHAIR: Well -- and the only thing I 18 would say is for the November -- and I know the 19 November is really -- we scheduled it because we 20 scheduled the school to come up to speak. I'm going 21 to say this probably isn't going to take a lot of 22 time. So I don't think it's -- it's going to put a 23 strain on that November meeting. 24 COMMISSIONER CRONE: Okay. 25 THE CHAIR: So December. Yeah. But</p>

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1 November, I think -- I -- I'm comfortable with the
 2 time frame with November in terms of the amount of
 3 time it might take at a meeting. But I just think
 4 it's important, personally, that the school be here
 5 when we do this.
 6 Yeah. Commissioner Armbruster?
 7 COMMISSIONER ARMBRUSTER: Yes. Just my
 8 question is in case Dr. Campbell cannot attend, do
 9 we have the capability of a phone thing? I mean,
 10 it's in Albuquerque, so I'm sure that's much easier.
 11 But I just wanted to know that for --
 12 THE CHAIR: I don't -- I don't have the
 13 answer to that. Can we bring that? Or -- Matt, do
 14 you know, is there -- is it possible to have a phone
 15 connection?
 16 MR. MATT PAHL: Yeah. We'll --
 17 THE CHAIR: I assume because of the
 18 technology at the Rankin Center that it's probably
 19 fairly -- it's probably easier to get it there than
 20 it is here.
 21 And it doesn't have to be Mr. Campbell if
 22 he can't make it. But someone else on the founding
 23 team can certainly be -- that would be able to
 24 answer questions. It is -- I believe it's
 25 important, and I think other Commissioners have

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1 expressed that for someone to be here --
 2 MR. ALAN BRAUER: Madam Chair, members of
 3 the Commission, I know that Rankin does have -- I've
 4 used similar phones in those -- in those rooms.
 5 THE CHAIR: Okay.
 6 MR. ALAN BRAUER: So I -- one, I'm not
 7 sure if I can -- since you're in the moment of a
 8 motion, is it okay if I share?
 9 THE CHAIR: Not really.
 10 MR. ALAN BRAUER: Okay.
 11 THE CHAIR: Okay. Is there any other
 12 discussion?
 13 Then roll call, please.
 14 COMMISSIONER ARMBRUSTER: Commissioner
 15 Chavez?
 16 COMMISSIONER CHAVEZ: Yes.
 17 COMMISSIONER ARMBRUSTER: Commissioner
 18 Armbruster votes "Yes."
 19 Commissioner Robbins?
 20 COMMISSIONER ROBBINS: Yes.
 21 COMMISSIONER ARMBRUSTER: Commissioner
 22 Voigt?
 23 COMMISSIONER VOIGT: Yes.
 24 COMMISSIONER ARMBRUSTER: Commissioner
 25 Davis?

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1 COMMISSIONER DAVIS: Yes.
 2 COMMISSIONER ARMBRUSTER: Commissioner
 3 Caballero?
 4 COMMISSIONER CABALLERO: Yes.
 5 COMMISSIONER ARMBRUSTER: Commissioner
 6 Gipson?
 7 THE CHAIR: Yes.
 8 COMMISSIONER ARMBRUSTER: Commissioner
 9 Raftery?
 10 COMMISSIONER RAFTERY: Yes.
 11 COMMISSIONER ARMBRUSTER: Commissioner
 12 Crone?
 13 COMMISSIONER CRONE: Yes.
 14 COMMISSIONER ARMBRUSTER: Commissioner
 15 Ruiz is not here.
 16 So it's a nine-to --
 17 THE CHAIR: The motion passes, nine-zero.
 18 Okay. Thank you. So if you would just communicate
 19 to Mr. Campbell that we felt the need to table it,
 20 and we'd appreciate if someone from the school could
 21 be there at our November meeting. And I would
 22 presume that there will be folks from the school, I
 23 would hope, at the conference anyway. Thanks.
 24 We are now on to Item No. 7 -- oh, no, 6.
 25 Sorry -- no, 7 -- Discussion and Possible Action on

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1 School Location Within District Amendment Request
 2 for Aldo Leopold Charter School. So come on up.
 3 MR. WAYNE SHERWOOD: All right.
 4 Madam Chair, Commissioners.
 5 THE CHAIR: Is the green light on?
 6 MR. WAYNE SHERWOOD: It is now.
 7 Madam Chair, Commissioners, my name is Wayne
 8 Sherwood. I am the director of Aldo Leopold Charter
 9 School in Silver City. And I thank you guys for
 10 coming down last week, I guess it was, or two weeks
 11 ago.
 12 THE CHAIR: All right. So, Alan, do you
 13 want to --
 14 MR. ALAN BRAUER: I'm going to defer to
 15 Ms. Woerner on the phone to give you the updates on
 16 where we are with Aldo Leopold.
 17 MS. KAREN WOERNER: Madam Chair, can you
 18 hear me?
 19 THE CHAIR: Yes.
 20 MS. KAREN WOERNER: Okay. I'm having a
 21 little trouble with my voice.
 22 But -- so Aldo Leopold had submitted
 23 district -- excuse me -- an amendment request on the
 24 old forms back in July of 2018, which was also
 25 provided in your packet. Apparently, the school was

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1 advised to submit it on the new forms. I was --
2 that was back July of 2018.

3 THE CHAIR: Okay.

4 MS. AMI JAEGER: We can't hear.

5 THE CHAIR: Cindy is having struggles
6 hearing.

7 MR. ALAN BRAUER: All right. Karen, can
8 you go ahead and start again, please?

9 MS. KAREN WOERNER: Yes. Thank you, Alan.

10 Madam Chair, Commissioners, Aldo Leopold
11 has been working on a plan to relocate their school
12 eventually to the Western New Mexico University
13 campus. They've already moved their high school
14 classes there, and they're planning to try to move
15 their middle school there I think as early as next
16 year.

17 According to the State Board, submitted --
18 the school apparently submitted an amendment request
19 on the old forms in July of 2018, which, as you
20 know, was a few months after the new forms were
21 adopted and the new policy. The school was advised
22 to resubmit on the new forms. And I don't -- that
23 never did occur. And somehow that got lost in the
24 shuffle.

25 But the school has already relocated their

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1 what happened when they notified you that you had to
2 resubmit?

3 MR. WAYNE SHERWOOD: This was -- it was
4 under our charter renewal this year. And we had our
5 annual visit last week. And they -- the team said,
6 "Well, we don't see that in our file that you're
7 moving to Western -- you know, the high school."

8 And then I pulled out my own form, and
9 they're, like, "Well, let's just get all -- let's
10 just have you fill out all the new paperwork that is
11 required now."

12 And I was able to do that very quickly,
13 because I -- and get it submitted the next day. And
14 so now that should be what she's referring to in
15 your packet, all the information for the move to
16 Western New Mexico University.

17 THE CHAIR: Right. I guess the concern
18 was -- because when I received the phone call, it's
19 disconcerting when we don't know where a school is.

20 MR. WAYNE SHERWOOD: Right.

21 THE CHAIR: You know, it -- you know.
22 It's, like, we're going out to do a site visit and
23 we didn't know they were there, you know. It's --
24 it doesn't work really well. So that was -- you
25 know, it's -- it's -- it's just a concern.

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1 high school classes to the Western New Mexico
2 University campus. They've submitted this
3 notification with the documentation necessary and is
4 asking -- or notifying -- that the middle school
5 will also be moving I think as early as next school
6 year.

7 All of that information is contained in
8 your packet, and it is complete. And I believe the
9 school is there to present.

10 THE CHAIR: Yes. Okay. Thank you. So
11 here we are.

12 MR. WAYNE SHERWOOD: Yes.

13 THE CHAIR: I don't know how many
14 amendment -- honestly, I don't know how many
15 amendment requests you've done prior. Because when
16 we do amendment requests, you do get a signed
17 acknowledgment that we voted on it and it has been
18 approved.

19 So -- and I know this is -- when you did
20 it, it was probably just a notification.

21 MR. WAYNE SHERWOOD: Yeah. It was just
22 the one form that -- yeah, it was just, like, a
23 notification form, and then it's signed by my
24 governing council chair, and then I e-mailed it.

25 THE CHAIR: Right. But then -- so -- so

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1 But -- so do you have an MOU with -- with
2 Western for --

3 MR. WAYNE SHERWOOD: Yes. I thought I
4 e-mailed that to you as part of the packet.

5 THE CHAIR: I mean, I look- --

6 MR. WAYNE SHERWOOD: If you didn't get it
7 as part of that packet, I do have an MOU with
8 Western, and we have a contract signed, also, with
9 them for --

10 THE CHAIR: And I could -- I'm looking if
11 there's an MOU. There's also a contract.

12 MS. KAREN WOERNER: I believe that's in
13 the packet.

14 THE CHAIR: I see the lease agreement.
15 But I haven't -- and I thought maybe I was just
16 missing something. So do you have -- you have an
17 MOU with Western?

18 MR. WAYNE SHERWOOD: I do. But I don't
19 have that with me right now, so --

20 THE CHAIR: Because that, I don't see. I
21 looked through before and didn't think -- there is
22 the lease agreement here, but I didn't see an MOU.
23 So we do need a copy. And you would -- well, you're
24 up for renewal this year.

25 MR. WAYNE SHERWOOD: Yes.

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1 THE CHAIR: So it'll be in the renewal
 2 packet. But we should have it for now as well.
 3 MR. WAYNE SHERWOOD: Okay.
 4 THE CHAIR: So if you could just resubmit
 5 that. Or if you can check to see, because Karen
 6 indicated that it should be here. And it's not. So
 7 maybe -- could you check to see if you have it?
 8 MR. ALAN BRAUER: Yes.
 9 THE CHAIR: And then let them know so that
 10 they don't have to resubmit it if it's already here.
 11 But it is not in our packet.
 12 MR. WAYNE SHERWOOD: Yeah. I can have my
 13 business manager -- I'll e-mail him after this and
 14 see if he can just get that sent up.
 15 THE CHAIR: And does that MOU just now
 16 cover the high school?
 17 MR. WAYNE SHERWOOD: It does. That's
 18 correct. It's just the high school this year. And
 19 then if things work out on some of the remodeling
 20 that has to take place -- it would still be in the
 21 same building, the middle school, but it would be
 22 the lower level.
 23 The building is called "Ritch Hall," which
 24 is a great building. It's got a lot of history.
 25 The original part of the building was built in 1905

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1 and was added on in 1950. And we're actually -- the
 2 classrooms are in the 1950 wing of the building.
 3 It's three stories tall. And for Silver City,
 4 that's a big building.
 5 So last year, Western remodeled the
 6 building, made it handicapped accessible, added an
 7 elevator. They also -- we now have a sprinkler
 8 system in the building.
 9 And so it's -- it's really a great
 10 building. And I'm very happy to be on the campus,
 11 because our students now are dual-credit. They get
 12 to walk to classes. It's a very quiet campus. And
 13 so we're excited to be there, and we're hoping that
 14 the middle school, we will be able to provide some
 15 space for them next year.
 16 But as we all know, with middle-schoolers,
 17 they still need a playground. And so that's my
 18 thing that I'm working on this year -- right now I'm
 19 working with Dr. Shepard at the University -- is to
 20 build some kind of facility that the kids can go out
 21 and play and be safe.
 22 THE CHAIR: Great. Well -- and could the
 23 record please indicate that Commissioner Ruiz has
 24 rejoined us?
 25 And I know it's been a challenge for our

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1 school from -- for years, for facilities. So it's
 2 exciting that you've got this opportunity. But once
 3 again, the only concern is it's problematic when we
 4 don't know where a school is.
 5 MR. WAYNE SHERWOOD: Yes. I completely
 6 understand that.
 7 THE CHAIR: So that's truly the concern.
 8 If Commissioners have any other questions?
 9 COMMISSIONER ARMBRUSTER: I just -- pardon
 10 my ignorance. So you were someplace. And do we
 11 know that you moved to Western? Is that what we're
 12 saying?
 13 THE CHAIR: That's what we're saying. We
 14 didn't know where they were.
 15 COMMISSIONER ARMBRUSTER: Oh. Ever.
 16 Okay. Because I was thinking, where did I hear
 17 about this? But that doesn't mean you didn't do it.
 18 It just means I didn't remember.
 19 MR. WAYNE SHERWOOD: It's definitely been
 20 in the works for years. And when I filled out this
 21 first amendment request form -- and this was in
 22 2018 -- I really realized -- I thought that's all I
 23 needed to do. And then I found out that there was
 24 more paperwork that I needed to fill out. And
 25 that's what I did last week, to get everything else

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1 up to the newer standards.
 2 COMMISSIONER ARMBRUSTER: So on this
 3 facility that you're going -- that you're partly in
 4 and going to move the rest of you, does that allow
 5 for an expansion of how many students you take? I'm
 6 looking at --
 7 THE CHAIR: There's no enrollment cap --
 8 COMMISSIONER ARMBRUSTER: I see the
 9 several hundred. I'm just asking those two
 10 questions.
 11 MR. WAYNE SHERWOOD: It's a great
 12 question. Because the building itself is a very
 13 large building. It's 30,000 square feet. We will
 14 be occupying 20,000 square feet of that when the
 15 middle school gets there. But our cap is 210. And
 16 right now we're at 173.
 17 And Grant County has a declining
 18 population. And the Silver Schools has a declining
 19 population. So does Cobre Schools.
 20 So we've stayed stable at Aldo Leopold
 21 Charter School and actually have gone up in the last
 22 couple of years. But I don't anticipate us getting
 23 a whole lot bigger than we are right now just
 24 because of the declining population in Grant County.
 25 THE CHAIR: Commissioner Crone, did you

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1 have a question?

2 COMMISSIONER CRONE: I did. My wife
3 attended Western back in the '70s. And so we were
4 on your campus in May. Could you -- is this an
5 older building right across the street from a
6 residential area?

7 MR. WAYNE SHERWOOD: Dr. Shepard's house
8 is the only thing that's right there. There's
9 another dormitory called "Centennial Hall" right
10 there, and it's right by the museum. If you're
11 familiar with the museum and the library, we're
12 100 feet from the library, which our students are
13 able to use Western's library.

14 That's one of the things in the MOU, that
15 we're able to use the library. It's just been a
16 great benefit for a charter school that we didn't
17 have all these facilities, using the gym that they
18 have there, all the fields that they have. It's
19 been really nice.

20 COMMISSIONER CRONE: Was the -- that was a
21 women's dormitory? That's where my wife resided.

22 MR. WAYNE SHERWOOD: Oh, okay.

23 COMMISSIONER CRONE: I thought I saw a
24 little park right in that kind of immediate area.

25 MR. WAYNE SHERWOOD: There is. Right

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1 across is a little gazebo area. It's a small park.
2 It wouldn't be something for our whole entire middle
3 school to be able to go to. But there is a little
4 park area there.

5 COMMISSIONER CRONE: Anybody that goes to
6 Silver, go to the campus. Go to the library.

7 THE CHAIR: The museum is incredible. It
8 is. It's a little gem sitting there in Silver City.
9 And a lot of people go to Silver City and don't even
10 know that that's there.

11 And it is exciting that a school has the
12 opportunity to use those facilities. I don't think
13 any of us are saying, "No, you shouldn't have gone."

14 The point is we should have known you
15 left, you know.

16 MR. WAYNE SHERWOOD: I agree. I'm sorry
17 about not getting everything turned in properly in
18 the amount of time that I should have got it turned
19 in.

20 THE CHAIR: Okay. Well, we appreciate
21 your coming up.

22 And does anyone have any other questions?
23 Otherwise, I'll entertain a motion.

24 (No response.)

25 THE CHAIR: Okay. I'll make the motion.

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1 COMMISSIONER CHAVEZ: I'll make the
2 motion. Madam Chair, I move that the Public
3 Education Commission approve the requested amendment
4 from Aldo Leopold Charter School to change the
5 location of the school within the local school
6 district.

7 THE CHAIR: Should we put the address? Or
8 no?

9 COMMISSIONER ROBBINS: I'll second.

10 THE CHAIR: There's a motion by
11 Commissioner Chavez. There's a second by
12 Commissioner Robbins.

13 Any discussion?

14 (No response.)

15 THE CHAIR: Roll call, please.

16 COMMISSIONER ARMBRUSTER: Commissioner
17 Voigt?

18 COMMISSIONER VOIGT: Yes.

19 COMMISSIONER ARMBRUSTER: Commissioner
20 Ruiz?

21 COMMISSIONER RUIZ: Yes.

22 COMMISSIONER ARMBRUSTER: Commissioner
23 Armbruster votes "Yes."

24 Commissioner Crone?

25 COMMISSIONER CRONE: Yes.

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1 COMMISSIONER ARMBRUSTER: Commissioner
2 Robbins?

3 COMMISSIONER ROBBINS: Yes.

4 COMMISSIONER ARMBRUSTER: Commissioner
5 Raftery?

6 COMMISSIONER RAFTERY: Yes.

7 COMMISSIONER ARMBRUSTER: Commissioner
8 Davis?

9 COMMISSIONER DAVIS: Yes.

10 COMMISSIONER ARMBRUSTER: Commissioner
11 Gipson?

12 THE CHAIR: Yes.

13 COMMISSIONER ARMBRUSTER: Commissioner
14 Chavez?

15 COMMISSIONER CHAVEZ: Yes.

16 COMMISSIONER ARMBRUSTER: Commissioner
17 Caballero?

18 COMMISSIONER CABALLERO: Yes.

19 COMMISSIONER ARMBRUSTER: It's a
20 ten-to-zero vote. The motion passes.

21 THE CHAIR: The motion passes, ten-zero.

22 Thank you so much, and we'll see you in December.

23 MR. WAYNE SHERWOOD: All right. Thank
24 you.

25 THE CHAIR: Thank you.

<p style="text-align: right;">Page 50</p> <p>1 And I'm going to ask for a short break. 2 (Recess taken, 9:54 a.m. to 10:09 a.m.) 3 THE CHAIR: Okay. We are now on to Item 4 No. 8, Discussion and Possible Action on Procedures, 5 Amendments and Notifications for State Charter 6 Schools' Pre-Kindergarten and Early Childhood 7 Education Programs. 8 And thank everyone once again for all the 9 work on this yesterday, and, as Alan had mentioned 10 earlier in his accolades, the Early Childhood Bureau 11 coming in and offering all the information. And 12 they came to our July meeting as well. So we 13 absolutely appreciate all the time and the input 14 that they have offered us. 15 So as a result of yesterday's work, we 16 have a couple of documents. And thank Ami for 17 working last night and making those changes for us 18 so we have a clean copy to look at. 19 So that we do have the Additional 20 Education Program for Pre-Kindergarten Early 21 Childhood Amendment Request Form, with all of the 22 changes that were made. And the Amendment 23 Request -- also, the second document shows the 24 redline changes. 25 So you've got the clean one. You've got</p>	<p style="text-align: right;">Page 52</p> <p>1 Public Education Commission adopt the Amendment Form 2 and Procedures for State Charter Schools' 3 Pre-Kindergarten Early Childhood Programs. 4 COMMISSIONER RUIZ: Second. 5 THE CHAIR: There's a motion by 6 Commissioner Raftery. There's a second by 7 Commissioner Ruiz. 8 If there's no other discussion, 9 Commissioner Armbruster? 10 COMMISSIONER ARMBRUSTER: Commissioner 11 Davis? 12 COMMISSIONER DAVIS: Yes. 13 COMMISSIONER ARMBRUSTER: Commissioner 14 Ruiz? 15 COMMISSIONER RUIZ: Yes. 16 COMMISSIONER ARMBRUSTER: Commissioner 17 Gipson? 18 THE CHAIR: Yes. 19 COMMISSIONER ARMBRUSTER: Commissioner 20 Robbins? 21 COMMISSIONER ROBBINS: Yes. 22 COMMISSIONER ARMBRUSTER: Commissioner 23 Caballero? 24 COMMISSIONER CABALLERO: Yes. 25 COMMISSIONER ARMBRUSTER: Commissioner</p>
<p style="text-align: right;">Page 51</p> <p>1 the one that shows -- the old form with the changes 2 on it that you're able to look at. And then the 3 final document is what the school receives as 4 confirmation whether we have approved or denied that 5 amendment request. So that goes into their contract 6 documents. 7 So are there any questions or concerns 8 regarding these documents? 9 For those Commissioners that were not here 10 yesterday, after talking with the folks from the 11 Early Childhood Bureau, their application process 12 begins after the first of the year, so that in order 13 for us to be able to give them notice as to what 14 schools we have approved the amendment for, we need 15 to do this in December so that we can then give the 16 notification to the Early Childhood folks, and then 17 they will go through their application process and 18 awards for the money. 19 So if there are no other questions, I'll 20 entertain a motion. 21 COMMISSIONER RAFTERY: I'll make the 22 motion. 23 THE CHAIR: There's -- you need to state 24 the motion. 25 COMMISSIONER RAFTERY: I move that the</p>	<p style="text-align: right;">Page 53</p> <p>1 Voigt? 2 COMMISSIONER VOIGT: Yes. 3 COMMISSIONER ARMBRUSTER: Commissioner 4 Armbruster votes "Yes." 5 Commissioner Chavez? 6 COMMISSIONER CHAVEZ: Yes. 7 COMMISSIONER ARMBRUSTER: Commissioner 8 Crone? 9 COMMISSIONER CRONE: Yes. 10 COMMISSIONER ARMBRUSTER: Commissioner 11 Raftery? 12 COMMISSIONER RAFTERY: Yes. 13 COMMISSIONER ARMBRUSTER: Ten-to-zero 14 vote. It passes. 15 THE CHAIR: So the motion passed, 16 ten-zero. 17 We are on to Item No. 9, which is Adoption 18 of the 2018-2019 School Year CSD Site Visit Reports 19 and Findings for All State Authorized Charter 20 Schools That Are Renewing in 2020. 21 And, of course, these site visit reports 22 are complete, with the exception that there's not 23 the State Accountability System for this year has 24 been rolled into those. It should be out 25 mid-November.</p>

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1 So that'll -- but it -- and, remember,
2 that's why we didn't do the early renewals in
3 November, because we wouldn't have the information.
4 So by the time December rolls around, they will be
5 able to embed that into the renewal applications.

6 But I would absolutely encourage
7 Commissioners, the two parts of the renewal
8 applications -- all the renewal application
9 information has now been put into the SharePoint.
10 So -- and now the site visit reports have been also
11 uploaded into SharePoint. And, once again, there's
12 19 of these schools.

13 So it's a lot of work to go through. So I
14 would highly recommend, when you can't sleep some
15 nights, to just open up that iPad and start reading
16 through these renewal applications so that they
17 become familiar to you.

18 I wish I could get them on audio so I
19 could listen to them as I'm driving up and back,
20 because it would be -- it would -- you know, it
21 would be fascinating listening to.

22 But it would really -- when I commuted
23 during college, I used to read my notes on tape, to
24 tape. And I would record my notes, and then I would
25 listen to my notes, because I'm a nerd like that.

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1 Performance Indicators."

2 Is that, like, from 2018? Some of them --
3 is that what that's reflecting?

4 THE CHAIR: It's reflecting --

5 MS. KAREN WOERNER: The Required Academic
6 Performance Indicators are what we refer to as the
7 school's goals. But, remember, prior to the new
8 contracts, they were academic goals typically
9 around -- most of them, not all -- around math and
10 reading short-cycle. That's the Required Academic
11 Performance Indicators in the pre-2018 contracts.

12 THE CHAIR: Okay. But that's the site
13 visit reports from last year.

14 MS. KAREN WOERNER: So those site visit
15 reports are from the '18-'19 school year. And the
16 documents, the charts in your packet, tell the last
17 three years, or whatever the years have been under
18 this contract, of ratings for the school, of course,
19 with the first one being pending the accountability
20 reports.

21 COMMISSIONER ARMBRUSTER: Okay. Thank
22 you. I just wanted to make sure I understood what I
23 was reading.

24 THE CHAIR: Sure. Question?

25 COMMISSIONER RUIZ: No.

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1 So -- but it was not a waste of time, then, to --
2 when I was in the car.

3 But this is -- this is really important
4 information. And I appreciate -- because the CSD is
5 out there doing the site visits and trying to get
6 this information completed and rolled into
7 SharePoint has been, without a doubt, a lot of work.
8 But it is important work.

9 A couple of us are going to be on planes.
10 So we'll have good reading on the planes to get
11 ourselves started.

12 So I appreciate this. So I will -- if
13 there's no further discussion on these site visit
14 reports --

15 COMMISSIONER ARMBRUSTER: I have.

16 THE CHAIR: Oh, sure.

17 COMMISSIONER ARMBRUSTER: This is a
18 clarification. Deputy Director, are you there?

19 MS. KAREN WOERNER: I am here.

20 COMMISSIONER ARMBRUSTER: I guess --
21 whomever can answer this.

22 So on the very top, you know, it says,
23 "Academic Performance Framework." So some of these
24 say, "Pending." I get that.

25 And then it says, "Required Academic

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1 THE CHAIR: Okay.

2 COMMISSIONER RUIZ: I move that the Public
3 Education Commission adopt and ratify the 2018-2019
4 School Year CSD site visit reports and findings for
5 all State-authorized charter schools that are
6 applying to renew their charter contracts for 2020.

7 COMMISSIONER VOIGT: Second.

8 THE CHAIR: There's a motion by
9 Commissioner Ruiz, a second by Commissioner Voigt.
10 Any further discussion?

11 (No response.)

12 THE CHAIR: If not, roll call, please.

13 COMMISSIONER ARMBRUSTER: Commissioner
14 Raftery?

15 COMMISSIONER RAFTERY: Yes.

16 COMMISSIONER ARMBRUSTER: Commissioner
17 Robbins?

18 COMMISSIONER ROBBINS: Yes.

19 COMMISSIONER ARMBRUSTER: Commissioner
20 Chavez?

21 COMMISSIONER CHAVEZ: Yes.

22 COMMISSIONER ARMBRUSTER: Commissioner
23 Caballero?

24 COMMISSIONER CABALLERO: Yes.

25 COMMISSIONER ARMBRUSTER: Commissioner

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1 Voigt?
 2 COMMISSIONER VOIGT: Yes.
 3 COMMISSIONER ARMBRUSTER: Commissioner
 4 Crone?
 5 COMMISSIONER CRONE: Yes.
 6 COMMISSIONER ARMBRUSTER: Commissioner
 7 Ruiz?
 8 COMMISSIONER RUIZ: Yes.
 9 COMMISSIONER ARMBRUSTER: Commissioner
 10 Armbruster votes "Yes."
 11 Commissioner Gipson?
 12 THE CHAIR: Yes.
 13 COMMISSIONER ARMBRUSTER: Commissioner
 14 Davis?
 15 COMMISSIONER DAVIS: Yes.
 16 COMMISSIONER ARMBRUSTER: I think I got
 17 everyone. That will be a ten-to-zero vote.
 18 THE CHAIR: Motion passes, ten-zero.
 19 Thank you.
 20 We are now on to item No. 10, which is
 21 Discussion and Possible Action on the Montessori
 22 Elementary and Middle School Financial and Pre-K
 23 Concerns Including Possible Corrective Action Plan.
 24 And I know there's folks from the school
 25 here. So they can come on up.

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1 And I also see a familiar face here that
 2 we haven't seen in a while. Director Craig is here
 3 to help us out.
 4 Yesterday, very briefly, when we were
 5 talking about the pre-K programming, we just --
 6 there was just a mention that the program run
 7 through this school is tuition-based, so that there
 8 was a concern raised, I guess with a conversation,
 9 that -- with the Pre-K Bureau in terms of -- not
 10 exactly sure how that works. And we weren't really
 11 sure how we blend a tuition-based program into a
 12 public school program.
 13 So I appreciate the school coming up. I
 14 appreciate the Director coming up -- or down -- to
 15 be able to give us some clarity on this.
 16 And, hopefully, for the school, we might
 17 have some possibilities for you not having to be
 18 tuition-based.
 19 So I had a brief phone conversation with
 20 the school, I guess, two or three days ago, about
 21 this. And the folks at the school indicated that it
 22 wasn't really by choice that they've been
 23 tuition-based, but because of the lack of
 24 Free-and-Reduced funding kids, they haven't been
 25 able to get the funding.

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1 And when I mentioned that, someone
 2 mentioned yesterday that there might be a fix. So
 3 we'll work into that.
 4 So thank you for -- thank you for coming
 5 up. And I don't know if it would just be easier for
 6 the Director to guide us through this? Because it
 7 seems -- it just seems a little wonky that -- you
 8 know, for us. May not be for you. But I'll remind
 9 everyone that I'm still with Wells Fargo. So -- you
 10 know, my financial acumen is limited.
 11 MR. DAVID CRAIG: Commissioner Gipson and
 12 members of the Public Education Commission.
 13 For the record, my name is David Craig.
 14 I'm the Director of the School Budget and Finance
 15 Analysis Bureau here at the Public Education
 16 Department.
 17 I can kind of -- I have, like, so much I
 18 want to download to you guys that I'm trying to
 19 figure out how to organize my thoughts on the fly.
 20 So my understanding of the issue that I'm
 21 here to provide testimony on is educational fees
 22 that are related to a pre-K program, not related to
 23 a Public Education Commission or CYFD program, how
 24 we track that at the Public Education Department,
 25 any steps we've done to have oversight or any

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1 questions that we've had around that in the past.
 2 So that being said, I've never met these
 3 young ladies and gentleman. I'm sure they're very
 4 nice people. But some of the things I'm going to
 5 talk about have nothing to do with the Montessori
 6 Elementary or Middle School.
 7 THE CHAIR: Okay.
 8 MR. DAVID CRAIG: And I want to talk about
 9 how the School Budget and Financial Analysis Bureau
 10 kind of came into its oversight role related to this
 11 issue from a different way. Okay?
 12 In October of 2018, I started taking a
 13 look at this issue in depth -- well, let me back up.
 14 In April and May -- excuse me. In April
 15 and May of 2018, we had a number of charter schools
 16 submitting applications -- and by "a number," just a
 17 handful, three or four -- that were showing
 18 educational fees in their operating budgets.
 19 And, again, that's -- I can give you the
 20 wonky part. But, basically, they were saying,
 21 "We're getting money outside of the SEG into our
 22 funds from an outside source for fees."
 23 And my focus at the time was not related
 24 to pre-K or anything like that; it was around fees.
 25 I'm very interested, and can remain

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1 interested, in the process by which school districts
2 and charter schools and the practice of charging
3 fees for public schools. That is kind of a gray
4 area in our law.

5 Well, it's black-and-white. You're not
6 allowed to charge tuition; right? But when does a
7 fee become tuition? When is it appropriate to be
8 charging for offset of costs that are over and
9 above? And when is it that you're charging kids to
10 come to public schools?

11 And so I'm an equal opportunity person on
12 this issue, also looking at school districts on this
13 issue. But I have one charter school -- so I took
14 everybody that had that line item, 11000,
15 Educational Fees. I think it's 57202; I'll have to
16 double-check.

17 And it says "Educational Fees,
18 Activities." That's it.

19 Educational Fees, Direct Education.

20 And I did a percentage of their total
21 operational budget. And there were some big
22 outliers. And so I took the outliers and had a
23 conversation with them.

24 I said, "What is this? What are we doing
25 that you have this much in your budget for

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1 very limited charter school issue that's blowing up
2 in a neighbor state.

3 And so I said, "Look, we really need to go
4 into this school and review what's going on there."

5 So I got all filled up with vinegar, like
6 I sometimes do. And I went down there, and I said,
7 "I'm going to need to see your books. Please show
8 me everything."

9 And they produced everything. And they
10 were running a pre-K program. And it was able to be
11 tracked to the penny. And they were charging kids
12 costs that were probably a little under what it cost
13 to run a pre-K program.

14 And it became a very clear to me early on
15 in this risk review that these people were running a
16 pre-K program that was designed for the best
17 interests of the student. And, in fact, not only
18 were they not charging more money to economically
19 disadvantaged kids, they were forgiving some of
20 those fees related to that and eating it at the
21 school level.

22 And so I said, "Well, if you're running
23 this pre-K program, why don't you just get into a
24 PED or CYFD program?"

25 And he said "David, our programmatic

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1 educational fees? Remember, you're a public
2 school."

3 And they said -- you know, one of them was
4 another school, very similar in programmatic
5 structure to this, because of -- and you'll see why.
6 I don't want to name them. But I kind of flagged
7 them.

8 And I said, "We're going to do a risk
9 review on you in the next fiscal year."

10 But their answer to me was, "I'm running a
11 pre-K program outside of the PED CYFD program."

12 And I told Alan this. And he goes, "We
13 really need you to come to the PEC, David."

14 And I said, "Okay. That's fine."

15 And I'll talk to you about what I found
16 with that.

17 So I said, "Well, I'm really worried about
18 that," because at the same time, we also had the
19 issue blowing up in Texas where the Knowledge is
20 Power program schools were being flagged by the
21 Texas State Auditor's group for charging fees for
22 economically disadvantaged kids that were far in
23 excess of what their ability to pay was.

24 So at the same time I've got this issue of
25 tuition blowing up with that, I also have, like, a

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1 structure is that we can't. We don't meet the
2 qualifications for PED or CYFD to be able to do
3 something like that."

4 I said, "Like, what's the problem there?"

5 And they said, "Well, you have to have hot
6 lunches. They want you to have a construction floor
7 plan that had" -- he prefaced it by saying, "I'm not
8 an expert on pre-K programs."

9 And I said, "Well, I'm not either. But,
10 just anecdotally, what have you heard?"

11 He said, "Well, you have to have hot
12 lunches. You have to have a construction floor plan
13 that meets certain requirements that would require
14 us to make a bunch of capital outlay changes to our
15 footprint. And then, also, there are some
16 credentialing issues related to our specific
17 program."

18 And I'm sure that the lady and the
19 gentleman next to me with their Montessori program
20 can talk a little bit more in-depth about that,
21 because I'm not an expert on that. But the
22 Montessori schools probably have something very
23 similar, where you have to go through a special
24 credentialing program, and that may or may not align
25 to their pre-K program.

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1 I said, "Okay."
 2 Then an issue popped up that I didn't even
 3 think about. They said, "David, we do everything by
 4 the book for these kids related to the Charter
 5 Schools Act, too. They have to go through the
 6 lottery process. They have to go through all of the
 7 things that the other grades do."
 8 And I didn't even think about that at the
 9 time. But that's another thing, that if you're
 10 going to run a pre-K program, you'd better be
 11 thinking about, is how do the kids get in the
 12 lottery. Right?
 13 So at the end of it, I was left with,
 14 "Okay -- and you have an adequate program. It's
 15 adequately accounted for. You can account for all
 16 the dollars. The kids are forgiven if they can't
 17 pay."
 18 I couldn't see any difference between that
 19 or running an after-school program. There was no
 20 parochial sort of overtones or anything of it.
 21 And so at that point in time, I said,
 22 "Okay. As long as the educational fees can be
 23 tracked to the pre-K program expenditures and
 24 revenues, I'm all right with this."
 25 And so I just didn't forward it for any

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1 other additional review. Mentioned that I'd done
 2 it, put the codicil, closed down everything that I
 3 had with it, and said, "You know, we're done here."
 4 But that was what we found when we looked
 5 at one school, one time, one year ago, that had one
 6 of these programs that was a pre-K program that was
 7 outside of the PED Charter School Division.
 8 Other things I tried to think of on the
 9 way down here, Commissioner Gipson and
 10 Commissioners, is I don't know how that interacts
 11 with the Charter Schools Act, whether or not that
 12 has to be part of their charter schools contract. I
 13 can tell you that the money was properly accounted
 14 for, okay?
 15 THE CHAIR: Okay. Because I guess there
 16 was a -- I guess part of the concern was if you're
 17 taking tuition money and you're rolling it into a --
 18 and you're using it for operational monies --
 19 because their staffing -- yes?
 20 Are there -- are there staff members that
 21 work with K or above on that also work with the
 22 pre-K kids? And I'm assuming there is. So if
 23 that's the case, and that money is coming from a
 24 tuition-based, that's where we started to go a
 25 little catty-wampus with this.

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1 MR. DAVID CRAIG: That's fair. Right.
 2 I'm sorry. Commissioner Gipson and members of the
 3 Commission. I mean, I think that that's a fair
 4 concern.
 5 In the particular school I was looking at,
 6 that was not the case. They were able to document
 7 that this was self-sustaining.
 8 Now, there were times in which that
 9 particular program ran at a deficit, and the
 10 school's operational fund had to pick it up. Or
 11 there were times when modest amounts of the fees
 12 generated were in excess of the pre-K.
 13 And so what do you do with that delta?
 14 And it was very modest; it was, like, less than
 15 \$1,000. And so that got deposited back into the
 16 operational fund. But under accounting principles,
 17 that's the appropriate place to put that. The
 18 operational fund is the fund of last resort. If you
 19 have no other place to put some money, you have to
 20 put it in the operational fund.
 21 THE CHAIR: Right. But I guess my
 22 question and possible concern is if a school is
 23 using operational monies for pre-K programs that is
 24 tuition-based --
 25 MR. DAVID CRAIG: I mean -- so the

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1 tuition -- I'm trying to figure out -- Commissioner
 2 Gipson, give me a moment to organize my thoughts.
 3 How do I answer that without getting into
 4 wonky accountant-speak; right?
 5 So it depends upon how you structure the
 6 receipt of those revenues; right? And so I'll give
 7 you the wonky answer, and then I'll try and
 8 translate.
 9 The -- 'cause there's two ways that you
 10 can do this. Some schools are collecting those
 11 fees. And, remember, that -- I hear you weren't
 12 using the word "tuition." I get it. They're not
 13 allowed to charge tuition. So, technically, that's
 14 illegal.
 15 The word they're using is "Educational
 16 Fees." When they charge fees for this program, they
 17 would either deposit it in the operational fund or
 18 they classify it as a fiduciary activity for the
 19 benefit of it's a District Activity and code into
 20 the Agency funds under GASB 84.
 21 Under those instances, we may not even see
 22 that at the Public Education Department, because
 23 until this year, they were never required to report
 24 any Agency or 90000 District Activity Funds.
 25 For those entities that are classifying it

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1 as an Operational -- as a sub-program of their
 2 Operational Fund, we do see those funds. That's
 3 where I don't have a problem. If you labeled this
 4 as a nonfiduciary, and you have it as a governmental
 5 activity, basically, saying, "I'm not running this
 6 to make money, I'm running this as part of my normal
 7 governmental activity," the Operational Fund would
 8 be the appropriate place to put those funds.

9 Now, it's going -- what we have here is
 10 something that I think is kind of an emerging area.
 11 To me, like, this is not something that there's any
 12 sort of rules around; right? Like, how do you
 13 handle a pre-K program that isn't approved by PED,
 14 and it's -- and the reason we're encountering this
 15 issue, Commissioner Gipson and the members of the
 16 Commission, is because pre-K is starting to get into
 17 the government sphere; whereas, before, it was not.

18 So, to me, a lot of these people have
 19 pre-K programs that far -- that outdate the
 20 existence of a public PED pre-K program. And so
 21 they're trying to figure out the intersection of how
 22 they can do this.

23 And I do believe people have the best
 24 interests of the kids to the extent like how you
 25 began your testimony, Commissioner Gipson. That we

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1 accounting structures.

2 Does that help answer your question,
 3 Commissioner Gipson?

4 THE CHAIR: It does. And I certainly
 5 appreciate that. But it also helps to muddy it a
 6 little bit.

7 MR. DAVID CRAIG: I'm sorry. I tried.

8 THE CHAIR: Because when we were talking
 9 about -- and I get and appreciate the fact that
 10 there is that clear accounting. And that's
 11 important for us.

12 But when you're then putting that into
 13 that governmental entity, how do you not then have
 14 that pre-K program have to comply with all of the
 15 requirements that the government entity is
 16 requiring?

17 So it's a little bit -- you know, how --
 18 we want to stay outside, because we -- we can't --
 19 we don't have the space or whatever it is. But at
 20 the same time, we're melding this money in with that
 21 government entity. And that's clear. But they want
 22 to stay outside of the limits of the government
 23 entity. So that's where I have the -- you know,
 24 that's where it's -- and that, unfortunately, you
 25 can't fix for me.

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1 can get them into the fold without disruption is
 2 probably the best way to go forward.

3 But the Operational Fund, it's all one --
 4 to answer your question as best I can, it's all one
 5 color of money; right? So if you're collecting
 6 educational fees, you're going to have to provide
 7 for and account for that program within, on your own
 8 general ledger on your side as a school, how those
 9 costs and expenditures are associated with it.

10 And it's not uncommon for other programs
 11 to be supplemented from other operational dollars.
 12 It doesn't surprise me that's what's going on. I
 13 don't see any problem with that as long as we all
 14 agree that that's a governmental activity that's
 15 allowed.

16 I think the things to consider about that
 17 is how -- like I said in my earlier testimony, how
 18 does the charter school contract treat the pre-K
 19 program that isn't approved by the PED? Is that
 20 coming in front of the charter -- or the Public
 21 Education Commission? Are we going to treat it more
 22 as a district activity and after-school program?

23 Those are going to decide -- the
 24 programmatic decisions around this, I think, are
 25 going to drive how we later on establish the

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1 MR. DAVID CRAIG: Commissioner Gipson?

2 THE CHAIR: I wish you could, but I -- and
 3 you're right. It's this burgeoning area that
 4 started and now we're trying to go back, because
 5 we've got -- we've got programs that have been good
 6 programs and have been offering quality services and
 7 they've existed for -- some more than a decade. And
 8 now we're trying to bring them in the fold and how
 9 do we do this without a lot of disruption to the
 10 program but also have that accountability.

11 MR. DAVID CRAIG: Commissioner Gipson, I
 12 mean, the -- the one school I looked at, remember,
 13 that's a very small sample size. And I'm not sure
 14 that we're going to be doing those kind of limited
 15 risk reviews going forward.

16 But the one school that I found was
 17 somebody who was really, really trying to conform as
 18 much as possible to the existing legal framework,
 19 somebody who had -- was doing the lottery process
 20 for these, making sure that anybody who was around
 21 kids had had background checks and was licensed,
 22 things that all of the other elements layered on
 23 there were being met.

24 And so I just want to say that as we go
 25 forward, I -- I've kind of eaten my humble pie. And

<p style="text-align: right;">Page 74</p> <p>1 instead of, you know, assuming that people are 2 trying -- have mal-intent here, people are really 3 trying their best, right? And so I really feel like 4 that's important to keep in mind for me. 5 And I would just counsel the Commission 6 that as we go forward, a lot of people are really, 7 really trying to try and make sure that this program 8 does intersect to the best of their ability that 9 they can. And that includes with accounting for 10 money from what I've seen, okay? 11 THE CHAIR: Thank you. And you're 12 absolutely right. I don't think that any of these 13 programs, anyone's been in it for the money. 14 MR. DAVID CRAIG: Yeah. That's -- 15 THE CHAIR: So it's not that they're 16 really trying to make a profit off of this, that it 17 has been well-intentioned. But we do have that 18 responsibility to make sure that those health and 19 safety aspects are -- are covered. 20 So, you know, where -- where do we fit 21 this all in? 22 But I certainly do appreciate the fact 23 that, you know, there's been the clarity given 24 around where the funds are. And I also hear you 25 with those activities. Yeah. And you're right.</p>	<p style="text-align: right;">Page 76</p> <p>1 loved that experience of being a teacher and seeing 2 how the kids learn. 3 I actually had a question about how and 4 why are these funds commingled? It looks like 5 they -- it sounds like they are being commingled, 6 which kind of raises a concern. 7 If you're bringing money in for whatever, 8 a lab fee for a photography class, but it's going 9 into your general operational funds, that would be 10 commingling of the funds. That's kind of a concern 11 for me. 12 And it seems like, you know, a public 13 school, any public school, whether it's a large 14 district school or a charter school that has a 15 specific mission shouldn't be charging fees for 16 their programs, you know. Being not-for-profit 17 entities, anti-donation, all of that stuff, as 18 government entities, it just seems a little strange 19 that there would be fees being charged. 20 And then I had a question about your 21 lottery for your kids. This might be a whole 22 different subject area about how this tuition-based 23 pre-K, how does that feed into your lottery for your 24 enrollment for your elementary school? 25 Is that -- how do you address your pre-K</p>
<p style="text-align: right;">Page 75</p> <p>1 And I struggle with that as well. When you're 2 looking at a public school and schools have to ask 3 for fees for participation, and then are we then 4 selecting out students. 5 And that's not the way it should be, even 6 if it's by appearance. Because we all know that 7 there are students who will be uncomfortable coming 8 forward and saying, "My family can't afford this." 9 And you don't want to put a child in that 10 position, either, to have to -- for those words to 11 come out. And it's a very -- it's a very slippery 12 line that we run with this. 13 And it's unfortunate that some of the 14 programs have become that expensive. We fundraise 15 parents sometimes to death, you know. And that's -- 16 you know, "How many cookies can you buy? How many 17 T-shirts can you buy?" That it's -- it's really -- 18 it's very difficult now. And it's a strain, I know, 19 on even, quote, unquote, average families. 20 Commissioner Voigt, did you want to say 21 something? 22 COMMISSIONER VOIGT: Thank you, 23 Madam Chair. 24 Good morning. I'm a fan of Montessori 25 education, I used to teach Montessori in Japan and</p>	<p style="text-align: right;">Page 77</p> <p>1 students coming in that are paying the tuition? Do 2 they have to go through your elementary school 3 lottery? Thanks. 4 MS. MARY JANE BESANTE: Their lottery -- 5 THE CHAIR: I'm sorry. Before you start, 6 could you just identify yourself for the record? 7 MS. MARY JANE BESANTE: I am Mary Jane 8 Besante, and I'm the Executive Director and 9 Principal at the Montessori Elementary and Middle 10 School. 11 MR. STAN ALBRYCHT: I'm Stan Albrycht, the 12 business manager. 13 MS. MARY JANE BESANTE: And so the 14 students lottery in any grade that they come in. 15 THE CHAIR: Do they lottery also in your 16 pre-K? Or no. 17 MS. MARY JANE BESANTE: They do, yes. 18 THE CHAIR: They do. Okay. 19 MR. DAVID CRAIG: Commissioner Gipson and 20 Commissioner Voigt, the question about commingling 21 of funds, I'll try and answer that the best of my 22 ability. 23 As long as you properly account separately 24 for the revenues coming in and can be able to tie 25 them for expenditures, we don't technically think of</p>

<p style="text-align: right;">Page 78</p> <p>1 that as commingling; right? Like, there's many, 2 many times in which you receive revenues into the 3 Operational Fund, in which, if that were 4 commingling, we're commingling a lot; right? 5 Like, you have donations from private 6 entities. You have your half mill levy in school 7 districts. You have county-assessed evaluation -- 8 or IMPACT aid receipts or Forest Reserve receipts. 9 You have your SEG. All of this gets dumped into the 10 Operational Fund. 11 It's the accounting for which that makes 12 it not commingling. Because, technically, all of 13 that gets dumped in with all of the federal funds 14 and all of the transportation and debt service 15 funds, all into the one big bank account. If you 16 don't have proper accounting in a cash environment, 17 you're commingling everything. 18 COMMISSIONER VOIGT: Okay. Perfect. 19 Thank you, Mr. Craig. 20 MR. DAVID CRAIG: I'm sorry. Too long. 21 COMMISSIONER VOIGT: Thank you for the 22 investigation. In other words, then, in your OBMS 23 reporting, and you have a teacher that's sharing 24 duties with the pre-K and maybe with third grade or 25 whatever, you're designating the FTE that's</p>	<p style="text-align: right;">Page 80</p> <p>1 But those that can -- so my only concern 2 is not the tuition with that kind of situation as 3 Montessori has it, is that that overuse of public 4 money into that program. If -- if accounting-wise 5 they can put aside the \$1,000, and they track how 6 they spend that \$1,000 and maybe come up with a 7 percentage of what the public side can lend or give 8 to the program money where it will not be considered 9 overly burdensome, then I would like to know. 10 But if all the money that comes in goes 11 out for that program, I don't see a big concern. It 12 is when the children are getting monies, public 13 monies, are losing to the program that they have on 14 the side, even though -- even though we have to 15 remember that they're students, and we want to 16 educate that sector, and that's going to be our hope 17 to improve education. 18 But if we figure out how to do that as -- 19 right now, maybe something fast and loose, if you 20 want to call it that, and say, programatically, 21 accounting-wise what would be overburdensome on the 22 public side that they borrow, well, what number 23 would that be? 24 I know that in business you have what we 25 used to call "reserves," which was an account in</p>
<p style="text-align: right;">Page 79</p> <p>1 allocated for each position by the same teacher. 2 MR. STAN ALBRYCHT: Madam Chair, 3 Commissioners. Yes. 4 THE CHAIR: I'm sorry. Is the mic on? 5 MR. STAN ALBRYCHT: Yes. All the 6 expenditures are reported in the OBMS as the teacher 7 or the EA or whoever it may be. 8 THE CHAIR: And I don't think that was the 9 concern, as much as the fact that it's that private 10 money. And I, for one -- the tuition money going in 11 to pay for that public side. 12 COMMISSIONER VOIGT: Right. 13 THE CHAIR: And that's -- I struggle to 14 wrap my head around that. 15 COMMISSIONER CABALLERO: Madam Chair? 16 The -- I'm not so much concerned at this point, 17 because there was a -- not a lot. But there were 18 attempts to -- to educate very young children, which 19 has been a plus for the state. And so charter 20 schools, private schools have done that. 21 I had to send my son, paid tuition, 22 because I knew he needed it. And I'm sure there's 23 parents out there that want to do this. And there 24 are parents that want to do Montessori. Not 25 everybody can do it.</p>	<p style="text-align: right;">Page 81</p> <p>1 case you get in trouble or there's an emergency. 2 You dip into that. We -- in the nonprofit world 3 that I was involved in, we had a group of 4 businessmen that we would run to in case we were in 5 that situation so that we don't raid our -- our 6 accounting so that we don't mix and mingle. And 7 that worked well. 8 But the schools don't have that. It took 9 us ten years to come up with a -- with the 10 benefactors that could help us out. 11 THE CHAIR: Well, there are reserves. 12 Yes? 13 MR. DAVID CRAIG: Commissioner Gipson and 14 Commissioner Caballero, yeah, whether or not it's 15 called a reserve or not. But there's cash 16 carryover. And I do think -- but I -- schools, 17 depending upon the school, may not have as much as 18 the next one, depending upon spending habits and 19 revenues coming in. 20 THE CHAIR: But I do hear what you're 21 saying. 22 Commissioner Robbins? 23 COMMISSIONER ROBBINS: Yes. On your 24 lottery, you mentioned for each grade. They lottery 25 in to your preschool. Are those students given any</p>

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1 preference into the kindergarten program?

2 In other words, once they're in the pre-K,
3 they automatically get accepted into the
4 kindergarten program. If that's the case -- is that
5 the case?

6 MS. MARY JANE BESANTE: That's the case,
7 uh-huh.

8 MR. STAN ALBRYCHT: That's the case.

9 COMMISSIONER ROBBINS: I have a concern
10 with that. Because only the parents that can afford
11 to send their kid to pre-K are getting an advantage.
12 And that, I think, conflicts with State law. That's
13 the problem, if they're given preference.

14 If you go through a whole new lottery for
15 the kindergarten program, and those students that
16 are now -- their parents are paying to be in the
17 preschool program, if they're not given any
18 preference whatsoever, I don't have a problem with
19 what's going on.

20 The fact that they are given preference
21 violates, I think, what this Commission has set as
22 no -- there can be no preference given. And you
23 have done that. That's a concern.

24 MR. STAN ALBRYCHT: We understand.

25 COMMISSIONER ROBBINS: So you would have

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1 equity.

2 COMMISSIONER CABALLERO: Right, right.
3 And so I think -- once we think about it, and we
4 say, "Well, low-income students are not going to
5 have access" -- but the school could probably show
6 that there's other charter schools that are now
7 providing, to that sector, access.

8 Or, you know -- I just -- I just have a
9 hard time with -- when parents are paying them. I
10 don't think it's hard-and-fast.

11 THE CHAIR: Okay. And I'm going to say
12 I -- I agree more with Commissioner Robbins, that I
13 think it -- it has the potential for creating an
14 economic disparity. Because you've got parents who
15 can afford to pay to go to the pre-K program, and
16 they now have a leg-up in getting into that
17 K program, when we've already been told, until we
18 create a new policy, that students that are in any
19 pre-K program have to lottery-in equally with
20 everyone else to get into the K program, that there
21 can't be preference.

22 That's what we've told every other
23 charter. So that's also creating an inequity. But
24 if -- you're saying that parents that can afford
25 here now have a greater -- so I'm actually buying my

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1 to establish and immediately establish, going
2 forward, a new lottery until such time as this
3 Commission and/or the State laws change to allow
4 preference for such a thing.

5 THE CHAIR: And you're right. And I
6 apologize. Because when I asked if there was a
7 lottery, my assumption was that it was -- everyone
8 was back in the mix.

9 COMMISSIONER VOIGT: That's what my
10 question was alluding to.

11 THE CHAIR: Because you're absolutely
12 right. That does -- that could create an economic
13 imbalance there for only those that can afford in to
14 that program.

15 COMMISSIONER CABALLERO: Madam Chair?

16 I have a hard time understanding whether
17 what Commissioner Robbins said is a hard-and fast
18 rule in the law that says if -- if people are paying
19 their own money, and the institution is giving
20 preference to that -- I have a hard time. And I
21 believe in fairness.

22 But I thought that the -- the lottery and
23 everybody being treated fairly was connected to
24 public money. That was my understanding.

25 THE CHAIR: Public access, access and

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1 child -- this may not be from you. But the optics
2 are, "I can buy my child's way in to that
3 kindergarten program by going to that pre-K and
4 paying the tuition."

5 COMMISSIONER CABALLERO: Well,
6 Madam Chair, this is the way I see it. I send my
7 oldest son to Catholic school. And, man, the
8 tuition was high. They didn't tell me -- they
9 didn't tell me you can't. They just said, "It's
10 going to be very hard for you to do it. He can work
11 at the school. We can put you on a payment plan.
12 You'll probably get behind. But, you know, if he's
13 able to cut the mustard..." -- because Cathedral
14 High School in El Paso was very tough -- "...then he
15 stays."

16 But they didn't keep us out. We managed
17 to get him in for four years. He graduated. I was
18 still paying for the next three years on my balance.
19 And so the kids that came from Juarez from
20 super-wealthy families, you know, they had no
21 problem getting in.

22 And so -- so that's why I feel -- that's
23 why I feel, Madam Chair, that the preference, I
24 think, was more tied in to the use of public money.
25 But when you -- when you put a program that charges

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1 tuition, it's those -- I don't think it's so much a
2 preference; but those that come in and pay, the
3 child stays.

4 THE CHAIR: It is a preference. They get
5 a preference getting into kindergarten. And I
6 appreciate what you said. But you're talking about
7 a private school.

8 COMMISSIONER VOIGT: Exactly.

9 THE CHAIR: You chose to pay tuition for
10 your child to a private school, to the Catholic
11 school. This is a public school.

12 Commissioner Davis?

13 COMMISSIONER DAVIS: So I thought that I
14 heard you say that there was a lottery to get in to
15 the preschool; but the children who could not afford
16 the full amount were given some kind of a financial
17 break. Did I hear that not correctly?

18 MR. DAVID CRAIG: So, Commissioner Gipson
19 and Commissioner Davis, in the school -- not this
20 school, in another school I looked at, that's
21 exactly what it was. And -- because I had similar
22 concerns to what Commissioner Robbins had, where I
23 said, "How are you not charging kids for access to
24 your school?"

25 And they said, "Well, David, we don't levy

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1 the money. If the kid can't afford it, we pretty
2 much waive that.

3 THE CHAIR: So let me ask you about the
4 waiving. Because Director Craig mentioned with the
5 other school, there was a 501(c)(3) connected with
6 it that could then put monies in.

7 Do --

8 MR. STAN ALBRYCHT: We don't have a
9 501(c) --

10 THE CHAIR: So if the student couldn't
11 afford it, then it would come out of your
12 operational monies.

13 MR. STAN ALBRYCHT: Not out of
14 operational. It comes out of my activity fund. We
15 do a lot of fundraising at our school and we have a
16 lot of money.

17 THE CHAIR: But it comes out of the
18 school's --

19 MR. STAN ALBRYCHT: The activity fund.
20 There's a difference between operational and --

21 THE CHAIR: It's ultimately commingled
22 money.

23 MR. STAN ALBRYCHT: It's not commingled.
24 It's fund accounting. It's accountable --

25 THE CHAIR: I understand that. But it's

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1 any of the fees at the time we do the lottery. We
2 run a lottery just like we would if the first grade
3 was K. And then if the kid can't pay it, then we
4 don't collect it. We find some way to get the
5 501(c)(3) to pay for that."

6 And so, at that point in time, that
7 alleviated my concerns that I had for that, because
8 it wasn't pay-to-play, it was "play" and then "pay."

9 Does that help?

10 COMMISSIONER DAVIS: So in fact, the
11 students moving on aren't given an economic
12 preference. Is that what you're saying?

13 MR. DAVID CRAIG: My understanding was
14 that they had no information at the lottery about
15 their economic status. They were accepting kids
16 regardless of whatever their economic status was.
17 When they went to levy the fees, Commissioner Davis,
18 if the kid couldn't pay, they stayed in school.
19 This was in one school. That's not this school.

20 COMMISSIONER DAVIS: That should be an
21 issue going forward for the lottery and the kids
22 going forward.

23 MR. STAN ALBRYCHT: Madam Chair,
24 Commissioners? It's basically the same thing the
25 way we run our lottery system and the way we collect

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1 coming out of the funds of your K-8 school.
2 That's -- it's com- -- if they can't afford it, if a
3 child can't afford it, and it's coming out of your,
4 quote, unquote, activities, those -- that activities
5 money is made up of the tuition money plus other
6 fundraising activities of your traditional --

7 MR. STAN ALBRYCHT: At the school. Or a
8 donation. Any donations or anything else that comes
9 to the school goes through activities.

10 THE CHAIR: Correct. Right.

11 MR. STAN ALBRYCHT: We chose to do the
12 activity run, not the 501(c)(3).

13 THE CHAIR: So it goes back to the
14 question from Commissioner -- Commissioner Caballero
15 of how much -- what's the percentage of the monies
16 are coming out to help support that. So that's --

17 COMMISSIONER ROBBINS: I still believe
18 that the fact that you have a non-charter preschool,
19 and you're giving preference to those students, for
20 whatever reason, into a charter kindergarten without
21 running a separate lottery, that's the problem I
22 have. Until this Commission and/or the State sets
23 standards for that, there is a violation.

24 MR. STAN ALBRYCHT: Madam Chair?

25 THE CHAIR: And I certainly hear you on

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1 that, because we've discussed it and talked about
2 it. And I have that heightened concern because of
3 the tuition and then the preference given.
4 That's -- that is a concern that I have.

5 MR. STAN ALBRYCHT: Madam Chair, can I
6 answer that question?

7 THE CHAIR: Sure.

8 MR. STAN ALBRYCHT: When we first did this
9 pre-K program, we had it approved by the State. We
10 had it approved by the Charter School Division back
11 in 2008 or '9 when the program was started.

12 We went through the whole lottery system.
13 We explained the whole thing to them. They told us
14 how to do it. That's how we've been doing it ever
15 since.

16 THE CHAIR: Let me ask you. That approval
17 process -- that was before any of us certainly were
18 on. That approval process, was that through an
19 amendment process that you did? Or how did you go
20 about -- do we have any documentation of that?

21 MR. STAN ALBRYCHT: There was nothing at
22 the time in the charter, no amendment or anything
23 for that. We've been approved with that program
24 twice now.

25 THE CHAIR: Approved.

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1 MR. STAN ALBRYCHT: Our charter has been
2 approved with that program going forward twice now.

3 THE CHAIR: So your original -- so let me
4 just get this clear. Are you saying your original
5 charter included that pre-K program?

6 MR. STAN ALBRYCHT: It wasn't. It wasn't
7 written in there, no.

8 THE CHAIR: So where did the approval come
9 from?

10 MR. STAN ALBRYCHT: From the Charter
11 School Division.

12 THE CHAIR: So it's in your contract.

13 MR. STAN ALBRYCHT: There was nothing in
14 the contract that set it in force to put it in there
15 at the time. There was never any -- from the
16 Charter School Division themselves.

17 THE CHAIR: Just a verbal.

18 MR. STAN ALBRYCHT: The director, yeah.
19 It was a verbal. And they came to the school more
20 than once. We went through the whole program,
21 explained the lottery. They gave us the federal
22 law.

23 What we basically do when we do a lottery
24 for a pre-K, we're lottery'ing them in two years in
25 advance; right? Does that make sense?

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1 COMMISSIONER CABALLERO: Madam Chair, I
2 think it's like the after-school or evening computer
3 classes for GED. I don't think we have those in the
4 contract.

5 THE CHAIR: Yeah. We do.

6 COMMISSIONER CABALLERO: We do? But at
7 some point this came up. The Commission and the
8 Division looked at it as outside our purview, and
9 they did the best they could just to allow younger
10 kids to be brought in. Now we have it in front of
11 us. So what do we do now?

12 THE CHAIR: That's the -- that's the
13 question.

14 COMMISSIONER VOIGT: Madam Chair?

15 THE CHAIR: Commissioner Voigt.

16 COMMISSIONER VOIGT: So thanks for the
17 explanation, because it sounds like over time and
18 over change of personnel, you know, there's been
19 some things that have been done and, you know, we
20 have to backtrack and see what we can do with that.

21 But I just had a general question.

22 THE CHAIR: We're time-traveling back
23 decades now.

24 COMMISSIONER VOIGT: We're back to the
25 past instead of back to the future. So just a

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1 question. So is your pre-K accredited by any
2 preschool accrediting agency?

3 MS. MARY JANE BESANTE: No. Our board
4 oversees it. Our governing board oversees it.

5 COMMISSIONER VOIGT: Okay.

6 THE CHAIR: So your governance council
7 oversees the pre-K program as well.

8 MS. MARY JANE BESANTE: Yes. And the
9 teachers are all Montessori-certified.

10 THE CHAIR: Right. Right. So I guess --
11 so let me just talk a little bit about the
12 conversation that we had yesterday with the pre-K
13 Bureau. Because my understanding was some of the
14 challenge, going back to '08 or '09 or whenever it
15 was that we first started this program, was the fact
16 that you didn't qualify for whatever State monies
17 were available because you didn't have a sufficient
18 percentage of Title I or Free-and-Reduced-Lunch
19 students. And that was a challenge.

20 And then you -- correct me if I'm wrong --
21 you wanted to apply for this last round of pre-K
22 money, but it's the same challenge. Is that
23 correct?

24 MS. MARY JANE BESANTE: We haven't applied
25 in a few years.

<p style="text-align: right;">Page 94</p> <p>1 THE CHAIR: So in talking yesterday with 2 the Pre-K Bureau, Brenda Kofahl indicated that it's 3 not necessarily directly tied to your school and the 4 Free-and-Reduced students in your school, but it's 5 in the elementary schools that are in your area or 6 zone. 7 So if the elementary schools that are in 8 your direct feeding area are 9 Free-and-Reduced-eligible for the pre-K monies, that 10 would make you eligible. 11 So that opens an opportunity, A, for money 12 for the school. I think it would help to make it 13 clearer for us, because you would be in the State's 14 pre-K program. Obviously, you would have to comply 15 with all of the -- and I'm sorry. I didn't see 16 Commissioner Crone leave, but he's back. 17 COMMISSIONER CRONE: It was an emergency. 18 THE CHAIR: But he's back. 19 You would have to comply with all the 20 adequacy requirements, PSFA and that. And I don't 21 think that would be a problem for you with your 22 facility. 23 At least for us, that would make it a 24 whole lot easier. And then you get into the 25 contract. I think it becomes a little more</p>	<p style="text-align: right;">Page 96</p> <p>1 MR. STAN ALBRYCHT: Madam Chair, we did 2 have the attorney at PED at the time approve this 3 also. It was back in -- 4 MS. MARY JANE BESANTE: With the 5 federal -- 6 THE CHAIR: Once again, we have no record 7 of that approval. 8 MR. STAN ALBRYCHT: I get it. I 9 understand. 10 THE CHAIR: So -- and, obviously, policies 11 and procedures change, so that that's something 12 that -- because we don't -- it's not allowed with 13 any other charter to have preference -- at this 14 moment in time, there's no policy that allows pre-K 15 programs to offer preference to students going into 16 K. 17 So until that changes, and because I think 18 there's a little bit of a speed bump there with it 19 also being tuition-based and getting the preference, 20 that the lottery will have to start fresh with the 21 kindergarten students. 22 COMMISSIONER ROBBINS: Madam Chair? 23 THE CHAIR: Commissioner Robbins? 24 COMMISSIONER ROBBINS: I don't want to 25 dismiss the quality of the education that Montessori</p>
<p style="text-align: right;">Page 95</p> <p>1 troublesome when it's that private program. How do 2 we incorporate a tuition-based program into our 3 contracts? 4 That becom- -- but -- so I'm going to ask 5 you to pursue that and see if that's a viable option 6 for you. I think it opens a window. I don't know 7 what the feeder schools are in your area. And I 8 don't know what the -- I don't know what the 9 distance out is. 10 But if the elementary schools that are the 11 closest to you -- my understanding from Brenda 12 yesterday was that's what would be the indicator. 13 If they are Free-and-Reduced-eligible, that would 14 make you. 15 MS. MARY JANE BESANTE: We'll look into 16 it, and we'll speak with our governing board. 17 THE CHAIR: Okay. Because I think that 18 would -- that would help us. Otherwise, I think 19 we're going to have to take more of a look at this 20 to see what we're going to do. Yes? Yeah. 21 (Chair consults with Commission counsel.) 22 THE CHAIR: Yeah. Yeah. And I -- I 23 think, at the very least, you're going to have to 24 start a brand new kindergarten lottery without 25 preference to the tuition-based --</p>	<p style="text-align: right;">Page 97</p> <p>1 Elementary and Middle School provides, or even your 2 pre-K program. I am not objecting to any of that. 3 I am only objecting to the fact that even 4 though you may have received things, this 5 Commission, in your contract, did not approve any of 6 that. And this Commission does not have any 7 procedures or policies right now, nor do we have the 8 authority, to grant a preference of this nature 9 going from pre-K to kindergarten. 10 And until such time as we do that, I think 11 it's inappropriate, as the Chair has said. 12 Thank you. 13 THE CHAIR: Commissioner Armbruster? 14 COMMISSIONER ARMBRUSTER: One second. I 15 can't get this on. Okay. Sorry. Yes. I have a 16 number of questions. 17 Number one, let me preface this by saying 18 that although I was living in California, our 19 daughter went from age four till sixth grade at 20 Montessori. So I don't have any issues with 21 Montessori for sure. 22 But I just have some questions -- a lot, 23 sorry. But I've been taking them down. 24 So on the preschool, my understanding is 25 that the one that the State is now doing, those are</p>

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1 licensed teachers, not licensed Montessori teachers.

2 THE CHAIR: Right.

3 COMMISSIONER ARMBRUSTER: So that's
4 already one issue, I think.

5 THE CHAIR: I don't know. They said they
6 were licensed Montessori. I don't know if they're
7 not licensed. They haven't -- they didn't indicate
8 that they weren't.

9 MS. MARY JANE BESANTE: They're licensed.

10 COMMISSIONER ARMBRUSTER: Montessori and a
11 preschool -- I'm not sure -- I do believe that if
12 they're certified Montessori, that that's not the
13 same as having a New Mexico teaching credential.

14 MS. MARY JANE BESANTE: Our teachers have
15 both.

16 COMMISSIONER ARMBRUSTER: Okay. Then
17 that's great.

18 The second thing is, you mentioned that
19 the hot lunches -- there were two issues, maybe
20 three. But this one was hot lunches and --

21 THE CHAIR: No. That was the other school
22 that Director Craig had looked at.

23 COMMISSIONER ARMBRUSTER: Oh. You have
24 hot lunches?

25 MS. MARY JANE BESANTE: No.

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1 that, too. It's been a year.

2 THE CHAIR: Is it a requirement for -- it
3 has to be a hot lunch with the pre-K program? I
4 just thought it had to be lunch. And I could be
5 wrong. I've never heard hot lunch being -- I don't
6 know if anyone knows. But I've never heard that hot
7 lunch -- lunch, I'm sure.

8 MR. ALAN BRAUER: Madam Chair, members of
9 the Commission, I do not know. But I can find that
10 out. But I can't imagine that would be the case.

11 THE CHAIR: Thanks. But you offer lunch.

12 MS. MARY JANE BESANTE: No, no. Part of
13 our curriculum is grace and courtesy. So they eat
14 family-style in the classroom with the teachers, and
15 everyone brings their own lunch and their own snack.
16 So we do not offer lunches.

17 COMMISSIONER ARMBRUSTER: For any at the
18 school.

19 MS. MARY JANE BESANTE: For any of the
20 students.

21 COMMISSIONER ARMBRUSTER: So that was one
22 of my questions. So you've answered that already.

23 The other question is, on their website,
24 it says that the TMES -- Casita preschool, "a
25 tuition-based nondenominational preschool dedicated

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1 MR. DAVID CRAIG: Commissioner Gipson, and
2 Commissioner Armbruster. That was the answer that I
3 got, when I said, "Why can't you guys do PED?"

4 And it was --

5 COMMISSIONER ARMBRUSTER: I thought it was
6 this school you were talking about.

7 MR. DAVID CRAIG: No, it was not. It was
8 a separate school. I have never had the pleasure of
9 interacting with these individuals before. And I'll
10 be happy to visit.

11 So, no, that school said that there was
12 also some square footage requirements for capital
13 outlay involved as well. My understanding,
14 Commissioner Gipson and Commissioner Armbruster and
15 Commissioner Robbins, was that that school also had
16 the pre-K program approved by its authorizer, which
17 was not this body.

18 So it's a little bit of a different
19 scenario, too, there; right? Like, if you have the
20 pre-K program that's been approved, I don't know if
21 this problem goes away for this body or not. But it
22 seemed to have done it for that body, okay?

23 THE CHAIR: And can I just interrupt and
24 ask?

25 MR. DAVID CRAIG: And I may be mistaken on

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1 to providing a quality Montessori education in a
2 warm loving environment."

3 (Commissioner Caballero leaves
4 meeting room.)

5 COMMISSIONER ARMBRUSTER: And
6 blah-blah-blah. The rest is not important. It's
7 about your program. But if I were a person who had
8 no means to pay tuition, how would I know to apply
9 for -- why would I even think to apply though the
10 school for the preschool if I -- if it says
11 "tuition-based" and doesn't mention -- I don't know
12 what words -- waiver or whatever the correct word
13 is?

14 So that's a concern of mine. And I'm sure
15 you can -- since you indicated that you are doing
16 it, then I guess I would like to see this change,
17 because I wouldn't even apply if I couldn't pay.

18 Does that make sense?

19 THE CHAIR: Yeah. Yeah.

20 COMMISSIONER ARMBRUSTER: So that's
21 somewhere in that list.

22 So I'm tossing things off.

23 Another concern I had was on the -- in the
24 preschool program, are some of those people who are
25 paying tuition -- or in this case -- in your case

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1 actually -- or not but are in -- siblings of
 2 children who are already attending school?
 3 MS. MARY JANE BESANTE: Most of them.
 4 COMMISSIONER ARMBRUSTER: Most of them are
 5 siblings.
 6 MS. MARY JANE BESANTE: Yes.
 7 COMMISSIONER ARMBRUSTER: So in a sense --
 8 this goes back to maybe this law thing that we want
 9 to get changed or talk about legislation that Matt
 10 has mentioned, is it's a loose interpretation of the
 11 law; but if you're not -- your considered students
 12 are K-12.
 13 So because of all these changes that are
 14 occurring, I guess somewhere, maybe we need to
 15 specify that preschool is now considered a student,
 16 so they can just continue in to your school.
 17 (Commissioner Caballero returns
 18 to meeting.)
 19 COMMISSIONER ARMBRUSTER: Because I don't
 20 know how you'd say a preschool -- I mean, I can
 21 understand people have to pay to go. But they're
 22 already siblings, just because you don't have that
 23 other program.
 24 MS. MARY JANE BESANTE: And not everyone.
 25 We do take people from the outside. But I would say

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1 it is what it is. But -- and that's why we're
 2 trying to get these policies in. It's not that
 3 we're really picking on you. I want to say it that
 4 way.
 5 So that kind of explains. And I do
 6 believe that you did get permission. I just can't
 7 imagine that you just picked up and did that.
 8 So was there any problem, first of all,
 9 in -- just in changing your website?
 10 MS. MARY JANE BESANTE: No.
 11 COMMISSIONER ARMBRUSTER: That would be
 12 probably -- since that is what you're doing.
 13 MR. STAN ALBRYCHT: It's easy to do.
 14 COMMISSIONER ARMBRUSTER: I think that's
 15 important, because it's already somewhat
 16 discriminatory in the way it's stated.
 17 I may have another question, but I'll
 18 yield the floor.
 19 THE CHAIR: I don't think anyone else --
 20 I'm going to say, at this point in time, I don't
 21 think there's a Corrective Action Plan that's
 22 necessary. But I think it's -- I would appreciate
 23 it if the school had the conversation about making
 24 the -- the grant application and seeing if that is
 25 possible for the -- for the next school year.

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1 a majority of our students are siblings.
 2 COMMISSIONER ARMBRUSTER: And that would
 3 make sense, because not -- are they trying to get in
 4 your school because they would get into your school
 5 as kindergarteners anyway. They're just going there
 6 to preschool. Am I say saying that correctly?
 7 MS. MARY JANE BESANTE: Yes.
 8 COMMISSIONER ARMBRUSTER: I can say, Madam
 9 Chair Gipson and I are the oldest and more
 10 experienced people here. I thought that would never
 11 occur, but it is. There has been so much that
 12 changed. We started in January of 2015.
 13 THE CHAIR: Was it just then?
 14 COMMISSIONER ARMBRUSTER: And it seems
 15 like 2001. But okay. And so I do understand what
 16 you're saying. I do believe that you went through
 17 CSD. And I think that's one of the things that the
 18 current deputy director, as well as the director and
 19 the former one, has really pushed the PEC to do,
 20 which is to have these policies and things.
 21 Because we had schools -- I mean, there's
 22 a school that had a preschool and a night school,
 23 and we didn't know anything about it at all.
 24 They've had it since the Richardson Administration.
 25 So we can't blame you, because it isn't --

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1 Because I think that would -- those --
 2 yeah, for -- those applications will be out after
 3 January 1. It would -- we're still working on the
 4 process for schools that currently exist and what
 5 might need to be done going forward if it's an
 6 amendment, looking at enrollment cap, things like
 7 that.
 8 But we are coordinating with the Early
 9 Childhood Bureau to try to work all that out so that
 10 there's not duplication in providing forms and
 11 things like that. So that you'll be kept abreast of
 12 whatever that might be.
 13 And we'll have to continue to look at how
 14 we meld this tuition-based program into our
 15 contracts. That's outside of the Budget Bureau, but
 16 it's something -- but I do -- I do appreciate the
 17 fact that there was a lot of clarity that was
 18 offered here on the finances. And I appreciate the
 19 Director coming and offering his sage words.
 20 MR. DAVID CRAIG: Thank you, Commissioner
 21 Gipson. Commissioner Gipson and members of the
 22 Commission, I do think that -- again, I want to
 23 reiterate that I do think people have the best
 24 intention of kids here. And to the extent that
 25 whatever you-all decide, you know, we'll -- we exist

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1 to serve in the School Budget Bureau.

2 I understand the concerns about some of
3 the things around the lottery. I had similar
4 concerns. To the extent that whatever we decide
5 together in the direction we want to go, as long as
6 we don't, you know, penalize or disincentivize or
7 create chilling effects for delivery of pre-K to
8 kids, I think that's --

9 THE CHAIR: Absolutely. We're all on that
10 same page, that this is a program that we want to
11 see go forward to be offered to as many students in
12 New Mexico as we can.

13 And as I indicated to the school when I
14 had the brief conversation with them, it's never
15 been a concern about the program of the school. And
16 we've never been worried about that. And that's
17 never been, you know, on our radar.

18 It's just that, you know, it's difficult
19 for a lot of us to try to work private,
20 tuition-based with public. And we do get concerned
21 when there's a potential, even if it's through the
22 optics, that someone can be excluded, you know.

23 And as Commissioner Armbruster indicated,
24 just that -- you know, tuition-based, well, if I
25 look at it, and I can't afford the tuition, you

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1 THE CHAIR: Okay. Thanks. So that's
2 something that would have to be a fabric of the
3 conversation with your governance council as well.
4 But I think it would offer a lot of opportunities
5 for the school as well, if you could get that grant
6 from PED.

7 Thank you so much. I appreciate it. I
8 appreciate all of your time.

9 MS. MARY JANE BESANTE: Thank you.

10 MR. STAN ALBRYCHT: Thank you.

11 THE CHAIR: And sorry to take you away
12 from your fall break.

13 We are now on to Item No. 11, Discussion
14 and Possible Action on McCurdy Charter Schools
15 Financial and Pre-K Program.

16 I'm going to say we're taking out -- and I
17 think I mentioned yesterday. The pre-K concerns are
18 no longer a concern because we were slightly
19 misinformed. They don't have a pre-K program at
20 all. The pre-K program is a completely separate
21 program not associated with that school or on the
22 campus. So they -- so that's off the table.

23 FROM THE FLOOR: And we don't plan to have
24 one, either.

25 THE CHAIR: Okay. So that's -- we would

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1 know, I'm not even going to pursue it to see, "Is
2 there an opportunity for me to have that waived or
3 some kind of assistance through that tuition?"

4 So, you know, I think for most of us, or
5 all of us, it would be important to have that on the
6 website so that families know that everyone has,
7 through the lottery, an equal chance to get in. And
8 that would be important.

9 MR. ALAN BRAUER: Madam Chair, members of
10 the Commission, I want to thank Carolyn Bayne, one
11 of our staff members. She just went down to the
12 Early Childhood Bureau.

13 THE CHAIR: That book that we all got
14 yesterday?

15 MR. ALAN BRAUER: To just, like, circle
16 back to the meals requirement. On Page 16 of this
17 book that you received yesterday, it shares in
18 detail what the requirements are.

19 And, essentially, it is a -- you must --
20 if you have a PED preschool program, you must
21 participate in the USDA school lunch program. You
22 must organize your schedule to meet the requirements
23 of the program. But there's more information there.

24 But I wanted to provide that, that it is located in
25 this document for you-all.

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1 just appreciate, when you start to talk, if you'll
2 just indicate that you do not have a pre-K program
3 so it's on the record. But they don't.

4 So -- for all of -- for all of you,
5 McCurdy was up here last month. And there were
6 concerns about the lack of reporting, the lateness
7 in reporting, and concerns with that there were
8 concerns about actually a lack of reporting by the
9 financial manager to the governance council as well.

10 But there was a Corrective Action Plan.
11 And we asked the school -- a budget, financial
12 Corrective Action Plan. So we did ask the school to
13 come back up this month so that we could get clarity
14 as to what the status is. Because Deanna Gomez --

15 MS. SARAH TARIO: Mooney.

16 MS. BENNETT ANDERSON: Mooney.

17 FROM THE FLOOR: Her last name is Deanna
18 "Mooney" now.

19 THE CHAIR: Mooney. Deanna Mooney
20 indicated that a lot of that would be cleared up by
21 this month.

22 So we asked the school to come back up so
23 that we would have clearer information to see if we
24 needed to go any further. So I don't know if the
25 Director has anything that he wants to say.

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1 MR. ALAN BRAUER: Madam Chair, members of
2 the Commission, at this time, we do not have any
3 additional comments.

4 THE CHAIR: Okay. All right. So welcome
5 once again.

6 MS. SARAH TARIO: Thank you.

7 THE CHAIR: And we appreciate your taking
8 the time to come up. I don't know. Are you on fall
9 break as well?

10 MS. SARAH TARIO: (Indicates.)

11 THE CHAIR: No. I guess a lot of the
12 Albuquerque schools do because of Balloon Fiesta.
13 It's just easier.

14 MS. SARAH TARIO: No fall break for us.

15 THE CHAIR: So we -- but we still
16 appreciate, because you're taking your time out of
17 the school day.

18 So if you would, please, remember to
19 identify yourselves for the record.

20 MS. SARAH TARIO: Yes. So I'm Sarah
21 Tario. I'm the director at McCurdy Charter School.

22 MS. BENNETT ANDERSON: I'm Deborah Bennett
23 Anderson. I'm the chairperson of the governance
24 board, McCurdy Charter School.

25 THE CHAIR: So thanks. So whatever

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1 approval -- any indication that the Corrective
2 Action Plan was approved. You just submitted --

3 MS. SARAH TARIO: Yeah. Because they
4 didn't ask us for it. It was something we did on
5 our own because we wanted to get back on track. So
6 there wasn't a necessary step of their approval.
7 But we wanted them to be in the loop for it.

8 They haven't asked for an update, but I
9 would be happy to provide one if they want one. I
10 brought a copy with me today if anyone wanted to see
11 the status of the plan.

12 We will be meeting in October, this month,
13 to talk again about, like, what's the update to the
14 next steps.

15 THE CHAIR: With the -- I'm sorry. You're
16 meeting with the Budget Bureau.

17 MS. SARAH TARIO: No. The finance
18 committee for our school. The Budget Bureau hasn't
19 asked us to come back. Even when I met with Budget
20 Bureau, that was my request of meeting with them,
21 because we wanted to get on track and be transparent
22 and have communication flowing. So those have all
23 been our steps that we took.

24 THE CHAIR: Okay. I appreciate that.
25 And so, obviously, you're continuing with

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1 additional information you can offer us at this
2 point in time, we'd appreciate it.

3 MS. SARAH TARIO: So I'm thrilled to tell
4 you that all of our reports have been submitted for
5 the entire last year, July and August. And we plan
6 to have September submitted on time, if not early.

7 We're hoping in the coming week to have
8 September submitted. So we're on track and can plan
9 to continue to be on track moving forward on. And
10 they have been approved. Yes.

11 THE CHAIR: And approved. All right.

12 MS. SARAH TARIO: Yes.

13 THE CHAIR: So in terms of your status,
14 have you had any communication from the Budget
15 Bureau in terms of -- because I don't recall what
16 the deadlines were with the Corrective Action Plan.

17 So besides just approving the reports,
18 have they given you any status update for the
19 Corrective Action Plan? Or that won't probably come
20 until the end of the year.

21 MS. SARAH TARIO: Right. The Corrective
22 Action Plan is our own that we created. I did give
23 it to him, and I have not heard anything back beyond
24 that we're approved and moving forward.

25 THE CHAIR: So there was not even an

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1 the -- I would presume for the remainder of this
2 school year, on the monthly reporting.

3 MS. SARAH TARIO: I don't know how long it
4 will continue.

5 THE CHAIR: Right.

6 MS. SARAH TARIO: We're hoping it's not
7 for the rest of the school year. I mean, that would
8 be ideal. However, we'll continue as long as they
9 require it of us, of course.

10 THE CHAIR: Okay. I appreciate that. And
11 I'm going to ask the Director if somehow we can --
12 you know, without having to drag the folks from the
13 school up, if we can have an update by November or
14 December about if the Budget Bureau can give us some
15 indication is monthly reporting going to continue
16 for the remainder of the school year.

17 MR. ALAN BRAUER: Madam Chair, members of
18 the Commission, we can definitely do that. And I'll
19 work with David Craig's team to see if we can get an
20 update for the November meeting for sure.

21 THE CHAIR: Right. And as long as we get
22 an update from them as to the status of those --
23 that those monthly reports are in, I think we're
24 good.

25 Anyone else have any questions?

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1 (No response.)
 2 THE CHAIR: Well, I appreciate this, and I
 3 truly appreciate that you've gotten yourselves
 4 up-to-date.
 5 MS. SARAH TARIO: Thank you. Me, too.
 6 MS. BENNETT ANDERSON: Me, too.
 7 THE CHAIR: And I know when things like
 8 this happen, it has a snowball effect.
 9 MS. SARAH TARIO: Yes.
 10 THE CHAIR: And it's -- you know, there
 11 was -- they're difficult to get yourself out of --
 12 MS. SARAH TARIO: Yes.
 13 THE CHAIR: -- easily. So I appreciate
 14 the fact that you've obviously done your due
 15 diligence in getting -- it's unfortunate. And I
 16 think that's something that we've had, you know,
 17 side conversations with the fact that management
 18 groups that are using outside reporting systems need
 19 to -- need to be able to be more New Mexico-friendly
 20 if they're going to offer the services in
 21 New Mexico.
 22 They need to make sure and to be able to
 23 make assurances to the schools that they can
 24 adequately provide those services.
 25 We've had a number of instances recently

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1 where they haven't been as compliant and friendly.
 2 And it's created challenges for schools, that the
 3 schools can't afford to have that challenge, and it
 4 just creates more problems.
 5 And I think it's something, as well, as we
 6 communicate out to schools and as they're looking to
 7 change systems, that the schools ask those questions
 8 so that they don't get themselves into -- you know,
 9 I guess in many cases, people are figuring, "Well,
 10 if you're offering the service in New Mexico, then
 11 you're compliant with all of New Mexico reporting."
 12 And, unfortunately, it's not coming out to be the
 13 case.
 14 So that's -- that's just a shame for the
 15 schools that they get caught in this. So it's
 16 something that hopefully schools look at and ask
 17 these questions before they start making these
 18 changes with the systems.
 19 MS. SARAH TARIO: Right. Absolutely.
 20 I'll just say also, for the record, as you asked,
 21 that we do not have a pre-K program, have no plans
 22 to create one.
 23 THE CHAIR: Thank you. And I appreciate
 24 that. And I also apologize that you got kind of
 25 thrown into that conversation. Because you always

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1 came up on the list. "Oh. There's the McCurdy
 2 pre-K program."
 3 So the -- the attachment was there, and it
 4 wasn't until actually you called and said, "Hey,
 5 wait a minute, we don't have a pre-K program," that
 6 we found out that it truly wasn't -- it was just a
 7 name association.
 8 MS. SARAH TARIO: Right.
 9 MS. BENNETT ANDERSON: We have fought that
 10 for many years.
 11 THE CHAIR: I bet. Thank you, once again.
 12 Have a great rest of your day.
 13 COMMISSIONER VOIGT: Thanks.
 14 MS. SARAH TARIO: Thank you.
 15 THE CHAIR: And I'm going to ask for a
 16 real short break. Thanks.
 17 (Recess taken, 11:30 a.m. to 11:50 a.m.)
 18 THE CHAIR: So before we move on the
 19 agenda, I'm going to make a proposal to see if the
 20 Commissioners are okay with it, that we can take a
 21 lunch break, an actual lunch break, and that --
 22 Jeron Campbell from ACES left Las Cruces and is
 23 heading up this way, and he thinks he'll be here by
 24 2:30.
 25 So I'm going to ask the Commissioners if

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1 they -- those that are willing to stay, as long as
 2 he's here by 2:30, if we take a lunch break, that'll
 3 give a little more cushion of time for him to be
 4 able to get up here and we would be able to hear
 5 them today. I don't know. I can't tell you exactly
 6 what time he left.
 7 COMMISSIONER ARMBRUSTER: He has left?
 8 THE CHAIR: Oh, yeah. But, yes.
 9 COMMISSIONER RUIZ: Madam Chair, I think
 10 we should definitely do that to accommodate him.
 11 He's traveling here, and it's important that the
 12 Commissioners listen to what he has to say. So I
 13 would say we need to support that.
 14 THE CHAIR: Because it was not on him that
 15 he chose not to come. He was told he didn't need to
 16 come.
 17 So I -- you know, I feel -- I feel bad,
 18 because this is something that he's been working
 19 very hard to be able to get this in place right now
 20 so that they can get that funding in place for them.
 21 So...
 22 COMMISSIONER VOIGT: I'm good with that.
 23 Yeah.
 24 THE CHAIR: So are we okay with that?
 25 COMMISSIONER RAFTERY: I'm fine with it.

<p style="text-align: right;">Page 118</p> <p>1 THE CHAIR: Well, Commissioner Caballero 2 is already out to lunch. 3 All right. So we stand in recess and 4 we'll be back at -- 5 COMMISSIONER RUIZ: 1:00. 6 THE CHAIR: -- 1:00? 7 Don't look at that clock. Look at that 8 clock. 9 Okay. We are in recess. Thank you. 10 (A recess was taken at 11:52 a.m., and 11 reconvened at 1:09 p.m., as follows:) 12 THE CHAIR: Okay. So thank you all for 13 our indulgence of time. And before we start our 14 regular meeting proceedings, we want to say "Happy 15 Birthday" to Beverly. Thank you for everything that 16 you do, because all too often you're the brunt of 17 our e-mails. And you take it so graciously. 18 And we appreciate, and I don't think we 19 show that nearly enough, the thanks for all the work 20 that you do do for us, and a lot that we don't even 21 see that you do for us. 22 And we certainly appreciate it. And 23 Commissioner Crone was kind enough and thoughtful 24 enough to go get some goodies. So before we begin, 25 if folks want to grab a little bite, and then we'll</p>	<p style="text-align: right;">Page 120</p> <p>1 and we can have a little discussion. 2 MS. JULIEANN HILL-CLAPP: Hi. Good 3 afternoon, Commissioner Gipson, Commissioners. I'm 4 JulieAnn Hill-Clapp. I'm the governing council 5 president for La Tierra Montessori School. 6 MS. MONIQUE GARCIA: Good afternoon, Madam 7 Chairman. My name is Monique Garcia, and I'm the 8 director of La Tierra Montessori School. Nice to 9 meet you. 10 THE CHAIR: Thanks. And thank you for 11 coming. So I'm sure you're not surprised that it 12 would be a concern to us that you've lost governance 13 board members. And you potentially lose quorum when 14 you're down to that three. 15 And there's also the concern about Board 16 of Finance when you're dropping below five. So we 17 felt it important to have the conversation to see 18 what might be going on. And also, I know part of 19 our process through notification is you generally 20 automatically get the 45 days extended to get the 21 new board members on. But when you fall that far 22 below, it's -- it's not just a general change. 23 So we felt we needed to have that 24 conversation. So if there's any kind of update, 25 hopefully, you have to offer us?</p>
<p style="text-align: right;">Page 119</p> <p>1 begin. 2 COMMISSIONER CRONE: There's blueberry and 3 peach. I was going to get apple. But I think -- 4 apples are present. You have to thank Caroline, my 5 wife, because she saw it on her Facebook. 6 MS. FRIEDMAN: Thank you very much. 7 COMMISSIONER ARMBRUSTER: How does it feel 8 to be 50? 9 MS. FRIEDMAN: It would be wonderful. 10 (Singing of birthday wishes.) 11 (Brief recess held.) 12 THE CHAIR: Okay. Now that we've had our 13 little sugar rush, we can get back on track. 14 And we are on to item No. 12, which is 15 Discussion and Possible Action on the Response from 16 a letter to Tierra Montessori with concerns 17 regarding the governing board. 18 And just so that folks are reminded, last 19 meeting, I had asked that it be pulled off the 20 Consent Agenda because the school unfortunately had 21 gotten to three governing council members. And 22 that, of course, is a concern to us in a number of 23 areas. 24 So I know there's folks from the school 25 that are here today. So we'll ask them to come down</p>	<p style="text-align: right;">Page 121</p> <p>1 MS. JULIEANN HILL-CLAPP: Yes. So we also 2 have the same concern. You know, we lost a board 3 member -- actually, we lost two board members almost 4 immediately, because both -- and I know, go 5 figure -- they both had heart issues. We had one of 6 our board members that actually had a heart attack. 7 And he was pulling away. And then we had another -- 8 had similar issues with his heart. And so they both 9 resigned, you know, within a month of each other. 10 And we had been working and are continuing 11 to work to resolve that issue. It kind of surprised 12 us when the third board member was leaving and chose 13 to do what she did. 14 That said, we now are in full compliance. 15 We have a full quorum. We've gotten three new board 16 members on our board, and they have completed the 17 trainings. I have the paperwork, you know, just 18 updating everything, 'cause we did have a special 19 meeting last night to make sure that we got all the 20 paperwork signed, everybody was in compliance, and 21 everything is up to snuff. So we -- we're in 22 compliance with having the five board members; so... 23 THE CHAIR: Okay. So while you're here, 24 can we talk about the -- the letter that the -- 25 because there was a concern that was raised -- and I</p>

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1 appreciate the fact that the Director actually
2 caught this -- that the employment letter is signed
3 by the head of the governance council and not the
4 head administrator. Because an employee's contract
5 should be signed by the head administrator, not the
6 head of the governance council.

7 MS. JULIEANN HILL-CLAPP: Yes. And
8 there's a reason for that. Our administrator --

9 THE CHAIR: I know there's a reason why
10 that should happen.

11 MS. JULIEANN HILL-CLAPP: Yes. Our
12 administrator has tendered her resignation. So she
13 tendered that back on September the 18th. And when
14 that happened, of course, it triggers a whole bunch
15 of things. And our attorney, Matthews Fox,
16 advised -- I called her, and I said, "You know, what
17 do we do? What's the next steps?" Because this was
18 kind of a -- we've done it at the end and not in the
19 middle.

20 And she said, "Well, she doesn't -- she's
21 going to have to lose the authority to sign
22 contracts, because you're going to need your new
23 administrator to be able to hire staff that -- you
24 know, if you need staff." And, you know, we went
25 through the whole chain of discussion.

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1 And the only reason I signed that contract
2 is it's been a comedy of errors at our school. And
3 I apologize for saying it like that. But our CPO,
4 who was the woman who was initially hired to be the
5 CPO, when the paperwork was completed, her license
6 had lapsed by two days. So we had to turn around
7 and figure out how we were going to do what we
8 needed.

9 And we quickly did this. And to be full
10 in compliance with what you had, I did consult
11 Matthews Fox, and she said, "You'll have to sign the
12 contract for this particular employee."

13 I said, "All right. I can do that."

14 And she says, "You shouldn't have any
15 problems, you know, doing this as a -- you know,
16 because you're -- you're..." -- we did have a CPO.
17 And unfortunately, she couldn't get into the
18 training for CPO before the license expired. And so
19 here we are. But that's the reason; so...

20 THE CHAIR: Right. And I appreciate all
21 of that. However, it's clearly defined what the
22 role of governing council members are. And the
23 governance council hires only the head
24 administrator.

25 MS. JULIEANN HILL-CLAPP: That's correct.

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1 THE CHAIR: And -- the head administrator.
2 So that's where, you know, this is --

3 MS. JULIEANN HILL-CLAPP: I didn't hire
4 her.

5 THE CHAIR: But you're on the contract as
6 the hirer.

7 MS. JULIEANN HILL-CLAPP: So let's be
8 clear that the only thing I did was sign a contract
9 at the advice -- given advice of Matthews Fox.
10 That's all I did was sign the contract, so that we
11 could have a CPO. We can go back and have
12 Ms. Garcia sign it. She's got it here; so...

13 THE CHAIR: I think that's the clearest
14 thing to do. Because, you know, we try to make sure
15 that the schools keep those clear lines.

16 MS. JULIEANN HILL-CLAPP: Sure.

17 THE CHAIR: And when your name is on the
18 contract, you are hiring that person.

19 MS. JULIEANN HILL-CLAPP: We have it here,
20 so she can sign it.

21 THE CHAIR: We would appreciate that.
22 That would just be cleaner for all of us just to
23 have that.

24 MS. JULIEANN HILL-CLAPP: Okay.

25 THE CHAIR: Commissioners, are there any

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1 other questions?

2 COMMISSIONER CRONE: I've got one.

3 THE CHAIR: Sure.

4 COMMISSIONER CRONE: Did you provide the
5 names of the board members?

6 MS. JULIEANN HILL-CLAPP: Yes.

7 COMMISSIONER CRONE: Are they in our
8 packet?

9 MS. JULIEANN HILL-CLAPP: No, no. Options
10 for Parents has the names. Because what we did is
11 got them to get the training before we seated them.
12 So the board members that are seated have received
13 the ten -- the seven hours of training, the online
14 training. So they're on-boarded.

15 THE CHAIR: Right. It wouldn't have been
16 in the packet, because it wasn't -- it wasn't
17 completed ten days ago.

18 COMMISSIONER CRONE: Okay.

19 THE CHAIR: But you do have all that
20 information; correct? My understanding is --

21 MR. ALAN BRAUER: Madam Chair,
22 Commissioners, I just confirmed with Melissa Brown,
23 our staff member that does that, and she confirmed
24 that.

25 THE CHAIR: Okay.

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1 COMMISSIONER VOIGT: Madam Chair?
 2 THE CHAIR: Commissioner Voigt.
 3 COMMISSIONER VOIGT: Thank you. I have a
 4 question. So your head administrator has given
 5 notice.
 6 MS. JULIEANN HILL-CLAPP: Yes.
 7 COMMISSIONER VOIGT: But that person will
 8 be employed throughout the duration of this school
 9 year.
 10 MS. JULIEANN HILL-CLAPP: No. She's --
 11 her last day is the 18th.
 12 COMMISSIONER VOIGT: Of?
 13 MS. JULIEANN HILL-CLAPP: This month, of
 14 October.
 15 COMMISSIONER VOIGT: Okay.
 16 THE CHAIR: And you have hired a new --
 17 MS. JULIEANN HILL-CLAPP: We do. We're in
 18 the process of transitioning. So the charter
 19 schools will get that paperwork. Yes.
 20 THE CHAIR: Are we good?
 21 COMMISSIONER CABALLERO: The only thing,
 22 Madam Chair, do we need to clarify order of
 23 succession in those situations, such as what
 24 happened in this charter school, who or --
 25 THE CHAIR: You mean with the head

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1 administrators?
 2 COMMISSIONER CABALLERO: Yeah. When a
 3 head administrator leaves --
 4 THE CHAIR: They give notice.
 5 COMMISSIONER CABALLERO: But in this case,
 6 that somebody had to sign a contract, we're not too
 7 sure whether that was okay. Do we need to clarify
 8 it by a policy, something --
 9 THE CHAIR: No, because it's actually
 10 in --
 11 COMMISSIONER CABALLERO: Statute?
 12 THE CHAIR: It's in statute what the head
 13 administrator does and what the governance council
 14 does. So that's clearly defined already, that the
 15 governance council's sole employee that they hire is
 16 the head administrator. And then the head
 17 administrator hires all other staff.
 18 COMMISSIONER CABALLERO: So being that
 19 charter schools are small districts, do we need to
 20 have, like, an exception and say, "In the case
 21 where, similar to this, and..." --
 22 THE CHAIR: I don't think we can.
 23 COMMISSIONER CABALLERO: "...and safety,
 24 it would have to go through..." -- not us, but I
 25 think --

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1 COMMISSIONER VOIGT: No. Madam Chair. So
 2 I think, Commissioner Caballero --
 3 THE CHAIR: -- we'll have to go through
 4 the Legislature to clarify.
 5 COMMISSIONER VOIGT: -- the only reason
 6 that their governing board president signed this
 7 contract was because the administrator had given
 8 their notice of resignation.
 9 But I think they know now that even though
 10 the head administrator had given their resignation,
 11 she is still in full employ until her very last day
 12 physically at the school, at which time the new
 13 administrator will be signing contracts.
 14 COMMISSIONER CABALLERO: All I'm saying --
 15 Commissioner Voigt, all I'm saying is this is not
 16 the first time it's going to happen.
 17 COMMISSIONER VOIGT: Well, it should be.
 18 COMMISSIONER CABALLERO: And so do we need
 19 to say, "In case this happens..." --
 20 COMMISSIONER VOIGT: No.
 21 COMMISSIONER CABALLERO: -- "we've got to
 22 have these safeguards?"
 23 THE CHAIR: And I'm going to say no, only
 24 because there's going to be too many "In case these
 25 happened." "Well, yeah, you said it's okay with

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1 this. But then -- oh, wait a minute. I thought
 2 because you allowed it there" -- I think because it
 3 is clearly defined, because they're a public school,
 4 those -- those lines are clearly defined for school
 5 boards, for governance councils,
 6 superintendents/head administrators.
 7 And I think if we start to breach those
 8 lines and ask statute to give us the exceptions,
 9 "Oh, but it's okay to do it if A, B, C, and D," then
 10 we really start to blur the lines.
 11 COMMISSIONER CABALLERO: Should it come
 12 back to the Commission, or that approval part to
 13 anything happening or the Secretary of Education?
 14 If they cannot do it -- so how do they get that done
 15 in cases that need to be --
 16 THE CHAIR: Well, they have a current head
 17 administrator who can sign the contract. So they
 18 will sign it.
 19 COMMISSIONER CABALLERO: Right. But at
 20 some point, they didn't.
 21 THE CHAIR: No. They've always had a head
 22 administrator. They've never been without the head
 23 administrator. It was their legal counsel's advice
 24 that because they were transitioning, they shouldn't
 25 have the current head administrator sign the

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1 contract. So it was legal counsel's -- their legal
2 counsel's advice. But they've never been without a
3 head administrator.

4 MS. JULIEANN HILL-CLAPP: Yeah. Just to
5 clarify, we're not going to be without a head
6 administrator. We're just in that phase of
7 transitioning between one and the other; so...

8 THE CHAIR: So I'm going to say I -- you
9 know, we're -- I'm not supportive of the exceptions,
10 when it's -- the exception is coming because advice
11 is being given by someone to do that. I'm not --

12 COMMISSIONER ROBBINS: Madam Chair?

13 COMMISSIONER CABALLERO: Maybe clarify
14 that they cannot do that.

15 THE CHAIR: I think it's pretty clear.
16 The lines are there. This is what they do, and this
17 is what they chose. I think the lines are pretty
18 clear.

19 And I think -- and maybe -- you know,
20 Melissa is here. But I think it's clear in
21 trainings what -- what happens. So, you know, I'm
22 right.

23 COMMISSIONER ROBBINS: Madam Chair?

24 THE CHAIR: Commissioner Robbins?

25 COMMISSIONER ROBBINS: One thing that I

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1 available.

2 I think you're doing -- oh, the charter --
3 during the conference. Is that the next --

4 MS. MELISSA BROWN: I have an eight-hour
5 training tomorrow in Albuquerque. In November, I'll
6 be in Taos. And the Coalition -- and the Public
7 Charter Schools of New Mexico's conference.

8 THE CHAIR: Right. So there's a lot of
9 good opportunities for them to get themselves
10 situated. So thank you, and I appreciate you
11 staying through the day so far.

12 MS. JULIEANN HILL-CLAPP: Yeah. Thank
13 you.

14 MS. MONIQUE GARCIA: Thank you.

15 THE CHAIR: Okay. We are now on to
16 Discussion and Possible Action on Estancia Valley
17 Classical Academy's Proposed Bylaw Changes.

18 I know Harlan is here.

19 Okay. Thank you so much for coming.

20 MR. HARLAN LAWSON: Madam Chairwoman and
21 Commissioners, I'm Harlan Lawson, serving as the
22 head of the governing council at Estancia Valley
23 Classical Academy now.

24 And I believe we've made copies of a
25 redline change which has been handed out. And I

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1 believe the governance council could do, if an
2 administrator left, and they were without a
3 permanent administrator, they could name an interim
4 head administrator who could then sign documents.

5 You have to have a head administrator in
6 order to operate. So they would have to then be in
7 position of -- so, likely, either her employee would
8 qualify, or bring in someone else as an interim head
9 administrator until the permanent was replaced.

10 That's the solution. That's on the
11 governance council of the charter school. That's
12 not our responsibility.

13 THE CHAIR: Students have interims. I
14 mean, that happens all the time. So we have
15 interims. We have interim head administrators.
16 That -- you know, that happens all the time. We're
17 on a search. Sometimes it's a couple of months;
18 sometimes it's a year. It happens.

19 But that person -- and you're right. That
20 person has the authority to make those -- so as long
21 as we can get this cleared up.

22 And I appreciate the fact that your -- all
23 of your members are on-boarded at this point in time
24 to be able to vote. And, hopefully, they will avail
25 themselves of the upcoming trainings that are

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1 think if we could just walk through that, it would
2 be very clear what we're trying to do.

3 The major change that we made, of course,
4 was to change the --

5 COMMISSIONER VOIGT: Is your microphone
6 on?

7 MR. HARLAN LAWSON: It was just -- yeah,
8 I'm sorry. I thought it was on.

9 The major change that we wanted to make
10 was to change from six to seven board members, which
11 we did. And that's in the first article of the
12 change you'll see.

13 And then we wanted to do some housekeeping
14 and changes, word changes.

15 But the other major changes we did -- I'll
16 summarize, and then we'll walk through the document.
17 We also wanted to require all of our board members
18 every two years to have a background check, which we
19 had never had in our bylaws before.

20 We wanted to clarify on remote attendance,
21 when people could be out, but could just be by
22 telephone. We had that in the bylaws, but we
23 changed the wording a little bit to make it a little
24 bit more clear.

25 And we also clarified that the process for

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1 creating agenda items for upcoming meetings would be
2 the president's responsibility. And, of course,
3 every board member can, in fact, propose agenda
4 items.

5 So those were the major changes that we
6 actually made in here.

7 If you all have a copy of it, if you want
8 to, Chairwoman, I can just go through each one?

9 THE CHAIR: Sure, if you want.

10 MR. HARLAN LAWSON: Article I, Section A,
11 is just changing from six to seven. I think we were
12 asleep at the wheel that day, because we had talked
13 about making it a range. And so next time we do
14 make a change, we will have that. I don't know why
15 we didn't do it this time.

16 THE CHAIR: That has now become our
17 recommendation. You can always have more. But, you
18 know, it's just easier on you.

19 MR. HARLAN LAWSON: It is. And I
20 appreciate that. We will make that the next time we
21 change.

22 Looking at Article II, Section A, the --
23 we took out a section there that talked about "in
24 compliance with the founding documents," because I
25 don't think that was necessary there.

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1 so he wanted to know who was going to be there and
2 who wasn't going to be there.

3 But we just struck that. Because it
4 really doesn't matter who the executive director is
5 that is coming on the board. As long as we've got a
6 quorum, we can operate and do our business.

7 And you see the wording -- also earlier in
8 that, I forgot to mention -- on the remote
9 participation, we just re-wordsmithed that a little
10 bit.

11 No. 8 is the background checks. We
12 require it every two years now. We required it of
13 our teachers. So we thought it only fair that we
14 required it of all the board members as well.

15 THE CHAIR: I think it's probably best
16 practice. Because you've got board members coming
17 in and out of the school building, so that it's just
18 the safest thing to do.

19 MR. HARLAN LAWSON: A few of us are
20 actually certified substitute or licensed teachers.
21 For example, I'm a licensed teacher. And so that
22 background check is already there for those.

23 But for the others, we just thought it
24 appropriate and a prudent move.

25 On the -- I think it's Article IV C --

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1 We also have moved the last sentence in
2 A-1 there, Article II, A-1, to a different part of
3 the document, where we actually do notify the
4 community and the -- at large of a position opening
5 on the school's governing body. But we moved that
6 to a different location. I'll show you that here in
7 a minute.

8 On -- 2-a was already there with the
9 requirement that we not have parent board members
10 outnumber non-parent board members. And we added b.
11 Basically, we've always required this of a new board
12 member, but we had not formalized it into the
13 bylaws. So now they have to read at least three
14 books. They have to write a one-page description of
15 what classical education means to them before we
16 nominate someone as a new board member.

17 So that was just, again, formalizing
18 something we had been doing, but it wasn't in the
19 bylaws.

20 On section A-7, we had, for some reason or
21 other -- and I don't know. None of us remember how
22 it got in there, to tell you the truth. But our
23 first executive director asked that we check with
24 him. He was pretty much running the meetings, as
25 far as the agenda part of the meetings, I mean. And

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1 yeah, IV-C.

2 We changed "tendering" to "acceptance."
3 There was a concern -- at one time, we had a board
4 member who kept saying he was going to resign but
5 didn't, in fact, tender anything in writing. So now
6 what we're saying is that acceptance of such
7 resignation doesn't have to be done to make it
8 effective. As soon as they tell the president or
9 secretary that they're resigning, basically, they're
10 resigning.

11 In Article -- that same Article IV, in
12 No. 1, you see that -- did the word come out in your
13 copies in blue? Or is that just a faint --

14 THE CHAIR: It is in blue. Yeah.

15 MR. HARLAN LAWSON: Okay. Then in the
16 third line down, this is where we're talking about
17 just the agenda items. It just clarifies, makes it
18 more clear, what we were doing as far as
19 incorporating those topics into the agenda for the
20 next meeting. And, of course, just wordsmithing,
21 really, is what it really does, because it doesn't
22 really change how we did it.

23 And I think there's one more. Let me
24 double-check my cheat sheet here.

25 I think that's all I had.

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1 Yes.
 2 Any questions on any of those proposed
 3 changes?
 4 (Chair consults with Commission counsel.)
 5 THE CHAIR: Okay. So, Harlan, let me just
 6 ask you.
 7 MR. HARLAN LAWSON: Sure.
 8 THE CHAIR: In Article II A, you struck
 9 out, "The Governing Council will notify the school's
 10 community and the community at large of a position
 11 opening."
 12 That just struck -- you didn't replace
 13 that? Did you put that someplace else?
 14 MR. HARLAN LAWSON: We did, though. We
 15 put it back in.
 16 THE CHAIR: Because I don't see any other
 17 changes that --
 18 MR. HARLAN LAWSON: Added it back in.
 19 THE CHAIR: -- sound anything like that.
 20 MR. HARLAN LAWSON: Let me just see. I
 21 thought we did.
 22 THE CHAIR: So that's just out.
 23 MR. HARLAN LAWSON: Well, it is, by that
 24 one. But I'm positive we added it back in. But I'm
 25 not finding it, either.

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1 a little bit of a disconnect there. And that's why
 2 we asked them to come up this month so we could get
 3 that clarity.
 4 That's something that, once again, we're
 5 going to have to clean up a little bit in our -- in
 6 that notification form, that the request for not
 7 just the bylaw change, but the tracked changes for
 8 them. And even though you had to spend the time to
 9 come up and do this, I appreciate the fact that this
 10 was brought to our attention.
 11 MR. HARLAN LAWSON: Sure.
 12 THE CHAIR: A little at your expense. But
 13 it's -- it's a lesson learned. So, hopefully, we
 14 move forward. But I would ask you to leave that
 15 change and submit that -- or did you find it?
 16 MR. HARLAN LAWSON: Well, I didn't find
 17 where we actually put it in. What we did, in
 18 Article IX, the Miscellaneous, Section A, I believe,
 19 is where I felt we covered that. We can put it back
 20 in explicitly, because I think it should be.
 21 That says simply that we will be compliant
 22 with the current statutes and administrative rules,
 23 which, in fact, do state that openings should be
 24 announced to the general public before you refill a
 25 board member.

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1 THE CHAIR: No, I didn't -- no.
 2 MR. HARLAN LAWSON: We may have to do
 3 another --
 4 THE CHAIR: I didn't see any other changes
 5 after that.
 6 MR. HARLAN LAWSON: It doesn't show up.
 7 You're right. I will take that under advisement.
 8 THE CHAIR: Let me just ask you. Do you
 9 still make public openings?
 10 MR. HARLAN LAWSON: Yes. Yes.
 11 THE CHAIR: So the only thing I would
 12 suggest is that you --
 13 MR. HARLAN LAWSON: Put it back in.
 14 THE CHAIR: Put it back in, where if you
 15 don't feel it belongs in that spot, just put it back
 16 in and just send it back to us.
 17 And, you know, I think because of the --
 18 how it was put in our packet last month -- and
 19 you're absolutely right. And it brought up a good
 20 recommendation that when we ask for these bylaw
 21 changes, that the tracked changes are there, because
 22 that was the problem last month.
 23 MR. HARLAN LAWSON: Exactly.
 24 THE CHAIR: We saw what was changing, but
 25 couldn't really see what it had been. And there was

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1 So I think it probably legally covers it.
 2 So it'll be clear if we add it back in. So I'll
 3 talk to the board about it again and propose that we
 4 put that back in.
 5 COMMISSIONER CHAVEZ: Madam Chair, it was
 6 just brought to my attention -- Ms. Beverly had
 7 pointed out that you did put it in. It's in the
 8 last page of Article II, A-1.
 9 THE CHAIR: Okay. Hold on. Article II?
 10 COMMISSIONER CHAVEZ: Yes, Under Article
 11 II, under Governing Council Membership.
 12 COMMISSIONER RUIZ: Very last page,
 13 Governing Council Membership.
 14 COMMISSIONER VOIGT: The very last page.
 15 I see.
 16 MS. AMI JAEGER: Where is that?
 17 THE CHAIR: It's Article II.
 18 COMMISSIONER VOIGT: Yeah. I see it.
 19 MR. ALAN BRAUER: Madam Chair, members of
 20 the Commission, I think that looks like that is a
 21 vestigial remain of the original copy.
 22 THE CHAIR: It is. This is why we had the
 23 problem. This is what was --
 24 MS. FRIEDMAN: Oh. Sorry.
 25 THE CHAIR: So that's not -- it's a piece

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1 from -- I think -- this is not part of your bylaws,
2 this last page. Am I correct?

3 MR. HARLAN LAWSON: Well --

4 THE CHAIR: I don't think Harlan probably
5 has this. Is this something that -- do you want to
6 see what we're looking at?

7 COMMISSIONER RUIZ: Page 12 has the
8 Secretary's signature page.

9 MR. HARLAN LAWSON: That's the whole
10 bylaws.

11 COMMISSIONER CHAVEZ: Yeah. Okay.

12 MR. HARLAN LAWSON: Yes, it is. I gave
13 you an extra page, didn't I?

14 THE CHAIR: So this isn't part of your
15 bylaws, that page.

16 MR. HARLAN LAWSON: No. That was the
17 former version.

18 We will look at that. I think -- my gut
19 feeling now is it would be clear just to add it back
20 in.

21 THE CHAIR: Okay. And we're fine. I
22 think we're fine. That's up to the governance
23 council to make that decision.

24 MR. HARLAN LAWSON: Okay. I'll talk to
25 them on that.

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1 MR. HARLAN LAWSON: Wow.

2 THE CHAIR: So you can get it moved if
3 you -- if you're interested.

4 MR. HARLAN LAWSON: Good. We've got a
5 spot for it. We just didn't -- I'll get with --

6 COMMISSIONER VOIGT: It's your lucky day.

7 THE CHAIR: We try to help each other out
8 here. We have a little swap meet going on during
9 our meeting.

10 COMMISSIONER CABALLERO: Sell and trade.

11 THE CHAIR: That's right. So, please, if
12 you can use it -- and I think it's at a -- it is at
13 a significantly lower cost than what --

14 MR. HARLAN LAWSON: I'm sure it is.

15 THE CHAIR: And it's only a year old, so
16 it's in good condition, and they're selling it at, I
17 think, a very, very reasonable price. So check it
18 out.

19 Alan will give you the contact
20 information.

21 MR. HARLAN LAWSON: Thank you so much.

22 THE CHAIR: It was worth it.

23 MR. HARLAN LAWSON: That alone might be
24 worth it. Have a good day.

25 THE CHAIR: You, too. Thank you.

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1 THE CHAIR: And, once again, I appreciate
2 you coming up and spending the time and pointing out
3 something that we have to make a little clearer.

4 MR. HARLAN LAWSON: Well, it's a team
5 effort.

6 I did want to report that we -- our 40th
7 day gave us 589 students this year. So it's about a
8 46 increase over last year.

9 THE CHAIR: Wow. So the new building is
10 serving you well.

11 MR. HARLAN LAWSON: I believe it is. We
12 just need a playground now. We just couldn't build
13 enough of a bond, couldn't meet the payments to put
14 a playground into the bond program. So we --

15 THE CHAIR: Because we have a charter
16 school that's actually selling a piece of playground
17 equipment.

18 MR. HARLAN LAWSON: Do you?

19 THE CHAIR: We do. We do. Check out --
20 because we have a charter that moved out of a
21 facility. And the playground equipment that they
22 had was too big, so they have to go buy a smaller.
23 So we do have one. And, on the record, the former
24 Deputy Secretary, Aguilar, offered to move it on --
25 himself.

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1 Okay. We are on to Item No. 14, and that
2 is Discussion and Possible Action --

3 MS. AMI JAEGER: Oh, wait. You have to
4 move to adopt the bylaws with those changes.

5 THE CHAIR: No -- well -- because that
6 goes just into the consent.

7 MS. AMI JAEGER: Remember, it was in the
8 Consent Agenda, and we didn't vote on it?

9 THE CHAIR: We can put it on the Consent
10 Agenda for next month. But we can do it. That's
11 okay.

12 COMMISSIONER ROBBINS: I'll go ahead and
13 move.

14 THE CHAIR: If he does, we'll have to put
15 it on the Consent Agenda. If the school decides
16 they want to make that change and add in, they can
17 make the next change, and it'll go on the Consent
18 Agenda.

19 COMMISSIONER ROBBINS: Madam Chair, I
20 propose the Public Education Commission adopt
21 Estancia Valley Classical Academy's proposed bylaw
22 changes, as presented.

23 COMMISSIONER CHAVEZ: Second.

24 THE CHAIR: There's a motion by
25 Commissioner Robbins, a second by Commissioner

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1 Chavez.
2 Any further discussion?
3 COMMISSIONER ARMBRUSTER: I just want to
4 say -- I just wanted to say one thing. So for -- we
5 can go ahead and adopt it. That's not the issue.
6 But if they're going to add that part back
7 in, you might want -- maybe at the same time, can
8 they put the five to seven for the governing
9 council?
10 THE CHAIR: That's up to them.
11 COMMISSIONER ARMBRUSTER: Well, I'm just
12 saying, can they do that and be in the Consent
13 Agenda?
14 THE CHAIR: Certainly.
15 COMMISSIONER ARMBRUSTER: So you may want
16 to think about that and do it all at once.
17 THE CHAIR: Any changes, that's what
18 happens.
19 COMMISSIONER ARMBRUSTER: Okay. I'm
20 ready.
21 Okay. Commissioner Voigt?
22 COMMISSIONER VOIGT: Yes.
23 COMMISSIONER ARMBRUSTER: Commissioner
24 Ruiz?
25 COMMISSIONER RUIZ: Yes.

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1 COMMISSIONER ARMBRUSTER: Ten-to-zero
2 vote. Passes.
3 THE CHAIR: Okay. The motion passes,
4 ten-zero. Thank you.
5 Now we are on to Item No. 14, Discussion
6 and Possible Action on New Mexico Connections
7 Academy's Charter School Contract Renewal for
8 2018-2023.
9 And I know the head administrator is here,
10 so we'll ask her to come on down.
11 I want to thank the Commissioners that
12 came last month prior to the start of our regular
13 meeting. And we had the opportunity to sit down
14 with the school and finally negotiate goals and the
15 contract so that we can move forward.
16 So I appreciate the time that everyone put
17 in for that, and the school, certainly, because we
18 all reconvened the next day, too. So it was a
19 little added attraction. So I appreciate everyone's
20 time. So welcome once again.
21 I don't know if Commissioners have -- it's
22 in your packet, of course. Those of you that were
23 involved in the negotiations, it should be pretty
24 clear on what it was.
25 But do Commissioners have any questions?

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1 COMMISSIONER ARMBRUSTER: Commissioner
2 Caballero?
3 COMMISSIONER CABALLERO: Caballero?
4 COMMISSIONER ARMBRUSTER: Caballero. I
5 just had peach pie.
6 COMMISSIONER CABALLERO: Yes.
7 COMMISSIONER ARMBRUSTER: Okay.
8 Commissioner Robbins?
9 COMMISSIONER ROBBINS: Yes.
10 COMMISSIONER ARMBRUSTER: Commissioner
11 Crone?
12 COMMISSIONER CRONE: Yes.
13 COMMISSIONER ARMBRUSTER: Commissioner
14 Armbruster votes "Yes."
15 Commissioner Gipson?
16 THE CHAIR: Yes.
17 COMMISSIONER ARMBRUSTER: Commissioner
18 Davis?
19 COMMISSIONER DAVIS: Yes.
20 COMMISSIONER ARMBRUSTER: Commissioner
21 Raftery?
22 COMMISSIONER RAFTERY: Yes.
23 COMMISSIONER ARMBRUSTER: Commissioner
24 Chavez?
25 COMMISSIONER CHAVEZ: Yes.

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1 (No response.)
2 THE CHAIR: If not, I think we're good.
3 COMMISSIONER ROBBINS: Well, I would move
4 that the Public Education Commission adopt the
5 renewal charter contract for New Mexico Connections
6 Academy Charter School for 2018 to 2023.
7 COMMISSIONER CABALLERO: Second.
8 COMMISSIONER VOIGT: Second.
9 THE CHAIR: There's a Commission --
10 there's a motion by Commissioner Robbins and a
11 second by Commissioners Caballero and Voigt.
12 And is there any further discussion on it?
13 (No response.)
14 THE CHAIR: If not, roll call, please.
15 COMMISSIONER ARMBRUSTER: Commissioner
16 Gipson?
17 THE CHAIR: Yes.
18 COMMISSIONER ARMBRUSTER: Commissioner
19 Robbins?
20 COMMISSIONER ROBBINS: Yes.
21 COMMISSIONER ARMBRUSTER: Commissioner
22 Caballero?
23 COMMISSIONER CABALLERO: I love the way
24 you say that. Yes.
25 COMMISSIONER ARMBRUSTER: I'm really

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1 working on it.
 2 COMMISSIONER CABALLERO: It sounds
 3 Italian. Thank you.
 4 COMMISSIONER ARMBRUSTER: It's the best I
 5 can do.
 6 Commissioner Voigt?
 7 COMMISSIONER VOIGT: Yes.
 8 COMMISSIONER ARMBRUSTER: Commissioner
 9 Davis?
 10 COMMISSIONER DAVIS: Yes.
 11 COMMISSIONER ARMBRUSTER: Commissioner
 12 Crone?
 13 COMMISSIONER CRONE: Yes.
 14 COMMISSIONER ARMBRUSTER: Commissioner
 15 Ruiz?
 16 COMMISSIONER RUIZ: Yes.
 17 COMMISSIONER ARMBRUSTER: Commissioner
 18 Raftery?
 19 COMMISSIONER RAFTERY: Yes.
 20 COMMISSIONER ARMBRUSTER: Commissioner
 21 Chavez?
 22 COMMISSIONER CHAVEZ: Yes.
 23 COMMISSIONER ARMBRUSTER: And Commissioner
 24 Armbruster votes "Yes."
 25 Ten-to-zero vote.

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1 and the Truth or Consequences School District
 2 indicated that they had some challenges with
 3 instructional materials because the instructional
 4 materials went into the SEG. So now it's divided
 5 out into 12 payments, so that they were having some
 6 challenges with funding the instructional materials,
 7 having to wait for those future payments.
 8 And Senator Stewart did indicate there
 9 that that should be an easy fix. So I don't think
 10 that's something that anyone has to work on. I
 11 think that's going to come through the -- you know,
 12 the general education bills that will come through.
 13 They'll fix that, because that was certainly not
 14 the -- the intention was to free up more money so
 15 that schools didn't -- and there was just that
 16 little snafu that happened. And it occurs
 17 occasionally. So that, hopefully, will be fixed.
 18 There are still those ongoing discussions
 19 about the extended year and the impact of the
 20 extended year. And I know it was part of the
 21 discussion on the telephone call. But, once again,
 22 it's challenging for some of our charters that
 23 already had embedded in their calendars those
 24 extended years -- the extended days, or calendar
 25 year, so that they were unable to meet the spirit of

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1 THE CHAIR: Motion passes, ten-zero. And
 2 thank you for -- thank you for coming.
 3 MS. ELISA BOHANNON: You're welcome.
 4 THE CHAIR: And we appreciate the time you
 5 put in to all of this. So congratulations for
 6 finally getting this set.
 7 MS. ELISA BOHANNON: Thank you very much.
 8 THE CHAIR: We are now on to Item No. 15,
 9 which is the report from the Chair.
 10 So let's see. I did attend the LESC
 11 meeting, which was in Silver City. I only went for
 12 the one day, because that one day was the
 13 preliminary presentation, PED, for the budget. So I
 14 thought it important to go up and just listen a
 15 little bit.
 16 So it was interesting, but not very
 17 detailed yet as to what all is going to be in there.
 18 And, of course, Secretary Stewart had just been on
 19 board for a week and a half, maybe, or so. But it
 20 was nice to be able to meet him there and see folks
 21 in Silver City.
 22 There were some -- once again, a really
 23 good discussion about some -- oh, sorry -- pre-K
 24 programming, but also some challenges that schools
 25 were having with -- and the Silver School District

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1 the law because they had no more room in the
 2 calendar because they had already extended it as far
 3 as possible. So because they weren't adding
 4 additional days, they didn't qualify for the
 5 program.
 6 So, you know -- and I think, you know,
 7 there should have been some leadership. And I
 8 understand the spirit of what they were trying to
 9 do. But I think there has to be recognition that
 10 there were schools that were already doing it, so
 11 why can't they participate in those programs because
 12 they're already -- they've already embraced the idea
 13 and the example, so why can't we celebrate that and
 14 help them out?
 15 And I think there is a little more
 16 openness to hearing that a little bit, you know.
 17 People are understanding the challenges. I think,
 18 at first, when the -- when schools weren't
 19 participating they thought, oh, it was just they
 20 don't want to add those days. And they really
 21 couldn't wrap their arms around the idea that
 22 schools were already doing it. You can't add days
 23 onto a calendar when the calendar is already
 24 completely full.
 25 So I think there's a little more

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1 openmindedness about that. And I hope so. Because
 2 I truly hope that more of our schools can
 3 participate in that -- in that program. Because
 4 it's not that we don't -- there are also those
 5 challenges -- it was brought up once again, the
 6 challenges about the summer programs and the
 7 students having to stay with that teacher.
 8 And that's a challenge many school
 9 districts face. So I -- there's the piece of me
 10 that understands why that's important to stay. But
 11 we all know there's really good reasons why school
 12 districts don't do that.
 13 COMMISSIONER ARMBRUSTER: Can I ask you a
 14 question about that?
 15 THE CHAIR: Sure.
 16 COMMISSIONER ARMBRUSTER: So if you have a
 17 K-5 school -- since we're really talking about the
 18 whole state -- and the next year's teacher has to be
 19 the teacher of the fifth, now you're talking
 20 about --
 21 THE CHAIR: No. It's the K -- it's the 3,
 22 4, 5. It's the 3, 4, 5. So -- yeah.
 23 So when you're in the summer program, it
 24 should be your kindergarten teacher that's -- that
 25 has you for that extended -- for that early --

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1 COMMISSIONER ARMBRUSTER: Stays with the
 2 teacher. Oh.
 3 THE CHAIR: And that'll be your
 4 kindergarten teacher when the regular school year
 5 starts.
 6 And a lot of school districts condense
 7 those programs at one or two facilities and then
 8 students go off. Or in some cases, you don't know
 9 what your enrollment is going to be, so you can't
 10 guarantee that that -- that there's going to be room
 11 in that particular classroom.
 12 And what was expressed by many is in
 13 larger school districts, where you've got multiple
 14 teachers, a lot of the very experienced teachers, A,
 15 didn't want to work that summer program, and, B,
 16 felt that they were helping out the younger teachers
 17 who were on a lower -- on the lower end of the pay
 18 scale by giving them the opportunity to get that
 19 summer work, so that they were voluntarily not
 20 working in the summer to help out.
 21 So that, actually, it was keeping some
 22 people -- some of the younger teachers, it was
 23 keeping them in, because they got that extra money
 24 by doing that program.
 25 COMMISSIONER VOIGT: It also counts toward

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1 your retirement.
 2 THE CHAIR: It does, yeah.
 3 COMMISSIONER VOIGT: A quarter of a year;
 4 so...
 5 THE CHAIR: So there were a lot of very
 6 good reasons why districts weren't or couldn't,
 7 however you want to put it. Last year, there was no
 8 conversation about why we can't. I'm hoping it's
 9 going to be a little more open this year.
 10 But I think that's one that's still a
 11 fairly rigid line, I think. If I had to -- if I had
 12 to take a barometer and see how it's going, I think
 13 it's still more, "We're holding on to this being
 14 important."
 15 So we'll just have to see. And, you know,
 16 I just hope that people don't continue to get mad
 17 when schools don't participate. And that's a
 18 problem. People got mad when schools weren't
 19 participating. And it's, like, but you've kind of
 20 made it really almost impossible for some to
 21 participate. So don't get mad when you've created
 22 this very rigid program.
 23 But you can't tell some people. So we'll
 24 see. So that -- but it was interesting. And --
 25 COMMISSIONER CRONE: Pattie? Madam Chair?

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1 THE CHAIR: Oh, sorry.
 2 COMMISSIONER CRONE: Was that the meeting
 3 where you took a trip to the border?
 4 THE CHAIR: No, no.
 5 COMMISSIONER CRONE: That's coming up?
 6 THE CHAIR: That's not LESC. That was
 7 LFC.
 8 COMMISSIONER CRONE: Okay.
 9 THE CHAIR: The LFC met in Deming, and
 10 they -- you're right. The LFC did take -- I did not
 11 go to that LFC meeting, because, A, there wasn't
 12 really much on the agenda that affected us, and
 13 because they were spending that much time looking at
 14 the border issues. I can do that whenever I want
 15 to. I don't have to go with them. So I did not go
 16 to Deming to that meeting.
 17 COMMISSIONER CRONE: Okay. Thanks.
 18 COMMISSIONER ARMBRUSTER: Madam Chair? I
 19 guess I should be reading up on this. But, so on
 20 this K-5 Plus --
 21 THE CHAIR: Right.
 22 COMMISSIONER ARMBRUSTER: -- does
 23 K-through-5 have to participate? Or could just
 24 second grade and third grade, for example?
 25 THE CHAIR: No. I think it's an all-in.

1 MR. ALAN BRAUER: I believe that's right.
 2 COMMISSIONER ARMBRUSTER: So every teacher
 3 has to agree to doing that, which is what you're
 4 saying; right?
 5 MR. ALAN BRAUER: Madam Chair, members of
 6 the Commission, not every teacher has to
 7 participate. Now, in small schools like Roots &
 8 Wings or -- you know, when I talked with them, they
 9 weren't -- they weren't able to guarantee that the
 10 same second-grade teacher would be teaching the
 11 second-grade students in the summer as well as over
 12 the year, because they have mixed grades there.
 13 They're small enough that they have mixed grade.
 14 So that was something that happened.
 15 But with schools that are a little bit
 16 larger that have more than one second-grade teacher.
 17 For instance, in this case, it depends on how many
 18 students are signing up for K-5 Plus if they need
 19 those two second-grade teachers. So it doesn't have
 20 to be the entire staff.
 21 It's similar to what it was when it was
 22 K-3 Plus. It wasn't the entire staff, but enough
 23 staff to fulfill the needs of the students.
 24 THE CHAIR: Right. You have to abide
 25 by -- to fidelity, the program, that if -- if you're

1 going to buy into the program, then you're
 2 guaranteeing that whatever those kids are that are
 3 in there, those teachers are also in that.
 4 But, sure, if you're in a big district,
 5 not every teacher -- because it's not going to
 6 affect -- they don't need every teacher to
 7 participate.
 8 COMMISSIONER ARMBRUSTER: Right. Okay.
 9 THE CHAIR: It's those unique challenges.
 10 I attended, with Commissioner Voigt and
 11 our legal counsel, last Friday, in Albuquerque, we
 12 were there for the MAS traffic concerns meeting.
 13 What shall I say?
 14 There are certain people that I feel
 15 really bad for that are angry their entire life.
 16 So -- you know. And I feel bad that -- you know.
 17 But I think there were some -- some members of the
 18 community that were genuinely interested in trying
 19 to solve it.
 20 There's a core there that nothing is going
 21 to -- it doesn't matter. They're angry. They're
 22 out there taking pictures of people driving
 23 illegal -- you know, that's a shame that those
 24 people live in that world.
 25 But the -- the mediator -- do I call him a

1 mediator?
 2 MS. AMI JAEGER: He was a facilitator.
 3 THE CHAIR: A facilitator, I guess, is
 4 going to come up with a report and see -- the school
 5 is exploring the possibility of running shuttles off
 6 the UNM -- off a UNM parking lot to see if they
 7 could drop students off and pick students up at that
 8 parking lot instead of at the school, to alleviate
 9 some of the traffic flow there.
 10 But the question was whether -- whether
 11 they could get transportation funding for those
 12 buses for a shuttle like that.
 13 So the school is actually pursuing that to
 14 see if that's a possibility. And I believe the
 15 facilitator is looking at the possibilities of
 16 paving an alleyway so that they could loop. Yeah.
 17 But they need that alleyway paved to do it, to be
 18 able to truly do it.
 19 So we'll see what happens, what comes out
 20 of it. You know, it's -- we've talked about this.
 21 As we do enrollment cap increases, we do have to be
 22 a little more mindful of what that school looks like
 23 in that neighborhood. So that's something, just
 24 moving forward, that I think we're going to have to
 25 keep in mind.

1 I think three of us will be traveling a
 2 week from tomorrow -- a week from Sunday -- to the
 3 NACSA conference. So looking forward to that.
 4 We're scheduled for the charter school conference
 5 for Thursday morning or Friday morning?
 6 MR. MATT PAHL: Thursday morning.
 7 THE CHAIR: Thursday morning. It's kind
 8 of how do we fix this kind of thing, so that we can
 9 have a discussion with schools about their
 10 challenges with budgets, lease reimbursement, so on
 11 and so forth. And it also helps us to be able to
 12 see if there's other legislative priorities that we
 13 need to move forward by seeing what challenges the
 14 schools are bringing forward to us.
 15 So I look forward to, you know, a good
 16 conversation with the schools about that.
 17 And, of course, Matt was kind enough to
 18 make arrangements so that we can have a room Friday
 19 morning for our meeting. So I appreciate that as
 20 well.
 21 And I think -- I won't be going to the
 22 LESC, because that's actually occurring during the
 23 NACSA conference, I believe.
 24 So I'm done. So, Matt, we're up to Public
 25 Charter Schools.

<p style="text-align: right;">Page 162</p> <p>1 MR. MATT PAHL: Madam Chair, did you have 2 another announcement? 3 THE CHAIR: No. We've -- I'll do it next, 4 because we've got our -- just the calendar for next 5 year. 6 MR. MATT PAHL: Yeah. Thank you, 7 Madam Chair, and members of the Commission for 8 spending time at our conference. 9 (Commissioner Caballero leaves meeting.) 10 MR. MATT PAHL: I know our schools really 11 find that when they get some time and space with the 12 PEC outside of Mabry Hall, it just provides for some 13 really productive conversations that just kind of 14 take the formalization down a step, and it helps 15 everybody be open about their comments. 16 And our schools have had a really good 17 interaction with the Commission in those 18 environments. So we're really excited to have you 19 on November 14th at 8:00 a.m. Thank you. 20 I want to note just a couple of things on 21 the conference. And one, in particular, I think, is 22 important, is we will be having a two-hour workshop 23 in the afternoon to kind of crowd-source the charter 24 innovations that have occurred. 25 There was a comment made, you know, that</p>	<p style="text-align: right;">Page 164</p> <p>1 Or when we're thinking about replicating a 2 certain strategy, you know, that it isn't always the 3 fact that we get highlighted for it, even when, you 4 know, sometimes a charter school worked through the 5 initial kinks of figuring out how to get that idea 6 to actually work in a classroom. 7 And I think that's just a -- a function of 8 our structures. And that's not just a New Mexico 9 structure thing. I don't know that there's any 10 state where school districts are touting all the 11 wonderful things that charters did and how it 12 changed their school. I think that's just kind of a 13 natural tension there. 14 And so we look forward to working on 15 documenting that. We really want to use the 16 conference as an opportunity to do that. 17 And that's just one example of how we use 18 this time for the conference. We don't get our 19 charter school leaders together. In fact, this is 20 probably the second best gathering spot of charter 21 school leaders. When Wayne Sherwood is meeting 22 Sarah Tario, they're meeting for the first time, you 23 know? I mean, Wayne's pretty isolated in 24 Silver City. 25 But, you know, just provides a chance for</p>
<p style="text-align: right;">Page 163</p> <p>1 the innovations that charters have -- have started 2 in this state, or amplified, in other cases, we 3 haven't done a good job of sharing, and to the point 4 of where I'm not sure if we've ever really 5 documented them before. 6 We're going to spend some time saying -- 7 even if it's something somebody thinks happened, 8 we'll do the research after that. But we want to 9 get the people in the room to really documenting. 10 What did we do first here? 11 There's a school under your watch, Gallup 12 Middle College High, that we know it's the longest 13 serving dual-credit high school. Was it the first? 14 We don't know right now. 15 That's something we should know. And it 16 should be a part of our story. We're celebrating 17 20 years in the state. And while innovation happens 18 everywhere in this state, charters have a particular 19 mission and role towards it, and I think it's time 20 to start documenting it and understanding what that 21 presence has been. 22 Because the incentives aren't always 23 aligned for someone who's adopting an innovation to 24 point to a charter school, saying, "Hey, I got the 25 idea over there."</p>	<p style="text-align: right;">Page 165</p> <p>1 them to get together and learn from each other and 2 collaborate. And we really want to provide that 3 forum, where they're actually working together and 4 creating some bonds there. They have the hardest 5 job in education, I believe, running a charter 6 school, being a superintendent, being a special ed 7 director; all those things fall under their 8 umbrella. We're really looking forward to all of 9 them. 10 Just a couple of other notes. 11 Las Montañas. I was just struck when 12 Director Brauer was talking about the school. I 13 really, really think in the last six -- five, six 14 years, I don't think there's been a public school in 15 New Mexico that has turned its fortunes around as 16 much as Las Montañas has. 17 If you remember that shopping mall, 18 shopping center they were in five or six years ago, 19 I just think it's really impressive what they've 20 done. 21 I know their enrollment is at an all-time 22 high this year. I know they worked with the 23 district to get a nice facility that really works 24 for them. 25 And I really feel that Caz Martinez is a</p>

<p style="text-align: right;">Page 166</p> <p>1 leader that we should all be paying attention to 2 now. I think he's strong and somebody that's 3 helping that school move in the right direction. 4 Just a shout-out to those guys. 5 The second thing that I wanted to mention 6 that's school-specific is, you know, I was just at a 7 meeting across the street with some legislative 8 staff. And they were -- there is some frustration 9 about how charter schools aren't getting into public 10 buildings. 11 And, you know, I always think of these 12 things. But I'm on the advocacy side. So I just 13 wanted to state out loud that what happened with 14 Aldo Leopold is the ideal scenario. 15 It's something that meets the needs of 16 Western -- Western's campus. It meets the needs of 17 Aldo Leopold. And we're putting that school in a 18 building that the State of New Mexico already owns. 19 And so I'm just double-underlining it, 20 because I think it's something that when we hear 21 things where, "Oh, charters are just paying private 22 landlords to pay whatever," when the opportunity is 23 there, we're finding there is some good 24 collaboration there and the right thing is 25 happening.</p>	<p style="text-align: right;">Page 168</p> <p>1 There are two issues with that is what constitutes 2 the space -- 3 THE CHAIR: Available. 4 MR. MATT PAHL: -- and what constitutes 5 available. And then, lastly, who checks up on that. 6 Historically -- and I don't know what's happening 7 right now. But, historically, because it doesn't 8 name either PED or PSFA as the entity to check up on 9 that, there's really no accountability for a school 10 district to offer that up. 11 In the bill that Senator Ortiz y Pino and 12 Senator Candelaria ran last year, they noted that 13 PSFA should be checking in with school districts. 14 So that was just a solution that we had to that 15 problem. But just because with the language there 16 and nobody checking up, there's no teeth. 17 THE CHAIR: I appreciate that. That's 18 food for thought in terms of when -- when we 19 actually get to the words of this that it's 20 important to keep. Yeah. 21 MR. MATT PAHL: Yeah. Just a couple of 22 other notes. 23 Yesterday, I was at a foster care student 24 task force that was created out of House 25 Memorial 75. And there we determined a few</p>
<p style="text-align: right;">Page 167</p> <p>1 I just invite everybody here, both in the 2 audience and the Commission, to remember that as an 3 example. It doesn't mean it's happening with every 4 school. But we do have good examples of schools 5 occupying public facilities. And it's just 6 something to remember as we get into that time of 7 year where there's a lot of things said across the 8 street that don't always have the foundation that 9 they should. 10 THE CHAIR: Of course, yesterday in our 11 work session, when we were talking about legislative 12 priorities, one of the things that we're most likely 13 going to be pushing is that school districts have to 14 contract if they've got the facility -- if they've 15 got a facility. School districts can't just say no, 16 that if they've got -- if they've got open space, 17 that they have to make it -- not, you know, you have 18 to ask them and they can say no; that the school 19 district would have to make the space available, as 20 well as they would have to contract for 21 transportation and food services. They can't say 22 no. 23 MR. MATT PAHL: Love the latter. Just a 24 thought on former on the buildings. In statute, it 25 says they need to make it available right now.</p>	<p style="text-align: right;">Page 169</p> <p>1 different spaces in which county CYFD offices and -- 2 county CYFD offices and points of context at school 3 should be collaborating better. 4 There will be formal recommendations that 5 come out of that task force as a result of the 6 Memorial. But I think it provides a training 7 opportunity for our charters. So I'm looking at 8 Mr. Brauer here, just to note that I think that 9 would be a good opportunity for the two of us to 10 collaborate on as we figure out how to train people 11 up on what the appropriate protocols are for 12 students that are in foster care and how schools can 13 facilitate the actions that are supposed to happen 14 for those students within CYFD's scope. 15 So there's a lot of opportunity for 16 collaboration and, as a result, some training 17 opportunity there. 18 THE CHAIR: Speaking of Las Montañas, I 19 know they have a significant population of students 20 that are in foster care there. 21 MR. MATT PAHL: Yeah. One thing we kind 22 of realized in reflecting is we have a number of 23 schools that, because they interact with these 24 student populations on a regular basis, they're 25 pretty well-versed. But we have a number of schools</p>

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1 where it's not the norm. And so, you know, there's
2 probably some training gap there.

3 THE CHAIR: Yeah. Thanks.

4 MR. MATT PAHL: Two other notes.

5 Oh. One is a question, actually, around
6 the -- the pre-K amendment. Our schools will be
7 expected, this December, to make the amendment.

8 THE CHAIR: Yes, yeah.

9 MR. MATT PAHL: And we'll have something
10 coming out from CSD shortly, I assume.

11 THE CHAIR: Yeah. Seems that we approved
12 it today. So CSD will send out a copy of the
13 amendment forms, and schools will be notified.
14 Because we're also asking to get a gauge of how
15 many -- because we have to now add these to our
16 December agenda. And we've got 19 schools we're
17 doing renewals for. So it makes it challenging.

18 So we need to know what -- how -- what we
19 have to do with our schedule for December. So we'd
20 like to just get a little bit of a handle on it. So
21 that's why we made it December and not November.

22 MR. MATT PAHL: Right.

23 THE CHAIR: Because it was too -- we
24 thought it was too short a turnaround for the
25 schools to -- you know, hopefully, if they're

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1 real big footprint compared to last year. But I
2 think everybody seems to be growing. It means the
3 sector is really healthy right now and that our
4 schools are engaging with their community in ways in
5 which the families are seeing value.

6 So I'll have more information when the
7 40th day is finalized.

8 (Cell phone rings.)

9 COMMISSIONER CRONE: In our union
10 meetings, if your phone rings, you have to pay \$50.

11 THE CHAIR: Oh, do you? Gladly. Gladly.

12 COMMISSIONER DAVIS: In my classes, you
13 have to get up and dance.

14 THE CHAIR: I don't know how that
15 happened.

16 I've had a lot of phone calls this
17 morning, and this is the first time it went off.
18 Sorry.

19 And Commissioner Armbruster left. So,
20 thank you. I didn't --

21 MS. AMI JAEGER: And Caballero.

22 THE CHAIR: Cindy saw him leave. But
23 Commissioner Armbruster snuck out behind her; so...

24 MR. MATT PAHL: Thank you, Madam Chair.

25 THE CHAIR: Thank you. And we look

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1 planning on having that program, they're already
2 engaged in the conversation about the program. But
3 to get them to get it all documented and to us --
4 because we have to -- we have to give the Early
5 Childhood Bureau the schools that we've approved so
6 that that -- they're not approving schools for the
7 grant money that didn't get the amendment request.

8 MR. MATT PAHL: Got it. We're really glad
9 to be helping and hosting your November meeting and
10 not your December meeting.

11 Lastly, I just want to note -- and this
12 goes back to something that Estancia Valley said
13 with their McCurdy enrollment. I believe last year
14 at the 40th day, we were just over 26,000 students.
15 I -- there may be a shot that we're at 28,000 this
16 year.

17 There are just a number of schools that
18 are reporting -- this is anecdotally. And I think
19 the 40th day was just submitted, so we have a couple
20 of months to wait before it's done. There are just
21 enough schools that are saying, "Yeah, we're" --
22 Las Montañas -- "the highest enrollment we've ever
23 had."

24 That may mean 30 or 40 more students this
25 year. I don't think anybody is exploding with a

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1 forward to November. Thank you.

2 Just an update. Commissioners now have
3 the proposed calendar. Thank you, Commissioner
4 Ruiz, for working on this. And if I -- the pink
5 dates are holidays; the yellow dates are the days
6 that we've penciled in for meetings.

7 So if Commissioners will take a final look
8 at this. It's not an action item for today. But
9 this gives you -- and I would strongly recommend
10 that people, you know, make your reservations.
11 Because it's becoming more and more challenging to
12 get rooms -- yay to Santa Fe that there are so many
13 people here. But it has become a little
14 challenging.

15 So I would also do -- I would recommend --
16 you've got this calendar. It rarely changes. But,
17 of course, you can -- we always give enough notice
18 that if you had to cancel something, you wouldn't be
19 having a penalty for -- for canceling.

20 So take a look at it. And this can
21 probably just go on our agenda for November if we
22 want to adopt the calendar. It's quick and easy, so
23 we could do that.

24 So please take a look. And if you've got
25 any additional concerns with this, please send them

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<p>1 to Beverly.</p> <p>2 And now that I'm speaking of please</p> <p>3 sending to Beverly, I'm going to ask once again that</p> <p>4 people really make an effort to check your e-mails,</p> <p>5 especially when we're heading toward our meeting</p> <p>6 time, so that Beverly has a response from</p> <p>7 Commissioners on whether they're going to be here or</p> <p>8 not. It becomes a challenge.</p> <p>9 And above all else, I mean, if we don't</p> <p>10 have a quorum, we're -- we have to -- we have to</p> <p>11 work on this, so that there's that concern. And</p> <p>12 Dylan is thoughtful enough to reserve out the</p> <p>13 parking spaces for Fridays.</p> <p>14 So that there's just a lot of little</p> <p>15 procedural things. Not a lot -- I mean, we don't do</p> <p>16 business by e-mail. But there are times when a</p> <p>17 response is necessary to Beverly. So I would just</p> <p>18 appreciate it if people responded to her a little</p> <p>19 bit timelier.</p> <p>20 And we're off to the School Boards</p> <p>21 Association. And Joe was going to be here. He's</p> <p>22 got other meetings. But he's not. So -- yeah,</p> <p>23 it -- hello, Joe. So that is what it is.</p> <p>24 So before we move on to PEC Comments, I do</p> <p>25 see we've got someone in the audience. So we can</p>	<p>1 COMMISSIONER RUIZ: Commissioner Voigt?</p> <p>2 COMMISSIONER VOIGT: Yes.</p> <p>3 COMMISSIONER RUIZ: Commissioner Gipson?</p> <p>4 THE CHAIR: Yes.</p> <p>5 COMMISSIONER RUIZ: Karyl Ann is not here.</p> <p>6 Commissioner Davis?</p> <p>7 COMMISSIONER DAVIS: Yes.</p> <p>8 COMMISSIONER RUIZ: Commissioner Chavez?</p> <p>9 COMMISSIONER CHAVEZ: Yes.</p> <p>10 COMMISSIONER RUIZ: And Commissioner Ruiz</p> <p>11 votes "Yes." One, two, three, four, five, six,</p> <p>12 seven, eight.</p> <p>13 THE CHAIR: Eight?</p> <p>14 COMMISSIONER RUIZ: Uh-huh.</p> <p>15 THE CHAIR: Motion passes, eight-zero.</p> <p>16 So thank you for your speedy trip back</p> <p>17 from my hometown. So I appreciate it.</p> <p>18 And I apologize for any misunderstanding</p> <p>19 about this. We've never not had a school be here</p> <p>20 when we've done a Board of Finance vote. So I</p> <p>21 apologize that this did not happen.</p> <p>22 And, unfortunately, the one Commissioner</p> <p>23 who wanted -- wanted it tabled because he felt it</p> <p>24 was so important, he had to leave. So I -- you</p> <p>25 know, I apologize.</p>
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<p>1 move back to -- let me find -- Item No. 6, which is</p> <p>2 the item we tabled before, Discussion and Possible</p> <p>3 Action on ACES Technical Charter School.</p> <p>4 So...</p> <p>5 COMMISSIONER ROBBINS: I would move that</p> <p>6 we take Item 6 off of table and put it back on the</p> <p>7 agenda as the next order of business.</p> <p>8 COMMISSIONER DAVIS: I second it --</p> <p>9 THE CHAIR: There's a motion by</p> <p>10 Commissioner Robbins, a second by Commissioner</p> <p>11 Davis.</p> <p>12 COMMISSIONER DAVIS: -- that we do that</p> <p>13 thing.</p> <p>14 THE CHAIR: No. I don't have my</p> <p>15 secretary --</p> <p>16 COMMISSIONER RUIZ: She left me the book.</p> <p>17 THE CHAIR: Commissioner Ruiz, will you do</p> <p>18 roll call?</p> <p>19 COMMISSIONER RUIZ: Yes. Commissioner</p> <p>20 Crone?</p> <p>21 COMMISSIONER CRONE: Yes.</p> <p>22 COMMISSIONER RUIZ: Commissioner Robbins?</p> <p>23 COMMISSIONER ROBBINS: Yes.</p> <p>24 COMMISSIONER RUIZ: Commissioner Raftery?</p> <p>25 COMMISSIONER RAFTERY: Yes.</p>	<p>1 But I also know how important this is for</p> <p>2 the school to get this moving. And I didn't want to</p> <p>3 have to postpone it till November. But it was</p> <p>4 the -- the will of the Commission that the school be</p> <p>5 here. Because, like I said, we've never not had a</p> <p>6 school here when we've made that vote.</p> <p>7 So I will apologize for anything that was</p> <p>8 communicated to indicate that you shouldn't be here,</p> <p>9 or someone from the school be here, because that --</p> <p>10 that should not have happened. So I'm sorry. What</p> <p>11 can I say?</p> <p>12 I don't know if, at this moment in time,</p> <p>13 you feel like you want to say something.</p> <p>14 DR. JERON CAMPBELL: Sure. Good to see</p> <p>15 everybody again.</p> <p>16 I would have been here if I had been told</p> <p>17 that I should be. But I'm working on an NSF grant.</p> <p>18 And so I went to Las Cruces where my mentor has a</p> <p>19 retirement home just to kind of get away from</p> <p>20 Albuquerque so I can focus. But I would not have</p> <p>21 gone if I had known I should definitely be here. So</p> <p>22 I just came on up.</p> <p>23 But I don't know what questions you may</p> <p>24 have. I was told to get the information to you a</p> <p>25 week prior. And so I did do that. And all the</p>

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1 board members signed their forms, provided all the
2 documentation, by e-mail at first, on last Friday.
3 And then on Monday, I had my second training for new
4 charter training, and I brought the original
5 documents with the original signatures on Monday.

6 So I'm not aware of what else the
7 Commission might need. But I'm here to answer any
8 questions that you might have.

9 THE CHAIR: Commissioner Robbins?

10 COMMISSIONER ROBBINS: Have you had
11 success in -- following the meeting we had in
12 Albuquerque, as far as nailing down a specific
13 location, or --

14 DR. JERON CAMPBELL: I'm working with CBRE
15 as the Realtor. And, essentially, I've narrowed it
16 down to two locations.

17 COMMISSIONER ROBBINS: Okay.

18 DR. JERON CAMPBELL: I'm still leaving it
19 open, just to leave it open in case something comes
20 up. But there are two primary locations.

21 1404 Lead is still the one I'm looking at. And also
22 955 San Pedro, which is where Altura Prep left.

23 Those are two in the Southeast, which is the ZIP
24 codes that I have proposed and have been focused on.

25 I have, actually, a tour of 955 that I

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1 THE CHAIR: Oh, great.

2 DR. JERON CAMPBELL: I didn't have my
3 final materials done. So I just kind of put some
4 things together. Two parents filled out my interest
5 form already at that festival. And the owner of the
6 building was actually there, so I actually did meet
7 the gentleman.

8 THE CHAIR: Well, I'm glad the sour grapes
9 aren't that sour. I appreciate that.

10 Commissioner Voigt, where was that?

11 COMMISSIONER VOIGT: That building we
12 looked at?

13 THE CHAIR: Yeah.

14 COMMISSIONER VOIGT: It was on Domingo and
15 Palomas, I believe. It's a vacated church building.
16 It's one block north of Central, runs parallel to
17 Central.

18 And I want to say Domingo and Palomas,
19 because I take my alterations up there on East
20 Central. It's a beautiful building, great school.
21 And there's also La Resolana's old building on
22 Truman.

23 DR. JERON CAMPBELL: Yes. That one is
24 right near where the CRS Building, the tax building,
25 on Central?

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1 invited my board to on Monday, this coming Monday.
2 So we are making progress. I am hoping to have a
3 lease signed by the end of October. That would be
4 my goal. So I'm working toward that.

5 COMMISSIONER ROBBINS: Thank you.

6 THE CHAIR: The facility that Altura Prep
7 left wouldn't serve you for very long, would it?

8 DR. JERON CAMPBELL: Well, it's actually
9 larger than the first -- 1404 Lead, I guess if you
10 add up all the square footage. But I would grow out
11 of that one faster than 955.

12 But the 955 is in a strip mall that can be
13 expanded. And I think that was the original plan.
14 So right now, from the diagram I saw, it has ten
15 classrooms; I would need eight. The following year,
16 they could expand to give me the 16 for the second
17 year. So -- and then, potentially, even keep
18 expanding throughout the strip mall.

19 So, in theory, it could grow as I grow.

20 THE CHAIR: Well -- and I congratulate the
21 management company, if they're willing to engage in
22 a conversation with a charter school again.

23 DR. JERON CAMPBELL: Yeah. I actually saw
24 the owner at the International District festival. I
25 went to that. I had a table there for the school.

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1 COMMISSIONER VOIGT: Right.

2 DR. JERON CAMPBELL: That one is too
3 small.

4 COMMISSIONER VOIGT: This one, I'm pretty
5 sure it's Palomas and Domingo.

6 THE CHAIR: From the outside, it looked
7 like a nice building. Yeah. So --

8 COMMISSIONER VOIGT: Right.

9 THE CHAIR: Are there any other --
10 Commissioner Crone?

11 COMMISSIONER CRONE: What are you seeking
12 with your NSF grant?

13 DR. JERON CAMPBELL: Oh. I actually have
14 never applied for a grant before. But I must
15 have -- oh, I met a lady who worked for NSF at a
16 conference. So I just went on their website and
17 started looking at any K-12 STEM-particular things
18 that they were funding and came across a few prior
19 grantees that were doing similar work to me, so --
20 in different states, albeit.

21 And I decided to look into it, you know,
22 just to see. Most of the grants for NSF tend to go
23 to universities, people doing research. But there
24 are some districts that have gotten them in the
25 past.

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<p>1 So I actually sent an e-mail the other day 2 to see if a charter school would be a candidate for 3 a grant, and they said, "Yes." So I decided to 4 dedicate this weekend to putting together a grant. 5 Whether I get it in time or next year or another 6 opportunity, at least I'd have the groundwork of it 7 done. 8 So I need to find some partners who I'd 9 work with in the community and things like that. 10 But it's definitely a viable thing to do, especially 11 in the STEM area, because there's so much interest 12 to continue to improve the opportunities for K-12 13 students in STEM. 14 COMMISSIONER CRONE: Yeah. There should 15 be many people in your community who have written 16 successful NSF grants. So -- 17 DR. JERON CAMPBELL: Yeah. One was 18 Explora. They actually just did a grant. And I 19 talked to Mr. Hastings at Explora. That's the only 20 one that was -- like, for K-12. But I think I saw 21 two in total in New Mexico that were listed, recent, 22 at least, grantees. 23 There was the El Paso district also got a 24 grant a couple of years ago. So I read their 25 abstract as well.</p>	<p>1 THE CHAIR: Yes. 2 COMMISSIONER RUIZ: And -- oh. Yes. 3 So that's an eight-to-zero. It passes. 4 THE CHAIR: Motion passes, eight-zero. 5 Thank you so much. Are you ever looking at pre-K? 6 DR. JERON CAMPBELL: In terms of my 7 school, expanding downward? I thought about it just 8 today. So, yeah, I did. I was thinking earlier. 9 And it is -- I think, in the future, it would make 10 sense. 11 Most of my past experience has been with 12 high-school-age. And so even going to sixth was 13 kind of low for me. But at the end of the day when 14 you think about a feeder, going all the way down to 15 pre-K will make sense. 16 THE CHAIR: And we also talked yesterday 17 about in some communities, how pre-K programs, even 18 in high schools, help to support students at the 19 school. 20 DR. JERON CAMPBELL: Uh-huh. 21 THE CHAIR: Because sometimes the staff 22 may -- it certainly can help the staff. It can help 23 some students to keep them in school. So that 24 that's important. 25 But also the career-tech opportunities for</p>
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<p>1 COMMISSIONER CRONE: Good luck. 2 DR. JERON CAMPBELL: Thank you. 3 COMMISSIONER ROBBINS: Madam Chair, I 4 would move that Public Education Commission approve 5 ACES Technical Charter School's application to be 6 designated as a Board of Finance. 7 COMMISSIONER RUIZ: Second. 8 THE CHAIR: There is a motion by 9 Commissioner Robbins, a second by Commissioner Ruiz. 10 Is there any further discussion? 11 (No response.) 12 THE CHAIR: If not, Commissioner Ruiz? 13 COMMISSIONER RUIZ: Commissioner Davis? 14 COMMISSIONER DAVIS: Yes. 15 COMMISSIONER RUIZ: Commissioner Chavez? 16 COMMISSIONER CHAVEZ: Yes. 17 COMMISSIONER RUIZ: Commissioner Robbins? 18 COMMISSIONER ROBBINS: Yes. 19 COMMISSIONER RUIZ: Commissioner Crone? 20 COMMISSIONER CRONE: Yes. 21 COMMISSIONER RUIZ: Commissioner Voigt? 22 COMMISSIONER VOIGT: Yes. 23 COMMISSIONER RUIZ: Commissioner Raftery? 24 COMMISSIONER RAFTERY: Yes. 25 COMMISSIONER RUIZ: Commissioner Gipson?</p>	<p>1 dual credit to get an associate's degree leading -- 2 and the PED is helping to support to -- as the 3 pipeline for teachers for those pre-K programs, 4 there's a lot of supports. So that for your -- it 5 can be like a lab in your -- in your high school 6 program. 7 DR. JERON CAMPBELL: Huh. Yeah, I wasn't 8 thinking about it in that way. But I've heard of 9 it. So I'll look into it more. 10 THE CHAIR: And I've worked in schools 11 where it certainly helped to keep some of our 12 students in school because that program was there. 13 But, also, we had students, then, that came out with 14 licenses as pre-K practitioners, or whatever you 15 want to call it. But also they were able to get the 16 dual credit. So I think that fits right into your 17 wheelhouse as well. So... 18 DR. JERON CAMPBELL: Is there anybody at 19 PED who I could speak to on it? 20 THE CHAIR: Sure, Brenda Kofahl. And Alan 21 can give you her -- she's, right now, heading the 22 pre-K program. There will be a new cabinet post. 23 But that won't be on-boarded until after January. 24 But they're actively involved in that. 25 So, Alan, if you can get the contact information, I</p>

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1 think it's -- and we're also looking to see if the
2 CSP grant, for expansion, if that can be used for
3 the pre-K as well.
4 COMMISSIONER VOIGT: And there's a school
5 that has that in practice. It's not a charter
6 school. It's Valley High School with the APS
7 District. They have an Early Childhood career
8 pathway in practice.
9 THE CHAIR: Yeah. There's a number -- I
10 know you've got it in Hobbs. Yes?
11 COMMISSIONER RUIZ: Yes.
12 MS. LESLIE KELLY: Eldorado High School
13 also.
14 COMMISSIONER VOIGT: There's a lot of the
15 big traditional high schools that have that in
16 practice.
17 THE CHAIR: I don't think we've got any --
18 well, we've got one K-12 -- at least one of our
19 Early Child -- well, two. One from -- no.
20 la Promesa. La Promesa doesn't go 12.
21 But MAS started a pre-K program. They are
22 fully K-12 at this point in time.
23 DR. JERON CAMPBELL: Right.
24 THE CHAIR: But I think it would be
25 interesting to see. And I think it would offer some

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1 Okay. So we're now back on our regularly
2 scheduled agenda, and we're on to PEC Comments.
3 So, Commissioner Raftery?
4 COMMISSIONER RAFTERY: You called on me,
5 and I had not thought of something. But, you know,
6 I was very happy yesterday, even though it was a
7 long day, for the pre-K. And I think we're in the
8 right -- going in the right direction.
9 Long ago, in the height of my career, I
10 was the president of the administrators association.
11 Brett Pomeroy and I went to South Carolina to a
12 leadership conference.
13 And we were troubled -- we were
14 team-building. And I got to sit next to the
15 superintendent in Connecticut. And he sat there
16 real pompous-like.
17 And we were talking about, "Hey, you know,
18 how come, you know, there's districts that were
19 very, very good, and there were districts that
20 weren't as good?"
21 So I turned to him, and I says, "What's
22 your secret? We'd like to have it."
23 And he said, "It has to do with Ed and
24 Occ."
25 And, you know, being from New Mexico, I

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1 additional opportunities for students coming to your
2 school, if that was a career path that they were
3 looking for.
4 But I would definitely get in touch with
5 Brenda to see -- and, Leslie Kelly, I'm sure
6 you're -- she's contacted the feds to see if the
7 grant money can be extended to the K-3 programs --
8 (Commissioner Armbruster has returned.)
9 THE CHAIR: -- the pre-K programs.
10 So I'll have more -- by the time you're up
11 and running, we should have the answer to that,
12 maybe. It is the federal government.
13 DR. JERON CAMPBELL: Right.
14 THE CHAIR: Thank you.
15 Once again, I appreciate your time. I
16 truly do.
17 DR. JERON CAMPBELL: Thank you.
18 THE CHAIR: And I'll probably pass you on
19 the road.
20 Commissioner Armbruster is back. Sorry.
21 Okay. Well, we can do comments.
22 COMMISSIONER RUIZ: Yeah.
23 THE CHAIR: And then we can go into
24 Executive Session. And we can take a break before
25 we go into Executive Session, okay?

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1 was, like, okay, could be an Eastern term.
2 So I said, you know, "What does that
3 mean?"
4 And he was, like, "It's the education of
5 the mother and the occupation of the father."
6 He says, "We do not teach our kids. We
7 facilitate them."
8 He says, "They come to school already
9 learning -- they already know how to read. So we
10 just -- we just help them along."
11 So this makes me very happy, this
12 preschool program, because I think that, you know,
13 we're on our way if we're doing this with our kids.
14 So, yay, Governor Michelle Lujan-Grisham.
15 THE CHAIR: Commissioner Davis?
16 COMMISSIONER DAVIS: No, I have nothing.
17 Thank you.
18 THE CHAIR: Okay. Commissioner Ruiz?
19 COMMISSIONER RUIZ: Just a few things to
20 report from the NMPSIA meeting.
21 So we met last week. And there was one
22 accident in Alamogordo. The custodian went up --
23 she was a 49-year-old single female -- went up on
24 the roof. We're not really sure why she was on the
25 roof. I'm sure -- I don't know. We didn't know.

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1 But they have an OSHA person on staff. So
2 they were investigating that. But she did pass,
3 yes, 39 years of age.

4 THE CHAIR: Did she fall off the roof?

5 COMMISSIONER RUIZ: She fell off the roof.
6 I don't know. I know they have an OSHA person on
7 staff. And so I really don't know what we need to
8 do as a whole, but just a reminder to our school
9 districts, well, yeah, you know, to take safety
10 precautions that we need to take.

11 And then we had two large losses to
12 report. One of them was Truth or Consequences.
13 They had a major hail damage loss. And then in
14 Los Lunas -- no, Gadsden. I'm sorry. Gadsden,
15 there was another pretty big injury.

16 And so, you know -- but the biggest thing
17 was this deal with this lady from Alamogordo. That
18 was very, very tragic. So that's it.

19 Oh. And Happy Birthday to our lovely,
20 lovely Beverly.

21 MS. FRIEDMAN: Thank you.

22 THE CHAIR: Commissioner Armbruster?

23 COMMISSIONER ARMBRUSTER: I don't have
24 anything.

25 THE CHAIR: Commissioner Crone?

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1 so we've set up relationships with that group.

2 THE CHAIR: Okay. Thank you.

3 Commissioner Robbins.

4 COMMISSIONER ROBBINS: Thank you. Just as
5 a -- an update, I did send Jonathan Chamberlain an
6 e-mail yesterday to confirm on the adequacy
7 standards. They're going to come back to the ASM
8 subcommittee, which I sit on also, back in November.
9 So next month, we'll be discussing that and then
10 taking it back to the full board.

11 Then once the full board approves that,
12 there were some minor things that they wanted
13 tweaked.

14 So then they can be posted. And then 30
15 days later, public comment period. Then they'll be
16 official, hopefully, by the end of the year, the new
17 adequacy standards.

18 THE CHAIR: So they won't -- in all
19 likelihood, they won't at least be ratified by the
20 time we do our amendment process. But they would be
21 mostly -- we'd be aware of what is most likely going
22 to be.

23 COMMISSIONER ROBBINS: Correct.

24 THE CHAIR: Right.

25 COMMISSIONER ROBBINS: And I would be able

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1 COMMISSIONER CRONE: I -- I'm following up
2 with what Trish said. If you think that there's a
3 school in your Commission district that needs some
4 direction and some advice, just contact Ernestine
5 Chavez at the NMPSIA office.

6 And we have contractors that will come out
7 to playgrounds, look at everything, essentially, and
8 they make recommendations and so forth.

9 And I'm sorry that Commissioner
10 Caballero -- Señor Caballero, Maestro --

11 THE REPORTER: That'll be in the record,
12 by the way.

13 COMMISSIONER CRONE: -- isn't here, but I
14 have a friend who speaks Italian and who was in
15 Italy. And they heard one of the Italian men saying
16 that he was sick of American tourists speaking
17 Spanish to them.

18 And I believe that's it.

19 THE CHAIR: Thank you.

20 Commissioner Robbins?

21 COMMISSIONER CRONE: Oh, wait. I'm sorry.
22 One more thing.

23 AFT has a program -- and I think NEA does
24 as well -- where we create partners across the
25 border with -- there is an AFT union in Mexico. And

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1 to bring that information to our meeting.

2 THE CHAIR: Right. And that --

3 COMMISSIONER ROBBINS: Okay?

4 THE CHAIR: I think that's -- that's
5 certainly more. Because we would have an idea of
6 whether the school is going to be -- most likely
7 going to be able to make those adequacy standards.

8 COMMISSIONER ROBBINS: And then the PSCOC
9 was invited to have a speaker at the Ben Luján
10 Maintenance Awards. Maintenance in schools is a
11 very big issue. That's one of the issues that
12 they're looking at how well schools are being
13 maintained, because good maintenance means longevity
14 for these facilities.

15 No one stepped up until I did. I'll be
16 speaking at that on November 21st in Albuquerque. I
17 have a little background in construction and things
18 like that. So I'll be okay with that.

19 We keep talking about what the square
20 footage in facilities and things like that. You
21 know, the charter schools get roughly up to -- it's
22 not always -- but it's up to \$737, roughly, per
23 student. And if you work with the minimum
24 standards, about 100 for a middle school, about
25 130 square feet per student, that works out to \$5.66

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1 per square foot. And I don't know of a building
2 that you can rent --

3 THE CHAIR: For that kind of money.

4 COMMISSIONER ROBBINS: -- absent just the
5 utilities, that you can rent for \$5.66. Even if you
6 took it down -- because most charter schools don't
7 have that much space. But even at 100 square feet
8 per student, that works out to \$7.37 per student.

9 Again, in some of the very remote, small
10 areas that might be possible. But in the metro
11 areas, you're not going to be able to rent space
12 very well for that price.

13 So a lot of charter schools actually deal
14 with a lot less than even 100 square feet per
15 student. So it's just something to think of if you
16 have a chance to talk with legislators, things like
17 that.

18 Because when we're looking at -- I was
19 talking with Mr. Harlan [verbatim] earlier. He says
20 that they figured out that their total money
21 available per student is about \$7,000 per student.
22 And that's everything. That includes the rent; that
23 includes utilities; that includes everything.

24 And some districts -- he mentioned
25 Edgewood/Moriarty -- is \$14,000. APS is 16 -- over

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1 cheat sheet.

2 I move that the Public Education

3 Commission enter into a Closed Session pursuant to
4 NMSA, Section 10-15-1(H)(7). The subject to be
5 discussed is attorney-client privilege issues
6 pertaining to threatened or pending litigation in
7 which the public body is, or may, become a
8 participant; specifically, an administrative appeal
9 pursuant to the Charter School Act by Explore
10 Academy.

11 COMMISSIONER RUIZ: Second.

12 COMMISSIONER ROBBINS: Second.

13 THE CHAIR: There's a second by
14 Commissioners Robbins and Ruiz.

15 Roll call, please?

16 COMMISSIONER ARMBRUSTER: Yes. The
17 birthday girl was --

18 MS. FRIEDMAN: I'm sorry.

19 COMMISSIONER ARMBRUSTER: That's my
20 excuse.

21 Commissioner Robbins?

22 COMMISSIONER ROBBINS: Yes.

23 COMMISSIONER ARMBRUSTER: Commissioner
24 Voigt?

25 COMMISSIONER VOIGT: Yes.

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1 \$16,000 per student per year is what their total
2 budget accounts for.

3 So you can look that most charter schools
4 are operating on less than half -- less than half
5 the amount of money that your district schools --
6 now, granted, they don't have the big sports
7 programs and things like that. But they are very
8 cost-effective.

9 And I think there should be room in the
10 upcoming budget session to be a little more -- I
11 don't even want to say generous -- to be a little
12 more realistic in the dollars they allocate to
13 charter schools for the education of those students.

14 Thank you.

15 THE CHAIR: Thank you.

16 Commissioner Voigt?

17 COMMISSIONER VOIGT: I just want to give a
18 shout-out of appreciation to everyone in the room,
19 and Happy Birthday, Beverly.

20 MS. FRIEDMAN: Thank you.

21 THE CHAIR: Commissioner Chavez?

22 COMMISSIONER CHAVEZ: Just want to echo
23 Happy Birthday to Beverly.

24 MS. FRIEDMAN: Thank you.

25 THE CHAIR: Okay. Thank you. I need my

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1 COMMISSIONER ARMBRUSTER: Commissioner
2 Armbruster votes "Yes."

3 Commissioner Davis?

4 COMMISSIONER DAVIS: Yes.

5 COMMISSIONER ARMBRUSTER: Commissioner
6 Chavez?

7 COMMISSIONER CHAVEZ: Yes.

8 COMMISSIONER ARMBRUSTER: Commissioner
9 Gipson?

10 THE CHAIR: Yes.

11 COMMISSIONER ARMBRUSTER: Commissioner
12 Raftery?

13 COMMISSIONER RAFTERY: Yes.

14 COMMISSIONER ARMBRUSTER: Commissioner
15 Crone?

16 COMMISSIONER CRONE: Yes.

17 COMMISSIONER ARMBRUSTER: Commissioner
18 Ruiz?

19 COMMISSIONER RUIZ: Yes.

20 COMMISSIONER ARMBRUSTER: That will be a
21 nine-zero vote.

22 THE CHAIR: Motion passes, nine-zero.

23 And while folks are vacating and we're
24 taking a bathroom break, I will remind people and
25 thank Beverly for putting in the enrollment

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<p>1 information for the Public Charters conference. So</p> <p>2 you can simply e-mail Donna and please indicate</p> <p>3 whether you're going to be there, with the reminder</p> <p>4 that we are meeting there on Friday.</p> <p>5 MS. FRIEDMAN: Madam Chair, if I may</p> <p>6 mention, the forms that I put in your folders, if</p> <p>7 you put them in the folders, I'll send that in to</p> <p>8 Donna.</p> <p>9 THE CHAIR: Okay. I simply e-mailed her.</p> <p>10 MS. FRIEDMAN: You can e-mail her or I</p> <p>11 will. Duplication will be fine.</p> <p>12 THE CHAIR: So I'm good. But thank you</p> <p>13 for doing that.</p> <p>14 (Executive Session conducted.)</p> <p>15 THE CHAIR: So I move that the Public</p> <p>16 Education Commission end Closed Session. The</p> <p>17 matters discussed in the closed meeting were limited</p> <p>18 only to those specified in the motion for closure,</p> <p>19 and no vote was taken during the Closed Session.</p> <p>20 COMMISSIONER RUIZ: Second.</p> <p>21 THE CHAIR: There's a second by</p> <p>22 Commissioner Ruiz.</p> <p>23 Roll call?</p> <p>24 COMMISSIONER ARMBRUSTER: Oh, I'm sorry.</p> <p>25 Commissioner Ruiz?</p>	<p>1 THE CHAIR: Motion passes, nine-zero.</p> <p>2 I'll entertain a motion to adjourn.</p> <p>3 COMMISSIONER CRONE: Move.</p> <p>4 COMMISSIONER RUIZ: So move.</p> <p>5 THE CHAIR: All in favor?</p> <p>6 (Commissioners so indicate.)</p> <p>7 (Proceedings concluded at 3:18 p.m.)</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 COMMISSIONER RUIZ: Yes.</p> <p>2 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>3 Crone?</p> <p>4 COMMISSIONER CRONE: Yes.</p> <p>5 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>6 Raftery?</p> <p>7 COMMISSIONER RAFTERY: Yes.</p> <p>8 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>9 Gipson?</p> <p>10 THE CHAIR: Yes.</p> <p>11 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>12 Chavez?</p> <p>13 COMMISSIONER CHAVEZ: Yes.</p> <p>14 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>15 Davis?</p> <p>16 COMMISSIONER DAVIS: Yes.</p> <p>17 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>18 Armbruster votes "Yes."</p> <p>19 Commissioner Voigt?</p> <p>20 COMMISSIONER VOIGT: Yes.</p> <p>21 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>22 Robbins?</p> <p>23 COMMISSIONER ROBBINS: Yes.</p> <p>24 COMMISSIONER ARMBRUSTER: Nine-to-zero</p> <p>25 vote.</p>	<p>1 BEFORE THE PUBLIC EDUCATION COMMISSION</p> <p>2 STATE OF NEW MEXICO</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7 REPORTER'S CERTIFICATE</p> <p>8 I, Cynthia C. Chapman, RMR, CCR #219, Certified</p> <p>9 Court Reporter in the State of New Mexico, do hereby</p> <p>10 certify that the foregoing pages constitute a true</p> <p>11 transcript of proceedings had before the said</p> <p>12 NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the</p> <p>13 State of New Mexico, County of Santa Fe, in the</p> <p>14 matter therein stated.</p> <p>15 In testimony whereof, I have hereunto set my</p> <p>16 hand on October 25, 2019.</p> <p>17</p> <p>18</p> <p>19</p> <p>20 Cynthia C. Chapman, RMR-CRR, NM CCR #219</p> <p>21 BEAN & ASSOCIATES, INC.</p> <p>22 201 Third Street, NW, Suite 1630</p> <p>23 Albuquerque, New Mexico 87102</p> <p>24</p> <p>25 Job No.: 2367N (CC)</p>

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1 RECEIPT

2 JOB NUMBER: 2367N CC Date: 10/11/19

3 PROCEEDINGS: OPEN PUBLIC MEETING

4 CASE CAPTION: In re: Public Meeting of the Public

5 Education Commission

6 *****

7 ATTORNEY: MS. BEVERLY FRIEDMAN - PED

8 DOCUMENT: Transcript / Exhibits / Disks / Other _____

9 DATE DELIVERED: _____ DEL'D BY: _____

10 REC'D BY: _____ TIME: _____

11 *****

12 ATTORNEY:

13 DOCUMENT: Transcript / Exhibits / Disks / Other _____

14 DATE DELIVERED: _____ DEL'D BY: _____

15 REC'D BY: _____ TIME: _____

16 *****

17 ATTORNEY:

18 DOCUMENT: Transcript / Exhibits / Disks / Other _____

19 DATE DELIVERED: _____ DEL'D BY: _____

20 REC'D BY: _____ TIME: _____

21 *****

22 ATTORNEY:

23 DOCUMENT: Transcript / Exhibits / Disks / Other _____

24 DATE DELIVERED: _____ DEL'D BY: _____

25 REC'D BY: _____ TIME: _____

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**Additional Education Program for Pre-Kindergarten Early
Childhood Education Amendment Request Form**

The Charter Contract, was entered into by and between the New Mexico Public Education Commission, and [SCHOOL NAME], effective [DAY] of [MONTH], [YEAR]. [SCHOOL NAME] was approved for a [YEAR TERM] Charter Contract.

[SCHOOL NAME] Charter Contract currently states:

AUTHORIZED GRADE LEVELS SERVED IN CURRENT EDUCATIONAL PROGRAM:

CURRENT COMPREHENSIVE EDUCATIONAL PROGRAM:

CURRENT ENROLLMENT CAP:

CURRENT ENROLLMENT:

[SCHOOL NAME] requests consideration from the Public Education Commission (PEC) to change the terms of its Charter Contract, Section ____, as follows:

AUTHORIZED GRADE LEVELS:

GRADE LEVELS SERVED IN PROPOSED NEW EDUCATIONAL PROGRAM:

ADDENDUM TO COMPREHENSIVE EDUCATIONAL PROGRAM :

MISSION:

ENROLLMENT CAP EXCLUSIVELY FOR PRE-KINDERGARTEN AND EARLY CHILDHOOD PROGRAM:

[SCHOOL NAME] Additional Education Program for **Pre-Kindergarten Early Childhood Education** amendment request is hereby submitted by, [CHARTER SCHOOL REPRESENTATIVE], on [DATE], and affirms the school meets the following eligibility criteria:

- ☐ Received no lower than a "C" letter grade or no lower than the top 75% in the NM School Accountability System in FY16 through FY18, or in all of the past three years for which a Tier evaluation is available have been identified as a Tier 2 or better in the Academic Performance Framework; and
- ☐ Has not had its board of finance revoked within the last three years; and
- ☐ The school must confer with the PEC to convert to the 2019 contract template within 30 days of a vote on this request; and
- ☐ The school's governing board is in compliance with all reporting requirements.



- ☐ The school's governing board is in compliance with all financial requirements.
- ☐ The school agrees to amend the Academic Performance Framework to incorporate Pre-Kindergarten FOCUS performance evaluation and verification.

Charter School Governing Board President's Signature

Date

Charter School Head Administrator Signature

Date

[SCHOOL NAME'S] Additional Education Program for Pre-Kindergarten Early Childhood Education amendment request was reviewed and voted upon by the Public Education Commission and

Pre-Kindergarten Early Childhood Education Program is

☐ APPROVED

☐ DENIED

Enrollment Cap EXCLUSIVELY for Pre-Kindergarten Early Childhood Education Program is

☐ APPROVED

☐ DENIED

Note: The Pre-Kindergarten Enrollment Cap is included in the school's Enrollment Cap. If the school does not have a validated Pre-Kindergarten Early Childhood Program, the Enrollment Cap for the Pre-Kindergarten Early Childhood Program is automatically revoked.

The PEC has the right to terminate this Charter Contract amendment if the school does not have a validated Pre-Kindergarten Early Childhood Program.

Chair, Public Education Commission



Additional Education Program for Pre-Kindergarten Early Childhood Education Amendment Request Form

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The Charter Contract, was entered into by and between the New Mexico Public Education Commission, and [SCHOOL NAME], effective [DAY] of [MONTH], [YEAR]. [SCHOOL NAME] was approved for a [YEAR TERM] Charter Contract.

[SCHOOL NAME] Charter Contract currently states:

AUTHORIZED GRADE LEVELS SERVED IN CURRENT EDUCATIONAL PROGRAM:

CURRENT COMPREHENSIVE EDUCATIONAL PROGRAM:

CURRENT ENROLLMENT CAP:

CURRENT ENROLLMENT:

Deleted: REQUESTED STUDENT ENROLLMENT IN PRE-KINDERGARTEN AND EARLY CHILDHOOD

[SCHOOL NAME] requests consideration from the Public Education Commission (PEC) to change the terms of its Charter Contract, Section ____, as follows:

AUTHORIZED GRADE LEVELS:

GRADE LEVELS SERVED IN PROPOSED NEW EDUCATIONAL PROGRAM:

ADDENDUM TO COMPREHENSIVE EDUCATIONAL PROGRAM :

MISSION:

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ENROLLMENT CAP EXCLUSIVELY FOR PRE-KINDERGARTEN AND EARLY CHILDHOOD PROGRAM:

[SCHOOL NAME] Additional Education Program for Pre-Kindergarten Early Childhood Education amendment request is hereby submitted by, [CHARTER SCHOOL REPRESENTATIVE], on [DATE], and affirms the school meets the following eligibility criteria:

Deleted: New School Population

- ☐ Received no lower than a "C" letter grade or no lower than the top 75% in the NM School Accountability System in FY16 through FY18, or in all of the past three years for which a Tier evaluation is available have been identified as a Tier 2 or better in the Academic Performance Framework; and
- ☐ Has not had its board of finance revoked within the last three years; and
- ☐ The school must confer with the PEC to convert to the 2019 contract template within 30 days of a vote on this request; and
- ☐ The school's governing board is in compliance with all reporting requirements.

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☐ The school's governing board is in compliance with all financial requirements.

☐ The school agrees to amend the Academic Performance Framework to incorporate Pre-Kindergarten FOCUS performance evaluation and verification.

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Charter School Governing Board President's Signature

Date

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Charter School Head Administrator Signature:

Date

[SCHOOL NAME'S] Additional Education Program for Pre-Kindergarten Early Childhood Education amendment request was reviewed and voted upon by the Public Education Commission and,

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Pre-Kindergarten Early Childhood Education Program is

☐ APPROVED

☐ DENIED

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Enrollment Cap EXCLUSIVELY for Pre-Kindergarten Early Childhood Education Program is

☐ APPROVED

☐ DENIED

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Notes: The Pre-Kindergarten Enrollment Cap is included in the school's Enrollment Cap. If the school does not have a validated Pre-Kindergarten Early Childhood Program, the Enrollment Cap for the Pre-Kindergarten Early Childhood Program is automatically revoked.

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The PEC has the right to terminate this Charter Contract amendment if the school does not have a validated Pre-Kindergarten Early Childhood Program.

Chair, Public Education Commission

Additional Educational Program for Pre-Kindergarten Early Childhood Amendment Request

Purpose

The *Additional Educational Program for Pre-Kindergarten Early Childhood Amendment Request* is used to add an additional or different educational program that may impact the enrollment cap to the charter contract, which will result in a new population of students (beyond the currently enrolled students) being served in a program that is different (different hours/schedule, different primary instructional methods) from the primary educational program that the currently enrolled students are served within.

A change to add an educational program that may impact the enrollment cap for a new school population is not effective until approved by the PEC.

Determining Eligibility

To determine whether your charter school is eligible to expand (increase the educational programs offered) using the *Additional Educational Program for Pre-Kindergarten Early Childhood Amendment Request*, review the performance of the school. The expanded program process is open to any charter school if the school has:

- Received no lower than a "C" letter grade in SY16 through SY18 or no lower than the top 75% in the NM School Accountability System, or in all of the past 3 years for which a Tier evaluation is available, have been identified as Tier 2 or better in the Academic Performance Framework;
- The additional students in the Pre-Kindergarten Early Childhood will not exceed the school's current enrollment cap;
- The school's facilities meet the current Pre-Kindergarten Early Childhood requirements, including both indoor and outdoor space and safety concerns;
- Has not had its board of finance revoked within the last three years; and
- Will apply for approval from the Early Childhood Division of PED.

Schools shall only be eligible to submit an *Additional Educational Program for Pre-Kindergarten Early Childhood Amendment Request* if the school is on a 2018 or post-2018 contract. Schools using the pre-2018 contract who seek to submit a New School Amendment Request may do so concurrently with or after requesting that the PEC negotiate with them to enter into a new contract using the 2019 template.

Submission Window

The *Additional Educational Program for New School Population Amendment Request* may be submitted for consideration at the July - December PEC meetings. The School must notify the PEC that it will apply for a Pre-Kindergarten Early Childhood program with the PED Early Childhood Bureau. The PEC amendment request must be signed by the Governing Board President and Head Administrator and will go into effect in the subsequent fiscal year.

The request must be submitted timely so that it may be processed within the timeframe provided in the PEC policy and implemented starting at the beginning of the next fiscal year.

PEC Consideration

An administratively complete *Additional Educational Program for Pre-Kindergarten Early Childhood Amendment Request* submitted by a charter school that meets the eligibility criteria shall be placed on the agenda of the next regular PEC meeting if the complete request was received at least 28 days prior to the meeting, or at the subsequent meeting if the complete request was not received at least 28 days prior to the next regularly scheduled meeting.

- A finding that the Charter School is not in compliance with governance reporting and training requirements **will result in a delay** in consideration of the request until the school comes into compliance, or if the school does not come into compliance, until the last meeting within the contractual timeline for a decision from the PEC.
- All performance data (academic, organizational, and financial) for the last three years including any outstanding complaints or investigations will be provided to the PEC for its consideration of the amendment request.

A recommendation for approval from the CSD does not guarantee the request will be approved by the PEC. The PEC is the final decision maker and is not obligated to accept the recommendations of the CSD.

Recommendation and Approval Factors

The recommendation from the PEC's authorized representatives and the PEC's decision to approve or deny an *Additional Educational Program for Pre-Kindergarten Early Childhood Amendment Request* will be based on the following considerations, which will be weighed to determine if the applicant has the capacity to implement the requested expansion and ensure continued success in all applicable performance measures:

Has the applicant adequately met its mission;
Will the requested amendment substantially change the mission or educational program of the school;
Is the applicant's academic performance stable or improving;
Has the applicant demonstrated financial stability and good financial management (this will include a review of the financial audits for the past 3 years);
Has the applicant identified a plan for traffic flow and a process for student drop off and dismissal that provides for the safety of its youngest students;
Has the applicant adequately met its organizational performance requirements;
Has the applicant provided evidence of neighborhood notification and support for the new program and enrollment changes;
Has the applicant demonstrated community need, support, and satisfaction; and
Has the applicant demonstrated capacity to successfully implement the requested expansion?

Instructions for the Request

If you have questions about completing the form or uploading documents, contact charter.schools@state.nm.us. Complete all required fields and attachments (denoted by "***").

Form Fields

Field	Instructions
Grade Levels Served in New Educational Program*	Identify the grades to be served in the additional educational program. This must align with the current grade levels identified in the charter contract or be accompanied by a grade level change amendment request.
Additional Educational Program*	Identify the educational program description you would like included in the contract that describes the educational program to be offered, include a description of the curriculum, schedule/hours, instructional methods, and assessment methods.
Effective Date*	Enter the proposed first day of school for the new program.
Mission*	Identify the school's mission, which must not conflict with the proposed new program.

Attachments

Approved Board Minutes*

Attach evidence that the requested change has been approved by the Charter School Board.

Narrative*

Attach a narrative that responds to each of the following prompts:

- ☐ Describe the rationale for this request.
- ☐ Provide a detailed staffing plan consistent with each Staffing Chart submitted with this request. Describe how the staffing (administrative, instructional, and non-instructional), enrollment, and target population needs will be addressed by the following processes:
 - Recruitment;
 - Hiring; and
 - Training.
- ☐ If changes to staffing are not needed, provide an explanation.
- ☐ Provide a detailed description of how the Charter school will meet the enrollment targets identified in each Enrollment Matrix submitted. Include the following:
 - A plan for meeting targets;
 - Necessary advertising and/or promotion to meet the targets;
 - Number of returning students; and
 - Anticipated new student enrollment.
- ☐ Explain how the proposed additional Educational Program will improve student achievement in the target population that will be served by the additional educational program.

Occupancy Documentation

For the proposed facility, clearly label and provide the following documents:

- ☐ Documentation of the capacity load of the facility to document capacity, practical considerations for age-appropriate interaction in the facility, and compliance with PSFA requirements for indoor and outdoor space adequacy that can sustain projected growth in enrollment. Hand-drawn images will not be accepted.

- ☐ If an additional facility including portable facility is to be utilized:
 - A Certificate of Occupancy, approved for educational use; *OR* An assurance that the school will not occupy any space until the school possesses a Certificate of Occupancy and provides the same to the PEC;
 - NMCI letter from the PSFA; *OR* An assurance that the school will not occupy any space until the school possesses a NMCI letter from the PSFA and provides the same to the PEC;
 - Documentation of the capacity load of the facility to document capacity that can sustain enrollment requested (hand-drawn images will not be accepted) ; *OR* An assurance that the school will not occupy any space that does not have a sufficient capacity load to sustain the enrollment requested and provides documentation of the capacity load to the PEC; and
 - Proposed lease (as relevant), lease purchase agreement (as relevant), or purchase contract (as relevant) and an affidavit verifying compliance with legal requirements of Section 22-8B-4.2 NMSA 1978; *OR* An assurance that the school will not occupy any space that does not meet the ownership and leasing requirements of Section 22-8B-4.2 NMSA 1978.

Administrative Completeness Review

An administratively complete request includes the following:

- ☐ Fully Completed Form
- ☐ Approved Board Minutes
 - Comply with Open Meeting Law (if applicable)
 - Board aligns with what is currently on file with PEC
- ☐ Narrative, Addressing All Prompts
- ☐ Facility Information

Additional Educational Program for Pre-Kindergarten Early Childhood Amendment Request

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Purpose

The Additional Educational Program for ~~Pre-Kindergarten Early Childhood~~ Amendment Request is used to add an additional or different educational program ~~that may impact the enrollment cap~~ to the charter contract, which will result in a new population of students (beyond the currently enrolled students) being served in a program that is different (different hours/schedule, different primary instructional methods) from the primary educational program that the currently enrolled students are served within.

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A change to add an educational program ~~that may impact the enrollment cap~~ for a new school population is not effective until approved by the PEC.

Determining Eligibility

To determine whether your charter school is eligible to expand (increase the educational programs offered) using the Additional Educational Program for ~~Pre-Kindergarten Early Childhood~~ Amendment Request, review the performance of the school. The ~~expanded program~~ process is open to any charter school if the school has:

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- Received no lower than a "C" letter grade in SY16 through SY18 or no lower than the top 75% in the NM School Accountability System, or in all of the past 3 years for which a Tier evaluation is available, have been identified as Tier 2 or better in the Academic Performance Framework;
- ~~The additional students in the Pre-Kindergarten Early Childhood will not exceed the school's current enrollment cap;~~
- ~~The school's facilities meet the current Pre-Kindergarten Early Childhood requirements, including both indoor and outdoor space and safety concerns;~~
- Has not had its board of finance revoked within the last three years ~~and~~
- ~~Will apply for approval from the Early Childhood Division of PED.~~

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Schools shall only be eligible to submit an Additional Educational Program for ~~Pre-Kindergarten Early Childhood~~ Amendment Request if the school is on a 2018 or post-2018 contract. Schools using the pre-2018 contract who seek to submit a New School Amendment Request may do so concurrently with or after requesting that the ~~PEC~~ negotiate with them to enter into a new contract using the 2019 template.

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Deleted: If the fiscal year has started or will start prior to the request being considered by the PEC, an amendment request will be effective only in the subsequent fiscal year, if it is approved.

Submission Window

The Additional Educational Program for New School Population Amendment Request may be submitted for consideration at the ~~July - December PEC meetings~~. ~~The School must notify the PEC that it will apply for a Pre-Kindergarten Early Childhood program with the PED Early Childhood Bureau. The PEC amendment request must be signed by the Governing Board President and Head Administrator and will~~ go into effect in the subsequent fiscal year.

The request must be submitted timely so that it may be processed within the timeframe provided in the PEC policy and implemented starting at the beginning of the next fiscal year.

PEC Consideration

An administratively complete *Additional Educational Program for ~~Pre-Kindergarten Early Childhood~~ Amendment Request* submitted by a charter school that meets the eligibility criteria shall be placed on the agenda of the next regular PEC meeting if the complete request was received at least 28 days prior to the meeting, or at the subsequent meeting if the complete request was not received at least 28 days prior to the next regularly scheduled meeting.

Deleted: New School Population

- A finding that the Charter School is not in compliance with governance reporting and training requirements will result in a delay in consideration of the request until the school comes into compliance, or if the school does not come into compliance, until the last meeting within the contractual timeline for a decision from the PEC.
- All performance data (academic, organizational, and financial) for the last three years including any outstanding complaints or investigations will be provided to the PEC for its consideration of the amendment request.

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A recommendation for approval from the CSD does not guarantee the request will be approved by the PEC. The PEC is the final decision maker and is not obligated to accept the recommendations of the CSD.

Recommendation and Approval Factors

The recommendation from the PEC's authorized representatives and the PEC's decision to approve or deny an *Additional Educational Program for ~~Pre-Kindergarten Early Childhood~~ Amendment Request* will be based on the following considerations, which will be weighed to determine if the applicant has the capacity to implement the requested expansion and ensure continued success in all applicable performance measures:

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Has the applicant adequately met its mission;
Will the requested amendment substantially change the mission or educational program of the school;
Is the applicant's academic performance stable or improving;
Has the applicant demonstrated financial stability and good financial management (this will include a review of the financial audits for the past 3 years);
Has the applicant identified a plan for traffic flow and a process for student drop off and dismissal that provides for the safety of its youngest students;
Has the applicant adequately met its organizational performance requirements;
Has the applicant provided evidence of neighborhood notification and support for the new program and enrollment changes.
Has the applicant demonstrated community need, support, and satisfaction; and
Has the applicant demonstrated capacity to successfully implement the requested expansion?

Instructions for the Request

If you have questions about completing the form or uploading documents, contact charter.schools@state.nm.us. Complete all required fields and attachments (denoted by "*").

Form Fields

Field	Instructions
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Grade Levels Served in New Educational Program*	Identify the grades to be served in the additional educational program. This must align with the current grade levels identified in the charter contract or be accompanied by a grade level change amendment request.
Additional Educational Program*	Identify the educational program description you would like included in the contract that describes the educational program to be offered, include a description of the curriculum, schedule/hours, instructional methods, and assessment methods.
Effective Date*	Enter the proposed first day of school for the new program.
Mission*	Identify the school's mission, which must not conflict with the proposed new program.

Attachments

Approved Board Minutes*

Attach evidence that the requested change has been approved by the Charter School Board.

Narrative*

Attach a narrative that responds to each of the following prompts:

- ☐ Describe the rationale for this request.
- ☐ Provide a detailed staffing plan consistent with each Staffing Chart submitted with this request. Describe how the staffing (administrative, instructional, and non-instructional), enrollment, and target population needs will be addressed by the following processes:
 - o Recruitment;
 - o Hiring; and
 - o Training.
- ☐ If changes to staffing are not needed, provide an explanation.
- ☐ Provide a detailed description of how the Charter school will meet the enrollment targets identified in each Enrollment Matrix submitted. Include the following:
 - o A plan for meeting targets;
 - o Necessary advertising and/or promotion to meet the targets;
 - o Number of returning students; and
 - o Anticipated new student enrollment.
- ☐ Explain how the proposed additional Educational Program will improve student achievement in the target population that will be served by the additional educational program.

Occupancy Documentation

For the proposed facility, clearly label and provide the following documents:

- ☐ Documentation of the capacity load of the facility to document capacity, practical considerations for are appropriate interaction in the facility, and compliance with FFA requirements for indoor and outdoor space adequacy, that can sustain projected growth in enrollment. Hand-drawn images will not be

Approved 10-10-19

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Deleted: Curriculum Samples*
Attach curriculum samples for each grade level that will be served in the additional educational program, as described in the instructions on the Curriculum Sample Instructions and Template beginning on page 6 of these instructions.

Deleted: <#>Describe the proposed additional Educational Program, including the following:
<#>Curriculum (which clearly demonstrates alignment to the New Mexico Common Core State Standards and New Mexico Content Standards);
<#>Methods of instruction; and
<#>Formative and summative assessments.

<#>Explain how the proposed changes to the Educational Program align to the mission documented in the charter or to a mission change amendment request.

Deleted: <#>Identify the concrete resources, if any, needed for implementation. Consider the curriculum, assessment, and

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and instruction embodied in this request. Provide the rationale for your response. If the response indicates that resources are not needed to implement the request, explain why.

<#>(If the additional program will serve Grades K-8) Present clear criteria for promotion from one grade level to the next, to include the level of proficiency that students must obtain to demonstrate mastery of academic core content.

<#>(If the additional program will serve Grades 9-12) Describe the following:

<#>Course offerings;
<#>Process and criteria for awarding course credit;
<#>Policy on acceptance of transfer credit; and
<#>Graduation requirements that identify the number of credits in each content area and electives

[1]

Deleted: (Only if a different facility will be used or if the additional programming enrollment combined with current enrollment will exceed current facility cap)

Deleted:

Deleted:

accepted.

- ☐ If an additional facility including portable facility is to be utilized:
 - o A Certificate of Occupancy, approved for educational use; *OR* An assurance that the school will not occupy any space until the school possesses a Certificate of Occupancy and provides the same to the PEC;
 - o NMCI letter from the PSFA; *OR* An assurance that the school will not occupy any space until the school possesses a NMCI letter from the PSFA and provides the same to the PEC;
 - o Documentation of the capacity load of the facility to document capacity that can sustain enrollment requested (hand-drawn images will not be accepted); *OR* An assurance that the school will not occupy any space that does not have a sufficient capacity load to sustain the enrollment requested and provides documentation of the capacity load to the PEC; and
 - o Proposed lease (as relevant), lease purchase agreement (as relevant), or purchase contract (as relevant) and an affidavit verifying compliance with legal requirements of Section 22-8B-4.2 NMSA 1978; *OR* An assurance that the school will not occupy any space that does not meet the ownership and leasing requirements of Section 22-8B-4.2 NMSA 1978.

Administrative Completeness Review

An administratively complete request includes the following:

- ☐ Fully Completed Form
- ☐ Approved Board Minutes
 - o Comply with Open Meeting Law (if applicable)
 - o Board aligns with what is currently on file with PEC
- ☐ Narrative, Addressing All Prompts
- ☐ Facility Information

Deleted: Additional Information
Attach each of the following documents:

<#>Enrollment Matrix
<#>Detail the current and targeted number of students served per grade for the subsequent three Fiscal Years both in the primary educational program and the requested additional educational program.

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<#>Staffing Chart
<#>Identify the current and anticipated staffing information for the subsequent three Fiscal Years both in the primary educational program and the requested additional educational program.

Deleted: <#>Curriculum Samples for each grade that will be served in the new programming. See Curriculum Sample Instructions and Template beginning on page 6 of these instructions. The curriculum samples should reflect the new program as proposed to be added in the amendment request.

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Deleted: <#>Additional Information
<#>Enrollment Matrix
<#>Staffing Chart

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Curriculum Sample Instructions and Template

Who needs to use this form?

All schools requesting to change the Educational Program of the school.

Why?

Curriculum samples provide a representation of an Educational Program aligned to the New Mexico Common Core State Standards and the New Mexico Content Standards and to the methods of instruction described in the charter contract, and as amended. The curriculum samples allow the Charter school to demonstrate its capacity to develop a curriculum aligned to these standards and designed to improve pupil academic achievement.

Directions

For each grade level being served that will be impacted by the proposed change, provide curriculum samples for Reading, Writing, and Math using the Curriculum Sample Template. Reading and Writing standards may be addressed in a single English Language Arts (ELA) curriculum sample. If the changes will impact 4th, 7th, 12th

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, County of Santa Fe, in the
matter therein stated.

In testimony whereof, I have hereunto set my
hand on October 25, 2019.

Cynthia Chapman

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