

1                   BEFORE THE PUBLIC EDUCATION COMMISSION

2                                 STATE OF NEW MEXICO

3  
4  
5                                 TRANSCRIPT OF PROCEEDINGS

6   PUBLIC MEETING

7   July 17, 2015

8   9:00 a.m.

9                   Jerry Apodaca Education Building - Mabry Hall

10                                 300 Don Gaspar

11                                 Santa Fe, New Mexico

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## A P P E A R A N C E S

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MS. CAROLYN SHEARMAN, Chair  
MR. VINCE BERGMAN, Vice Chair  
MS. KARYL ANN ARMBRUSTER  
MR. JEFF CARR  
MS. ELEANOR CHAVEZ  
MR. JAMES CONYERS  
MS. PATRICIA GIPSON  
MS. CARMIE TOULOUSE

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1 THE CHAIR: Ladies and gentlemen, by my  
2 clock, it is 9:00 a.m.

3 I will call to order this regularly  
4 scheduled meeting of the New Mexico Public Education  
5 Commission. I would ask that everyone silence your  
6 phones or electronic devices, please.

7 Our next order of business is roll call,  
8 and I've asked Commissioner Bergman to take over,  
9 since Commissioner Peralta will not be here today.

10 Commissioner Bergman?

11 COMMISSIONER BERGMAN: Commissioner  
12 Gipson?

13 COMMISSIONER GIPSON: Here.

14 COMMISSIONER BERGMAN: Commissioner  
15 Toulouse?

16 COMMISSIONER TOULOUSE: Present.

17 COMMISSIONER BERGMAN: Commissioner  
18 Conyers?

19 COMMISSIONER CONYERS: Here.

20 COMMISSIONER BERGMAN: Commissioner  
21 Bergman is here.

22 Commissioner Shearman?

23 THE CHAIR: Yes, here.

24 COMMISSIONER BERGMAN: Commissioner  
25 Armbruster?

1 COMMISSIONER ARMBRUSTER: Here.

2 COMMISSIONER GIPSON: Madam Chair, at the  
3 present time, you have six Commissioners here. You  
4 do have a quorum.

5 THE CHAIR: Okay. Thank you very much. I  
6 declare we do have a quorum, and we'll proceed with  
7 business.

8 Next item is Pledge of Allegiance and  
9 Salute to the New Mexico Flag. And I will ask  
10 Commissioner Ambruster to lead us in both of those.

11 (Pledge of Allegiance and Salute to the  
12 New Mexico Flag conducted.)

13 THE CHAIR: Do you feel kind of lonely  
14 over there on that side?

15 COMMISSIONER ARMBRUSTER: Yesterday was my  
16 vaccination. That's all I'm going to say.

17 THE CHAIR: What can I say?

18 COMMISSIONER ARMBRUSTER: I'm just going  
19 to move my things out.

20 COMMISSIONER BERGMAN: Madam Chair?

21 THE CHAIR: Yes, sir.

22 COMMISSIONER BERGMAN: Before we get  
23 started, because we did a word of silence for the  
24 church victims at our last meeting, I would ask we  
25 have a word of silence for those four Marines and

1     their families who were killed by terrorists,  
2     whether our government describes it as a terrorist  
3     act or not.

4             It's bad enough that our sons and  
5     daughters die in places like Afghanistan and Iraq.  
6     When they're not even safe in their offices on our  
7     own soil, it is a sad situation. So if we could  
8     just have a brief moment of silence to remember  
9     those families?

10            THE CHAIR: Absolutely, Commissioner.  
11     Thank you.

12            (Moment of silence.)

13            THE CHAIR: Thank you all for that. Let's  
14     move on to the next item on the agenda, which is  
15     Approval of the Agenda. I would remind everyone  
16     that we can reorder things on the agenda, but we may  
17     not add to it.

18            So any corrections or suggestions on the  
19     agenda?

20            Cindy, would you please note that  
21     Commissioner Carr is now here, so that we have seven  
22     members? Good morning.

23            COMMISSIONER CARR: Good morning.

24            (Commissioner Carr enters meeting.)

25            THE CHAIR: Anything on the agenda?

1           Hearing none, the Chair would entertain a  
2 motion to approve the agenda, as presented.

3           COMMISSIONER TOULOUSE: Madam Chair, so  
4 move.

5           THE CHAIR: Thank you, Commissioner  
6 Toulouse.

7           COMMISSIONER GIPSON: Second.

8           THE CHAIR: Do I have a second -- from  
9 Commissioner Gipson.

10           Any discussion?

11           All those in favor, please say "Aye."

12           (Commissioners so indicate.)

13           THE CHAIR: Any opposed, please say "No."

14           (No response.)

15           THE CHAIR: The motion passes unanimously.

16           Please let the record note that  
17 Commissioner Eleanor Chavez is now in attendance.

18           Thank you.

19           (Commissioner Chavez enters meeting.)

20           THE CHAIR: So I believe we are now up to  
21 eight. Good morning, Commissioner.

22           COMMISSIONER CHAVEZ: Good morning.

23           THE CHAIR: Next item on the agenda is  
24 approval of the minutes. Those are in your notebook  
25 under Item -- Tab No. 3. Are there any corrections



1 to the minutes of the June 18th special meeting?  
2 June 18, 2015?

3 Okay. I have a couple. Could I ask you  
4 to look at Page 16? First is line 19. If you'll  
5 look at that line, please, it says, "Second page,"  
6 semicolon, "on Page 4."

7 I believe that should be "Page 3."

8 Then on line 20, it begins with, "Nos. 18  
9 and 19 on Page 4." Again, I believe that should be  
10 "Page 3."

11 Next item I have is on Page 97, on line 8.  
12 I believe the word "this" should be deleted.

13 On Page 155, line 14, the second word in  
14 that line currently is the word "is," I-S. I  
15 believe it should be the word "in," I-N. "In  
16 January."

17 Those are the only corrections I see.

18 Does anyone have any others?

19 Hearing none, the Chair would entertain a  
20 motion for the minutes, as corrected.

21 COMMISSIONER CARR: So moved.

22 THE CHAIR: Thank you, Commissioner Carr.  
23 Do I hear a second?

24 COMMISSIONER ARMBRUSTER: Second.

25 THE CHAIR: From Commissioner Armbruster?

1 COMMISSIONER ARMBRUSTER: Sure.

2 THE CHAIR: Thank you. Motion from  
3 Commissioner Carr, second from Commissioner  
4 Armbruster, to approve the June 18 minutes, as  
5 corrected.

6 Any discussion? All those in favor of  
7 approving the minutes of June 18, as corrected,  
8 please say "Aye."

9 (Commissioners so indicate.)

10 THE CHAIR: Any opposed, please say "No."

11 (No response.)

12 THE CHAIR: The minutes are approved, as  
13 corrected.

14 Now, let's look at the June 19, 2015,  
15 regular PEC meeting minutes.

16 Any corrections to the June 19th, 2015,  
17 regular PEC minutes?

18 (No response.)

19 THE CHAIR: Hearing none, the Chair would  
20 entertain a motion.

21 COMMISSIONER CONYERS: So move.

22 THE CHAIR: Commissioner Conyers moves to  
23 approve the minutes. Do I hear a second?

24 COMMISSIONER GIPSON: Second.

25 THE CHAIR: Commissioner Gipson?

1 Any discussion?

2 All those in favor of approving the  
3 June 19th, 2015, minutes, as presented, please say  
4 "Aye."

5 (Commissioners so indicate.)

6 THE CHAIR: Any opposed, please say "No."

7 (No response.)

8 THE CHAIR: The minutes are approved  
9 unanimously.

10 Next item on the agenda is Item No. 4,  
11 Carl Perkins Update. Mr. Spencer?

12 MR. SPENCER: Good morning.

13 THE CHAIR: Good morning. Please  
14 introduce yourselves for the record.

15 MR. SPENCER: Good morning, Madam Chair,  
16 members of the Commission. I'm Eric Spencer, the  
17 Director of the College and Career Readiness Bureau.

18 DR. PEREA: My name is Dr. Elaine Perea.  
19 I'm the Deputy Director of College and Career  
20 Readiness.

21 THE CHAIR: Thank you very much.

22 MR. SPENCER: So Madam Chair, members of  
23 the Commission, since the last time we met, I did  
24 introduce Dr. Elaine Perea as one of our colleagues  
25 in College and Career Readiness. She was our

1 education administrator for high schools that were  
2 programmed under the reserve set-aside of Perkins.  
3 And since that time, she has been elevated to Deputy  
4 Director of the Bureau.

5 THE CHAIR: Wonderful. Congratulations.

6 MR. SPENCER: So in the agenda for your  
7 item of Carl Perkins Update, we provided with -- to  
8 you a copy of the federal award notification that  
9 the State received on July 1.

10 In that federal award letter, you will see  
11 that the feds give an advanced allocation of  
12 \$2,395,191. And that happens to be a portion of the  
13 State's October 1, 2015, anticipated award of  
14 \$8,098,622. So we, just part of the cycle, receive  
15 July 1 allocations that we can make awards to  
16 schools for the '15-'16 school year, won't be until  
17 October 1 that the State will receive its final  
18 award notification from the fed. At that time,  
19 we'll be making final awards to the school districts  
20 and post-secondary institutions that are supported  
21 through this particular grant set-aside.

22 In your packet, you were given what was  
23 called a Carl B. Perkins Budget Calculator for  
24 2015-'16. It's about a half-sheet of data in a  
25 table format from an Excel program. And I just want

1 to draw your attention to that to just give you the  
2 information as to how the federal award is  
3 distributed.

4 And so when you take a look at the State's  
5 October 1 estimated award of \$8,900- -- I'm sorry --  
6 \$8,098,620, 80 percent of that award must be given  
7 to local institutions for program implementation.  
8 And those local institutions would be your secondary  
9 schools, State-authorized charter schools,  
10 district-authorized charter schools that would  
11 apply, and then also two-year colleges, whether it's  
12 a community college or an extension of a four-year  
13 university offering an associate's degree in  
14 career/technical education. So 85 percent of the  
15 dollars must flow in that way.

16 The State exercises the ability to take  
17 the 10 percent reserve off of the 85 percent  
18 allocation. And what that reserve is for is to  
19 implement new programs, perhaps in a research-based  
20 type model. We're looking at best practices that  
21 can be replicated across the State, as we move  
22 career/technical education initiatives forward.

23 So you can see that we take 10 percent of  
24 the 85 percent for reserve activities. We support  
25 the High Schools That Work initiative, Ten Key

1 Practices around continuous improvement in schools.

2 We had a shift in who we were supporting  
3 this coming school year, '15-'16. Prior to this, we  
4 were supporting approximately 13 schools using the  
5 High Schools That Work model effort, redesigning  
6 around career/technical education. Many of those  
7 schools had been receiving that particular  
8 allocation for about ten years or so, and others,  
9 less than that, maybe six years. We have one that  
10 was less than four.

11 But nonetheless, we redesigned the grant  
12 application for High Schools That Work to make sure  
13 that it wasn't just the school improvement model and  
14 organizing around the career/technical ed theme, but  
15 really ensuring that there was embedded academic  
16 integration of career/technical education and  
17 academic core content area; and then also  
18 formalizing a partnership with the local workforce  
19 development board in that region.

20 As such, we sought to fund four High  
21 Schools That Work applications, one school in each  
22 one of the four workforce board regions. And we  
23 were able to do that; but we're in final  
24 negotiations with one school; that school would be  
25 Taos Municipal Schools.

1           We also support the JAG program which is  
2       Jobs for America's Graduates. It's a dropout  
3       prevention initiative centered on career/technical  
4       education. So those are two activities under the  
5       10 percent reserve set-aside. And you can see,  
6       then, that the formula allocation to the local  
7       education agencies, a long-standing policy that the  
8       dollars are split 50/50 between post-secondary and  
9       secondary schools. And so you can see that the  
10      allocations to the schools would be, in the  
11      aggregate, \$3,097,722.92.

12           Leadership: It says 10 percent of the  
13      total basic grant; so that would be the 10 percent  
14      of the \$8 million award. Those activities have  
15      mandated expenditures pursuant to the Federal Act;  
16      so that support for non-traditional participation.  
17      So this is the activities that we can undertake as a  
18      state to support schools to encourage male students  
19      in looking at career opportunities that might be  
20      female-dominated; and then, vice versa, assisting  
21      students that are of female gender into looking at  
22      opportunities and employment opportunities that are  
23      dominated by the male gender.

24           We have state institutions. Federal law  
25      says it's a minimum of a dollar expenditure. We've

1 allocated \$10,000. And last year, we had indicated  
2 that we funded a grant application on a competitive  
3 basis to the School for the Visually Impaired. This  
4 year, that has been awarded to School for the Deaf.  
5 And that was a two-year grant application that they  
6 submitted for.

7 Then you see that there's a remainder for  
8 State-level leadership activities, \$729,000.  
9 There's a portion of that, approximately -- a little  
10 over \$500,000 investment in the career/technical  
11 student organization. So as you're working in your  
12 constituencies, and you see signs of Business  
13 Professionals of America, DECA, Future -- what is  
14 it -- the Technology Student Association, things of  
15 that sort, those student organizations are supported  
16 from this set-aside.

17 In addition to that, there is also some  
18 leadership work, where we contract for technical  
19 assistance in developing programs-of-study models  
20 that schools would be able to adopt and implement at  
21 the local level. And then also a set-aside for  
22 salary for State-level staff to provide technical  
23 assistance to the local education agencies and  
24 post-secondary institutions on program-of-study  
25 development, State accountability, and things of



1     that sort, to help them move that CT initiative  
2     forward.

3             You see here that there's the  
4     administrative set-aside of 5 percent of the basic  
5     grant. And that's for, really, staffing the College  
6     and Career Readiness Bureau's unit of Carl Perkins  
7     support. So staffing salaries come from here,  
8     general office supplies, materials, and travel to  
9     schools.

10            This grant does require a  
11     dollar-for-dollar State match. And you might be  
12     looking at this and saying, "Well, the State match  
13     is more than the federal admin is, if it's dollar  
14     for dollar."

15            But take a look at the footnote. There  
16     was a year, approximately four or five years ago  
17     where the dollar over-expended by \$633. And  
18     therefore, we get to get that supplement every year.  
19     And part of that is because there's a "maintenance  
20     of effort" clause on this grant, as well. And our  
21     maintenance of effort for this grant is tied to that  
22     State match.

23            So every year, we've got to make sure we  
24     shore up an additional \$633 that we're pleased to  
25     get.

1           So that's the report on the financial  
2 aspects in terms of how that grant gets distributed.

3           I'm going to go ahead and turn this to  
4 Dr. Elaine Perea to talk about the performance  
5 targets. But we do have a condition on this federal  
6 award, because we did have one performance target at  
7 the secondary level.

8           As we reported to you back in January  
9 that -- in December, I think -- that we didn't meet  
10 a performance target in the secondary set-aside; so  
11 now we have to implement some corrective action  
12 plans and technical assistance and support to  
13 schools to help them bring their performance up in  
14 that category.

15           DR. PEREA: Thank you, Mr. Spencer. Madam  
16 Secretary and the Commission, I'd like to talk to  
17 you guys a little bit more about the performance  
18 levels. We spoke of them over the winter, as  
19 Mr. Spencer indicated. And at that time, you were  
20 given two spreadsheets with lots of little numbers  
21 on them. And you have another copy of them in your  
22 packet again this time.

23           And I apologize for the tiny print. I'll  
24 try to maybe give you a heads-up on -- on the things  
25 that you need to pay attention to.

1           What these are, the grant requires us to  
2       meet performance targets in a variety of areas  
3       related to academic attainment, proficiency in  
4       reading and mathematics, graduation rates, student  
5       placement. And then there are a couple of  
6       indicators at both the secondary and post-secondary  
7       level that are looking at students preparing for  
8       careers in the what we call "non-traditional" career  
9       fields.

10           So for women, non-traditional career  
11       fields would be heavy manufacturing, automotive  
12       welding. Those sorts of things are not careers that  
13       you typically see a lot of women in.

14           For men, teaching and health are careers  
15       that are non-trad for men -- or for males.

16           The State has struggled with these  
17       indicators for several years. And as of last school  
18       year, we missed the participation at the secondary  
19       level for the third consecutive year.

20           And so at the bottom of the secondary  
21       page, you'll see 6S1 and 6S2. Those are the  
22       indicators that I'm talking about, the  
23       non-traditional participation. And at the far right  
24       are the targets that we've agreed upon. These  
25       are -- these are pretty close to what we had

1 presented in January.

2 The only one that significantly changed  
3 was the graduation rates. We had tried to ask that  
4 it be held constant. The feds pushed back on us and  
5 said, "No, you have to increase your target."

6 So -- so that one, the target for this  
7 year is 91 percent. And we're going to -- we're  
8 going to do everything that we can to make sure that  
9 happens. I do have, I think I told you last time,  
10 some very -- some data that I'm really proud of.  
11 And that is that our CTE students are graduating at  
12 almost 20 percent above our State average; so CTE  
13 does work.

14 But the non-trad participation is, we have  
15 to now develop a one-year corrective action plan  
16 that we report to the feds every quarter what our  
17 plan is and where -- and how our progress is going.  
18 We send them a quarterly progress letter.

19 The first of those letters is due  
20 August 19th. And in order to develop that plan, we  
21 will be convening a Webinar, a digital meeting,  
22 to -- with all of the secondary Perkins recipients  
23 so that we can brainstorm some corrective actions to  
24 help us get our non-trad numbers up.

25 In digging deeper in the data, what we do

1 know is that our data problem in New Mexico is a boy  
2 problem more than a girl problem. We actually have  
3 good participation from our girls into the  
4 non-traditional classes. It's the boys that don't  
5 want to take those -- those female courses. And so,  
6 in particular, health, which is a -- which is a  
7 career field that many of our schools have a focus  
8 on, and that there's a lot of opportunity in the  
9 state, will probably be part of whatever plan we  
10 develop to improve our non-traditional participation  
11 rates.

12 So that's -- that's the plan of what we're  
13 doing with that.

14 I believe you received 46 pages or so  
15 of -- of federal printout. At the top of it is a  
16 form that looks like this (indicates) that says,  
17 "Attestation of Final Agreed Upon Performance  
18 Levels." We call this our "FAUPL," "Final Agreed  
19 Upon Performance Levels."

20 And what that says is that -- is that we  
21 have agreed that the performance targets that were  
22 negotiated in the late winter are what New Mexico is  
23 going to be held accountable for.

24 So all of that, for those 46 pages, are  
25 all of the detail that's been summarized in these

1 two tiny-print pages; so you can -- you can choose  
2 to look at either side of those.

3 MR. SPENCER: And so the final two bullets  
4 on your summary sheet is just to give you a staffing  
5 update. We still have one-and-a-half vacancies that  
6 exist. We do have a half-time position in the  
7 Bureau. So one-and-a-half vacancies still exist  
8 with the Carl D. Perkins staff.

9 However, we do have a posting that should  
10 be going out next -- actually, no. We have  
11 two-and-a-half vacancies. We'll be interviewing for  
12 one next week. There will be another posting going  
13 out the week after, and we still haven't received  
14 SPO approval to post the half-time position. That's  
15 been something that's been lingering for quite some  
16 time that needs to be reconciled and resolved.

17 Then finally, the Office for Career  
18 Technical Education will be here to do a formal  
19 monitoring visit of the Carl D. Perkins grant. The  
20 activities -- last time they were in the state was  
21 approximately 2008. This is scheduled for  
22 September 14th through the 18th. Seems that  
23 everything is progressing both on our end, and also  
24 on the federal government side in terms of the  
25 planning and logistics.

1           They did add to from the 2008 monitoring  
2   to this monitoring. What's different is that  
3   they'll be going out to schools. And they want to  
4   validate that, you know, what these schools are  
5   applying for and how they're using these dollars to  
6   implement a program of study and the transition  
7   between the secondary and the post-secondary  
8   institution yields value-add outcomes, and what they  
9   say they're going to do, they're doing.

10           And so it looks like they'll be selecting  
11   some secondary, post-secondary schools to visit  
12   within about a 100-mile radius of Santa Fe to visit  
13   during that week and look at the collaboration  
14   between secondary and post-secondary institutions.

15           So that will be part of the monitoring  
16   visit, as well as taking a look at the systems that  
17   the Department has for validating the data reporting  
18   the data, things of that sort; and also the  
19   financial cash management systems in our  
20   Administrative Services division, as well. So we'll  
21   keep you apprised and posted of the outcomes of that  
22   or how that's progressing along the way.

23           So that, Madam Chair, members of the  
24   Commission, concludes our report.

25           THE CHAIR: Thank you very much. I

1 appreciate both of you. Are you asking for the  
2 Commission to take any action today, or this is  
3 simply information?

4 MR. SPENCER: No, ma'am. This is  
5 information only.

6 THE CHAIR: Okay. Thank you both for  
7 being here. We always appreciate hearing from you.  
8 Carl Perkins is so important. We thank you.

9 MR. SPENCER: Thank you.

10 THE CHAIR: Any questions from any  
11 Commissioners? You started to get up.

12 Any questions? Any comments?

13 COMMISSIONER ARMBRUSTER: I -- I -- I did.

14 THE CHAIR: Commissioner?

15 COMMISSIONER ARMBRUSTER: So what are some  
16 ideas that one might share with schools of how you  
17 get men -- boys, whatever -- into non-traditional --  
18 I can understand why the girls are going there. But  
19 for guys, I'm wondering if it's cultural, part of  
20 it? So what are some things that you would suggest  
21 to do?

22 COMMISSIONER PERALTA: I just attended a  
23 federal best practices Webinar that the feds put on  
24 on non-traditional education. And the suggestions  
25 they had were actually very simple. Having -- well,



1 sounds very simple.

2 Having somebody of that gender present,  
3 especially bringing people in from industry who are  
4 working in the field, whatever the field is. So  
5 that doesn't sound all that hard, coupled with a --  
6 a fairly new company that -- that I've been in  
7 conversation with. What they do is they do digital  
8 presentations all over the country.

9 They have about 1,500 businesses. Many  
10 businesses have -- they -- they have obligation --  
11 they obligate their employees to do outreach of  
12 different sorts. And so what this company has  
13 figured out is a way to digitally connect employers  
14 and their employees with the classroom.

15 And I think this actually offers a great  
16 opportunity for our rural students, because teachers  
17 can facilitate this interaction, where, for example,  
18 a female robotics engineer might talk about her  
19 experience in the profession.

20 So how do we get the boys in? We're going  
21 to be looking, as I said, in the health fields, at  
22 really having a push of men who are in health who  
23 are not doctors; because -- because, for CTE, you  
24 know, we're kind of down a level. We're looking at  
25 people who are nurses, people who are X-ray

1 technicians, people who are phlebotomists, and  
2 getting those people to actually have a presence in  
3 the classroom so that boys can see that there are,  
4 in fact, men that are in the health-care profession.

5 Also, simple things like having your  
6 marketing materials -- having boys in the picture  
7 can make a big difference. A lot of the same things  
8 we know are true for cultural differences and for  
9 making minorities feel they're welcome in careers  
10 works the same.

11 COMMISSIONER ARMBRUSTER: Just as a woman,  
12 oftentimes the jobs that are traditionally women's  
13 jobs are also lower paying jobs. So in a sense,  
14 it's a little confusing. Because I totally agree  
15 with you on the non-traditional. That's not the  
16 point.

17 But -- so you're sort of asking boys, to  
18 be successful in this grant, to go to lower paying  
19 jobs that are traditionally women. And that's a  
20 hard thing.

21 COMMISSIONER PERALTA: Fashion designers  
22 make a lot of money.

23 COMMISSIONER ARMBRUSTER: Knowing how many  
24 clients are out there, yeah.

25 COMMISSIONER PERALTA: So I think you can

1 be successful. And for me, I think that the federal  
2 push is really about making sure that people are in  
3 the job that's right for them and that we make sure  
4 that everyone has the opportunity to pursue whatever  
5 they like and that gender stereotypes aren't what  
6 blocks them.

7 MR. SPENCER: And if I can add to that, I  
8 think another strategy and approach is that, in  
9 New Mexico, we have a statute that every student,  
10 beginning in grade eight, have a next-step plan.  
11 And that needs to be developed in consultation with  
12 a teacher, counselor, parent, significant adult, and  
13 the student, and really trying to promote, within  
14 the mid-school, the area of career exploration and  
15 taking a look at the job interest inventory, a skill  
16 set inventory that a student might have, but to also  
17 take that data and think about that in a serious way  
18 to help students guide toward the career path that  
19 they might be interested in or have a skill set for.

20 So I think that's also part of it. And  
21 it's the implementation, with fidelity, of ongoing,  
22 check-in with that student in terms of does their  
23 interest persist, or does it change in exploring  
24 what options and opportunities exist for those kids;  
25 because, you know, when you're looking at a skill of

1 a student, you need to take a look at the skills and  
2 take a look at the occupations that are available.

3 Many kids, if you ask them, "What do you  
4 want to be when you grow up," they don't know. I'm  
5 not sure some adults know what they want to be when  
6 they grow up.

7 If you can change the paradigm by the  
8 question, rather than asking, "What do you want to  
9 be when you grow up," it's, "What do you have a  
10 passion for," or, "What problem do you want to  
11 solve?" Because I think that you can get more  
12 interest from kids about that passion, then back  
13 that passion into what occupations exist that help  
14 you achieve that goal.

15 THE CHAIR: Okay. We thank you -- again,  
16 thank you very much for being here. Any other  
17 questions?

18 MR. SPENCER: Thank you.

19 THE CHAIR: We look forward to hearing  
20 from you again.

21 MR. SPENCER: Thank you.

22 THE CHAIR: Thank you very much.

23 Item No. 5, Report from PED Leadership.

24 Katie?

25 MS. POULOS: Chairwoman, Commissioners,

1 some updates from -- from PED leadership are that  
2 New Mexico was cited in a White House report this  
3 month for its efforts in closing the achievement  
4 gaps through its student performance-centered  
5 accountability measures. They cite increases in our  
6 NAEP results and AP participation and success rates.

7 New Mexico was highlighted, along with  
8 other places where great student gains have taken  
9 place, including Washington, D.C. Public Schools,  
10 Denver Public Schools, and the State of Tennessee.

11 There's a copy of the report, and I can  
12 provide that to the Commissioners, the link to get  
13 access to that report.

14 The PED has also announced awards for  
15 \$1.3 million of funds to provide social workers to  
16 middle schools. Through a competitive application  
17 process, ten districts and charters were awarded  
18 20 social workers to provide added supports for  
19 middle school students and reduce truancy.

20 Mission Achievement and Success Charter  
21 School was a successful charter applicant.

22 The PED has announced rewards for  
23 \$2.5 million in funds to provide districts and  
24 charters truancy and dropout prevention coaches in  
25 middle and high schools. The aim of the program is

1 to reduce truancy and dropout rates through added  
2 supports to students.

3 Seventeen district and charters were  
4 awarded coaches, including New America-Las Cruces,  
5 Media Arts Collaborative Center, Academy Trades and  
6 Technology, Robert F. Kennedy Charter School, and  
7 Mission Achievement and Success Charter.

8 THE CHAIR: Very good. Thank you very  
9 much for that.

10 Questions of the Director?

11 COMMISSIONER CHAVEZ: Yeah, I have a  
12 question.

13 THE CHAIR: Commissioner Chavez?

14 COMMISSIONER CHAVEZ: Do you have the  
15 breakdown of those, of that information, in terms of  
16 which schools specifically got the grants for the  
17 social workers and the -- what was the other one?  
18 The dropout -- the dropout prevention?

19 MS. POULOS: I can get that information  
20 and send that out.

21 COMMISSIONER CHAVEZ: Yeah. That would be  
22 great. Thank you.

23 THE CHAIR: Anything else? Any other  
24 questions?

25 Hearing none, thank you very much.

1           Let's move to Item No. 6, Discussion and  
2           Possible Action on Charter School Amendments.

3           Katie, if you would take over that one?

4           And I would ask any representative from  
5           New Mexico International School who might be here  
6           today to please come down to the table.

7           MS. POULOS: Chairwoman, Commissioners,  
8           the request from New Mexico International School is  
9           a request to amend their charter so that it does not  
10          specify the number of students that can be served in  
11          each grade level; but, rather, a commitment to serve  
12          the number of students allowable within their  
13          enrollment cap.

14          The Charter School Division supports this  
15          amendment request. This is an issue that's covered  
16          under the nondiscretionary waivers with regards to  
17          whether there needs to be a certain number of  
18          students within the classroom sizes; so this is  
19          about the class size limits, again.

20          One thing that CSD did want to note for  
21          the Commissioners -- and the only -- and I'll  
22          explain why it's relevant to the discussion today.  
23          It's not relevant to the amendment on the table  
24          today. But in the minutes, where the school board  
25          approved the request for this amendment, there was a

1 discussion that the reason for this was because the  
2 school did want to create combined grade-level  
3 classrooms; so, for example, a four-five grade  
4 level.

5 I think it's important that the  
6 Commissioners know that and that the school knows  
7 that; but it needs to be clear that the amendment  
8 request today is only with regards to the class size  
9 limits. And by making a decision on that, the  
10 Commissioners are not approving the school's plan to  
11 create those mixed-grade classrooms.

12 I do think that it's important -- I've had  
13 discussions with Mr. Knouse -- that it is important,  
14 if the school wants to move forward with that, I  
15 believe that they need to submit another amendment  
16 request to be able to implement that educational  
17 plan.

18 I do believe that, based on looking at the  
19 school's charter and their application, that it does  
20 not include an educational plan that would -- would  
21 have mixed-grade classrooms in it. Again, that's  
22 just to make sure that everyone is clear that  
23 that -- that a vote on the amendment today with  
24 regards to class size limits would not approve the  
25 plan from the school side to go forward with those



1 mixed-grade classrooms.

2 THE CHAIR: Thank you for that. Let me  
3 just ask Commissioners that we consider the  
4 amendment first, just the amendment to remove the  
5 limit on how many students are in a classroom. And  
6 then if we want to discuss the mixed grades in the  
7 classroom, we'll do that afterwards. But let's just  
8 consider the amendment first.

9 Good morning. If you would introduce  
10 yourself, please?

11 MR. KNOUSE: Good morning, Madam Chair.

12 THE CHAIR: Push the button down.

13 MR. KNOUSE: Is it on? There's a clip  
14 holding it down.

15 THE CHAIR: Oh, it's on. Yes.

16 MR. KNOUSE: My name is Todd Knouse,  
17 K-N-O-U-S-E. And I am the head administrator of the  
18 New Mexico International School, which is a  
19 State-chartered charter school in Albuquerque  
20 New Mexico. And I am, as Director Poulos stated,  
21 requesting an amendment to our charter in regards to  
22 the class size cap that's specified.

23 THE CHAIR: Okay. Commissioners, do you  
24 have questions regarding their amendment request?  
25 Does everyone have a copy of it?

1           Okay. Josh tells me the minutes are  
2           sufficient to support this amendment request.

3           Commissioner Armbruster?

4           COMMISSIONER ARMBRUSTER: What is the  
5           general class size -- you're in Albuquerque; right?

6           MR. KNOUSE: Yes, ma'am.

7           COMMISSIONER ARMBRUSTER: What's the  
8           general class size in a K-5? Because you're a K-5  
9           school; correct? What is a traditional Albuquerque  
10          school's class size?

11          MR. KNOUSE: So that would vary by grade  
12          level. But right now, what I'm looking at is our  
13          class sizes of 22 in kindergarten.

14          The first-through-third average is -- let  
15          me give you last year's; because I'm not for sure --  
16          22. The first-through-third average was 20-and-2/3.

17          And the four-five average was 20.

18          So I'm being presented with some different  
19          enrollment this year. As anybody can appreciate,  
20          the enrollment varies, specifically in the upper  
21          grades at this point.

22          THE CHAIR: Can you just remind this  
23          Commission of the statewide limits on class size?

24          MR. KNOUSE: Yes, Madam Chair. The  
25          statutory loads are 20 for kindergarten, an average

1 of 22 for first through third, and an average of 24  
2 for fourth through sixth. And that's 22 -- 22 --

3 THE CHAIR: And you had 22, or did last  
4 year, in your kindergarten?

5 MR. KNOUSE: That is correct, Madam Chair.  
6 We do have a waiver in place for that particular --

7 THE CHAIR: And you have an aide in that  
8 classroom?

9 MR. KNOUSE: Yes, ma'am.

10 THE CHAIR: Any other questions,  
11 Commissioners?

12 COMMISSIONER CHAVEZ: I have a question.

13 THE CHAIR: Commissioner Chavez?

14 COMMISSIONER CHAVEZ: So if this -- if  
15 this was approved, how -- how are you anticipating  
16 the class sizes to change in each of those grade  
17 levels?

18 MR. KNOUSE: So at this point, I'm in a  
19 little bit of a different situation, in that I  
20 was -- I wasn't really prepared for the  
21 interpretation that was coming from CSD in regards  
22 to the combo class. I was planning on solving the  
23 situation by making a combination class. I hadn't  
24 anticipated that the -- no mention of a combo class  
25 in the educational plan, meaning that, therefore, we

1 wouldn't be able to proceed with that.

2 So that has been my primary plan at this  
3 point, which in which case [verbatim] would have had  
4 combo classes of 25; so just slightly above the  
5 State average. They're not excessive.

6 So what I'm looking at doing is working  
7 with the Director and the CSD to still continue  
8 looking for this as the solution, but coming to you  
9 again in August with another amendment request  
10 allowing me to proceed with the combo class.

11 In truth, Commissioners, we really don't  
12 know, until I open my doors, who's coming. This  
13 whole point could disappear. I'm just trying to  
14 have enough flexibility, as the administrator at the  
15 school, to make sound decisions for those students.

16 THE CHAIR: Commissioner Carr, did you  
17 have a comment?

18 COMMISSIONER CARR: Not yet. But when we  
19 get pretty much --

20 THE CHAIR: Okay. So the question before  
21 us at this point is the amendment. Did we want to  
22 agree with the school to remove that 22-student  
23 classroom limit that was previously approved as an  
24 amendment for this school?

25 Commissioner Carr?

1 COMMISSIONER CARR: I know all of you  
2 remember; but the original minutes from the school's  
3 board -- not board. It's --

4 MR. KNOUSE: Governing council.

5 COMMISSIONER CARR: Governing council -- I  
6 can't get past it.

7 MR. KNOUSE: Same thing.

8 COMMISSIONER CARR: This was a way to help  
9 the school's budget, not a way to improve the  
10 school.

11 So I just simply -- you know, and maybe  
12 it's not that big of a deal. But on principle, I  
13 can't vote for anything that I think actually brings  
14 the -- what you're striving for actually backwards.  
15 It may help that extra student that gets to come to  
16 your class; but I don't think it's good for the rest  
17 of the students in the class.

18 So just for that reason, and that reason  
19 alone, I can't -- I can't vote for this.

20 COMMISSIONER TOULOUSE: I thought this was  
21 an automatic waiver. Madam Chair, isn't class size  
22 an automatic waiver?

23 THE CHAIR: I think the answer to that is  
24 when they put it in their charter --

25 COMMISSIONER CARR: Yes.

1 THE CHAIR: -- how many students they will  
2 have, the max number of students they will have in a  
3 class, then that overrides any waiver, because  
4 they've said how many they're going to have.

5 So, actually, in fact, they're just  
6 removing what they said in their charter. But now  
7 that does bring up another question for Katie or for  
8 Josh. If they want to remove that number, then are  
9 they in a waiver situation where they could ask for  
10 a waiver, and it would no longer be up to us? Josh?  
11 Katie?

12 MS. POULOS: So, Madam Chair, Commissioner  
13 Toulouse and Commissioners, to go back to kind of  
14 the question, this is a nondiscretionary waiver with  
15 regards to class loads and class sizes. And that's  
16 why CSD does recommend the approval of this  
17 amendment request; because the waiver is automatic.

18 It's correct that the school did have, in  
19 their -- in their contract that they would have  
20 these class sizes. But with the waiver that allows  
21 the statutory waiver, so that they're not required  
22 to meet those statutory class loads, they're asking  
23 to amend their contract or their charter with the  
24 Commission because they feel at this time it's  
25 prudent to do that for their school.

1           And, again, that's why CSD does support  
2   this. Certainly, again, to the later issue, I think  
3   CSD has had conversations with the school about the  
4   importance of student achievement, about the  
5   importance that this is about the students and  
6   ensuring that they are prepared as they move  
7   forward, however they decide to implement this, and  
8   with whatever requirements for amendments that there  
9   are, that their focus is student achievement and  
10  student success.

11           MR. KNOUSE: Madam Chair, may I address  
12  Commissioner Carr's concern?

13           THE CHAIR: Please do. Please do.

14           MR. KNOUSE: I very much,  
15  Commissioner Carr, appreciate your position. And in  
16  truth, I agree with the idea of making decisions not  
17  based on financial issues. And last year,  
18  Commissioner, you were on the board when a similar  
19  situation came up, and I was here representing the  
20  school in that regard.

21           It's a slightly different situation at  
22  this juncture, in that I'm looking ahead at  
23  enrollment that's different from what is being  
24  presented to me, based off initial input. And --  
25  and while I would like to make no decisions that are

1 financially based, in truth, we -- that is how we  
2 fund our schools. They are funded on enrollment.

3 And so any -- any -- any decision that has  
4 something to do with enrollment, there will be some  
5 factor in terms of the revenue that that generates.

6 The issue that I'm being presented with at  
7 this point, I really do believe, is child-focused;  
8 because if I were to be required to maintain this  
9 class size cap of 22, the way those numbers are  
10 working out would end up being more like classes of  
11 17 and 15, which I don't believe the school can  
12 fiscally support.

13 So I -- I am making this decision that is  
14 both child-centered, as well as fiscally sound. At  
15 least, that's my intent.

16 Thank you, Commissioner.

17 THE CHAIR: Commissioner Bergman?

18 COMMISSIONER BERGMAN: Excuse me. I would  
19 also like to note that at least in the last couple  
20 of years, throughout all the performance contract  
21 negotiations and the performance framework  
22 negotiations, I think virtually every school has  
23 asked for this kind of flexibility, to have varying  
24 class sizes each year, as long as they stay under  
25 their enrollment cap.



1           So this is not an unusual request; this is  
2   a fairly routine request. Those other schools do  
3   have that flexibility under their contracts and  
4   their framework.

5           So I just wanted to note that for  
6   Commissioners.

7           THE CHAIR: But let me just be clear in my  
8   mind. This is not giving anybody carte blanche to  
9   have 50 students in a classroom. You still have to  
10   comply with the statewide mandates of class sizes  
11   and/or waivers to those class sizes; just so we're  
12   clear on that.

13          MR. KNOUSE: Correct.

14          COMMISSIONER ARMBRUSTER: So if you're --  
15   I'm just trying to understand this. So if you're  
16   not changing the cap, and you're just changing the  
17   amount of students in each class, how does that  
18   affect the budget? I just don't understand that.

19          MR. KNOUSE: It would come down to hiring  
20   an additional teacher.

21          COMMISSIONER ARMBRUSTER: Oh. Because  
22   you're having more classes.

23          MR. KNOUSE: That's correct.  
24   Madam Chairwoman, I'm sorry. I'm mixing my terms  
25   up. Thank you.

1 THE CHAIR: Commissioner Gipson?

2 COMMISSIONER GIPSON: I just have one  
3 question. You just said that there -- you've got  
4 the possibility, if we didn't give you the waiver,  
5 that you'd have a class of 17 and 15. So are you  
6 looking at 32 in a classroom?

7 MR. KNOUSE: Possibly, yes.

8 COMMISSIONER GIPSON: Okay.

9 MR. KNOUSE: If I don't proceed with the  
10 combo class. And, again, I hadn't seen that as an  
11 issue at this point; so I will be working very  
12 closely with my CSD liaison to -- and in  
13 conversation with the Director, after this has been  
14 brought to my attention, what they're looking for is  
15 something that really needs to be done for a  
16 successful combination class to be done, anyway.

17 And in the ten years that I taught in the  
18 classroom, five of those were in mixed-grade  
19 classrooms. And they were -- and what I had to do  
20 to make those successful was make new instructional  
21 plans myself, as the teacher.

22 And so I am -- I'm fairly confident that I  
23 can guide my staff in terms of what needs to be done  
24 for that to proceed. I just wasn't -- I wasn't  
25 ready to have to have that approved by the

1 Commission, as well. But if that's the direction  
2 of -- of my leadership, then that's the direction  
3 I'll follow.

4 THE CHAIR: Okay. So my example was  
5 50 students in a class. You're saying 32. So I'm  
6 going to ask Katie or Julie, whomever would like to  
7 respond, if you have 32 students in a classroom,  
8 what accommodation has to be made? You've got one  
9 teacher, and what else, to assist that teacher with  
10 those 32 students?

11 MS. LUCERO: Madam Chair, members of the  
12 Commission, no, I am not really sure what  
13 Mr. Knouse's intent is now. He could move forward  
14 in a four-five multi-age classroom without an  
15 assistant. So I think the question really needs to  
16 be presented to him, "What is his plan?"

17 Now, in my experience in education, 32 is  
18 a pretty large number. So the plan would need to be  
19 very, very concise and thought out in order for it  
20 to be successful.

21 THE CHAIR: Okay. And I'm leading the  
22 discussion into the area where we're not really  
23 considering it; but I think it has a ramification to  
24 approving this amendment or considering this  
25 amendment.

1 MS. POULOS: Madam Chair and  
2 Commissioners -- and, again, I just want to remind  
3 the Commissioners that Mr. Knouse has the waiver.

4 MR. KNOUSE: Correct.

5 MS. POULOS: And this is the  
6 nondiscretionary waiver on those class loads. So  
7 those statutory requirements on those class load  
8 sizes don't apply because the waiver is in place.

9 It, again, is really the question of the  
10 contract and whether the Commission feels  
11 comfortable with amending the contract. And CSD  
12 recommends approval of this amendment, because the  
13 school does have that statutory waiver.

14 THE CHAIR: Has the school applied for  
15 that waiver?

16 MR. KNOUSE: Yes, Madam -- I actually  
17 applied last year, if you recall, when this came up;  
18 so I applied in February of this past year.

19 THE CHAIR: Okay. Thank you very much.

20 Any other questions or comments,  
21 Commissioners?

22 Hearing none, the Chair would entertain a  
23 motion.

24 COMMISSIONER TOULOUSE: Madam Chair? I  
25 would make the motion, if you're ready.

1 THE CHAIR: I would just remind  
2 Commissioners --

3 COMMISSIONER TOULOUSE: Right.

4 THE CHAIR: -- there are three possible  
5 motions listed on your Executive Summary page.

6 Commissioner Toulouse?

7 COMMISSIONER TOULOUSE: Madam Chair, I  
8 move to approve the amendment presented by  
9 New Mexico International Charter School to amend  
10 Part 5, Section B, Subsection 2, "Grade levels,  
11 class size, and projected enrollment," on Page 35 of  
12 their charter, as described in the amendment request  
13 form.

14 THE CHAIR: Thank you. You've heard the  
15 motion. Do we have a second?

16 COMMISSIONER CONYERS: Second.

17 THE CHAIR: Second by Commissioner  
18 Conyers. Motion by Commissioner Toulouse.

19 Is there discussion?

20 Hearing none, Commissioner Bergman, may we  
21 have a roll-call vote?

22 COMMISSIONER BERGMAN: Commissioner  
23 Toulouse?

24 COMMISSIONER TOULOUSE: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Conyers?

2 COMMISSIONER CONYERS: Yes.

3 COMMISSIONER BERGMAN: Commissioner

4 Bergman votes "Yes."

5 Commissioner Shearman?

6 THE CHAIR: Yes.

7 COMMISSIONER BERGMAN: Commissioner

8 Armbruster?

9 COMMISSIONER ARMBRUSTER: Yes.

10 COMMISSIONER BERGMAN: Commissioner Carr?

11 COMMISSIONER CARR: No.

12 COMMISSIONER BERGMAN: Commissioner

13 Chavez?

14 COMMISSIONER CHAVEZ: No.

15 COMMISSIONER BERGMAN: Commissioner

16 Gipson?

17 COMMISSIONER GIPSON: Yes.

18 COMMISSIONER BERGMAN: Madam Chair, that  
19 is a six-to-two vote in favor of the motion.

20 THE CHAIR: Thank you very much. The  
21 motion passes by a vote of six to two.

22 And now might I make a recommendation  
23 dealing with the combo class information that's in  
24 our -- in our notebooks? I would suggest that that  
25 discussion be delayed until the school comes forward

1 with an amendment request for us to consider when  
2 you possibly have more information.

3 And I understand the problem with that is  
4 school's already going to be in session. But I  
5 don't think we can approve this today, or even deal  
6 with it today, because it is an amendment, or would  
7 be an amendment, and we do not have a formal  
8 amendment request before us.

9 So that's the only way I see to deal with  
10 it. If anyone else has a different suggestion or  
11 idea, we'd be glad to hear it.

12 Okay? Is that all right with everybody?  
13 As good as we can do.

14 MR. KNOUSE: I would be very happy to do  
15 that and present another amendment.

16 THE CHAIR: So if you'll work with CSD?

17 MR. KNOUSE: Very happy to do so.

18 THE CHAIR: We thank you for being here  
19 today.

20 MR. KNOUSE: Thank you, as always, Chair.  
21 Thank you.

22 MS. POULOS: Madam Chairwoman,  
23 Commissioners, the next amendment --

24 THE CHAIR: Let me -- just one second.

25 Before we get started, I would like to ask

1 the representatives from La Promesa to come forward  
2 to the table. I see Dr. Maestas is having a little  
3 difficulty getting around today. If you'd rather  
4 stay where you are, certainly, we'll make  
5 arrangements to be able to hear you.

6 But if you all would like to come forward  
7 to the table, please do.

8 Katie, while they're getting settled, if  
9 you'd like to go forward, please?

10 MS. POULOS: Commissioners, La Promesa  
11 Early Learning Center has applied for an enrollment  
12 increase to increase their enrollment cap from 375  
13 students to 425.

14 CSD is recommending the approval of this  
15 enrollment cap increase. Based on an analysis of  
16 the school's current academic performance, CSD notes  
17 that, with the three-year letter grade, the school  
18 maintains the three-year school grade average of a  
19 D. This -- this letter grade average has -- if you  
20 look at the individual year letter-grade averages,  
21 has shown an increase over time.

22 And an in-depth look into the points for  
23 each of those letter grades shows that over the past  
24 three years, for each of those three years, the  
25 overall score on the letter-grade report card has



1 increased in points.

2           Additionally, CSD received the school's  
3 short term -- Short Cycle Assessment data and did an  
4 analysis of that data. The findings from that  
5 analysis were that, over time, over the past three  
6 years, the school has consistently seen improved  
7 academic performance on their Short Cycle  
8 Assessment. That is why CSD is recommending this  
9 enrollment cap increase; because the academic  
10 performance of the school does appear to be  
11 improving, based on all the measures CSD has.

12           THE CHAIR: Thank you very much.

13           Good morning, everyone. If you would like  
14 to introduce yourselves, please, and let us hear  
15 from you.

16           DR. MAESTAS: Good morning, Madam Chair,  
17 members of the Commission. I'm Analee Maestas. And  
18 I'm the executive director of the La Promesa Charter  
19 School.

20           MS. VELASQUEZ: I am Gloria Velasquez, and  
21 I am the principal of La Promesa Early Learning  
22 Center.

23           MR. ABEYTA: Good morning. My name is  
24 Carlos Abeyta. I am the curriculum specialist.

25           MS. MATTHEWS: I'm Patricia Matthews for

1 the -- attorney for La Promesa Early Learning  
2 Center.

3 DR. MAESTAS: Thank you. This morning, we  
4 do come before you to request an increase in our  
5 enrollment cap. And it's primarily based on our  
6 academic needs in regards to fully implementing our  
7 dual language program to be pretty much in line with  
8 what -- our performance indicators that have been  
9 proposed to you. They would be closely aligned with  
10 those indicators, as well as the current assessments  
11 that are being used to evaluate the academic  
12 performance of our students.

13 The increase would allow us to fully  
14 implement our dual language program, as our model  
15 calls for one Spanish -- one bilingual teacher  
16 serving students' home language, and a second  
17 teacher, an ESL-endorsed teacher, serving the other  
18 part of the day. It's a 50/50 model. And so that  
19 would allow us to fully implement our dual language  
20 program, K through 8.

21 So with that, I stand for any questions.

22 THE CHAIR: Thank you very much. Do you  
23 have questions, Commissioners?

24 Commissioner Carr?

25 COMMISSIONER CARR: I just have one

1 question for you. How's your staffing situation  
2 shaping up?

3 DR. MAESTAS: We are actually very  
4 fortunate, in that we have highly qualified  
5 teachers. Our teachers are endorsed in bilingual or  
6 ESL. And that is a requirement for teachers to come  
7 to our school. And we've been really fortunate that  
8 we haven't had to do too much advertising for our  
9 teachers. We actually have teachers coming to us.

10 COMMISSIONER CARR: Very good. Thank you.

11 DR. MAESTAS: Thank you.

12 THE CHAIR: Let me just ask for  
13 clarification on my part. I'm reading the amendment  
14 request. First of all, it says the amendment  
15 request applies to 2015 through 2020 charter  
16 contract. I want to be very clear.

17 What are you asking for? An increase of  
18 50 students beginning in the '15-'16 school year, or  
19 an increase of 50 students per year, through the  
20 2020 end of the contract?

21 DR. MAESTAS: It -- it would --  
22 Madam Chairman, members of the Commission, it would  
23 include 50 students for this current year, and then  
24 50 students later. We do not anticipate that's  
25 going to happen overnight.

1           We are very careful in regards to the  
2           openings that we do have in each of the grade  
3           levels. Although we have a very high waiting list,  
4           they're not in the right grade levels; so we can't  
5           accept students unless there are openings in those  
6           particular grade levels.

7           THE CHAIR: So you're asking for an  
8           increase of 100 students in your enrollment cap?

9           DR. MAESTAS: Yeah, over the --

10          MS. POULOS: Madam Chairwoman,  
11          Commissioners, when I read this amendment request,  
12          it very specifically says from 375 to 425. It does  
13          not presume, under the language that's written in  
14          the request, any additional increases.

15          And I believe that those would have to  
16          come before the Commission.

17          DR. MAESTAS: Yes.

18          MS. MATTHEWS: Madam Chair, members of the  
19          Commission, I'm sorry.

20          THE CHAIR: It's a little confusing.

21          MS. MATTHEWS: The intent is 50, total.

22          THE CHAIR: Fifty, total.

23          MS. MATTHEWS: And if we need an  
24          additional 50, the school would come back to you for  
25          an additional 50. I'm sorry if that was confusing.

1 THE CHAIR: Thank you for that  
2 clarification.

3 The other question I wanted to ask, again,  
4 for clarification, Commissioners, if you all  
5 remember, we asked this school to come back and  
6 renegotiate their performance framework indicators.  
7 They went back. They took a second look at their  
8 data and realized that their students have performed  
9 much better on their Short-Cycle Assessment last  
10 school year, and came back and were agreeable to  
11 higher indicators.

12 They also told us in that meeting with, I  
13 believe, the same group that because -- and teachers  
14 had told them that -- because they had pushed so  
15 hard during that school year to bring up student  
16 success to arrive at those higher test scores, that  
17 because of that extra effort that was required -- my  
18 words, not theirs -- six of their teachers had  
19 resigned.

20 Now, these were teachers that were very  
21 good, that had received merit pay, the whole bit,  
22 very good teachers. So they lost six teachers.

23 Now they're coming back and asking for  
24 increased students in their school. They're going  
25 to have new teachers. And I'm just a little

1 concerned that, with new teachers, new to their  
2 school, new to their requirements, and with an  
3 increased student load, we're going to be asking a  
4 lot of them to hit those numbers that were  
5 negotiated in their new performance framework.

6           However, having said that, I'm going to  
7 support this amendment for an increase of 50  
8 students. The school has worked very hard, very  
9 hard, to bring this information and to bring those  
10 test scores up. And I am certainly willing to give  
11 them an opportunity to continue that high level of  
12 student performance.

13           But I did want to bring that issue to you.  
14 I think Commissioner Carr touched on it with his  
15 question. But I just wanted to be real clear that  
16 that came up during our renegotiation, and we're  
17 aware of that issue.

18           Commissioner Bergman?

19           COMMISSIONER BERGMAN: I want to explore  
20 that a little further; because in our first  
21 negotiation, which I was present at -- I was not  
22 present at the second one -- you had -- you told us  
23 then that you had two teachers in each of the grade  
24 levels, except six and eight. And when I asked why,  
25 your rationale then was that you did not have the

1 budget to hire the second teacher in those two  
2 classes.

3 Now, adding 50 students, are you going to  
4 be able to have two -- two teachers now in every  
5 class? Are you going to have the budget? Or are  
6 you still going to have a shortfall, especially in  
7 light -- I had not heard that about the six  
8 teachers. So have you replaced those six? Are you  
9 going to be able to add the other two?

10 DR. MAESTAS: Madam Chair, members of the  
11 Commission, first of all, the 50 will have to be  
12 phased in, because we don't automatically get budget  
13 immediately, because it's prior year funding; so we  
14 would have to phase it in.

15 In regards to the teachers, we do look for  
16 highly qualified teachers. And, yes, we did lose  
17 teachers, teachers that programmed very well and  
18 that were highly qualified, as well. And I, too,  
19 Madam Chair, would be very concerned, had we not  
20 been able to find those certified teachers, because  
21 it is a special skill to have a bilingual endorsed  
22 teacher and to be able to have a teacher that's  
23 proficient enough in that Spanish language to  
24 implement the program.

25 But with the -- the hiring that we have

1 completed, we do know that they will be able to  
2 maintain the quality of program that we have in  
3 place. And so -- so our plan is to try to phase in  
4 those 50 students. We may not be able to get all 50  
5 this year because of our funding. And we really  
6 need to look at our waiting list to see how many  
7 kids we could get in within our budget, our current  
8 budget.

9 COMMISSIONER BERGMAN: Okay. Thank you.  
10 Thank you, Madam Chair.

11 THE CHAIR: Any other comments or  
12 questions?

13 Commissioner Ambruster?

14 COMMISSIONER ARMBRUSTER: You can go  
15 first.

16 COMMISSIONER CHAVEZ: I wanted to ask  
17 about your class sizes.

18 DR. MAESTAS: Okay. Our -- Madam Chair,  
19 members of the Commission, Commissioner Chavez, our  
20 class sizes range currently from 15 to 20 students,  
21 K through 8. Our kindergarten students -- our  
22 kindergarten class loads right now are at about 16,  
23 17; correct?

24 MS. VELASQUEZ: (Indicates.)

25 THE CHAIR: Now, Commissioner Armbruster?



1 COMMISSIONER ARMBRUSTER: I was just being  
2 nice.

3 What I remember, because I think I've been  
4 with you a number of times, is that the goal was to  
5 get a sixth-grade teacher and an eighth-grade  
6 teacher. So I just don't know how that works. So  
7 if we grant that increase in size -- so you would be  
8 hiring a sixth-grade teacher and/or an eighth-grade  
9 teacher, and then finding kids who are applying who  
10 are either -- I guess you're keeping your  
11 fifth-graders --

12 DR. MAESTAS: Uh-huh.

13 COMMISSIONER ARMBRUSTER: -- right? -- who  
14 would be your sixth-graders, and keeping the  
15 seventh-graders who would be eighth-graders, instead  
16 of having them go to a different school; is that  
17 correct?

18 DR. MAESTAS: Madam Chair, Commissioner  
19 Armbruster, Commissioners, the way that that would  
20 work is that we would look within our budget to see  
21 if we could at least hire one teacher at this point  
22 and be able to phase in the others because of prior  
23 year funding.

24 We do already have the students. We have  
25 a waiting list of students. And so it would be a

1 matter of funding the appropriate teacher and being  
2 able to, at least for this year, be able to hire the  
3 one teacher.

4 And, again, our adjustment wouldn't occur  
5 until January. So it would really mean that we  
6 would have to be very careful in regards to our  
7 budget; but that would allow us the flexibility to  
8 continue to grow that sixth- and eighth-grade  
9 classroom.

10 COMMISSIONER ARMBRUSTER: So I was  
11 correct. You're not going to be taking in more  
12 fifth-graders, for example. You're taking in sixth  
13 and eighth?

14 DR. MAESTAS: No, no. Yes, that is  
15 correct.

16 MS. POULOS: Madam Chairwoman,  
17 Commissioners, I just wanted to follow up on the --  
18 or the comment that they would be phasing in the  
19 50 students, and get a little more clarity on that,  
20 or at least alert the Commissioners.

21 Our understanding is the school already  
22 has a waiting list of 156 students; so I just wanted  
23 to follow up on that, because it seems that  
24 according to the statements in the amendment  
25 request, those 50 students, certainly plus, are

1 already there.

2 DR. MAESTAS: Yes, yes. Dr. Poulos, they  
3 are there. But our budget -- we have to look within  
4 our budget to make sure that we can make that  
5 stretch to hire two teachers, as opposed to one  
6 teacher. And, of course, our budget would not be  
7 adjusted until January; so that would really make  
8 sense in terms of us being very careful in our  
9 budget to ensure that we can -- we can support that.

10 MS. POULOS: And so I wonder if the school  
11 is saying they want to lay out what that phase-in  
12 plan would be, if there's a plan, or if it's not a  
13 plan yet.

14 DR. MAESTAS: Well, you know, if we can  
15 afford to hire two teachers, we will. But a lot of  
16 it is based on what the level of our teachers are,  
17 where our budget sits. There's a lot of factors in  
18 regards to our budget. So we really have to look  
19 closely.

20 If we can hire two teachers, that's  
21 exactly what we would want to do, to implement the  
22 program completely.

23 THE CHAIR: Okay. Any other comments or  
24 questions?

25 COMMISSIONER CHAVEZ: Yeah, I had a

1 question.

2 THE CHAIR: Commissioner Chavez?

3 COMMISSIONER CHAVEZ: Yeah. This is with  
4 regard to your budget. So when are you going to  
5 know -- you know, is it based on the attendance this  
6 year? Or what actually are you -- when are you  
7 going to know exactly that you can hire one or two  
8 more teachers? When will you know that?

9 DR. MAESTAS: Well, we are currently doing  
10 that right now. As we hire teachers, the level of  
11 pay per teacher varies from a Level I, II, or III,  
12 ranging from \$30,000 to \$50,000. So if I were able  
13 to definitely say, "I can hire a teacher at a  
14 Level I," you know, that could very possibly happen  
15 that I could hire two teachers.

16 If I can't find a highly qualified  
17 teacher, if I can't find a Level I, and there's a  
18 Level II or a Level III, then that's more costly.

19 So those are some of the factors that we  
20 have to play into. And that's what we're looking at  
21 right now, because we have hired our staff. So we  
22 are working the budget to look at where are we  
23 financially? What is it that we can afford?

24 So in August or September, we should have  
25 a definite, you know, answer for you in regards of

1       whether we were able to hire two teachers or one  
2       teacher for this year.

3               COMMISSIONER CHAVEZ: But for this year --  
4       I just want to be clear -- can you hire at least one  
5       more teacher?

6               DR. MAESTAS: We could possibly hire two,  
7       depending on that level and depending on our budget.

8               COMMISSIONER CHAVEZ: But you can hire at  
9       least one.

10              DR. MAESTAS: Yes.

11              THE CHAIR: Other questions or comments,  
12       Commissioners?

13              I -- is it just clarification of what's  
14       already been said?

15              DR. ABEYTA: I was just going to add that  
16       I think this is a question of efficiency. And that  
17       efficiency leads to a question of effectiveness of  
18       the school. With the additional cap number, it  
19       gives us an opportunity to plan better.

20              The questions that we have here is, well,  
21       maybe, maybe not. Well, it's because we don't know  
22       how many students we have. And we definitely don't  
23       want to say, "Well, we're going to keep the  
24       fifth-grade students at a certain number," because a  
25       lot of those students have already come with us this

1 far. And we don't want to eliminate fifth-graders  
2 to acquire, or to get more sixth-graders or more  
3 seventh-graders.

4 The additional number of students within  
5 the cap would allow us the opportunity to plan  
6 better. Simple as that. Plan for teachers, plan  
7 for budget, and, most importantly, in my case,  
8 because I deal with curriculum, plan for curriculum.  
9 And that leads to effectiveness of the school.

10 THE CHAIR: Anything else, Commissioners?  
11 Any other discussion?

12 Hearing none, the Chair would entertain a  
13 motion. And I again remind you there are -- there  
14 is wording for possible proposed motions in your  
15 Executive Summary.

16 Commissioner Bergman?

17 COMMISSIONER BERGMAN: Madam Chair, I move  
18 that the Public Education Commission approve the  
19 amendment presented by the La Promesa Early Learning  
20 Center to increase their enrollment cap from 375 to  
21 425, with the condition that the school provide  
22 approved board minutes, because the school has  
23 increased the overall score on school grades in each  
24 of the last three years and has provided end-of-year  
25 Discovery Short-Cycle Assessment data that

1 demonstrates substantial growth in student  
2 achievement levels in each of the last three years.

3 (The Chair consults with PEC counsel.)

4 THE CHAIR: So we're talking about final  
5 minutes. Okay.

6 You've heard the motion. May we have a  
7 second?

8 COMMISSIONER GIPSON: Second.

9 THE CHAIR: Motion by Commissioner  
10 Bergman; second, Commissioner Toulouse -- pardon  
11 me -- Commissioner Gipson -- to approve the  
12 amendment request presented by La Promesa Early  
13 Learning Center, as noted in the official record.

14 Is there further discussion? Hearing  
15 none, Mr. -- pardon me?

16 COMMISSIONER TOULOUSE: Madam Chair, I'd  
17 just like to point out I may now vote on this  
18 school. Just, for all of those people who have seen  
19 me, for two-and-a-half years, excuse myself. My  
20 relative there has successfully transitioned from  
21 eighth grade into a rising ninth-grader at another  
22 school that's here today.

23 So thank you.

24 COMMISSIONER GIPSON: I know you have  
25 to --

1 COMMISSIONER TOULOUSE: Recuse from  
2 another school, yes.

3 THE CHAIR: Commissioner Bergman, may we  
4 have a roll-call vote, please?

5 COMMISSIONER BERGMAN: Commissioner  
6 Conyers?

7 COMMISSIONER CONYERS: Yes.

8 COMMISSIONER BERGMAN: Commissioner  
9 Bergman votes "Yes."

10 Commissioner Shearman?

11 THE CHAIR: Yes.

12 COMMISSIONER BERGMAN: Commissioner  
13 Armbruster?

14 COMMISSIONER ARMBRUSTER: Yes.

15 COMMISSIONER BERGMAN: Commissioner Carr?

16 COMMISSIONER CARR: Yes.

17 COMMISSIONER BERGMAN: Commissioner  
18 Chavez?

19 COMMISSIONER CHAVEZ: Yes.

20 COMMISSIONER BERGMAN: Commissioner

21 Gipson?

22 COMMISSIONER GIPSON: Yes.

23 COMMISSIONER BERGMAN: Commissioner

24 Toulouse?

25 COMMISSIONER TOULOUSE: Yes.



1 COMMISSIONER BERGMAN: Madam Chair, that  
2 is an eight-to-zero vote in favor of that motion.

3 THE CHAIR: Thank you. The motion passes  
4 unanimously.

5 DR. MAESTAS: Thank you.

6 THE CHAIR: Thank you for being here.  
7 Have a good year.

8 MS. MATTHEWS: Madam Chair, members of the  
9 Commission, I would really like to ask a favor of  
10 the Commission. Ms. -- or Dr. Maestas needs to get  
11 off this leg. Would it be at all possible for us to  
12 consider the item that's on the agenda, which is --  
13 we've already gone through the approval of that  
14 final academic indicator. That's really that's all  
15 that's left.

16 Is that possible to move it -- it is Item  
17 No. 9A -- to move it so that she could head back to  
18 Albuquerque?

19 DR. MAESTAS: Before my husband finds out  
20 I'm here.

21 COMMISSIONER GIPSON: I've got no problem  
22 with it.

23 THE CHAIR: Commissioners, is that all  
24 right with everybody? Do we need to vote on  
25 changing the agenda?

1 No?

2 Okay. Just from consensus, all right, we  
3 will move now to Item No. 9A.

4 Katie, if you would like to go ahead and  
5 present, please?

6 MS. POULOS: Madam Chairwoman,  
7 Commissioners, in the materials for today's meeting,  
8 you'll find a summary of the revised performance  
9 indicators.

10 There's a table that identifies what the  
11 prior indicators were that were the indicators that  
12 were voted on and rejected for the academic  
13 framework, as well as a description of how those  
14 indicators have been revised into the new -- new  
15 indicators that are being proposed for today's vote.

16 Based on the information that CSD has and  
17 has evaluated, CSD recommends approval of the  
18 academic performance framework indicators, as  
19 provided in the framework that was negotiated.

20 THE CHAIR: Thank you very much. Does the  
21 school have any statement they'd like to present?

22 DR. ABEYTA: Madam Chair, members of the  
23 Commission, other than just to let you know that we  
24 are ecstatic about our academic growth this past  
25 year. We're excited also about the challenge that

1 we have before us for the coming year. We believe  
2 that our goals and the challenge of getting up to a  
3 90 percent achievement rate is quite challenging.

4 But we -- we're willing to do that, and  
5 we're -- we're excited to attempt our -- our growth  
6 rate to meet the "Exceeds" standards is 85 percent.  
7 That's quite challenging, as well. But considering  
8 that we had close to that this past year -- we were,  
9 like, at 84 percent -- we believe that with a little  
10 bit more push for our teachers, and, you know,  
11 better -- well, just a smoother organizational  
12 structure, we're going to be challenged to do that.

13 So we -- we request that you approve  
14 our -- our frameworks.

15 MS. VELASQUEZ: Madam Chairman, can I  
16 address you also, and say that --

17 THE CHAIR: Cindy, you have the name?  
18 Please go ahead. I wanted to be sure.

19 THE REPORTER: Yes, I do.

20 MS. VELASQUEZ: And say that, yes, in  
21 spite of the fact that last year we did lose the  
22 number of teachers that we did lose, I think that  
23 going through the improvement plan of structure that  
24 was put before us, we have a very sound basis of  
25 continuing that work that we started last year.

1           And I know that there will be no doubt  
2           that we will continue to improve and do better,  
3           because we have set a very firm foundation as to how  
4           our school needs to proceed in order to reach those  
5           high academic levels that we expect from our  
6           students.

7           THE CHAIR: Thank you very much for that.  
8           Any questions from Commissioners, or  
9           comments?

10          COMMISSIONER GIPSON: I would just like  
11          to --

12          THE CHAIR: Commissioner Gipson?

13          COMMISSIONER GIPSON: -- congratulate you.  
14          And through the renegotiations, I certainly got a  
15          better understanding of why the enrollment cap  
16          amendment was necessary; so I appreciate that.

17          DR. MAESTAS: Thank you.

18          THE CHAIR: Anything else, Commissioners?

19          Again, I would remind Commissioners, there  
20          is a proposed motion on -- on your Executive  
21          Summary.

22          Commissioner Armbruster?

23          COMMISSIONER ARMBRUSTER: I just have a  
24          quick question before I make a motion.

25          THE CHAIR: Uh-huh.

1 COMMISSIONER ARMBRUSTER: Do we have the  
2 signed minutes? It says "No. 2" down here.

3 THE CHAIR: Do we have final minutes?

4 MR. GRANATA: They're just draft minutes.  
5 They were provided.

6 THE CHAIR: So the motion is correct that  
7 we do need final minutes.

8 COMMISSIONER ARMBRUSTER: Thank you. I  
9 move to approve the 2015-2016 Performance Framework  
10 with Performance Indicators for La Promesa Learning  
11 Center, with the condition that the school provide  
12 signed and approved minutes by their governing  
13 council.

14 THE CHAIR: Okay. You've heard the motion  
15 by Commissioner Armbruster.

16 Do we have a second?

17 Commissioner Chavez, are you seconding?

18 COMMISSIONER CHAVEZ: Sure.

19 THE CHAIR: All right. Thank you very  
20 much.

21 You've heard the motion and second. Do we  
22 have any further discussion?

23 Hearing none, may we have a roll-call  
24 vote?

25 COMMISSIONER BERGMAN: Commissioner

1 Bergman votes "Yes."  
2 Commissioner Shearman?  
3 THE CHAIR: Yes.  
4 COMMISSIONER BERGMAN: Commissioner  
5 Armbruster?  
6 COMMISSIONER ARMBRUSTER: Yes.  
7 COMMISSIONER BERGMAN: Commissioner Carr?  
8 COMMISSIONER CARR: Yes.  
9 COMMISSIONER BERGMAN: Commissioner  
10 Chavez?  
11 COMMISSIONER CHAVEZ: Yes.  
12 COMMISSIONER BERGMAN: Commissioner  
13 Gipson?  
14 COMMISSIONER GIPSON: Yes.  
15 COMMISSIONER BERGMAN: Commissioner  
16 Toulouse?  
17 COMMISSIONER TOULOUSE: Yes.  
18 COMMISSIONER BERGMAN: Commissioner  
19 Conyers?  
20 COMMISSIONER CONYERS: Yes.  
21 COMMISSIONER BERGMAN: Madam Chair, that  
22 is an eight-to-zero vote in favor of that motion.  
23 THE CHAIR: Thank you very much. The  
24 2015-'16 performance frameworks for La Promesa Early  
25 Learning Center are unanimously approved with the

1 condition of signed and approved final minutes.

2 Thank you so much for being here.

3 DR. MAESTAS: Thank you very much. And  
4 thank you for moving up the item. I truly  
5 appreciate it. And thank you.

6 THE CHAIR: Appreciate you being here.  
7 Thank you, all.

8 Commissioners, let's take a short break  
9 till -- let's come back at 10:30. Okay.

10 (Recess taken, 10:19 a.m. to 10:32 a.m.)

11 THE CHAIR: Ladies and gentlemen, I call  
12 back into session this meeting of the Public  
13 Education Commission. Does that mean we have --  
14 we're one short? We're two short?

15 COMMISSIONER BERGMAN: We have six. We  
16 have a quorum.

17 THE CHAIR: We still have a quorum. Okay.

18 Karyl Ann, would you mind going out to the  
19 lobby and seeing if any of the Commissioners are out  
20 there?

21 COMMISSIONER ARMBRUSTER: Oh, yeah. Yeah.

22 THE CHAIR: We're going to give our two  
23 missing Commissioners a little bit of time to get in  
24 here.

25 Let's go ahead and move forward with

1     Agenda Item No. 7.

2             Are we ready? Report from Options for  
3     Parents and the Charter School Division. Item No. A  
4     is Schools of Concern.

5             Please notice that an item -- or a  
6     descriptor has been added to Schools of Concern,  
7     which says, "Actions may include requiring a  
8     corrective action plan and the potential of a  
9     suspension or revocation of the school's charter."

10            That clarification was recommended by our  
11     attorney, and so it is now part of our agenda item.

12            Katie, if you would like to move forward,  
13     I -- first, I guess, do we have anyone here from  
14     Southwest Learning Centers? Please come down.

15            MS. POULOS: Madam Chairwoman,  
16     Commissioners, very quickly before that, two things.

17            One is the school has provided reports  
18     that they would like the Commissioners to have.  
19     They've provided those to us today, if the  
20     Commissioners would like us to pass those out.

21            THE CHAIR: Is that all right with  
22     everyone? Please do.

23            MS. POULOS: Also, as a preliminary  
24     matter, we did want to alert the Commissioners to  
25     additional material I provided in the binder. That



1 is a table that I have provided for the  
2 Commissioners, where all the schools that have  
3 ongoing corrective action plans, improvements,  
4 revocations, non-renewals, or simply a request by  
5 the Commissioners for regular updates and  
6 monitoring.

7 What I would propose is that -- and I've  
8 spoken with the Chairwoman about this -- for future  
9 months, what we would do is regularly provide this  
10 table, and only specifically identify schools on the  
11 Schools of Concern agenda item that have --

12 THE CHAIR: May I interrupt you just for a  
13 minute, please? Do we have one report here, or two?

14 COMMISSIONER GIPSON: Two. I passed two  
15 separate --

16 MR. TORRES: No, it's just one report.  
17 There's a total of 15 copies in two different files.  
18 It's just one report.

19 COMMISSIONER TOULOUSE: I looked at it as  
20 one and passed them on.

21 THE CHAIR: I apologize. Please go ahead.

22 COMMISSIONER GIPSON: That's my fault. I  
23 didn't look before I passed the second batch down.

24 THE CHAIR: Is everybody ready?

25 COMMISSIONER CARR: There's just one.

1 THE CHAIR: There's just one report; many  
2 copies, but just one report.

3 COMMISSIONER ARMBRUSTER: I'm ready.

4 MS. POULOS: So, again, I was just  
5 addressing the preliminary matter to let the  
6 Commissioners know that because we're providing that  
7 summary table, in future months, rather than  
8 including all schools, even those that don't  
9 necessarily have any substantive update that would  
10 need consideration or action by the Commissioners,  
11 we would limit the Schools of Concern list to  
12 schools where there is a new or substantive matter  
13 that the Commissioners may need to take action on.

14 Otherwise, the updates will be provided in  
15 that table.

16 With regards to Southwest Learning  
17 Centers, the Commissioners have requested regular  
18 updates on the school. This would be a prime  
19 example of a school that we would include in the  
20 table, unless there was a substantive matter that  
21 would take consideration and action.

22 We don't have an update at this time,  
23 other than to say the representatives of the school  
24 did request the opportunity to provide this report  
25 to the Commissioners and have an opportunity to

1 address the Commissioners today; and so I will turn  
2 it over to them.

3 THE CHAIR: Okay. Please, if you would  
4 identify yourselves?

5 MR. TORRES: Madam Chair, members --  
6 Madam Chair and members of the Commission, my name  
7 is Herb Torres, and I'm the interim head  
8 administrator for the Southwest Learning Center  
9 Schools and the SAMS Academy. And to my left is the  
10 principal at the SAMS Academy, Coreen Carrillo.

11 THE CHAIR: Okay. Did you have a  
12 presentation for us, or are you here for questions?

13 MR. TORRES: Madam Chair, members of the  
14 Commission, I simply wanted to provide you with some  
15 information regarding the status of what the  
16 conditions the schools are in currently, the work  
17 that we've done since I've been named the interim  
18 head administrator.

19 And that's reflected in the report. I  
20 apologize that I -- that I was not able to get it to  
21 you in time to put in your packet. But I'm going to  
22 leave it with you. That's the reason I brought you  
23 a hard copy. I also sent an electronic version to  
24 Ms. Poulos, so that if she wanted to forward that to  
25 other people, she certainly could electronically.

1 I will stand for any questions. If there  
2 is anything in particular that you would like for me  
3 to address or respond to, we are here to do that.

4 I can certainly highlight some of pieces  
5 of the report, if you'd like me to do that.

6 THE CHAIR: Commissioners, what's your  
7 pleasure? Would you like Mr. Torres to highlight  
8 this report, or do you want to read it on your own?

9 COMMISSIONER BERGMAN: Read it.

10 THE CHAIR: Read it on your own?

11 All right. Let's move to questions, then.

12 Do you have any questions for the school?

13 Commissioner Toulouse?

14 COMMISSIONER TOULOUSE: Madam Chair, I  
15 have a couple of questions. What are the conditions  
16 of your governance councils for all your schools?  
17 Are you fully -- do you have at least five members  
18 for each of your governance councils?

19 MR. TORRES: Madam Chair, Commissioner  
20 Toulouse, the current status is that we have one of  
21 the governance councils -- there are a total of  
22 four, as you know -- one of the governance  
23 councils -- and I believe it is the secondary  
24 school -- that is in the process of completing  
25 recruitment and selection and election of their last

1 member.

2 All our councils at this point do have  
3 five members. We have had a number of resignations  
4 to the councils in the last several weeks. And  
5 fortunately, because the councils have been active  
6 in recruiting and looking to bring new folks on,  
7 those resignations have not reduced the numbers to  
8 less than four at any one time.

9 And so currently, we do have five. We  
10 anticipate that the one council that is missing --  
11 the one member -- will soon, perhaps in their next  
12 meeting, whether it be in the last of July or the  
13 first of August, we will bring on a fifth person to  
14 that council.

15 COMMISSIONER TOULOUSE: And to follow up  
16 on that, Madam Chair, do you have arrangements for  
17 them to get the financial training, then, for all  
18 these new folks?

19 MR. TORRES: Absolutely. Absolutely.

20 COMMISSIONER TOULOUSE: Because at some  
21 point, I'm sure you'll get your own finances back, I  
22 would hope. And we need everybody certified.

23 The second part of what I have is when we  
24 were doing the contract negotiations, and we came up  
25 with the four schools, and we really said we could

1 not justify the mid-school, are there plans being  
2 worked to figure out how to handle that mid-school  
3 and whether to move those students down or up?

4 Or are you working on those plans; because  
5 I know there's been such a changeover, and I'm  
6 curious?

7 MR. TORRES: Absolutely, Commissioner  
8 Toulouse. In my report, I've actually addressed  
9 that, specifically.

10 COMMISSIONER TOULOUSE: Okay.

11 MR. TORRES: And I would just refer you to  
12 what the report indicates. But we are moving  
13 forward on that. I will tell you, because of the --  
14 and the report reflects that -- it has a significant  
15 financial impact by doing the consolidation. And  
16 we -- we will be reviewing what specifically the  
17 financial impact will be on the schools and come  
18 forward with a recommendation or a plan of action to  
19 the Commission, as well as to the PED, for how soon  
20 we can move forward on that.

21 But it's something that is on our agenda.  
22 We are certainly looking at it. We understand the  
23 concerns of the Commission. And we also are  
24 reviewing that for what is in the best interests of  
25 the schools and the students.

1 COMMISSIONER TOULOUSE: Thank you.

2 MR. TORRES: You're welcome.

3 THE CHAIR: Other questions,

4 Commissioners? Commissioner Carr?

5 COMMISSIONER CARR: You have a lawyer  
6 present. They probably told you not to bring  
7 certain things up: resignations; so that -- how  
8 many people resigned and why.

9 MR. TORRES: Again, Madam Chair,  
10 Commissioner Carr, in the report, I've reflected to  
11 you the status regarding their staffing currently.  
12 To date, as far as teaching staff, as of last week,  
13 we received one resignation from one of our teachers  
14 at the SAMS Academy. The teacher resigned for  
15 personal reasons, family reasons. She needs to stay  
16 home and be active with -- more active with her  
17 daughter in supporting her family.

18 That is the only teacher resignation that  
19 we have received to date. And prior to the end  
20 of -- or at the end of the school year, in May, we  
21 had received a couple of resignations from  
22 educational assistants.

23 And those are the only resignations that  
24 we have, as far as teaching staff and support staff.

25 As far as administrative staff, we have

1 taken action, since I've been on board -- I came on  
2 board on April 23rd -- we have taken actions, along  
3 with review by attorneys, to terminate  
4 administrators that were involved with the school  
5 previously. And that's also reflected in the  
6 report.

7 And the previous acting head  
8 administrator, Mr. Al Baysinger, who was the  
9 principal of the schools and had been moved into the  
10 position of acting head administrator, had resigned  
11 effective at the end of June; so he is no longer  
12 with the school, either.

13 COMMISSIONER CARR: What about your board  
14 members?

15 MR. TORRES: The board members, again,  
16 Madam Chair, Commissioner Carr, we have had  
17 resignations from two members of the secondary  
18 school. Mr. Kit Turpen, who was the chair of the  
19 secondary school governance council, has resigned;  
20 and Mr. Mike Sanchez has resigned from the secondary  
21 school.

22 As far as -- let me think. As far as the  
23 SAMS Academy or the primary or the intermediate  
24 council --

25 (Mr. Torres consults with Ms. Carrillo.)



1 MR. TORRES: We had a resignation earlier  
2 from the SAMS Academy governance council of  
3 Mr. Darron Knight. He is no longer on the SAMS  
4 Academy governance council, either. And those are  
5 the most recent resignations.

6 Prior to those resignations on the board,  
7 the boards had been missing numbers that would  
8 complete their numbers to five; and so they've been  
9 working very actively during the time that I've been  
10 on board to get back to those numbers up to five.

11 COMMISSIONER CARR: You don't have the  
12 same council members, governance council members, on  
13 any of these -- you don't have -- let's put this  
14 question maybe more clearly.

15 Do you have any council members who are on  
16 more than one council?

17 MR. TORRES: No, sir. Madam Chair,  
18 Commissioner Carr, no council member serves more  
19 than one council.

20 COMMISSIONER CARR: And just a suggestion,  
21 too, of course; it would be easier to find council  
22 members if you only have three versus four.

23 MR. TORRES: I understand.

24 COMMISSIONER CARR: And we would strongly  
25 urge that you do that.

1 I also have continuing questions about a  
2 forensic audit that should have been -- that should  
3 have taken place.

4 MR. TORRES: Madam Chair,  
5 Commissioner Carr, I can tell you that in my  
6 conversations with Mr. Paul Aguilar, the Deputy  
7 Secretary for PED, regarding the forensic audit,  
8 that work continues. And I have not been given any  
9 specific date as to the completion of that work.

10 COMMISSIONER CARR: Okay.

11 MR. TORRES: We -- I will inform the  
12 Chair -- I will inform the Commission that on  
13 Monday, the 20th, we will be having our exit meeting  
14 with the auditors that have completed the audit for  
15 the last year.

16 COMMISSIONER CARR: Did Dolly Juarez  
17 continue to get paid while she was on administrative  
18 leave?

19 MR. TORRES: Madam Chair, members of  
20 the -- Commissioner Carr, she was on administrative  
21 leave, and was receiving -- was receiving  
22 compensation. She was terminated at the end of --  
23 she received a letter of termination at the end of  
24 May.

25 COMMISSIONER CARR: And, I'm sorry. I

1 didn't -- I'm not sure if you answered my question.

2 MR. TORRES: Commissioner Carr, to my  
3 knowledge --

4 COMMISSIONER CARR: Uh-huh.

5 MR. TORRES: To my knowledge, she was on  
6 administrative leave with pay up until the time we  
7 terminated her in May.

8 COMMISSIONER CARR: All right. Thank you.

9 THE CHAIR: Commissioner Gipson?

10 COMMISSIONER GIPSON: What's the status of  
11 the principal positions in the -- because you  
12 indicate here that you've got three principal  
13 positions that have resigned.

14 MR. TORRES: Madam Chair, Commissioner  
15 Gipson, currently, Ms. Carrillo serves as the  
16 principal of the SAMS Academy. When I came on  
17 board, there was a principal. Ms. Carrillo had been  
18 assigned the principal midyear at SAMS Academy. And  
19 in addition to her role as a principal, there was a  
20 director of operations at that site. That position  
21 at this point has not been filled. And my  
22 intentions -- well, at least at this point, my  
23 intention is the interim head administrator is not  
24 to fill that position.

25 That individual acted as a -- as a

1 director of operations at that particular site. She  
2 also provided some support at the secondary school  
3 and intermediate and primary school in Albuquerque  
4 at the Candelaria site.

5 But that position is no longer active.  
6 The individual resigned at the end of June. And my  
7 intention at this point is not to fill that  
8 position.

9 As far as the principalship at the  
10 secondary, primary, and the intermediate school,  
11 Mr. Robert Pasztor, who was in the role of an  
12 administrator, as an assistant at those schools, has  
13 now been moved into the position of principal for  
14 the intermediate, the primary, and the secondary.

15 We are pursuing an assistant principalship  
16 for those schools to assist him at those three  
17 schools. Ms. Carrillo will not have any assistance  
18 at her school. She will be the sole administrator  
19 on her campus.

20 COMMISSIONER GIPSON: The CFO position?

21 MR. TORRES: The CFO position has been  
22 advertised. We received applications. We closed  
23 that on the 15th; although, we indicated we would  
24 leave it open until the position was actually  
25 filled, in the event we didn't get appropriate

1 applications.

2 We've received applications, enough to  
3 schedule interviews. Interviews have been scheduled  
4 for next week, and my hope is that we can bring  
5 somebody on shortly thereafter.

6 COMMISSIONER GIPSON: Okay. Thank you.

7 THE CHAIR: Pardon me, Commissioner  
8 Gipson. What position was your question about? I  
9 didn't hear clearly.

10 COMMISSIONER GIPSON: The three principal  
11 positions listed in the document as resignations,  
12 and the CFO.

13 THE CHAIR: The CFO, the chief financial  
14 officer. Okay. Commissioner Carr?

15 COMMISSIONER CARR: I have one more  
16 question. This was a -- you know, this is a  
17 question that's technically none of our business, in  
18 a way. However, considering the situation that your  
19 school is in, and considering the salary that the  
20 one director received that is no longer here, who is  
21 actually probably one of the main people who are  
22 subject -- persons who are subject to the  
23 investigation, I'm going to ask you, anyway, what is  
24 the salary of your directors right now? Can you  
25 tell me that, please?

1 MR. TORRES: Madam Chair,  
2 Commissioner Carr, off the top of my head, the head  
3 administrator position, which is in process of  
4 application, review, interviews, and selection, the  
5 governance councils, as a joint council, came  
6 together in -- I want to say -- late May and took  
7 action to hire Dr. Dan Patterson as a facilitator  
8 for the selection, recruiting, and hiring process  
9 for the head administrator.

10 We -- the advertisement that was put out  
11 on that position has -- went out approximately a  
12 week and a half to two weeks ago. It closes on the  
13 22nd of July. The committee is meeting to review  
14 all applications received by the 22nd, on the 23rd.  
15 We have since posted -- we are getting ready to post  
16 a joint meeting of all governance councils for the  
17 24th, in the event that, from those applications and  
18 four interviews that have already been conducted as  
19 of the 15th of this month, the board is ready to  
20 make a determination.

21 If they're not, then they will continue  
22 with further interviews on August 4th and 5th and  
23 will then take action following that.

24 The salary for that position has been  
25 advertised as negotiable. I will assure you that it

1 will not be what was previously being paid to that  
2 director. And it will be significantly less and  
3 more in line with what a typical school  
4 superintendent might be receiving in a school  
5 district in New Mexico, probably short of  
6 Albuquerque.

7 THE CHAIR: Commissioner Carr, are you  
8 finished?

9 COMMISSIONER CARR: Yes, I'm finished.

10 THE CHAIR: Commissioner Chavez?

11 COMMISSIONER CHAVEZ: Yes. So can you get  
12 a little bit more specific? I'm sure that you have  
13 set some parameters -- right? -- in terms of what  
14 you're looking at for salary.

15 MR. TORRES: I want -- Madam Chair,  
16 Commissioner Chavez, I want to say that the salary  
17 range probably will start somewhere in the vicinity  
18 of \$140,000, and negotiable from that point.

19 COMMISSIONER CHAVEZ: And does that  
20 include -- does that include benefits, or is that  
21 just the base salary?

22 MR. TORRES: That would be the base  
23 salary, plus benefits.

24 COMMISSIONER CHAVEZ: I have another  
25 question.

1 THE CHAIR: All right. Go for it.

2 COMMISSIONER CHAVEZ: In your -- I was  
3 looking at your report. And basically, you -- you  
4 indicate that the budgets for all the schools have  
5 been approved.

6 MR. TORRES: That's correct.

7 COMMISSIONER CHAVEZ: Are those budgets  
8 online?

9 MR. TORRES: The -- I don't know that the  
10 PED has put those online at this point. The schools  
11 will be putting those online shortly.

12 COMMISSIONER CHAVEZ: So they're on the  
13 school websites?

14 MR. TORRES: Yeah.

15 COMMISSIONER CHAVEZ: Great. Thank you.

16 THE CHAIR: Commissioner Armbruster?

17 COMMISSIONER ARMBRUSTER: Several quick  
18 questions.

19 You're a K-8 school -- a K-12 school?

20 MS. CARRILLO: Seventh through twelfth.

21 COMMISSIONER ARMBRUSTER: The whole  
22 shebang is --

23 MS. CARRILLO: Fourth through twelfth.

24 COMMISSIONER ARMBRUSTER: How many  
25 schools, total, in this whole Southwestern --



1 MR. TORRES: Madam Chair, Commissioner  
2 Armbruster, in overall numbers, we're probably close  
3 to 1,100 or 1,200 students from primary,  
4 intermediate, secondary, and SAMS Academy.

5 COMMISSIONER ARMBRUSTER: And on your  
6 teacher salaries, do you have the Albuquerque  
7 teacher's type salary, or do you pay more since --  
8 I'm new on here -- but the new --

9 MR. TORRES: Madam Chair, members --  
10 Madam Chair and Commissioner Armbruster, our -- we  
11 have a salary schedule that was created this year in  
12 the work that I've been doing with our finance folks  
13 that are on -- now currently helping us with our  
14 finances. And that salary schedule, for both EAs  
15 and for teachers, is comparable to the APS salary  
16 schedule.

17 We've discovered that in some areas, it is  
18 above, and in some areas, it is below. Our intent  
19 is to hopefully be competitive with our surrounding  
20 areas, and we'll be making adjustments in future  
21 years.

22 At this point in time, we cannot pay less  
23 than that; but certainly, we can pay above that, if  
24 necessary.

25 COMMISSIONER ARMBRUSTER: And about how

1 many students are -- I know this varies between  
2 fourth and twelfth; but in general, say, your middle  
3 school and high school, what is the class size?

4 MR. TORRES: At SAMS Academy, the number  
5 is what, Coreen?

6 MS. CARRILLO: We're at 280.

7 MR. TORRES: That's a seven through  
8 twelve.

9 COMMISSIONER ARMBRUSTER: Each class has  
10 about 20.

11 MS. CARRILLO: 34 to 40; it's online,  
12 Madam Secretary and Commissioner.

13 MR. TORRES: The -- Madam Sec- -- Madam --  
14 Commissioner Armbruster, the concept of the schools,  
15 both for the SAMS Academy and for -- and for the  
16 secondary and intermediate schools, is that these  
17 are virtual schools. So when we talk about numbers  
18 being 30 to 40, it's what the lab accommodates;  
19 because we don't have a traditional teacher/student  
20 classroom arrangement, if you'll -- if you'll take a  
21 look at what our schools reflect as far as their  
22 curriculum and how they provide their instruction.

23 The secondary schools and the SAMS Academy  
24 are online virtual schools, with support from  
25 teachers that are there throughout the time that

1 students are there working online.

2 COMMISSIONER ARMBRUSTER: So student --  
3 the students come to the school, or they stay home?  
4 And go online, I mean.

5 MR. TORRES: They do -- they must come to  
6 the school for a certain amount of sessions during  
7 the course of the day. They must spend time at the  
8 school for that -- for their instruction. And in  
9 addition to that, they do receive some instruction  
10 at the school that is not online, since there's PE  
11 and other related -- we have a SMART lab  
12 arrangement, so that they also work in a SMART lab  
13 that is at the school. And so they do come for a  
14 number of hours that they must report to the school.  
15 And then they do some work, as well, at home.

16 COMMISSIONER ARMBRUSTER: Got it. Thank  
17 you.

18 THE CHAIR: Anything else on the report  
19 from Southwest?

20 COMMISSIONER CHAVEZ: Yes.

21 COMMISSIONER GIPSON: I just have one more  
22 question.

23 THE CHAIR: Commissioner Gipson?

24 COMMISSIONER GIPSON: You indicated, in  
25 the bullet on payroll, that you have some

1 challenges, and you're going to make adjustments.  
2 Can you just expand on that a little bit? Because  
3 you indicated that you might be able to pay above  
4 with some teacher salaries; but then you indicate  
5 that you've got some payroll challenges.

6 MR. TORRES: Madam Chair, Commissioner  
7 Gipson, overall, the financial situation of these  
8 schools, without knowing what the audit is going to  
9 reveal -- and we'll know that on the 20th -- and so  
10 what we've done is we've built the budgets for this  
11 next year. And quite frankly, I must caution you,  
12 and I want to give you a caveat to that.

13 We certainly did not have the amount of  
14 time that we would have expected, or that we  
15 typically would spend in creating the budgets for  
16 any school. My experience over 43 years in public  
17 education and having been a former superintendent,  
18 budget building starts in December, if not sooner.  
19 as you start looking at where your program is going  
20 and where you need to plug in dollars to support the  
21 types of programs that you anticipate providing to  
22 your students the following year.

23 And so I came on board on April 23rd. We  
24 had a change of contractor that was taking over our  
25 accounts payable, our budget development, and our

1 payroll, effective May 1st. So I had from May 1st  
2 until May 29th, at which time we had to submit our  
3 budgets the last of May, first of June, to try to  
4 put all of that together, plus get them up to speed  
5 to make a sure they didn't miss any payrolls and to  
6 make sure they didn't miss any bills paid.

7 And that's been a challenge; and that's  
8 been a crisis. And we've had some issues that we've  
9 had to address with some vendors that obviously were  
10 not paid timely. But they've been patient with us,  
11 and we now are getting back on track.

12 So to answer your question, we knew that  
13 when we looked at previous years' budgets and where  
14 they were, and using that, if you will, as a  
15 skeleton to move forward, that we -- and had met --  
16 met all of the needs of the schools this last year,  
17 based on previous years' budget, we used that as  
18 kind of a basis to move from, and just tweaked it  
19 very immediately.

20 Now, the cash position, the cap -- the  
21 cash outlay and the cash position, the cash that is  
22 left in these budgets that is being moved from  
23 previous year to this year that has been budgeted  
24 shows that the schools are in a good and sound  
25 financial and cash position.

1           So there will be some potential for moving  
2 dollars through the appropriate processes of PED and  
3 requesting budget adjustments. And that's what I'm  
4 anticipating, that we're going to have to make some  
5 budget adjustments.

6           And I just want to tell you that one of  
7 those areas where we're going to have to make some  
8 budget adjustments, we've already identified only 15  
9 days into the new budget. And that is that this  
10 school was not previously -- these schools were not  
11 previously providing probably the amount of special  
12 ed support services, teacher resources, as we've  
13 identified that need to be there. And so we already  
14 have identified that we'll need to add probably  
15 somewhere in the vicinity of about two-and-a-half  
16 FTEs in the special ed area as far as special ed  
17 teachers.

18           And so those will be resources that will  
19 have to be shifted into that line item in order to  
20 cover those expenses of those new hires.

21           THE CHAIR: I appreciate very much you  
22 being here today and you being very candid with us,  
23 because we've been hearing, "No, no, there's not  
24 much turnover. There hasn't been much loss of  
25 teachers or governance council members or students.

1     Things are going very well."

2             Perhaps it's semantics, and I understood  
3     what I thought they were saying, and maybe that's  
4     not what it's saying. Frankly, I'm hearing schools  
5     that are in disarray and have been in disarray.  
6     Budgets weren't started when they should have been.

7             And I understand about that. They're very  
8     hard to put together, and it takes a lot of work.  
9     There were people on the ground that should have  
10    been doing that at all of these schools. And I'm  
11    very surprised that it didn't happen.

12            I'm surprised you're mentioning their  
13    special ed shortages. That's something we need to  
14    look into. I'm very alarmed, quite frankly, that it  
15    seems like to me the school is -- the schools, all  
16    of them -- are in turmoil. And I really thought  
17    that was under more control, had been brought under  
18    control.

19            And -- and maybe you're just being more  
20    honest with us, and I'm hearing it for the first  
21    time. Maybe it was being said before, and I simply  
22    was not understanding the severity of what was going  
23    on; but I think we have some schools that are in  
24    real difficulty, and I think we need to take a  
25    strong look at this, along with what you all are

1 doing.

2 Sounds like, to me, you know what you're  
3 doing; but it also sounds like there's a huge job  
4 and a lot to be done. And I'm very concerned. I  
5 just want to make that statement. And I think there  
6 are things that need to be quickly looked at, if  
7 they're not already being looked at.

8 Julie, did you have a comment?

9 MS. LUCERO: Madam Chair, members of the  
10 Commission, yes, I actually did want to comment on  
11 this. And I've actually had discussions with the  
12 school. We finished our monitoring visit and  
13 preparing those reports for the Commission. And  
14 we -- with Mr. Torres, as well, during budget  
15 review, the special ed concern was raised about  
16 services being provided. So we've been in  
17 communication with the school about that, and CSD  
18 will continue to monitor that particular concern.

19 THE CHAIR: Okay. Thank you.

20 Commissioner Toulouse?

21 COMMISSIONER TOULOUSE: Madam Chair, I  
22 want to comment and thank Mr. Torres for being as  
23 open with us; because in the past, some of the  
24 previous people have been adversarial, and it's been  
25 unpleasant, I think, for both sides to have sat and



1     listened.

2                   And we're all here for the students.

3     Basically, I don't care about the adults; I care  
4     that the students are getting what they need. But I  
5     had heard -- which is why I asked the question about  
6     the governance council -- I had heard, within the  
7     communities, of -- that there were turnovers on your  
8     governance councils, and I was concerned that you --  
9     that they might not be up to standard, because I was  
10    getting, completely out of this chain of  
11    information, but -- because I get from others.

12                  But I do want to say I think this  
13    presentation today may be setting us back in the  
14    right direction of us having a better picture of  
15    what's going on and how to help deal with those  
16    students as school starts; because I think we're,  
17    all of us, sitting here waiting for that FBI report,  
18    which, knowing the FBI, could be another five years,  
19    ten years away.

20                  And it's too bad that everybody is in  
21    limbo on exactly what -- you know, if you have proof  
22    of something you can deal with it. When you have  
23    allegations of something, and they're being handled  
24    by somebody else, it's hard. And I'm sure it's even  
25    harder for the ones of you at the school.

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1           But I do appreciate your attitude today,  
2           and I'm sure it will continue, and I appreciate  
3           that. Thank you.

4           MR. TORRES: Madam Chair, and Commissioner  
5           Toulouse, let me -- I'd like to just briefly  
6           respond, in case there are other questions and  
7           comments to Commissioner -- to Chairwoman Shearman's  
8           comments.

9           I hope that you -- and, again, I apologize  
10          for the fact that I wasn't able to get you the  
11          information that I've provided you in writing today  
12          before your meeting today. My intent was to provide  
13          it to you sooner.

14          One of the things that you'll read in  
15          my -- in my report is that the work that I'm doing  
16          with the four schools and their governance council  
17          is not my only work that I'm doing at this  
18          particular time. I also serve as a consultant to  
19          the Las Cruces Public Schools. I reside in  
20          Las Cruces; I intend to continue to reside in  
21          Las Cruces; I have been residing in Las Cruces,  
22          while also residing in Albuquerque, and been going  
23          back and forth between my responsibilities, because  
24          I -- I made a commitment to the Las Cruces Public  
25          Schools that I would not leave them and shirk my

1 responsibilities and commitments that I had made  
2 there.

3 I just want to make sure that you  
4 understand that what I've reported to you today has  
5 been a -- hopefully, as honest and as open a  
6 response to your questions and your concerns. I  
7 understand what you may have been receiving in the  
8 past; but what I've given you today is as open and  
9 as transparent as it possibly can be.

10 I would differ with Chairman Shearman's  
11 assessment, only from the fact that as you read the  
12 report, I hope you see that these schools are not  
13 schools that are in turmoil at this point. These  
14 schools are going forward. Registration is going  
15 extremely well. We will fill these schools again  
16 with our enrollment, based on the registration  
17 that's going on now and the response that we've  
18 received from our registration efforts and  
19 recruitment efforts.

20 Parents and students and teachers, quite  
21 frankly, have been -- fortunately, have been kept  
22 out of the fray that's been going on with these  
23 schools. And most of it has been happening at the  
24 governance council levels and at the management  
25 level, particularly the upper management level.

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1 But it has affected some of the school  
2 management issues. We've addressed -- I believe  
3 we've addressed all of the personnel issues that  
4 needed to be addressed. We've dealt with folks that  
5 needed to be terminated. We've accepted  
6 resignations, or encouraged resignations, from folks  
7 that needed to be. Those are some of the first  
8 actions that I had to take when I came on board.

9 And we've moved forward to try to make  
10 sure that we closed the fiscal year successfully and  
11 that we had a successful graduation for both the  
12 SAMS Academy and for the secondary schools at the  
13 end of the last school year.

14 That happened. And I want to tell you  
15 that the activities that have gone on in the  
16 summertime, including the ones that I've reported in  
17 my report, were done successfully. The staff that  
18 is on board and the staff that is returning and the  
19 staff development activities and professional  
20 development activities that we are planning for and  
21 already have in place to start the new school year  
22 are, quite frankly -- no different than you'll find  
23 in any other school, whether it be a charter school  
24 or a public school -- is that fortunately, the  
25 support that I've received from those folks that

1 have stayed on board and that remain on board, such  
2 as Ms. Carrillo, Mr. Pasztor, Ms. Huber, we have  
3 moved forward, and we have spent the time that has  
4 been necessary to address everything that needs to  
5 be addressed to make sure we're ready to open the  
6 doors in August when we open the doors for  
7 registration with our parents, as well as our  
8 students coming to school, to the point that we have  
9 negotiated new lease agreements with our landlord  
10 for the properties that we have on Candelaria.

11 We've also submitted our application for  
12 reimbursement for those facilities to the PSFA and  
13 the PSCOC, and those have been approved.

14 And so we are in the process of doing a --  
15 the landlord is currently in the process of doing a  
16 complete roof -- reroofing job of that facility,  
17 because that's been needed for a number of years and  
18 hasn't been addressed.

19 And so I hope that my openness and honesty  
20 today with you does not reflect, and did not  
21 reflect, a state of alarm; because, quite frankly, I  
22 believe that the schools are in better shape today  
23 than they were when I came on board at mid-April.

24 THE CHAIR: Thank you for that. Other  
25 questions?

1 Commissioner Chavez?

2 COMMISSIONER CHAVEZ: Yeah. So I have a  
3 question in terms of your -- your class sizes. Are  
4 you -- you said that they were 34 to 40, the class  
5 sizes for the SAMS Academy and the secondary; right?

6 MS. CARRILLO: Yeah.

7 COMMISSIONER CHAVEZ: So -- or -- 34 to  
8 40. But, anyway -- and you also said that they are  
9 required to come in for a certain amount of -- I  
10 guess, like, class time or whatever you call it.

11 MR. TORRES: Yes.

12 COMMISSIONER CHAVEZ: So how many -- and  
13 for lack of a better word -- shifts of kids do you  
14 have coming into the school throughout the day?

15 MS. CARRILLO: Madam Secretary and  
16 Commissioner Chavez, we have three shifts a day,  
17 three sessions a day. And each session holds --  
18 we've got, in main lab, 111 seats. SMART lab, we  
19 have 35. PE is about 30. And that -- that's  
20 happening three times a day.

21 COMMISSIONER CHAVEZ: Okay. So then my  
22 question, in terms of the special ed kids --

23 MS. CARRILLO: Correct, uh-huh.

24 COMMISSIONER CHAVEZ: So how do you -- how  
25 do you provide services? Sort of give me a picture

1 of that.

2 MS. CARRILLO: Well, our online program,  
3 e2020, Edgenuity, has -- you can put modifications  
4 on with their program. And then we also have  
5 actually two special ed teachers in the main lab.  
6 The PE teacher is a special ed teacher. And we  
7 monitor and make sure and support the students.

8 We are hiring a special ed -- we hired a  
9 special ed teacher yesterday, and she's come in to  
10 talk to me. And I've told her how I want it to look  
11 in our model, since we're online. And I want it to  
12 be an inclusion model, where she is there supporting  
13 those children, daily, with each session.

14 COMMISSIONER CHAVEZ: What are your  
15 numbers in terms of special ed kids?

16 MS. CARRILLO: Oh, we just looked at our  
17 list. The -- I'm thinking at SAMS Academy, out of  
18 280, we have about 14 special ed kids, students.

19 COMMISSIONER CHAVEZ: And the high school?

20 MS. CARRILLO: That's seven through  
21 twelve.

22 COMMISSIONER CHAVEZ: Okay. And then in  
23 the lower grades?

24 MS. CARRILLO: In the primary, they have,  
25 out of their 111 students, I think they have, like,

1 12, 13. I'm just estimating right now. I really  
2 don't have them exact.

3 MR. TORRES: Madam Chair, Commissioner  
4 Chavez, as we look at all four schools, the FTEs,  
5 the full-time equivalents of staff that was  
6 dedicated to special ed in previous years, including  
7 last academic school year, was .85 of an FTE. So  
8 those -- those folks that were providing special ed  
9 services were providing services by being able to  
10 write the IEPs.

11 They case-managed the IEPs for the  
12 students that were identified. They -- the students  
13 were given whatever supports through the  
14 modifications, through the virtual program that was  
15 done. But as we reviewed this for the new school  
16 year -- and that's what I referenced earlier, and  
17 the folks from the Charter School Division at our  
18 technical review addressed that -- we also had  
19 looked at that initially and hadn't had an  
20 opportunity, as part of our budget building, to  
21 truly spend the amount of time that we have since  
22 then.

23 And so we are going into this next school  
24 year from a .85 -- 85 -- .85 FTE staffing of special  
25 ed at all four schools, to a 2.5 -- 2.75 that we're



1 adding, for a grand total of 3.0 FTEs next year in  
2 special ed, which is, quite frankly, much more  
3 appropriate and will meet the needs of those kids  
4 much more so than we've been doing in the past.

5 And I think that's been the issue that the  
6 Charter Schools Division has raised in previous  
7 reviews with the school.

8 THE CHAIR: Thank you very much for that  
9 clarification. Could I suggest that as  
10 Commissioners have an opportunity to read this  
11 report, that if other questions come to mind or  
12 concerns that you would like to have responded to,  
13 that you forward those to Katie and ask the school  
14 to respond to any other questions they might have?  
15 Because I know it's really hard for me to read a  
16 report and hear what's being said at the same time.

17 So if there are other questions, Katie,  
18 would that be all right with you that they come to  
19 you and you take those on to the school?

20 MS. POULOS: (Indicates.)

21 THE CHAIR: Okay. We thank you very much  
22 for being here. It was nice to meet you. Oh, I'm  
23 sorry.

24 Commissioner Bergman?

25 COMMISSIONER BERGMAN: I would like to

1 suggest to this Commission that we ask them to come  
2 back in our August meeting. If you look at our  
3 calendar, we don't have an August meeting; but we do  
4 have an August meeting. It's going to be during the  
5 tour, our annual tour.

6 Right now, it's scheduled for Wednesday,  
7 which is August the 19th, if folks want to mark that  
8 on your calendar. We have to totally finalize that;  
9 but it will be finalized very soon.

10 I think it will be appropriate, because  
11 maybe they'll have those audit results in, and maybe  
12 they can come in and talk about what those audit  
13 results were. Just my suggestion.

14 THE CHAIR: Do the school representatives,  
15 or Katie or Julie, do you have any idea when those  
16 audit results will be made available to the public?  
17 Not to the school, but to the public?

18 MS. POULOS: We do not have that  
19 information available at this time. When they are  
20 available, we will ensure that's an item on the  
21 Commission's agenda, to review and discuss those.

22 THE CHAIR: Okay. Thank you so much. We  
23 appreciate you being here. Thank you. Look forward  
24 to seeing you again.

25 MR. TORRES: Madam Chair, members of the

1 Commission, thank you for your listening to us and  
2 supporting us, and we look forward to being at your  
3 meetings in the future. Either I will be here, or  
4 we'll have a representative that will be able to  
5 continue to keep you informed of our school's  
6 progress.

7 THE CHAIR: Okay. Thank you so much.

8 MR. TORRES: Thank you.

9 MS. CARRILLO: Thank you.

10 THE CHAIR: The next school is Dream Diné.  
11 If we have folks from that school, please come on  
12 down.

13 Katie, whenever you're ready.

14 MS. POULOS: Madam Chairwoman,  
15 Commissioners, again, the information that we have  
16 as an update is available in that table that was  
17 provided in your materials.

18 The representatives from the school have a  
19 much more robust update, including new information  
20 that has ma- -- that has become available this week;  
21 and so I will let them speak and provide that  
22 update.

23 MS. BEERY: Good morning, Commissioners.

24 THE CHAIR: Good morning. I'm sorry. I'm  
25 choking to death up here.

1           Please introduce yourselves, and we'd love  
2           to hear what you have to say.

3           MS. BEERY:   Good morning, Commissioners.  
4           My name is Sandy Beery, B-E-E-R-Y, and I'm the head  
5           administrator of the Dream Dine'.

6           THE CHAIR:   Pardon me.   I didn't hear what  
7           you said.   You are Sandy Beery, and you are?

8           MS. BEERY:   I'm the head administrator of  
9           Dream Diné.

10          THE CHAIR:   You're the head administrator.

11          MS. BEERY:   I'll explain in a minute.

12          MR. SOSA:    Good morning, Commissioners.  
13          My name is Gavin Sosa.   I'm the director of  
14          operations for Dream Diné Charter School.

15          MR. HOGUE:   Good morning, Madam Chair and  
16          members of the Commission.   I'm Clarence Hogue.   And  
17          I'm a governing council member.

18          THE CHAIR:   Is the person sitting behind  
19          you also with you?

20          MS. BEERY:   She's supporting us.

21          THE CHAIR:   All right.

22          MS. BEERY:   She came down close for moral  
23          support.

24          THE CHAIR:   Please go ahead.

25          MS. BEERY:   In answer to your question of,

1 "Excuse me. You're what," I entered into a contract  
2 with Dream Diné on July 1st to provide  
3 administrative services while they conduct a search  
4 for a permanent administrator. They are, rightly  
5 so, looking for an administrator from that area and  
6 one who is the right fit for that school.

7 I have a lot of experience in charter  
8 schools with administration and with contracting and  
9 have offered my services to help them keep things  
10 moving forward and get some pieces in place in their  
11 new facility: Curriculum, staffing, those kinds of  
12 things.

13 So we are here today to talk specifically  
14 about a fire alarm system, as you recall, from the  
15 June meeting. That was the issue. And that's what  
16 the facility piece is. That's where we are.

17 So I would like to start at the beginning  
18 and give you, as my mom would call, the Reader's  
19 Digest version of how we are at the point we are.

20 First, we do not have any occupancy yet.  
21 Second, we are the first school on the Navajo  
22 Nation, for those of you who are new to the  
23 Commission. I don't know if you realize that. So  
24 this is a new process for all those agencies that  
25 need to do some work and inspection for us.

1           So here's the Reader's Digest version.

2           In March, the CID came and did an  
3 inspection, gave us a correction notice that  
4 basically said we need a fire alarm system.

5           So we went to the Navajo Nation, and the  
6 fire marshal came out from the Navajo Nation and  
7 referred us to their contractor, Brown & Associates.  
8 Most of you have heard this already, so that's why  
9 I'm going quickly. If you have questions, I'll  
10 answer them later.

11           Referred us to Brown & Associates for  
12 review of the plans and the code and the process.

13           We scheduled -- we finally got to the  
14 point where we could schedule for the Navajo Nation  
15 fire marshal to come out on July 13th; that would  
16 have been Monday. He came, along with a contractor  
17 who installed the fire alarm system and a  
18 representative from Brown & Associates, which was  
19 the request to have all those people there. And  
20 they all inspected. That inspection is finished,  
21 and it is complete.

22           The next step was to have CID come back.  
23 Mr. Blackman came on Tuesday, and he did the  
24 inspection and said that he felt he could give a  
25 temporary E-Occupancy, because the State Fire

1 Marshal needed to sign off on the fire alarm system.

2 He said he would probably come back on  
3 Thursday; that would have been yesterday. He called  
4 on Wednesday and said, "No, you need to speak with  
5 the State Fire Marshal. He has to sign off on  
6 this."

7 I want to make it clear that our  
8 understanding, from a document we received from the  
9 Navajo Nation in March, was that the AHJ, the  
10 "Authority Having Jurisdiction" -- I find it  
11 surprising they use the "H" for "Having" -- the  
12 Authority Having Jurisdiction, that letter said the  
13 Authority Having Jurisdiction was the Navajo Nation  
14 Fire Marshal. And our understanding, as well, is  
15 that there is only one AHJ for a facility, not two.

16 So, Mr. Sosa called the fire marshal  
17 yesterday, who indicated he wouldn't be able to  
18 speak with us because he actually got married  
19 yesterday. However, he did give us his boss's phone  
20 number, who Gavin has been trying to reach since  
21 2:00 yesterday afternoon and has not heard back.

22 My interpretation of the situation is we  
23 have done due diligence to do everything we can to  
24 get this taken care of, including calling the fire  
25 marshal about every hour and not hearing back yet,

1 leaving messages.

2 And I feel like we're at the point where  
3 we're trying to figure out how to facilitate a  
4 conversation between two agencies who aren't sure  
5 who the AHJ needs to be.

6 I have contacted John Hooker with the PSFA  
7 to see if he could provide me any information about,  
8 you know, the PSFA did not pay for the fire alarm  
9 system; we did. We fundraised for that. So he's  
10 not sure who the jurisdiction would be; but he was  
11 going to do some digging, because we are not hearing  
12 from the fire marshal's office yet; so we are trying  
13 to find that answer.

14 My thought -- but I don't have any  
15 proof -- is that when we get an answer between these  
16 two fire marshals, we'll have an E-Occupancy;  
17 because the CID did not say there was any other  
18 issue, other than now, apparently, the State Fire  
19 Marshal needs to sign off.

20 So we need to be able to have an  
21 opportunity to talk to the State Fire Marshal and  
22 connect him with the Navajo Nation fire marshal and  
23 let them figure out who actually has the authority  
24 to approve it, so then CID can give us our  
25 E-Occupancy; because everything else is done at this



1 point.

2 THE CHAIR: When's your first day of  
3 school, scheduled?

4 MS. BEERY: August 17th.

5 THE CHAIR: Is that when teachers come  
6 back, or is that when students arrive?

7 MS. BEERY: Teachers come back on the  
8 10th.

9 THE CHAIR: So, actually, August the 10th.

10 MS. BEERY: Would be the first day of  
11 staff.

12 THE CHAIR: You need the E-Occupancy for  
13 teachers, as well, do you not?

14 MS. BEERY: No. We only need E-Occupancy  
15 for students.

16 THE CHAIR: So we're talking about the  
17 17th, for sure.

18 MS. BEERY: Correct. Yes, ma'am.

19 THE CHAIR: My concern -- and I went back  
20 and read the minutes from the last time we talked  
21 about this. My concern, and the concern of this  
22 Commission, as reflected in those minutes, is that  
23 when it's time for the doors to open for school,  
24 that there are doors to open.

25 So what is your backup plan -- and I

1 understand frustration. Believe me, I do. But what  
2 is your backup plan, if you can't get that  
3 E-Occupancy prior to August the 17th? Is the prior  
4 facility available to the school, the one you used  
5 at -- was it Hogback last year?

6 MS. BEERY: At Hogback?

7 THE CHAIR: Is that available?

8 MS. BEERY: We have vacated that facility.  
9 But let me let Gavin speak to that -- Mr. Sosa --  
10 speak to that, because he's actually in Shiprock and  
11 having conversations more readily than I am at this  
12 point.

13 MR. SOSA: Thank you, Madam Chair,  
14 Commissioners. We have vacated that facility in  
15 Hogback. But just earlier this week, on a whim, the  
16 Hogback Chapter president, Mr. James Pioche, stopped  
17 by and encouraged us to continue looking into using  
18 it for their own -- because we're able to pay them  
19 rent; because for their chapter, it was a great  
20 relationship.

21 So he's encouraged us to continue that  
22 potential partnership. But as Sandy had said,  
23 because of where we are, having our fire alarm  
24 installed, it's been approved by the Navajo Nation  
25 fire chief, it is our full anticipation that the

1 steps have been taken that needed to be taken to be  
2 granted E-Occupancy, until that conversation takes  
3 place.

4 THE CHAIR: I just need a "yes" or "no."  
5 Is the Hogback facility available to you if your new  
6 facility is not ready?

7 MS. BEERY: Yes. Yes, Madam Chair.

8 THE CHAIR: Okay. Any other questions or  
9 comments?

10 Also, in reading back through those  
11 minutes of the previous meeting where we talked  
12 about this, we talked about a two-week window, that  
13 if this facility was not ready two weeks before the  
14 school year started, we needed to know it, and --  
15 and to be aware of that and to take whatever action  
16 was necessary to ensure that the students had a  
17 classroom with an E-Occupancy to attend.

18 So I guess what I'm going to say at this  
19 time is just stay in real close contact; because we  
20 just honestly need to know, at least two weeks  
21 before the school year starts, where you all are.

22 MS. BEERY: Madam Chair, I actually have a  
23 question about that. So I know that I will send a  
24 copy of the E-Occupancy to the CSD. How do I know  
25 that you all will get it soon thereafter? Because I

1 want you all to know when we get it as soon as I  
2 can.

3 THE CHAIR: I have great confidence they  
4 will be sure we have it.

5 MS. POULOS: Madam Chair, Commissioners,  
6 we will, as soon as we receive that, immediately  
7 forward it on. We were hoping that it would be in  
8 the past day or two and had full plans to e-mail it  
9 out immediately.

10 THE CHAIR: Do you have both the director  
11 and the general manager's e-mail addresses?

12 MS. BEERY: Yes, Madam Chair, we do.

13 THE CHAIR: If you would just be sure they  
14 both receive it, it should not be a problem.

15 Commissioner Bergman?

16 COMMISSIONER BERGMAN: Hopefully, we won't  
17 have to have a public flogging of the leaders of  
18 CSD; so I think they'll do it.

19 THE CHAIR: Or of the school or of  
20 anybody.

21 Other questions or comments,  
22 Commissioners?

23 COMMISSIONER ARMBRUSTER: I just have --

24 THE CHAIR: Commissioner Armbruster?

25 COMMISSIONER ARMBRUSTER: This is not

1 about all of that.

2 So how many teachers and students are in  
3 the school?

4 MS. BEERY: So we -- I'm going to let  
5 Gavin answer about the students, because he's been  
6 enrolling students consistently since the end of  
7 school.

8 And we have two regular classroom teachers  
9 and three EAs. And we are -- I'm in the process of  
10 interviewing for those now. I should hopefully  
11 finish those interviews on Monday.

12 COMMISSIONER ARMBRUSTER: And so you  
13 have -- and how many students, then? Gavin's going  
14 to tell me?

15 MS. BEERY: Yeah, he is. I don't know  
16 what our cap is. I don't know how many we have.

17 MR. SOSA: Madam Chair, Commissioner,  
18 Commissioners, we had 14 students in year one, a  
19 single class. Currently, we believe 13 out of those  
20 students are returning. We have one family we know  
21 has moved. And we have 15 new enrollment for second  
22 year. And we were capped at 30 for our second year.  
23 So we're very close to our cap now.

24 And as Sandy had mentioned, that's our  
25 staffing plan is for two lead teachers and three

1 educational assistants.

2 COMMISSIONER ARMBRUSTER: And what about  
3 special ed? Disabilities?

4 MS. BEERY: One of the teachers I'm  
5 interviewing is dual-licensed. And currently, we  
6 are also -- we were K-1 last year,  
7 kindergarten-first grade. We're going to be  
8 kindergarten-first-second grade this year.

9 I'm anticipating, based on conversations  
10 with Gavin, about two students who will probably be  
11 in the SAT process very soon after school starts.  
12 But just a reminder to those of you -- Commissioner  
13 Armbruster knows; she's a special ed teacher.

14 But at the earlier grades, it's really a  
15 SAT process, unless you are having students enroll  
16 who have been in a preschool developmentally delayed  
17 program or something like that. So I'm hoping at  
18 this point to be able to hire a dual-licensed  
19 teacher to be able to help facilitate that with  
20 30 students.

21 And one of my plans there is to create a  
22 three-year staffing plan, based on the growth of the  
23 school and the addition of the grades, so that we  
24 can plan financially for the appropriate licensure  
25 and positions we need to support those children.

1 THE CHAIR: Is that it?

2 COMMISSIONER ARMBRUSTER: Yes. Thank you.

3 THE CHAIR: Let me just clarify what I  
4 heard you say. You said two teachers and three EAs;  
5 correct?

6 MS. BEERY: Yes, correct.

7 THE CHAIR: If you have kindergarten,  
8 first, and second grade, how are you going to cover  
9 those with only two teachers?

10 MS. BEERY: So we have mixed age groupings  
11 in our charter. It's a key component of our  
12 educational plan. So there will be mixed groupings,  
13 with relatively even amounts in those classes.

14 THE CHAIR: Okay.

15 Other questions or concerns?

16 Hearing none, thank you all for being  
17 here. We look very forward to getting that  
18 E-Occupancy.

19 MS. BEERY: Yes, ma'am. So do we. Thank  
20 you very much.

21 THE CHAIR: And I'm sure you all are, too.

22 Next is Walatowa. If we have anybody here  
23 representing that school, please come on down. I  
24 don't believe I see anyone.

25 Katie, would you go ahead, please?

1 MS. POULOS: Madam --

2 THE CHAIR: Anyone here from Walatowa?

3 MS. POULOS: Madam Chairwoman,  
4 Commissioners, Walatowa has been added to the  
5 Schools of Concern list because, as part of the  
6 annual monitoring visits that Julie was discussing  
7 in other contexts, this school failed to complete  
8 the annual monitoring report; and, therefore, CSD  
9 staff has been unable to do a complete evaluation of  
10 the school's compliance and performance.

11 And at this point, CSD has had -- or  
12 attempted to have -- multiple communications with  
13 this school and has been unable to get the materials  
14 it needs to complete that evaluation.

15 The school unfort- -- this is a very  
16 unfortunate circumstance, because the school really  
17 is doing great things and does have good academic  
18 success, especially with regards to the graduation  
19 rate for their students and showing substantial  
20 improvement.

21 At this point, we think it may be prudent  
22 to ask for a corrective action plan from the school  
23 to ensure that they are able to get the materials to  
24 CSD that are required, so CSD can complete that  
25 evaluation.



1 THE CHAIR: Thank you. Any questions or  
2 comments?

3 Commissioner?

4 COMMISSIONER ARMBRUSTER: I'm sorry.  
5 Could you tell me where the school is located? What  
6 city?

7 COMMISSIONER TOULOUSE: Madam Chair, it's  
8 Jemez Pueblo.

9 COMMISSIONER ARMBRUSTER: Got it. I just  
10 don't know where it was.

11 COMMISSIONER CHAVEZ: Just a quick  
12 question. Do you know why they're not here? Were  
13 they contacted?

14 MS. POULOS: This is an issue that we were  
15 discussing yesterday. We were told during the  
16 Executive Committee meeting that these schools did  
17 need to be contacted by the -- the PEC's counsel.  
18 So CSD was not able to, didn't want to overstep  
19 their bounds to contact these schools that were on  
20 the Schools of Concern list.

21 THE CHAIR: So, Josh, do you know if they  
22 were contacted?

23 MR. GRANATA: I wasn't aware that I was  
24 supposed to contact them. If I was supposed to  
25 contact them, then it was my mistake, and I

1 apologize.

2 THE CHAIR: That letter that Katie wrote  
3 and we sent on to you and you said you hadn't had a  
4 chance to look at it.

5 MR. GRANATA: I thought that was coming  
6 from CSD.

7 THE CHAIR: I understood you said you  
8 would do it.

9 MR. GRANATA: Well, whatever.

10 THE CHAIR: A misunderstanding, then.  
11 Okay. So they -- was that the only contact that  
12 would have been made with them, or were they  
13 otherwise contacted by CSD?

14 MS. POULOS: With regards to their  
15 placement on this agenda item, that would have been  
16 the only communication. Again, CSD didn't want to  
17 overstep their bounds. CSD has been in  
18 communication with the school in attempts to get  
19 this information completed.

20 Scott, do you have anything you'd like to  
21 add?

22 MR. BINKLEY: Yeah, I can.

23 MS. POULOS: This is Scott. He is one of  
24 our liaisons, and he is the liaison to that school.

25 MR. BINKLEY: My name is Scott Binkley.

1 So, Madam Chair, Commissioners, I'm the liaison to  
2 Walatowa. And as you all know, the due date for  
3 the -- the monitoring tool was June 15th. The --  
4 the preliminary site visit was given to them on  
5 May 14th.

6 Between May 14th and the deadline of  
7 June 15th, I had five conversations with them about  
8 that deadline. And I've got documentation for all  
9 those things.

10 Finally, I was able to reach somebody on  
11 the phone on the 28th of June, and they did submit  
12 on the 30th; but it's an incomplete submission. So  
13 I do not have goal data to do an analysis of whether  
14 they met their goals.

15 THE CHAIR: Scott, do you have any idea,  
16 has there been some turnover in administration of  
17 the school or anything that would account for this  
18 lack of communication.

19 MR. BINKLEY: The best indication that I  
20 have was a phone conversation I had with Mr. Tony  
21 Archuleta, who consults for the school. And he  
22 indicated to me that there was possibly a family  
23 emergency, that the director, Mr. Arrow Wilkinson,  
24 had to leave the state and was gone in -- for some  
25 time, possibly a month.

1 I have not spoken with Mr. Wilkinson since  
2 the site visit, personally. I've spoken with  
3 another one of their consultants, Dr. Jamie Tymons  
4 [ph], who has been working on their data and has  
5 done the lion's share of the reporting for their  
6 monitoring visit.

7 THE CHAIR: That's not mine.

8 MR. BINKLEY: That's not me.

9 THE CHAIR: Any other comments or  
10 questions, Commissioners?

11 COMMISSIONER CARR: Looks like we're ready  
12 to rock.

13 COMMISSIONER ARMBRUSTER: I have a  
14 question.

15 THE CHAIR: Commissioner Armbruster?

16 COMMISSIONER ARMBRUSTER: This is semi-off  
17 the subject, actually. Does this school take the  
18 PARCC assessment?

19 MR. BINKLEY: Yes. Yes, they do.

20 THE CHAIR: Commissioner Bergman?

21 COMMISSIONER BERGMAN: Madam Chair, I'd  
22 just like to suggest that even though they're not  
23 here, since all they're talking about is perhaps  
24 requiring them to work with CSD to do a corrective  
25 action plan, is we go ahead and proceed with that;

1     because, obviously, if they don't get the data in to  
2     evaluate the goals, we can't do the other work  
3     that's required.

4             So that's got to have a short-term  
5     function, anyway. So that would be my suggestion.  
6     Let's do a motion. Let's vote on it, and then let  
7     Scott continue to try to establish communication  
8     with somebody at Walatowa.

9             COMMISSIONER CARR: Sure.

10            THE CHAIR: Okay. I would note that there  
11     is a suggested motion in your packet, if anyone  
12     would care to make that motion.

13            MS. POULOS: To direct the Commissioners,  
14     that's on Page 4 of Item 7. That motion language is  
15     available on Page 4 of Item 7.

16            THE CHAIR: Thank you.

17            COMMISSIONER GIPSON: Okay.

18            THE CHAIR: Commissioner Gipson?

19            COMMISSIONER GIPSON: Sure. Madam Chair,  
20     I move to have Walatowa High Charter School work  
21     with CSD to create a corrective action plan to  
22     ensure all items on their monitoring instrument are  
23     completed in a timely manner.

24            THE CHAIR: Thank you.

25            You've heard the motion. Do we have a

1 second?

2 Commissioner Toulouse?

3 Motion and second.

4 Do we have any discussion?

5 Hearing none, Commissioner Bergman, may we

6 have a roll-call vote, please?

7 COMMISSIONER BERGMAN: Commissioner

8 Shearman?

9 THE CHAIR: Yes.

10 COMMISSIONER BERGMAN: Commissioner

11 Armbruster?

12 COMMISSIONER ARMBRUSTER: Yes.

13 COMMISSIONER BERGMAN: Commissioner Carr?

14 COMMISSIONER CARR: Yes.

15 COMMISSIONER BERGMAN: Commissioner

16 Chavez?

17 COMMISSIONER CHAVEZ: Yes.

18 COMMISSIONER BERGMAN: Commissioner

19 Gipson?

20 COMMISSIONER GIPSON: Yes.

21 COMMISSIONER BERGMAN: Commissioner

22 Toulouse?

23 COMMISSIONER TOULOUSE: Yes.

24 COMMISSIONER BERGMAN: Commissioner

25 Conyers?

1 COMMISSIONER CONYERS: Yes.

2 COMMISSIONER BERGMAN: Commissioner

3 Bergman votes "Yes."

4 Madam Chair, that is an eight-to-zero vote  
5 in favor of that motion.

6 THE CHAIR: Thank you. The motion passes  
7 unanimously.

8 Next item is Mission Achievement and  
9 Success Charter School. If we have representatives  
10 of that school, I invite them to come down.

11 MS. POULOS: Madam Chairwoman,  
12 Commissioners, the update from CSD on this, this  
13 school was on the PEC's agenda last month for a  
14 corrective action plan with regard to special  
15 education services. The Commission's action at that  
16 time was to request a corrective action plan.

17 After the decision was made, rather than  
18 being able to communicate with the school, the  
19 school retained counsel, and counsel has been  
20 communicating with PED counsel on this matter. CSD  
21 has requested, from PED's General Counsel's Office,  
22 guidance on how to proceed at this time.

23 The General Counsel's Office is looking  
24 into the matter and believes that more time is  
25 needed on their end to look -- and PED's end -- to

1 look into this matter.

2 THE CHAIR: So what is the recommendation  
3 from CSD at this point?

4 MS. POULOS: At this point, CSD believes  
5 that the prudent thing to do is to allow CSD to  
6 continue to work with PED's counsel to get more  
7 guidance on how to move forward with this issue and  
8 bring that back to the Commissioners at the point  
9 that we have that guidance with regards to what this  
10 issue is.

11 So it may be that at this point, we need  
12 to put the corrective action plan on a hold and wait  
13 for additional legal guidance.

14 THE CHAIR: Okay. Thank for you that. If  
15 the representatives of the school would please  
16 identify yourselves?

17 MS. MYERS: Hi. I'm JoAnn Myers. I'm the  
18 principal of the school.

19 THE CHAIR: Okay.

20 MS. PEÑA: I'm Jennifer Peña. I'm the  
21 special education coordinator.

22 MR. LANGSTON: My name is Bruce Langston.  
23 I am the board president.

24 MS. MATTHEWS: Patricia Matthews, Matthews  
25 Fox, attorney for the school.



1 THE CHAIR: Thank you. If you have a  
2 presentation for us, we would love to hear that.

3 MS. MATTHEWS: Madam Chair, members of the  
4 Commission, yes, we would like to make a  
5 presentation; although the Charter Schools Division  
6 has asked the -- I suppose their request is that  
7 there's a delay in completing a corrective action  
8 plan. The action of the Commission --

9 MS. POULOS: I'm sorry. Can I interrupt,  
10 Madam Chair and Commissioners?

11 What CSD is recommending at this point is  
12 not a delay in completing, but, at this point, a  
13 delay in any action and waiting for further legal  
14 guidance from the Office of the General Counsel.

15 MS. MATTHEWS: So I just want to be very  
16 clear, Ms. Poulos, that you're requesting that at --  
17 there is no corrective action plan on the table.

18 MS. POULOS: That at this time any -- any  
19 action that has been taken be put on hold, or not --  
20 no action continue to move forward until CSD has  
21 received further action, at which point we can  
22 update the PEC, and they can determine what  
23 appropriate action is at that time.

24 MS. MATTHEWS: I'm still not real clear;  
25 but okay. We'll see what the Commission has to say.

1 (The Chair consults with Mr. Granata.)

2 THE CHAIR: Please go ahead, Ms. Matthews.

3 MS. MATTHEWS: Thank you, Madam Chair,  
4 members of the Commission.

5 The school would like the opportunity to  
6 respond. As you know, I was here and was not -- had  
7 not been forewarned that this was going to come up  
8 on the agenda, so was not representing the school on  
9 this issue at the time.

10 But as you know, last meeting, which was  
11 June 19th, the Commission voted to put the charter  
12 school on a corrective action plan, I'm not exactly  
13 sure based on what premise, because I don't know  
14 what documents you had in front of you. I can only  
15 assume that the only document that we've seen was  
16 the only document that you've seen, which was that  
17 May 29th, 2015, memorandum from Charter Schools and  
18 the Special Ed Bureau to Deputy Secretary Aguilar.

19 So what we'd like to do today is have the  
20 opportunity that we were not -- or the school was  
21 not provided on the 19th to address the concerns  
22 that were bulleted in that memorandum.

23 I think it's very important for the school  
24 also to be able to respond to public comment that  
25 was made during that meeting that, in hindsight,

1 when looking at the transcript, and while I was  
2 sitting here -- my impression is neither here nor  
3 there -- but certainly, if you look at the  
4 transcript, there was substantial -- or information  
5 and comments made the school should have the  
6 opportunity to respond to because of the nature of  
7 those comments.

8 So I would like just to quickly go through  
9 the presentation that I have. All of you were  
10 copied on a letter that I sent, dated July the  
11 4th -- I don't have anything else to do in my life;  
12 I think I've heard that from a Commissioner  
13 before -- and sent it to you outlining our response  
14 and rebuttal to the action of the -- of taking -- or  
15 imposing a corrective action plan, and, in  
16 particular, the fundamental ground level -- or the  
17 premise upon which the corrective action was taken  
18 or imposed, and, right now, has actually had  
19 substantial implications at the Department level  
20 because the Department has reduced the school's  
21 budget on the allegations that there's -- that  
22 services were not provided to students, gifted  
23 students, at the school in the fiscal year '15.

24 So at this point, I just remind you all of  
25 one point. And we're using this term "corrective

1 action plan" pretty, I believe, loosely. But if you  
2 look at the statute -- and I think Ms. Shearman  
3 understands the impact, because the quote she made  
4 at the last meeting was, "When we're working for a  
5 corrective action plan, it's a little more of an  
6 issue than rather just working with them on  
7 something, to my notion, anyway," which is correct.

8 The statute looks at a corrective action  
9 plan as something substantial. In fact, it is close  
10 to having grounds for revocation or nonrenewal of a  
11 charter school.

12 So I'm not very clear. I would like for  
13 some clarity; but that's for another day. But  
14 certainly, the concept of putting a school on a  
15 corrective action plan implies some significant  
16 impropriety. And I believe it would be directed  
17 towards the grounds for nonrenewal, revocation,  
18 et cetera. And so that's troubling when it's used  
19 in that manner and in that term, because I believe,  
20 by statute, it has significant implications. And  
21 that concerns the school greatly.

22 As you heard earlier, they were awarded  
23 certain grants for probably -- that were based  
24 somewhat on merit. They have been recognized by the  
25 Legislative Finance Council for their good work in

1 the middle schools. And so I think it's important.  
2 And Mr. Henderson will talk more about the merits of  
3 the school.

4 So I am concerned that there's no -- my  
5 primary concern, as the attorney for the school, was  
6 there effectively no notice. [Verbatim.]

7 This school, on -- learned that it was  
8 going to be listed as a School of Concern, and  
9 possibly have a corrective action plan imposed, just  
10 by happenstance. And thank goodness Ms. Friedman  
11 does such a great job at her public liaison position  
12 that she sends out the agenda timely and people get  
13 the opportunity to look at it. That's how this  
14 school learned it was going to be on the agenda for  
15 a potential corrective action plan.

16 They were not given any notice about that,  
17 except for that. So they're very concerned about  
18 the due process question. And having the  
19 opportunity to come before the Commission and tell  
20 their side of the story is, from my perspective as  
21 their counsel, critical.

22 As of today, the last action I've already  
23 mentioned taken by the New Mexico Public -- so  
24 there's no corrective action plan that's been  
25 presented. The school hasn't had any communication,

1 other than -- that's not true. Subsequent to this  
2 meeting, Ms. Myers did meet with the Special  
3 Education Bureau to discuss what the issues were.  
4 There still has not been a letter of findings by  
5 Special Ed or by the Charter Schools Division  
6 identifying any impropriety, any violation of rule,  
7 et cetera, issued to this school, to date.

8 So whether or not they're represented by  
9 counsel or not doesn't mean they shouldn't have  
10 notice of whether or not they've violated rules or  
11 policies of the Department or Special Education or  
12 what have you. But to date, they have not received  
13 that notice.

14 They received the notice through their  
15 business manager, their budget has been cut for  
16 \$150,000, based, apparently on the May 29th  
17 memorandum. But we still don't know why that  
18 happened.

19 I do want to quickly remind you that  
20 leading up to your vote on the 19th, the Charter  
21 Schools Division did their annual site visit report.  
22 There was no preliminary report issued. The school  
23 has not received any information out of the site  
24 visit report that there's impropriety in their  
25 special education program.

1           In late April, early May, somewhere about  
2   that time, there was some beginning communications  
3   between Ms. Lucero and the Charter Schools  
4   Division -- of the Charter Schools Division and  
5   Special Education wanting to notify MAS that they  
6   were going to come up and do a special education  
7   visit. There was no document -- there was no  
8   statement in the letter saying they were looking for  
9   something in particular. They didn't use the word  
10  "audit." They came to an agreement on the date.  
11  They visited the school on May 8th.

12           And when they came to the school, that's  
13   when this issue of whether or not the people  
14   providing the services under the IEP for gifted  
15   students actually held the endorsement that is in  
16   State regulation.

17           So no notice. So let's just say,  
18   assumingly, that that turned into an audit. Well,  
19   you'd think after an audit, findings from the audit  
20   would have emerged in writing so that the school  
21   would have the opportunity. That never happened.

22           In fact, Ms. Myers voluntarily, based on  
23   misinformation, in my mind -- legal mind -- that --  
24   voluntarily offered that all of her teachers would  
25   get the gifted endorsement, and she would do

1     whatever they apparently -- she would address some  
2     of the concerns that the Charter Schools Division  
3     and SpEd -- or S-E-B -- SEB -- called "SEB" --  
4     raised at that meeting. And so she voluntarily did  
5     that by e-mail. No response. Again, no written  
6     findings. Nothing.

7                 So the very first time they find out about  
8     this, as I've already said, they were put on that  
9     agenda.

10                Ms. Myers immediately requests -- or as  
11     soon as she could -- requests -- the same day; let's  
12     just put it that way -- "Why are we on this list of  
13     concern?"

14                Ms. Lucero's response apparently was,  
15     "We'll talk to you about that on Monday," which was  
16     the -- she asked on Friday. This was the following  
17     Monday.

18                And apparently, during that conversation,  
19     some of the questions about your -- qualified folks  
20     for providing gifted services came up; but still no  
21     documentation about what was the issue.

22                And so it took an e-mail from the board  
23     president to Charter Schools Division on the 17th,  
24     again requesting, in writing -- and this was after  
25     the Commission denied an extension of addressing



1 this on your agenda -- asking, in writing, "What  
2 is -- what's the issue, so we can be prepared, or we  
3 can respond in some manner?"

4 It was not until then that they received a  
5 copy of the May 29th memorandum from Charter Schools  
6 and Special Ed to Mr. Aguilar.

7 And so that's the first time they knew  
8 that these were specific issues. And even that  
9 memorandum -- and I'm sure Mr. Carr has looked at it  
10 carefully -- has no -- has no citation of the  
11 violation. There's no regulation cited. There's  
12 nothing cited in that memorandum as a violation.

13 And so they alleged that they didn't  
14 provide services based on folks with gifted  
15 certificates; but they don't say what law was  
16 violated. And Ms. Myers has repeatedly asked, "What  
17 did we do wrong? Tell me where the law is. Where  
18 does the law say we have to do it exactly like  
19 you're telling us we have to do it?"

20 And we contend that we're not getting a  
21 response to that.

22 So those are the things that I'm hoping  
23 that I can work out with Mr. Hill. I have been in  
24 communication with Mr. Hill. I think Ms. Poulos has  
25 alluded -- or stated that in the opening -- that he

1 and I are going to try to work through. But  
2 certainly, we still have no specific understanding,  
3 other than that memorandum.

4 So I sent the letter to you. And, again,  
5 if you look at the memorandum, every single one of  
6 the allegations in the memorandum is focused -- and  
7 even Mr. Pahl, during his presentation, said to you  
8 that this was all about the school not providing  
9 gifted services by gifted endorsed teachers.

10 I'm not going to go through my memorandum,  
11 other than to tell you, in summary, I spent a long  
12 time researching policies, manuals, everything on  
13 the website I could find. I am very aware of the  
14 regulations.

15 But there is nothing in statute, and  
16 there's certainly nothing in the special ed  
17 regulation that mandates that services provided for  
18 a child with an IEP and who is gifted must hold this  
19 endorsement.

20 Even if it is the policy of the  
21 Department, it's not stated anywhere. There is such  
22 confusion internally, if you look at the policies of  
23 the Department, that it is not unlikely that even if  
24 you were trying to do your very best, you would walk  
25 away from looking at the law and looking what's in

1 writing with, "I'm not sure what I have to have."

2 And it certainly -- it's even more  
3 affirmative than that. It's not just -- you know,  
4 it's not very clear, black and white. There is  
5 black-and-white language in policies of this  
6 Department, and very specific language in the  
7 regulation that exempts gifted educators from the  
8 requirements of the special education students.

9 In other words, the Public Education  
10 Department exempted from federal regulation, in the  
11 State regulations, the federal requirement of having  
12 highly qualified teachers provide special education  
13 programs. So if they wanted to, they should have  
14 amended the regulation addressing special education  
15 to include the required endorsement that they passed  
16 a regulation for in 2010, '11, or '12, somewhere in  
17 there.

18 So it's just not clear is my response.  
19 And in fact, I would argue there's enough guidance  
20 and policy statements out there, you'd walk away  
21 from it believing you don't have to have any special  
22 endorsement to be providing services to gifted.

23 So bottom line, the premise of the  
24 allegation against the school is that. These  
25 services -- all of the services the school

1 provided -- and they can definitely document and  
2 demonstrate they provided these services -- for  
3 which they were paid, and for which there -- and  
4 I'll let Ms. Myers address the allegations that were  
5 in the comments -- but overall, you know, they  
6 provided these services.

7 And so the allegation is -- from what I  
8 understand from this memo, is essentially, those  
9 services don't exist at all, because there's no  
10 endorsement. And so because there's no endorsement,  
11 everything that you did for those kids, every  
12 program you provided, every curriculum, every  
13 modification will not count; and so we're going to  
14 yank your money. And that's exactly what they did.

15 And so we're -- there's going to be an  
16 ongoing dispute about the budget. I understand  
17 that's not within your jurisdiction; but certainly,  
18 that's problematic for me.

19 So, again, today, we have not received  
20 anything in writing from the Charter Schools  
21 Division. But I guess they're still working with  
22 General Counsel to try to figure out where they're  
23 going.

24 So what we're asking of the Commission  
25 today is for you to rescind the corrective action

1 plan. It -- it already has ramifications. They've  
2 been contacted by people: "Oh, do you need some  
3 help with your special education program? We know  
4 you're on a corrective action plan."

5 I mean, these -- it's not taken lightly by  
6 the community out there when you hear a charter  
7 school is on a corrective action plan. It has -- it  
8 has its -- it has its ripple effect.

9 We'd ask for the Charter Schools Division  
10 to provide a response to the July 4th letter so that  
11 we're clear about what is the concern. Please  
12 provide it in writing, or otherwise retract the  
13 May 29 memorandum.

14 And we're ask- -- that's what the Charter  
15 Schools Division asks for. I understand that's not  
16 within your purview.

17 I'm going to ask that you allow Ms. Myers  
18 to respond and Mr. Henderson to comment.

19 We'd also ask for the Charter Schools  
20 Division to retract some of the statements made at  
21 the June 17th meeting, where there was definitive  
22 statements that they violated the law. And these  
23 were such -- and I think Mr. Pahl, if you recall,  
24 had to even apologize for how steadfast he was about  
25 the comments in defending the Charter Schools

1 Division, such that I think Mr. Carr's response was,  
2 like, "Oh, my, has there been fraud or malfeasance?"

3 And so those kinds of comments, I think,  
4 were -- I think Mr. Carr was probably coming back  
5 with his head spinning like, "Oh, my gosh. Do we  
6 have another" -- I'm not going to say the name --  
7 "situation?"

8 So also, that in the future, that the  
9 Commission have a policy that the Charter Schools  
10 Division give -- give these schools -- give this  
11 school, in particular, notice before -- and allow  
12 them to come before you before you impose a  
13 corrective action plan.

14 I think that I put in my letter that I was  
15 very concerned about an Open Meetings Act violation,  
16 and it appears there was some attempt to correct  
17 your agenda to address that, because there was no  
18 way for this school to know you were going to  
19 actually impose a corrective action plan that day.

20 And then going forward -- and you know I'm  
21 not trying to be hostile; that was not the intent  
22 for us to come here today -- it just feels like we  
23 needed to have the opportunity to set the record  
24 straight and have the opportunity to, going forward,  
25 working with the Charter Schools Division in good

1 faith and work with the Commission in good faith.

2 If, in fact, we walk away from an  
3 investi- -- you know, a review of all this  
4 information, discussions with the Charter Schools  
5 Division, with, most importantly, Special Education  
6 Bureau, who should be the entity that is overseeing  
7 special education and compliance, if we walk away  
8 with concerns, then we come back to you.

9 But having a corrective action plan on the  
10 table without any definitive violations I think is  
11 very harmful to the school.

12 So that's our primary ask for today is for  
13 the Commission to rescind that motion and allow me  
14 to work with the Department, the school to work with  
15 the Department, and figure out, "What -- what did we  
16 really need to do here. What is really the issue?"

17 MS. POULOS: I'm sorry, Madam Chair and  
18 Commissioners. I think at this point, can I just  
19 address a couple of things, which is CSD did make  
20 that recommendation after an investigation that was  
21 conducted not by CSD, but by Special Education with  
22 CSD staff present.

23 But, again, at this point -- and CSD has  
24 not communicated or responded to that July letter  
25 because that was a letter from counsel, and, thus,

1 PED's counsel is now responsible for those  
2 communications, and CSD cannot engage in those  
3 communications.

4 CSD is seeking the guidance of PED's  
5 counsel with regards to those findings. And I  
6 should say not just CSD, but, in fact, CSD with  
7 Special Education, because, again, Special Education  
8 was there conducting the audit. CSD staff was  
9 present and participated; but it was based on  
10 guidance with regards to what those requirements are  
11 that is from Special Education.

12 Those requirements are from Special  
13 Education. In fact, Special Education staff is here  
14 today. But at this point, because counsel is  
15 responsible at this point for those communications,  
16 and also is actively -- has actively stated that  
17 this issue, this matter, is one that they need to  
18 investigate further.

19 And so I just wanted to clarify that's  
20 where we are. And I think I'm not making the  
21 recommendation of rescinding or not rescinding, but  
22 agree that at this point, CSD does not believe  
23 anything can go forward with this because we do need  
24 legal advice from counsel.

25 THE CHAIR: Okay. Thank you.



1 Commissioner Bergman?

2 COMMISSIONER BERGMAN: Madam Chair, before  
3 we let the others speak, let me say this.

4 I agree with Ms. Matthews -- please don't  
5 have a heart attack -- particularly as to the  
6 corrective action plans. I've noted before that  
7 those are definitely a step up from an improvement  
8 plan. It is statutory, established by statute what  
9 is involved in a corrective action plan. And I  
10 believe that this Commission occasionally, in its  
11 zeal to be sure that we provide the first class  
12 oversight to the schools that fall under our  
13 oversight, that when we receive a report like this,  
14 our first reaction is, "Oh, wow, and we need to do  
15 something."

16 Well, I think perhaps, we may, in that  
17 zeal, get little ahead of ourselves sometimes when  
18 there's some kind of, especially here, the school  
19 disputes what PED is telling them. I think in those  
20 cases, before we jump in the middle of it, my future  
21 recommendation would be that we let the process play  
22 itself out, and when it's resolved, then we can get  
23 involved, if it is necessary for us to get involved.

24 I think we probably may have been a little  
25 premature on this one. That's my personal --

1 speaking personally now.

2 So I think we probably do need to back  
3 off. That would certainly be my recommendation.  
4 But we've got other Commissioners here. Thank you,  
5 Madam Chair.

6 THE CHAIR: All right. Let's hear what  
7 the other representatives of the school have to say.  
8 Then let's hear what our attorney has to recommend  
9 to us. And then we can discuss it a little further.

10 Will you all go ahead, please?

11 MS. MATTHEWS: May I correct the record --  
12 Ms. Shearman, I apologize for interrupting  
13 you.

14 May I just correct the record one more  
15 time? A, there was never a notice of an  
16 investigation. There was no investigation.

17 And B, there was never a formal notice of  
18 an audit.

19 And C, there has been no findings from  
20 Special Education Bureau to date.

21 So I just want that very clear on the  
22 record. If there have been findings, we'd like to  
23 see them in writing.

24 COMMISSIONER TOULOUSE: Madam Chair, I  
25 would also like to make one correction. I hate to

1 correct you, Ms. Matthews. But your governance  
2 council's chair name is "Langston."

3 MS. MATTHEWS: Did I stay "Henderson"?

4 COMMISSIONER TOULOUSE: You said  
5 "Henderson" twice; but I would like for Bruce to  
6 have his name correct.

7 MS. MATTHEWS: You know, Ms. Toulouse.  
8 This is my old brain going. Unfortunately, I wrote  
9 the name "Henderson" once, and it's done.

10 COMMISSIONER TOULOUSE: I understand it.  
11 And because I will not be able to participate in a  
12 vote on this school now, because I now have a -- the  
13 relative who was in La Promesa is now registered for  
14 this school. So I won't really be able to  
15 participate. But I did want to get Bruce's name  
16 correctly.

17 And I didn't mean to say anything against  
18 your brain, because mine is older than yours; so...

19 MS. MATTHEWS: I apologize.

20 THE CHAIR: Please go ahead.

21 MS. MYERS: Thank you. So I just wanted  
22 to take a moment to just address some of the items  
23 that were in the minutes.

24 And it's not with an intention of trying  
25 to be contentious or confrontational. But I really

1     feel like with the stuff that was said in the  
2     minutes, since we weren't here, I really feel like  
3     it's important that our side of some of that stuff  
4     is reflected in the current minutes here.

5             So on Page 90, there is a reference to  
6     that we couldn't be here for a scheduling conflict.  
7     And, again, I have to emphasize. I don't say this  
8     to try to cast stones or to cause issues. But I  
9     want to make it really clear -- and I think  
10    Ms. Matthews already addressed this -- but I want to  
11    reiterate.

12            We weren't notified. The only way I found  
13    out was opening an e-mail on that Friday evening  
14    when it first came out on June 12. And immediately  
15    that evening, I sent e-mails saying, "What is this?"  
16    I truly had no idea what it was.

17            And I got responses throughout the weekend  
18    that, "Hey, we'll talk on Monday."

19            So it was Monday that I was first  
20    informed that this is just about gifted endorsement.  
21    And it was referenced that, "This is not an 'I got  
22    you.' We just have to fix it."

23            At that time, truly, I'll be honest, I  
24    didn't even know that coming before you for this was  
25    some type -- I mean, I still knew that it was kind

1 of not good to be in front of you for something like  
2 this.

3 THE CHAIR: Ms. Myers, may I ask you a  
4 question?

5 MS. MYERS: Of course.

6 THE CHAIR: I don't have it in front of me  
7 right now. But I remember a memo -- an e-mail -- I  
8 think it was an e-mail --

9 MS. MYERS: Right.

10 THE CHAIR: -- from you --

11 MS. MYERS: Correct.

12 THE CHAIR: -- as I recall, asking that  
13 this item be taken off the agenda, because no one  
14 from your school could be in attendance. This was  
15 prior to the meeting; is that correct?

16 MS. MYERS: Not really -- well, yes and  
17 no. So let me clarify. Sorry. June 12th was when  
18 the public notice went out. I made contact with  
19 Charter Division via e-mail on that weekend. On  
20 Monday, I had a direct telephone conversation with  
21 Charter Division about this.

22 I had asked, after I kind of finally  
23 conceptualized, like, what this was about, I sent an  
24 e-mail to Charter Division saying, "Can you please  
25 request that this meeting is postponed, until" -- we

1       couldn't be here physically because I was in  
2       New York at a conference. Ms. Peña was in Florida.

3               THE CHAIR: That was prior to the meeting.

4               MS. MYERS: But that was the first  
5       notification we had that there was something.

6               THE CHAIR: I just wanted to get the time  
7       frame down.

8               MS. MYERS: I just wanted to clarify the  
9       conflict. I just wanted you guys to be aware, yes,  
10      we were notified a week in advance of the meeting.  
11      We couldn't be here. The conflict was we had  
12      already had professional development plans, not in  
13      New Mexico, and our board chair was not available,  
14      just to provide a little clarity.

15              And then, again, Ms. Matthews provided  
16      that. I wanted to add to that a little bit. And we  
17      did. We requested the delay of the meeting on that  
18      Monday -- I don't know what day that was -- Monday,  
19      June 16th. We were denied on the delay and stuff  
20      just because we felt that it was so important that  
21      we were here. But anyway, moving on.

22              Also, on Page 90, it makes reference --  
23      and again, Ms. Matthews addressed it, so I'm being a  
24      little redundant here -- but that, you know, there  
25      was a Special Ed audit. The e-mail and the

1 conversations were, "We're just visiting for special  
2 ed." So again, there was no notice to us that,  
3 "Hey, we've got a concern somewhere."

4 And subsequent to that, after the PEC  
5 meeting, I requested a special ed meeting, just to  
6 get clarity on what is this, and where is this  
7 coming from? And even in that meeting, I asked,  
8 "What flagged everybody that there was some concern  
9 that you were concerned about," and not just trying  
10 to hide anything, but more about, "Where did the  
11 concern come from," because if anybody would have  
12 flagged this, that, "Hey, we've got a concern," we  
13 would have been concerned and we would have jumped  
14 up and done something.

15 So I just want to put that out there,  
16 because I think saying an "audit" implies that we  
17 knew that there was an issue, and you're coming and  
18 you're looking at something.

19 Unh-unh. When that visit happened, that  
20 was a visit. There was some conversations in the  
21 visit about -- the gifted endorsement absolutely  
22 came up. And we made it clear, "No, here's what it  
23 says where we don't have to have the endorsement.  
24 We do provide services."

25 Because this was a back-and-forth

1 conversation about, "When you say we're not  
2 providing services, it makes it sound like we're  
3 taking money and not giving services. Please don't  
4 say that. You can say that the teachers don't have  
5 the endorsement; and they don't. And here's where  
6 it says we don't need that. But we do provide  
7 services."

8 So that conversation happened. But from  
9 our vantage point, this was a discussion; this was a  
10 dialogue. And they shared with us the gifted  
11 waiver, which I would like you to know, the gifted  
12 waiver, we could apply for this. And it's literally  
13 a piece of paper I submit to the State, and they  
14 sign off on it. And now those teachers are endorsed  
15 with a two-year endorsement.

16 I brought a copy of it.

17 So that's all that's involved.

18 And once they shared that, I was, like,  
19 "Well, we could do that." And then we could work  
20 with CNM. We, on our own, did that, just to work in  
21 good faith. Even though, again, we said, "There's  
22 nothing that requires that; but we don't mind doing  
23 it. Certainly, like, we'll work if it's going to  
24 help them to be better teachers," and things of that  
25 nature.



1           So I don't want to imply that we had no  
2     idea there was a -- but it was a dialogue. From our  
3     vantage point, this was a complete dialogue.

4           So the first notification that we got that  
5     this was a big concern was when that public notice  
6     went out. And you have to imagine our surprise when  
7     we saw ourselves on the public agenda, and then  
8     notifying the board saying "Hey, heads up," and  
9     people are asking, "What's this about?"

10           And my response is, "I don't know. I will  
11    let you know as soon as I hear something."

12           So then on Page 95 -- and,  
13    Commissioner Carr, like, I completely respect why  
14    you asked. I would, too. You've got to understand  
15    that that's why we -- we were so concerned, because  
16    we're, like, "This makes it look like we're just  
17    funneling money in and, like, using it how we want,  
18    when there's an implication in a memo that we're not  
19    providing services, but you're paying for it."

20           And then when we saw the minutes -- and,  
21    you know -- and Matt Pahl -- and I respect -- I  
22    don't have contentious relations; so I don't want  
23    this to come across as that way. But when he said,  
24    "We give the school money, and we expect them to use  
25    it properly," that just implies we're doing

1 something that we're -- so I completely respect and  
2 understand where your concern came from. But you've  
3 got to understand our concern, as a school, when  
4 that's out in the public minutes that it looks like  
5 MAS is just funneling, you know, \$150,000, and we're  
6 just spending it however we feel like, that didn't  
7 happen. Those children got service.

8 So at the risk of being obnoxious -- I was  
9 truly not trying to be obnoxious when we sent you  
10 that information via e-mail. We couldn't be here.  
11 And I felt so strongly that you can't just get a  
12 memo and read that at surface value and not have  
13 some type of response from us, and data.

14 I showed you the data, not to be  
15 obnoxious. I was not trying to -- people commented,  
16 "Yeah, there's a lot of stuff you said."

17 I was not trying to be obnoxious. I was  
18 trying to show you every kid, minus the names --  
19 these are the names --

20 THE CHAIR: Could I ask you something?

21 MS. MYERS: Of course.

22 THE CHAIR: Slow down a little bit.

23 MS. MYERS: "Slow down." I'm sorry.

24 THE CHAIR: I'm watching Cindy, and  
25 there's smoke coming --

1 MS. MYERS: I started slow. I can't help  
2 it. I'll slow down. Just do this. (Indicates.)

3 So -- and I won't go through the data and  
4 the numbers; but I brought it, and I promise I won't  
5 go through it all. But I want you to know, using  
6 Scholastics information -- this is not JoAnn's,  
7 just, arbitrary, "These kids made more than expected  
8 gains."

9 Our kids are making -- our gifted kids,  
10 just to, again, put the service out there, that they  
11 did get service -- six times expected growth, 1.75  
12 times expected growth, 4.8 times expected growth.  
13 2.5 times expected growth. 2.7. 4.3. 9 times.  
14 I'll stop. I'll slow down.

15 My point is we truly weren't trying to  
16 send that to be obnoxious. We sent that because we  
17 wanted to show you, these kids got services. You do  
18 not make gains like this without getting it. These  
19 aren't arbitrary numbers I made up. This comes from  
20 Scholastics Technical Manual. You look at the  
21 child's lexile, their grade level, and that will  
22 tell you how many gains should this child make in  
23 one academic year.

24 I can show you kid after kid where the  
25 gains are substantially higher, which is -- again, I

1 sent it to you for the purpose to provide some  
2 evidence, since we couldn't be here to speak, that  
3 our children did get service, and they made huge  
4 gains, far more than what is expected for those kids  
5 to make.

6 So then the -- so anyhow, that was the  
7 part about Page 95 that was very alarming to us to  
8 read something like that. And again, I fully  
9 respect why you ask. I would have, too. That's why  
10 we questioned it. And we're, like, "Wow, this does  
11 not look good for us."

12 Then on Page 100, Charter Division  
13 referenced pulling our policies. And our policies  
14 specifically state -- we have our policies. We  
15 turned them over to Ms. Matthews, just to look, to  
16 say, "Are we missing something somewhere that we're  
17 not following? There's nothing in there that says  
18 our teachers must have a gifted endorsement."

19 We provide gifted services. And it's not  
20 that we're trying to get around anything. It's  
21 clearly stated that you don't need it, which is why  
22 we do it with special ed teachers. So there are  
23 teachers, special ed teachers, that are providing  
24 the service. They just don't have the endorsement.

25 And, again, even though Ms. Matthews

1 clarified it's clearly in the law that you don't  
2 need this, we'd be willing to get it. If it's going  
3 to help to make them better, we don't have a  
4 problem. What we have a problem is having a  
5 corrective action claiming that we broke some law,  
6 having money taken from our budget saying we didn't  
7 provide service, and then having stuff out in the  
8 public suggesting that we did something really bad;  
9 we did something wrong. That was our concern with  
10 that part.

11 The end. All right.

12 MS. MATTHEWS: Did you want to ask any --  
13 I guess you're going to hold questions?

14 THE CHAIR: We -- yes, I assume we will.

15 MS. MATTHEWS: Sorry.

16 THE CHAIR: I'm looking. We get mean  
17 around lunchtime.

18 MS. MATTHEWS: We don't want you to be  
19 mean.

20 MR. LANGSTON: Madam Chairman,  
21 Commissioners, I don't want you to be mean, either.  
22 I, actually, as you can see, have a few things that  
23 I wanted to go over. But at the end of the day, the  
24 information that needs to be out, I think is now  
25 out. I think that counsel and Ms. Myers were able

1 to convey our position.

2 There's just some things that you have to  
3 stand up, and you have to speak against. We are  
4 very interested in having a great relationship with  
5 the Charter Division, PED, everyone. This isn't a  
6 matter of trying to be contentious, to use -- or, to  
7 echo Ms. Myers, it's a matter of you have to stand  
8 up for what's right when it's right.

9 These kids are getting service. These  
10 kids are excelling under this service. And if the  
11 question is we're going to either slice some of  
12 these kids out and say, "You don't get this  
13 service," or the question is, is, "We don't like the  
14 way you're doing the services," I don't think it's  
15 against the law to be different.

16 And that's really what the -- the bottom  
17 of the accusation is. We do it differently. But  
18 it's effective; it's working, okay? And it's within  
19 compliance of the law, as far as any of us can see.

20 So I don't know -- I really don't know how  
21 we got here. But I think the recommendation both  
22 from PED and our counsel is the right thing that  
23 needs to happen. It's the fundamental equity,  
24 fairness, that needs to happen for us to go back,  
25 sit down, and figure out what we both are talking

1 about here; because we don't know.

2 And I'll stop there. Thank you, ma'am.

3 THE CHAIR: Thank you. Okay.

4 MS. MATTHEWS: I don't have any more,  
5 Mrs. Shearman. I know you're looking at me. "she's  
6 going to say something else." I promise.

7 THE CHAIR: Before we go to questions, I'd  
8 like to hear from Josh on what his thoughts and  
9 recommendation would be.

10 MR. GRANATA: Madam Chair, Commissioners,  
11 first I'd like to say that at the last meeting, it  
12 was my understanding -- and I think the Commission's  
13 understanding -- that the school was put on notice.  
14 And obviously, there is some issue as to what that  
15 notice was and whether the school was provided  
16 adequate notice.

17 At this time, considering the fact that  
18 there's uncertainty regarding the law that hasn't  
19 really been settled, what I would recommend to the  
20 Commission is actually to rescind the motion. I  
21 think that the school has been put on notice that  
22 there is a concern, both by CSD and the Commission.  
23 I think that procedurally, pursuant to the relevant  
24 section of the Charter School Act, that the school  
25 and CSD are working to remedy the problem.

1           And so until the Commission hears from PED  
2    regarding their understanding of the law for  
3    providing special ed services to those gifted  
4    students, I recommend that the Commission rescind  
5    the motion, and the parties work together to try to  
6    solve the problem to go forward.

7           THE CHAIR: Thank you. Now,  
8    Commissioners, do you have questions?

9           Commissioner Carr?

10          COMMISSIONER CARR: I'll be quick, because  
11   my name was invoked so many times.

12          The -- when Matt Pahl gave that report,  
13   you know, it was, like -- I'm glad I asked the  
14   question, because if I hadn't asked the question,  
15   Matt wouldn't have actually pulled back a little  
16   bit; because he -- I think he didn't realize what it  
17   was sounding like.

18          And so now, we've got a very important  
19   question clarified, and you guys made a fantastic  
20   case. And I think we should do what our attorney  
21   recommended -- recommends.

22          THE CHAIR: Any other -- Commissioner  
23   Gipson?

24          COMMISSIONER GIPSON: I certainly agree on  
25   the rescinding. But I think there is an outside



1 issue of a clarity on giving notice. I think we  
2 have to take a greater look at that.

3 THE CHAIR: I thought we did.

4 COMMISSIONER GIPSON: I know. I know.  
5 But obviously, there's a black hole there; so that  
6 that's only fair to -- to all parties involved that  
7 there be reasonable notice, and that you're made  
8 aware that there's -- so that, I think we need to  
9 look at that.

10 THE CHAIR: Commissioner Armbruster?

11 COMMISSIONER ARMBRUSTER: I concur with  
12 Ms. Gipson. And I also -- this is just a general  
13 comment and not specific to you at all. But it  
14 seems that numerous schools have issues with special  
15 ed. And I don't know, like -- they've been there  
16 from three years or whatever, three or four years.  
17 And I'm almost -- and I hate to say this to you,  
18 Julie, because it's, like, let me give you one more  
19 thing to do -- but it's almost like the special ed  
20 was just like the biggy -- it's a biggy even finding  
21 teachers; it's a biggy even because it's a federal  
22 program -- at least the disability -- not so much  
23 the GATE -- but that somehow, when we are looking at  
24 these schools, somehow like within the first month  
25 that they're in operation, maybe we need to see if

1     they actually have special ed there; because if they  
2     go for years, which they have -- which MAS has --  
3     that doesn't seem as expeditiously -- how do I want  
4     to say that? -- it's just -- it just seems like why  
5     are we waiting three years to find this out, in a  
6     sense? You know what I mean?

7             And we've had the whole thing with the  
8     special ed in other schools, more on the disability  
9     area. So I don't know how to do that. But somehow  
10    it seems like when we look at any school, we should  
11    be looking to see if that special ed part is there,  
12    because it's a pretty huge part of the -- of  
13    everything.

14            And I don't know how to do that. And I'm  
15    so sorry, Julie, to say that to you, because --

16            MS. POULOS: Commissioner Armbruster,  
17    Commissioners, we have -- and I believe it was  
18    mentioned at the last meeting, but I'm not quite  
19    sure so, I just want to reiterate if it was, or  
20    mention it if it wasn't. CSD is planning to -- to  
21    implement a new first-year monitoring protocol,  
22    which would include visiting the school within the  
23    first month of operation to ensure everything is  
24    going smoothly, that everything is looking good and  
25    that all of those important things are in place.

1           And so that will be happening. And  
2           probably in October, we will be bringing a report to  
3           the Commissioners so that they know how those visits  
4           went and providing notice to the school after the  
5           visit about any findings, giving them an opportunity  
6           to take care of those, so that we can move them  
7           forward expeditiously and with notice and in the  
8           proper ways.

9           COMMISSIONER ARMBRUSTER: And one more  
10          thing -- and I don't know how to do this, either.  
11          I'm sure it's way above my pay grade. But, you  
12          know, there's levels of concern and Schools of  
13          Concern and -- Schools of Concern.

14          And I'm not sure how to -- it's a language  
15          thing. It's not an issue; it's a language thing.  
16          And I'm looking at what you gave us that was on my  
17          thing here. But I can understand that if I were a  
18          parent at any school, and I read, "Oh, my gosh. My  
19          school is a School of Concern," that it might alarm  
20          me. So I don't know how -- I don't have the answer  
21          to that. I'd love to just give it to you.

22          MS. POULOS: Actually, on my notes here on  
23          action steps out of this meeting, one of those is  
24          some communication with Mr. Granata, and then a memo  
25          of some sort out of his office or mine of how CSD

1 thinks we should be using these, and how we're using  
2 them as a statutory basis for what we're doing  
3 moving forward. So I'll certainly plan to bring  
4 that to the Commissioners at the next meeting so  
5 that we can take care of that concern quickly, also.

6 COMMISSIONER ARMBRUSTER: Thank you.

7 THE CHAIR: Commissioners, you've heard  
8 the recommendation from our attorney. What I'm  
9 hearing said around the table -- it seemed like  
10 everyone thinks that is the direction we need to go,  
11 unless someone has a different idea and also will  
12 bring that forward now.

13 I think it's time for a motion that we do  
14 that, and let's take action on this issue and bring  
15 it to closure at this point.

16 Would anyone care to make that motion?

17 Commissioner Bergman?

18 Commissioner Gipson?

19 COMMISSIONER GIPSON: Madam Chair, I move  
20 to rescind the June 19th, 2015, decision of the  
21 Public Education Commission to require Mission  
22 Achievement and Success to complete a corrective  
23 action plan.

24 THE CHAIR: Josh, is that sufficient?

25 MR. GRANATA: That's great.

1 THE CHAIR: You've heard the motion. Do  
2 we have a second?

3 COMMISSIONER ARMBRUSTER: (Indicates.)

4 THE CHAIR: Motion by Commissioner Gipson,  
5 second by Commissioner Armbruster, as noted on the  
6 official record.

7 Is there further discussion?

8 COMMISSIONER TOULOUSE: Madam Chair,  
9 remember, I'm recusing from this?

10 THE CHAIR: All right.

11 COMMISSIONER GIPSON: Six degrees of  
12 separation.

13 THE CHAIR: Hearing no further discussion,  
14 knowing that Commissioner Toulouse is not going to  
15 vote on this issue, Commissioner Bergman, may we  
16 have a roll-call vote?

17 COMMISSIONER BERGMAN: Commissioner  
18 Armbruster?

19 COMMISSIONER ARMBRUSTER: Yes.

20 COMMISSIONER BERGMAN: Commissioner Carr?

21 COMMISSIONER CARR: Yes.

22 COMMISSIONER BERGMAN: Commissioner  
23 Chavez?

24 COMMISSIONER CHAVEZ: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Gipson?

2 COMMISSIONER GIPSON: Yes.

3 COMMISSIONER BERGMAN: Commissioner

4 Toulouse abstains.

5 Commissioner Conyers?

6 COMMISSIONER CONYERS: Yes.

7 COMMISSIONER BERGMAN: Commissioner

8 Bergman votes "Yes."

9 Commissioner Shearman?

10 THE CHAIR: Yes.

11 COMMISSIONER BERGMAN: Madam Chair, that  
12 is a seven-to-zero vote, with one abstention, in  
13 favor of that motion.

14 THE CHAIR: Thank you very much. The  
15 motion passes. We will monitor this and keep in  
16 close contact and see where legal takes us. Thank  
17 you very much.

18 MS. MYERS: Thank you.

19 MR. LANGSTON: Thank you.

20 THE CHAIR: Commissioners, let's take  
21 lunch. I'm hearing that said. How long do we want?  
22 An hour? Thirty minutes?

23 COMMISSIONER TOULOUSE: Forty-five.

24 COMMISSIONER BERGMAN: Let's do 45. Be  
25 back at 12:15 or something.

1 THE CHAIR: 12:15?

2 COMMISSIONER BERGMAN: Or 1:15.

3 THE CHAIR: We'll be back at 1:15. We're  
4 in recess.

5 (A recess was taken at 12:24 p.m., and  
6 reconvened at 1:16 p.m., as follows:)

7 THE CHAIR: Ladies and gentlemen, we are  
8 back in session. We are at Item -- Agenda Item 7B,  
9 which is Anthony Charter School.

10 Katie?

11 MS. POULOS: Madam Chairwoman,  
12 Commissioners, Anthony Charter School is on the  
13 agenda, not as a School of Concern, but simply as an  
14 agenda item.

15 This was a school that the PEC voted not  
16 to renew at the December 10th, 2014, Commission  
17 meeting.

18 On May 8th, Judge Mathew granted a stay to  
19 Anthony Charter School pending the appeal that was a  
20 stay of the closure. The effect of the stay was  
21 that the school would not be closed until the appeal  
22 was resolved.

23 PED Office of General Counsel is  
24 communicating with the charter school and their  
25 counsel, and CSD does not have any additional update

1 at this time.

2 THE CHAIR: Thank you for that. Any  
3 questions?

4 All right. Let's move on to Item C,  
5 Notice of Charters Looking for a New Facility. And  
6 I know you have one, which is Taos Integrated School  
7 of the Arts.

8 MS. POULOS: And there are no other  
9 updates, besides that school is looking for a  
10 facility.

11 THE CHAIR: They're just looking.

12 MS. POULOS: That's correct.

13 THE CHAIR: Okay. Thank you. Item D is  
14 Report on New Charter School Applications.

15 MS. POULOS: So on this report, we wanted  
16 to give the Commissioners an update on the new  
17 application process. Applications were received on  
18 July 1st. Our application reviewer teams, which  
19 include internal CSD staff, external business  
20 managers, and external educators, are in the process  
21 of reviewing those applications, preparing --  
22 they've reviewed them individually. They are coming  
23 to a team consensus on their evaluations of those  
24 written applications, and they will be preparing for  
25 the capacity interviews, which will be taking place,



1 I believe, next week and the week after, the week of  
2 the 27th and maybe the first week of August.

3 In your materials, CSD has provided the  
4 Commissioners with a draft new application time line  
5 that includes some of the important dates for the  
6 Commissioners to be aware of. That includes the  
7 submission deadline, the distribution of the new  
8 applications to the Commissioners, the dates of the  
9 capacity interviews, the date that the preliminary  
10 analysis will be provided to both the PEC and to the  
11 applicants, the date of community input hearings,  
12 the date the final analysis and recommendations will  
13 be provided to the PEC, and the date of the PEC  
14 hearings.

15 I believe the Commissioners felt that this  
16 was an important part of the process that they  
17 needed to approve these dates. Specifically, I  
18 think, the ones that were not previously approved as  
19 part of the new application packet approval are the  
20 dates of the preliminary analysis and the final  
21 analysis. All other dates were previously part of  
22 that. And language is provided for the  
23 Commissioners on Page 8 of Item 7 to approve that  
24 time line.

25 The other piece that I wanted to provide

1 the Commissioners is an update on the dates of the  
2 community input hearings. I have worked with  
3 Commissioner Bergman and the Executive Committee to  
4 provide dates for those hearings. Currently, the  
5 proposed schedule is that on Monday, August 18th, we  
6 would --

7 THE CHAIR: 17th, Katie.

8 MS. POULOS: I'm sorry. August 17th, the  
9 Commissioners would hold two public hearings, one in  
10 Gallup and one in Grants or Laguna. The next day,  
11 Tuesday, August 18th, there would be three hearings  
12 in Albuquerque. On Wednesday, August 19th, there  
13 would be the PEC meeting, as well as potentially  
14 negotiations on frameworks that needed to be  
15 renegotiated.

16 Then on Thursday, August 20th, there would  
17 be two hearings, one in the morning in Deming, one  
18 in the afternoon in Silver City.

19 And then on Friday, August 21st, another  
20 one in Deming.

21 COMMISSIONER GIPSON: So we have two in  
22 Deming?

23 MS. POULOS: Yes, there are two schools  
24 that are proposing to be located in the Deming  
25 school district. And so both of those hearings

1 would be held in Deming, for purposes of location,  
2 travel, as well as having a good site to hold a  
3 hearing.

4 COMMISSIONER BERGMAN: They will be on  
5 different days, though.

6 COMMISSIONER GIPSON: Right.

7 COMMISSIONER BERGMAN: We'll have one in  
8 the morning in Deming. And then we'll drive to  
9 Silver City -- I understand it's about an hour and  
10 15-minute drive. We'll do that one in the  
11 afternoon, come back. That way we can all leave  
12 from Deming in the morning and can all leave from  
13 there. That's why we did it that way.

14 THE CHAIR: Just a couple of notes that I  
15 have. This document of August the 17th, the week of  
16 August 17th, for the input hearings trip, is still  
17 in the works, because locations have to be found for  
18 all these hearings, hotels suggested, where called  
19 by the staff may get a special rate on rooms, and we  
20 need to know that.

21 We also need to know which Commissioners  
22 plan to attend which hearings. We need to have at  
23 least three Commissioners at each and every hearing.  
24 If we have more than that, that's fine. We can have  
25 a quorum. We can have everybody there.

1           So we need to know that. So if you would  
2       communicate that with Beverly, to let her know which  
3       hearings you plan to attend, which days, and then  
4       we'll get the rest of the information with Katie,  
5       and we'll put that all together, we'll work through  
6       Katie and Beverly on that.

7           MS. POULOS: And, Commissioner, to  
8       facilitate the other Commissioners being able to  
9       determine whether or not they want to participate,  
10      would you like me to send out a preliminary schedule  
11      with the school names, school districts, and the  
12      location, city-wise? Not exact address?

13           COMMISSIONER BERGMAN: Once you have all  
14      the venues, please.

15           MS. POULOS: Should we do it before we  
16      have the venue? Because we have the cities.

17           COMMISSIONER ARMBRUSTER: Just what you  
18      have would be nice.

19           THE CHAIR: I think that would be a good  
20      idea. But, like "Grants/Laguna" is not definite  
21      enough.

22           MS. POULOS: And that one, I will actually  
23      have an address, because the school -- it will  
24      potentially be the location where the school is  
25      proposing to be located. So I've got that.

1 COMMISSIONER BERGMAN: I think it's going  
2 to be on the Laguna Pueblo. It's not really going  
3 to be in Grants.

4 THE CHAIR: Yeah. The more information we  
5 get so that everyone can make informed decisions,  
6 the better off we'll be. But just remember, we've  
7 got to have at least three people at every hearing;  
8 so please try to arrange your schedules.

9 Commissioner?

10 COMMISSIONER CONYERS: How much advance  
11 notice do you need whether we will be there or not?

12 THE CHAIR: If we get in a tight spot  
13 where we don't have three, I'll start calling. But  
14 other than that, you know, you can tell us at the  
15 last minute that you're going to show up.

16 COMMISSIONER CONYERS: As I mentioned, I'm  
17 subject to jury duty the month of August; so I won't  
18 know.

19 THE CHAIR: If you will be in addition to  
20 the three, that will be great. But it's not -- so  
21 this information will be coming probably more than  
22 once.

23 The other thing we do need to formally  
24 adopt is time frame. We do that every year so that  
25 the dates are pretty well formalized so that

1 everybody knows when stuff's going to happen.

2 So you got the draft of the new  
3 application, time line for 2015, in front of you.  
4 If someone would like to make a motion to approve or  
5 accept this, I'd appreciate it.

6 Commissioner Chavez?

7 COMMISSIONER CHAVEZ: I'll make the  
8 motion. I move that we accept the time line, as  
9 it's laid out in the draft document.

10 THE CHAIR: Thank you. Do we have a  
11 second to Commissioner Chavez' motion?

12 COMMISSIONER CARR: Second.

13 THE CHAIR: Motion by Commissioner Chavez,  
14 second by Commissioner Carr, to approve the new  
15 application time line draft for 2015, as presented.

16 Any discussion?

17 All those in favor, please say "Aye."

18 (Commissioners so indicate.)

19 THE CHAIR: Anyone opposed, please say  
20 "No."

21 (No response.)

22 THE CHAIR: Okay. This is our calendar  
23 for the remainder of this cycle.

24 Is there anything else -- oh, I know. One  
25 other thing, kind of just a housekeeping thing.

1     Katie, I have the script for the hearings that the  
2     Chair always reads and goes by. But we will need  
3     handouts and a sign-up sheet for each one of those  
4     hearings. The sign-up sheet is for people who want  
5     to speak.

6             And I believe Linda Olivas did that last  
7     year, so she probably has it. And then the handouts  
8     are for people to pick up that have contact  
9     information if they want to send in further  
10    information after the hearing. It has the website  
11    address and so on; and I believe Linda also has  
12    that.

13            But we need both of those for both -- for  
14    all the hearings.

15            Commissioner?

16            COMMISSIONER BERGMAN: Since the Chair  
17    mentioned the script, these are scripted. They're  
18    scheduled to last 90 minutes. They run on a time  
19    line, just like when we vote on the applications and  
20    stuff. They sometimes do run over -- a few have run  
21    over -- it depends on how many questions we, as  
22    Commissioners -- sometimes we ask a lot of  
23    questions; sometimes we don't. It just varies from  
24    group to group.

25            But you can normally figure about an hour

1 and a half, and then we schedule about a half an  
2 hour in between, if they're in the same location.  
3 That's the way it works. I wanted the new  
4 Commissioners to know that.

5 COMMISSIONER ARMBRUSTER: But we get to  
6 eat, too?

7 COMMISSIONER CARR: Didn't used to.

8 THE CHAIR: Okay. Then let's move on to  
9 Item No. 8, Discussion and Possible Action on  
10 Acceptance of 2015 New Charter School Applications.

11 Katie, I'm going to defer to you on this  
12 one.

13 MS. POULOS: Madam Chair, Commissioners,  
14 the table in your materials, on Page 1 of Item 8,  
15 identify the application submissions that CSD  
16 received on July 1st. It provides information  
17 regarding the application process benchmarks for  
18 each of the submissions.

19 CSD received nine submissions on July 1st.  
20 Eight of those submissions, as you'll see in that  
21 table in your materials, met the requirements of  
22 submission -- of notice of intent to apply to both  
23 the Commission, and then providing evidence to CSD  
24 of that same notice to the school district in which  
25 they intended to be located, prior to the statutory



1 deadline of the second Tuesday of January, which  
2 this year, was January 13th.

3 Eight of those schools also complied with  
4 the statement that's on Page 5 of the Part A of the  
5 new charter school application kit that states,  
6 "Attendance at technical assistance workshops are  
7 mandatory for new applicants."

8 Those technical assistance workshops were  
9 provided in March, April, and May.

10 One of those applicants -- I'm sorry.  
11 Aside from those eight applicants, there was one  
12 additional applicant. That applicant did not meet  
13 those two requirements; rather, on July 1st,  
14 submitted a notice of intent to apply to the Charter  
15 Schools Division. The Charter Schools Division has  
16 not received notice of proof of the district notice.  
17 And that submission, the individuals on that  
18 submission did not attend the technical assistance  
19 trainings as required, again, on -- in that  
20 statement on Page 5 of Part A of the new application  
21 kit.

22 CSD is presenting these applications to  
23 the Commission for their acceptance of the  
24 submissions or their rejection of those submissions.  
25 The first eight, again, met those requirements. And

1 then CSD is leaving to the Commissioners whether to  
2 accept or reject all of those; but wanted to  
3 identify the difference between the first eight and  
4 that ninth one that was identified.

5 Would you like me to read through the  
6 names?

7 THE CHAIR: Please read through the names  
8 of those schools that you are recommending for  
9 acceptance.

10 MS. POULOS: So the eight that met all of  
11 the requirements, as identified in this table, are  
12 Academic Opportunities Academy, Columbus Community  
13 School, Desert Willow School, Entrepreneurship High  
14 School, Six Directions Indigenous School, which was  
15 formerly identified as Gallup Intertribal Community  
16 School. New Mexico Gateway Academy, SAHQ Academy,  
17 and the STEAM Academy, which was formerly identified  
18 as -- and I'm going to mess this up -- Kawaik'a High  
19 School of Tradition and Technology.

20 COMMISSIONER CARR: Not bad.

21 MS. POULOS: The applicant that did not  
22 meet the requirements, as identified previously, is  
23 Southwest Institute of Science and Health. I  
24 believe there may be representatives from that  
25 entity here today.

1 THE CHAIR: Commissioners, I would  
2 recommend that we first direct your attention to  
3 those schools that -- or those applicants that have  
4 been recommended for acceptance by the Director.

5 COMMISSIONER ARMBRUSTER: Can I just get a  
6 clarification on one -- on one point? So when it  
7 says -- on these two -- one's STEAM and one's the  
8 Six Directions, like, they are schools now, and  
9 they're just changing their names, or they're not --

10 THE CHAIR: They would not be on this list  
11 unless they are a brand new application for a brand  
12 new school.

13 COMMISSIONER ARMBRUSTER: Oh, I see.  
14 Thank you.

15 MS. POULOS: They're applicants who  
16 between -- during the time between January and the  
17 submission, have been the same individuals -- have  
18 been the same -- all the material information has  
19 been the same. Simply, the proposed name has  
20 changed; but we wanted to make sure both of those  
21 names were identified.

22 COMMISSIONER ARMBRUSTER: Thank you.

23 THE CHAIR: You've heard the  
24 recommendation, Commissioners. Do you have any  
25 discussions or questions on the ones being

1 recommended for acceptance?

2 Hearing none, the Chair would entertain a  
3 motion on those named schools.

4 Commissioner Bergman?

5 COMMISSIONER BERGMAN: (indicates.)

6 COMMISSIONER GIPSON: The man of few  
7 words.

8 COMMISSIONER BERGMAN: Thank you,  
9 Madam Chair.

10 Madam Chair, I would move that the -- my  
11 brain just went south. Yeah, it's not that -- I'll  
12 start over.

13 Madam Chair, I move that the Public  
14 Education Commission accept the applications of the  
15 following prospective charter schools: Academic  
16 Opportunities Academy, Columbus Community School,  
17 Desert Willow School, Entrepreneurship High School,  
18 Six Directions Indigenous School, New Mexico Gateway  
19 Academy, SAHQ Academy, and The STEAM Academy.

20 THE CHAIR: Thank you. You've heard the  
21 motion. Do we have a second?

22 COMMISSIONER CARR: Second.

23 THE CHAIR: Motion by Commissioner  
24 Bergman, seconded by Commissioner Carr, to accept  
25 the applications of the named schools.

1 Is there any discussion?

2 Commissioner Bergman, may we have a

3 roll-call vote?

4 COMMISSIONER BERGMAN: Commissioner Carr?

5 COMMISSIONER CARR: Yes.

6 COMMISSIONER BERGMAN: Commissioner

7 Chavez?

8 COMMISSIONER CHAVEZ: Yes.

9 COMMISSIONER BERGMAN: Commissioner

10 Gipson?

11 COMMISSIONER GIPSON: Yes.

12 COMMISSIONER BERGMAN: Commissioner

13 Toulouse?

14 COMMISSIONER TOULOUSE: Yes.

15 COMMISSIONER BERGMAN: Commissioner

16 Conyers?

17 COMMISSIONER CONYERS: Yes.

18 COMMISSIONER BERGMAN: Commissioner

19 Bergman votes "Yes."

20 Commissioner Shearman?

21 THE CHAIR: Yes.

22 COMMISSIONER BERGMAN: Commissioner

23 Armbruster?

24 COMMISSIONER ARMBRUSTER: Yes.

25 COMMISSIONER BERGMAN: Madam Chair, that

1 is an eight-to-zero vote in favor of that motion.

2 THE CHAIR: Thank you. The motion passes  
3 unanimously.

4 Now, we'll take up the Southwest Institute  
5 of Science and Health. If there's anyone here  
6 representing that application that would like to  
7 come to the table, you're welcome to do so.

8 Katie, does CSD have anything else?

9 MS. POULOS: Other than the information  
10 provided, CSD does not have any additional  
11 information.

12 THE CHAIR: Thank you. If you all would  
13 please identify yourselves?

14 MR. MONTAÑO: Madam Chair, Honorary  
15 Commissioners, my name is Jacob Montaña, and I am --  
16 Jacob Montaña. And I am one of the founders for the  
17 Southwest Institute of Science and Health.

18 MR. IVEY-SOTO: Madam Chair,  
19 Commissioners, Daniel Ivey-Soto, counsel for  
20 Southwest Institute of Science and Health, also  
21 known as SWISH.

22 THE CHAIR: Okay. Do you have a  
23 statement, or are you standing for questions?

24 MR. IVEY-SOTO: I have a couple of things  
25 I'd like to say, if we may, on behalf of the school.

1           And before I do, to lessen any confusion  
2   between another school that existed until recently  
3   in the Santa Teresa area and this school, I am going  
4   to do my best to refrain from using the term "we,"  
5   so that it's clear who one is speaking of.

6           The other thing is, I do just want to  
7   point out that I recognize that sometimes I get a  
8   little excited when testifying. And -- and I  
9   have -- I'm not intending any disrespect by that.  
10   And I have learned that I have an instant -- a  
11   meter, if I look over at Commissioner Toulouse, who  
12   will let me know to lower my voice.

13           When I was a department chair at Manzano  
14   High School, there was a request by the -- by the  
15   parents to change final exams from being over two  
16   days to being over three days. And -- and the  
17   school restructuring council considered that  
18   request. And I also sat on the school restructuring  
19   council as the representative of the National  
20   Federation of Teachers. And we worked out all of  
21   the problems.

22           There were issues with the bus schedule;  
23   we worked those out. There was issues with funding;  
24   the parents raised the money. There were issues  
25   with the contract, which were resolved, in order to

1 allow this to happen. And in the end, the school  
2 administration at Manzano just looked at us at the  
3 end and said, "You know what? We're just not going  
4 to do this."

5 I recognize that "won't" is a higher  
6 burden to overcome than "can't." Nonetheless, I  
7 would like to see if we can do that here,  
8 understanding the hurdle that we have to overcome,  
9 which was expressed most recently by the fact that  
10 you just -- just adopted a final schedule of  
11 visitations that did not include our community.

12 The -- so the first issue is, I think --  
13 now, let me try to dispose of this -- is that -- is  
14 attendance at the technical meetings. That is not,  
15 as a matter of law, a requirement. That is, as a  
16 matter of policy, a requirement. But attendance at  
17 those technical meetings does not exist in statute  
18 and does not exist in administrative rule. So that  
19 is -- so our failure to do that did not violate any  
20 law and is not an impediment to the consideration of  
21 the application, even if it may have violated a  
22 policy of what is preferred.

23 So then the question becomes why did we  
24 not file the notice of intent to have a charter  
25 school back in January, and why did -- why did



1 SWISH -- excuse me -- not file a notice of intent to  
2 have a charter school back in January, and under  
3 what circumstances could this Commission choose to  
4 accept that without opening the floodgates and  
5 undoing the -- that expectation?

6 And I refer to it as an expectation,  
7 because what the law says in 22-8B-6B, is it does  
8 say -- in fact, the first sentence -- "No later than  
9 the second Tuesday of January of the year in which  
10 an application will be filed, the organizers of a  
11 proposed charter school shall..." -- used the word  
12 "shall" -- "...provide written notice to the  
13 Commission and the school district in which the  
14 charter school is proposed to be located of their  
15 intent to establish a charter school." period.

16 Now, if that were of the entire paragraph,  
17 we wouldn't even be sitting here right now. But  
18 there's one more sentence. That second sentence  
19 says, "Failure to notify may result in an  
20 application not being accepted."

21 So -- so when the Legislature adopted  
22 this, there was a definite "may" placed in there,  
23 which gives this Commission the authority to accept.

24 Now, why did SWISH not file a notice of  
25 intent? SWISH seeks to be a medical arts-themed

1 high school in the Santa Teresa area. The reason  
2 why is, in January of 2015, Health Sciences Academy  
3 did exist. Health Sciences Academy was a medical  
4 arts-themed high school in the Santa Teresa area.  
5 Health Sciences Academy had no notice that it might  
6 not exist until April. That creates what is known  
7 as the "Doctrine of Impossibility"; it was otherwise  
8 impossible to do -- to have complied that then.

9 So then we go to the question of what is  
10 the purpose of the notice of intent? The purpose of  
11 the notice of intent, on the one hand, offers a nice  
12 box on a form that, if not filled in, means the form  
13 should be rejected. What else does the notice of  
14 intent provide? I think functionally, what the  
15 notice of intent provides is it gives a clue to this  
16 Commission that people who submit an application in  
17 July -- at some point during June or by July 1st --  
18 actually were thinking about what it means to run a  
19 charter school.

20 They didn't wake up one morning and say,  
21 "Oh, I think we should get in the charter school  
22 business"; but instead, they were actually thinking  
23 about what it means to run a charter school.

24 In the case of SWISH, the people involved  
25 with SWISH know what it means to run a charter

1 school. The reason the people involved with SWISH  
2 know what it means to run a charter school is  
3 because many of the people involved with SWISH,  
4 candidly, were involved with Health Sciences  
5 Academy.

6 Now, this Commission made a decision at  
7 its last meeting, at the special meeting, to revoke  
8 the charter of Health Sciences Academy. And Health  
9 Sciences Academy has the opportunity, if it wants  
10 to, to file an appeal.

11 Health Sciences Academy, frankly was  
12 problematic from day one. We recognize that. Some  
13 of the founders of Health Sciences Academy -- and  
14 forgive me for speaking bluntly -- were corrupt and  
15 engaged in corrupt practices. And for all the work  
16 that the Health Sciences Academy community did after  
17 the April of 2017 [verbatim], between April and  
18 June, to try to rectify that situation, to try to  
19 clean up what happened, at the end of the day, it  
20 wasn't enough, because at the end of the day, this  
21 Commission, on a five-four vote, felt that a  
22 statement needs to be made that if -- if -- at least  
23 that's how I interpreted it -- that if a school  
24 engages in certain practices, that school shall not  
25 exist.

1 Understood.

2 Like I said, Health Sciences has the  
3 opportunity to appeal. The people who are focused  
4 on the children that were involved in Health  
5 Sciences Academy made the decision, instead of  
6 trying to relitigate the past, we would like to  
7 build the future. We would like to create a new  
8 school, the Southwest Institute for Science and  
9 Health, SWISH. And so those people got together --  
10 and this happened, actually, I will tell you, after  
11 the last governing council meeting that took place  
12 of Health Sciences Academy, before it went out of  
13 existence.

14 And at that last governing council  
15 meeting, there were over 90 members of the community  
16 who showed up. Now, those of you who have served on  
17 school boards, how often do 90 people show up to a  
18 school board meeting? And those people showed up  
19 begging for an opportunity, an educational option,  
20 in that community.

21 Faced with the choice of relitigate the  
22 past or building the future, we have so far made the  
23 decision that we want to build the future. And,  
24 thus, Health Sciences Academy has not, to date,  
25 filed a notice of appeal. But the Southwest

1 Institute of Science and Health has filed an  
2 application to become a charter school.

3 Now, one of the issues that came up,  
4 not -- in the hearing was the disruption of the  
5 education of 15 students who enrolled from Texas.  
6 This is -- I will -- well, I won't. I understand  
7 the concern that came to putting that in. But  
8 please recognize that closing the school -- even if  
9 the school needed to be closed, closing the school,  
10 Health Sciences Academy, has disrupted the education  
11 of 200 families.

12 And there are times you need to close a  
13 school; I understand. But what SWISH is asking for  
14 is the opportunity to lessen the disruption to those  
15 children's education, after a year, to have the  
16 opportunity to come back and provide the education  
17 that these families are so excited about and so  
18 desperate for.

19 It's interesting, the -- the -- the  
20 real -- I mean, I suppose, winner at this point, as  
21 far as we have been informed, is Connections  
22 Academy, because the families down there have made a  
23 decision. They're not going back to Gadsden. It's  
24 not a decision we've advised on. It's a decision  
25 they've informed us about. And they're seeking

1 another opportunity. And lacking a school in their  
2 community, they're looking for an online  
3 opportunity.

4 We'd like for them to have a real  
5 education with real classroom experience, not an  
6 online education experience. And that's what we  
7 want to provide for them: SWISH.

8 Let me answer a few issues that I have  
9 heard, either directly or indirectly.

10 There are some members -- not all  
11 members -- we have actually two Ph.D.'s on our  
12 proposed board, one who works at Doña Ana Community  
13 College, the other one that works at NMSU. There  
14 are some members of the governing council proposed  
15 that are holdovers from the governing council of  
16 HSA.

17 First of all, that is a matter that could  
18 be negotiated if this charter application were to be  
19 considered. But I will also tell you that those are  
20 the most cynical people on any decision that comes  
21 up. Those people don't take anyone's word for  
22 anything. They're not trusting of anyone at this  
23 point because of what happened to the Health  
24 Sciences Academy. Those are actually the people you  
25 want there.

1           Second of all, I -- other than my work and  
2     the work of Abby Lewis, everyone involved with this  
3     school, proposed school, SWISH, is in Doña Ana  
4     County, every single person. There is no one from  
5     outside that community who is working on this.

6           There was a question that came up a couple  
7     of meetings ago in another context about, "So how do  
8     people get paid as these things happen," certainly,  
9     in terms of appeals and this kind of stuff, and,  
10    "Does it come out of SEG, et cetera?"

11           I will have you know that right now, there  
12    is no money for everyone. Everyone is a volunteer,  
13    and that includes the lawyers.

14           There is a big difference between sitting  
15    out for one year and sitting out for two years. And  
16    the big difference between sitting out for one year  
17    versus two years is the disruption, though it may be  
18    necessary, to children's education is exacerbated by  
19    having a two-year hiatus of educational options  
20    versus a one-year hiatus of educational options.

21           Second, there are some practical  
22    considerations in terms of -- of the fact that there  
23    is a building that is E-rated, and that they're --  
24    given the real estate market, in one year, it may be  
25    possible to reacquire that facility in a fresh

1     lease; in two years, it will not be.

2             There is furniture that the PED is sitting  
3     on from HSA that they will have to redistribute. If  
4     there is the possibility of this school existing,  
5     SWISH, existing in that same community, it may be  
6     possible for SWISH, at an appropriate cost, to  
7     acquire that from PED, but at less than what the  
8     cost would be retail to repurchase everything brand  
9     new.

10            The distinctions between one year and two  
11    years are significant. But the main distinction  
12    goes back to children. This is child-centered.  
13    This is -- I understand the adult problems that led  
14    to the need, felt need of this Commission to close  
15    the -- close HSA. And that message has been sent,  
16    and that action has been taken. The question is  
17    what of the children and what of their education?

18            And you have a core group of people who  
19    are committed, who want to look at that issue and  
20    to -- and to be able to address it.

21            Finally, how are you not opening the  
22    floodgates? What makes us so unique?

23            Well, one thing that makes this group  
24    unique, SWISH, is that the core group involved with  
25    SWISH is the same core group that when they came



1 before this Commission as HSA in a hearing, did not  
2 deny, did not deflect, but admitted, the wrongdoing  
3 that had happened. That is unique, people who are  
4 able to look in the mirror and say, "We understand  
5 the problem."

6 Second of all, these are people who  
7 worked, that this Commission has seen, did the work  
8 they did between April and June -- although it was  
9 not sufficient -- to get that school into  
10 compliance.

11 So that's where you're not opening the  
12 floodgates. There's a uniqueness about that that  
13 allows this Commission to make that decision without  
14 committing yourself to other people.

15 But like I said, in the end, what we're  
16 trying to do is to build a future for these students  
17 and these families who have placed their trust in  
18 the education that they thought they were going to  
19 receive, that they were promised to receive, and  
20 they're not able to receive because adults behaved  
21 badly, and which we now, SWISH, would now like to  
22 fulfill that program.

23 Thank you.

24 THE CHAIR: Thank you.

25 Commissioner Bergman?

1 COMMISSIONER BERGMAN: I don't jump -- but  
2 I would like to clarify something that Mr. Ivey-Soto  
3 said at the beginning. The vote that we took was  
4 not on the hearing schedule. We have a time line  
5 that we follow each year that runs from now through  
6 the end of September. And that sets all the dates  
7 that CSD is going to give us various pieces of  
8 information. That did not include that hearing  
9 schedule. So we did not vote on that.

10 That -- so you have -- nobody's been  
11 excluded from that hearing schedule yet.

12 MR. IVEY-SOTO: Okay. And I appreciate  
13 that clarification. From the back seats, that was  
14 not evident.

15 COMMISSIONER BERGMAN: I wanted to clarify  
16 that. That was not what we voted on.

17 Thank you, Madam Chair.

18 THE CHAIR: Okay. Let's call on Josh  
19 next, please.

20 MR. GRANATA: Madam Chair, Commissioners,  
21 I'm going to -- I've already explained to the  
22 Commission, through a memo, some of the law that the  
23 Commission needs to consider. I'll just kind of  
24 briefly go over the portions that I think are  
25 relevant for this discussion.

1 I think what Mr. Soto has outlined is very  
2 accurate in terms of what the law is.

3 The Charter School Act, Section 22-8B-6  
4 Subsection B, states that, "No later than the second  
5 Tuesday of January of the year in which the  
6 application shall be filed, the organizers of a  
7 proposed charter school shall provide written  
8 notification to the Commission and the school  
9 district in which the charter school is proposed to  
10 be located of their intent to establish a charter  
11 school. Failure to notify may result in an  
12 application not being accepted."

13 And the important word for you to consider  
14 is the word "may." The Legislature gives this  
15 Commission discretion, so that if the notice of  
16 intent is not timely filed, there may be  
17 circumstances where the Commission will still accept  
18 that notice of intent.

19 The rule that was promulgated pursuant to  
20 that statute essentially copies that paragraph B.  
21 It's reflected in NMAC 6.80.4.1. It's called,  
22 "Notice of Intent to Establish a Charter School."  
23 It's listed as subsection C, and it basically says  
24 the same thing, except at the very end of the  
25 sentence, at the end, "Failure to provide timely

1 notification may..." -- again, the same word --  
2 "...result in an application being rejected, unless  
3 the organizers can demonstrate good cause why timely  
4 notification was not given."

5 And so your task today is to determine  
6 whether or not the reasons that were elicited by  
7 Mr. Soto are good reasons, or good cause, for why  
8 the notification wasn't timely.

9 THE CHAIR: Okay. Thank you.

10 Commissioners, do you have comments?

11 Commissioner Toulouse?

12 COMMISSIONER TOULOUSE: Madam Chair, I --  
13 as all of you probably know, I'm going to find what  
14 Mr. Ivey-Soto said probative for me in making  
15 decisions. I think he lined up most of the  
16 things -- because I have been concerned from the  
17 very beginning what's happening to 200 kids. But I  
18 would also like to ask for some information from  
19 Mr. Montaña about Gadsden Schools. What kind of  
20 career-technical education would these young people  
21 have available to them, as opposed to what they're  
22 losing now if they went back to those schools?

23 Because my impression is this school gave  
24 them hope of being educated for a job where they  
25 didn't feel they were going to get it. But am I

1 correct?

2 MR. MONTAÑO: Madam Chair, Honorary  
3 Commissioner, yes, ma'am, you are correct. I've  
4 been a -- or I was formerly administrator for the  
5 Gadsden Independent School District for  
6 approximately 12-and-a-half years before moving over  
7 to the charter side of the world in January of this  
8 last year at what's formerly known as the Health  
9 Sciences Academy.

10 What the Academy offered were career  
11 pathways and next steps, if you will, for students  
12 interested in the medical and health fields, from  
13 EMTs to nursing assistants to biomedical  
14 engineering, so on and so forth.

15 The Gadsden Independent School District,  
16 to my knowledge, does not offer that same type of  
17 career pathway. They do -- and I'm not speaking  
18 badly of the district for which I proudly served,  
19 and it's a great place to be -- but they do offer  
20 different pathways. But those pathways are very,  
21 let's say -- I want to say genuine, but not really.  
22 They're pretty much all the same for the students  
23 that attend there.

24 Specific to health, no, ma'am, there is  
25 not -- not to my knowledge.

1 COMMISSIONER TOULOUSE: Thank you. My  
2 point on asking that question had to do with the  
3 fact that, first, number one, we heard from the Carl  
4 Perkins folks today. They were having trouble  
5 getting kids into the health care -- young males  
6 into the health care. I mean, to me this is an  
7 issue.

8 But I'm not criticizing public schools.  
9 But I know that charter schools were set up to meet  
10 needs that are not met generally or not met in a  
11 specific way in a regular, large public school. And  
12 so it seems to me that my support for this school  
13 is -- because this does offer a hope for these  
14 people.

15 I spent 30 years in the Human Services  
16 Department. I know where these kids and their  
17 families are coming from. And I know what it can do  
18 when you offer them hope. I see that at Cesar  
19 Chavez High School in Albuquerque. I saw that when  
20 I was on the CNM Board, and people coming in there.

21 And I just hate to cut off an option for  
22 young people again. I don't -- as I said to another  
23 school earlier, "I don't care about the adults. I  
24 care about the kids."

25 When I worked in Human Services, I got in

1 trouble with my bosses a lot, because I'd say, "I  
2 don't care what this does for you folks in Santa Fe,  
3 if it makes it easier for someone in Santa Fe. If  
4 it's making it harder for my employees on the line  
5 and for the people whose benefits we're dealing  
6 with, then my job is to deal for those clients of  
7 the programs and for the frontline people who are  
8 delivering that service."

9 And I just feel like we have another  
10 chance; because I know -- we all know there were  
11 problems. I think that we probably made a huge  
12 mistake last summer when we had an emergency meeting  
13 and allowed that school to open when they had not  
14 been -- had everything lined up in their June  
15 meeting. We held a meeting on June 30th to do it.  
16 We made a mistake.

17 But I think we've closed the school. If  
18 the school's not going to appeal, then we've handled  
19 that problem.

20 I just -- I think these kids need another  
21 chance.

22 MR. MONTAÑO: If I may, Madam Chair,  
23 Honorary Commissioner, and to further support your  
24 point exactly, I returned -- we just had a rally  
25 where the parents of the school just had a rally

1 this last Wednesday at 7:00 across from the school  
2 in an open desert area. And they showed their  
3 support by signs to keep the school open; but more  
4 so that something like that was actually needed in  
5 that community and in that area.

6 And I implore you -- and I think I've  
7 asked you before, where I've invited you to please  
8 come down to that area, come and see where we're at,  
9 see the demographics. See where we're located.  
10 Give us an opportunity.

11 You know, since April 17th up until the  
12 last time I was here -- and I'm sure you're probably  
13 getting tired of seeing me; I look very familiar to  
14 you by now -- you know, it always seems like we've  
15 been one step behind with everything. And I've  
16 worked so hard since the time I got to the charter  
17 in cooperating, not only with the Public Education  
18 Department and the CSD, the Charter Schools  
19 Division, but also in coming here and visiting with  
20 you all and representing the school, and not going  
21 away.

22 I'm not going away now, either. That's  
23 how important it is. And I would just ask for your  
24 consideration in regards to at least -- you know,  
25 given the circumstances -- and we all know what the



1       circumstances were -- and believe me, if I would  
2       have known that some of the things going to happen  
3       would have happened, of course, I would have  
4       followed those time lines with the things that you  
5       have in place.

6               But I don't care to rehash what's in the  
7       past, but just to move forward and to offer  
8       something to a special group of students and a  
9       special community. Something like that is very,  
10      very, very much needed, I assure you.

11             Thank you.

12             THE CHAIR: Mr. Montaña, let me ask you a  
13      question. I know this school, because of your  
14      involvement, the people that are holdovers on the  
15      governance council and so on and so forth, there's a  
16      close -- there's a group of people involved in this  
17      that are very interested.

18             How many of the people from HSA would move  
19      over and be employed by SWISH? Would you, for  
20      example, be employed by SWISH?

21             MR. MONTAÑO: Yes, ma'am. I would be  
22      honored if they would have me, of course.

23             THE CHAIR: And what about others?

24             MR. MONTAÑO: Yes, ma'am.

25             MR. IVEY-SOTO: Melanie Beegle, and we

1 don't know beyond that.

2 MR. MONTAÑO: Melanie Beegle, ma'am, was  
3 my administrative assistant. And I really don't  
4 know beyond that. Due to the circumstances of our  
5 last meeting -- well, I had to let some people go,  
6 and rightly so. They needed to find jobs, ma'am.

7 THE CHAIR: But do you see them -- should  
8 SWISH be approved, you would expect them to come  
9 over and be -- at least apply and probably be  
10 employed?

11 MR. MONTAÑO: Oh, yes, ma'am, most  
12 assuredly.

13 THE CHAIR: Okay. Are you aware that  
14 there is -- I can't find it now. Help me find it,  
15 what I'm referring to. "The proposed head  
16 administrator or other administrative or fiscal  
17 staff was involved in another charter school whose  
18 charter was denied or revoked for fiscal management  
19 or the proposed head administrator or other  
20 administrators or fiscal staff were discharged from  
21 the public school for fiscal mismanagement," that is  
22 one of the reasons why the application could be  
23 denied? We're not talking about denying.

24 MR. MONTAÑO: Right.

25 THE CHAIR: But I am simply saying, should

1     that application go forward, those people cannot be  
2     part of the school, could not be part of that  
3     proposal, the way I read the law.

4             MR. IVEY-SOTO:  Chair Shearman, what we  
5     read in that is that is a cause for denying the  
6     application.

7             THE CHAIR:  That's what I said.

8             MR. IVEY-SOTO:  And we do agree that that  
9     would be cause for denying the application.  And --  
10    and if, in the negotiations, that were a sticking  
11    point, we would certainly respect the position of  
12    the Commission on that matter in terms of either  
13    finding a different head administrator, if the  
14    Commission were not comfortable with -- with a  
15    holdover head administrator, or -- or a denial of  
16    the application outright.

17            That is -- but that is -- so, yes, we are  
18    aware of that.  And -- and frankly, the feedback  
19    that we have gotten from -- as HSA was going through  
20    the -- through the process of leading up to the  
21    hearing, the feedback that HSA got with regard --  
22    from the PED with regard to Mr. Montañó was that --  
23    was that his presence was one of the only reasons  
24    they were willing to even consider entering the  
25    stipulations, because of the work that he'd done.

1           Now, that is a different consideration  
2           that this Commission will have to make. And we  
3           recognize that. We recognize the Commission may, at  
4           some point, say, "You have a choice. Either Montaña  
5           is involved, and we're going to deny you, or Montaña  
6           is not involved, and we'll continue to consider this  
7           application."

8           We recognize that.

9           THE CHAIR: Were you aware of that,  
10          Mr. Montaña?

11          MR. MONTAÑO: I was not, Madam Chair.  
12          But, again, to me -- and only to me -- that's not  
13          important. What's important, of course, is the  
14          students. They come first.

15          THE CHAIR: Thank you.

16          MR. MONTAÑO: Thank you.

17          THE CHAIR: Commissioner Bergman, did you  
18          have a question?

19          COMMISSIONER BERGMAN: I didn't have a  
20          question. I just wanted to remind my fellow  
21          Commissioners, there were seven or eight groups that  
22          sent a notice of intent in January to this  
23          Commission. And unfortunately, they did not follow  
24          the statute, and they did not notify the local  
25          school district. And you remember, we discussed

1 that in a meeting earlier this year. And this  
2 Commission did vote, and a letter was sent to every  
3 one of those saying that because they did not follow  
4 the statute, that they would not be allowed -- their  
5 applications would not be accepted because they did  
6 not follow the statute.

7 I just wanted to remind you of that.

8 Thank you, Madam Chair.

9 THE CHAIR: Thank you.

10 Katie, you had a comment?

11 COMMISSIONER GIPSON: Just -- I'm sorry,  
12 no. You go ahead.

13 MS. POULOS: Madam Chair, Commissioners, I  
14 wanted to clarify one thing on the point -- and this  
15 is a little late in replying -- but on the point  
16 that Mr. -- Commissioner Bergman made, but, also,  
17 Mr. Ivey-Soto. With regards to the schedule for the  
18 community input hearings, but also with regards to  
19 the ongoing review of the applications, part of how  
20 the CSD uses the notice of intent is to be able to  
21 plan its work, its need for external reviewers and  
22 those contracts.

23 And so since July 1st, CSD has gone  
24 forward with the plan it was able to make prior to  
25 that time, based on the notices of intent.

1 Certainly based on the Commission's decision, CSD  
2 will go forward, as appropriate, and will -- if the  
3 Commission accepts this application, will determine  
4 how to obtain the reviewers necessary and schedule  
5 the meetings necessary to -- to -- I'm sorry -- to  
6 review that -- that application, if it's accepted.

7 I think what CSD will need to do is seek  
8 some clarity from the Commissioners on how that time  
9 line should work. It will be a challenge to -- for  
10 that to occur within the time limit all other  
11 applications are going through.

12 But CSD will seek that guidance from the  
13 Commissioners, if necessary, based on their vote.

14 THE CHAIR: Thank for you that.

15 Commissioner Gipson?

16 COMMISSIONER GIPSON: I'm very aware of  
17 the needs of the area. I have walked many a street  
18 through that area. So my concern is, I understand  
19 the need for choice; but I'm also concerned about a  
20 good choice.

21 And I'm concerned about the hurried nature  
22 of putting this together. I know several of us said  
23 that we would be very comfortable if you came back  
24 before us next spring. But that this -- to me, just  
25 seems like it's too much too soon.

1           And I had significant concerns outside of  
2     the administrative issues, that, with the previous  
3     school, for half the year, special ed services were  
4     not provided. And I -- and to me, that's not a good  
5     choice. And if we're going forward with the same --  
6     virtually the same group, I have an issue with that,  
7     because if you're looking at choice, and you're  
8     looking at underserved, you're looking at a  
9     community with special ed students that are the most  
10    underserved.

11           And I have a deep concern over those that  
12    did -- were not provided the services for those past  
13    six months of the school.

14           THE CHAIR: Thank you, Commissioner.  
15    Other comments or questions?

16           Commissioner Carr?

17           COMMISSIONER CARR: Does CSD have a  
18    recommendation on this?

19           THE CHAIR: Yes, they made it.

20           You already made it? Did I miss -- did I  
21    space it out?

22           MS. POULOS: I think CSD has given the  
23    information to the Commissioners with regards to  
24    those -- those deadlines. Ultimately, this is the  
25    Commission's authority to determine whether they

1 want to -- my mind's going blank on the word -- but  
2 exercise that authority to waive or not require the  
3 statutory requirements.

4 Additionally, CSD, you know, doesn't feel  
5 that they can necessarily make a recommendation on  
6 whether there was a finding of good cause on the  
7 part of the Commissioners or not for the delay in  
8 providing that notice of intent, ultimately.

9 I think your attorney would probably  
10 advise you that we can't make that recommendation of  
11 whether it was good cause or not.

12 COMMISSIONER CARR: Okay. I'd like to --  
13 I mean, yeah, we can -- it may, in the statute. But  
14 I don't know if the floodgates still aren't going to  
15 be opened wide.

16 You made a convincing argument,  
17 Mr. Ivey-Soto. I -- and in fact, your whole  
18 presentation was excellent.

19 The -- I would say education is not being  
20 denied. There is a place for them to go. If  
21 that -- if that were the case, I would -- I wouldn't  
22 have voted to close the school in the first place,  
23 you know. But there is another place for them to  
24 go.

25 We always talk about putting children



1 first; and I do, too, you know. But there -- like I  
2 said last time, it's very -- you know, when children  
3 are involved, it makes everything that much more  
4 difficult, of course, and it makes it a tough  
5 decision, as always.

6 It's important that we show our children  
7 that people are held accountable. It's important  
8 that we -- you know, we had disruptions in our  
9 education all the time. And -- and it's never a  
10 good thing. You know, the worst disservice we do  
11 for our children is underfunding education, as we  
12 have been for the past 20 years.

13 The -- it -- I -- and here's the other  
14 issue, and you answer it. You can -- Mr. Ivey-Soto,  
15 you can answer that one for me.

16 How -- by putting in an application and  
17 you changing the name, how is that not just  
18 undermining our previous decision?

19 MR. IVEY-SOTO: I appreciate that question  
20 very much. And, actually, it ties into what  
21 Commissioner Gipson just raised, as well. And that  
22 is that there is a -- there is a -- first of all,  
23 there is a year where there is no school there. And  
24 along those lines, let me just pivot real quick.

25 Yes, putting together the application was

1 a little harried and somewhat rough, absolutely.  
2 But we didn't ask to waive the planning year. We  
3 didn't ask to say, "Oh, just approve us, and we'll  
4 just come back with a different name in September,"  
5 which would have been undermining the decision made  
6 by this Commission.

7 Instead, we said, "No, we want to use that  
8 planning year to make sure that we get this right.  
9 We want to use this planning year to make sure  
10 that -- that the school is properly planned,  
11 properly set up, in order so that -- so that there  
12 is no emergency meeting."

13 There is no last minute decision, "Are you  
14 ready to open or not?"

15 Because -- because this -- this is --  
16 having a medical arts option, as was discussed by  
17 the Carl Perkins people who were here earlier today,  
18 is a vital component in making sure people can work  
19 their way out of their economic situation.

20 Now, how are we not just simply  
21 undermining the decision of this Commission because  
22 we didn't just simply turn around the next day and  
23 file an appeal, but instead, we said, "We'll take  
24 the year time-out; we'll come back as a different  
25 school"?

1           There are -- there is -- there are no  
2   legal links between Health Sciences Academy and  
3   SWISH. There's -- it's not a question of did you  
4   cancel contracts. Health Sciences Academy, as a  
5   legal entity, no longer exists, as we sit here  
6   today. And instead -- and part of what's important  
7   for children to understand is there's a consequence  
8   for behavior. And part of what's also important for  
9   children to understand is that that consequence  
10   having been realized, there is still an opportunity  
11   for self-actualization.

12           COMMISSIONER CARR: I'm done.

13           THE CHAIR: Okay. Thank you. Any other  
14   comments?

15           Commissioner Ambruster?

16           COMMISSIONER ARMBRUSTER: Get James first.

17           THE CHAIR: I called on you.

18           COMMISSIONER ARMBRUSTER: I get to go. I  
19   want a clarification, and then I do have a couple of  
20   comments.

21           So if I'm understanding this correctly,  
22   you are not reopening in August, or whenever school  
23   starts. You're talking about 2016; correct?

24           MR. IVEY-SOTO: That's correct.

25           COMMISSIONER ARMBRUSTER: I was right. I

1 was right. Never mind. We were just discussing  
2 that. I wanted to clarify that.

3 And in the interim year, should that  
4 occur -- I mean parents -- we bad-mouth traditional  
5 schools here, because we're the charter school  
6 people. But at the same time, parents have power to  
7 talk to the school board and Gadsden, and say, "We  
8 want something done."

9 They do have that power. If you can get  
10 90 people, to me, to go to a charter school hearing,  
11 or whatever the word would be, they can also go and  
12 make demands of the school board. They're elected  
13 people, and they've elected them.

14 Now, whether they chose to vote or not, I  
15 can't say. But they should have.

16 And I would say, too, that this Carl  
17 Perkins grant must be part of Gadsden already,  
18 because there's -- isn't that who they serve, those  
19 schools? I would hope that they would -- in the  
20 interim year, somehow we could get some of that  
21 going, because, of course, we all heard the  
22 presentation this morning.

23 My other concern is that it was not  
24 discussed at length -- but the scores. Even from --

25 THE CHAIR: Commissioner, I must ask you,

1     that's out of the scope of this discussion.

2             COMMISSIONER ARMBRUSTER:   Oh, okay.

3             THE CHAIR:   Those scores were never a part  
4     of the hearing --

5             COMMISSIONER ARMBRUSTER:   Okay.   I can  
6     drop it.

7             THE CHAIR:   -- and not part of the closure  
8     of that school.   So let's stay away from that, okay?

9             COMMISSIONER ARMBRUSTER:   I'm done.

10            THE CHAIR:   Okay.   Thank you.   You are?

11            COMMISSIONER ARMBRUSTER:   Thank you.

12            THE CHAIR:   Commissioner Conyers?

13            COMMISSIONER CONYERS:   Yes.   We've -- I  
14     frequently find myself conflicted on these  
15     situations.   But we've addressed the -- the -- you  
16     know, not filing the notice of intent.   But there  
17     were four other areas of, I guess we'd say,  
18     noncompliance.   And I'm guessing those are  
19     important, or we wouldn't have those in there:  
20     Notifying the district, and the training.

21            I know Katie -- or can someone address why  
22     those are important, as well?   I think I know,  
23     but --

24            THE CHAIR:   Well, the Commission decided  
25     that the training was mandatory.

1 COMMISSIONER CONYERS: Okay.

2 THE CHAIR: We voted on that.

3 MR. GRANATA: Let me address it.

4 THE CHAIR: Okay, Josh.

5 MR. GRANATA: Madam Chair, Commissioners,  
6 the portion of the statute which requires  
7 notification to the district is basically analogous  
8 to the notice of intent provided to the Commission.  
9 All of the deadlines are the same, and all of the  
10 discretion that the Commission has is the same. And  
11 so it's basically the same legal argument.

12 I just remind the Commission to -- if --  
13 there are two proposed motions within your binders.  
14 The one to accept is obviously pretty  
15 straightforward. The one to deny is also  
16 straightforward.

17 But if the Commission does decide to deny  
18 accepting the application, what I would ask is that  
19 the Commissioners list the reasons why the  
20 organizers have not demonstrated good cause for not  
21 timely filing the notice of intent. That really is  
22 the central issue is whether or not the organizers  
23 have demonstrated good cause as to why they missed  
24 that January deadline.

25 So I just ask for some reasons explaining

1     how the organizers haven't shown good cause in that  
2     area.

3             THE CHAIR:   All right.   So further  
4     discussion?

5             MR. IVEY-SOTO:   And, Madam Chair, also if  
6     I could just let the Commission know, we did,  
7     contemporaneous with sending the NOI with the  
8     application to the Commission, we did also send it  
9     to the Gadsden Schools, both by e-mail and by  
10    registered letter.   And we do have their signed --

11            THE CHAIR:   In July?

12            MR. IVEY-SOTO:   Yes, correct.

13            COMMISSIONER TOULOUSE:   Madam Chair, I  
14     just want to point out, too, is if we accept this,  
15     it doesn't come now.   We're not reopening the  
16     school.   We're not doing anything but saying they  
17     can present to us again.

18            Our real vote comes the end of September.  
19     And that -- my vote may not be the same then if we  
20     go ahead with this, because I want to hear then what  
21     the school does.

22            But I would like to give them that chance  
23     to present a whole new school to us so that we can  
24     actually take a vote on this.   This is just the  
25     application.   I know it adds one more hearing for

1 us; but other than that, we're not committing to  
2 anything except to listen again.

3 THE CHAIR: I would just remind my fellow  
4 Commissioners, though, we have set a precedent. We  
5 did not accept those other applications that did not  
6 comply with the rules of the notice. And if we  
7 choose to do something different today, I think we'd  
8 have to circle the wagons and reconsider those  
9 others. I don't think we can handle one, one way  
10 and one, another way. I don't.

11 Josh might have a different opinion on  
12 that. But as Commissioner Bergman said, we did turn  
13 down half a dozen or more because they did not  
14 properly follow the process of the notice, the  
15 requirements; so just -- just --

16 COMMISSIONER TOULOUSE: Madam Chair, there  
17 wasn't good cause on those. There's good cause on  
18 this one.

19 THE CHAIR: How do you know there is?

20 COMMISSIONER TOULOUSE: Well -- but they  
21 could have come back at us with that, too.

22 THE CHAIR: One did, if you'll recall.

23 COMMISSIONER TOULOUSE: But it wasn't what  
24 we considered good cause.

25 I think this one has enough good-cause



1 reasons. I know people have their minds made up,  
2 just like I do; but I just need to make my statement  
3 on -- no, on the record --

4 COMMISSIONER CARR: I don't.

5 COMMISSIONER TOULOUSE: I just --

6 THE CHAIR: I think Commissioner Chavez  
7 has been waiting a while.

8 COMMISSIONER CHAVEZ: Yeah. Thank you,  
9 Madam Chair.

10 You know, I -- some of the things that I'm  
11 going to say really have already been said. I think  
12 that -- you know, very convincing presentation. I  
13 think that, you know, I go back to January, when we  
14 denied those other applications because they didn't  
15 meet the criteria. And I have some grave concerns  
16 in terms of, you know, whether or not we are opening  
17 the floodgates, because if we do it for one, then  
18 we've got to do it for everybody; right?

19 I think the other piece, too, is that, you  
20 know, I looked up, you know, which schools are in  
21 the Gadsden School District; right? And there's a  
22 number of high schools in the different communities  
23 in that area; right?

24 And I don't know where the kids from your  
25 school are coming from. I'm assuming that they're

1 coming from the -- a wide area; right? Not just one  
2 particular geographic area in that -- in the Gadsden  
3 School District.

4 But I have to agree with some of the  
5 things that Commissioner Armbruster said in terms of  
6 if parents feel strongly about having a health  
7 sciences curriculum within a particular school, then  
8 maybe this is the opportunity for them to organize  
9 and ask that the school board create that kind of a  
10 curriculum in each of those schools.

11 I know that in one of the schools in that  
12 area -- and I don't remember which one it is -- but  
13 those kids also have an opportunity to get an  
14 Associate's of Arts degree from the community  
15 college. So I would assume they have an opportunity  
16 to also focus on health sciences.

17 So I'm not totally convinced that this is  
18 the only school that offers that kind of an  
19 opportunity.

20 I also think that, you know, for me, this  
21 is -- you know, maybe some of the folks are gone;  
22 not everybody's gone. So the school isn't  
23 necessarily a brand new school. You've changed the  
24 name. You've promised to do some things  
25 differently, and I think you will, because you've,

1     you know, learned that what you've done in the past  
2     didn't work, and it had grave consequences.

3             But I think that, you know, opening the  
4     floodgates and -- I think that creates a big problem  
5     for us. It may not create a problem for you. But  
6     it creates a big problem for us in terms of being  
7     consistent and being fair.

8             THE CHAIR: Thank you, Commissioner.

9             Are we ready for a motion?

10            Commissioner Bergman?

11            COMMISSIONER BERGMAN: Madam Chair, I move  
12     that -- excuse me again -- pursuant to New Mexico  
13     Statutes Annotated 22-8B-6B, the Public Education  
14     Commission not accept the application for Southwest  
15     Institute of Science and Health, which did not  
16     follow the due process notification requirements of  
17     the aforementioned statute, did not attend the  
18     mandatory training, and have not demonstrated good  
19     cause for not timely filing that notice of intent.

20            And I will read the statute.

21            "No later than the second Tuesday of  
22     January of the year in which an application shall be  
23     filed, the organizers of a proposed charter school  
24     shall provide written notification to the Commission  
25     and the school district in which the charter school

1 is proposed to be located of their intent to  
2 establish a charter school. Failure to notify may  
3 result in an application not being accepted."

4 Josh, is that sufficient?

5 MR. GRANATA: Madam Chair, Commissioner  
6 Bergman, I would ask that you explain some of the  
7 reasons that the Commission would find for not  
8 finding that there was good cause.

9 COMMISSIONER BERGMAN: How do I explain  
10 not finding a notice of intent. How do I explain?  
11 How do you explain that? And not attending the  
12 mandatory training? I'm not sure I follow.

13 MR. GRANATA: I guess the question is, the  
14 school failed to submit the application in January.  
15 They've explained some reasons why they failed to  
16 submit -- or that notice, rather -- in January; and  
17 so the reasons that the Commission has for finding  
18 that their reasons aren't good cause.

19 COMMISSIONER BERGMAN: I think we'd better  
20 take a five-minute break or something here. I think  
21 we'd better have a short conversation about that.  
22 I'm not sure what to say. I'm not sure how to  
23 explain it. To me, it's self-explanatory.

24 COMMISSIONER TOULOUSE: Madam Chair? You  
25 have to explain why you're considering they don't

1 have good cause. You can't just say, "They didn't  
2 do it on time."

3 You have to say, because they gave you a  
4 good cause presentation, why we don't accept that?  
5 Isn't that correct, Mr. Granata?

6 MR. GRANATA: Madam Chair, Commissioners,  
7 Commissioner Toulouse, that's correct.

8 If the Commissioners recall, during the  
9 last -- when the Commission did not accept the  
10 applications for these other schools that failed to  
11 timely notify, each school put on a presentation and  
12 tried to explain why they failed to notify, and the  
13 Commission made their decision based on those --  
14 based on the school's explanation.

15 And for each one of those, the Commission  
16 found those schools did not have good cause. Those  
17 schools knew the deadline and missed because of  
18 various reasons. The Commission rejected it because  
19 those schools did not have good cause.

20 Today, the organizers of the school have  
21 explained to the Commission the reasons they failed  
22 to timely file their notice of intent. So this  
23 Commission needs to find -- at least explain on the  
24 record, I would say -- why those reasons aren't  
25 sufficient.

1           It's a tough position that this Commission  
2           is in. I understand that. I'm just trying to  
3           explain that this is what the law requires.

4           In terms of what the Secretary would look  
5           at, or a judge would look at in looking at the PEC's  
6           decision, if the PEC simply said that the school  
7           didn't have good cause, they need to say why it  
8           doesn't have good cause.

9           COMMISSIONER BERGMAN: I would then state  
10          that, one, we only had one school come to us of that  
11          group there. They appeared before -- one school.  
12          And they were -- and if I remember right, their  
13          reason was they were afraid that the local school  
14          district might retaliate against them for applying  
15          for a charter school.

16          We let them offer that. We still voted to  
17          not accept their application.

18          I don't know what other reason to offer  
19          for this, except that this group did not decide to  
20          send this application until this Commission revoked  
21          HSA, and then it became imperative that they file an  
22          application --

23          COMMISSIONER TOULOUSE: That's the reason.

24          COMMISSIONER BERGMAN: -- to try, as they  
25          have said themselves, to avoid that two-year gap.

1 They wanted just a one-year gap.

2 COMMISSIONER GIPSON: You just got it.

3 You just said the reason.

4 COMMISSIONER BERGMAN: Is that going to be  
5 sufficient, Josh?

6 THE CHAIR: We do not find that a  
7 compelling reason to accept their application.

8 COMMISSIONER BERGMAN: Do I need to word  
9 that in the motion? Is that what you're now saying?

10 MR. GRANATA: What I would suggest,  
11 Commissioner Bergman, is that the motion is already  
12 on the table. I would suggest that if there's a  
13 second, there's a second.

14 And then what the Commission can do is  
15 follow it with more discussion, and through that  
16 discussion elicit further reasons, and then perhaps  
17 adopt those reasons as the reasons why the  
18 organizers do not have good cause. And that would  
19 be part of the motion, as well.

20 COMMISSIONER BERGMAN: I guess we need a  
21 second, don't we?

22 THE CHAIR: We don't have a second yet.

23 You heard the motion from Commissioner  
24 Bergman. Do we have a second?

25 COMMISSIONER CHAVEZ: Second.

1 THE CHAIR: Commissioner Chavez? Thank  
2 you very much.

3 We have a motion by Commissioner Bergman,  
4 second by Commissioner Chavez.

5 Do we have further discussion?

6 COMMISSIONER BERGMAN: Do we have further,  
7 quote, reasons, unquote?

8 COMMISSIONER TOULOUSE: I have no reasons,  
9 so I can't give you any. I can just tell you what I  
10 think you needed to say.

11 THE CHAIR: Commissioner Carr?

12 COMMISSIONER CARR: A question came to my  
13 mind that might help other members, too. I don't  
14 know. I -- and I don't know if we've ever done  
15 that. Can -- is it possible to waive a planning  
16 year? Or is that too -- is that etched in stone?  
17 I'm trying to remember how the statute reads.

18 COMMISSIONER BERGMAN: You're talking  
19 about opening the barn door.

20 THE CHAIR: Please don't do that.

21 COMMISSIONER BERGMAN: They'll all ask to  
22 immediately start up in a month. Please. Yeah,  
23 please.

24 COMMISSIONER CARR: Yeah, I actually -- I  
25 think if we -- if they applied next year and --



1 THE CHAIR: But, Commissioner Carr,  
2 really, let's go back to the scope.

3 COMMISSIONER CARR: Am I getting too far  
4 off?

5 THE CHAIR: Let's look at the reason -- if  
6 you are thinking about the motion, what were the  
7 reasons that, in your mind, were not good cause?

8 COMMISSIONER CARR: I -- I have nothing.  
9 I have nothing further to offer on that.

10 THE CHAIR: Okay. May I say, the one  
11 thing -- the first thing that comes to my mind is  
12 the statement that the application -- the notice was  
13 not filed in a timely manner is that they didn't  
14 note there was a need for a school at that time.

15 I don't find that compelling for me to  
16 allow this application to be accepted.

17 Commissioner?

18 COMMISSIONER BERGMAN: I would just  
19 remind, Commissioner Gipson gave a perfectly good  
20 reason, the hurried nature of this application after  
21 the fact, after the revocation. It was done in less  
22 than a month.

23 COMMISSIONER GIPSON: Right.

24 COMMISSIONER BERGMAN: Normally -- that's  
25 one reason why the Legislature, I believe,

1 established the notice of intent the first week in  
2 January and then set the deadline for July 1st was  
3 to give these groups that six months to put together  
4 a quality application. So this certainly was a  
5 hurried application. That, in my mind, at least,  
6 would have some sway with me.

7 THE CHAIR: Do you agree with that,  
8 Commissioner?

9 COMMISSIONER GIPSON: I do.

10 THE CHAIR: Now, we have two reasons. Are  
11 you writing down --

12 COMMISSIONER BERGMAN: Not unless we make  
13 some more.

14 THE CHAIR: So far, we have noted two  
15 reasons. Josh, is that sufficient?

16 MR. GRANATA: (Consults with Chair.)

17 THE CHAIR: So, Commissioners, you've  
18 heard the two reasons that have been stated thus  
19 far; is that sufficient to you, or do others come to  
20 your mind?

21 Jeff, anything come to your mind?

22 COMMISSIONER CARR: I can't think of  
23 anything else.

24 THE CHAIR: Okay.

25 So, Josh, what are you saying? We amend

1 the motion, or ask that these two reasons be  
2 attached to the motion, or what's the correct thing  
3 to do?

4 MR. GRANATA: Madam Chair, Commissioners,  
5 perhaps the correct procedure would be to go ahead  
6 and vote on the motion, and then, depending on the  
7 outcome of the motion, vote on adopting the reasons  
8 that the Commission has elicited during the  
9 discussion of that motion.

10 THE CHAIR: Okay. So we can do it as a  
11 two-step process? Did everyone hear that?

12 Okay. So if you're ready, let's vote on  
13 the original motion. If the motion passes, then we  
14 will vote on are the reasons for that vote, okay?  
15 Is that all right with everybody?

16 MR. IVEY-SOTO: Madam Chair, may I close  
17 very quickly?

18 THE CHAIR: Pardon?

19 MR. IVEY-SOTO: May I close very quickly?

20 THE CHAIR: You know, generally, we ask  
21 that you respond to questions and then leave it at  
22 that.

23 Commissioners, it's up to you.

24 COMMISSIONER BERGMAN: I think it's up to  
25 Josh. We have a motion and second before the floor.

1 I believe -- can we now talk -- guide us here.

2 THE CHAIR: I think we need to vote.

3 COMMISSIONER CARR: Yeah, we need to vote.

4 THE CHAIR: Okay? Please hold on. All  
5 right. Is everyone ready to vote?

6 Commissioner Bergman, may we have a  
7 roll-call vote? And I would remind you, or you  
8 please remind everyone, a "Yes" vote is to reject  
9 the application; a "No" vote is to accept the  
10 application.

11 COMMISSIONER BERGMAN: Commissioner  
12 Chavez?

13 COMMISSIONER CHAVEZ: I'm sorry. Could --

14 COMMISSIONER BERGMAN: A "Yes" vote is to  
15 not accept the application; a "No" vote is to accept  
16 the application.

17 COMMISSIONER CHAVEZ: Yes.

18 COMMISSIONER BERGMAN: Yes? Commissioner  
19 Chavez votes "Yes."

20 Commissioner Gipson?

21 COMMISSIONER GIPSON: Yes.

22 COMMISSIONER BERGMAN: Commissioner  
23 Toulouse?

24 COMMISSIONER TOULOUSE: No.

25 COMMISSIONER GIPSON: Commissioner

1 Conyers?

2 COMMISSIONER CONYERS: Yes.

3 COMMISSIONER BERGMAN: Commissioner

4 Bergman votes "Yes."

5 Commissioner Shearman?

6 THE CHAIR: Yes.

7 COMMISSIONER BERGMAN: Commissioner

8 Armbruster?

9 COMMISSIONER ARMBRUSTER: Yes.

10 COMMISSIONER BERGMAN: Commissioner Carr?

11 COMMISSIONER CARR: Yes.

12 COMMISSIONER BERGMAN: Commissioner Carr

13 votes "yes."

14 Madam Chair, that is a seven-to-one vote  
15 in favor of that motion.

16 THE CHAIR: The vote is seven to one to  
17 not accept the application from SWISH.

18 Now the discussion centers on what are the  
19 reasons that the Commission chose to not accept.

20 (The Chair consults with Mr. Granata.)

21 THE CHAIR: Josh has corrected my  
22 language. It's to adopt the reasons.

23 The notes I have for the reasons that we  
24 would propose to adopt are that the document was --  
25 application was very hurriedly done. The entire

1 process was hurriedly done. And we did not accept  
2 their explanation why the notice of intent was not  
3 timely filed, and that the organizers did not  
4 realize the need for a new school at the time the  
5 notice was due.

6 Did I state those correctly?

7 Are there any others that you want to add  
8 to the list?

9 (The Chair consults with Mr. Granata.)

10 THE CHAIR: So if everyone is all right  
11 with those, I would -- the Chair would entertain a  
12 motion to adopt those reasons, as stated.

13 Commissioner Gipson, would you care to  
14 make this motion?

15 COMMISSIONER GIPSON: Madam Chair, I move  
16 that the PEC accept --

17 COMMISSIONER BERGMAN: Adopt.

18 COMMISSIONER GIPSON: -- adopt -- adopt  
19 the reasons, as stated on the official record.

20 THE CHAIR: Thank you very much.

21 COMMISSIONER CARR: Second.

22 THE CHAIR: Motion by Commissioner Gipson,  
23 seconded by Commissioner Carr, to adopt the reasons  
24 as stated on the official record.

25 Is there any discussion?

1                   Hearing none, may we have a roll-call  
2   vote, please?  
3                   COMMISSIONER BERGMAN:   Commissioner  
4   Gipson?  
5                   COMMISSIONER GIPSON:   Yes.  
6                   COMMISSIONER BERGMAN:   Commissioner  
7   Toulouse?  
8                   COMMISSIONER TOULOUSE:   No.  
9                   COMMISSIONER BERGMAN:   Commissioner  
10   Conyers?  
11                   COMMISSIONER CONYERS:   Yes.  
12                   COMMISSIONER BERGMAN:   Commissioner  
13   Bergman votes "Yes."  
14                   Commissioner Shearman?  
15                   THE CHAIR:   Yes.  
16                   COMMISSIONER BERGMAN:   Commissioner  
17   Armbruster?  
18                   COMMISSIONER ARMBRUSTER:   Yes.  
19                   COMMISSIONER BERGMAN:   Commissioner Carr?  
20                   COMMISSIONER CARR:   Yes.  
21                   COMMISSIONER BERGMAN:   Commissioner  
22   Chavez?  
23                   COMMISSIONER CHAVEZ:   Yes.  
24                   COMMISSIONER BERGMAN:   Madam Chair, that  
25   is a seven-to-one vote in favor of that motion.

1 THE CHAIR: By a vote of seven to one, the  
2 motion to adopt the reasons has passed.

3 Anything else on this agenda item.

4 Thank you for being here today.

5 MR. IVEY-SOTO: Thank you.

6 THE CHAIR: We move on to Item No. 10 --  
7 pardon me -- 9B, the ASK Academy.

8 If you all would come down, please?

9 Katie?

10 MS. POULOS: Madam Chair, Commissioners,  
11 at the June 19th meeting of the Public Education  
12 Commission, there were questions about the version  
13 of the framework that was presented in the  
14 Commissioners' materials for the academic  
15 performance framework for the ASK Academy. A  
16 corrected version has been provided in the materials  
17 for today's meeting.

18 An outstanding question remaining in the  
19 document presented -- the document presented  
20 contains the phrase, "as shown on the attached  
21 sample report."

22 The school wishes to remove reference to  
23 the reports and the report itself.

24 CSD is comfortable that it can evaluate  
25 the school's performance in relation to the



1 performance framework expectations without that  
2 language in question and without the sample report,  
3 but also feels they could do the same with those.  
4 So at this point, there really isn't a  
5 recommendation.

6 THE CHAIR: Let me just ask. The table  
7 that we're talking about, is it the table that Julia  
8 Barnes presented during negotiations? Because I'm  
9 getting confused, okay?

10 Please identify yourself for the record.

11 MS. DOVE: Sure. My name is Connie Dove.  
12 I'm the Director of Advancements And it is;  
13 although, again, there was another -- another  
14 version that Ms. Barnes provided after this last  
15 Commission meeting again.

16 THE CHAIR: But is it the one we looked at  
17 the day of negotiations?

18 MS. DOVE: Well, no, because it's been  
19 amended yet again.

20 THE CHAIR: So what is this document we're  
21 looking at? If this is not the one we negotiated  
22 with, then -- or maybe it's not in here.

23 MS. POULOS: These materials don't have  
24 that report. And I don't believe I had it. I can  
25 see if we can get it from old materials really

1 quickly. Would you like me to do that?

2 THE CHAIR: What matrix? What table are  
3 we being asked to accept today?

4 MS. POULOS: I think what we're looking at  
5 today is the framework, which is in your materials.  
6 And that framework, whether you want, "as shown on  
7 the attached sample report," which everyone saw as  
8 part of the negotiations, is my understanding. And  
9 at that time, it was that report, and those were the  
10 materials.

11 I can see if I can get that and have it  
12 printed and brought down.

13 THE CHAIR: But you're saying it's not the  
14 table we looked at and negotiated on that day.

15 MS. DOVE: No, because there was a -- you  
16 know, we discussed that language actually being  
17 taken out. And so our understanding is that the  
18 language was taken out, as far as the sample report,  
19 because there were -- we had some problems with the  
20 sample report as to what it --

21 THE CHAIR: What matrix? What report are  
22 we using, are we being asked to use?

23 MS. DOVE: So we're requesting that there  
24 not be an attached sample report, that we just  
25 demonstrate growth by our measures that were

1 presented.

2 THE CHAIR: What measures?

3 MS. DOVE: The -- what meets our target,  
4 what -- let me just pull it up here.

5 THE CHAIR: What is "one full year's  
6 growth"? How is that being determined?

7 MS. DOVE: Well, according to Discovery,  
8 one year's growth is one standard error. What  
9 Ms. Barnes was using was standard deviation, which  
10 was six or seven years' growth in six months, which  
11 is why we took issue --

12 THE CHAIR: I recall very clearly, she  
13 said --

14 MS. DOVE: Yeah. Yeah.

15 THE CHAIR: But, see, I can't support this  
16 if it's not what we negotiated. If this is not the  
17 same document using the same matrix that she  
18 presented that day, and that's what we talked about,  
19 then that is not the same thing. It's using a  
20 different matrix.

21 MS. DOVE: Well, the same matrix was used.  
22 But Ms. Barnes added some labeling, because there  
23 was some labeling and some typographical errors and  
24 things in the -- in the sample report, which was  
25 kind of another reason why we wanted it to be a

1     Discovery document.

2                   And in talking -- discussing after the  
3     negotiations session, she had provided the standard  
4     error report by Discovery. We agreed that that was  
5     what would be utilized. And -- and then -- so I was  
6     surprised when the incorrect version of the  
7     performance contract was in your materials.

8                   MS. POULOS: Madam Chair?

9                   So the reason that I said CSD feels  
10    comfortable that they could enforce the performance  
11    indicators without the attached report is that they  
12    can -- that CSD would be able to go to Discovery and  
13    get Discovery's growth targets from each student.  
14    And I would feel comfortable with that.

15                   But, again, that was -- I wanted to let  
16    the Commission have that decision-making and simply  
17    didn't have a recommendation either way, because I  
18    felt that the CSD could -- because it, to me, seemed  
19    clear enough that we would just need to get the  
20    Discovery scales or report at the time.

21                   THE CHAIR: See, one of the reasons that  
22    we agreed to everybody use the same Discovery  
23    document, the one that Julia had that day, is that  
24    it seems when you call Discovery, you get one  
25    answer, and when you call Discovery, you get

1 another. That's what we were hearing.

2 So we standardized on one document so that  
3 everybody had the same piece of paper in front of  
4 them that said, "Here is the score. If your  
5 beginning score is here, here's where you need to be  
6 to show that full year's academic growth."

7 I don't know why we're not staying with  
8 that.

9 MS. DOVE: Well -- and, actually,  
10 Madam Chair and members of the Commission, what  
11 Ms. Barnes drew her Excel document that she created  
12 was from this standard error Discovery report. The  
13 school has never disagreed that we shouldn't use the  
14 Discovery standard error report.

15 It's just when -- Ms. Barnes would  
16 describe it as a standard deviation rather than a  
17 standard error, which is a very different measure.  
18 We just wanted to be clear that what we were  
19 utilizing was actually from the Discovery standard  
20 error, not a standard deviation, which is a very  
21 different measure.

22 THE CHAIR: So we're talking semantics.  
23 It was a column label up at the top of that column.  
24 She was saying "deviation"; you're saying "error."

25 MS. DOVE: "Standard error."

1 THE CHAIR: But were the numbers the same?

2 MS. DOVE: I didn't go through every  
3 number. It appeared that they were standard error  
4 numbers. I didn't go through the entire table that  
5 she provided.

6 THE CHAIR: The numbers that you looked  
7 at, did the beginning number and the ending number  
8 agree with the document we were looking at that day  
9 of negotiation? Were they the same?

10 MS. DOVE: The ones that I looked at, yes.  
11 But, again, how she was defining use of that number  
12 was two standard errors, not one standard error.  
13 And I think that we need to get that directly from  
14 Discovery. I think Discovery is very clear as to  
15 how growth is demonstrated per child, as Ms. Poulos  
16 has said.

17 THE CHAIR: She said very clearly that her  
18 discussions with Discovery said it was double. And  
19 she took that standard error, or deviation,  
20 whichever word we want to use, and double it, and  
21 that's how that number in the final column was  
22 reached.

23 Now, are you disagreeing with doubling  
24 that standard error/deviation number?

25 MS. DOVE: Well, the other report that she

1 provided to us said that a standard error of one --  
2 of one, not two, actually represented growth. There  
3 was a sample -- an example given at the bottom of  
4 that page that said that they were applying the  
5 principle to individual students at different  
6 levels.

7 And so for some students, then two errors  
8 would actually represent growth, maybe a more  
9 advanced student. And so, again, it's -- it's  
10 not -- it's not so clean as to be able to say for  
11 every child, it is one error.

12 What I think Ms. Poulos is saying is that  
13 Discovery actually provides that information for us  
14 to say, "For this child, starting here, they need to  
15 be here in order to demonstrate growth."

16 THE CHAIR: I just don't want to get into  
17 a situation where we're applying one set of numbers  
18 for your school --

19 MS. DOVE: Absolutely.

20 THE CHAIR: -- and a different set of  
21 numbers for another school.

22 COMMISSIONER ARMBRUSTER: Madam Chair?

23 THE CHAIR: Yes.

24 COMMISSIONER ARMBRUSTER: Katie and Julie,  
25 you may be the people, as -- so when I'm reading

1     this, it says that "85 percent" -- blah, blah, blah,  
2     blah, blah -- "and/or the student tests at  
3     Achievement Level 3 or 4."

4             So in order for a student to test at  
5     Level 3 or Level 4 on that test, it must be whatever  
6     number is there; right? Or wrong?

7             MS. POULOS: Maybe these are two different  
8     numbers. The first is that they can meet with  
9     growth. Let's say you had a student who doesn't  
10    achieve at Level 3 or 4, that means they're not kind  
11    of at that proficiency level. So a student who's  
12    not performing at proficiency level could also meet  
13    these expectations by the amount of growth they've  
14    achieved over the years. They may be a  
15    non-achieving student, but they've grown a  
16    substantial amount, which would indicate that they  
17    are making progress with that student.

18            COMMISSIONER ARMBRUSTER: True.

19            THE CHAIR: So, Commissioners, I can't  
20    remember right off the top of my head who all was  
21    there for negotiations that day.

22            COMMISSIONER GIPSON: (Indicates.)

23            THE CHAIR: You were?

24            COMMISSIONER GIPSON: Yeah, I was.

25            MS. MATTHEWS: Madam Chair, members of the



1 Commission, Patricia Matthews on behalf of ASK.

2 I'm puzzled that we're having -- to me,  
3 what was -- and, in fact, it's worded that way --  
4 this is a "sample report." So the question is not  
5 how the school is going to measure growth or  
6 academic proficiency. They're going to use  
7 Discovery; they're going to use these percentages to  
8 make that determination.

9 So when you get the scores from Discovery,  
10 it's going to be the actual scores.

11 What you have attached as a sample report  
12 does you no good, because it references no  
13 particular student. It may have been last year's  
14 student for ASK; but it was a sample to show what  
15 that growth would look like.

16 But as Ms. Poulos has already said, they  
17 can pull that data out of Discovery, based on this  
18 coming year's academic growth. And that's your  
19 question. It's not what's in this sample report.

20 They're going to calculate it as you've  
21 stated in the performance indicators.

22 THE CHAIR: Then why is it important that  
23 the sample report not be attached?

24 MS. MATTHEWS: Because it doesn't have any  
25 bearing on any particular kid. It's last year's

1 growth.

2 THE CHAIR: If it doesn't have any  
3 bearing, why does it matter if it's attached?

4 MS. MATTHEWS: That's what we're asking  
5 you, not to attach it.

6 THE CHAIR: But why would it matter if it  
7 were attached?

8 MS. DOVE: Because the sample report also  
9 comes from multiple years, Commissioner. And that  
10 was a concern, too. Again, an actual document for  
11 Discovery, we would be -- we're fine with that.  
12 We're fine with this -- and that's where I  
13 thought -- I think we all thought that was where we  
14 were with the PED, as well.

15 And so, again, I thought it was just -- I  
16 thought it was submitted in error, that that -- that  
17 sentence showed up again, because that was already  
18 discussed and eliminated. So I just assumed it was  
19 an error that you got the version that you did.

20 COMMISSIONER GIPSON: Madam Chair, my  
21 understanding was that was just presented as a  
22 sample and that the information would be gained at  
23 the end of the Short Cycle, and that that's how --  
24 that Discovery determines that. And I'm  
25 comfortable, being there, not having that sample,

1     because I don't think it has any -- it doesn't have  
2     any use for me, you know, because that's all it is.

3             And I'm comfortable with they're going to  
4     go, and they're going to input their data, and it's  
5     going to be -- they're going to -- Discovery is  
6     going to show that growth or not show that growth.  
7     But that chart there is not going to have any value  
8     for us being able to assist their goals -- or for  
9     them, even.

10            MS. DOVE:   And Madam Chair, and  
11     Commissioners, again, know that the ASK Academy  
12     doesn't determine what growth is. We get that  
13     directly from Discovery. So we get that in the  
14     report. So we can't manipulate that. That's just  
15     provided.

16            THE CHAIR:   I remember, at one point in  
17     the negotiations, you all were suggesting using  
18     New Mexico cut scores. Now, that's not -- that's  
19     not --

20            MS. DOVE:   No, that's not. This is  
21     national.

22            THE CHAIR:   All right. I think I'm okay  
23     with this. As I said, I just want to make sure  
24     we're not using one set of data for one school and  
25     something else for another school with the same

1 test. I just want it to be as fair as possible.

2 MS. DOVE: I agree.

3 COMMISSIONER GIPSON: Madam Chair, I think  
4 we've used, through the negotiations, that same  
5 language, the fact that -- I know we've used the  
6 samples. But I think the -- to me, the  
7 understanding, through the negotiations I've been,  
8 is that that information is going to come from  
9 Discovery. They made the growth; they didn't make  
10 the growth. Okay?

11 THE CHAIR: And do we have -- do we have  
12 minutes?

13 MS. DOVE: You do. I've provided them.

14 MS. POULOS: Madam Chair, Commissioners,  
15 Julie has copies of the final, approved minutes.

16 THE CHAIR: Oh, okay. Okay.

17 MS. POULOS: Final, approved minutes that  
18 have been signed.

19 THE CHAIR: Okay. So are we looking at  
20 the first proposed motion?

21 Commissioners, are you ready for a motion?

22 I would suggest to you that on Page 1,  
23 right after the tab for ASK Academy, there are  
24 proposed motions, if you would like to choose one of  
25 those.

1 COMMISSIONER TOULOUSE: Madam Chair?

2 THE CHAIR: Commissioner Toulouse?

3 COMMISSIONER TOULOUSE: I will read the  
4 motion, if my eyes are still functional, and my  
5 brain and my mouth are connecting.

6 I move to approve the 2015-2016  
7 Performance Framework with performance indicators  
8 for the ASK Academy, as presented in the materials  
9 from today's meeting, with the revisions discussed  
10 specifically with regard to the deletion of the  
11 phrase, quote, "as shown on the attached sample  
12 report," unquote.

13 THE CHAIR: Thank you.

14 Do we have a second?

15 COMMISSIONER GIPSON: Second.

16 THE CHAIR: Motion by Commissioner  
17 Toulouse, second by Commissioner Gipson, to approve  
18 the 2015-'16 Performance Framework for the ASK  
19 Academy as stated in the official record.

20 Is there further discussion?

21 Hearing none, Commissioner Bergman, may we  
22 have a roll-call vote?

23 COMMISSIONER BERGMAN: Commissioner  
24 Toulouse?

25 COMMISSIONER TOULOUSE: Yes.

1 COMMISSIONER BERGMAN: Commissioner  
2 Conyers?

3 COMMISSIONER CONYERS: Yes.

4 COMMISSIONER BERGMAN: Commissioner  
5 Bergman votes "Yes."

6 Commissioner Shearman?

7 THE CHAIR: Yes.

8 COMMISSIONER BERGMAN: Commissioner  
9 Armbruster?

10 COMMISSIONER ARMBRUSTER: Yes.

11 COMMISSIONER BERGMAN: Commissioner Carr?

12 COMMISSIONER CARR: Yes.

13 COMMISSIONER BERGMAN: Commissioner

14 Chavez?

15 COMMISSIONER CHAVEZ: Yes.

16 COMMISSIONER BERGMAN: Commissioner

17 Gipson?

18 COMMISSIONER GIPSON: Yes.

19 COMMISSIONER BERGMAN: Madam Chair, that  
20 is an eight-to-zero vote in favor of that motion.

21 THE CHAIR: Thank you very much. The  
22 motion passes unanimously. Thank you, all.

23 MS. DOVE: Introduction?

24 MR. BARBOUR: Madam Chair, I would like to  
25 introduce our new general manager, Dan Busse, for

1 the ASK Academy. My name is Daniel Barbour. I've  
2 been a director and will be assistant principal.  
3 Daniel Busse is our new general manager, and I'd  
4 like to introduce him to the Commission today.

5 THE CHAIR: Glad to have you on board.

6 MR. BUSSE: Thank you.

7 THE CHAIR: All right. Item No. 10.  
8 Katie?

9 MS. POULOS: Madam Chair, Commissioners,  
10 at the last meeting, CSD had indicated an intent to  
11 report on the improvement plans that were assigned  
12 by the Commissioners I believe back in October, it  
13 may have been, when the last round of letter grades  
14 were issued. And those were assigned based on the  
15 performance of schools under the A-through-F letter  
16 grading system.

17 CSD has been working very hard to do that.  
18 And it does require a review of evidence. We have  
19 been working to try and get that evidence from those  
20 schools, and have, in some cases, been able to; in  
21 other cases, we're still working to do that.

22 Additionally, we're working to kind of  
23 follow the paper trail and make sure that the  
24 Commissioners have all relevant information. I hate  
25 to say that we did not do what we said we were going

1 to do, but just bring it today; but I felt it was  
2 more prudent to ensure that everything was correct.

3 And so we will be bringing that -- because  
4 everybody has now had about three months' notice to  
5 get it done, we will be bringing that at the next  
6 meeting to let the Commissioners understand where  
7 all the schools are on the improvement plans and  
8 determine if any further action is needed at that  
9 time.

10 THE CHAIR: Great. Thank you.

11 Do you have any questions of the Director?

12 All right. Let's move on to Item No. 11,  
13 Discussion and Possible Action on Proposed PEC  
14 Attorney and Proposed Scope of Work.

15 Commissioners, I'd like to withdraw this  
16 item from today's agenda. We discussed this at some  
17 length in the work session. There were quite a few  
18 questions. And the general consensus was, at that  
19 time, that it needed more work and it needed some  
20 clarification.

21 I have those questions written down, and I  
22 will try to follow up on that and perhaps have  
23 something for us at the August, or maybe even  
24 September meeting, if that meets with everyone's  
25 approval.



1 Do we need to vote to --

2 MR. GRANATA: No.

3 THE CHAIR: All right. Then let's move on  
4 to Item No. 12, which is Discussion and Possible  
5 Action on Joint Resolution -- House Joint  
6 Resolution 4, Creating a 13-Member State Board of  
7 Education.

8 And I will defer to Commissioner Carr on  
9 this discussion.

10 COMMISSIONER CARR: Sorry. I wasn't able  
11 to make it to the work session. I had it mixed up  
12 in my head. I actually came at about 12:30.

13 THE CHAIR: Missed it by that much.

14 COMMISSIONER CARR: I'm -- you know. And  
15 I just -- I don't know what I'll chalk that up to.

16 COMMISSIONER ARMBRUSTER: Old age.

17 COMMISSIONER CARR: I'll chalk it up to  
18 not old age; but it's summer, and I'm not paying  
19 attention to things like I should, maybe.

20 The -- this -- I -- this is pretty much  
21 the form in which it was originally voted on in this  
22 Commission a couple of years ago. I'm not of  
23 anything more than that. It's simplified,  
24 because -- well, the law's going to be very  
25 complicated.

1           When this actually goes in front of the  
2   Legislature, it's several pages long. Senate Joint  
3   Resolution 2 was extremely complicated. House Joint  
4   Resolution 4. Then the other one that was  
5   submitted, they were all a little bit different. So  
6   whatever we -- if you decide you want to vote to --  
7   to support this or not, it'll be -- it'll go through  
8   the mill of the Legislature and be changed up  
9   anyway.

10           I see that, like I said last time, as a  
11   long-term thing. You guys can read it. I won't  
12   read it for you. It basically goes back to the, "Be  
13   it resolved the New Mexico Public Education  
14   Commission supports an amendment to our State  
15   Constitution giving oversight and regulatory  
16   authority to the New Mexico Public Education  
17   Commission to rename the New Mexico State School  
18   Board in regards to budget, licensing, and policy."

19           Basically -- and it does say, "Be it  
20   further resolved, the Secretary of Education be  
21   appointed by the New Mexico Board of Education,"  
22   like it was in the past. And something that is  
23   different from the past is that they should "hold  
24   the New Mexico Education Administrative  
25   Certification," which requires six years of teaching

1 experience, as a minimum, by the way, "And be it  
2 further resolved that if a vacancy occurs," the  
3 Public Education Commission would appoint new  
4 members.

5 Like I said, I see this as a long-term  
6 thing. If the makeup of the House changes next  
7 year -- well, not next year, but the year after --  
8 then this could have a possibility of getting passed  
9 through then. Other than that, I do see this as a  
10 long-term and -- long-term issue. Maybe not. Maybe  
11 it'll be shorter than we think.

12 But -- so I open the floor for discussion,  
13 and I would like to have a vote on this today.

14 THE CHAIR: Okay. That was going to be my  
15 question. Are you asking for a vote today?

16 COMMISSIONER CARR: Sure. I'll go ahead  
17 and make the motion.

18 I move that we vote to support an  
19 amendment to the Constitution regarding the Public  
20 Education Commission, which I did not name correctly  
21 in here.

22 COMMISSIONER CHAVEZ: Second.

23 THE CHAIR: I'm sorry. Who said that?

24 COMMISSIONER CHAVEZ: Me.

25 THE CHAIR: Okay. Commissioner Chavez?

1 All right, Commissioners. We have a  
2 motion by Commissioner Carr, seconded by  
3 Commissioner Chavez, to support the amendment to the  
4 Constitution regarding education that  
5 Commissioner Carr just presented.

6 Is there discussion?

7 Commissioner Bergman?

8 COMMISSIONER BERGMAN: One, this is such a  
9 vague and short document, I wouldn't be comfortable  
10 voting it for it anyway, just because it's so short  
11 and vague.

12 The third bullet says, "The Public  
13 Education Commission shall appoint a resident from  
14 the district from which the vacancy occurred."

15 That's not standard practice. For elected  
16 positions, if somebody is in a elected position from  
17 multi-counties, the county commissions in each of  
18 those counties suggests the replacements for a  
19 vacancy, not the place that has the vacancy. So  
20 that's in there.

21 I have stated my position on this before.  
22 Obviously, I disagree with Commissioner Carr. I  
23 would like to inquire of Commissioner Carr, even  
24 you, yourself, stated last month that this probably  
25 hasn't got a chance in this upcoming Legislature.

1 Based on even your own statement on that, why even  
2 submit it at this time?

3 I'll reiterate what I said then, that I  
4 firmly believe this is interfering with us getting  
5 the legislation so we can actually get the things we  
6 need to budget and all those other things that we've  
7 now spent three years talking about and three years  
8 going to the LESC and asking them to do bills. And  
9 they have done a couple. One didn't ever get out of  
10 committee; one actually got passed a year ago, and  
11 the Governor vetoed it because the Governor and the  
12 Secretary view this as what we're trying to do as an  
13 attack on them, and they're entitled to their  
14 opinion.

15 I disagree with their concept of that.  
16 We're not attacking them. We're just asking for the  
17 things that this Commission needs to support our  
18 work.

19 And I believe this interferes with that.  
20 So I would just ask Commissioner Carr. Why submit  
21 it this year -- wait a year -- I know you're  
22 thinking next year's election may change the makeup  
23 of the Legislature. It might; it might not. Why  
24 submit it this year? Why not just give it a year's  
25 rest.

1           COMMISSIONER CARR: I'm submitting this  
2 now to give the new Commissioners a chance to  
3 support this. We should continue to support this,  
4 regardless of the political climate, because it's  
5 the right thing to do.

6           It is not vague. It's quite clear, quite  
7 precise. And like I said, I could put House Joint  
8 Resolution 4 here, which is exactly what I want,  
9 too, which is completely worded the way I would be  
10 comfortable with.

11           The fact that we might be in violation of  
12 the law by doing the last part, filling vacancies,  
13 would be -- that would go through the judicial  
14 committee and be thrown out anyway.

15           Your arguments are really weak. Doing  
16 something because it's the right thing to do, not  
17 doing it because you're scared you're going to  
18 offend somebody is offensive to me. I -- I'm going  
19 to do the right thing. I don't care who gets upset.

20           And the timing of it is that this  
21 Commission, and the new Commissioner -- the old  
22 Commission, I should say, when we voted on it  
23 before, it was an eight-to-one vote, Mr. Bergman,  
24 you being the only one.

25           So we supported this overwhelmingly

1 before. And I see no reason not to go ahead with it  
2 at this time, because it probably will be placed in  
3 legislation again next year, even though it may not  
4 have a chance. Probably doesn't. I think we should  
5 continue to support it. I think we should be on  
6 record as supporting it.

7 I want to be on the right side of history  
8 here, on record, always, as supporting something  
9 that is the right thing to do, regardless of  
10 partisanship.

11 And I'll tell you, the next Democratic  
12 governor will probably hate me if this ever gets  
13 through, because he'll want that power.

14 COMMISSIONER ARMBRUSTER: "She."

15 COMMISSIONER CARR: Or "she."

16 So I still strongly ask that you vote in  
17 favor of supporting this.

18 COMMISSIONER BERGMAN: May I respond just  
19 briefly?

20 THE CHAIR: Hold on. We have a question  
21 on -- yes. Commissioner Chavez seconded, yes.  
22 There was a question as to whether or not your  
23 motion was seconded.

24 COMMISSIONER CARR: All right.

25 THE CHAIR: And I apologize. Please go

1 ahead.

2 COMMISSIONER BERGMAN: I would just note,  
3 Commissioner Carr, that you were perfectly entitled  
4 to think that this is the right way to go. But do  
5 not denigrate me because I do not think -- I'm  
6 perfectly entitled to think it's not the right way  
7 to go, because I do not think it's the right way to  
8 go. I'm entitled to have my opinion.

9 THE CHAIR: Commissioner Toulouse?

10 COMMISSIONER TOULOUSE: Madam Chair, I  
11 also am not sure this is the right way to go at the  
12 moment. I think this is going backward. I think we  
13 need to go forward.

14 I know that we don't have a chance in hell  
15 of dismantling a department this large. And that's  
16 what will -- somebody will try to do as soon as  
17 we're -- they will downsize it. That's exactly what  
18 will happen with this.

19 I want to go forward. I see us making  
20 inroads now. I think this will stop those inroads  
21 that we're making in getting things through the  
22 Legislature now.

23 I would like to hold this back, not  
24 because I disagree with it totally, but for now, and  
25 make some more steps forward in doing things like



1 getting our own budget, getting our own staff, and  
2 then coming back and saying, "Let us go from here.  
3 We've proved we can handle the staff. We've proved  
4 we can handle a budget. Let us go forward," because  
5 I just -- I don't want to spin our wheels, and I  
6 don't want to lose some of that momentum I think  
7 that we're building slowly.

8 So at this point, I would rather support  
9 this two or three years down the road when we have  
10 made those inroads and gotten some of the power we  
11 have to have right now. And I just think this will  
12 stop that in its tracks, if we support it. Somebody  
13 puts it in, and we individually can take a stand.  
14 But as a Commission, we take a stand, I think the  
15 Commission loses, then, when we ask for other  
16 things.

17 I'd rather you brought it back to me two  
18 years from now, if we've gotten at least our own  
19 budget. Thank you.

20 THE CHAIR: Having gotten our own budget  
21 would be a wonderful step to have taken.

22 Further comments?

23 COMMISSIONER ARMBRUSTER: I had a  
24 comment -- I have a question, actually. This is  
25 okay, about this?

1 THE CHAIR: Sure.

2 COMMISSIONER ARMBRUSTER: So I guess it  
3 was 2003 or something like that. But before that,  
4 we had a Public Education -- Commission.

5 COMMISSIONER GIPSON: A State School  
6 Board.

7 COMMISSIONER ARMBRUSTER: A State School  
8 Board. And then we voted -- and I know I did -- for  
9 a Secretary of Education. Am I correct on this?  
10 Are you following me, because I want to make sure I  
11 am correct.

12 COMMISSIONER CARR: A Superintendent of  
13 Education was what the title was at the time.

14 COMMISSIONER ARMBRUSTER: But it ended up  
15 being a Secretary of Education, and that person was  
16 Dr. Veronica Garcia, who was an administrator.

17 COMMISSIONER CARR: She was.

18 COMMISSIONER ARMBRUSTER: What we're  
19 asking for is to redefine, in a sense of what  
20 that -- whether it's a Secretary of Education of  
21 New Mexico -- it could be that from the  
22 United States, for all -- from my point of view.

23 But we are, in the second paragraph here,  
24 talking about the fact that that person, redefining  
25 what the Secretary of Education --

1 THE CHAIR: Everything --

2 COMMISSIONER ARMBRUSTER: Is that correct?

3 THE CHAIR: -- would be different.

4 COMMISSIONER CARR: Oh, yeah.

5 COMMISSIONER ARMBRUSTER: But this would  
6 be a big different thing, too.

7 COMMISSIONER CARR: All of it. Go back  
8 the way it was, pretty much.

9 THE CHAIR: Any further discussion,  
10 Commissioners?

11 We have a motion and a second on the floor  
12 to, in essence, endorse this amendment -- pardon  
13 me -- this resolution to support the Constitutional  
14 amendment, as presented by Commissioner Carr.

15 Let's have a roll-call vote.

16 COMMISSIONER BERGMAN: Commissioner  
17 Conyers?

18 COMMISSIONER CONYERS: I'm trying to  
19 think. No.

20 COMMISSIONER BERGMAN: Commissioner  
21 Bergman votes "No."

22 Commissioner Shearman?

23 THE CHAIR: No.

24 COMMISSIONER BERGMAN: Commissioner  
25 Ambruster?

1 COMMISSIONER AMBRUSTER: Yes.  
2 COMMISSIONER GIPSON: Commissioner Carr?  
3 COMMISSIONER CARR: Yes.  
4 COMMISSIONER BERGMAN: Commissioner  
5 Chavez?  
6 COMMISSIONER CHAVEZ: Yes.  
7 COMMISSIONER BERGMAN: Commissioner  
8 Gipson?  
9 COMMISSIONER GIPSON: No.  
10 COMMISSIONER BERGMAN: Commissioner  
11 Toulouse?  
12 COMMISSIONER TOULOUSE: No.  
13 COMMISSIONER BERGMAN: One, two, three,  
14 four -- Madam Chair that is five "No" votes, three  
15 "Yes" votes.  
16 THE CHAIR: Wait. I have six noes and two  
17 yeses.  
18 COMMISSIONER BERGMAN: No. Commissioner  
19 Ambruster, Commissioner Carr, and Commissioner  
20 Chavez all voted "Yes."  
21 THE CHAIR: I'm sorry. I didn't write you  
22 down.  
23 COMMISSIONER BERGMAN: Everyone else voted  
24 "No." That's a five-to-three vote against the  
25 motion. The motion fails.

1 THE CHAIR: The motion fails on a  
2 five-to-three vote. Okay?

3 Let us move on to Item 13, which is Report  
4 from the Chair. And I only have one item that I  
5 would like to bring before you today, and that's the  
6 NACSA conference that's going to be held in  
7 Colorado, close to Denver, in October.

8 If you will notice in your materials on  
9 the -- on the flip side of the cover sheet for this  
10 conference, there is a P-Card Travel Request form.  
11 Beverly needs this form filled out, and she needs a  
12 firm commitment by you, if you plan to go, by  
13 Monday, so that monies can be gathered up and  
14 arrangements be commenced to be made.

15 So she needs to hear from you no later  
16 than Monday. She said you can fill this out and  
17 mail it to her, if you so choose, as long as it gets  
18 mailed Monday. But it all needs to happen Monday.

19 Can I just ask, off the cuff, how many of  
20 you think you might, at this point, be interested in  
21 going? Armbruster? Bergman?

22 COMMISSIONER GIPSON: I've made my hotel  
23 reservations already.

24 THE CHAIR: So we're talking about three  
25 people.

1 COMMISSIONER GIPSON: \$111, actually.

2 THE CHAIR: You all need to be working  
3 very closely with Beverly on getting your  
4 reservation and all those things.

5 COMMISSIONER GIPSON: At the Omni? I'm  
6 staying where the conference is.

7 COMMISSIONER ARMBRUSTER: I am not. But  
8 it's okay.

9 COMMISSIONER GIPSON: Can I just ask, does  
10 the -- do I still make the plane reservations, or  
11 will they be made for me, because there's a chance I  
12 may be driving.

13 MS. FRIEDMAN: If you let me know that  
14 you're going to commit to go, let me work with you  
15 individually, and I'll tell you how it all works.

16 COMMISSIONER GIPSON: Okay. Okay. All  
17 right. Thanks.

18 THE CHAIR: Commissioner Ambruster, would  
19 that work for you, as well?

20 COMMISSIONER ARMBRUSTER: Right.

21 THE CHAIR: Just to work with Beverly?

22 COMMISSIONER ARMBRUSTER: I actually  
23 communicated with Beverly. You thought I paid for  
24 it; but I did not pay for it.

25 THE CHAIR: Are we good?

1 MS. FRIEDMAN: Thank you, Madam Chair.  
2 Was the third person Vince?

3 COMMISSIONER BERGMAN: Yes.

4 MS. FRIEDMAN: Okay. All right.

5 THE CHAIR: Thank you all very much on  
6 that.

7 Item 14 is PEC Comments. I am going to  
8 start with Commissioner Gipson, and we'll just go  
9 around the table.

10 Any comments?

11 COMMISSIONER GIPSON: Not at this moment.

12 THE CHAIR: Commissioner Toulouse?

13 COMMISSIONER TOULOUSE: No, ma'am.

14 THE CHAIR: Thank you.

15 Commissioner Conyers?

16 COMMISSIONER CONYERS: No.

17 THE CHAIR: Commissioner Bergman?

18 COMMISSIONER BERGMAN: No, I'm done.

19 THE CHAIR: Nothing else from me.

20 Commissioner Carr?

21 COMMISSIONER CARR: No.

22 THE CHAIR: Commissioner Ambruster?

23 COMMISSIONER ARMBRUSTER: Did you say  
24 this?

25 THE CHAIR: Now's the time, if you're

1 going to.

2 COMMISSIONER ARMBRUSTER: For some of you,  
3 but not all, not to violate the Open Meetings Act, I  
4 got my little CD from you, Beverly. And it came,  
5 and it said, "Postage Due, \$1.12."

6 So I wrote four other people, just not  
7 to -- and I simply asked if they had postage due on  
8 theirs. And they said, "Oh, no."

9 And I thought, well, how come I do?

10 So I trotted my little body down to the  
11 Post Office to ask them, and said, "You know, she  
12 never makes mistakes."

13 And I said, "Nine other people got this,  
14 and no one else had to pay."

15 I was just extrapolating from my small  
16 group.

17 And he told me that they have sort of an  
18 obsessive-compulsive clerk in Los Alamos who said  
19 that because this was more than a quarter of an  
20 inch, and it contained a CD, it must go as a parcel.  
21 Honestly. I even have the receipt.

22 But this was weighed as a letter and not a  
23 parcel.

24 I said -- so, I said, "Do you find that  
25 odd that not eight other people -- or nine other



1 people got this?"

2 I think she's been doing this for a very  
3 long time.

4 And so I checked with two postal carriers,  
5 one who was my substitute person, and one who was  
6 our regular one. And I said to both of them --  
7 because I didn't know if they had already paid the  
8 \$1.12, because it's not a big deal -- and I'm not  
9 giving you a receipt.

10 But they said the same thing that I just  
11 said about this one clerk. They said, "If she  
12 doesn't get her hands on it, it goes through; and if  
13 not, it doesn't."

14 I just thought it was funny. I'll give  
15 this to you so you can see it.

16 THE CHAIR: I feel you should test that  
17 for your travel reimbursement, if you have a  
18 receipt. See if it'll fly.

19 COMMISSIONER ARMBRUSTER: I mean, really?  
20 I just thought, oh, my gosh.

21 MS. FRIEDMAN: Madam Chair, may I ask  
22 Commissioner Ambruster, what was in the envelope?

23 COMMISSIONER ARMBRUSTER: The one that you  
24 sent to all of us, a CD and a letter.

25 COMMISSIONER GIPSON: The new school

1 applications.

2 MS. POULOS: That was sent out of the CSD  
3 office.

4 COMMISSIONER ARMBRUSTER: I'm not blaming  
5 you. I said, "Are you kidding me?"

6 MS. POULOS: Just so Beverly didn't  
7 feel --

8 MS. FRIEDMAN: No. My response to that is  
9 that our mailroom does a lot of mailing. And it  
10 probably just didn't get the postage on it.

11 THE CHAIR: It got the same.

12 COMMISSIONER GIPSON: We all got it.

13 COMMISSIONER ARMBRUSTER: We all got it.

14 THE CHAIR: People, people, please. Her  
15 machine is smoking again. She can only hear one at  
16 a time.

17 COMMISSIONER ARMBRUSTER: It's fine. I  
18 wasn't upset. I just thought -- (indicates). It  
19 was levity.

20 THE CHAIR: Commissioner Chavez?

21 COMMISSIONER CHAVEZ: I don't have  
22 anything.

23 THE CHAIR: All right. Do we have anyone  
24 signed up for Open Forum?

25 MS. FRIEDMAN: I'll go look, but I don't

1 think so.

2 Can I just ask -- can I ask that all of  
3 the original folders come back to me for your  
4 reimbursements? And if you did have lunch or  
5 anything, if you could just pick up your things and  
6 put them in the trash?

7 THE CHAIR: Will do. We'll wait for you  
8 to tell us if we have anyone for Open Forum.

9 COMMISSIONER TOULOUSE: Can we adjourn?

10 THE CHAIR: We can't. We're waiting on  
11 Open Forum.

12 COMMISSIONER TOULOUSE: Some of us need to  
13 move.

14 MS. FRIEDMAN: No.

15 THE CHAIR: Is there anyone?

16 MS. FRIEDMAN: No one.

17 THE CHAIR: No. Now, I would entertain a  
18 motion.

19 COMMISSIONER TOULOUSE: So move.

20 COMMISSIONER GIPSON: Second.

21 THE CHAIR: All those in favor of  
22 adjournment, please say "Aye."

23 (Commissioners so indicate.)

24 THE CHAIR: Any opposed?

25 (No response.)

1 THE CHAIR: We are adjourned.

2 (Proceedings adjourned at 3:18 p.m.)

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In testimony whereof, I have hereunto set my  
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*Cynthia C. Chapman*

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