

**AGENDA ITEM EXECUTIVE SUMMARY**

**I. Public Education Commission Meeting Date: June 15, 2017**

**II. Item Title: Approval of Minutes**

- A. Approval of PEC Work Session Minutes for May 11, 2017
- B. Approval of PEC Meeting Transcript/Minutes for May 12, 2017
- C. Approval of PEC Summary of Minutes for May 12, 2017

**III. Proposed Motion:**

**I move that the Public Education Commission approve the following PEC minutes/transcripts as printed:**

**I move that the Public Education Commission approve the Following PEC minutes/transcripts with the following change (s)**

**IV. Executive Summary:**

**NEW MEXICO PUBLIC EDUCATION COMMISSION**  
**Minutes for Work Session**  
**Thursday, May 11, 2017**

**CALL TO ORDER**

Chair Patricia Gipson called the PEC Work Session to order at 9:05 a.m. in Mabry Hall of the Jerry Apodaca Education Building, 300 Don Gaspar, Santa Fe, NM 87501

**Commissioners in Attendance:**

Commissioner Patricia Gipson, PEC Chair, District 7, Las Cruces  
Commissioner Gilbert Peralta, PEC Vice Chair, District 6, Socorro  
Commissioner Karyl Ann Armbruster, PEC Secretary, District 4, Los Alamos  
Commissioner James Conyers, District 5, Bloomfield  
Commissioner Danielle Johnston, District 8, Moriarty  
Commissioner Trish Ruiz, District 9, Hobbs

**Commissioners Absent:**

Commissioner Millie Pogna, Member, District 2, Albuquerque  
Commissioner Tim Crone, District 10, Espanola  
Commissioner Carmie Lynn Toulouse, District 3, Albuquerque  
Commissioner R. Carlos Caballero, District 1, Albuquerque

**Also Present:**

Katie Poulos, PED Director of Options for Parents and Families  
Kelly Callahan, Co-Director of New Mexico Coalition of Charter Schools

**WORK SESSION**

**Charter School Amendments**

Director Poulos began the discussion by recommending that the PEC should create a timeline for bringing charter school amendments to the PEC for review and approval. She also suggested that it would be good to classify requests from charter schools. These can be divided into "Amendment Requests" and "Notifications." The Commissioners discussed amendment issues that would fall into these two categories. For the June PEC Work Session, Director Poulos will provide a draft of a document that would define amendments that are brought to the PEC.

**Performance Framework**

Public Impact will come to the June 16 PEC meeting to discuss the group's scope of work on charter School Performance Frameworks.

**Calendar**

The Commissioners discussed a schedule for the June 2017 Work Session and PEC Meeting and the PEC July Public Hearing and a PEC Meeting.

**ADJOURN**

No votes were taken by Commissioners during this work session.

The meeting was adjourned at 3:30 p.m.

Submitted by Beverly Friedman, PED Liaison to the PEC

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

PUBLIC MEETING

May 12, 2017

9:00 a.m.

300 Don Gaspar

Jerry Apodaca Education Building, Mabry Hall

Santa Fe, New Mexico

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

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## Page 2

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

## COMMISSIONERS:

MS. PATRICIA GIPSON, Chair

MS. KARYL ANN ARMBRUSTER, Secretary

MR. JAMES CONYERS, Member

MR. TIM CRONE, Member

MS. DANIELLE JOHNSTON, Member

MS. TRISH RUIZ, Member

MS. CARMIE TOULOUSE, Member

## STAFF:

MS. KATIE POULOS, Director, Charter School Division

MR. DAVID STEVENS, Assistant Attorney General

Counsel to the PEC

MS. BEVERLY FRIEDMAN, PED Custodian of Record  
and Liaison to the PEC

## Page 4

## I N D E X T O P R O C E E D I N G S, Continued

11 Discussion and Possible Action on 216

Contract for PEC Legal Services

12 Report From the Chair 256

13 PEC Comments 264

14 Adjourn 266

REPORTER'S CERTIFICATE 267

## ATTACHMENTS:

1 Public Comment Sign-In Sheet

2 Visitors Sign-In Sheets

## Page 3

## I N D E X T O P R O C E E D I N G S

Page

1 Call to Order, Roll Call, Pledge of 5  
Allegiance and Salute to New Mexico Flag

2 Approval of Agenda 6

3 Public Comment 7

4 Approval of Minutes and Transcripts 21

5 Discussion and Possible Action on 24

Charter School Amendments

A La Tierra Montessori 24

B Mission Achievement and Success 51

6 Report from Options for Parents and 59

the Charter School Division - Discussion

and Possible Actions

A Charter School Division Update 59

B Report on Governance Changes 64

C Report on School Closures 65

7 Discussion and Possible Action to Consider 65

Future Charter Revocation Hearing Regarding

Dzit Diti'oi School of Empowerment, Action

and Perseverance (DEAP) Based on Reported

Problems with Organizational Structure,

Financial Administration and Financial

Reporting, and Lack of an Education Leader

8 Discussion and Possible Action on the 131

Proposed La Promesa Corrective Action Plan

9 Discussion and Possible Action on 211

Public Impact Contract Regarding the

Performance Framework

10 Discussion and Possible Action on 212

Contract Negotiations with Renewal

Schools Currently Not Under Contract

## Page 5

THE CHAIR: I am calling into session --

I'm calling into session this meeting of the Public

Education Commission. It is Friday, May 12th, and

it is 9:02 a.m. And I will ask Commissioner

Armbruster to do a roll-call vote.

COMMISSIONER ARMBRUSTER: Commissioner

Pogna is not here.

Commissioner Toulouse?

COMMISSIONER TOULOUSE: Present.

COMMISSIONER ARMBRUSTER: Commissioner

Armbruster is here.

Commissioner Conyers?

COMMISSIONER CONYERS: Present.

COMMISSIONER ARMBRUSTER: Commissioner

Peralta is not present.

Commissioner Gipson?

THE CHAIR: Here.

COMMISSIONER ARMBRUSTER: Commissioner

Johnston?

COMMISSIONER JOHNSTON: Present.

COMMISSIONER ARMBRUSTER: Commissioner

Crone is not here.

Commissioner Ruiz?

COMMISSIONER RUIZ: Present.

COMMISSIONER ARMBRUSTER: Commissioner

<p style="text-align: right;">Page 6</p> <p>1 Caballero is not here yet.</p> <p>2 So we have six Commissioners, which is a</p> <p>3 quorum.</p> <p>4 THE CHAIR: Thank you. And before we</p> <p>5 begin, I just want to send the Commissioners'</p> <p>6 thoughts and prayers to Commissioner Pogna. Her</p> <p>7 husband is very ill. So we're hoping that all goes</p> <p>8 well and that he does recover, and we will see her</p> <p>9 back shortly. So we just want to extend our</p> <p>10 thoughts and prayers to her.</p> <p>11 So in light of that, we will start with</p> <p>12 the Pledge of Allegiance from Commissioner Conyers,</p> <p>13 followed by the Salute to the New Mexico Flag with</p> <p>14 Commissioner Toulouse.</p> <p>15 (Pledge of Allegiance and Salute to the</p> <p>16 New Mexico Flag.)</p> <p>17 COMMISSIONER TOULOUSE: Madam Chair, may I</p> <p>18 explain to the group?</p> <p>19 My asthma is bad. I'm going to be</p> <p>20 coughing. But I am not -- I don't have anything</p> <p>21 that's contagious. So I will just hack my way</p> <p>22 through this. So please excuse me. And I will try</p> <p>23 to keep it down. Thank you.</p> <p>24 THE CHAIR: Thank you. We've all had an</p> <p>25 opportunity to take a look at the agenda. So if --</p>	<p style="text-align: right;">Page 8</p> <p>1 you.</p> <p>2 FROM THE FLOOR: Thank you, Madam Chair.</p> <p>3 My name is James Valerio. I am the most recent</p> <p>4 president of HOSA Future Health Professionals. And</p> <p>5 I am here today to speak to you on behalf of</p> <p>6 career-technical education and why it should be a</p> <p>7 priority for our State Education Department.</p> <p>8 Career-technical education is an</p> <p>9 innovative approach to educating our students. When</p> <p>10 most people think of career-technical education,</p> <p>11 they think of vocational school; they think of, you</p> <p>12 know, not so much the academic side of learning.</p> <p>13 But I'm here today to tell you that that</p> <p>14 is just not the case with today's career-technical</p> <p>15 education.</p> <p>16 It involves a combination of both academic</p> <p>17 and vocational learning to fill the needs, really,</p> <p>18 of our job market and build a solid foundation for</p> <p>19 our young people early on to give them the skill set</p> <p>20 of both hard and soft skills to prepare them for</p> <p>21 their future careers.</p> <p>22 There's always this one success story that</p> <p>23 I always go back to. A girl from my school a few</p> <p>24 years ago, who was involved in my organization,</p> <p>25 HOSA -- and she started learning at forensic --</p>
<p style="text-align: right;">Page 7</p> <p>1 do we have any -- we have a motion to approve?</p> <p>2 COMMISSIONER RUIZ: Yes, motion to</p> <p>3 approve.</p> <p>4 COMMISSIONER CONYERS: (Indicates.)</p> <p>5 THE CHAIR: There's a motion to approve by</p> <p>6 Commissioner Ruiz, second by Commissioner Conyers.</p> <p>7 All in favor?</p> <p>8 (Commissioners so indicate.)</p> <p>9 THE CHAIR: Any opposed?</p> <p>10 (No response.)</p> <p>11 THE CHAIR: Hearing no opposition, the</p> <p>12 motion carries.</p> <p>13 We are next on to the Public Comment</p> <p>14 portion of the meeting, which is allotted</p> <p>15 10 minutes. There are four people who have signed</p> <p>16 up for Public Comment; so we will divide that time</p> <p>17 as evenly as we can.</p> <p>18 So I will ask those individuals to be</p> <p>19 thoughtful with the time, and I'll try to keep track</p> <p>20 of the approximately two minutes that we have.</p> <p>21 And the first on the list is James</p> <p>22 Valerio.</p> <p>23 Good morning. And if you could just</p> <p>24 introduce yourself for the record. And you need to</p> <p>25 keep the button held down for the microphone. Thank</p>	<p style="text-align: right;">Page 9</p> <p>1 studying forensics as part of HOSA. And today,</p> <p>2 she's actually attending Harvard University to</p> <p>3 become a forensic specialist.</p> <p>4 So that's always the go-to story I have,</p> <p>5 just because it shows, you know, the level of</p> <p>6 academia that's involved in these career-technical</p> <p>7 education programs.</p> <p>8 We have the benefits on paper, also,</p> <p>9 associated with this sort of education. CTE</p> <p>10 students consistently show higher test scores and</p> <p>11 have higher education rates than regular education</p> <p>12 students. And on top of that, CTEs help -- like I</p> <p>13 said earlier, help fill the needs of our job market.</p> <p>14 New Mexico is in dire need of health</p> <p>15 professionals. And with organizations such as my</p> <p>16 own, HOSA, we really try to prepare students early</p> <p>17 on to get them motivated and interested in pursuing</p> <p>18 a career within their communities for a health</p> <p>19 profession.</p> <p>20 So I just wanted to stress today the</p> <p>21 importance of career-technical education and just</p> <p>22 really appeal to the Commission to really, you know,</p> <p>23 understand the importance of this.</p> <p>24 Thank you.</p> <p>25 THE CHAIR: Thank you so much.</p>

Page 10

1 The next on the list is Marjorie  
 2 Gillespie.  
 3 FROM THE FLOOR: Madam Chairperson and PEC  
 4 members, I am Marjorie Gillespie. I'm the Board  
 5 chairperson of the Career and Technical Education  
 6 Leadership Project, commonly known as CTLP. I  
 7 believe in kids. I want to help parents. I trust  
 8 teachers.  
 9 I know that CTE and CTSOs help students  
 10 succeed in life in their careers. And I know that  
 11 the ENMU-CTLP helps facilitate the students'  
 12 success.  
 13 I want to thank the PEC for your statutory  
 14 oversight, support of CTE in New Mexico. And I  
 15 actually came to this meeting today with three  
 16 reasons.  
 17 I thought the PEC would be reviewing and  
 18 approving the revised Perkins State plan that was  
 19 due April 26th. I learned at our board meeting  
 20 Saturday that that approval is no longer required,  
 21 and the plan has already been submitted.  
 22 It's my opportunity to meet PEC members.  
 23 I've enjoyed doing that this morning and to  
 24 reiterate the CTLP Advisory Board's concerns for  
 25 support and adequate funding for the CTLP, based on

Page 12

1 MS. FRIEDMAN: Your time is up.  
 2 FROM THE FLOOR: But we don't understand  
 3 the potential of the complete elimination of PED  
 4 State funding from the Department.  
 5 MS. FRIEDMAN: Your time is up. I'm  
 6 sorry.  
 7 FROM THE FLOOR: May I end with just one  
 8 full request for the PEC? First, your full support  
 9 of CTE and CTSOs; to ask you -- suggest -- that you  
 10 invite the six CTSOs to present at one of your  
 11 meetings, not all at once, but perhaps six different  
 12 meetings over the year; and also, to invite you to  
 13 attend one of our State conferences for any -- all  
 14 six of the CTSOs next spring.  
 15 Thank you, and I appreciate all that you  
 16 do to support quality education in our state and for  
 17 our students.  
 18 THE CHAIR: Thank you. Next on the list  
 19 is Ray Henderson.  
 20 FROM THE FLOOR: Can you guys hear me  
 21 okay?  
 22 Good morning, Madam Chair and PEC Members.  
 23 Thank you for giving me the time to be here today.  
 24 I just want to be here to advocate --  
 25 THE CHAIR: I'm sorry. Could you please

Page 11

1 the meeting we just had.  
 2 After that meeting, major concerns and  
 3 questions did still exist. So this caused me to  
 4 send an e-mail to Dr. Perea. I forwarded that  
 5 e-mail to you for information purposes.  
 6 When Dr. Perea told our board that CTE is  
 7 not, and has not, been a priority for PED some  
 8 time -- that's a quote -- she certainly had our  
 9 attention.  
 10 When she told our board that she's  
 11 reluctant to continue funding the third full-time  
 12 coordinator/adviser position that's currently funded  
 13 out of the State dollars, the CTLP's ability and  
 14 effectiveness to complete its program of work is  
 15 being critically compromised and presents a problem,  
 16 one that was actually resolved three years ago and  
 17 has since been approved for funding annually by  
 18 NMPED.  
 19 Every advisory board member at that  
 20 meeting fully understood the PED has no control over  
 21 the final State budget. We also firmly agree that  
 22 all agencies and organizations, ours included,  
 23 funded with State dollars, must tighten their belts,  
 24 think about ways to do more with less, and must be  
 25 innovative and prudent in our efforts.

Page 13

1 just introduce yourself for the record?  
 2 FROM THE FLOOR: I'm sorry. Ray Henderson  
 3 with Rio Rancho High School, also a member of our  
 4 CTLP board, and also a member of our DECA board, as  
 5 well.  
 6 And I'm here just to advocate for all the  
 7 kids and let you guys know that the CTSOs are a  
 8 tremendous asset to our state. And they bring --  
 9 they bring credence to what the kids can do in the  
 10 classroom with their CTSO.  
 11 I happen to be a member -- or the adviser  
 12 at Rio Rancho High School, 330 members strong. A  
 13 couple of weeks ago, we just came back from Anaheim  
 14 for our national competition. I took 41 students  
 15 over there. And it was a life-changing experience  
 16 for them.  
 17 One of the students wrote, "I had a trip  
 18 that changed my life. ICDC 2017 was a life-changing  
 19 experience that I will never forget. ICDC, or DECA,  
 20 not only opens up so many doors for me, but also  
 21 opened my mind to a whole other world, the world of  
 22 DECA."  
 23 And so I can go on. I have multiple  
 24 letters for that. But what I do want to just say is  
 25 the career-tech state organizations, they're just

<p style="text-align: right;">Page 14</p> <p>1 invaluable to the schools; big schools, small 2 schools.</p> <p>3 One of the things that is challenging to 4 increase membership in those schools is there's so 5 many electives. Small schools don't have that 6 luxury. Big schools have that -- don't have the 7 luxury to go out and access -- or try to get the 8 kids into the classes. And so given that, an 9 adviser like me has to really push, put in those 10 extra hours and so forth.</p> <p>11 And it's an experience that changes you, 12 not only as an adviser, but the students' lives, as 13 well.</p> <p>14 About three years ago, I met 15 Secretary Skandera at a Hispanic Chamber of Commerce 16 event. I took a picture then with 37 students that 17 I had that went to national competition. She 18 came --</p> <p>19 MS. FRIEDMAN: Sorry. Your time is up.</p> <p>20 FROM THE FLOOR: She came into my 21 classroom as a once-in-a-lifetime experience that I 22 will cherish.</p> <p>23 I want to say thank you again for your 24 time.</p> <p>25 THE CHAIR: Thank you so much.</p>	<p style="text-align: right;">Page 16</p> <p>1 school, people who have been struggling to do 2 something or find a career pathway, take them and 3 mold them to do something that they feel 4 purposeful -- that is purposeful with their lives.</p> <p>5 I'm one of those examples. My freshman 6 year in high school, I was a quiet person, very 7 timid. I never had a voice; I don't speak in front 8 of people.</p> <p>9 Going through four years in the 10 organization, I've done so many things because of 11 it. I've been to Washington, D.C., three times, 12 spoken with Senator Martin Heinrich and multiple 13 aides and staff of Steve Pierce, been to the 14 national skills conference and been a national 15 officer for the organization, and I've spoken in 16 front of 16,000 people leading a conference.</p> <p>17 Doing these things has led -- just, it's 18 incredible the impact it makes. And one of the 19 worst things is that -- and even my growth from 20 dirty jobs can testify to this -- is that 21 organizations, you know, from CTLP, like SkillsUSA, 22 HOSA, and DECA were called "America's best-kept 23 secret."</p> <p>24 The thing that bothers me is we're a 25 secret. The things we do shouldn't be a secret,</p>
<p style="text-align: right;">Page 15</p> <p>1 FROM THE FLOOR: Appreciate that.</p> <p>2 THE CHAIR: And, finally, it's Jonathan --</p> <p>3 I'm sorry; I can't read the last name -- "Armiento"?</p> <p>4 FROM THE FLOOR: Please excuse me. Bad 5 handwriting, by the way.</p> <p>6 My name is Jonathan Sarmiento. I'm 18 7 years of age, and I'm here on behalf of the CTLP; 8 but I will be speaking on behalf of my organization, 9 as well, SkillsUSA.</p> <p>10 Now, I've been in this organization for 11 four years. My four years in this organization has 12 taught me many things. One of those things is about 13 taking integrity [verbatim]. The organization has 14 done a lot that I -- the impact is something that -- 15 it's one of those things, when you talk about it, 16 you get so passionate about it, it's hard to 17 explain.</p> <p>18 In my four years, I've seen so many 19 students go through the organization. And by 20 definition, "the organization" is: SkillsUSA is a 21 student-led organization that helps students develop 22 personal, technical and workplace skills. That's by 23 definition.</p> <p>24 By example, I've seen this organization 25 take young people who would have been struggling in</p>	<p style="text-align: right;">Page 17</p> <p>1 because we've been making an impact.</p> <p>2 One of the things I can take note of is 3 not only in the State of New Mexico, but in the 4 United States, is we have a deficit. Not a 5 financial deficit; a deficit of workers, a deficit 6 of jobs. And the crazy thing is, though, is that 7 SkillsUSA and other CTLP organizations have been 8 taking students, giving them industry standards and 9 competition and working with professionals, and 10 getting directly into those jobs that we're facing 11 deficits in.</p> <p>12 SkillsUSA helps high school as a 13 partnership with Drexel Energy. Every two years, we 14 provide two students that participate in the 15 linesman program --</p> <p>16 MS. FRIEDMAN: I'm sorry, your time is up.</p> <p>17 FROM THE FLOOR: Thank you.</p> <p>18 THE CHAIR: Thank you so much. And we 19 appreciate everyone who came in. And we certainly 20 applaud the passion that you have for your programs.</p> <p>21 I can speak for myself. I taught in a 22 school that had a vibrant DECA program, and 23 certainly understand the impact that that program 24 did have.</p> <p>25 I think there's been questions that have</p>

Page 18

1 been raised, especially from some of the newer  
2 Commissioners, about how the Perkins grant  
3 functions, how things are funded; so that I have  
4 asked, for next month's agenda, that Dr. Perea, who  
5 is in the audience today -- and I want to also  
6 recognize the Director for College and Career  
7 Readiness, Ashley Eden, who's also here.

8 But Dr. Perea, I did ask for the June  
9 meeting, so that we can have some time to ask  
10 questions and go through it a little bit more  
11 in-depth; because it's not on the agenda for today,  
12 so that it's really not an item that we can delve  
13 into deeply today.

14 So I appreciate you coming back in June to  
15 help us out through that.

16 MS. POULOS: Madam Chairwoman,  
17 Commissioners, PED also thanks the individuals who  
18 spoke today for their comments and appreciate that.  
19 And I think Dr. Perea looks forward to the  
20 opportunity to talk with you, certainly, and be able  
21 to explain, you know, any decisions that have been  
22 made. And, certainly, you know, the Legislature cut  
23 the PED's budget by \$20 million this year.

24 THE CHAIR: We wish it was \$20,000.

25 MS. POULOS: We're all having to figure

Page 20

1 And I was going to bring my pin -- my DECA pin that  
2 has a little gavel, and "65" -- not 1865; 1965 --  
3 that, and FTA -- I was a member of Future Teachers  
4 of America.

5 My DECA job was hauling around those giant  
6 televisions of the 1960s with a guy that was shorter  
7 than I am. I don't know how we moved those things;  
8 but we did.

9 At any rate, it was a great program. I  
10 got a lot of organizational skills from that. I  
11 organized the banquet, made all the provisions; and  
12 so it was a great experience, and I support DECA  
13 strongly. Thank you.

14 THE CHAIR: I just want to add to  
15 Commissioner Crone, the individual in my school that  
16 hauled around those big TVs looked for  
17 height-challenged people, because they could move  
18 the cart better, because they could see through  
19 the --

20 COMMISSIONER CRONE: My employer couldn't  
21 afford a cart.

22 THE CHAIR: Commissioner Ruiz?

23 COMMISSIONER RUIZ: I just want to thank  
24 and commend all the students that came and spoke,  
25 and, of course, all of you. I also want to give a

Page 19

1 out how to tighten our belts and absorb those costs.  
2 She'll be able to make a great presentation for you  
3 next month so that you can understand the Bureau,  
4 what they do and how they make decisions.

5 THE CHAIR: Right. Thank you.

6 Commissioner Toulouse?

7 COMMISSIONER TOULOUSE: Madam Chair, I  
8 just want to state my support for DECA, which kept  
9 my daughter going to high school; and also  
10 SkillsUSA, which I was very involved with when I was  
11 on the CNM Governing Board. And I think that those  
12 programs are especially important to states like  
13 New Mexico, where we have more and more young people  
14 not getting the skills they need to get jobs in the  
15 first place.

16 I just wanted to go on record with my  
17 support for both of those. Thank you.

18 THE CHAIR: Thank you. And once again,  
19 thank you all for coming, your time -- Commissioner  
20 Crone -- sorry. Oh.

21 And could the record please indicate that  
22 Commissioner Crone is here?

23 COMMISSIONER CRONE: I'm glad I'm here. I  
24 want to express my support of DECA, also. I was  
25 president of the DECA chapter at my high school.

Page 21

1 shout-out to my hometown, Mr. Armiento -- Sarmiento.

2 And also, I wanted to just commend our  
3 SkillsUSA teacher; he's in the audience. And you  
4 won a national award; is that right?

5 FROM THE FLOOR: That's correct.

6 COMMISSIONER RUIZ: Can you tell me what  
7 that is, please?

8 FROM THE FLOOR: I was elected Region 5  
9 adviser of the year. And I'm going to be running  
10 for the National Adviser of the Year next month.

11 COMMISSIONER RUIZ: And I know in Hobbs  
12 and statewide, nationwide, the career-technical  
13 programs provide such a tremendous service for our  
14 students. And I want you to know that I highly  
15 support you.

16 FROM THE FLOOR: Thank you very much.

17 THE CHAIR: Thank you. And thank you for  
18 traveling all this way to come this morning.

19 We are on to Item No. 4 now, which is  
20 Approval of the Minutes and Transcripts.

21 And we have 4A, approval of the April 6,  
22 2017, Work Session minutes.

23 Do we have any corrections?

24 Seeing none, I'll entertain a motion.

25 COMMISSIONER JOHNSTON: (Indicates.)



<p style="text-align: right;">Page 22</p> <p>1 THE CHAIR: And I think I've got a motion 2 by Commissioner Johnston. 3 COMMISSIONER CRONE: (Indicates.) 4 THE CHAIR: And a second by Commissioner 5 Crone. 6 All in favor? 7 (Commissioners so indicate.) 8 THE CHAIR: Any opposition? 9 (No response.) 10 THE CHAIR: Hearing none, the motion 11 passes. 12 We are on to Item 4B, which is approval of 13 the PEC Meeting Transcripts, Transcript and Minutes 14 for April 7th, 2017. 15 Do I have any additions? Corrections? 16 If none, I will entertain a motion. 17 COMMISSIONER RUIZ: (Indicates.) 18 THE CHAIR: And there is a motion by 19 Commissioner Ruiz. 20 COMMISSIONER CRONE: (Indicates.) 21 THE CHAIR: And a second by Commissioner 22 Crone. 23 All in favor? 24 (Commissioners so indicate.) 25 THE CHAIR: Opposed?</p>	<p style="text-align: right;">Page 24</p> <p>1 We want to welcome you -- 2 MR. STEVENS: Thank you. 3 THE CHAIR: -- and say -- hope we are -- 4 we look forward to working with you. 5 And we are on to Item No. 5, Discussion of 6 Possible Action on Charter School Amendments. 7 MS. POULOS: Can we have the school come 8 up? 9 THE CHAIR: Sure. And the first school on 10 the agenda is La Tierra Montessori. 11 MS. POULOS: Madam Chairwoman, 12 Commissioners, La Tierra Montessori has before 13 you -- I believe it is five amendment requests. As 14 you'll recall, this school was renewed in December 15 for a period of five years, and, at the time, did 16 not submit these amendment requests. And I think 17 this may be because they haven't yet gone into the 18 renegotiation process, or the negotiation process 19 for the new term, and so are trying to clean some 20 things up, I think, that they maybe would have done 21 through that process. 22 And so it may be that the Commission might 23 want to have a conversation about whether this is 24 the time to handle these, or if you're going to plan 25 to do that during the process; but just to go</p>
<p style="text-align: right;">Page 23</p> <p>1 (No response.) 2 THE CHAIR: Hearing no opposition, the 3 motion carries. 4 And we are on to Item 4C, which is 5 approval of the PEC Summary Minutes for April 7th, 6 2017. 7 If there are no corrections, I will 8 entertain a motion. 9 COMMISSIONER CONYERS: (Indicates.) 10 THE CHAIR: A motion by Commissioner 11 Conyers. 12 COMMISSIONER ARMBRUSTER: (Indicates.) 13 THE CHAIR: A second by Commissioner 14 Armbruster. 15 All in favor? 16 (Commissioners so indicate.) 17 THE CHAIR: Opposed? 18 (No response.) 19 THE CHAIR: Hearing no opposition, the 20 motion passes. 21 And before we have go any further, I would 22 like to recognize and welcome Mr. Stevens, who is 23 here from the Attorney General's Office. He is 24 replacing Audrey McKee that was here for a number of 25 months.</p>	<p style="text-align: right;">Page 25</p> <p>1 through those five amendments with you. 2 The first is they're currently authorized 3 to serve grades K through 8. And the school is 4 actually requesting, over the next two years, to go 5 from serving grades K through 8 to serving grades K 6 through 6. And so I think they would phase out 7 grades, phasing out eighth grade in the '17-'18 8 school year and phasing out seventh grade in the 9 '18-'19 school year. 10 So that's the first request. And you'll 11 see that that's accompanied by the minutes, where 12 the Board approved that request. 13 And it also asked to add a statement that 14 incorporates their pre-K into the school's charter. 15 And I know this is a conversation we've had many 16 times about whether this Commission will include 17 pre-K programs in the charters or not. We have had 18 the conversation about when it is a public school 19 program, and that's when it serves specifically 20 3Y-4Y students under the Developmentally Disabled 21 program. 22 But the other pre-K programs can either be 23 funded by -- I believe it's CYFD, or by PED. And 24 I -- even though it's funded by PED, it's still not 25 necessarily, by definition, a public school program</p>

Page 26

1 under the statute.

2 And I think the -- the couple of issues  
3 that come in that really haven't been clarified by  
4 the Legislature -- and I think there was a bill this  
5 year in front of the Legislature -- is to clarify if  
6 a charter school has students that are enrolled in a  
7 pre-K program that's at that school, does that  
8 student then get preferential enrollment into the K  
9 program when they start to enter into the public  
10 school program.

11 So it's a little unclear and, I think, a  
12 little challenging for this amendment request right  
13 now. And I think that's something you've, in the  
14 past, not incorporated those pre-K programs unless  
15 it was specifically to serve 3Y-4Y.

16 The next amendment request is there's a  
17 statement in their charter in their material  
18 terms -- we've discussed this a little bit -- that's  
19 very specific about the agricultural curriculum  
20 components of their curriculum, where students --  
21 the charter previously identified that students  
22 would learn on a specific ranch and on specific  
23 gardening plots.

24 And I believe that the school wants to  
25 remove that language identifying the specific plots

Page 28

1 instruction. And the school is seeking to really  
2 remove that statement, "principle approach," and  
3 state instead that Montessori methods and materials  
4 will be used as an approach to instruction.

5 And so I think it's decreasing the focus  
6 on maybe the Montessori methods. And I think that's  
7 based off of some feedback we've given. But -- no?

8 Okay. We'll let the school explain that  
9 one a little bit more.

10 THE CHAIR: Okay. Good morning.

11 FROM THE FLOOR: Good morning.

12 Good morning.

13 MS. CHRISTIE BERG: Good morning,  
14 everyone. Nice to see you. Hope you're enjoying  
15 the weather outside. We are. No March hail or  
16 snow.

17 I'm Christie Berg. I'm the Head Learner  
18 of La Tierra Montessori School for the Arts and  
19 Sciences.

20 MS. JULIE ANN HILL-CLAPP: Hi. Good  
21 morning, Commissioners. I'm Julie Ann Hill-Clapp.  
22 I'm the Governing Council President for La Tierra  
23 Montessori School for the Arts and Sciences.

24 MS. CHRISTIE BERG: Thank you for giving  
25 us time this morning.

Page 27

1 or locations. And potentially, that's because  
2 they're not in a partnership with those entities  
3 anymore.

4 And I would just encourage the Commission,  
5 as I noted during our work session yesterday, that  
6 we may want to be more thoughtful about the language  
7 that is in the contracts to make sure it truly is  
8 the material terms.

9 The school has also requested to amend the  
10 current mission statement. And that's because the  
11 mission statement specifically identifies the grade  
12 levels served.

13 And again, we discussed that yesterday;  
14 but moving forward in the future, would encourage  
15 the Commission to work with schools to make sure  
16 that's not language that's included, because you  
17 need to come back and change anytime you change  
18 grade levels.

19 And then I believe we're on the fifth one.

20 THE CHAIR: Right.

21 MS. POULOS: And that mission -- or sorry.  
22 That is to, again, change some language in the  
23 contract about the use of Montessori.

24 In the previous statement, it would be --  
25 it was identified as the principal approach to

Page 29

1 THE CHAIR: I'm sorry. If you want, take  
2 that clip. You can put that clip on that button,  
3 and that way, it might be a little bit easier for  
4 you. Maybe.

5 MS. CHRISTIE BERG: Thank you. Is that  
6 better? Thank you.

7 So thank you, Director Poulos, for  
8 introducing us. A lot of it was correct what you  
9 said. And so I just want to clarify a few things.  
10 We are a Montessori school, and that is our main  
11 approach to education. We also have to incorporate  
12 the Common Core State standards. And I very much  
13 apprec- -- and the assessments that the State  
14 mandates for us.

15 I very much appreciate Charter Schools  
16 Division and the PEC and PED to ensure that we are  
17 following our contract. So in order to do that,  
18 there were some semantics that needed to change.  
19 We're not changing our approach or anything else  
20 like that; it's a semantics of what the actual  
21 contract says, because some of it was open to  
22 inter- -- interpretation. And rather than having it  
23 open to interpretation and being confined to  
24 particular locations and such, we are requesting  
25 that it's more general, so that we have the option

Page 30

1 for it.

2 So I'll start with the first one, talking  
3 about changing our grades. So we are an elementary  
4 school, K-through-8 right now. So in order to hire  
5 teachers for Grade 7 and Grade 8, they have to have  
6 an elementary license, which is very difficult to  
7 find people who are interested in teaching middle  
8 school, but with an elementary license, and has been  
9 the history of the school, as well.

10 I've been here since August, been at that  
11 school since August. And since then, for eighth  
12 grade, I have hired three different people. They  
13 did not have correct licensure. One did have  
14 correct licensure -- well, let me just go back.

15 The first one that I hired, she did -- she  
16 had her middle school license, which means there was  
17 an emphasis on science. Fantastic. But she -- I  
18 couldn't pay her our regular scale, because she was  
19 not qualified to teach at our elementary school.

20 I can't get the secondary license. I  
21 can't hire those people, because we don't have the  
22 changing-around classrooms. We have our  
23 self-contained classroom.

24 So she, after a month or so, took a job in  
25 Santa Fe at a traditional middle school, which is

Page 32

1 appreciation of classroom culture, from pre-K, and  
2 then moving on up.

3 So I would love to see that happen at our  
4 school, so that we can continue Montessori in a much  
5 stronger way than what we have now.

6 So that's the rationale for the grades.

7 COMMISSIONER JOHNSTON: Madam Chair, may I  
8 ask a question? Is it permissible for me to ask a  
9 question? I don't mean to interrupt you.

10 I really appreciate it. And you've worked  
11 so hard. And it's my understanding that you just  
12 went through the arduous renewal process.

13 MS. CHRISTIE BERG: Yes, in November.

14 COMMISSIONER JOHNSTON: And everything is  
15 in place.

16 MS. CHRISTIE BERG: Yeah, right.

17 COMMISSIONER JOHNSTON: And you're asking  
18 for amendments at this point, which I appreciate.  
19 But since that renewal has not been negotiated,  
20 Madam Chair, would it be permissible, rather than  
21 having these folks have to go through that twice,  
22 that -- these changes, from what I've read and  
23 reviewed, don't appear to me to be material changes  
24 that are what negotiations are about.

25 And I just see the work you've done. And

Page 31

1 where her license was accepted.

2 The next person I hired was fantastic,  
3 good teacher, et cetera. She had the correct  
4 licensure. But she decided it just wasn't the right  
5 fit for her because she wanted middle school.

6 The third person I hired has been our  
7 long-term substitute for eighth grade. I requested  
8 the waiver and was granted that. So I went through  
9 all the paperwork so that we could maintain her.  
10 But she is not trained to be a teacher. She's done  
11 fantastic; but that is not what I want for our  
12 school to go forward with our academic program.

13 So this is just one example of the  
14 difficulty of hiring. Part of it is our location,  
15 and part of it is we are elementary, but housing the  
16 seventh and eighth grade.

17 So I am requesting that eighth grade be  
18 phased out for next year; so we wouldn't have eighth  
19 grade next year; and, parents knowing all that,  
20 seventh grade phased out for the next year, so they  
21 could begin looking at other places in that area.

22 And, then, in the big picture, for  
23 Montessori, specifically, bringing in pre-K, which  
24 we're very excited about, because that's really how  
25 Montessori starts the foundation of the students'

Page 33

1 I don't want to sit here and see you present to us  
2 and, at the end, say, "We'll work this through  
3 negotiations."

4 I'm just asking a question.

5 THE CHAIR: No. The changes that occur  
6 through their mission statement would have to come  
7 through an amendment process. We can't negotiate a  
8 change to their mission statement.

9 COMMISSIONER JOHNSTON: And you think  
10 these --

11 THE CHAIR: Correct. These would all have  
12 to be done through an amendment; except --

13 COMMISSIONER JOHNSTON: Is that correct,  
14 Ms. Poulos?

15 THE CHAIR: Because we have -- well, the  
16 negotiations is with the PEC. So we have never  
17 negotiated out anything from a mission statement.  
18 We've always required that it come through a --  
19 through an amendment.

20 COMMISSIONER JOHNSTON: But is it  
21 possible? I just hate to see them go through it  
22 twice.

23 THE CHAIR: They're not going to go  
24 through it twice. If we grant this amendment  
25 request, it's done. They won't have to go through

Page 34

1 it twice.

2 COMMISSIONER JOHNSTON: Okay.

3 THE CHAIR: This will be done. And it  
4 wouldn't be -- it wouldn't enter into -- and what  
5 has always happened through the negotiations is a  
6 school will often show the amendment request that  
7 they may be putting forward; but the subcommittee  
8 does not have the ability to grant that amendment.  
9 Only the full complement of the Commission would  
10 have the ability.

11 COMMISSIONER JOHNSTON: And these raise to  
12 the level of amendment.

13 THE CHAIR: Yes, because they're a change  
14 in their mission statement.

15 COMMISSIONER JOHNSTON: Okay. Thank you.  
16 Sorry. I just didn't want you to work twice is what  
17 I was concerned about.

18 MS. CHRISTIE BERG: I appreciate that.  
19 Thank you.

20 Shall I go on, then?

21 THE CHAIR: Yeah. Thanks. Sorry.

22 MS. CHRISTIE BERG: So, thank you, no,  
23 that's okay. So that was about our grade change,  
24 specifically, and the big picture of bringing in the  
25 pre-K. That's why I'm requesting that we can bring

Page 36

1 combination multi-age classrooms; but there are some  
2 where we couldn't do that because of numbers and  
3 because of staffing.

4 So we're in violation of our contract.

5 I would like to have that as an option for  
6 us and opened up, that, yes, we will have  
7 multi-age -- we will have combination classes, but  
8 also single-grade classes. But yet, because of the  
9 Montessori philosophy that we all know and love at  
10 our school, we have many opportunities to have the  
11 multi-age/cross-age teachers we have and activities.

12 We have science. We have social science.  
13 We have the math that comes through. Literature is  
14 easy to do it. And I've requested from my teachers  
15 to provide those instances, and, if interested, I  
16 can let you know what they have said.

17 But that's definitely in our plans. It's  
18 not to stop any kind of multi-age or cross-age  
19 tutoring, mentoring help in any way. It's just so  
20 that we're not restricted by the contract that it  
21 must be a certain way.

22 Okay.

23 THE CHAIR: Thank you.

24 MS. CHRISTIE BERG: Thank you.

25 And I guess my biggest question is the

Page 35

1 in a pre-K, as well, however it place out. That's  
2 what we eventually want to do.

3 And the other two amendments are just kind  
4 of a semantics thing. The Los Luceros, as  
5 Ms. Poulos was saying, is no longer available to us.  
6 It was a verbal contract. And we can go there; but  
7 when it's in our contract, it says we must go there  
8 and use their plots.

9 So we -- in fact, we're planning to go  
10 there next week as part of our end of the year Field  
11 Day, and it'll be great, and everybody is excited  
12 about it. But, once again, for it to say in the  
13 contract we must go there, that's very limiting to  
14 me. There are many other things we could be doing,  
15 as well. So I'd like to have that opened up to us.  
16 That's how I'm seeing that.

17 And -- excuse me. The other one -- oh,  
18 okay. Right. It's, again, semantics. Changing  
19 from "multi-age classrooms" is what it says right  
20 now in our contract, to "multi-age groupings."  
21 We're really not changing anything at school. It's  
22 just, if it says "multi-age classrooms," and we  
23 aren't doing that, we are in violation of our  
24 contract.

25 So even this year, we have mostly

Page 37

1 pre-K amendment; because we've had discussions  
2 about -- you know, concerning the lottery and the  
3 opportunity for those that are in a pre-K program.  
4 And because my understanding is there are not --  
5 unless they're the 3Y-4Y, they're not defined as  
6 public school students; correct?

7 MS. POULOS: Yes, Madam Chair,  
8 Commissioners. It's the issue of how a public  
9 school student is defined in the statute. And,  
10 again, while PED does provide program funding for  
11 pre-K programs, those students aren't considered,  
12 under the definition of the statute, to be public  
13 school students.

14 THE CHAIR: So that they -- the pre-K  
15 program would not fall in any way under the  
16 monitoring through CSD.

17 MS. POULOS: That's the challenge; right?

18 THE CHAIR: Right.

19 MS. POULOS: Because, certainly, when we  
20 go into a school, if we see something that's  
21 concerning --

22 THE CHAIR: Right.

23 MS. POULOS: -- we can't -- I mean,  
24 morally, ethically, we can't walk away and not say  
25 something about that; right?

Page 38

1 THE CHAIR: Right.  
 2 MS. POULOS: And so -- and there are  
 3 licensure requirements, even, for the -- the  
 4 PED-funded programs, which is actually why some of  
 5 our schools don't do the PED-funded programs; they  
 6 do the other programs to get out of that licensure  
 7 requirement.  
 8 So it's a difficult question. It's one  
 9 that I think we need to explore. It's one that we  
 10 don't have an answer to right now.  
 11 THE CHAIR: So I guess that really doesn't  
 12 answer my question of whether we deal -- whether we  
 13 deal with the pre-K amendment at this point in time;  
 14 because --  
 15 MS. POULOS: Madam Chair, what I would say  
 16 is you haven't in the past; and so you're going to  
 17 continue with what you've done in the past until you  
 18 get a clearer answer. That may be the most  
 19 appropriate thing to do.  
 20 MS. CHRISTIE BERG: May I suggest  
 21 something? So our pre-K, we aren't planning to  
 22 bring in for a couple of years. I just put it on  
 23 here, because that's our big picture, and I want all  
 24 of us to understand what it is. Because of the  
 25 Montessori, we're excited about it. But if for some

Page 40

1 already part. And right now --  
 2 MS. CHRISTIE BERG: As a feeder program  
 3 for the kindergarten.  
 4 THE CHAIR: It is. Right. And,  
 5 unfortunately, the answer is "no" to that right now.  
 6 And I think there's a -- there's a hope that that's  
 7 going to be -- and I don't know if it's a  
 8 statutory -- that has to be fixed, in order to --  
 9 you know, to really solve that problem. So that I  
 10 think, at this point in time, the pre-K amendment,  
 11 we'd appreciate off the table.  
 12 MS. CHRISTIE BERG: All right. So I will  
 13 wait for -- in the future, if you could keep us --  
 14 and I know that Director Poulos is really good about  
 15 communicating with us. But, you know, if something  
 16 should come up, "This is how you have to do it,"  
 17 because you know that's in our plan.  
 18 Okay. Thank you.  
 19 THE CHAIR: And I'm thinking it's not  
 20 going to be soon; because that if it's a statutory  
 21 item, it could be two years down the road for the  
 22 next 60-day session.  
 23 MS. CHRISTIE BERG: Right. Uh-huh. We're  
 24 patient.  
 25 THE CHAIR: We appreciate that.

Page 39

1 reason, you can't decide, or you want further, you  
 2 know, information or something like that, as far as  
 3 our school program, it won't affect our school  
 4 program for this next year. And that's what I'm  
 5 really looking toward.  
 6 THE CHAIR: Right. And, honestly, I don't  
 7 think whether we dealt with the amendment or not,  
 8 you could probably start that pre-K program, and  
 9 there's nothing we could do about it.  
 10 MS. CHRISTIE BERG: Are you whispering  
 11 that?  
 12 THE CHAIR: I am.  
 13 MS. CHRISTIE BERG: Cool. Thank you.  
 14 MS. POULOS: And I think it's important to  
 15 note, Madam Chair and Commissioners, that many of  
 16 our charter schools do have funded pre-K programs  
 17 that are funded under the PED system.  
 18 It's not that we have concerns about it.  
 19 It's how we handle it in the contract. And it's  
 20 always how the enrollment, then, into the K program  
 21 is handled. There are challenges.  
 22 THE CHAIR: Correct. And that's really  
 23 the challenge that we have is as more and more  
 24 schools are establishing these pre-K programs, their  
 25 desire is to be able to consider those students

Page 41

1 Sometimes, we're not.  
 2 Commissioners, any other questions?  
 3 If not, we can -- we're taking off No. 2,  
 4 the grade change as pre-K. That amendment request  
 5 is being removed.  
 6 MS. POULOS: Madam Chairwoman and  
 7 Commissioners, you'll see, on Pages 7 and 8 -- 9,  
 8 actually -- we've provided proposed motion language  
 9 for each of the separate amendment requests.  
 10 THE CHAIR: Thanks. So if there are no  
 11 other questions or comments, I will entertain  
 12 motions for 1, 2, 3, 4 of the amendment requests,  
 13 the first one being the grade change -- oh, let me  
 14 ask you, before we move on.  
 15 How many eighth-graders do you currently  
 16 have?  
 17 MS. CHRISTIE BERG: Eighth-graders that we  
 18 currently have are nine. Seventh graders that will  
 19 be moving into eighth grade are three. So to us,  
 20 that was a concern, as well.  
 21  
 22 THE CHAIR: Right. Yeah, absolutely.  
 23 Okay, thanks.  
 24 MS. CHRISTIE BERG: Uh-huh.  
 25 THE CHAIR: Commissioners?

Page 42

1 All right. I will move to approve the  
2 amendment request presented by La Tierra Charter  
3 School to amend the authorized school grades they  
4 serve, allowing the school to serve Grades K-7 for  
5 the school year 2017-2018, and to serve Grades K-6,  
6 beginning in school year -- beginning 2018-2019,  
7 because the school faces challenges in staffing, and  
8 there isn't a strong need for those grade levels  
9 based on the current enrollment.  
10 Do I have a second?  
11 COMMISSIONER CONYERS: (Indicates.)  
12 THE CHAIR: Second by Commissioner  
13 Conyers.  
14 Commissioner Armbruster, roll-call vote,  
15 please?  
16 COMMISSIONER ARMBRUSTER: Yes. Are there  
17 any abstentions before we begin our voting?  
18 Okay. I'm remembering.  
19 Okay. Commissioner Conyers?  
20 COMMISSIONER CONYERS: Yes.  
21 COMMISSIONER ARMBRUSTER: Commissioner  
22 Toulouse?  
23 COMMISSIONER TOULOUSE: Yes.  
24 COMMISSIONER ARMBRUSTER: Commissioner  
25 Gipson?

Page 44

1 right at the very bottom of Page 1. I was --  
2 COMMISSIONER ARMBRUSTER: I can do it.  
3 THE CHAIR: Commissioner Armbruster?  
4 COMMISSIONER ARMBRUSTER: I move to  
5 approve the amendment request by La Tierra  
6 Montessori Charter School to change Article 8,  
7 Section 8.01A, triple "i," to read, "An agricultural  
8 curriculum complements classroom instruction and  
9 offers opportunities for hands-on learning in the  
10 school's greenhouse and gardening plots"; because it  
11 was unnecessary to add locations -- specific  
12 locations.  
13 COMMISSIONER RUIZ: Second.  
14 COMMISSIONER ARMBRUSTER: Or ad-lib them.  
15 THE CHAIR: There's a second by  
16 Commissioner Ruiz.  
17 COMMISSIONER ARMBRUSTER: And I will ask  
18 again about abstentions. But can I just ask the  
19 Commission right now, on these other amendment  
20 proposals, do you -- is anyone not going to vote and  
21 wants to abstain, so I don't have to ask it each  
22 time?  
23 Thank you.  
24 COMMISSIONER TOULOUSE: Madam Chair, do  
25 you mean on this school, or the following? I just

Page 43

1 THE CHAIR: Yes.  
2 COMMISSIONER ARMBRUSTER: Commissioner  
3 Ruiz?  
4 COMMISSIONER RUIZ: Yes.  
5 COMMISSIONER ARMBRUSTER: Commissioner  
6 Crone?  
7 COMMISSIONER CRONE: Yes.  
8 COMMISSIONER ARMBRUSTER: Commissioner  
9 Johnston?  
10 COMMISSIONER JOHNSTON: Yes.  
11 COMMISSIONER ARMBRUSTER: Commissioner  
12 Armbruster votes "yes."  
13 That is a seven -- no, seven? Eight of  
14 us?  
15 THE CHAIR: The motion passes seven-zero.  
16 COMMISSIONER ARMBRUSTER: Yes.  
17 THE CHAIR: Seven-zero. Thank you very  
18 much.  
19 We are now on to the amendment request for  
20 the alteration of the agricultural location, which I  
21 believe is on Page 8.  
22 MS. POULOS: Madam Chairwoman, it's at the  
23 bottom of Page 7 and the top of Page 8. I  
24 apologize.  
25 THE CHAIR: Oh, got you. Yeah. It starts

Page 45

1 wanted to clarify, because I have to abstain on the  
2 next one.  
3 COMMISSIONER ARMBRUSTER: Right. This is  
4 just on this particular one.  
5 Okay. Here we go.  
6 Commissioner Conyers?  
7 COMMISSIONER CONYERS: Yes.  
8 COMMISSIONER ARMBRUSTER: Commissioner  
9 Gipson?  
10 THE CHAIR: Yes.  
11 COMMISSIONER ARMBRUSTER: Commissioner  
12 Ruiz?  
13 COMMISSIONER RUIZ: Yes.  
14 COMMISSIONER ARMBRUSTER: Commissioner  
15 Johnston?  
16 COMMISSIONER JOHNSTON: Yes.  
17 COMMISSIONER ARMBRUSTER: Commissioner  
18 Crone?  
19 COMMISSIONER CRONE: Yes.  
20 COMMISSIONER ARMBRUSTER: Commissioner  
21 Toulouse?  
22 COMMISSIONER TOULOUSE: Yes.  
23 COMMISSIONER ARMBRUSTER: Commissioner  
24 Armbruster votes "yes." That is --  
25 THE CHAIR: That is a seven-zero vote.

Page 46

1 Motion passes.

2 We are now on to Amendment numbered 4,  
3 verbiage change if Amendment 1 passes, which is on  
4 Page 8.

5 MS. POULOS: Madam Chairwoman,  
6 Commissioners, one of the things we did discuss  
7 yesterday is the potential that you might recommend  
8 to this school that they, in fact, remove  
9 grade-level references in their entirety from the  
10 mission and come back with a different mission  
11 statement, so that they don't have to, if anything  
12 were to change in the future, come back again to  
13 change grade levels in the mission again.

14 THE CHAIR: Yeah. And thank you for  
15 making that point. We did have a fairly lengthy  
16 discussion about that yesterday, that in those  
17 mission statements, schools are tying themselves,  
18 and it really is just more appropriate in the  
19 contract itself, as opposed to the mission  
20 statement.

21 MS. CHRISTIE BERG: So would we come back  
22 another time to get that approved? The mission  
23 statement?

24 THE CHAIR: I would say at this point in  
25 time, my recommendation would be if you end up

Page 48

1 educational outcomes utilizing an integrated  
2 approach that includes the Montessori, the arts and  
3 sciences, because the school faces challenges and  
4 insufficient need for the previous grades."

5 THE CHAIR: Thank you. And I will second  
6 that motion.

7 Commissioner Armbruster?

8 COMMISSIONER ARMBRUSTER: Commissioner  
9 Ruiz?

10 COMMISSIONER RUIZ: Yes.

11 COMMISSIONER ARMBRUSTER: Commissioner  
12 Johnston?

13 COMMISSIONER JOHNSTON: Yes.

14 COMMISSIONER ARMBRUSTER: Commissioner  
15 Armbruster votes "yes."

16 Commissioner Toulouse?

17 COMMISSIONER TOULOUSE: Yes.

18 COMMISSIONER ARMBRUSTER: Commissioner  
19 Conyers?

20 COMMISSIONER CONYERS: Yes.

21 COMMISSIONER ARMBRUSTER: Commissioner  
22 Gipson?

23 THE CHAIR: Yes.

24 COMMISSIONER ARMBRUSTER: Commissioner  
25 Crone?

Page 47

1 coming back for the pre-K program, you can do that  
2 as a cleanup measure. It's not something that you  
3 have to put as a priority, 'cause I don't think it's  
4 going to affect you in the fact that you're not  
5 going to be changing that K-6 programming.

6 MS. CHRISTIE BERG: Right. Okay. Thank  
7 you.

8 COMMISSIONER ARMBRUSTER: So do we need to  
9 vote on it?

10 THE CHAIR: Yes, we need to vote on the  
11 amendment, Item 4, verbiage change, because we did  
12 vote on the first one.

13 Commissioner Ruiz?

14 COMMISSIONER RUIZ: Madam Chairwoman, I  
15 move to approve the amendment request by La Tierra  
16 to change their mission for the 2017-'18 school year  
17 to, "La Tierra Montessori School of the Arts and  
18 Sciences will provide K-7 students and their  
19 families in the Española region the opportunity to  
20 improve educational outcomes utilizing an integrated  
21 approach that includes Montessori, the arts and  
22 sciences; and for the 2018-'19 school year,  
23 La Tierra Montessori School of the Arts and Sciences  
24 will provide K-through-6 students and their families  
25 in the Española region the opportunity to improve

Page 49

1 COMMISSIONER CRONE: Yes.

2 COMMISSIONER ARMBRUSTER: Seven to zero,  
3 the motion passes.

4 THE CHAIR: Thank you very much. The  
5 motion passed seven-zero.

6 And we are on to the final amendment  
7 request, No. 5, the verbiage change.

8 Commissioner Armbruster?

9 COMMISSIONER ARMBRUSTER: I move to  
10 approve the amendment request presented by La Tierra  
11 Montessori Charter School to Change article 8,  
12 Section 8.01A, three little "i's," to read,  
13 "Montessori methods and materials will be utilized  
14 as an approach to instruction. The school will use  
15 Montessori instruction in multi-age groupings with  
16 teachers who are trained in Montessori curriculum  
17 and practices, because the school..." -- okay "...--  
18 the school has been utilizing that approach as the  
19 best approach for their mission."

20 COMMISSIONER RUIZ: Second.

21 THE CHAIR: There's a second by  
22 Commissioner Ruiz.

23 Commissioner Armbruster?

24 COMMISSIONER ARMBRUSTER: Okay.

25 Commissioner Toulouse?

<p style="text-align: right;">Page 50</p> <p>1 COMMISSIONER TOULOUSE: Yes.</p> <p>2 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>3 Johnston?</p> <p>4 COMMISSIONER JOHNSTON: Yes.</p> <p>5 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>6 Conyers?</p> <p>7 COMMISSIONER CONYERS: Yes.</p> <p>8 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>9 Crone?</p> <p>10 COMMISSIONER CRONE: Yes.</p> <p>11 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>12 Ruiz?</p> <p>13 COMMISSIONER RUIZ: Yes.</p> <p>14 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>15 Gipson?</p> <p>16 THE CHAIR: Yes.</p> <p>17 COMMISSIONER ARMBRUSTER: Which</p> <p>18 Commissioner Armbruster votes "yes." Seven to zero.</p> <p>19 Passes.</p> <p>20 THE CHAIR: Thank you very much. The</p> <p>21 motion passes seven-zero, and thank you for coming.</p> <p>22 MS. CHRISTIE BERG: Thank you so much for</p> <p>23 taking the time to work on this. I know it was a</p> <p>24 lot of work for all of you; but I really do</p> <p>25 appreciate that a lot of thought has gone into this</p>	<p style="text-align: right;">Page 52</p> <p>1 enrollment, which is currently, I believe, at</p> <p>2 912 students, to 1,140 students.</p> <p>3 This school did also receive a renewal --</p> <p>4 a five-year renewal term in December. And as you</p> <p>5 may recall from the renewal consideration, this</p> <p>6 school has really demonstrated excellent academic</p> <p>7 achievement for their students and serves a what</p> <p>8 might be called "high needs" population.</p> <p>9 And so, you know, the PED is very</p> <p>10 supportive of the work this school does and very</p> <p>11 happy to have them as one of our charter schools</p> <p>12 that we get to work with.</p> <p>13 And so we absolutely recommend the</p> <p>14 approval of this enrollment cap increase.</p> <p>15 THE CHAIR: Thank you.</p> <p>16 Good morning.</p> <p>17 MS. JOANN MYERS: Good morning. Do you</p> <p>18 want us to start?</p> <p>19 Okay. Good morning. Thank you for seeing</p> <p>20 us this morning and thanks for your kind words,</p> <p>21 Katie.</p> <p>22 So we didn't put this in our charter</p> <p>23 renewal application, originally, because what we</p> <p>24 have found for a trend is that our eighth-graders</p> <p>25 tend to go to -- a lot of them will leave in eighth</p>
<p style="text-align: right;">Page 51</p> <p>1 by my staff, the Governing Council, and myself; so</p> <p>2 we really appreciate it.</p> <p>3 THE CHAIR: Thank you. And good luck with</p> <p>4 the end of your school year.</p> <p>5 COMMISSIONER TOULOUSE: Madam Chair, may I</p> <p>6 point out that it really isn't as important to put</p> <p>7 in reasons on the ones we're approving as the</p> <p>8 reasons we're denying. So I think simply, we can</p> <p>9 end most of those without having to have a reason,</p> <p>10 or simply say, "Because the school asked for it."</p> <p>11 Because that's -- once we've approved it, it doesn't</p> <p>12 matter our reasons. The reasons come before denying</p> <p>13 it.</p> <p>14 Thank you.</p> <p>15 THE CHAIR: We are now only to B, Mission</p> <p>16 Achievement and Success.</p> <p>17 COMMISSIONER TOULOUSE: And, Madam Chair,</p> <p>18 I am recusing myself from voting on this school,</p> <p>19 unfortunately, because I think they're a fantastic</p> <p>20 school. But my relative there is doing wonderfully;</p> <p>21 so --</p> <p>22 MS. POULOS: Madam Chairwoman,</p> <p>23 Commissioners, Mission Achievement and Success</p> <p>24 Charter School is coming before you today with an</p> <p>25 amendment request requesting to amend the projected</p>	<p style="text-align: right;">Page 53</p> <p>1 grade and go to traditional high schools.</p> <p>2 But when we got our letters of intent this</p> <p>3 year from our eighth-graders, the trend has shifted,</p> <p>4 and they're all coming back. So -- and then with</p> <p>5 additional applications at high school, it's really</p> <p>6 kind of pushing our numbers right at that cap.</p> <p>7 So what we did is we calculated what would</p> <p>8 the maximum number of students look like if kids</p> <p>9 never left, like, all the way through; so they went</p> <p>10 through eighth grade, and that trend continued</p> <p>11 straight through high school.</p> <p>12 And so that brings us to the 1,140 that we</p> <p>13 asked for. I think we'll still have some kids; but</p> <p>14 we're finding each year, it's less and less that are</p> <p>15 leaving. And this year, there were literally about</p> <p>16 10 kids out of 120 that weren't coming back. Well,</p> <p>17 we didn't anticipate. That's not the way that it's</p> <p>18 looked in the past, which is a good problem to have.</p> <p>19 So -- but that's why we didn't originally</p> <p>20 request it, is we didn't think we would need it. We</p> <p>21 thought maybe we would need it in the future. We</p> <p>22 absolutely didn't anticipate that it would happen so</p> <p>23 quickly.</p> <p>24 So that's why we're coming before you for</p> <p>25 the request. And you should have received -- we've</p>



## Page 54

1 got the letter from PSFA that shows that our  
 2 building is capable of holding the increase.  
 3 THE CHAIR: Right. Thank you.  
 4 Commissioners, any questions? Comments?  
 5 COMMISSIONER ARMBRUSTER: I think --  
 6 THE CHAIR: I'm sorry.  
 7 COMMISSIONER ARMBRUSTER: I think it's  
 8 wonderful that the school is doing really well,  
 9 particularly since they have a population that's not  
 10 in the upper tier, shall we say. I think that what  
 11 they've done is remarkable with their group. And  
 12 they have a diverse group of children from ELL to  
 13 special ed to regular ed kids. And they've grown  
 14 each year. I think that's the kind of charter  
 15 schools we want.  
 16 THE CHAIR: Right. Right.  
 17 COMMISSIONER TOULOUSE: Madam Chair, I  
 18 also understand they have quite a few students out  
 19 for spring football practice; correct? Which may be  
 20 one of the reasons that they are keeping their kids  
 21 into high school.  
 22 MS. JOANN MYERS: That has been. People  
 23 ask us, "Why do they leave for traditional high  
 24 school experiences?"  
 25 One of the number one reasons we hear is

## Page 56

1 students want to come back.  
 2 And it's -- it's, I guess, a happy  
 3 challenge to have, to have to now address this --  
 4 this issue.  
 5 And I want to thank you also for being  
 6 part of the public input --  
 7 MS. JOANN MYERS: Thank you.  
 8 THE CHAIR: -- when we were -- had the  
 9 opportunity to come down to Albuquerque.  
 10 So seeing no other questions or comments,  
 11 I'll entertain a motion for this -- Commissioner  
 12 Ruiz?  
 13 COMMISSIONER RUIZ: Madam Chair, I move to  
 14 approve the amendment request presented by Mission  
 15 Achievement and Success Charter School to amend the  
 16 school's charter contract, Section 2, Page 71,  
 17 "Grade Levels, Class Sizes and Projected  
 18 Enrollment," to 1,140, because the school has  
 19 demonstrated an acceptable level of academic  
 20 performance through letter-grade performance, with  
 21 no grade lower than a "C" in the last three years.  
 22 THE CHAIR: Do I have a second?  
 23 COMMISSIONER CRONE: Second.  
 24 THE CHAIR: Second by Commissioner Crone.  
 25 Commissioner Armbruster?

## Page 55

1 sports programs. And the second reason is a lot of  
 2 the kids will say that they don't -- they want less  
 3 structure. They don't want the structured movement  
 4 in the halls, and they want free passing. For as  
 5 many kids that say that, they come back. And then  
 6 the problem is is that sometimes we don't have the  
 7 space for them. And they try to come back and  
 8 say -- some of them, not all.  
 9 Some of them succeed, and they do really  
 10 well. Some of them need that structure, even though  
 11 they resist it.  
 12 But the sports have been a huge thing.  
 13 Practice -- what do we have out there right now?  
 14 MR. BRUCE LANGSTON: About 50 kids.  
 15 MS. JOANN MYERS: About 50 kids right now  
 16 for football.  
 17 THE CHAIR: I do know, through many of our  
 18 schools, that is the challenge, that there is often  
 19 flight, when we get to that middle-school/  
 20 high-school time, because there's programming that a  
 21 larger traditional school can often offer.  
 22 And I applaud you for expanding so that  
 23 you do have sports programs. And we certainly  
 24 recognize the work that you are doing. And it is a  
 25 testament to the work that you're doing that those

## Page 57

1 COMMISSIONER ARMBRUSTER: We have one  
 2 abstention. We still have a quorum of six on  
 3 voting.  
 4 Okay.  
 5 Commissioner Conyers?  
 6 COMMISSIONER CONYERS: Yes.  
 7 COMMISSIONER ARMBRUSTER: Commissioner  
 8 Crone?  
 9 COMMISSIONER CRONE: Yes.  
 10 COMMISSIONER ARMBRUSTER: Commissioner  
 11 Gipson?  
 12 THE CHAIR: Yes.  
 13 COMMISSIONER ARMBRUSTER: Commissioner  
 14 Ruiz?  
 15 COMMISSIONER RUIZ: Yes.  
 16 COMMISSIONER ARMBRUSTER: Commissioner  
 17 Johnston?  
 18 COMMISSIONER JOHNSTON: Yes.  
 19 COMMISSIONER ARMBRUSTER: Commissioner  
 20 Armbruster.  
 21 Six-to-zero vote. The motion passes with  
 22 one abstention; right?  
 23 THE CHAIR: Yes. I'm just now, after the  
 24 fact, making sure that these minutes from the  
 25 governance council have been approved. Sorry. That

Page 58

1 was my error that I didn't look before we voted.  
 2 COMMISSIONER ARMBRUSTER: I want to say  
 3 just one thing. I think that neither of you gave  
 4 your names to Cindy Chapman.  
 5 MS. JOANN MYERS: JoAnn Myers, principal  
 6 and founder of MAS.  
 7 FROM THE FLOOR: Bruce Langston, Governing  
 8 Board President.  
 9 MS. POULOS: Madam Chairwoman?  
 10 THE CHAIR: Yes. I think it does  
 11 indicate, on Page 11, that there was a vote.  
 12 MS. POULOS: And I believe these -- these  
 13 minutes were from April 20th.  
 14 THE CHAIR: Correct.  
 15 MS. POULOS: And I don't believe they've  
 16 had the opportunity to approve them.  
 17 THE CHAIR: They've not approved the  
 18 minutes. So I will request that you simply forward  
 19 to CSD the approved minutes when you have your next  
 20 meeting.  
 21 MS. JOANN MYERS: Sounds great. And I  
 22 think that's next Thursday; right? Yes. Thank you.  
 23 THE CHAIR: And that's my error that I  
 24 didn't take a look before we went off and voted.  
 25 Sorry.

Page 59

1 Thank you so much for coming.  
 2 MS. JOANN MYERS: Thank you.  
 3 THE CHAIR: And, Commissioners, can we  
 4 take a five-minute break?  
 5 (Recess taken, 10:00 a.m. to 10:13 a.m.)  
 6 THE CHAIR: We are on to Item No. 6 which  
 7 is Report from Options for Parents and the Charter  
 8 School Division.  
 9 And we have Charter School Update.  
 10 MS. POULOS: Madam Chairwoman,  
 11 Commissioners, not a lot to report on with the  
 12 Charter Schools Division. They're working very  
 13 hard, finalizing reports for site visits, getting  
 14 all of that information into Web EPSS and out to the  
 15 schools, so the schools can respond and take action  
 16 on the areas that were concerns.  
 17 They're doing just a great job on that,  
 18 continuing to train our governing bodies and support  
 19 our new applicants.  
 20 We're also gearing up for the new  
 21 application review process. And I reported to many  
 22 of you yesterday, but also wanted to share with the  
 23 whole committee, that in addition to what we have  
 24 typically done, which is have a licensed business  
 25 manager, as well as a licensed administrator, part

Page 60

1 of our review team, this year, we'll also have a  
 2 licensed teacher as part of our review teams, which  
 3 I think brings some very important perspective to  
 4 the process. So we're very excited about that.  
 5 In addition, we did just get permission,  
 6 and we're working on posting our last vacancy, which  
 7 was created when we promoted one of our team members  
 8 internally up to a higher level position.  
 9 So continuing to build a really strong  
 10 team that's doing great work, and we're very proud  
 11 and happy to have them.  
 12 And then if you want, I'll just move on to  
 13 the next item.  
 14 THE CHAIR: Okay. I would just like to  
 15 say thank you at this point in time for everyone  
 16 coming to the -- the listening tour. So we  
 17 appreciate the input that the team offered and the  
 18 questions that they had the opportunity to answer  
 19 for us. So we do appreciate that time and effort  
 20 that was put in by CSD and the individual team  
 21 members that did come out.  
 22 And those of you that made the journey to  
 23 Las Cruces, we appreciate it. I, particularly,  
 24 appreciate it. So, thank you.  
 25 COMMISSIONER JOHNSTON: And, Madam Chair,

Page 61

1 may I make a comment also?  
 2 THE CHAIR: Yes.  
 3 COMMISSIONER JOHNSTON: I attended two,  
 4 Director Poulos, of the Charter School Division  
 5 trainings. I attended the one on -- I have to look  
 6 and see to make sure I've got the correct dates  
 7 here -- on Friday, the -- was it -- the 17th. And  
 8 it was new applicant training. It was a -- a  
 9 requested session.  
 10 And -- but I learned a great deal from  
 11 being there and listening to the applicants as they  
 12 are working through this process with you and with  
 13 the Division and the information that you were able  
 14 to share. I was very, very -- I learned a great  
 15 deal. I'm trying to be specific.  
 16 The second one that I have specific  
 17 information on is that I attended the governing body  
 18 member training, "Understanding the Organizational  
 19 Performance Framework." We've been dealing with  
 20 performance frameworks here as a Commission. And as  
 21 a newer Commission member, Mr. Gloudemans'  
 22 presentation really deepened my knowledge of the  
 23 requirements of the framework. And I really  
 24 appreciate that.  
 25 It's made me be better prepared. In fact,

Page 62

1 yesterday I was talking with Commission members  
2 about the training schedule, because it was -- I  
3 will continue to attend, because it helps me.

4 And I have a question, based on our work  
5 yesterday, and then on what I learned.

6 Do you provide training for new applicants  
7 on writing mission statements?

8 MS. POULOS: That is incorporated into our  
9 first training with new applicants. And so that  
10 was -- gosh -- back in January or February when we  
11 provided that training; so quite a long time ago.  
12 But, yeah, it's absolutely part of the process.

13 COMMISSIONER JOHNSTON: Okay. Thank you;  
14 because I just think it's vital, after today's --  
15 the recent renewal folks coming in for questions on  
16 their mission statement.

17 Thank you very much. Thank you.

18 THE CHAIR: Thanks. Okay.

19 MS. POULOS: So in addition, the  
20 Commission does have in front of them the ongoing  
21 tracker that we have. And the areas that have been  
22 updated -- there are some updates to the status of  
23 governing body resignations.

24 You'll see we do still have quite a few  
25 outstanding resignations that haven't been filled.

Page 64

1 between four and four-and-a-half hours for that  
2 hearing. As far as I know, it's Mabry Hall. I have  
3 not received the official notification from the  
4 Hearing Officer of the change in the date and time.  
5 I've only received the anecdotal information from  
6 our lawyer that is handling the appeal.

7 So when I get the official notice, I will  
8 forward it out. But right now, it's kind of hearsay  
9 that it's -- that the date has been changed.

10 MS. POULOS: And so, then, the next part  
11 of our report is the report on governing body  
12 changes. And we are catching up on some paperwork;  
13 so some of these are a little bit old.

14 But, again, I just have to compliment the  
15 work of the team. Laurel on our team is the one who  
16 received the internal promotion, and she's just done  
17 a fabulous job handling these, really working with  
18 the schools to get all the information that's  
19 necessary and make sure we have what we need as far  
20 as the notice goes.

21 I'm not going to go through any of these,  
22 in particular; but I do encourage the Commission to  
23 read through these, because as you have noted in the  
24 past, sometimes some of these letters of resignation  
25 raise concerns for the Commission. And that is part

Page 63

1 We don't have a huge concern, because those schools  
2 are meeting the minimum numbers.

3 We do still know of resignations that we  
4 have not received the notifications for. And so it  
5 is pretty concerning that that language is in the  
6 contract; it's been part of the contract. And we  
7 have not received notification from schools where  
8 their governing body members have resigned, or there  
9 have been removals; and we still have not received  
10 notice for those schools, and we'll continue to try  
11 and work to get that information.

12 The other thing that is an update here is  
13 Estancia Valley Classical Academy. They have moved  
14 forward with an appeal of the three-year renewal.  
15 And the appeal is appealing the decision not to  
16 grant a five-year unconditional renewal.

17 The most recent action in that was, I  
18 believe, a week ago Friday, we received the brief  
19 that the PEC filed. And CSD, on Monday, provided  
20 CSD's brief to the Hearing Officer. And I believe a  
21 hearing is now scheduled for June 9th.

22 THE CHAIR: June 9th? It will be June 9th  
23 in the a.m. I don't have the exact time. But I'm  
24 assuming it will probably be 9:00.

25 It's -- they generally set aside somewhere

Page 65

1 of why we do have this notice provision is so that  
2 the Commission does have the opportunity to identify  
3 those concerns when they come through. Again, I  
4 encourage you to spend the time looking through  
5 that.

6 Also in our report is the report on school  
7 closures. And I believe if, you look at your page  
8 numbers, that starts pretty late in this section;  
9 but it is in the -- Page 220. And that's where  
10 you'll see the update from our closure specialist on  
11 both of the closure processes. As you'll recall in  
12 December, there was a vote not to renew Uplift  
13 Community School, and also a vote not to renew Sage  
14 Montessori Charter School.

15 So we are going through the closure  
16 process for both of those, ensuring that student and  
17 staff files are being retained in the appropriate  
18 way, that property is being disposed of  
19 appropriately. And so you can have the list there  
20 of all the actions that are being taken.

21 And that is our update.

22 THE CHAIR: Thank you.

23 We are now on to Item No. 7, which is  
24 Discussion and Possible Action to Consider Future  
25 Charter Revocation Hearing Regarding Dzit Dtitl --

<p style="text-align: right;">Page 66</p> <p>1 DEAP School of Empowerment, Action, and Perseverance  2 Based on Reported Problems with Organizational  3 Structure, Financial Administration and Financial  4 Reporting and Lack of an Education Leader.  5 So good morning, everyone. I'll give you  6 some time to settle in.  7 Director?  8 MS. POULOS: Madam Chairwoman,  9 Commissioners, as you can see in our report, this  10 item was brought forward by a report from the  11 school's former business manager, who did approach  12 one of the Commission members during the Spring  13 Budget Workshop. And based on that report,  14 communication began out of the PED School Budget and  15 Financial Analysis Bureau with that individual.  16 There are affidavits from both the  17 licensed business manager that was working directly  18 with the school, as well as another business manager  19 that is associated, I believe, with the NACA  20 Inspired Schools Network.  21 And in addition, the PED's Audit Bureau,  22 as well as the School Budget and Financial Analysis  23 Bureau did go out and do a snap visit on one Monday  24 morning and took financial documents and observed  25 what was going on with regards to the financial</p>	<p style="text-align: right;">Page 68</p> <p>1 believe.  2 It was reported that when the unlicensed  3 employee who is doing administrating was told that  4 federal grant proceeds could not be used for  5 personnel, that she directed the business manager to  6 violate the terms of the grant and ask for  7 forgiveness later, and that the unlicensed employee  8 has ignored the directions of the business manager  9 in relation to proper procurement processes; and, as  10 a result, purchases have been made by the school in  11 violation of the State's Procurement Code.  12 And, lastly, that the school's business  13 manager resigned after three months due to concerns  14 about the school's failure to follow her directive  15 to ensure compliance.  16 In addition, we did provide you the  17 findings of the Fiscal Year '16 audit. On that  18 audit, there was a significant deficiency identified  19 with regards to internal controls and accounts  20 payable, noting that the school is not in compliance  21 with internal policies and procedures and that those  22 controls are not being followed.  23 In addition, there are concerns about  24 procurement. That's a compliance concern, because  25 the school did not have a Chief Procurement Officer.</p>
<p style="text-align: right;">Page 67</p> <p>1 management at that school, and had some  2 conversations, I think, both with the business  3 manager, as well as the licensed school leader.  4 And the concerns that the affidavits  5 raise, you can see, beginning on the bottom of  6 Page 1 and continuing on to Page 2, the licensed  7 head administrator that is on staff at the school  8 has indicated that she's principal in name only,  9 sort of as a figurehead, and that she does not make  10 decisions; instead, the decision-making is done by  11 an unlicensed individual on staff at the school,  12 that -- that that licensed head administrator is  13 supervised by and given directives by that  14 unlicensed individual, that all budget decisions,  15 staffing decisions and operational decisions are,  16 again, made by that individual rather than a  17 licensed administrator.  18 There were reports that there was a change  19 in paperwork for federal time and labor reporting on  20 a federal grant after the original report was  21 rejected by the licensed business manager, because  22 it did not comply with the terms of the grant.  23 It was reported from the licensed head  24 administrator that the school has implemented a  25 policy of shredding all receipts for travel, I</p>	<p style="text-align: right;">Page 69</p> <p>1 There was also a compliance concern related to the  2 audit committee structure, noting that the audit  3 committee did not include a parent volunteer, as  4 required under the statute; and then also a  5 compliance concern with regards to excess of  6 expenditures over budget.  7 And the Commission will note that in  8 December and in January, the school was included on  9 the PEC's agenda at the request of the School Budget  10 and Financial Analysis Bureau, because the school  11 failed to timely submit financial data and  12 reporting, as required. And at that time, no action  13 was taken.  14 THE CHAIR: Thank you. Good morning and  15 thank you for coming.  16 FROM THE FLOOR: Good morning,  17 Madam Chair, Commissioners.  18 THE CHAIR: If you want to use that clip,  19 that might be easier for you.  20 FROM THE FLOOR: (Speaker complies.)  21 Good morning, Madam Chair, Commissioners.  22 My name is Natasha Cuylear. I'm an attorney with  23 the firm of Johnson, Barnhouse &amp; Keegan. I'm here  24 on behalf of DEAP Charter School. I will let the  25 representatives from DEAP introduce themselves.</p>

Page 70

1 DR. JENNIE JIMENEZ: Good morning. I'm  
2 Dr. Jennie Jimenez, Head Administrator for DEAP  
3 School.

4 MS. SHAYLA YELLOWHAIR: Good morning. My  
5 name is Shayla Yellowhair. I am the Governing  
6 Council Chair.

7 MS. NATASHA CUYLEAR: First, I'd like to  
8 thank the Commission for the opportunity to speak  
9 today.

10 For my portion in addressing the  
11 Commission, I would like to state my concerns with  
12 the evidence presented by CSD today that they  
13 presented in support of their recommendation. And  
14 then I will turn it over to DEAP's representatives.  
15 They would like to provide more background  
16 information about DEAP, including DEAP's  
17 organizational structure and their current  
18 leadership, and how DEAP has been responsive to the  
19 concerns expressed by CSD and PED.

20 You know, I think the timing of this  
21 matter is important. As of April 24th, 2017, DEAP  
22 knew that it was undergoing an audit conducted by  
23 the Public Education Department, and DEAP was, and  
24 is, fully committed to working with the Department  
25 with regards to that audit.

Page 72

1 Commission today that CSD has based its entire  
2 recommendation today on two affidavits, and only  
3 those affidavits. I find that problematic for a  
4 number of different reasons; but namely, because  
5 from a legal standpoint, it seems improper for CSD  
6 to base its recommendation on the words of people  
7 who are formerly affiliated with DEAP without CSD  
8 also conducting its own investigation to  
9 substantiate the claims raised in those affidavits.

10 Now, I realize that the concerns raised in  
11 the affidavits, if proven and true, are serious.  
12 But I find it highly problematic that CSD is  
13 choosing to rely on those affidavits and not,  
14 instead, on its own independent and actual findings  
15 from a site visit or from an audit.

16 There was a site visit conducted at DEAP  
17 on March 15th, and no report has been issued from  
18 that site visit.

19 So CSD has noted that the affidavits raise  
20 concerns; but it is not clear to me, or to DEAP,  
21 what CSD is specifically concerned with. And that  
22 is because, in my opinion, they have overly relied  
23 on those affidavits without going further to  
24 substantiate the claims raised in those affidavits  
25 or raise concerns of their own.

Page 71

1 Then on May 4th, DEAP receives an e-mail  
2 from CSD, which was just last week, last Thursday --  
3 notifying DEAP representatives that they were on the  
4 agenda for today's PEC meeting, and that CSD has  
5 made a recommendation to the Commission to consider  
6 revoking DEAP's charter at a future hearing.

7 You know, this really came as quite a  
8 shock to DEAP, especially since they are right in  
9 the middle of an audit. And no information from  
10 that audit has been provided.

11 I think to complicate matters even  
12 further, for the first time last Thursday, CSD  
13 presents to DEAP these two affidavits from DEAP's  
14 former business managers. And that was the first  
15 time DEAP learned of the existence of the affidavits  
16 and the information contained in those affidavits.

17 To date, the Charter School Division has  
18 not presented DEAP with an opportunity to respond to  
19 the issues in those affidavits.

20 The Commission has heard CSD's report.  
21 And attached to that report are those two  
22 affidavits, one from Kay Gardner, and the other from  
23 Donna Overson. And then there's additional  
24 information attached to those affidavits.

25 I would really like to point out to the

Page 73

1 With regards to the audit, as you know  
2 from CSD's report to the Public Education Department  
3 Audit Bureau, they are currently conducting an audit  
4 of DEAP, and to date, no information has been  
5 provided. And since no information from the audit  
6 has been provided, it is really difficult to say  
7 what DEAP is being asked to respond to today.

8 Is DEAP being asked to respond to the  
9 allegations in two affidavits? I mean, I think if  
10 that is the case, we would get into a battle of "he  
11 said/she said," which I don't think the Commission  
12 is interested in entertaining.

13 While DEAP is prepared to respond to those  
14 affidavits, I think a response would be both  
15 premature and inappropriate, since this matter is  
16 already under investigation by the Department.

17 From the school's perspective, it is  
18 really difficult to respond to anything in the  
19 affidavits without also getting into the audit  
20 investigation. And I see those statements as being  
21 too closely related to the audit. And that being  
22 the case, I would recommend to the Commission today  
23 that they table this discussion until the school has  
24 been presented with actual findings with which to  
25 respond.

<p style="text-align: right;">Page 74</p> <p>1 The Commission faced this very issue at  2 its January 15th meeting earlier this year with  3 La Promesa Early Learning Center. And at that time,  4 the Commission voted to table PED's request until  5 independent information from Charter School Division  6 had been provided.</p> <p>7 I believe there is no information  8 independent of the audit that support's CSD's  9 recommendation. The financial reporting issues  10 claimed in the affidavits are too closely related to  11 the audit itself. In fact, the statements from  12 DEAP's former business managers prompted the  13 Department to conduct the audit. And as I've stated  14 before, the audit has not been released.</p> <p>15 This is the last point I would like to  16 make. And that is in regards to CSD's contention  17 that DEAP has problems with organizational structure  18 and lack of an education leader. Again, CSD has  19 raised these concerns based on the affidavits, not  20 its own stated concerns. And, furthermore, DEAP has  21 not been allowed to go through a Corrective Action  22 process, while other charter schools, even charter  23 schools that have had their Board of Finances  24 removed, which DEAP has not, were given a Corrective  25 Action Plan and allowed to complete it.</p>	<p style="text-align: right;">Page 76</p> <p>1 MS. POULOS: Madam Chairwoman and  2 Commissioners, I just want to be clear, PED -- CSD  3 has made no recommendation. This item was brought  4 on a consensus from the Executive Committee. And as  5 the Commission will note, and the school will note,  6 there is not a recommendation from CSD in these  7 materials, because this was not brought on CSD's own  8 initiative.</p> <p>9 MS. SHAYLA YELLOWHAIR: Hello. Good  10 morning. My name is Shayla Yellowhair. I am to  11 [Navajo spoken] born for [Navajo spoken]. I am from  12 Fort Defiance, Arizona. I am a former Level I  13 special education teacher here in New Mexico. And I  14 am also a mother of three.</p> <p>15 So I am here today to speak a little bit  16 of my experience and the story of DEAP.</p> <p>17 As the Governing Council Chair, Dzit  18 Ditl'ooi School of Empowerment, Action and  19 Perseverance is in its second year -- is a  20 second-year PEC-authorized charter school. And we  21 provide services to the Navajo Red Lake area. This  22 is a community on the Navajo Nation, sort of north  23 of Fort Defiance, Arizona, on the border.</p> <p>24 We currently serve students in Grades 6  25 through eighth by providing hands-on, meaningful,</p>
<p style="text-align: right;">Page 75</p> <p>1 You know, even without a Corrective Action  2 Plan, DEAP is prepared to address today its  3 organizational structure, and DEAP's head  4 administrator is present today to speak, and so  5 clearly evidencing that DEAP has a -- DEAP does not  6 lack an education leader.</p> <p>7 CSD's recommendation does not articulate a  8 situation where it is appropriate to revoke. The  9 school has hired a new business manager who is  10 present today. The school has a licensed head  11 administrator, whom you will hear from today. And  12 DEAP has taken all of these steps on its own  13 initiative.</p> <p>14 And as you will hear from DEAP's  15 leadership, ever since the audit was initiated on  16 April 24th, which is still relatively recent, the  17 school has complied with every directive from the  18 Charter School Division and the Department.</p> <p>19 So these proceedings, they come as quite a  20 surprise to DEAP, and we would ask that the PEC not  21 take any action until the audit is complete, and the  22 school has had sufficient time to respond.</p> <p>23 I'll now turn it over to DEAP's  24 representatives. Thank you, Commissioners.</p> <p>25 THE CHAIR: Director?</p>	<p style="text-align: right;">Page 77</p> <p>1 relevant education for the context of our community.</p> <p>2 Like many reservation communities, we do  3 struggle with issues, such as the lack of economic  4 development and opportunity within our community,  5 poverty, low education attainment, and health  6 issues.</p> <p>7 Although our community has many struggles,  8 that in itself does not stop us from continuing to  9 work on behalf and with our community to take action  10 to improve these conditions.</p> <p>11 DEAP is one facet of those efforts. So we  12 are one of many efforts within the community, and  13 it's important to state that, because this is a  14 community-led effort.</p> <p>15 Through DEAP, we seek to create empowered  16 leaders that are able to address community issues  17 with innovative and meaningful solutions that are  18 ground [verbatim] in culture, wellness, action, and  19 service, and agriculture.</p> <p>20 DEAP was founded in partnership with the  21 NACA Inspired Schools Networks, NISN, who have  22 provided DEAP with support and technical assistance.</p> <p>23 We are making every effort to provide  24 meaningful, empowering education to our students.  25 And while DEAP has strived for excellence, we have</p>

<p style="text-align: right;">Page 78</p> <p>1 struggled, as new charter schools have. To start a  2 charter school on the reservation is extremely  3 difficult. Our options for facilities and staff is  4 limited by what our community can provide. Yet this  5 is exactly why DEAP is needed.  6 DEAP is an option for students and  7 families that was not there before. For example,  8 DEAP has created an opportunity for college and  9 career access. DEAP students have visited IAIA,  10 UNM, and will be visiting NAU this month, the  11 Northern Arizona University in Flagstaff. Exposure  12 to college provides our students and families with  13 opportunities that may have not existed without  14 DEAP.  15 Additionally, DEAP is transforming our  16 local community by creating jobs that would not have  17 been there or would not have existed without our  18 existence.  19 We are very proud to be an Americorps site  20 and as well as a community-invested organization.  21 And it's important for the Commission to know that  22 even though -- or even in DEAP's two short years, we  23 have really made a meaningful impact on the  24 community.  25 It's unfortunate that we are here in the</p>	<p style="text-align: right;">Page 80</p> <p>1 people.  2 I have been at Dzit Ditol'ooi School of  3 Empowerment, Action and Perseverance, DEAP, as a  4 head administrator for four-and-one-half months. I  5 believe in the mission of DEAP to empower our  6 students to respond to the needs of their community.  7 It is from this base that, as head administrator, I  8 want to encourage the young people, the parents, and  9 the elders of our community.  10 While we have copies of the affidavits, I  11 will not respond directly to them, as we are  12 awaiting the audit findings. However, I would like  13 to take this opportunity to highlight DEAP's  14 innovative approach and impact on the community.  15 As a head administrator at a new charter  16 school on the reservation, it requires many  17 different hats and deep reflections.  18 However, DEAP has created an opportunity  19 to redefine what education for indigenous people  20 should be. It is no easy feat. And each day, we  21 are having to do whatever it takes to provide a  22 balanced education that incorporates Western  23 concepts and indigenous ways of knowing and  24 understanding. We strive to empower our students  25 and community members with knowledge and support to</p>
<p style="text-align: right;">Page 79</p> <p>1 agenda today, as we are just getting started in  2 fulfilling our mission with our community and  3 students.  4 That mission, again, is empowered -- or is  5 based in empowering students in our community and  6 focusing those efforts of our students to change  7 their narrative.  8 I also want to assure the PEC that as long  9 as the community needs us, DEAP will continue to  10 persevere and support students in succeeding. And I  11 am also -- want to say hello to those Commissioners  12 who have visited our community, and I would welcome  13 any other visitors to our community and to our  14 school.  15 DR. JENNIE JIMENEZ: [Navajo spoken.]  16 As I said, I'm -- Chairperson Gipson,  17 members of the Commission, and Director Poulos, I  18 introduced myself previously. I am Dr. Jennie  19 Jimenez. And I'm of the [Navajo spoken] clan and  20 born for [Navajo spoken].  21 I am a licensed administrator with  22 30 years' -- with over 30 years' experience in  23 education. Most of those services have been in the  24 Bureau of Indian Education. After all these years,  25 it is a blessing for me to come home and serve my</p>	<p style="text-align: right;">Page 81</p> <p>1 transform the world around them.  2 To do this requires a strong leadership  3 team. Based on the team's vision of empowerment,  4 all important matters pertaining to personnel,  5 finance, and operations, are placed on an informal  6 agenda for the weekly leadership team members. The  7 members include the director of the operation, the  8 director of curriculum, and myself, the head  9 administrator, using a shared leadership model.  10 Discussions that lead to resolutions may not only  11 include us, the leadership team, but also others,  12 dependent upon their expertise.  13 As DEAP's head administrator, I take  14 responsibility for those functions outlined by PED  15 and grantors.  16 Being new to DEAP and the charter school  17 world, I acknowledged early on that the other two  18 members of the leadership team, who are also the  19 founders of the school, were highly vested in DEAP's  20 mission and had proven to be capable. Therefore, it  21 was important for me to rely on their experience and  22 their commitment to the community.  23 I have been learning the various processes  24 used in financial matters in collaboration with  25 Director of Operation, Prestene Garnenez. Through</p>

<p style="text-align: right;">Page 82</p> <p>1 her and the third-party business managers from NACA  2 Inspired School Networks, I have gained an  3 understanding in New Mexico State budget, finance  4 and administration practices, grant funding, and  5 DEAP spending.  6 In addition to the financial and personnel  7 matters, I have received training in New Mexico  8 TEACH in order to complete teacher evaluations. I  9 spent time analyzing student data, attendance  10 trends, and history of DEAP to fully understand my  11 role and the potential of DEAP.  12 From my findings, I prepared a midyear  13 report for CSD that improving student truancy,  14 building family relationships, and ensuring the  15 intent of the law pertaining to special education  16 and student rights have been met.  17 In addition, I have met my obligation to  18 inform the governing council about the health of the  19 school. DEAP's governing council holds the ultimate  20 power to approve or disapprove the budget, as well  21 as the hiring and evaluation of me, the head  22 administrator.  23 While they are not directly responsible  24 for the day-to-day operation of the school, they  25 receive reports from the Director of Operation, the</p>	<p style="text-align: right;">Page 84</p> <p>1 MS. SHAYLA YELLOWHAIR: All right. I  2 think, in my opinion, this is like the meat of what  3 we do; right? Like, when you talk about, and you  4 want to hear about successful schools, that is the  5 reason why we need to continue to be in our  6 community and continue to operate.  7 So, highlights of our first and second  8 year: The first thing, this past year, our school  9 letter grade was a C. It was -- of the NWEA scores,  10 89 percent of DEAP students made growth in the  11 winter language NWEA test. 72 percent of students  12 made growth in their winter math NWEA test. 67  13 [verbatim] of the DEAP students made growth in the  14 winter reading NWEA testing.  15 Those percentages are expected to increase  16 in the spring, as our students have really, really  17 been working diligently.  18 The second piece: Community garden and  19 food sovereignty. DEAP students have transformed a  20 former community dump site into a thriving garden.  21 The garden produced foods that DEAP students cooked  22 and shared amongst themselves and with the  23 community.  24 DEAP students placed first in the Navajo  25 Nation horticulture exhibits during the Navajo</p>
<p style="text-align: right;">Page 83</p> <p>1 Director of Curriculum, the Business Manager and  2 myself. While we understand that CSD, PED Finance,  3 and the PEC may have concerns about DEAP, I want to  4 assure you that we are making the necessary steps to  5 continuously improve our practices.  6 We have already hired a new Business  7 Manager, Charlotte Archuleta, who is external from  8 NISN. Ms. Archuleta is highly qualified and is  9 working diligently to ensure DEAP's compliance with  10 PED Finance. Additionally, DEAP has cooperated with  11 all requests from the PED Finance Director,  12 including transferring signatories.  13 The DEAP Governing Council has committed  14 to redefine and strengthen our relationship with  15 NISN. DEAP is committed to providing quality  16 education to the local community. We have made many  17 efforts in recruiting students to increase  18 enrollment for the 2017-2018 school year. For  19 example, we have initiated many wellness,  20 agricultural, cultural programs and events that our  21 students to benefit -- to benefit the local  22 community.  23 At this time, I would like to give the  24 floor back to the Governing Council, Shayla, to  25 highlight some of our successes.</p>	<p style="text-align: right;">Page 85</p> <p>1 Nation Fair this past year.  2 DEAP students led community members in  3 culinary demonstrations, including traditional  4 Navajo steamed corn.  5 DEAP led an agricultural fair for local  6 community that included various presenters,  7 including students themselves. Among these  8 activities were going out and forging in the  9 mountains and collecting indigenous plants,  10 indigenous herbs and then using those same things to  11 cook and present food for the community that was  12 present.  13 Wellness: All the DEAP students have  14 increased their activity levels through their daily  15 walks, runs, hikes, and exercise. DEAP students  16 complete biweekly reflections on their wellness and  17 present their reflections during their student-led  18 conferences. We don't have parent-teacher  19 conferences; we have student-led conferences.  20 Service: DEAP students have helped  21 organize and lead the local community to clean up  22 where there was over 200 tires. And four  23 industrial-sized trash bins were gathered.  24 Finally, DEAP students had designed and  25 created moccasins for local Head Start students.</p>



<p style="text-align: right;">Page 86</p> <p>1 That includes two of my children who attend a  2 day-care center about 100 yards from DEAP. And so  3 that was really great for me, as a parent, to see  4 students learn the process of creating moccasins and  5 then seeing that full circle of my children being on  6 the receiving end. That speaks to me, again, as a  7 parent, on multiple levels, being invested in the  8 cultural piece of the school; right?  9 Finally, partnerships, where we have  10 partnered within a college for STEAM and math  11 circles. And the National Indian Youth Leadership  12 program, and the Tsehootsooi Medical Center, which  13 is the hospital in Fort Defiance, have partnered  14 with DEAP for Project Venture, which is an outdoor  15 education program that promotes wellness and  16 empowerment.  17 And as Dr. Jimenez had mentioned, the  18 attendance and tardies have greatly decreased over  19 the past couple of months, which is something that  20 we, as a council, have really wanted to see in terms  21 of the types of activities that were being  22 presented.  23 Attendance increased. I'm sorry. And  24 tardies decreased. Thank you.  25 MS. NATASHA CUYLEAR: Commissioners, I</p>	<p style="text-align: right;">Page 88</p> <p>1 What's your current student enrollment?  2 DR. JENNIE JIMENEZ: We have a total of  3 24 students. We have five fifth-graders -- I mean  4 sixth-graders; excuse me -- and 12 seventh-graders  5 and eight eighth-graders, I believe. I hope that  6 adds up to 24. And being that we --  7 THE CHAIR: I'll trust you.  8 DR. JENNIE JIMENEZ: -- being that we  9 intend to add ninth grade next year, our  10 eighth-graders will move on with us. And I have  11 talked with the eighth-grade students, and there's  12 only one who is not real sure; but the rest will be  13 returning.  14 And we have been increasing our efforts to  15 increase the enrollments through going to our  16 chapter meetings. And our chapter meetings have  17 been -- they've been presented by our students;  18 because we feel that they are the best advocates for  19 our school. And I was very, very pleased, in that I  20 would say that if I were to go to another school and  21 just select two students to present to a chapter of  22 adults who are parents and elders of the community  23 and just tell them that this -- what you are -- you  24 need to present about your school, that they would  25 be successful in doing that.</p>
<p style="text-align: right;">Page 87</p> <p>1 think that concludes the statement that DEAP wanted  2 to make today. And if Commissioners have any  3 questions, we stand for those.  4 THE CHAIR: Commissioners, any questions?  5 COMMISSIONER TOULOUSE: Madam Chair?  6 I have a question of Ms. Poulos.  7 If their site visit was March 14th, where  8 is their report on the site visit?  9 MS. POULOS: Madam Chairwoman,  10 Commissioners, as we've noted before, there have  11 been some technical difficulties. I was informed by  12 my staff it has been completed. There is one item  13 left, which is the calculation of instructional  14 hours, to determine whether they meet instructional  15 hours. They're trying to finalize that today and  16 release that report.  17 COMMISSIONER TOULOUSE: Thank you; because  18 I think that's something that the school and we  19 needed, too, before we dealt with that. So I think  20 we ought to let this sit until we have that and  21 their audit.  22 THE CHAIR: Right. And it is unfortunate.  23 We weren't sure if we were -- we were hoping we  24 would have the audit information at this moment in  25 time.</p>	<p style="text-align: right;">Page 89</p> <p>1 And our students, I gave them no cards.  2 They wrote their notes, and they presented and did  3 an absolutely wonderful job. And I think -- and I  4 think that's a testament to our success in -- in  5 empowering them.  6 THE CHAIR: And I know, from earlier  7 discussions, there was a challenge in terms of  8 numbers with just opening; so that the "24" number  9 is, I think, a better number than I thought you were  10 going to have at this moment in time from the  11 challenges when you first opened.  12 So what's your -- do you have a projected  13 estimate for next year's enrollment?  14 DR. JENNIE JIMENEZ: We're looking at --  15 our ceiling would probably be 44 --  16 THE CHAIR: Okay.  17 DR. JENNIE JIMENEZ: -- in the current  18 facilities.  19 COMMISSIONER JOHNSTON: Madam Chair, I  20 have some questions.  21 THE CHAIR: Certainly, Commissioner  22 Johnston.  23 COMMISSIONER JOHNSTON: Thank you.  24 I've been writing furiously while you all  25 have been talking.</p>

<p style="text-align: right;">Page 90</p> <p>1 And my questions come from a sense of  2 urgency, just about the findings that were already  3 in our paperwork, and the confusion for you; because  4 within the minutes -- and I'm certain that that's  5 what you were notified -- was that we were looking  6 at revocation. And CSD had not recommended, in any  7 way, that. But that's a pretty strong word. So  8 that would be concerning.  9 Is Ms. Archuleta here?  10 MS. CHARLOTTE ARCHULETA: I'm right here.  11 COMMISSIONER JOHNSTON: Ms. Archuleta, are  12 you a licensed school business official?  13 MS. CHARLOTTE ARCHULETA: Yes. I should  14 be a Level II on July 1st. I've already received my  15 license, and I'm also a Chief Procurement Officer.  16 COMMISSIONER JOHNSTON: You are. That was  17 my next question.  18 Have you been -- do you work full-time  19 with this school, or a part of your --  20 MS. CHARLOTTE ARCHULETA: This is one of  21 my schools. I have three schools.  22 COMMISSIONER JOHNSTON: What are your  23 other charter schools?  24 MS. CHARLOTTE ARCHULETA: Roots and Wings  25 Charter School and Dream Dine' Charter School.</p>	<p style="text-align: right;">Page 92</p> <p>1 DR. JENNIE JIMENEZ: We do not have one.  2 I guess you could give me that title, also.  3 COMMISSIONER JOHNSTON: I read it. That's  4 why I'm asking. I read it somewhere.  5 DR. JENNIE JIMENEZ: I have been called  6 "Superintendent," also, and probably other names.  7 COMMISSIONER JOHNSTON: In charter  8 schools -- here -- yeah. There's a note in your  9 audit, and it says, "Management's Response."  10 "The Executive Director is responsible to  11 assure a trained Chief Procurement Officer."  12 So you are the Executive Director, also.  13 DR. JENNIE JIMENEZ: Yes.  14 COMMISSIONER JOHNSTON: That answered that  15 question.  16 Let me -- is the Director of Operations  17 here?  18 MS. PRESTENE GARNENEZ: I'm here.  19 COMMISSIONER JOHNSTON: And you are.  20 MS. PRESTENE GARNENEZ: I'm Prestene  21 Garnanez.  22 COMMISSIONER JOHNSTON: Oh, Ms. Garnanez.  23 And you are a -- how long have you been on the  24 school staff?  25 MS. PRESTENE GARNENEZ: Since we started</p>
<p style="text-align: right;">Page 91</p> <p>1 COMMISSIONER JOHNSTON: Do you live close  2 by this school?  3 MS. CHARLOTTE ARCHULETA: No, I live in  4 Albuquerque.  5 COMMISSIONER JOHNSTON: You live in  6 Albuquerque.  7 MS. CHARLOTTE ARCHULETA: Yes.  8 COMMISSIONER JOHNSTON: How much time are  9 you able to devote on-site to the school?  10 MS. CHARLOTTE ARCHULETA: I probably would  11 only go quarterly; but I'm available all the time by  12 phone.  13 COMMISSIONER JOHNSTON: Okay. And you  14 have access -- what financial information software  15 do you use?  16 MS. CHARLOTTE ARCHULETA: AptaFund right  17 now.  18 COMMISSIONER JOHNSTON: Okay. All right.  19 So you have access to that.  20 MS. CHARLOTTE ARCHULETA: Yes.  21 THE CHAIR: Dr. Jimenez, you are the Head  22 Administrator?  23 DR. JENNIE JIMENEZ: Yes.  24 COMMISSIONER JOHNSTON: Who is the  25 Executive Director?</p>	<p style="text-align: right;">Page 93</p> <p>1 the school staff. I'm a school founder.  2 COMMISSIONER JOHNSTON: You are. So you  3 fill both of those. So you're a hired staff member.  4 That's that collaborative leadership team that you  5 were talking about?  6 DR. JENNIE JIMENEZ: Yes, ma'am.  7 COMMISSIONER JOHNSTON: And Director of  8 Curriculum.  9 MS. KAYLA BEGAY: I am right here. My  10 name is Kayla Begay. I'm also a founder.  11 COMMISSIONER JOHNSTON: So I thought you  12 were all here. So I've accounted for everybody who  13 is down here on the team.  14 So Dr. Jimenez, your team, as the leader,  15 would you just identify who that collaborative team  16 is who's here today for me and tell me if there are  17 any others who are on that team?  18 DR. JENNIE JIMENEZ: As they've -- you've  19 already met Prestene Garnanez and Kayla Begay and  20 myself.  21 COMMISSIONER JOHNSTON: Okay. So you all  22 are the leadership team.  23 DR. JENNIE JIMENEZ: Yes.  24 COMMISSIONER JOHNSTON: Who has the most  25 interaction with the school business official?</p>

<p style="text-align: right;">Page 94</p> <p>1 MS. PRESTENE GARNENEZ: I do.  2 COMMISSIONER JOHNSTON: You do,  3 Ms. Garnanez?  4 Dr. Jimenez, you said you came home. So  5 you've been in another state working?  6 DR. JENNIE JIMENEZ: Well, not  7 necessarily. I -- my last position was a line  8 officer under the Bureau of Indian Education for the  9 Northern Pueblos, who's stationed in Española.  10 COMMISSIONER JOHNSTON: Okay. I --  11 DR. JENNIE JIMENEZ: But I grew up -- or I  12 was born -- in Crystal, which is part of the  13 community that we serve.  14 COMMISSIONER JOHNSTON: Okay. And so --  15 DR. JENNIE JIMENEZ: So I retired back to  16 my home.  17 COMMISSIONER JOHNSTON: Which is  18 wonderful. Congratulations.  19 DR. JENNIE JIMENEZ: Thank you.  20 COMMISSIONER JOHNSTON: My question came  21 from the fact that you had made a statement -- or I  22 understood -- that you were learning a lot about  23 public school administration, that you had come back  24 into it, and you were learning about finance and  25 those -- the operations.</p>	<p style="text-align: right;">Page 96</p> <p>1 people who are involved so that we can get some  2 answers. And if there needs to be a Corrective  3 Action Plan or an Improvement Plan, that's the place  4 we go. I'm asking these questions because I take  5 this very seriously.  6 I would, Dr. Jimenez -- and this is  7 personal, and absolutely no offense, and I say this  8 to the entire room. But I would much rather hear  9 first from the leaders of the school and second from  10 the attorney. And I don't mean to denigrate in any  11 way.  12 Are you affiliated with the school?  13 MS. NATASHA CUYLEAR: I represent them;  14 so...  15 COMMISSIONER JOHNSTON: You represent them  16 as an attorney. But really and truly, the people I  17 look to are this collaborative leadership team, the  18 founders, the business official, because I'm -- I'm  19 entrusted with seeing that money that comes from the  20 residents of the State of New Mexico -- and I have  21 such respect for our state and its vast diversity --  22 but I'm responsible here, I'm tasked here, I feel,  23 with ensuring that to the best of my ability, I  24 understand where things might have happened and  25 where we are truly on the road to correction.</p>
<p style="text-align: right;">Page 95</p> <p>1 DR. JENNIE JIMENEZ: That's correct.  2 COMMISSIONER JOHNSTON: Okay. Are  3 members -- are the curriculum director -- operations  4 director, are you licensed? Do you hold New Mexico  5 education licenses?  6 MS. KAYLA BEGAY: I hold an education  7 Level I teaching license.  8 COMMISSIONER JOHNSTON: Okay. And how  9 long have you been a teacher?  10 MS. KAYLA BEGAY: I have been a teacher  11 for about five years now.  12 COMMISSIONER JOHNSTON: Okay. Do all of  13 you -- and I'm asking because the nations can be so  14 vast. Do all of you live -- are you present at the  15 school site each day, other than the school business  16 official?  17 ALL REPRESENTATIVES: Yes.  18 MS. KAYLA BEGAY: I also teach.  19 COMMISSIONER JOHNSTON: So you have a  20 classroom responsibility, also.  21 MS. KAYLA BEGAY: Yes.  22 COMMISSIONER JOHNSTON: I think -- really  23 and truly, our goal is for the school to continue  24 operation. However, when there are financial  25 questions that are raised, we need to talk with the</p>	<p style="text-align: right;">Page 97</p> <p>1 It sounds to me like programmatically,  2 you're working diligently, if you've increased your  3 numbers. I know budgetarily, you're also working  4 diligently. But I also understand that that's the  5 foundation of the school is that finance. And so  6 who interacts?  7 Ms. Archuleta, with whom do you interact  8 most often on the phone?  9 MS. CHARLOTTE ARCHULETA: With Prestene.  10 It's usually like that. I usually work with the  11 office manager more than with the principal. I only  12 usually speak with the principal on real important  13 matters. I just call them directly or e-mail them.  14 Okay.  15 COMMISSIONER JOHNSTON: Now, do you  16 understand, Dr. Jimenez, when the business official  17 says, "I only interact with the principal on real  18 important matters," every matter with finance is  19 important, because that's every dollar that goes to  20 the students who are served so diligently by this  21 school. I would encourage you to immediately take a  22 more direct role.  23 We get caught up in instruction as  24 principals. We got that instruction. But that  25 finance part of it allows us to provide instruction.</p>

Page 98

1 So, Ms. Archuleta, I would encourage -- if  
2 you all can be on voice, voice calls, and you can be  
3 present in the room to ask those questions; because  
4 you must be absolutely informed, and you need to  
5 learn as much as you can about budget.

6 DR. JENNIE JIMENEZ: Okay. I'd like to  
7 clarify. A lot of the correspondence is done by  
8 e-mail. And I receive copies of all that. And  
9 Prestene's desk is right next to mine. And she  
10 informs me completely about the conversations  
11 that -- or the background on the conversations.

12 And I think I'm moving rather fast, after  
13 four months, that I'm beginning to understand. And  
14 on Monday, we are going to have a meeting, Prestene  
15 and I, and make another determination as to what I  
16 am now ready to take on.

17 COMMISSIONER JOHNSTON: Okay.

18 DR. JENNIE JIMENEZ: So that eventually, I  
19 will have the total control of the budget -- not  
20 control -- but the workings of the budget and all as  
21 I gain the knowledge. And Prestene will move to  
22 other areas of management that the school has been  
23 planning.

24 COMMISSIONER JOHNSTON: There -- it's --  
25 operations is a -- it's a huge spectrum. Did you

Page 100

1 presentation, because I recommended that because of  
2 the seriousness.

3 But, Commissioner Johnston, I would  
4 recommend you go out and visit the school. And I'd  
5 be glad to go with you. I've visited the school,  
6 and I would be very glad to go with you. Maybe  
7 Mr. Conyers would like to meet us there and see the  
8 school; because it's a very different deal out where  
9 they are on the reservation. And it's an absolutely  
10 beautiful place to go to.

11 COMMISSIONER JOHNSTON: And I really -- I  
12 appreciate your invitation, and I fully respect the  
13 difference. That's why all I was talking about was  
14 the handling of the money; because the handling of  
15 those dollars enable you to provide this difference  
16 that's required. I have great respect for that.  
17 And -- but the handling of that money is -- is  
18 paramount to providing it. So thank you.

19 DR. JENNIE JIMENEZ: I'd like to just  
20 respond and say I agree with you; because I  
21 understand that the funds are really -- they  
22 represent the people of the State who are paying  
23 their taxes.

24 And in the federal government, from which  
25 I came, that was -- that was something that was

Page 99

1 attend the Spring Budget Workshop?

2 DR. JENNIE JIMENEZ: No, I did not.

3 COMMISSIONER JOHNSTON: Okay. Lots of  
4 questions. But I just take it very seriously. So  
5 I'm asking very direct questions.

6 DR. JENNIE JIMENEZ: No, I appreciate it.

7 COMMISSIONER JOHNSTON: Thank you very  
8 much.

9 THE CHAIR: Commissioner Toulouse?

10 COMMISSIONER TOULOUSE: Madam Chair, I  
11 want to point out that I did meet with the NACA  
12 folks last Friday, and I recommended that because of  
13 the seriousness of this agenda item, that they bring  
14 their attorney and use the attorney to present,  
15 because this was a serious deal that they had not  
16 had any advance notice.

17 I'm concerned that this is the second time  
18 now this calendar year we've gone directly to an  
19 agenda item that says, "Proposed hearing to discuss  
20 to propose a hearing."

21 And I think that -- I think this  
22 discussion was necessary. But that's what this item  
23 should have been, a discussion item for the school  
24 to have time to see these documents and to present  
25 it. But that's why the attorney, I'm sure, did the

Page 101

1 constantly repeated is that we must protect our  
2 public monies. And I understand that very much.  
3 And I am -- and I am committed to that, also.

4 COMMISSIONER JOHNSTON: Thank you.

5 COMMISSIONER CONYERS: Chairman?

6 THE CHAIR: Commissioner Conyers?

7 COMMISSIONER CONYERS: I'd just like to  
8 say that I agree with the discussion that this is,  
9 you know, some serious issues but would be  
10 premature, I think, to take any action.

11 And I was impressed by the accomplishment  
12 of your students, especially a small school and all  
13 the things you've done.

14 And I appreciate the invitation. I would  
15 like to come visit. I haven't been traveling as  
16 much recently; but now I have a new "chitty," so I  
17 think I can get around a little better. Thank you.

18 THE CHAIR: Commissioner Armbruster?

19 COMMISSIONER ARMBRUSTER: I think I can do  
20 this without this microphone.

21 Yes. I just had a couple of questions.  
22 And I'm sorry I'm not listening fast enough and  
23 getting all your names. So I apologize. But is  
24 it -- are you Kayla?

25 MS. KAYLA BEGAY: I am Kayla.

## Page 102

1 COMMISSIONER ARMBRUSTER: So this is your  
2 fifth year as a Tier I; so you are applying --

3 MS. KAYLA BEGAY: I was a pre-level  
4 teacher for two years. And then this is my second  
5 year as a Level I. So I am working toward Level II,  
6 yeah.

7 COMMISSIONER ARMBRUSTER: Yeah. You would  
8 definitely want to do that. The money.

9 Well, that's -- it is. And, Prestene,  
10 your job is?

11 MS. PRESTENE GARNENEZ: I'm the Director  
12 of Operations.

13 COMMISSIONER ARMBRUSTER: What does that  
14 exactly mean, in people who don't -- I have a huge  
15 learning curve, too. I understand, Dr. Jimenez,  
16 yours.

17 MS. PRESTENE GARNENEZ: I think  
18 definitely, initially, when we started out the idea  
19 for the Director of Operations was to help to  
20 continue to build out the infrastructure of the  
21 school.

22 If you come out to where our community is,  
23 it's the reservation; so we don't have a lot of  
24 resources. And just to start our school required a  
25 lot of planning and coordination with a number of

## Page 104

1 managers through the network. In the two years that  
2 we've been here, we've had -- Charlotte is our fifth  
3 business manager.

4 So, you know, I recognize that the process  
5 for it may not have been perfect; but, you know,  
6 I -- I felt like I filled a void that needed to be  
7 filled while we were waiting for a head  
8 administrator.

9 So Jennie has started four months ago.  
10 And we're really glad that she's there. I had been  
11 asking her, also, you know, like, in terms of  
12 long-term planning, what her plans were for the next  
13 school year. And so that was open for a while. But  
14 she has since committed to that. And so that takes  
15 on a different stance when we want to think about  
16 the future.

17 And I'd really like to move back into the  
18 space of the Director of Operations, and really  
19 looking at building out the school, because that  
20 needs some serious attention.

21 We want to basically double in size for  
22 our students. And right now, we're only limited  
23 because of the number of rooms that we can provide  
24 as classroom space for our students. We want to  
25 grow much larger than that. And so that requires

## Page 103

1 different entities just to bring those two buildings  
2 that we operate out of.

3 As we grow, we're going to need more  
4 facilities to put our students in. And so that was  
5 one of the major and first tasks that I initially  
6 started to work on.

7 I also am in charge of the food services  
8 that we have for our school. So we provide  
9 breakfast and lunch to all of our students. So I  
10 oversee that program, as well.

11 And initially, we were looking at having  
12 transportation. But since then, we've been sort of  
13 blocked out of transportation monies for our school;  
14 so we're looking at what sort of different  
15 alternatives there might be out there for our  
16 students.

17 But over time, because we've had some  
18 struggles with bringing on a head administrator,  
19 some of the tasks, like the finances, sort of fell  
20 to working with me while we were waiting for a head  
21 administrator to start at the school. And so -- but  
22 I have to admit that I really did rely on the  
23 business managers that we had to help guide all of  
24 that.

25 We also had some struggles with business

## Page 105

1 that attention to build that out.

2 So I spend a lot of time looking at grant  
3 funding and how we can raise capital, how can we  
4 collaborate with not only the county and different  
5 governmental entities, like the Navajo Nation and  
6 the county, or private entities that might be  
7 willing to donate. That's some of the stuff that  
8 I've also been trying to move forward, as well.

9 COMMISSIONER ARMBRUSTER: So would it be  
10 accurate for me to say you're kind of running the  
11 school in a lot of ways, because you began it, and  
12 you've had to help with the finance and help her --  
13 your learning curve and what you're doing? So  
14 you've kind of had to oversee everything?

15 MS. PRESTENE GARNENEZ: But I felt like  
16 I've made a real commitment to continue to, if we've  
17 had head administrators; and also to Kayla, I've  
18 made a real commitment to keeping everybody informed  
19 and getting that collaborative input.

20 While it seems like that, that's not the  
21 case. There's been many times we meet on a weekly  
22 basis. We talk with the head administrators. I  
23 brief Jennie throughout the day to what's happening  
24 as a way to get her familiar with some of the issues  
25 that we're facing, not just with financial matters,

## Page 106

1 but with everything.

2 So if we're planning out what's happening  
3 with the garden, you know, we let her know. If we  
4 are going to be doing a similar program, we let her  
5 know.

6 So I don't think I've been running the  
7 school. But it's come -- it's always come from this  
8 place of a collaborative effort. And I think if you  
9 look at -- I think it's in your packets, one of the  
10 e-mails that Kay Gardner sent, stating she wasn't  
11 our business manager. The very first e-mail in  
12 there is from me to Kay, in which I clearly state,  
13 "This is the budget as a result of meeting with the  
14 budget committee, with the overall governing  
15 council, and with the leadership team."

16 I do my very best to keep everybody  
17 involved. I keep them informed. I talk to Shayla.  
18 You know, I talk to the Governing Council members.  
19 I give the reports at the meeting. So I don't feel  
20 like I'm the one single leader. I've been doing  
21 what I feel like is best for the school is to work  
22 collaboratively with people.

23 COMMISSIONER ARMBRUSTER: And another  
24 question I have is it's a little concerning to me --  
25 doesn't mean I'm doing anything, just expressing

## Page 107

1 that it's of concern -- that you've had four or five  
2 different business managers. And I'm kind of  
3 wondering -- someone, take your pick, could kind of  
4 explain why that seems to be occurring.

5 I see you all raising your hands at the  
6 same time. Everyone's looking down. I got it.

7 MS. PRESTENE GARNENEZ: I guess I can  
8 speak to that. Up until roughly a month -- three  
9 weeks ago, when we -- when we hired Charlotte, we  
10 were using the business management services through  
11 the NACA Inspired Schools Network. So we had a  
12 business manager who -- who helped us with the  
13 school when we were going through the application  
14 process. She was our business manager all the way  
15 up through June of last year.

16 And then she left rather abruptly. And I  
17 can't speak to why she had left. But she had also,  
18 I guess, been responsible for bringing on another  
19 business manager, who was supposed to be learning  
20 from her.

21 He started, I believe, in March of 3/16.  
22 [Verbatim.] And we were working with him throughout  
23 most of the summer. And it's my understanding that  
24 Kay Gardner was then hired in July or August of  
25 2016, and that she would provide oversight to the

## Page 108

1 business manager that was specifically working with  
2 us.

3 But, again --

4 COMMISSIONER ARMBRUSTER: But he had a  
5 license, the one who was being mentored by the  
6 person who left?

7 MS. PRESTENE GARNENEZ: Yes.

8 COMMISSIONER ARMBRUSTER: And then they  
9 hired Kay, because?

10 MS. PRESTENE GARNENEZ: You'll have to ask  
11 the -- the leaders of the NACA Inspired Schools  
12 Network.

13 COMMISSIONER ARMBRUSTER: Okay.

14 MS. KAYLA BEGAY: But ultimately, the  
15 arrangement we had from the Business Manager meant  
16 services coming from NISN did not work. So we have  
17 made the efforts to separate ourselves from that and  
18 bring on our own Business Manager; because that's  
19 what we know we need to do.

20 COMMISSIONER ARMBRUSTER: Okay. Yield for  
21 a minute. I may be back.

22 COMMISSIONER JOHNSTON: I -- that --

23 THE CHAIR: I want to just say that I also  
24 had an opportunity with the folks from NACA. And I  
25 know there's challenges with what technical support,

## Page 109

1 and I think there's work that needs to be done. And  
2 I -- and my concern has -- beyond the financial,  
3 because we really can't address a lot of that right  
4 now, because we don't have that -- unfortunately,  
5 the audit report.

6 And I'll just let the Commissioners know  
7 that the wording came through our AG's attorney; so  
8 that's why the wording is what it is. But I do have  
9 a concern about what has been expressed about the  
10 head administrator not being fully involved in the  
11 day-to-day running of the school.

12 And I appreciate the feet on the ground  
13 and the full immersion that has to take place, and  
14 I -- that there is a -- maybe there was just poor  
15 communication in terms of what the role and  
16 responsibility of a head administrator is; because  
17 it does differ, in a charter, than many traditional  
18 schools. Because it does encompass that role of  
19 Superintendent, as you've sometimes been referred  
20 to, and Executive Director, that it's -- it is far  
21 more hands-on, especially in the finances, than it  
22 is in many traditional schools, because there is  
23 many other individuals that often are hired through  
24 traditional schools that handle many of those.

25 So that it is concerning, when a school

Page 110

1 has made the absolute effort to increase the  
2 enrollment and survive, which, when you first  
3 opened, I think we all held our breath, because  
4 there was a concern because of -- it appeared  
5 challenges with facilities were certainly there, and  
6 challenges with enrollments; so that there was a  
7 concern.

8 And you've -- you've done a great job in  
9 reaching out to that community and showing that you  
10 are committed to the community, and you are  
11 servicing your community well, and you're reaching  
12 those goals.

13 But there's that leadership. And through  
14 that leadership gap, I think the finances are  
15 falling through the cracks. And it's not  
16 intentional. But I think that there is some serious  
17 training and conversation that has to go on in terms  
18 of who's responsible for what, and that those lines  
19 are clearly defined, and that you have  
20 heart-to-hearts about, "This is -- this is -- this  
21 is what needs to be done, and this is what I do, and  
22 this is what you need to do."

23 And, unfortunately, the learning curve  
24 needs to be over. That's the bottom line, you know,  
25 that when you take on the role of the head

Page 112

1 DR. JENNIE JIMENEZ: I -- let's see how I  
2 can get my mouth to work with my brain. I  
3 intentionally addressed how I do the job at the  
4 school to give you a picture of what is actually  
5 happening at the school.

6 I cannot be responsible for someone else's  
7 words; because I would have some contentions about  
8 that. I cannot attest to their veracity, and I  
9 don't wish to. I can only be responsible for  
10 myself.

11 And I am being the administrator of the  
12 school. And my name goes on the document that says  
13 that I am responsible. And I do accept that  
14 responsibility.

15 And -- is it Monday? We're at a point now  
16 where Monday, we can sit down and really start  
17 redefining, again, who's going to be responsible for  
18 what task. And that will -- and I think at a later  
19 point, we can make that sort of information  
20 available.

21 COMMISSIONER JOHNSTON: I have a question.

22 THE CHAIR: The head of the Governance  
23 Council wants to speak.

24 MS. SHAYLA YELLOWHAIR: I am -- I'm  
25 sitting here. And I'm -- you know -- with my

Page 111

1 administrator, it can't be, "I'm still on the job  
2 learning."

3 There has to be a clear -- "This is what  
4 you are responsible for." There is technical  
5 support that's going to come; but the bottom line is  
6 the buck stops with you, with this. And it's  
7 worrisome when the Director indicates that as far as  
8 her conversations are concerned, it's administrators  
9 in name only, and that the day-to-day running is  
10 being handled by others in the school.

11 And I appreciate the geographic issues  
12 with not having a business administrator who can be  
13 there on a regular basis. And with the 21st  
14 century, we certainly can communicate  
15 electronically; so that's -- you know, it would be  
16 nice in the best of all worlds. But when we get  
17 outside of this area, it becomes more and more of a  
18 challenge for those financial people to be able to  
19 be physically hands-on as much as we would really  
20 like.

21 But we certainly hope that those  
22 electronic lines of communications are there.

23 DR. JENNIE JIMENEZ: May I make a short  
24 response?

25 THE CHAIR: Certainly.

Page 113

1 experience as a -- as a special education teacher  
2 and also working for an organization that is very  
3 much based on a lot of Western-dominant ideals and  
4 values, as a Diné woman, as a mother who values my  
5 cultures and my tradition and my language, I also  
6 must face the task to exist and survive in this  
7 world that, for so long, has, you know, pushed the  
8 erasure of -- have made me invisible; right?

9 And so I think it's also important to also  
10 state that, like, DEAP was created with the idea  
11 that we push boundaries of what education can look  
12 like for our children, because they must also be  
13 able to be strong, indigenous people, whether they  
14 are Diné, whether they are from a pueblo, whether  
15 they are from Apache, wherever they are from, that  
16 they must learn and they figure out for themselves  
17 what it is to value that, but also be able to  
18 survive in this world.

19 And so with that mindset of, like, you  
20 know, we're here to push boundaries and to really  
21 figure out how this can work for us and how we can  
22 survive in a system that was based on us not being  
23 at the table to begin with; right?

24 And I think that it's important to also  
25 say, like, we're -- we're trying to figure out what

Page 114

1 that means; right? So when we say, "shared  
2 leadership," it's -- it's in the spirit of figuring  
3 out what our personal strengths are and how can we  
4 all add to the running of whatever it is --  
5 right? -- whatever decision it is.

6 We're also bringing in students. We're  
7 also bringing in families. And I think that's  
8 different. And I'm not saying that we're the only  
9 ones that do that. That's not what I'm saying. But  
10 I'm saying, like, in the values that we bring as  
11 indigenous people and as indigenous women, that it  
12 is our task to ensure that we are all taking part in  
13 the collective strength of what the school can mean  
14 for students and families.

15 That said, I also recognize the importance  
16 a head administrator, with the title that, like, has  
17 weight in the system that we are currently existing.  
18 And so, you know, I think there definitely are areas  
19 of growth. And I just wanted to make that point  
20 that, like, these are the things that we think about  
21 on a daily basis. And these are the things that  
22 we're pushing our students to think about. And  
23 these are the things that we want, ideally, the  
24 community of Navajo, Red Lake, Fort Defiance,  
25 Crystal, you know, the surrounding areas, indigenous

Page 116

1 teasing. And I shouldn't do this; because this is  
2 very serious. But you're -- that's the way it was  
3 in the audit findings. But I encourage you, as a  
4 group of indigenous females, to get that paperwork  
5 out and look at that together and make sure that the  
6 responses that you need to make to the Public  
7 Education Department, to Budget and Finance, and to  
8 Charter School Division, that you do that in a  
9 timely manner, and you make that your priority.

10 And Dr. Jimenez, you assign that to one  
11 person or another. Is everyone who was a founder of  
12 school here to see? So everyone who was the entire  
13 founding council is here with us today. So  
14 tremendous job.

15 And Dr. Jimenez said it. I'm not going to  
16 restate it about budgets; because you're providing  
17 opportunities to the young people. And that's why  
18 the budget is so sacred to us. I think that -- I  
19 wanted to find out who your analyst was.

20 Ms. Archuleta, you're not affiliated with  
21 NACA. You told me, and I lost that in my memory.  
22 Do you work independently? Or are you with a --

23 MS. CHARLOTTE ARCHULETA: Yes.

24 COMMISSIONER JOHNSTON: How did they find  
25 you?

Page 115

1 education can look different.

2 And so -- and I think that's also a part  
3 of what NACA and NISN also bring for the team. So I  
4 want to just recognize that.

5 COMMISSIONER JOHNSTON: And if I may ask  
6 my question? Who is your school business -- your  
7 finance analyst, your budget analyst who's here at  
8 Public Education Department?

9 MS. CHARLOTTE ARCHULETA: Veronica Chavez.

10 COMMISSIONER JOHNSTON: I'm sorry?

11 MS. CHARLOTTE ARCHULETA: Veronica Chavez.

12 COMMISSIONER JOHNSTON: Veronica? You  
13 work with Veronica on this?

14 MS. CHARLOTTE ARCHULETA: Yes.

15 COMMISSIONER JOHNSTON: Last year's audit  
16 findings, if I'm reading this paperwork, there's

17 still -- submit financial data again. And last  
18 year's audit findings have they all been addressed.

19 You have a procurement officer; you told me that.

20 MS. CHARLOTTE ARCHULETA: Yes.

21 COMMISSIONER JOHNSTON: Let's see. The  
22 Executive Director was responsible for -- did you

23 hire the procurement officer, Dr. Jimenez?

24 DR. JENNIE JIMENEZ: Yes.

25 COMMISSIONER JOHNSTON: Okay. So -- I was

Page 117

1 MS. CHARLOTTE ARCHULETA: I think I was  
2 recommended by Deana Gomez.

3 COMMISSIONER JOHNSTON: All right. You  
4 were very correct when you said you had to find your  
5 own school business official. Oftentimes, we don't  
6 come to that quickly enough. So, thank you.

7 THE CHAIR: Commissioner Toulouse?

8 COMMISSIONER TOULOUSE: Madam Chair, I  
9 want to say, in the middle of this, I don't want  
10 these two people here to get lost. And Kayla and  
11 Prestene, they have done a yeoman's job and had to  
12 learn a lot on the run, too, as well as Shayla. But  
13 these two, I worked with during their start-up year,  
14 their application, their start-up year, their  
15 contract, all of that. And I think very highly of  
16 their -- of them, the abilities they've shown to  
17 learn stuff they didn't know to begin with.

18 And just having to get through the tribal  
19 part of this before you even get to the State of New  
20 Mexico part of this, and understand that you have  
21 those two entities that are often fighting with each  
22 other, I think is amazing.

23 I don't know if this means anything. But  
24 on TV last night, I saw that APS is trying to get  
25 rid of a whole bunch of their buildings, the



## Page 118

1 portables. So whether that means anything or not, I  
2 thought I'd throw that in for you; because I do  
3 know -- I have seen tremendous growth in these two  
4 women over these several years.

5 So, thank you.

6 THE CHAIR: They are auctioning off their  
7 portables. Unfortunately, what ends up happening,  
8 we're finding, is the cost of transporting them and  
9 so on is so extraordinary. It doesn't pay -- you  
10 know, you think you're getting a good deal, and  
11 they're -- I saw pictures of them. So they're not  
12 in the greatest shape, either.

13 COMMISSIONER TOULOUSE: Maybe they can get  
14 a tribal council person to come up with the money  
15 for that.

16 THE CHAIR: It is challenging; because the  
17 pads are very expensive to also pour for them. So  
18 that you think it's a good option; and oftentimes,  
19 it's really -- it's not a financially good option  
20 for the schools. And that's -- that's the shame.

21 And I'm facing that with a new applicant,  
22 even in Cruces, in finding a facility. So that's --  
23 it does present a lot of challenges.

24 Commissioner Armbruster, did you want  
25 to --

## Page 120

1 The other thing I wanted to check on is  
2 have you addressed the audit findings from last  
3 year, Charlotte?

4 MS. CHARLOTTE ARCHULETA: No.

5 COMMISSIONER ARMBRUSTER: I guess it's  
6 dumped in your lap.

7 MS. CHARLOTTE ARCHULETA: When I came in,  
8 the budget was due. Everything was due right away.  
9 So I've been working on that, and paying, like,  
10 liabilities and making sure the payrolls run, like  
11 the day-to-day.

12 So my goal is to visit the school in June  
13 and implement processes and procedures to make sure  
14 that -- to ensure the finances are being --  
15 everything is being done correctly and that they're  
16 in compliance.

17 COMMISSIONER ARMBRUSTER: So there were  
18 some findings, I guess, last year that you will have  
19 to address? And that's what you're planning to do  
20 in June.

21 MS. CHARLOTTE ARCHULETA: Yes. I'm going  
22 to go through that. And I'm working with Jennie and  
23 Prestene on our visit, what needs to be done and the  
24 processes that need to take place and for the  
25 future.

## Page 119

1 COMMISSIONER ARMBRUSTER: Yeah. I do want  
2 to commend you on all that you've done. And I know  
3 that if I were sitting where you are, I'd think,  
4 "What are they? They're just picking on me.  
5 They're picking on me."

6 I think that's not true. I admire every  
7 one of you. I particularly admire that you're all  
8 females -- I can say that -- because that's where  
9 the strength lies. That's why women make a  
10 difference in this world.

11 And I can understand the difference  
12 between the indigenous cultures and having to deal  
13 with Western education and the things. And I know  
14 that you've obviously been educated; so you know  
15 that divide, and you've been able to go over it.

16 And I think it's really important that  
17 because it's a public school, you have to play the  
18 game, so to speak. And in terms of having an  
19 administrator, and in terms of the finances. I  
20 mean, you're, of course, open for doing a private  
21 school, which I'm sure that you can't fund, because  
22 it's hard enough just working with public funds.

23 But I did want to acknowledge that. But  
24 you have to. You know, it's one of those  
25 "yeah-buts."

## Page 121

1 And I actually -- they've hired me for the  
2 next two months. And if everything goes okay, I  
3 might continue on in July.

4 COMMISSIONER JOHNSTON: And they're --  
5 just to piggyback on that, you're aware that what  
6 this means, this delay, is that you're looking at  
7 repeat findings. And that's not -- so just -- I  
8 won't overlay that, because it hadn't been  
9 addressed.

10 COMMISSIONER ARMBRUSTER: And that was one  
11 of my concerns that I would never open a charter  
12 school. There is just so much to do, and it's  
13 never-ending. It's a 24/7 job.

14 I wanted to see -- I know you all have  
15 been here a few times, and I know that the issue has  
16 been how to hire an administrator who would stay and  
17 be there and do all that.

18 And I'm not sure what the trouble is. Why  
19 do you think -- you want an indigenous person or  
20 not, as the case may be -- because they would share  
21 your values and culture. But it seems like we've  
22 changed a lot. Hope you're here for a while. But  
23 can you address that?

24 MS. SHAYLA YELLOWHAIR: Yeah. So as the  
25 Governing Council President, I've also -- I sit on

## Page 122

1 the hiring committee. And we have, one, the pool of  
2 people who are willing to come to Navajo and  
3 understand that, like, right now, we don't have  
4 housing for you; but we are going to work with the  
5 community entity to get that. Big thing.

6 Number two, if you have a family, we do  
7 have schools in the area; but, again, we can't  
8 guarantee housing at this time. If you want to --  
9 so a part of that conversation, people have often  
10 asked, "Okay. So what's the nearest place that we  
11 could live?"

12 And that's in Gallup, New Mexico, which is  
13 50 minutes away. And oftentimes, during the winter  
14 months, from November to -- even it snowed two days  
15 ago; right? The road that gets from Navajo to  
16 Gallup is often -- one, it's not well-maintained  
17 when heavy snow and ice and whatnot. So that's a  
18 common concern for people who are coming from Gallup  
19 into Navajo.

20 All that said, the candidates that we  
21 have -- so in our -- in our -- in our process to  
22 open the pool, but also to evaluate whether somebody  
23 would be a good fit -- because I think that is the  
24 most important, to get to longevity, meaning  
25 somebody who is willing, one, to learn alongside us,

## Page 124

1 Gallup-McKinley County Schools. She had a grandson  
2 that's a part of the school. And so we were looking  
3 for individuals who have a vested interest and who  
4 know about us.

5 And also, Dr. Jimenez was retired; so it's  
6 a conversation we really -- we want somebody who is  
7 a good fit and is willing to take the risk of not  
8 always having all the answers right then and there.  
9 And that's, again, coming to -- we have a -- one gas  
10 station. We have three schools. We have a market.  
11 And that's what we have.

12 And so, you know, there's a -- there's  
13 a -- something to do with the ruralness and  
14 something to do with the amount of opportunities for  
15 spouses, as well. And I think this is also an issue  
16 that teachers who are coming into the field of  
17 education also face. So we want to come into a  
18 community and work and live.

19 I would also say, just broadly, as a Diné  
20 woman, I couldn't actually go home and find my own  
21 place or house to live. I had to go back to my  
22 parents, because there's no housing available.

23 So there is multiple structural challenges  
24 and systematic challenges that I would say at  
25 present.

## Page 123

1 and, two, is a good fit for our community and our  
2 kids and, ultimately, the school, we have, based on  
3 the values of our school, based on the mission and  
4 the vision of our school, compared -- we have a  
5 rubric, basically, that we screen candidates  
6 through.

7 And so a majority of our candidates that  
8 have -- and we've had maybe four. So it's, like --  
9 and that's from the beginning of the school. First,  
10 it was extremely hard to get somebody just through  
11 the application process. When we finally did find  
12 somebody who was the former head administrator or --  
13 I don't know what they call them -- at Uplift --  
14 right? -- he was coming in from Gallup. There was  
15 the same problems. No housing. His ability to be  
16 there full-time was a big issue; and, also, because  
17 he was living in Gallup and had family issues.  
18 There were personal things that pulled him away from  
19 the job, not necessarily any of the other things  
20 that I had mentioned; but those were also part of  
21 the conversation.

22 So with Dr. Jimenez, as -- when I was  
23 working in the -- in Navajo Middle School -- it's a  
24 school, like, a half-a-mile away, across the  
25 street -- I also worked with her as a -- within

## Page 125

1 COMMISSIONER ARMBRUSTER: And prior, for  
2 these other findings that you had last year, was  
3 anybody addressing those for the audit findings.

4 MS. SHAYLA YELLOWHAIR: So at the GC  
5 Council, we also received reports on this. And it  
6 is my -- I can't speak to the specific -- because I  
7 don't have the report in front of me, or, like, the  
8 audit findings that you're specifically talking  
9 about, so I don't want to be -- I don't want to  
10 misspeak. But I do know that we have made efforts  
11 to -- what is it? -- to correct those audit  
12 findings.

13 MS. KAYLA BEGAY: One of the findings  
14 included that we didn't have a parent member on the  
15 audit committee. And we have since found one. So  
16 that has been corrected. We'll make every effort we  
17 need to correct those.

18 THE CHAIR: So does your finance committee  
19 meet regularly?

20 MS. KAYLA BEGAY: Uh-huh.

21 And it does report to the GC.

22 MS. SHAYLA YELLOWHAIR: Yes. Yes. So --  
23 yes.

24 THE CHAIR: Director?

25 MS. POULOS: Madam Chairwoman,

## Page 126

Commissioners, I just wanted to correct a statement that was made about the last time that this school was on the agenda. It sounded like the statement was made that they were brought on as a potential revocation.

And this was part of the Charter School Division's report. And simply, the item was "Budget reporting concerns." So I just wanted to make sure that was clear on the record.

THE CHAIR: Right. That didn't enter into the discussion.

Commissioner Crone?

COMMISSIONER CRONE: Excuse me. This is not directly related. I'm a new Commissioner. And my Diné is a little bit rusty, as in nonexistent, except the greeting that you give.

So what is the pronunciation and means of your Diné name.

MS. KAYLA BEGAY: So is it Dzit Dítl'-ooi. Dzit Dítl'-ooi. "Dzit" is the Navajo name for "mountain." "Dítl'-ooi" roughly translates to "fuzzy" or "hairy." Because if you go to our community, we have a beautiful mountain which we call "Fuzzy Mountain." So Dzit Dítl'-ooi.

COMMISSIONER ARMBRUSTER: And that's why

## Page 128

board are very deeply involved in the correction of last year's audit findings; because that could result in audit findings this year.

And you certainly want to get out of that -- and get -- it seems like you have a good business official; but effort, urgency, in this budget.

Thank you.

THE CHAIR: Any other discussion? I'll just say hopefully, as a result of the audit finding, we won't see you here. Not that we don't appreciate your attendance; but I'm hoping that those audits findings will come out in a positive manner.

COMMISSIONER TOULOUSE: Madam Chair, if we do end up having hearings in Gallup this summer on any schools, I would suggest that we take half-a-day during our time and go visit this school.

THE CHAIR: Right.

COMMISSIONER TOULOUSE: That's not a motion. That's just a suggestion, that I think it would be very helpful for the people -- some of us here, like I know Tim and Jim and I have a better picture of the reservation, I think, than a lot of people. It's not Los Alamos; it's not Albuquerque;

## Page 127

we call it "DEAP."

COMMISSIONER CRONE: Yeah. I'm just as rusty as ever.

THE CHAIR: Commissioner Toulouse, is your finger on the speaker for a reason?

COMMISSIONER TOULOUSE: Madam Chair, if we're ready, I would like to move that we table this Item 7 for discussion in the future when we have all the reports.

THE CHAIR: All the audit -- yes.

COMMISSIONER TOULOUSE: Audit findings and any of the other reports we need from the school. And I also would like the site visit report.

COMMISSIONER RUIZ: (Indicates.)

THE CHAIR: Correct.

COMMISSIONER TOULOUSE: Thank you.

THE CHAIR: And there was a second by Commissioner Ruiz.

COMMISSIONER JOHNSTON: And discussion.

THE CHAIR: Discussion.

COMMISSIONER JOHNSTON: And I agree with the motion. My -- there's a sense of urgency. And the word "effort," we're making an effort. And it's a must. And I hope that the head school administrator and the chair or the president of the

## Page 129

it's not -- and I think that would be a perfect time, if we do have any hearings there, even though it would be in the summer, I'm sure they wouldn't mind showing us what they have.

Thank you.

THE CHAIR: And I appreciate that thought. And there's a possibility we'll be in Gallup. It hasn't been firmed up yet. So we'll -- that's to be determined at a later date.

COMMISSIONER TOULOUSE: I was just putting that in as a comment on the --

THE CHAIR: I appreciate your suggestion.

If there is no other comment, we'll take a roll-call vote on the motion.

COMMISSIONER ARMBRUSTER: Commissioner Gipson?

THE CHAIR: Yes.

COMMISSIONER ARMBRUSTER: Commissioner Crone?

COMMISSIONER CRONE: Yes.

COMMISSIONER ARMBRUSTER: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER ARMBRUSTER: Commissioner Armbruster votes "yes."

## Page 130

1 Commissioner Conyers?  
2 COMMISSIONER CONYERS: Yes.  
3 COMMISSIONER ARMBRUSTER: Commissioner  
4 Ruiz?  
5 COMMISSIONER RUIZ: Yes.  
6 COMMISSIONER ARMBRUSTER: Commissioner  
7 Johnston?  
8 COMMISSIONER JOHNSTON: Yes.  
9 COMMISSIONER ARMBRUSTER: That is a  
10 seven-to-zero vote. The motion passes.  
11 THE CHAIR: The motion passes, seven-zero.  
12 DR. JENNIE JIMENEZ: May I make a closing  
13 statement? This is going to be a personal statement  
14 from me.  
15 I really appreciate the fact that  
16 education has evolved to include us to make our own  
17 school. And I think that's really a step forward;  
18 because I remember when I had to go into school for  
19 the first time. And at least I knew English when I  
20 started school. My brothers and sisters did not.  
21 And I remember one of my sisters came --  
22 came home -- she stayed in the dorm. And she came  
23 home at Christmas time. And this -- she was in, I  
24 believe, like, our equivalent to kindergarten. And  
25 she spoke English with this really heavy Southern

## Page 132

1 was sent electronically. But it was sent.  
2 THE CHAIR: After the fact.  
3 MS. FRIEDMAN: On Tuesday, I believe, or  
4 on Wednesday. And it was printed in your books.  
5 And the only way I could get it printed was to make  
6 it very small. And so --  
7 THE CHAIR: She's calling us old. We  
8 can't read small print.  
9 MS. FRIEDMAN: Our CSD staff graciously  
10 printed it larger for us, today.  
11 THE CHAIR: I appreciate this; because  
12 this is in the, at extra cost, large-print version.  
13 Okay. Thank you.  
14 COMMISSIONER TOULOUSE: Yeah, I got it, in  
15 the small-print version.  
16 THE CHAIR: On the phone, it is very  
17 difficult. So that for those Commissioners that  
18 were not involved, this was worked on by a  
19 subcommittee of the Commission. And we met -- when  
20 did we meet?  
21 MS. PATTY MATTHEWS: April 25th.  
22 THE CHAIR: The Tuesday of our --  
23 COMMISSIONER ARMBRUSTER: April 25th.  
24 THE CHAIR: We met the Tuesday morning  
25 before we went to Española that afternoon for the

## Page 131

1 draw.  
2 So -- so I -- I just -- I commend you for  
3 having the foresight and the charter system to help  
4 us to develop a school that will be a right fit for  
5 our people. And thank you.  
6 THE CHAIR: I appreciate that. I live not  
7 too far from Jim Thorpe, Pennsylvania; so more than  
8 unfortunately familiar.  
9 And I'm going to ask for a five-minute  
10 break before we move on to the next item.  
11 (Recess taken, 11:41 a.m. to 11:55 p.m.)  
12 THE CHAIR: We are now back and on to  
13 Item No. 8, Discussion of Possible Action on the  
14 Proposed La Promesa Corrective Action Plan.  
15 And that's what we have -- yes. And so  
16 that -- for the Commissioners, that is this that was  
17 (indicates) left today. Unfortunately, it is just  
18 now that some have been able to look at this. It  
19 wasn't electronically submitted with the agenda  
20 items, because it was not yet finalized when our  
21 agenda items came out.  
22 Correct?  
23 COMMISSIONER JOHNSTON: I think I received  
24 it. You didn't get it with the agenda items?  
25 MS. FRIEDMAN: It was -- Madam Chair, it

## Page 133

1 listening tour. And I want to thank those  
2 Commissioners -- Commissioner Ruiz was there;  
3 Commissioner Armbruster was there;  
4 Commissioner Caballero was there. And I was there,  
5 as well.  
6 And this was -- I also want to thank CSD  
7 for their input on this and the initial help in the  
8 population of this Corrective Action Plan, because  
9 this is something that had not been done before. So  
10 this was new territory in term -- we didn't have a  
11 template to use for a Corrective Action Plan.  
12 But there is no doubt that this, I  
13 believe, addresses the majority of those areas where  
14 concerns have been raised.  
15 So at this point in time, I would like to  
16 ask the Commissioners if they have any questions or  
17 comments about this, or concerns.  
18 Commissioner Johnston?  
19 COMMISSIONER JOHNSTON: Thank you,  
20 Madam Chair. So PEC was represented by Commissioner  
21 Ruiz, Commissioner Armbruster, and  
22 Commissioner Caballero and you.  
23 COMMISSIONER ARMBRUSTER: Actually, not  
24 quite. Because Commissioner Ruiz's car wasn't  
25 working; so it was just --

## Page 134

1 THE CHAIR: You're right. You're right.  
 2 COMMISSIONER JOHNSTON: She wasn't there.  
 3 THE CHAIR: You're absolutely right. Holy  
 4 cow. Thank you for remember- -- I knew she was  
 5 supposed to be there; so I counted her as there,  
 6 yes.  
 7 COMMISSIONER JOHNSTON: And then, of  
 8 course, La Promesa -- Mr. Jones was there.  
 9 THE CHAIR: Mr. Jones was there.  
 10 Ms. Matthews was there. And the PEC attorney, Julia  
 11 Barnes, was there.  
 12 COMMISSIONER JOHNSTON: I have some  
 13 questions. And because of our conversation  
 14 yesterday on amendments and notifications and  
 15 specificity of language and all of this, I was  
 16 thinking about this. I had been thinking about  
 17 Corrective Action Plans. And so I looked at the  
 18 draft.  
 19 And I must apologize. But -- no, I'm not  
 20 going to apologize. I spent my career as a language  
 21 arts teacher, as an English teacher. And I have  
 22 some questions about where things appear more than  
 23 once, where I don't understand what's -- what's in  
 24 it.  
 25 I -- I'll start -- the one -- reporting on

## Page 136

1 B, C, and D, the CAP for academics will have been  
 2 met."  
 3 And then if I go down to the next box,  
 4 it's, "The school will obtain a C or a three-year  
 5 average C on the score card published in summer 2017  
 6 after being allowed to appeal any grade to PED  
 7 through their appeal process."  
 8 So there's a little bit of difference,  
 9 then.  
 10 THE CHAIR: Well, the first statement  
 11 speaks to the -- the issue of the revocation.  
 12 COMMISSIONER JOHNSTON: Okay. And then --  
 13 the academic framework will be modified to redefine  
 14 the student cohort. I understood that part of it.  
 15 Then the definition of growth will be  
 16 defined as 1.5 year growth. Do we need to say how  
 17 that 1.5 year growth will be defined? Where is  
 18 that -- is that coming from? Where is that -- who's  
 19 going to determine the year and a half?  
 20 THE CHAIR: It's from their short-cycle  
 21 assessments.  
 22 COMMISSIONER JOHNSTON: And in the  
 23 Correction Action Plan, we don't have to define what  
 24 they will use?  
 25 THE CHAIR: It's in their performance

## Page 135

1 the Corrective Action Plan, the first report would  
 2 be due in October. I figured that's six months. Is  
 3 that how that decision was made? Six months from  
 4 now? Since we're looking at the plan now, it's at  
 5 the very first box.  
 6 THE CHAIR: I don't think there was a time  
 7 frame in terms of the six months, per se. But I  
 8 think we were also looking at the PEC calendar. And  
 9 renewals will be done at the August, slash,  
 10 September meeting; so that October is the agenda --  
 11 and it also is a reasonable amount of time, sort of.  
 12 MS. POULOS: Madam Chairwoman, you said  
 13 renewals. I believe you meant new applications.  
 14 THE CHAIR: I'm sorry. New applications.  
 15 COMMISSIONER JOHNSTON: Okay.  
 16 THE CHAIR: New applications, our focus in  
 17 that September meeting.  
 18 COMMISSIONER JOHNSTON: Okay. And I don't  
 19 know whether you want -- I just -- what is the  
 20 reasoning for repetition of statements?  
 21 In the first box, "In June 2018, if the  
 22 school shows that it has met the school grade of C  
 23 or a three-year average C, as in "a" below..."? Is  
 24 that what that is referencing where it says "a"  
 25 below"? "Or met all the other academic indicators,

## Page 137

1 framework what they're using.  
 2 COMMISSIONER JOHNSTON: Okay.  
 3 THE CHAIR: We're redefining the year and  
 4 a half. And there has been an agreement, because my  
 5 understanding is -- is it NWEA?  
 6 NWEA is changing its formulas, the  
 7 reporting information. So there has been an  
 8 agreement that that -- we couldn't specify what  
 9 those precise reports were going to be, because  
 10 they're in the process of changing it; but the  
 11 growth rate doesn't change.  
 12 COMMISSIONER JOHNSTON: Is that what the  
 13 sentence, "A new Performance Indicator is being  
 14 drafted" means?  
 15 THE CHAIR: Correct.  
 16 COMMISSIONER JOHNSTON: All right. A  
 17 corrective action plan, to me, needs to be quite  
 18 clear. And I was having difficulty reading it, not  
 19 being a part of helping creating it.  
 20 Again, "The Academic Framework will be  
 21 modified to redefine as those students without an  
 22 IEP."  
 23 There's that definition of "growth" again.  
 24 "The school will meet or exceed its math  
 25 targets with these changes." The targets in --

## Page 138

1 THE CHAIR: In the Performance Framework.  
 2 COMMISSIONER JOHNSTON: And, "A new  
 3 Performance Indicator," because those are based on  
 4 the interim assessments.  
 5 THE CHAIR: Correct.  
 6 COMMISSIONER JOHNSTON: Okay. And so  
 7 Discovery is being defined. "The school will meet  
 8 or exceed its WIDA goal."  
 9 We don't need to put that information --  
 10 and I'm asking because I've never been a part of  
 11 one -- my thought would be --  
 12 THE CHAIR: It's in their Performance  
 13 Framework.  
 14 COMMISSIONER JOHNSTON: Then we at least  
 15 need to see a reference to Performance Framework and  
 16 attach it.  
 17 THE CHAIR: I think there's a general  
 18 understanding. They've had a negotiated Performance  
 19 Framework; so that I think we have a working  
 20 understanding of that.  
 21 COMMISSIONER JOHNSTON: And I just come  
 22 back with that, that we have a working understanding  
 23 of it; so oftentimes, if it's not stated  
 24 specifically, that understanding is fuzzy to the  
 25 people who are trying to meet the Corrective Action

## Page 140

1 THE CHAIR: Okay.  
 2 COMMISSIONER JOHNSTON: And, "If there is  
 3 a discrepancy between the results of CSD and the  
 4 results identified by the school, a third party will  
 5 be hired."  
 6 Do we have to pay money to review the  
 7 results?  
 8 THE CHAIR: Not us.  
 9 COMMISSIONER JOHNSTON: The school would  
 10 have to? Seems to me with all of the experts in  
 11 PED, that we would be able -- but that's an aside.  
 12 "Raw, student-level short-cycle assessment  
 13 data..." -- if you're using NWEA, Madam Chair, would  
 14 you not say that, "for the current school year"?  
 15 And this isn't even a complete sentence. And  
 16 2015-16, the first year of the school was under  
 17 contract.  
 18 I went, okay.  
 19 "Raw student-level short-cycle assessment  
 20 data for the current school year in 2015-'16, the  
 21 first year the school was under contract."  
 22 "Raw student-level WIDA data for the  
 23 current year..."  
 24 And that means they will provide the first  
 25 year of the contract?

## Page 139

1 Plan.  
 2 THE CHAIR: No. It's specifically stated  
 3 in the Performance Framework.  
 4 COMMISSIONER JOHNSTON: Okay. "The school  
 5 will provide the raw data to CSD..." -- oh, here's a  
 6 question. There was not a CSD representative at the  
 7 meeting; is that correct?  
 8 THE CHAIR: There was not. CSD popped  
 9 through meetings with Julia Barnes and myself. CSD  
 10 made the recommended Corrective Action Plan.  
 11 COMMISSIONER JOHNSTON: Okay. But the --  
 12 let's see. "The CSD must provide the data  
 13 interpretation by no later..." --  
 14 THE CHAIR: No.  
 15 COMMISSIONER JOHNSTON: "...than 10  
 16 working days from the date the School provides the  
 17 data."  
 18 Is CSD able to do that?  
 19 MS. POULOS: Madam Chairwoman and  
 20 Commissioners, there are some concerns I would like  
 21 to address. And I don't need to do that now. I'll  
 22 wait for my turn. That was certainly one of the  
 23 concerns, because that was not something we had  
 24 discussed. And I'm not sure, based on timing, that  
 25 is something we can fulfill.

## Page 141

1 THE CHAIR: Right.  
 2 COMMISSIONER JOHNSTON: When you use the  
 3 words, "strongly recommend," all of the conversation  
 4 we had yesterday about "sufficient" and "strongly  
 5 recommend" is kind of soft wording to me.  
 6 THE CHAIR: We cannot -- because these are  
 7 programs that the individual has to apply for, we  
 8 cannot say you must, because we can't guarantee  
 9 enrollment into the programs.  
 10 COMMISSIONER JOHNSTON: But in addition,  
 11 the principal -- apply for Principals Pursuing  
 12 Excellence, apply at the next available opportunity.  
 13 THE CHAIR: Correct. But the  
 14 recommendation is that he be in it. So we cannot --  
 15 we could not say that he has to be in it, because he  
 16 has to apply for it.  
 17 COMMISSIONER JOHNSTON: Is there a  
 18 specific date? I mean, is it an available date,  
 19 according to the principals' calendar, which I  
 20 respect? But he may say, "I'm really busy for a  
 21 year."  
 22 THE CHAIR: No, that's not an option. But  
 23 the option is not open for next year; because that  
 24 window has already closed.  
 25 COMMISSIONER JOHNSTON: Okay. But -- I

Page 142

1 don't know. These are just questions I had, because  
2 we had spent -- and I have more; but I won't belabor  
3 it.

4 I just had many questions because of the  
5 work that we've been doing about specificity of  
6 wording and -- and clarity for schools and letting  
7 them know what exactly the goals are. And I was  
8 concerned about that when I was reading it.

9 THE CHAIR: We spent a significant amount  
10 of time talking about that with Mr. Jones.  
11 Unfortunately, there is not a populated list of  
12 professional development opportunities, because we  
13 did check here for that. So that is not -- that was  
14 not something that we could create a menu of. So  
15 this was the best that we could do in terms of  
16 making recommendations.

17 COMMISSIONER JOHNSTON: I'm just talking  
18 about the entire document and the specificity. I  
19 was not talking about anything in particular. I was  
20 just concerned.

21 THE CHAIR: I thought you were addressing  
22 the issue of "strongly recommend."

23 COMMISSIONER JOHNSTON: I was. But then I  
24 moved on in my head. That's where I was; because I  
25 have concerns about --

Page 144

1 Framework." I will say that I have talked with  
2 Icela, the Director of Bilingual Education, and she  
3 felt that that was not a very rigorous goal. So I  
4 just want to be on record with that identification.

5 As regards to the 10 working days, I --  
6 just with the load of work that CSD does have to do,  
7 and not knowing when that data would come in, that  
8 presents a concern for me. I would be more  
9 comfortable if it was 15 working days, maybe even  
10 20, certainly, because if it comes in on June 1st,  
11 new applications come in on June 1st, and we have,  
12 you know, all of our attention focused on that.

13 The other thing that does present a  
14 concern for me is if there is a disagreement, it's  
15 unclear when you state the parties will identify who  
16 that third party will be. Does that include CSD's  
17 input?

18 And then I will just be completely honest.  
19 If the school is paying, there is a concern that  
20 that entity would be biased toward whoever's paying  
21 them. And so that does present concerns about the  
22 rigor of that evaluation for CSD.

23 Additionally, on the next page, if you're  
24 looking two boxes down, it references NMDASH as  
25 being an acceptance. It is not. NMDASH is

Page 143

1 THE CHAIR: Okay. There is already a  
2 signed contract with the school; so that that  
3 performance framework, they are well aware of, in  
4 terms of the goals and the short cycle assessments  
5 that they are using. So that's already clearly  
6 stated.

7 Commissioners, any other questions?  
8 Concerns? Director?

9 MS. POULOS: Madam Chairwoman,  
10 Commissioners. So there were just a few items that  
11 CSD had some concerns about and wanted to raise, the  
12 first being that just the inclusion of saying a "C"  
13 or a three-year average of "C," somewhat redundant,  
14 because right now, if the school does not receive at  
15 least a "C," there's no way they would have a  
16 three-year average of a "C".

17 So I think -- I think, obviously, on our  
18 end, we would recommend the higher, more rigorous  
19 standard of a three-year average of a "C." But  
20 ultimately, I think, you know, this -- the  
21 Commission may just want to identify that if it  
22 truly is just the one year, then it's just the one  
23 year.

24 With regards to the WIDA goal, it may be  
25 that you want to say, "Identified in the Performance

Page 145

1 available to any and all schools.

2 So I think it reads, "The school must work  
3 with the Student Achievement and School Turnaround  
4 Division to implement the NMDASH improvement  
5 planning process, and after completing the planning,  
6 must continue to implement the 90-day planning  
7 implementation and monitoring process for the term  
8 of the contract, or an alternative continuous  
9 improvement program if the school is not accepted  
10 into NMDASH."

11 Again, this is not an acceptance. So I  
12 would recommend the removal of everything after  
13 "or" -- or after "contract." So starting with "or,"  
14 I would remove -- I would recommend the removal of  
15 all of that language including the next sentence.

16 And then on Item "e" under No. 2, it  
17 indicates, "Annual site visits from the Turnaround  
18 Bureau and CSD will be coordinated to take place at  
19 the same time."

20 While that would be ideal, I don't believe  
21 that's something we can necessarily commit to,  
22 because they are two different bureaus having to  
23 facilitate their own working schedules. And it  
24 simply may not be possible that those bureaus would  
25 be able to coordinate. We would hope to.

Page 146

1 And then --

2 THE CHAIR: So let me ask. Could we --  
3 could we change that to, "All..." -- "IIIAll  
4 attempts will be made to coordinate the site visits  
5 at the same time"?

6 MS. POULOS: Part of my concern is I  
7 haven't had an opportunity to talk with the School  
8 Turnaround Bureau, and they were not at the table  
9 for this discussion. So it's hard to commit them to  
10 that. I think, you know, "CSD will attempt to  
11 coordinate with..." --

12 THE CHAIR: Right.

13 MS. POULOS: -- "... the Bureau," is fine.  
14 But I just am concerned about --

15 THE CHAIR: And that's -- I think that's  
16 reasonable, that -- because we can't get an  
17 agreement, that they'll be there at the same time.  
18 So that, "Attempts will be made to coordinate the  
19 site visits." Are we fine with that?

20 COMMISSIONER JOHNSTON: I have a question.

21 COMMISSIONER ARMBRUSTER: CSD is going to  
22 have to do it; so they need to --

23 COMMISSIONER JOHNSTON: About site visits  
24 that's kind of historical. This is -- there was one  
25 site visit this year? Or were there two site

Page 148

1 date.

2 And so that was why that second date was  
3 going to be so close to the first date. But, again,  
4 ultimately, a second visit was not conducted.

5 COMMISSIONER JOHNSTON: And I was just  
6 asking a procedural question. And so there's  
7 normally one site visit.

8 THE CHAIR: Correct.

9 MS. POULOS: Under the statute, one site  
10 visit is required by law. There can be any other  
11 number of site visits, as appropriate or necessary.  
12 There are also charter schools that have language  
13 either at renewal or written into their contract.  
14 And that was the issue here.

15 At renewal, it was in the motion language.  
16 In the contract, it was vague and ambiguous as to  
17 whether that second visit was required or not. And  
18 you'll recall from the brief provided by the  
19 school's counsel initially in the request for  
20 reconsideration, they themselves indicated that a  
21 second visit was required.

22 COMMISSIONER JOHNSTON: But you haven't  
23 made that visit yet.

24 MS. POULOS: That's correct. We're  
25 waiting for directive of the entire Commission if we

Page 147

1 visits?

2 MS. POULOS: Only one site visit was  
3 conducted. There have been various positions on  
4 whether two site visits are required under the  
5 contract.

6 We did attempt to schedule that. There  
7 was some disagreement with the school and what I  
8 would classify as lack of cooperation. And, under  
9 the circumstances, based on a variety of  
10 communications from the school and the attorney, CSD  
11 said we would not conduct that visit until directed  
12 by the entire Commission.

13 There were some contentions about the  
14 concern being that they were closely scheduled in  
15 time. And I have communicated our position on that,  
16 which is the school was given an opportunity to  
17 select their date of their site visit. They  
18 selected the latest possible date of those provided  
19 to them, then rescheduled that in January, after  
20 being scheduled.

21 They were given four dates and, again,  
22 selected the absolute latest date.

23 We verified that date in, really, April.  
24 And the school had selected Good Friday; and so at  
25 that point, again, rescheduled for another later

Page 149

1 are going to make that visit.

2 COMMISSIONER JOHNSTON: Okay. Thank you.

3 MS. POULOS: Madam Chair, can I finish the  
4 remaining concerns?

5 THE CHAIR: Sure.

6 MS. POULOS: Okay. So one of the  
7 things -- and I'm on the third page -- that was Item  
8 No. 6, initially, in our recommendation.

9 THE CHAIR: I don't think it's our third.

10 MS. POULOS: Oh, I'm sorry. My third.  
11 It's Item --

12 THE CHAIR: Revise the school bylaws?

13 MS. POULOS: That's correct.

14 THE CHAIR: Okay.

15 MS. POULOS: One of the things I believe  
16 that had been in my recommended that I just wanted  
17 to point out I think is important is that the PEC  
18 have some say in the approval of accepting those  
19 changes, as appropriate. But that was not included  
20 there; so I just wanted to point that out.

21 And then lastly, under "Financials,"  
22 again, the PED recommended that there be not just  
23 the regular audit, but also a financial site visit  
24 from the PED that would look specifically at  
25 improvements in and implementation of the required



## Page 150

1 corrections that were based off of audits and other  
2 issues that had been identified.

3 And I did note that was removed. And I'm  
4 not sure if that was intentional, or if it was an  
5 unclear recommendation on our part. But I do think  
6 that would be important, that the PED financial  
7 group and audit group have that opportunity and that  
8 be part of this, to go in and do a site visit.

9 THE CHAIR: Commissioners, any other  
10 questions? Comments?

11 COMMISSIONER ARMBRUSTER: So do we talk  
12 about this second visit?

13 THE CHAIR: In relationship to the  
14 Corrective Action Plan; because it's not in the  
15 Corrective Action Plan. But that would be separate

16 COMMISSIONER ARMBRUSTER: We would have to  
17 change it.

18 THE CHAIR: That would be a separate  
19 entity.

20 COMMISSIONER JOHNSTON: I have a  
21 rhetorical question.

22 THE CHAIR: Sure.

23 COMMISSIONER JOHNSTON: Mr. Jones? I  
24 can't speak to Mr. Jones?

25 THE CHAIR: You can. But if he wants to

## Page 152

1 not we wanted to add some of those pieces to the  
2 Corrective Action Plan. I'm well aware of the  
3 goals, as developed with the committee.

4 So as far as being comfortable and  
5 understanding the plan, I am certainly as  
6 comfortable as I can be, and do appreciate the  
7 ability to commence operations under a Corrective  
8 Action Plan.

9 COMMISSIONER JOHNSTON: Thank you. I  
10 guess the correct question would be, are you  
11 comfortable with the document? Does the document  
12 meet the specificity needs to protect you?

13 MR. CHRIS JONES: Commissioner Johnston,  
14 the document was, to me, at the very beginning, a  
15 little confusing, partly because there is not a  
16 document for corrective action plans. This was the  
17 same document used for school improvement plans.  
18 And so for me, it was a bit confusing.

19 However, through the process of working  
20 with the subcommittee, I am very familiar with the  
21 plan. And it was a collaborative effort. We did go  
22 through each of the recommendations from the Charter  
23 Schools Division.

24 And so what we have in front of us, I do  
25 believe that I'm about as comfortable as I can be

## Page 151

1 speak, you should come up to the -- so everyone can  
2 hear.

3 MR. CHRIS JONES: Good morning,  
4 Commissioner Johnston.

5 COMMISSIONER JOHNSTON: Good morning. And  
6 they're going to remind you that you have to hold on  
7 to that microphone.

8 I respect you, Mr. Jones. You're the head  
9 of this school. You've worked diligently to move  
10 this forward.

11 MR. CHRIS JONES: Thank you.

12 COMMISSIONER JOHNSTON: In reading this  
13 Corrective Action Plan, my concern for you was the  
14 lack of specificity in the plan.

15 My rhetorical question to you, because I  
16 think you wouldn't be sitting here, at least -- are  
17 you comfortable with this plan?

18 MR. CHRIS JONES: Commissioner Johnston,  
19 members of the Commission, I am, in fact,  
20 comfortable with the plan. I did work with the --  
21 with the committee in preparing the plan. We do  
22 have a performance framework that indicates our  
23 goals on an annual basis.

24 As far as the language is concerned, it  
25 would be entirely up to the Commission whether or

## Page 153

1 with it. So I appreciate that, Commissioner  
2 Johnston.

3 COMMISSIONER JOHNSTON: Because much of  
4 your compliance will be monitored by the Charter  
5 School Division, were you comfortable with  
6 developing that plan without anyone from that  
7 department at the table?

8 MR. CHRIS JONES: Commissioner Johnston,  
9 to be honest, I was uncomfortable with their  
10 pre-population of the document. Through  
11 negotiations in the Corrective Action Plan, we did  
12 discuss some of the areas of concern for our school,  
13 along with Ms. Matthews. I do believe that we  
14 refined some of the recommendations to be more  
15 equitable for the school, as well.

16 But what we have in front of us, I am  
17 comfortable with.

18 COMMISSIONER JOHNSTON: Have you discussed  
19 your discomfort? Did you attempt to discuss that  
20 discomfort with anyone from the Charter Schools  
21 Division?

22 MR. CHRIS JONES: I did not, to answer  
23 your question. I did not. We worked with the  
24 subcommittee. And the extent of communication has  
25 been somewhat limited with the Charter School

## Page 154

1 Division. I will commend the group who came out to  
2 conduct our site visit. Very professional. It was  
3 a great visit. Lots of feedback.

4 COMMISSIONER JOHNSTON: Mr. Jones, I would  
5 encourage you, because when the budget matters came  
6 up, also, there had been a minimal conversation with  
7 Finance, with PED. I would encourage you to use the  
8 Public Education Department in all areas as a  
9 support, because the regulations that we have for  
10 which we are responsible in all areas are there.

11 And I know that there is willingness to  
12 work with you. And I know my concern for  
13 La Promesa, and with you as the leader, is that you  
14 have the most specific outlined documents to guide  
15 you as you work through this Corrective Action Plan.

16 That was my question about today. So I  
17 thank you.

18 MR. CHRIS JONES: Thank you, Commissioner  
19 Johnston.

20 Absolutely. Members of the Commission,  
21 may I also add that within the financial section of  
22 this document, the Corrective Action Plan, it is  
23 associated with two separate corrective action plans  
24 that have to do with finance. So we have a  
25 condensed version of a really lengthy corrective

## Page 156

1 I will certainly take your advice and  
2 continue to work as closely as I can with the  
3 various departments and bureaus within the PED.

4 COMMISSIONER JOHNSTON: Thank you. And I  
5 understood that about the budget specs. I am glad  
6 you can give that detailed information.

7 Who is your analyst at PED?

8 MR. CHRIS JONES: Pamela Bowker.

9 COMMISSIONER JOHNSTON: She's been around  
10 as long as I have. That's good, because she knows  
11 it, so you're working with both last year's audit  
12 and with all of the other.

13 Thank you.

14 MR. CHRIS JONES: Thank you. That's  
15 correct.

16 THE CHAIR: And I think the issue about  
17 the site visit for the Financial Bureau -- correct  
18 me if I'm wrong -- was due to the fact that because  
19 you're not in control of your finances, we didn't  
20 know if a site visit would be appropriate; because  
21 they're still not in control of their finances.

22 MS. POULOS: Madam Chairwoman,  
23 Commissioners, while they do not have authority as a  
24 Board of Finance, they still do have to take  
25 responsibility for certain actions and, I think,

## Page 155

1 action plan.

2 We have two separate documents, as I  
3 mentioned. One is the FY '16 audit, and the other  
4 is the Board of Suspension audit; so the August 12th  
5 audit. What we did with the committee is we really  
6 were very concise in making sure that we fit all of  
7 that into the financial section of this corrective  
8 action plan.

9 So with respect to the finances, which  
10 caused this at the very beginning, we're really  
11 comfortable with that section, as well. And it's  
12 going to be based on reporting from School Budget  
13 and the Audit Bureau.

14 And also to answer your question,  
15 Commissioner Johnston, you know, the PED, in  
16 general, many of the departments have been extremely  
17 helpful. We did get a visit this year from the  
18 Bilingual Bureau. They came out, created great  
19 technical support, assistance.

20 I've worked with Licensure very closely.

21 I've worked with many departments who have  
22 been very helpful, as well as David Craig, School  
23 Budget and Finance. He has been a great help  
24 throughout this entire process; he really has. And  
25 I've turned to him on many instances.

## Page 157

1 record-keeping and documents. That's important.

2 THE CHAIR: Okay.

3 MS. POULOS: Do you mind if I have one  
4 more thing that my people just pointed out to me?  
5 The phrasing on the second one, for financial goals,  
6 is a little -- we believe rather than saying, "No  
7 identical findings," it should say, "No repeat  
8 findings."

9 THE CHAIR: "Repeat." That's what it  
10 should be, yes. It should be "repeat findings."

11 MS. MATTHEWS: No problem.

12 THE CHAIR: And I don't know how that  
13 "identical" got in there. Thank you.

14 MS. MATTHEWS: Again, I don't want to  
15 speak out of turn, and I know you don't want to  
16 speak to the attorneys. I want to make sure  
17 everyone is comfortable. I want to, if I could,  
18 address Ms. Poulos' question, and the question about  
19 the financial aspect of a site visit.

20 No problem with that being part of the  
21 site visit. I always had anticipated that was  
22 contemplated by the law. So to the extent they want  
23 to come up, come on down. That's not a problem.

24 THE CHAIR: Okay.

25 MS. MATTHEWS: And did you want to talk

## Page 158

1 about the recommendation from the Charter Schools  
2 Division and if we want to change any of that  
3 language?

4 No?

5 THE CHAIR: Well, we can briefly -- I  
6 have -- I have no issue with changing the range for  
7 the raw data to be a 15-to-20-day, if that's -- I  
8 don't think there's an issue with that. I think  
9 that's fair and reasonable. So I think that's fine.  
10 So that's an easy fix.

11 And the other changes that I noted,  
12 simply, we have to change the wording in "e" of .2  
13 to state that the site visits -- there -- CSD will  
14 attempt to coordinate the site visits to take place  
15 at the same time.

16 And then we're adding to -- on the  
17 Financial Goals, we're adding, "and a site visit by  
18 the Financial Bureau."

19 Is that the correct wording? "Bureau"?

20 And we have to change from "identical" to  
21 "repeat."

22 MS. MATTHEWS: Madam Chair, members of the  
23 Commission, would it -- and I'll ask Ms. Poulos this  
24 question, as well. Is it reasonable -- and it seems  
25 reasonable to me -- that that financial site visit

## Page 160

1 again, I can't -- I'm not -- I can't commit to a  
2 guarantee that is a false guarantee.

3 COMMISSIONER ARMBRUSTER: And this one's a  
4 big one; if they've had issues. There's a  
5 difference if you just go, then.

6 COMMISSIONER RUIZ: Madam Chair, what  
7 about the recommendation or the comments by  
8 Ms. Poulos that just meeting or exceeding the WIDA  
9 goal is not --

10 THE CHAIR: Oh, I got you. And this was a  
11 question that I had. And my understanding was the  
12 State had a WIDA.

13 MS. POULOS: That's correct. It was put  
14 on hold because of certain things.

15 THE CHAIR: Okay. Right.

16 MS. POULOS: Unfortunately, Icela is at a  
17 leadership program this week so she can't be with  
18 us, and she's much more informed about that. Her  
19 concern was -- and I think this goes to a bigger  
20 picture -- that, again, some of these goals in the  
21 past were negotiated without the expertise of the  
22 appropriate bureaus in PED. And it did -- it didn't  
23 align.

24 THE CHAIR: And the contract does indicate  
25 that if there is a State goal -- a State-designated

## Page 159

1 occur at the same time as the regular site visit?

2 THE CHAIR: I guess, once again, we're --  
3 we can't -- and I don't think CSD can commit for the  
4 Financial Bureau. I think we can -- we can use the  
5 same terms, that there will be an attempt for the  
6 site visit to take place at the same time. But I  
7 don't think we have the ability at this moment in  
8 time to -- to guarantee you that it's going to  
9 happen at the same time, because we can't speak for  
10 the Financial Bureau.

11 You know -- and I understand the issue of,  
12 you know, site visits, and the disruption that it  
13 potentially has to a school day. I appreciate that.  
14 But I don't want to say it's going to happen that  
15 way when I can't guarantee you it's going to happen  
16 that way.

17 MS. MATTHEWS: I would just say that I  
18 think the statute contemplates one site visit a year  
19 to look at operational, academic, and financial; so  
20 I'm not -- here to argue.

21 THE CHAIR: Well -- and I think at that  
22 site visit, they do look at the financial at the  
23 site -- no, they don't. I'm sorry. I'm sorry.  
24 That's -- yeah, right.

25 But I think at this point in time, once

## Page 161

1 goal -- I'm losing the term -- that that's what -- I  
2 think the contract does say that -- we will -- and  
3 when the negotiations took place, our information  
4 was there was a State standard that was created for  
5 WIDA. Unfortunately, since that time, it has gone  
6 away.

7 MS. POULOS: It's on hold.

8 THE CHAIR: So for all intents and  
9 purposes, it's gone away for this purpose. So  
10 that's what ended up happening. There was a State  
11 standard. We were taking that State standard. It's  
12 now on hold. So for all intents and purposes, it's  
13 gone away. So the lack of specificity that is there  
14 is because the State standard isn't there.

15 So...

16 MS. POULOS: Madam Chair, can I make two  
17 corrections? One of them was the financial site  
18 visit would be by the School Budget and Financial  
19 Analysis and Audit Bureaus of the PED.

20 THE CHAIR: Okay. Hold on.

21 MS. MATTHEWS: Is that one, Ms. Poulos?  
22 Or are you recommending two?

23 MS. POULOS: I believe my recommendation  
24 was actually that it would be one visit early in  
25 this school year. And I can't -- I don't have my

## Page 162

1 recommendation in front of me; but I believe I  
 2 recommended that.  
 3 THE CHAIR: Do that again, please.  
 4 MS. POULOS: School Budget and Financial  
 5 Analysis and the Audit Bureaus. So those are two  
 6 different bureaus of the PED. And they typically  
 7 work together on any sort of a visit that they do  
 8 with regards to finances.  
 9 And then the other one that I just wanted  
 10 to make sure was still on the table to discuss is  
 11 the recommendation with regards to Item No. 2, under  
 12 "Organizational," where it appeared that the --  
 13 there was a misunderstanding about NMDASH, which is  
 14 not an acceptance program. It is the school --  
 15 THE CHAIR: Actually, we had checked on  
 16 that when we were doing the negotiations. And our  
 17 understanding came that it was a -- so that has  
 18 that -- so that's why that went in there; because  
 19 that's the word -- that's the information that came  
 20 to us while we were doing the negotiations. Because  
 21 we did check on that.  
 22 So -- hold on. I'm trying to find where  
 23 that is. Okay.  
 24 So under "Organizational," with No. 2, we  
 25 will end at the word "contract" and eliminate

## Page 164

1 And we certainly would need and appreciate that  
 2 guidance.  
 3 And I had -- I've had conversations  
 4 with -- and I don't think there will be any  
 5 difficulty with getting whatever technical support  
 6 that you -- that you need.  
 7 MS. MATTHEWS: Madam Chair, as a point of  
 8 clarification on that same paragraph, I think it  
 9 makes a lot of sense, and I think that we add, at  
 10 the beginning of that sentence, "Beginning  
 11 FY 2017-'18. I mean, I don't -- as written, if it  
 12 was approved today, the content would be --  
 13 THE CHAIR: I got you.  
 14 MS. MATTHEWS: -- that we're looking at  
 15 just May and June.  
 16 THE CHAIR: I believe I'm putting it on  
 17 the wrong one. Hold on.  
 18 MS. POULOS: That clarification,  
 19 Madam Chairwoman, raised a clarification to me that  
 20 I think the Commission may want to answer.  
 21 There will be two letter grade reports  
 22 that come out between now and I believe June of  
 23 2018. It is unclear that one "C" -- let's say this  
 24 year's was a "C" and next year's was a "D" -- if  
 25 that would meet. Or if this year was a "D" and next

## Page 163

1 everything from, "or an alternate...", because there  
 2 is no need for that.  
 3 Is there anything else?  
 4 MS. MATTHEWS: I'm trying to take notes,  
 5 Madam Chair, to make sure we have a final document.  
 6 And I want to make sure --  
 7 THE CHAIR: So under "Organizational,"  
 8 we've just eliminated everything from "or" down.  
 9 MR. CHRIS JONES: Madam Chair, members of  
 10 the Commission, you know, it isn't that I haven't  
 11 researched New Mexico DASH. I certainly have. I'm  
 12 pretty familiar with the planning process and the  
 13 team that you have to assemble.  
 14 I think, for me, it's going to take a  
 15 little bit more research on my end to ensure that  
 16 the support goes with New Mexico DASH.  
 17 I did attend the session during the Spring  
 18 Budget Workshop. And there's a whole training  
 19 component that's involved with New Mexico DASH, as  
 20 far as I understand.  
 21 So I don't have a problem with this. I  
 22 just wanted to let you know that I'm not sure if  
 23 there's an acceptance process or not. And Director  
 24 Poulos has indicated that there is not. But I do  
 25 know that there's training and guidance associated.

## Page 165

1 year was a "C," if that would meet. And I think  
 2 that you may want to be clear on record.  
 3 On the very beginning, the Academic Goals.  
 4 THE CHAIR: "In June of 2018, if the  
 5 school shows it has met the school grade of C or a  
 6 three-year C average."  
 7 There will be two school grades that will  
 8 come out, one this summer and one the following  
 9 summer. So the question is, is it a "C" average at  
 10 the end of 2018, or is it a "C" at the end of 2018?  
 11 And my understanding was it was a "C" at the end of  
 12 2018.  
 13 COMMISSIONER ARMBRUSTER: So they could  
 14 get an "F" and get a "C" next year.  
 15 THE CHAIR: It was a "C" grade for the end  
 16 of 2018.  
 17 COMMISSIONER TOULOUSE: Madam Chair, that  
 18 was my understanding of our discussion; because it  
 19 was too late this year to do much to affect this  
 20 year's grade. So it was the whole burden had to be  
 21 on next year's.  
 22 And it's a big burden to place on it. But  
 23 I remember it's what we said in the discussion.  
 24 COMMISSIONER ARMBRUSTER: So then we're  
 25 taking out "or."

## Page 166

1 THE CHAIR: The average.  
 2 COMMISSIONER ARMBRUSTER: Removing that.  
 3 MS. POULOS: Madam Chairwoman, I would  
 4 just recommend that the wording say, "The school  
 5 will obtain a..." -- well -- so this is challenging,  
 6 because the very next box says, "Obtain a C or  
 7 three-year average C on the score card published in  
 8 summer 2017." That's going to be the one this year.  
 9 THE CHAIR: Wait a minute. I don't  
 10 have -- oh, I got you.  
 11 MS. POULOS: So those two boxes can  
 12 conflict.  
 13 MS. MATTHEWS: The intent of the first box  
 14 was this, that they were looking at 2018 coming down  
 15 the pike. And in June of 2018, it's very possible  
 16 that the school won't have a school grade yet;  
 17 right?  
 18 So we're trying to have the ability for  
 19 the school to demonstrate, by its alternative  
 20 indicators, its ability to show that it met those  
 21 indicators in 2018, so that we're avoiding sort of a  
 22 premature shutdown by default. Because folks are  
 23 not coming back; the teachers aren't being rehired  
 24 because we don't know until -- because the way this  
 25 was worded, and the way our discussion was during

## Page 168

1 recently available letter grade is a 'C'; or they  
 2 meet their -- and that way would it clarify that  
 3 they couldn't say, "Oh, we got a 'C' last year; so  
 4 then we've met it," even though this year might be a  
 5 "D."  
 6 Do you understand what I'm saying? And I  
 7 don't know that a letter grade report would be out  
 8 at that point.  
 9 THE CHAIR: In June of 2018.  
 10 MS. POULOS: But it might be. In that  
 11 case, you'd find yourself in a situation where  
 12 you're open to even more argument, because there's  
 13 no --  
 14 THE CHAIR: In June of 2018, there won't  
 15 be a report card grade out.  
 16 MS. MATTHEWS: But we put that in there as  
 17 some miracle, hypothetical. So I think the idea --  
 18 it makes sense to me to say -- because I think  
 19 Ms. Poulos' point is that are we talking about an  
 20 existing letter grade that actually applies to  
 21 FY '17? The answer is, "No."  
 22 So why not add, after the words "C average  
 23 for 2017-'18," so there's no dispute about what  
 24 letter grade you're talking about?  
 25 COMMISSIONER JOHNSTON: Mr. Jones, are you

## Page 167

1 the committee meeting -- and I think that's what the  
 2 Board -- or the Commission -- voted on -- was we had  
 3 the discussion about immediate revocation.  
 4 And so this came up in that context, to  
 5 avoid -- to have an answer so that we're not closing  
 6 a school in the middle of a school year. And so  
 7 that's where the first indicator came from.  
 8 I apologize. My brain just snapped back  
 9 on.  
 10 THE CHAIR: And the second one deals  
 11 solely with 2017; whereas, the first one is dealing  
 12 with 2018.  
 13 MS. MATTHEWS: That's right.  
 14 MS. POULOS: So I guess I would still be  
 15 unclear. So let's say that they do get a letter  
 16 grade report by June in 2018; and in '17, they got a  
 17 "C," but in '18, they dropped down, and they got a  
 18 "D" or an "F."  
 19 THE CHAIR: That's why I'm saying we  
 20 eliminate the average part in the 2018, and it's  
 21 still the "C." That was my --  
 22 MS. POULOS: But would the "C" from 2017  
 23 be sufficient, even though the 2018 was a "D"? Or  
 24 do you want to say something like, "the latest  
 25 available letter grade, as of June 2018, the most

## Page 169

1 following this?  
 2 MR. CHRIS JONES: I sure am.  
 3 COMMISSIONER JOHNSTON: Because you're the  
 4 student. And these adults are making decisions  
 5 about your lives.  
 6 MR. CHRIS JONES: We went through this  
 7 entire discussion.  
 8 COMMISSIONER JOHNSTON: Want to make sure,  
 9 because you are the Head of School.  
 10 MR. CHRIS JONES: Yes.  
 11 THE CHAIR: Why don't we change it that if  
 12 the school shows a 2017-2018 -- no. Yes. I'm  
 13 sorry. I'm losing my years.  
 14 In 2017-2018, if the school shows in  
 15 twenty seven -- I think what we're running into the  
 16 difficulties with is that issue of if you're going  
 17 to be able to retain people for --  
 18 MS. MATTHEWS: '18-'19.  
 19 THE CHAIR: '18-'19. The problem is if we  
 20 change this to 2017-2018, the school shows it that a  
 21 "C" grade, they're not going to be able to show that  
 22 until July, at the absolute best.  
 23 MS. MATTHEWS: That's why we talked so  
 24 long about the alternative academic indicators from  
 25 the framework being the choice versus the "C."

Page 170

1 THE CHAIR: Right. It's an and/or.

2 MS. MATTHEWS: So I think we just put the  
3 letter grade in there, because that was the  
4 agreement the Commission reached, or that was the  
5 discussion point. So we were saying -- we were, I  
6 guess, honoring that particular aspect of the  
7 resolution and then adding to it.

8 THE CHAIR: So if we change it to, "If the  
9 school shows, at the end of FY 2017-2018, it has met  
10 a school grade of C or met all the other academic  
11 indicators, B, C, and D, CAP for academic..." --  
12 this doesn't work. Oh, okay. The CAP for academics  
13 will have been met.

14 "If the school, in..." -- "...at the end  
15 of 2017..." -- "...FY 2017-'18, the school shows it  
16 has met a school grade of C or met all other  
17 academic indicators, B, C, and D, the CAP for  
18 academics will have been met."

19 MS. MATTHEWS: I guess I'm extremely  
20 nervous about taking out the alternative of the  
21 average; because here --

22 THE CHAIR: I ended that sentence. I'm  
23 not eliminating the rest; but that's -- that's how  
24 I'm fixing that sentence.

25 MS. MATTHEWS: But you're not taking out

Page 172

1 question. So let's say this year you get an "A,"  
2 and then next year, you get an "F." There's the  
3 potential -- and I'm not calculating it  
4 mathematically -- that you have a three-year average  
5 of a "C."

6 And I guess the question for this  
7 Commission is, is that what you intended when you  
8 initially voted? Or did you intend that, as  
9 Commissioner Toulouse indicated, this year, we can't  
10 really expect anything from the letter grade; so all  
11 we're actually talking about is the letter grade for  
12 next year?

13 THE CHAIR: For 2017-2018. That's where I  
14 think you have the greater opportunity for  
15 improvement. So my concern, truthfully, is I'd be  
16 very concerned if you had a "D" at the end of  
17 2017-2018. I really would, in terms of going  
18 forward. I would.

19 MS. MATTHEWS: I'm sorry. Can you say  
20 that again? I'm on two different --

21 THE CHAIR: I'd be very concerned if, at  
22 the end of 2017-2018, the school had a letter grade  
23 of "D." I'd be concerned with going forward if the  
24 school had a "D."

25 MS. MATTHEWS: I don't think they could

Page 171

1 "or average"; correct?

2 THE CHAIR: I am taking out "or average,"  
3 because my understanding from the discussion of the  
4 Commission was that it was a C grade.

5 MS. MATTHEWS: It was a C or average, or C  
6 average. And so if you have a C average, you could  
7 miss it by a few points, and you -- I mean, with  
8 this school's grade, as it is now, it's going to  
9 have to have a high C, and/or if it misses it by a  
10 few points and has a very high D, I guess what  
11 you're saying is, "That's not enough. We're going  
12 to close you." I --

13 MR. CHRIS JONES: Yeah, because of the  
14 current values.

15 THE CHAIR: Your current grade is an "F";  
16 right?

17 MS. MATTHEWS: That's the --

18 THE CHAIR: I'm looking at what's  
19 populating the three-year average. So the current  
20 year -- this past grade was an "F."

21 MR. CHRIS JONES: Correct.

22 So that this year, they would have to  
23 have -- this year, they have to have a "C," because  
24 that's in there, 2017.

25 MS. POULOS: And I think that's the

Page 173

1 pull it out.

2 THE CHAIR: 2017-2018, they can't get a  
3 school letter grade of a "D."

4 MS. MATTHEWS: I mean, they can't -- if  
5 you leave the "C or average" in there, they're not  
6 even going to pull a "C" average if they got a "D"  
7 is what I'm saying. It would be mathematically, I  
8 think, impossible; but --

9 THE CHAIR: I don't know. I've seen some  
10 hinky stuff happen with the school grade.

11 MS. MATTHEWS: The next question is why  
12 are we even using it as a target for -- that's that.  
13 Okay. So you're wanting to take it now out of the  
14 2017?

15 THE CHAIR: No, no, no. I'm saying the  
16 2017-2018 school year, I would be very concerned,  
17 going forward with if they had a "D." And my  
18 understanding from the conversation that the full  
19 Commission had, not just the subcommittee, was that  
20 it was a "C."

21 COMMISSIONER ARMBRUSTER: I think my  
22 concern has been, and continues to be, that this is  
23 a school that's not like DEAP, a second-year school,  
24 struggling and having to work out all of these  
25 things. This school has been in existence for ten

## Page 174

1 years or something.  
 2 And what I wasn't thinking about -- my  
 3 fault -- was that you were there last year, Chris;  
 4 not just October. You were at the school.  
 5 MR. CHRIS JONES: I was not.  
 6 COMMISSIONER ARMBRUSTER: Not at all last  
 7 year.  
 8 MS. MATTHEWS: In '15-'16.  
 9 MR. CHRIS JONES: I was not. I was hired  
 10 back at the beginning of May. So I was not there  
 11 for the full academic --  
 12 COMMISSIONER ARMBRUSTER: Oh. Just May of  
 13 '16.  
 14 MS. MATTHEWS: Ms. Gipson, we're fine with  
 15 taking out "or average." It's effectively moot;  
 16 because we're probably only going to be looking at  
 17 their short-cycle assessment goals to meet this  
 18 indicator for the next school year, as it's worded.  
 19 THE CHAIR: Okay. So we are at, "The  
 20 school will show in FY '17-'8 that it has a school  
 21 grade of C or met all other academic indicators, b,  
 22 c, and d, the CAP for academics will have been met.  
 23 If the school does not meet the CAP for academics,  
 24 then the PEC will hold a revocation hearing in June  
 25 of 2018."

## Page 175

1 MS. MATTHEWS: May -- shall we -- okay. I  
 2 think we might want to put a date, because you're  
 3 bumping up -- you're overlapping. Do we want to put  
 4 June 15? June 30?  
 5 Chris, when will this short-cycle data be  
 6 out?  
 7 THE CHAIR: I think that would be best by  
 8 the Director in terms of population of the short  
 9 cycle assessment. When would be a reasonable date  
 10 in June? Can that be done by the June -- our June  
 11 meeting? I would not like to make it the end of  
 12 June, because then we wouldn't be meeting until  
 13 July, and we don't always meet in July.  
 14 So I would -- is it fair and reasonable to  
 15 say that that information --  
 16 MS. POULOS: I don't know when the data  
 17 would come to us. Did you indicate when that data  
 18 would come to us?  
 19 THE CHAIR: Well, you would have -- when  
 20 would -- when do you finish --  
 21 MR. CHRIS JONES: In May.  
 22 THE CHAIR: Because you finish the school  
 23 year. By Memorial Day?  
 24 MR. CHRIS JONES: It would be about  
 25 mid-May. But we also have to mine the data from

## Page 176

1 these goals. We have to dump all of the data from  
 2 what's given through NWEA, since we're  
 3 transitioning, and put it into a spreadsheet to  
 4 manually calculate. And then we would give it to  
 5 Ms. Poulos. That would be late May.  
 6 MS. POULOS: Madam Chairwoman, I'll just  
 7 express that's PED's concern, and CSD's concern, is  
 8 that we are not getting raw data. When I hear  
 9 they're going to have to do something, and then we  
 10 get something they did something to the data, that's  
 11 not the data we want. That's number one concern.  
 12 And so, again, we will need time to work  
 13 with the data. If it's not coming until late May,  
 14 having it ready for the June meeting is simply not  
 15 possible.  
 16 THE CHAIR: Well, if it's raw data, that  
 17 could come quicker; correct?  
 18 MR. CHRIS JONES: It certainly could. I  
 19 mean, I -- I -- as long as the makeup testing --  
 20 THE CHAIR: If it's raw data, it can come  
 21 to CSD sooner than later. So would that be  
 22 sufficient time?  
 23 MS. POULOS: I would still need to know  
 24 what that "sooner rather than later" is. Again,  
 25 we've got to get clear on when they expect it. If

## Page 177

1 we're saying May 5th, and we know that the PEC's  
 2 meeting is on June 6th -- right? -- that gives us a  
 3 month.  
 4 Okay. Yes, that -- because it gives us  
 5 less than a month, because we need to get it to you  
 6 a week in advance, at least; right? But if it's  
 7 coming May 25th, and the meeting is June 6th, then  
 8 we simply cannot commit to getting that done,  
 9 because there's a lot that's going on at that time.  
 10 MS. MATTHEWS: And I will also say that if  
 11 there is -- you know, here we are. We have the  
 12 Division reviewing the data to review whether or not  
 13 the goals are met.  
 14 But we also have the school's  
 15 interpretation, which then kicks in this dispute  
 16 resolution process. And so maybe we just go -- here  
 17 we are back even actually rehashing the "C" grade  
 18 whenever it comes out. And are we going to close --  
 19 and if -- I mean, it doesn't even sound practical  
 20 for us to be using the short-cycle data goals if the  
 21 Division is going to be involved in assessing  
 22 whether or not we've mined our data correctly.  
 23 THE CHAIR: Well, you have a dispute  
 24 option.  
 25 MS. MATTHEWS: According to what

Page 178

1 Ms. Poulos says, that sounds like we're probably  
2 into the July-August time frame. So I'm trying to  
3 work with these time frames.

4 THE CHAIR: Well, I guess my only response  
5 to that would be that the -- the short-cycle  
6 assessment would have to be done earlier. And I  
7 know that becomes problematic. But I mean, there's  
8 only so many hours in a day.

9 And we meet in June. And I'm trying to  
10 make sure that you've got your answer in June and  
11 not in July. But this is the only way that we could  
12 do it.

13 So I -- you know, I don't know what the  
14 alternat- -- you know, if you want to take out the  
15 whole issue of the short-cycle assessment and leave  
16 it to the letter grade, and we leave it till July,  
17 then it's left till July, which is the best that the  
18 short -- that the letter grade's going to come out.

19 There won't be a guarantee for you by June  
20 that you can tell your staff that they'll go  
21 forward, which we don't give a guarantee to any  
22 other school; but we were trying to do that for you.  
23 So I thought that was reasonable on our part, so  
24 that you could do that fairly for your staff and  
25 keep them.

Page 180

1 teachers and administrators make. They -- you know,  
2 how are you going to get these kids to do well?  
3 Other schools with your population do well. Some  
4 don't do so well. I mean, that's the way it is.

5 But that's how they would know; so they  
6 wouldn't come to school. I mean, I guess, in and --  
7 you are between a rock and a hard place. But if  
8 your short-cycle interim type of data doesn't show  
9 that those kids are really making a big  
10 difference -- because they would have to make a  
11 really big difference in order to get that -- then  
12 they probably would know. And you would know,  
13 regardless of what that grade was.

14 I don't think there's a cut-and-dry answer  
15 here, and I think that's why we were struggling.

16 THE CHAIR: I think the bottom line is you  
17 know and -- whether they -- after they've taken the  
18 tests, you know fairly soon whether they did or did  
19 not make that year-and-a-half growth, mining it, you  
20 know. So I think you can make a fair and reasonable  
21 judgment to the staff at that point in time.

22 MR. CHRIS JONES: Madam Chair, I just  
23 wanted to mention -- and first of all, I understand  
24 where you're coming from. You're right. We're  
25 between a rock and a hard place.

Page 179

1 But this is the time frame that, you know,  
2 we're dealing with.

3 COMMISSIONER ARMBRUSTER: Madam Chair?

4 THE CHAIR: Commissioner Armbruster?

5 COMMISSIONER ARMBRUSTER: A number of  
6 things kind of going through my head. This is not  
7 easy, regardless of what the determination is. But  
8 I think that when we said it would be -- "Your  
9 charter would be revoked immediately," I think I  
10 said that, "You mean, like, they're going to come to  
11 school and say, I'm sorry, there's no school  
12 tomorrow and you're going to have to find another  
13 school," not exactly those words, but that was the  
14 intent?

15 And what I believe we came up with is --  
16 well, when you looked at the end of the year, which  
17 is next year -- actually, next -- next May, how the  
18 school was doing, if it was -- you saw that they  
19 weren't making great progress -- and that was part  
20 of the MAPs deal -- then kids kind of knew, and  
21 teachers would kind of know, you know, "These kids  
22 are just not -- whatever it is that we're doing,  
23 it's not enough to help these -- we're not helping  
24 them enough."

25 And that's an educational decision that

Page 181

1 I have a couple of concerns myself, one  
2 with the CSD's involvement in looking -- in really  
3 helping us to calculate the data. So that's one  
4 issue, and we can readjust that, and I'd like to  
5 circle back.

6 But April is the month in which the PARCC  
7 assessment is taken. For our students, we have the  
8 ACCESS test in February, which is part of our  
9 charter. That's a goal associated with our charter  
10 in our performance framework.

11 We also have -- we have the PARCC. And  
12 the PARCC is a really stringent, tedious test for  
13 our students.

14 Then what we're asking is we crunch the  
15 last short-cycle assessment and the PARCC together,  
16 so we can make an assessment as to where we'll end  
17 up, and we can communicate with our staff and  
18 students regarding whether or not we will have a  
19 school for the following year. I think that time  
20 line becomes a bit problematic --

21 THE CHAIR: I think we've backed off of  
22 that and said, "You do it in May when you feel it's  
23 appropriate; but you'll know, based on what you see  
24 from those test results."

25 And you can communicate informally to your



## Page 182

1 staff, based on what you've seen. And you provide  
2 the raw data to CSD. And if you get the raw data to  
3 us past the --

4 MS. MATTHEWS: With all due respect,  
5 Madam Chair, why is it not sufficient for you to  
6 rely on what the school has done with assessment of  
7 their data?

8 THE CHAIR: Because, in all honesty, we  
9 have seen too many reports that have come back from  
10 schools that have had, "Yes, we did," and there has  
11 been no reliable information to support that.

12 MS. POULOS: And, Madam Chair, I'll just  
13 say, in fact --

14 THE CHAIR: That's what has happened, that  
15 it's, "Yes, we met." And we get these -- we get  
16 these graphs that are meaningless to us, that don't  
17 really say much of anything and don't support  
18 what -- what the school -- is that's the difficulty  
19 we're having.

20 And when we had the conversation about the  
21 reports that would be provided to us, "We don't have  
22 that information for us at this meeting, because we  
23 were told we couldn't have them now."

24 So we're -- we're left in the lurch,  
25 because we don't -- we can't make that determination

## Page 184

1 machine, that student answers questions, and that  
2 machine takes that first misanswered question,  
3 incorrect answer, and starts calculating.

4 You have to have 90 days in between; so  
5 you can only do it one semester. They govern it.  
6 But the minute that child finishes taking that exam  
7 at that machine, that information is logged, and you  
8 start collecting that raw data.

9 MAPs then gives you these reports. Why --  
10 I do not understand -- or I do, and I just hate what  
11 I'm sensing to be a lack of trust -- because with  
12 that data, you sit with a member of the Charter  
13 Schools Division, and you review it together to see  
14 if what is happening is really happening; not that  
15 you do an answer, and then they do an answer.

16 THE CHAIR: I'm sorry. They don't sit  
17 with the Charter School Division.

18 COMMISSIONER JOHNSTON: Why could you not?

19 THE CHAIR: Because they don't have the  
20 staff to do that with each school.

21 COMMISSIONER JOHNSTON: Well, I can also  
22 tell you --

23 THE CHAIR: I'm going to speak for you.

24 COMMISSIONER JOHNSTON: Then I also have  
25 the confidence in Assessment -- in the Assessment

## Page 183

1 if that report is going to be what is necessary. We  
2 thought we were going to have it in hand; we don't  
3 have it in hand to look at. So now you're asking me  
4 to make an agreement that some report that we don't  
5 know what it is, is going to be sufficient?

6 MS. MATTHEWS: I'm just concerned that  
7 they're making an internal decision based on their  
8 own assessment, and they're saying, "Okay, I'm going  
9 to enter into contracts. Kiddos come back. We're  
10 looking great."

11 And then we send it over to the charter  
12 school. And we're into June. Then we send --  
13 according to Ms. Poulos, if I understand  
14 correctly -- and I'm sure she'll correct me -- is  
15 whether or not they can have the data available,  
16 mined, and their assessment of it, even before July.

17 So, see, that's where I'm --

18 THE CHAIR: I understand.

19 COMMISSIONER JOHNSTON: May I make an  
20 observation?

21 Mr. Jones, I am very familiar with NWEA  
22 MAPs in its first iteration, in the one -- if  
23 there's a transition now, I don't know the new  
24 information.

25 When that -- when a student sits down at a

## Page 185

1 Department in knowledge of MAPs, that it's almost --  
2 that second review would be a cursory review;  
3 because you will know whether -- you've seen it.  
4 You've done MAPs before; right?

5 MR. CHRIS JONES: I have.

6 COMMISSIONER JOHNSTON: So you know how  
7 quickly you get that data.

8 MR. CHRIS JONES: So, Commissioner  
9 Johnston, to answer your question, now we have  
10 1.5 years of growth. So we have two different  
11 pieces to look at.

12 We have the growth goal. And then we have  
13 a growth index. And so both of those will be  
14 counted toward what we're calculating. So in  
15 looking at that, if a student's goals --

16 THE CHAIR: We're counting 1.5 growth.

17 COMMISSIONER JOHNSTON: He's saying that.

18 THE CHAIR: He says we're doing two  
19 things. We're not. We're doing one.

20 MS. MATTHEWS: Proficiency or 1.5.

21 MR. CHRIS JONES: We have a growth goal of  
22 8. So in order for the kids to meet the goal --  
23 right? -- they're going to have to be a 12. So  
24 that's the -- those are the points that the students  
25 have to make. So that isn't a direct report that's

Page 186

1 printed for us, and that's where the calculation  
2 comes in.

3 So what we've asked NWEA to do is  
4 customize a report for us. So we're still working  
5 with them to see if they can customize their report  
6 that captures. If they're supposed to earn an 8, or  
7 8-point increase to get to the 12, we check them off  
8 and bank them, along with the proficiency levels.

9 So the part of having the data, that's the  
10 first part. And we will have the data very quickly,  
11 as soon as retakes are taken, and we're finished.

12 But the part of, "Let's try to capture 1.5  
13 years of growth," the reports don't manually capture  
14 that information. However, it's doable. It's just  
15 going to take some time, and then we're going to  
16 have our interpretation and --

17 THE CHAIR: That's where you lose me.  
18 When you finish with, "...and we'll have our  
19 interpretation" -- so that's where you lose me. But  
20 that's why I'm saying, provide the raw data to them.  
21 If, in the meantime, NWEA can assure us that they  
22 can customize that report, which was what we were  
23 supposed to have now, that assurance, so we could  
24 see it, so we could know that that report would, in  
25 fact, from them, show that.

Page 188

1 So absent that, it's the raw data going  
2 to. If -- I'm comfortable with saying if you can  
3 come before -- if you can show us that you can get  
4 that report, I don't have a problem changing this to  
5 say, "and we will accept that report." We can  
6 modify this at a later date, once we are assured  
7 that that report does show us exactly what we want  
8 it to.

9 COMMISSIONER JOHNSTON: And, Mr. Jones,  
10 how long ago did you request that?

11 MR. CHRIS JONES: It's been about two  
12 weeks now.

13 COMMISSIONER JOHNSTON: Have you been in  
14 touch with them? You've been dogging them for this?

15 MR. CHRIS JONES: Yes. And at the time of  
16 the negotiation, we had not discussed the CSD's  
17 involvement with looking and doing their final  
18 computation. So "interpretation" is not the word  
19 that I meant to use.

20 I have no problem, and we don't dispute  
21 handing over raw data to the CSD. The problem then  
22 lies with how do we plan for the upcoming school  
23 year? So that's the only piece. And, you know, we  
24 can --

25 THE CHAIR: Because the discussion was he

Page 187

1 But we don't have it. So I'm reluctant to  
2 say we're going to rely solely on that report  
3 because we don't -- we can't see it at this moment  
4 in time.

5 COMMISSIONER JOHNSTON: Have you requested  
6 it?

7 MR. CHRIS JONES: Yes.

8 THE CHAIR: But I think we would be  
9 comfortable if NWEA could assure us that that report  
10 comes from NWEA and not an interpretation, that that  
11 would be acceptable.

12 MS. POULOS: Madam Chair, it's about  
13 getting the report from NWEA. It's important to  
14 know we've had schools say, "We exceed our goal."  
15 And then the data, if you look at it, is the data  
16 that would support a school falling far below its  
17 goal. So we need the report.

18 THE CHAIR: Right. Right. So that's --  
19 you know, and that's where we're sitting here with.  
20 We don't know if we're going to have the report. I  
21 can't say unequivocally that I'm going to rely on  
22 that report; because I don't know that report is  
23 actually going to come. That -- my understanding  
24 was we were going to have that assurance today, and  
25 we don't have it.

Page 189

1 would have that report. We don't have the  
2 information about that report for the assurances of  
3 what that report is going to look like. So you're  
4 asking us to agree to something that we have not  
5 seen.

6 When we had the discussion at the  
7 negotiations, we were going to have that report. We  
8 haven't seen that report; so we do not know that  
9 that report can actually come. So I can't agree to  
10 something that I don't have assurances of at this  
11 point in time.

12 MR. CHRIS JONES: Madam Chair, at the time  
13 of the negotiation, we didn't mention a custom  
14 report. We didn't have that conversation.

15 The conversation with Ms. Barnes was, the  
16 school was to get the data from NWEA. We were to  
17 determine that growth level and how that would look  
18 with 1.5 years and put it in our own spreadsheet to  
19 do the manual calculation. After that, we would  
20 provide the raw data to the CSD.

21 THE CHAIR: But the subsequent discussions  
22 have been that customized report.

23 MS. MATTHEWS: Through e-mail, if that's  
24 what you're --

25 THE CHAIR: Okay. So --

Page 190

1 COMMISSIONER JOHNSTON: Mr. Jones, do you  
2 think it will take NWEA four weeks, six weeks, eight  
3 weeks to get back with you about that report?

4 MR. CHRIS JONES: Certainly not.

5 COMMISSIONER JOHNSTON: That's my  
6 experience. That's why I'm asking you that.

7 MR. CHRIS JONES: I hope not; but I  
8 can't --

9 THE CHAIR: It's the end of the school  
10 year, so there's a lot of demand.

11 MR. CHRIS JONES: We have an appointment  
12 to meet with them May 26th. They're going to be in  
13 town for a conference. So I couldn't answer that  
14 question. I hope we get it sooner rather than  
15 later.

16 COMMISSIONER JOHNSTON: And I understand  
17 your concern is the students, and following that,  
18 the staff, and timing of their information.

19 THE CHAIR: I think the best we can do  
20 with at this moment in time is to require the raw  
21 data to be sent in. And if that -- if a customized  
22 report can be provided, and we have an ability to  
23 look at that customized report, and it is  
24 acceptable, then the raw data does not have to be  
25 sent. The customized report can be accepted.

Page 192

1 come through somebody else, that comes directly from  
2 the assessment program. That's why we have not been  
3 able to evaluate these performance frameworks.

4 MR. CHRIS JONES: And in all fairness,  
5 Director Poulos, we don't have an issue providing  
6 the raw data. What we're trying to do is trying to  
7 identify a report that's going to be a little  
8 quicker in figuring out if we made our indicators or  
9 not. That's the conversation. That's all.

10 THE CHAIR: That's fine. That's what I  
11 said. If you can provide that to us, we're fine  
12 with that. But we can't vote on something that we  
13 don't know is actually going to be available.

14 MR. CHRIS JONES: Sure. And that's fine.

15 THE CHAIR: That's why I'm saying the raw  
16 data is provided. If you are able to get that  
17 personalized or customized report, and we have an  
18 opportunity to see that, yes, you have the ability  
19 to obtain that report, then that's fine. That will  
20 be acceptable.

21 COMMISSIONER JOHNSTON: Question about the  
22 plan. So if we get that -- if we voted today on the  
23 raw data, if it's in there, we get that report, this  
24 can be modified.

25 THE CHAIR: Correct.

Page 191

1 MS. POULOS: Right. I think no matter  
2 what, it's the report and data. And I think we've  
3 been clear with that on the schools. What we're  
4 requesting is the schools provide us the report that  
5 they get from their assessment program, rather than  
6 a spreadsheet they have created.

7 That's what we ultimately want, and that's  
8 what we ultimately need to look at is the reporting  
9 that comes from the assessment program.

10 THE CHAIR: Right. Right.

11 MR. CHRIS JONES: And we could have very  
12 easily done that with the one year. And I'm not  
13 debating. This isn't a debate. I'm not  
14 oppositional to the 1.5 years.

15 But there isn't a specific report to  
16 capture that. Because I'd like to hand that over to  
17 Director Poulos, as well. Instead of us doing the  
18 computations, I could give her the report that  
19 indicates growth and proficiency.

20 MS. POULOS: Madam Chair, there is a  
21 report from NWEA. We can do the same calculations  
22 and verify them. And that's what the need is, if  
23 CSD is going to say and put a check mark on this box  
24 that says, "This school meets this goal," I cannot  
25 ask my staff to do that without support that has not

Page 193

1 COMMISSIONER JOHNSTON: Okay.

2 THE CHAIR: Yes. Yeah.

3 MS. MATTHEWS: So leave it as it's worded,  
4 and then modify it.

5 THE CHAIR: Well, we still need to put a  
6 date for when the raw data needs to be -- raw data  
7 and/or customized report will be provided by May.

8 MS. MATTHEWS: May 20th? Is that fair?

9 THE CHAIR: I'll tell you, if it's  
10 May 20th, and we have to rely on the raw data -- so  
11 this is -- this is on you. Because if it's  
12 May 20th, and all we're relying on is the raw data,  
13 we will not have an answer in June for you. So just  
14 understand that. That will -- it won't happen,  
15 because that is not enough time for CSD to look at  
16 that raw data.

17 COMMISSIONER JOHNSTON: When do you have  
18 your interim assessments scheduled in the spring  
19 after all the others? At the end, when is the  
20 earliest date you can do that?

21 MR. CHRIS JONES: Well, the issue lies  
22 with the other assessments; right? And we also have  
23 LAS Links, which is a Spanish assessment. We have  
24 many assessments throughout the entire spring.  
25 So for us, this interim assessment is

Page 194

1 always scheduled for early May. You know how it is  
2 with makeup tests, for all of you who have -- yeah.

3 THE CHAIR: In my perfect world, there  
4 will be few students that you're needing to rely on  
5 at that final assessment.

6 MR. CHRIS JONES: My perfect world, as  
7 well, yeah, definitely. Sure.

8 THE CHAIR: That's always the goal, you  
9 know. So that let's hope that that's the -- what  
10 happens.

11 But like I said, short of you not being  
12 able to provide that customized report, if it is  
13 just purely the raw data you're relying on, we  
14 cannot make an assurance that it's going to be the  
15 June meeting that you're done with.

16 MR. CHRIS JONES: Madam Chair, may we ask  
17 the Charter Schools Division for a cut date, so that  
18 can give us a recommendation? That way, I can plan  
19 accordingly.

20 If it is the 15th, then I'll just have to,  
21 immediately after PARCC, begin the next  
22 administration.

23 THE CHAIR: Let's look at -- go back and  
24 look at '18 now. I'm trying to look at when we  
25 would most likely be meeting in June of 2018.

Page 196

1 "Academic Goals," first box.

2 COMMISSIONER ARMBRUSTER: Read the first  
3 sentence. That would be easier for us.

4 MS. MATTHEWS: I think Ms. Gipson has  
5 that.

6 THE CHAIR: The first sentence now reads,  
7 "The school will show, in FY '17-'18, that it has a  
8 school grade of C or met all the other academic  
9 indicators, b, c, and d, the CAP for academics will  
10 have been met."

11 MS. MATTHEWS: "Met," period. "The NWEA  
12 report or school raw data will be sent to CSD by  
13 May 20, 2017." "NWEA," I guess, "generated report"  
14 would be more specific?

15 MS. POULOS: I think the idea of raw data  
16 needs to be the "NWEA reports available"; because  
17 whatever it is -- it might be the custom report  
18 that's available, or it might be the student reports  
19 that are available with the one year. Whatever it  
20 is, it's the NWEA reports available to the school  
21 must be provided to the CSD.

22 MS. MATTHEWS: I'm trying to make the  
23 distinction between you having to do the work, or  
24 you getting the report that has been made customized  
25 for the school that reflects their goals.

Page 195

1 COMMISSIONER ARMBRUSTER: Yeah.

2 THE CHAIR: Yeah. So we're probably  
3 meeting somewhere around the 14th of June. That  
4 seems about -- because that's the second week in  
5 June. So if you provided that --

6 COMMISSIONER ARMBRUSTER: Could we  
7 accommodate by moving our meeting a week later?

8 MS. MATTHEWS: Ms. -- I might have some  
9 suggested language that might get us a little closer  
10 to what we're trying to accomplish.

11 THE CHAIR: That's tough. We're at the  
12 end of the fiscal year. Then we push into July.

13 COMMISSIONER JOHNSTON: We're just like  
14 the school is.

15 THE CHAIR: So that's hard.

16 MS. MATTHEWS: What about this? After the  
17 first complete sentence, "...will have met," period,  
18 "NWEA report or school raw data will be sent to CSD  
19 by May 20, 2017"?

20 THE CHAIR: You know what? I've lost my  
21 place.

22 MS. MATTHEWS: I'm inserting a sentence  
23 after the first sentence.

24 THE CHAIR: Under the "General Agreement"?

25 MS. MATTHEWS: Yes, ma'am. Under the

Page 197

1 MS. POULOS: But no matter what, it should  
2 be an NWEA report.

3 MS. MATTHEWS: Right. That's what I'm  
4 trying to say.

5 THE CHAIR: I don't think it matters. I  
6 think the understanding is that CSD gets an NWEA  
7 report, be it the customized report or the testing  
8 results, in -- by May 20th, are we saying? By  
9 May 20th. If it happens to be the customized  
10 report --

11 MS. MATTHEWS: That's what I was trying --

12 THE CHAIR: We're good. If it's the  
13 report solely from the testing results, then we run  
14 into a problem with --

15 MS. MATTHEWS: That's what I'm trying to  
16 accommodate and get on here.

17 So if it was the NWEA-generated report or  
18 the NWEA student data, testing data, I guess is what  
19 we're saying, will be sent to CSD by May 20, 2017.  
20 So it's either the customized report showing they  
21 met their goals, or it's whatever we want to call  
22 the raw data -- I'm calling it the "NWEA student  
23 testing data" -- will be sent to CSD.

24 If the NWEA-generated report shows the  
25 school did not meet its goals, the revocation

<p style="text-align: right;">Page 198</p> <p>1 meeting will be held at your June meeting. If the  2 CSD must analyze, and the school -- must analyze the  3 data, and the school does not -- and then determines  4 the school does not meet its goals, that the PEC  5 will hold the revocation within 15 days of the CSD's  6 report on the goals.  7 So then you have deadlines in there for  8 each of these things to happen.  9 Or we can modify that; but that's the  10 idea.  11 THE CHAIR: Okay. Go back. 15 days from  12 when?  13 MS. MATTHEWS: They've made their  14 assessment.  15 MS. POULOS: Madam Chairwoman, if we're  16 still presuming a dispute process, where parties,  17 who -- again, I'm not clear who those are -- meet  18 and select a third-party evaluator -- that is, as I  19 expressed my concerns about a third-party evaluator  20 that's paid by the school -- then that 15 days can't  21 happen.  22 THE CHAIR: Right. You're taking out your  23 opportunity to appeal that assessment if you put  24 that 15 days in.  25 MS. MATTHEWS: That's why I'm changing it.</p>	<p style="text-align: right;">Page 200</p> <p>1 discussions with staff about June; because we're  2 into July by that point in time. We are.  3 But there's not much -- you know. It  4 was -- to some extent, it was a "pie in the sky" to  5 try to accommodate that. We're going to have  6 everything done by June, when you're not finishing  7 assessments until the end of May. There really  8 was -- and we're meeting less than a month after  9 you're finishing your assessments. So that is a  10 crunch time anyway; so that it was --  11 MS. MATTHEWS: What if we proposed  12 something else that would simplify everything, but  13 it would bring up an issue that I'm not sure you  14 want to talk about?  15 But to go back to the question of the "C."  16 But that immediate revocation means that they're  17 immediately revoked, but they would close at a date  18 subsequent, like at the end of a semester,  19 preferably at the end of the school year.  20 But I know your opinion about that. But  21 that is, to me, the alternative solution. And that  22 was -- we were looking at the report card grade in  23 the first instance. But the question of --  24 THE CHAIR: You know, I'm not comfortable  25 with the potential of the school continuing for a</p>
<p style="text-align: right;">Page 199</p> <p>1 COMMISSIONER ARMBRUSTER: So what would  2 you be disputing? The NWEA raw data?  3 THE CHAIR: The assessment by Charter  4 School Division. If they disagree, and Charter  5 School Division says they didn't meet, but according  6 to the way they've populated it out, they feel they  7 did, then there has to be -- there's another set of  8 eyes -- an independent set of eyes that gets on it.  9 So we can't do the 15 days.  10 MS. MATTHEWS: I would say 15 days after  11 any dispute resolution process has been completed.  12 THE CHAIR: And I've got no issue with  13 that, except that there is -- then, you need to note  14 that.  15 MS. MATTHEWS: We're going to be there  16 anyway; it won't matter. Because the CSD has opined  17 that they cannot do the assessment of the data in  18 time to give the school advance notice before the  19 end of the fiscal year.  20 THE CHAIR: Well, it may not be -- if he  21 gets a customized report, there won't be an issue.  22 MS. MATTHEWS: I understand that. But  23 there's two alternatives going on.  24 THE CHAIR: But I'm just saying, then,  25 there's no opportunity there for, you know,</p>	<p style="text-align: right;">Page 201</p> <p>1 whole other school year. That's -- and that -- you  2 know, we're -- we were clear on that. It hasn't  3 been often that we've closed a school in the middle  4 of the school year.  5 MS. POULOS: Madam Chair, I don't believe  6 we have.  7 THE CHAIR: Those are challenges that are  8 really --  9 COMMISSIONER JOHNSTON: That's difficult  10 on families, the very people we're talking about.  11 THE CHAIR: Because I think, in all  12 honesty, if that was dangling out there, you'd have  13 flight from the school, because they're not going to  14 hang around for a semester. They're going to make  15 arrangements for their child at the beginning of the  16 school year.  17 And so if I was on staff there, and there  18 was another opportunity, I'd be gone, as well.  19 MR. CHRIS JONES: It would be a revocation  20 of the current year.  21 THE CHAIR: So I don't think that's an  22 alternative, to close at the end of the semester.  23 MS. MATTHEWS: We'll take the end of the  24 school year.  25 THE CHAIR: No. That wasn't even on the</p>

## Page 202

1 menu.  
 2 MS. MATTHEWS: Oh, come on, Ms. Gipson.  
 3 THE CHAIR: I think this is it. I think  
 4 this is it.  
 5 COMMISSIONER JOHNSTON: Yeah.  
 6 MS. MATTHEWS: So what is it?  
 7 THE CHAIR: We stick with this language,  
 8 that the school -- I've written so many -- "The  
 9 school provide NWEA testing data to CSD by  
 10 May 20th."  
 11 MS. MATTHEWS: I'm sorry, Ms. Gipson. Can  
 12 you start over?  
 13 Oh, you have it.  
 14 THE CHAIR: 5/20, the school provide --  
 15 COMMISSIONER CRONE: 2018.  
 16 THE CHAIR: I'm losing my school year.  
 17 2018. "by 5/20/18, the school provide NWEA testing  
 18 data to CSD. If the NWEA report shows the school  
 19 met its goal, the school has -- the school satisfied  
 20 the CAP. If CSD determines, through their  
 21 assessment of..." -- I can't even write anymore --  
 22 "...NWEA test results..." -- so I've made a  
 23 distinction between report and test results -- "If  
 24 CSD determines through their assessment of NWEA test  
 25 results that the school did not meet its goal, a

## Page 204

1 customized. It's "test results" if --  
 2 COMMISSIONER ARMBRUSTER: That's clear.  
 3 Just wanted to make sure it was clear language.  
 4 THE CHAIR: We've eliminated that, because  
 5 there seems to be confusion with the term, "raw  
 6 data."  
 7 COMMISSIONER JOHNSTON: I have one last  
 8 question.  
 9 THE CHAIR: No.  
 10 COMMISSIONER JOHNSTON: Because we have  
 11 to, because this -- this customized report is  
 12 expensive. Are you funding it out of this year's  
 13 budget? Next year's budget? Have you looked at the  
 14 cost of it?  
 15 MR. CHRIS JONES: We haven't been quoted a  
 16 price; so it would have to be out of next year's  
 17 budget.  
 18 COMMISSIONER JOHNSTON: That's a given,  
 19 that you're adding as you go through this. I knew  
 20 you were; but I wanted to check.  
 21 Thank you.  
 22 COMMISSIONER TOULOUSE: Madam Chair?  
 23 THE CHAIR: Yes.  
 24 COMMISSIONER TOULOUSE: I should have been  
 25 part of the negotiation. I thought I was skipping

## Page 203

1 revocation hearing will take place within 15 days  
 2 after any appeal."  
 3 Because we've opened -- well --  
 4 COMMISSIONER ARMBRUSTER: Didn't we say  
 5 that in the original thing?  
 6 THE CHAIR: No, no, no. The appeal is the  
 7 test results, not an appeal --  
 8 COMMISSIONER ARMBRUSTER: Of that, okay.  
 9 THE CHAIR: Not an appeal of the -- but  
 10 the -- if we want to -- or "review" by third party  
 11 instead of "appeal"? Take the word "appeal" out?  
 12 MS. MATTHEWS: It's consistent with the  
 13 language that we use later on. So if you say,  
 14 "third-party review," it's consistent with the  
 15 language that we use later on. So if you say --  
 16 THE CHAIR: Okay. So, "...after any  
 17 third-party review." Okay?  
 18 And there's -- so we have an understanding  
 19 that this is probably July that this -- that this  
 20 is -- you know.  
 21 COMMISSIONER ARMBRUSTER: Madam Chair? On  
 22 that first sentence, I think -- you look, because I  
 23 can't remember all you said -- it's the NWEA raw --  
 24 THE CHAIR: No, we're not using the term,  
 25 "raw data." We're using "report" if it's the

## Page 205

1 something by not doing that; but we're renegotiating  
 2 that.  
 3 THE CHAIR: You missed four-and-a-half  
 4 hours of fun time.  
 5 COMMISSIONER TOULOUSE: But I have some  
 6 concerns, if we were ready to go forward with this,  
 7 if we keep doing all this back-and-forth. But I am  
 8 concerned already about your students. Are you  
 9 already losing some?  
 10 MR. CHRIS JONES: You know, it's been the  
 11 biggest roller-coaster year. And we've lost some.  
 12 Our enrollment looks okay for next school year.  
 13 I really don't know how to answer that.  
 14 It's -- you know, it's just been one of those years.  
 15 COMMISSIONER TOULOUSE: I'm concerned  
 16 because my grandson is at Cien Aguas. And they were  
 17 preparing for you to close and to take most of your  
 18 students.  
 19 It's not my problem now, because they're  
 20 with APS; so I don't have to worry about their cap  
 21 or their building.  
 22 Because we're putting everybody in limbo,  
 23 even with doing this. And I'm concerned that even  
 24 doing this one year, you may not be hanging onto  
 25 your kids and your students. And there needs to be

## Page 206

1 a way, I think, to make sure that those students and  
2 their families are totally bought-in to they've got  
3 to do it, that the kids have got to do it, the  
4 parents have got -- I mean, no fussing about it, no  
5 not showing up, not doing your homework, if they  
6 want to do that.

7 MR. CHRIS JONES: Sure. Yeah.

8 COMMISSIONER TOULOUSE: And I don't know  
9 how you do that. But I think it isn't going to be  
10 you folks; it's going to be those students.

11 THE CHAIR: And, you know, this is --  
12 short of revoking them, this was -- so this -- you  
13 know, if we don't want to hang them out for a year,  
14 then it was revocation.

15 So I think this was fair and reasonable.  
16 And I understand what you're saying in terms of --  
17 but that's a decision that families need to make.  
18 And you're right. Families need to understand what  
19 this will all mean. And there has to -- that effort  
20 has to -- it's a community-wide effort to move the  
21 school along at this point in time. It can't be  
22 done by any one person or any small group of people.  
23 It is a commitment by the entire school community  
24 there.

25 COMMISSIONER TOULOUSE: If you can get the

## Page 208

1 And I hopefully captured all of the changes.

2 All right. I make a motion that the  
3 Public Education Commission adopt the Corrective  
4 Action Plan for La Promesa with the following  
5 corrections:

6 The school will -- under "General  
7 Agreement, Academic Goals," "The school will show,  
8 in fiscal year '17-'18, that it has a school grade  
9 of C. By May 20th, 2018, the school will provide  
10 raw data..." -- "...will provide NWEA testing data  
11 to CSD. If the NWEA report shows the school met  
12 their goal, the school has satisfied the Corrective  
13 Action Plan. If CSD determines, through their  
14 assessment of NWEA testing results, that the school  
15 did not meet its goal, a revocation hearing will  
16 take place within 15 days after any third-party  
17 review."

18 Under "Academic Performance Framework,"  
19 the correction is, "The CSD must provide data  
20 interpretation no later than 15 to 20 days from the  
21 date the school provides the data."

22 Under "Organizational Goals," No. 2, it  
23 is, "Beginning fiscal year..." -- or "School" --  
24 "SY," really -- "...17-'18, the school must work  
25 with student achievement."

## Page 207

1 commitment of the people who showed up here with us  
2 and showed up in front of the school and all of  
3 those places, then you're fine. But you've got to  
4 make them understand that their commitment is not  
5 just to come here to us; their commitment is to you  
6 folks.

7 MR. CHRIS JONES: Right. And,  
8 Commissioner Toulouse, to answer your question, I'm  
9 hopeful still that we'll get that level of  
10 commitment. I was truly banking on the "C." I  
11 really was. There's a lot of research around NWEA  
12 with that growth goal. So the "C" and making sure  
13 we moved our Q1 kids and close those gaps. But it  
14 took us so far out into the next school year that it  
15 became problematic in itself.

16 We're going to have to do the best we can,  
17 with the help of our parents and our community.

18 COMMISSIONER JOHNSTON: And, Mr. Jones,  
19 that's under your leadership.

20 MR. CHRIS JONES: Sure. Absolutely.

21 THE CHAIR: Okay.

22 COMMISSIONER ARMBRUSTER: I'm not reading  
23 that. I'm taking notes. I'll second; but I'm not  
24 going to read it.

25 THE CHAIR: So I will make the motion.

## Page 209

1 And the elimination of all the wording  
2 starting with, "...or an alternate continuous  
3 improvement." Okay?

4 So the remainder of that paragraph goes --  
5 Under "General Agreement," letter "e," "CSD will  
6 attempt to coordinate the site visits to take place  
7 at the same time."

8 Finally, under "Financial Goals," No. 1,  
9 there is an addition of, "...and a site visit by  
10 School Budget and Financial Bureaus" -- I'm sorry --  
11 "...Financial Analysis" -- thank you -- "...and the  
12 Financial Bureau"?

13 MS. POULOS: "Audit."

14 THE CHAIR: "...and the "Audit Bureau."

15 All right.

16 And in No. 2, the word "identical" is  
17 being replaced by "repeat."

18 Do I have a second?

19 COMMISSIONER ARMBRUSTER: (Indicates.)

20 THE CHAIR: Second by Commissioner  
21 Armbruster.

22 Roll-call vote, please.

23 COMMISSIONER ARMBRUSTER: Are there any  
24 abstentions?

25 Seeing none, Commissioner Gipson?

Page 210	Page 212
<p>1 THE CHAIR: Yes.</p> <p>2 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>3 Toulouse?</p> <p>4 COMMISSIONER TOULOUSE: Yes.</p> <p>5 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>6 Ruiz?</p> <p>7 COMMISSIONER RUIZ: Yes.</p> <p>8 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>9 Johnston?</p> <p>10 COMMISSIONER JOHNSTON: Yes.</p> <p>11 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>12 Armbruster votes "yes."</p> <p>13 Commissioner Conyers?</p> <p>14 COMMISSIONER CONYERS: Yes.</p> <p>15 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>16 Crone?</p> <p>17 COMMISSIONER CRONE: Yes.</p> <p>18 COMMISSIONER ARMBRUSTER: That is a seven</p> <p>19 to zero.</p> <p>20 THE CHAIR: Motion passes seven-zero.</p> <p>21 Thank you.</p> <p>22 COMMISSIONER JOHNSTON: And, Mr. Jones, I</p> <p>23 appreciate your active participation in this.</p> <p>24 MR. CHRIS JONES: Of course. Thank you.</p> <p>25 Thank you all very much.</p>	<p>1 indicated that it could be anywhere from two to five</p> <p>2 hours, their presentation. So that we wanted to be</p> <p>3 able to have enough time to have some input with it,</p> <p>4 so that we didn't want to leave everything and try</p> <p>5 to squeeze the Public Impact presentation in all on</p> <p>6 Friday. So that we should be able to get rid of our</p> <p>7 regular business Thursday afternoon.</p> <p>8 And I'm guessing, because it's the time of</p> <p>9 the year, there probably won't be that many</p> <p>10 amendment requests coming in.</p> <p>11 Maybe not. But if there is, we can get</p> <p>12 through that on Thursday afternoon, and that will</p> <p>13 leave us the Public Impact presentation for Friday.</p> <p>14 Is there anything else you want to add to</p> <p>15 that?</p> <p>16 MS. POULOS: (Indicates.)</p> <p>17 MS. FRIEDMAN: Madam Chair, I'd like to</p> <p>18 also mention that we had been scheduled to meet in</p> <p>19 the Roundhouse; but we're going to be meeting here</p> <p>20 in Mabry Hall on the 15th and the 16th. And I'll</p> <p>21 change the calendar.</p> <p>22 THE CHAIR: Okay. Thank you. Okay. That</p> <p>23 was -- wow, that was quick.</p> <p>24 We're on to No. 10, which is Discussion</p> <p>25 and Possible Action on Contract Negotiations with</p>
Page 211	Page 213
<p>1 THE CHAIR: Commissioners, I think we need</p> <p>2 to take a lunch break.</p> <p>3 (A discussion was held off the record.)</p> <p>4 THE CHAIR: So it is 20 to 2:00. I'm</p> <p>5 going to say we're going to try to be back by 2:30.</p> <p>6 But we're going to do our best to be back by 2:30.</p> <p>7 (Recess taken, 1:35 p.m. to 2:44 p.m.)</p> <p>8 THE CHAIR: We have ourselves a quorum</p> <p>9 now. So we are now on to No. 9, Discussion and</p> <p>10 Possible Action on Public Impact Contract Regarding</p> <p>11 the Performance Framework.</p> <p>12 And I think this is going to be fairly</p> <p>13 quick today.</p> <p>14 But the recommendation -- Public Impact</p> <p>15 has offered to come in and do a presentation for the</p> <p>16 PEC. And we have said that we talked about it</p> <p>17 yesterday at the Work Session and worked out a</p> <p>18 schedule so that, hopefully, this presentation can</p> <p>19 be accommodated by our starting, actually, the</p> <p>20 regular portion -- a piece of the regular portion of</p> <p>21 our meeting the Thursday afternoon --</p> <p>22 MS. FRIEDMAN: 15th.</p> <p>23 THE CHAIR: -- of the 15th, and we would</p> <p>24 be able to get through a lot of the routine stuff on</p> <p>25 Thursday afternoon. Because Public Impact has</p>	<p>1 Renewal Schools Currently Not Under Contract.</p> <p>2 So, we are in preliminary discussions.</p> <p>3 And our -- my schedule was a little in flux, because</p> <p>4 we had the appeal with Estancia Valley that kept</p> <p>5 moving. But right now, what I'm hoping that we're</p> <p>6 going to be able to do is to -- and I know one</p> <p>7 school already told us that June isn't a good time</p> <p>8 for them, because they're --</p> <p>9 COMMISSIONER ARMBRUSTER: Gone.</p> <p>10 THE CHAIR: -- gone, traveling. So the</p> <p>11 Director -- you weren't there when we were</p> <p>12 discussing with them, weren't you?</p> <p>13 MS. POULOS: Yes, I was.</p> <p>14 THE CHAIR: Because it seems like a long</p> <p>15 time ago now.</p> <p>16 So that we'll work out some kind of</p> <p>17 Memorandum of Understanding with that school so that</p> <p>18 there's no concern that a contract is there for</p> <p>19 them.</p> <p>20 And the other schools that will -- I'm</p> <p>21 hoping to be able to schedule dates around the</p> <p>22 June 14th meeting time with those schools.</p> <p>23 MS. FOX: Can I come down?</p> <p>24 THE CHAIR: Sure.</p> <p>25 MS. FOX: Madam Chair, Susan Fox with the</p>



Page 214

1 Matthews Fox firm. And we represent five schools  
2 who were renewed last fall. Don't know if any of  
3 the others are here. And I think there are a couple  
4 of school representatives who are actually here.

5 Appreciate all that. I understand the  
6 situation that the PEC is in. The difficulty with  
7 an MOU, though, is that as we read the statute, the  
8 charters are going to expire by their own terms as  
9 of July 1. And so I would request that the PEC put  
10 a vote on the -- either now or in June, sometime  
11 before June 30th, on the record to extend these  
12 charter contracts until we can get a new framework  
13 and contract in place.

14 THE CHAIR: Yes. Yeah.

15 MS. FOX: Okay.

16 THE CHAIR: We're working on that, so that  
17 that'll be solidified -- we will either be meeting  
18 with them, or there will be a vote so that it will  
19 go forward, that everyone will be safe and  
20 comfortable July 1st.

21 MS. FOX: Safe and comfortable is a good  
22 place for a charter school. I'm not sure that's  
23 ever something we've experienced; but we'd be happy  
24 to try for it.

25 Thank you.

Page 216

1 MS. FOX: And, Madam Chair, our governing  
2 councils will need to meet to also sign off on  
3 whatever that ends up being, as well; so --

4 THE CHAIR: Right. And I get -- that is a  
5 concern, 'cause I don't know if some of them take a  
6 break, because it's June. But I think that could be  
7 worked out with the governing councils. If they had  
8 to do a quick special, they could.

9 MS. FOX: Okay.

10 THE CHAIR: Okay.

11 MS. FOX: We'll be in touch in the future,  
12 then. Great. Thank you.

13 THE CHAIR: Great. Thanks.

14 We're moving along.

15 Item No. 11, Discussion and Possible  
16 Action on Contract for PEC Legal Services.

17 So let me just tell you a little bit of  
18 what I did.

19 The one document that you have is titled,  
20 "PEC Proposal to PED's Office to Hire a Contract  
21 Counsel." And it's not -- it was put in separately  
22 yesterday. I think it was just laid on the -- so  
23 it's not in your binder.

24 So that -- let me -- I just want to let  
25 people know that I didn't make this up myself. All

Page 215

1 THE CHAIR: Right. Okay? If there -- if  
2 you have any other questions, we'll be in touch.  
3 That's the best I can do right now.

4 MS. FOX: Okay. And we'll be -- the other  
5 point I would like to make is we would also need to  
6 have an extension of the time to appeal in case  
7 there was a problem.

8 THE CHAIR: Yeah. Yeah.

9 MS. FOX: And so you said, like, we're on  
10 the same page.

11 THE CHAIR: Yeah. That won't be an issue.

12 MS. FOX: Okay. I don't know if anyone  
13 else here wants to say something; but I'm finished.

14 MS. BENNETT ANDERSON: When might you have  
15 this extension? When?

16 THE CHAIR: The extension of time?

17 MS. BENNETT ANDERSON: No. When will you  
18 have something written that -- the MOU?

19 THE CHAIR: I'm going to say within two  
20 weeks. Within two weeks. It's in the works. It's  
21 in the mail.

22 COMMISSIONER ARMBRUSTER: It isn't. It  
23 isn't.

24 MS. FOX: So the next PEC meeting.

25 THE CHAIR: Absolutely, yes. Yes. Yeah.

Page 217

1 right? This was populated before my time, that this  
2 was the work product Of A Work session when Deputy  
3 Secretary Aguilar made an initial proposal, I'm  
4 going to say.

5 And Commissioner Toulouse can better frame  
6 this. I'm going to say probably three years ago or  
7 so. So it was before -- right. Commissioner  
8 Toulouse and Conyers were, right now, the only two  
9 present that were on the Commission at the time.

10 But there was a work session that was  
11 held. And this was the work product of that. There  
12 had been a request about two years ago -- a year and  
13 a half, two years ago -- for a similar proposal.  
14 And someone said that they had a copy of this.

15 So I was forwarded a copy of this, and  
16 that's what I forwarded to the Deputy Secretary at  
17 that time.

18 So that when the -- when the offer for  
19 legal counsel -- legal services came forward again,  
20 I said, "Well, I've got a scope of work that had  
21 been worked on"; so that I did not add anything to  
22 this document. I took two things out of it that was  
23 in there. And that was, one of the requests was for  
24 a four-year contract; and I just thought that could  
25 become problematic. So I removed that request.

## Page 218

1 I just thought, "Well, I don't know  
2 whether -- four years?" You know, I didn't know.  
3 So I took that out.  
4 And there was an item on contract  
5 negotiations in there, and I took that out.  
6 Other than that, I didn't alter this  
7 document because the item about contract  
8 negotiations really didn't affect the legal counsel  
9 itself; so I took that out.  
10 Otherwise, this document stands as had  
11 been presented by the PEC three years ago, okay?  
12 What the Director provided for us  
13 yesterday was two separate copies, one with the  
14 redlined, which was what was added in, and, in some  
15 cases, taken out, because there's underlines and  
16 there's cross-outs. But then there's a finalized,  
17 clean copy, so that you can navigate what had been  
18 taken out through the red. And then you've got the  
19 final, clean copy.  
20 And I'm getting myself lost in my copies.  
21 COMMISSIONER JOHNSTON: And may I ask an  
22 historical question -- hysterical or historical?  
23 THE CHAIR: Sure.  
24 COMMISSIONER JOHNSTON: When --  
25 THE CHAIR: As long as it's not

## Page 220

1 worked and just hadn't gotten the right information  
2 from the right folks at the time -- and I put four  
3 members of the PEC would be on RFP review committee,  
4 if that's a process that goes forward. And I hadn't  
5 gotten the recommended number, and then I got myself  
6 confused.  
7 So the recommended number for an RFP  
8 committee is five.  
9 THE CHAIR: Okay.  
10 MS. POULOS: And then I got myself  
11 confused, thinking that would be a quorum, which  
12 it's not. So that would be a point where you may  
13 want to have that conversation to meet that  
14 recommended number.  
15 THE CHAIR: Okay.  
16 COMMISSIONER JOHNSTON: And that's in --  
17 the four is the number that's in what you gave us?  
18 THE CHAIR: Right.  
19 MS. POULOS: Yes, I believe that's on the  
20 first page.  
21 COMMISSIONER JOHNSTON: Oh, okay.  
22 MS. POULOS: Where we talk about an RFP  
23 review committee.  
24 COMMISSIONER JOHNSTON: Yes, okay. Thank  
25 you.

## Page 219

1 hysterical.  
2 COMMISSIONER JOHNSTON: When the first  
3 document was created, did it just -- you never -- it  
4 was never --  
5 THE CHAIR: They've never been acted on.  
6 COMMISSIONER JOHNSTON: It was never acted  
7 on. All right. Thank you.  
8 THE CHAIR: The request for the proposal  
9 was made; but then it was not --  
10 COMMISSIONER TOULOUSE: The reason it  
11 wasn't acted upon was at that point, PED was going  
12 to choose the attorney for us, and it would have  
13 been presented to us. And we felt we needed to  
14 choose our own representative. And it just kind of  
15 died away.  
16 THE CHAIR: And then when the second  
17 request came, the request came; but then the  
18 conversation died.  
19 COMMISSIONER JOHNSTON: Okay.  
20 THE CHAIR: An inglorious death. So now,  
21 there has been this offer again for legal services.  
22 So we're back at this conversation again.  
23 COMMISSIONER JOHNSTON: Thank you.  
24 MS. POULOS: Madam Chairwoman, in regards  
25 to the redlined copy, one of the things that I had

## Page 221

1 THE CHAIR: And I do want to double-check  
2 and thank you, that in the letter "C," that was a  
3 typo error; correct? That it should be, "the  
4 majority vote of the PEC," not the "PED."  
5 MS. POULOS: That is correct. Letters.  
6 THE CHAIR: I know. I know. So I'll open  
7 it up for questions, comments, concerns, from anyone  
8 at this point in time.  
9 I have a couple; so -- but I'll open it up  
10 first.  
11 COMMISSIONER ARMBRUSTER: So this person  
12 would -- when they're saying, "contracted with one  
13 or more attorneys to provide limited legal  
14 representation," they have a budget of \$85,000, and  
15 that's because they would do it on an as-needed  
16 basis?  
17 THE CHAIR: Yes. Through a discussion  
18 with the two Deputy Secretaries yesterday, when I  
19 saw this, my -- my thought was -- it's not, "Ooh,  
20 wow, we have \$85,000; we're going to spend \$85,000";  
21 but there's an allotment there, and that the person  
22 will bill out the hours; all right? That will  
23 happen.  
24 But I would hope there -- it all wouldn't  
25 be used, but not anti- -- we can't anticipate how

## Page 222

1 many potential appeals that we -- that we could  
2 have; so that that -- you know, there's a -- there's  
3 a question mark that is there.

4 So that as we had a short discussion  
5 yesterday, it's like, well, there could be a year  
6 where you'd use it all, and then there could be  
7 another year where you would only use half of it.

8 COMMISSIONER ARMBRUSTER: Or not at all.

9 THE CHAIR: We'll always use some of it;  
10 because there will be legal services that will be  
11 required. So it'll never be a zero.

12 But there -- if we have a year where there  
13 are no appeals, then it would be way less than a  
14 year that we've had a lot. So that's -- you know,  
15 it's not a, "Here's the money, go use it."

16 We're trying to be thoughtful with the use  
17 of that money; so that that's -- you know, it's not  
18 a -- we're not -- we're not giving this individual a  
19 salary.

20 COMMISSIONER ARMBRUSTER: Right. Because  
21 this person is going to do other jobs to earn his or  
22 her living, and this will be --

23 THE CHAIR: Correct. And from my  
24 perspective and my desire, my preference is for it  
25 to be a person, not multiple people, that have the

## Page 224

1 able to have legal access and say, "This is a fair  
2 and reasonable reason why," and that they should  
3 have the opportunity to evaluate and access data  
4 that is public record.

5 So I have a concern when, as an example --  
6 I think it was letter "J" -- gets taken out, and  
7 letter "L" -- the PEC is obligated by statute to  
8 provide a report. And what the PE -- all  
9 authorizers are provided -- are statutorily  
10 obligated to provide a report. That report is then  
11 supposed to go to the Cabinet Secretary, and PED  
12 makes an overall report.

13 So I wouldn't want to do that without  
14 legal review.

15 COMMISSIONER JOHNSTON: And that's "L"?

16 THE CHAIR: That's "L."

17 COMMISSIONER JOHNSTON: Okay. So that was  
18 taken out.

19 Is there anywhere -- all right. I'm  
20 looking at the red. Where does it talk about -- you  
21 said -- "provide legal representation, if requested,  
22 with negotiation worksheets requested from the  
23 Chair."

24 So statutorily, we are required, as a  
25 Commission, to make an annual report; is that

## Page 223

1 opportunity to get -- to do contract work; because I  
2 think it's beneficial to have whoever it is, that it  
3 be a consistent voice, so that that would -- you  
4 know, that would be my -- my preference.

5 I think we need to -- there's a -- there's  
6 a couple of other things that -- that do concern me,  
7 in particular, about what was taken out that the PEC  
8 had asked for. And I -- you know, I'll reiterate  
9 concerns that I've expressed before, that if the PEC  
10 is asking for this, I think they're valid and  
11 reasonable requests, and I don't know why they're  
12 being denied.

13 So I will -- and I'll speak to part of it.

14 At this point in time, I have no issue  
15 with letters being generated out from the PEC. And  
16 if our role is going to increase in, as an example,  
17 we're going to send out the letters in regards to  
18 amendment requests, and it's going to be our  
19 determination that we're not going to hear an  
20 amendment request, and this is the reason why, I  
21 have no issue with that letter coming from the PEC.

22 However, I'm not going to execute that  
23 letter without some kind of review of that letter  
24 going out. And I think that any legal counsel that  
25 we had would have an expectation that we would be

## Page 225

1 correct?

2 THE CHAIR: Correct.

3 COMMISSIONER JOHNSTON: So with that taken  
4 out, is there anything in this -- because that's  
5 not -- oh. Because -- and you're saying that you  
6 would like the attorney to assist in drafting an  
7 annual report?

8 THE CHAIR: I think anything that comes  
9 from us needs eyes on.

10 COMMISSIONER JOHNSTON: So it needs  
11 review. And, I'm sorry. I'm --

12 COMMISSIONER RUIZ: Review or assistance  
13 in drafting, or drafting it altogether.

14 THE CHAIR: Right. Yeah.

15 COMMISSIONER JOHNSTON: We wouldn't want  
16 an attorney to draft it.

17 THE CHAIR: I think they can aid in the  
18 drafting of.

19 COMMISSIONER JOHNSTON: Do we do that  
20 every year? And I ask that --

21 THE CHAIR: We have not.

22 COMMISSIONER JOHNSTON: We have not.

23 THE CHAIR: We have not.

24 COMMISSIONER JOHNSTON: Why? "Why" makes  
25 no difference. We have not done it. Does Charter

Page 226

1 School Division do an annual report?  
 2 MS. POULOS: Madam Chairwoman,  
 3 Commissioners, no charter school authorizer has  
 4 provided an annual report to the PED at this time.  
 5 One of the things that we are going to  
 6 work on is identify what the template for that  
 7 report is, to make sure we have the information we  
 8 need to provide the report. And as far as our --  
 9 our annual report that comes out of CSD, there are  
 10 some; but there is not an up-to-date report.  
 11 THE CHAIR: We've had no staff to do it.  
 12 COMMISSIONER JOHNSTON: No. I understand.  
 13 I'm just trying to get my head wrapped around it.  
 14 So Charter School Division, if -- to  
 15 assist us in drafting such a report, if not a  
 16 contracted attorney, we're expected to generate this  
 17 report on our own?  
 18 MS. POULOS: Madam Chairwoman,  
 19 Commissioner Johnston, the position of the PED in  
 20 making changes to this is that this is a contract  
 21 for legal services. And you'll note in the memo  
 22 that it was indicated that the \$85,000 is being set  
 23 aside for legal services.  
 24 And, really, the -- the PED Charter  
 25 Schools Division provides the staff support. And in

Page 228

1 that we need to do this on our own.  
 2 COMMISSIONER JOHNSTON: Do what? I'm  
 3 sorry -- "on our own."  
 4 THE CHAIR: Get the report. We need to do  
 5 this report. We have a statutory obligation to do  
 6 this report.  
 7 COMMISSIONER JOHNSTON: But our attorney  
 8 should not be the person who -- our attorney --  
 9 THE CHAIR: I don't necessari- -- I don't  
 10 necessarily agree with that; because I think the  
 11 attorney can help us in --  
 12 COMMISSIONER JOHNSTON: It's like an  
 13 annual report. Everywhere I've ever worked, the  
 14 attorneys have not done those annual reports.  
 15 THE CHAIR: I'm not saying they're going  
 16 to do it.  
 17 COMMISSIONER RUIZ: She's saying assist,  
 18 you know, assist in the drafting of that report.  
 19 COMMISSIONER JOHNSTON: But this memo is  
 20 for legal services, not to assist us in drafting a  
 21 report.  
 22 THE CHAIR: Well, this was the scope of  
 23 work that was developed by the PEC for the legal  
 24 services, and this is what they said. And I do  
 25 believe Josh was at that meeting. So this was also

Page 227

1 an instance where we are unable to, where the  
 2 Division is unable to provide support, then we would  
 3 need to go out and provide additional support.  
 4 And certainly, in the context of legal  
 5 services, there are very real, practical reasons  
 6 that the PED cannot provide that -- that staff  
 7 support, because of conflicts of interest, which is  
 8 the intent of this is to address that.  
 9 But with regards to actually drafting a  
 10 report and collecting the data needed for that  
 11 annual report, that is something that would be under  
 12 the -- the provisions of the statute that indicate  
 13 that the CSD provides staff support to the  
 14 Commission.  
 15 COMMISSIONER JOHNSTON: So we would have  
 16 support from the -- from the Charter School Division  
 17 staff for doing that.  
 18 MS. POULOS: That's correct.  
 19 THE CHAIR: Well, so far, we have not. So  
 20 a report has not been populated.  
 21 COMMISSIONER JOHNSTON: Okay.  
 22 THE CHAIR: So --  
 23 COMMISSIONER ARMBRUSTER: Ever, is what  
 24 you're saying?  
 25 THE CHAIR: That's what I'm saying, is

Page 229

1 with the Attorney General's counsel that was here at  
 2 that work session for that scope of work.  
 3 COMMISSIONER JOHNSTON: All right.  
 4 COMMISSIONER TOULOUSE: Madam Chair, I  
 5 think the idea was, especially as we just begin to  
 6 do a report, to make sure that we have everything  
 7 that legally should be in a report, not to have it  
 8 drafted, but to be reviewed and make sure that we  
 9 are making -- doing what we are legally obligated to  
 10 do. And I think that is something a lawyer would  
 11 do.  
 12 COMMISSIONER JOHNSTON: I disagree.  
 13 COMMISSIONER TOULOUSE: Well, you do  
 14 frequently.  
 15 COMMISSIONER JOHNSTON: Excuse me?  
 16 COMMISSIONER TOULOUSE: You disagree  
 17 frequently.  
 18 COMMISSIONER JOHNSTON: Well...  
 19 COMMISSIONER CONYERS: Madam Chair,  
 20 what -- I know there's a reference to a template for  
 21 the report. Is that something we need before doing  
 22 that? Or is that -- that's something that's in  
 23 development? Or where is that?  
 24 MS. POULOS: Madam Chairwoman,  
 25 Commissioner Conyers, I think it's important that no

Page 230

1 authorizer has done any reporting. And there has  
2 been no direction from the CSD on what that report  
3 is supposed to contain. And I think that's really  
4 important to acknowledge.

5 And certainly, no authorizer is being held  
6 accountable for not reporting for that reason. And  
7 that is something that, for the next fiscal year, we  
8 absolutely intend on having in place to identify  
9 what is the expected reporting.

10 And, again, because CSD provides the staff  
11 support on the authorizing practices, we would have  
12 all the information necessary to populate that  
13 report and that template that we set out as the  
14 expectations.

15 THE CHAIR: So I guess there's also the  
16 question of -- I have to make sure I'm looking at  
17 the correct one. Correct me if I'm wrong.

18 On your clean version, does D -- is -- are  
19 we looking at the ten meetings, when requested by  
20 the Chair? Is that part of this? Or -- 'cause I  
21 know there was another discussion.

22 MS. POULOS: Madam Chairwoman, I believe  
23 we had discussions about whether that would be "when  
24 requested by the Chair," or that that language would  
25 be eliminated after these were printed. And so,

Page 232

1 earlier about being prudent in spending the money  
2 and everything -- is that having the PEC attorney  
3 here all the time would -- you know, they -- they  
4 make good money. And so I think that might not be  
5 the best use of the funds, I would say, on an  
6 as-needed basis.

7 THE CHAIR: Okay.

8 COMMISSIONER JOHNSTON: I agree with that.

9 COMMISSIONER ARMBRUSTER: I guess if we  
10 were having that person here, we would arrange the  
11 agenda so that what we would want that person here  
12 for were all together, you know, not like --

13 THE CHAIR: I don't think we can guarantee  
14 that.

15 COMMISSIONER ARMBRUSTER: No. But we can  
16 usually tell -- no, we can't always do it; but we  
17 can certainly tell, perhaps, those --

18 THE CHAIR: Well -- and it is somewhat of  
19 a long shot, because you don't know when something's  
20 going to arise.

21 COMMISSIONER ARMBRUSTER: Right.

22 THE CHAIR: So that that's always -- you  
23 know, something comes up that's unanticipated; so  
24 that that, you know, could become problematic. It  
25 could.

Page 231

1 certainly, yeah.

2 THE CHAIR: Okay. So there -- there was  
3 also a question of whether we want the PEC attorney  
4 here on a -- on a regular basis at the meetings. I  
5 had some concern about if we're eating up money for  
6 that, you know, to be here.

7 So then the question arose, "And we would  
8 have two attorneys here?"

9 So it could become convoluted as to who do  
10 you look to for answers.

11 So then it opens up a greater question.  
12 Do we want the PEC attorney here, a PEC attorney  
13 here, on a regular basis with the Attorney General's  
14 Office, available for consult for Open Meetings  
15 concerns?

16 COMMISSIONER JOHNSTON: And my question,  
17 is that statement about -- is that in this draft?

18 THE CHAIR: It is not.

19 COMMISSIONER JOHNSTON: Okay.

20 THE CHAIR: That -- this proposal is  
21 ultimately up for review and possible changes; all  
22 right? So that's the -- that is a question that I'm  
23 posing at this point in time.

24 COMMISSIONER CONYERS: Madam Chair, my  
25 comment on that is -- and especially, you talked

Page 233

1 COMMISSIONER JOHNSTON: Well, now, what --  
2 what Commissioner Conyers said is being prudent  
3 budgetarily.

4 THE CHAIR: Correct.

5 COMMISSIONER JOHNSTON: We would not want  
6 them at every meeting; is that correct? Because  
7 that was -- I agree with you.

8 THE CHAIR: That was the initial -- that  
9 was the initial thought with why it would be there  
10 on an as-needs basis.

11 COMMISSIONER JOHNSTON: Yes.

12 THE CHAIR: The concern becomes being able  
13 to adequately figure out that the need is going to  
14 be there. So it is a little bit of a -- you know, a  
15 gamble. When you're looking at an agenda, you  
16 sometimes anticipate that things are -- this is  
17 going to go okay, and then it doesn't. So that now  
18 what do you do?

19 COMMISSIONER JOHNSTON: And -- Mr.  
20 Stevens -- for clarification, Mr. Stevens is here to  
21 advise us on Open Meetings Act and procedural.

22 So to have another attorney here would  
23 be -- I don't --

24 THE CHAIR: That's why I said it would be  
25 confusing. So then the question would be if the

## Page 234

1 PEC -- if we wanted the PEC attorney here on a  
2 regular basis, then the Attorney General's Office  
3 would only be there on an on-call availability.

4 COMMISSIONER JOHNSTON: All right.

5 THE CHAIR: Because I think it would  
6 become too confusing --

7 COMMISSIONER JOHNSTON: I agree.

8 THE CHAIR: -- to say, "Well, who do we  
9 look to for this, and who do we look to for that?"

10 It gets -- you know, it gets tough to  
11 navigate those waters.

12 So I think if there was a concern about  
13 Open Meetings, the Attorney General's Office could  
14 be available for advice. That's -- Director?

15 MS. POULOS: Madam Chairwoman and  
16 Commissioners -- and certainly, part of the  
17 discussion that we had is, as the Commission is  
18 moving forward, making changes to policies, creating  
19 new policies, you've already seen -- and making hard  
20 decisions, which you're doing every day, and I think  
21 more so than was done in the past, you see that --  
22 that these are becoming legal issues, and that your  
23 charter schools almost always have legal  
24 representation.

25 And so certainly, part of the thought is

## Page 236

1 stuff and less of the, you know, busy-work stuff, it  
2 would seem to me that we could work that out once it  
3 was done.

4 Personally, I will be surprised if this  
5 money comes through; but it would be nice if it  
6 does. I'm waiting for any kind of final budget out  
7 of the state. So -- and I don't have --

8 THE CHAIR: PED's budget has been  
9 approved.

10 COMMISSIONER TOULOUSE: Well, you don't  
11 know until they finish all of the budget stuff what  
12 other adjustments are going to end up getting made,  
13 having been here before.

14 So I don't think, at this point in time --  
15 I think it's something to plan for; but I'm not  
16 going to get real excited about it until I see what  
17 comes out of the Special Session, if anything comes  
18 out of it.

19 THE CHAIR: I'm going to be, "The glass is  
20 half-full at this moment in time," because I'm  
21 fairly confident that this is going to move forward.  
22 I mean, I've had exhaustive conversations. And I  
23 feel confident that they've been genuine  
24 conversations; so I'm going to say that this is  
25 going to go forward.

## Page 235

1 that you may also want to, at all times, have that  
2 legal representation, that, you know, can be there  
3 to help navigate those issues and the conversations  
4 where the schools have attorneys at the table.

5 THE CHAIR: I think -- I think at this  
6 point in time, there is a reasonable dollar there  
7 that we wouldn't, right now, be concerned that it's  
8 going to be April, and we're out of money. I  
9 understand the concern. But we are making  
10 significant policy changes, inroads.

11 And it's -- oftentimes, we're thinking,  
12 you know, "We have to check on this," when if we had  
13 our legal counsel here, we wouldn't have to be  
14 perhaps holding something off to the next month and  
15 check. That's a thought that's out there.

16 COMMISSIONER TOULOUSE: Madam Chair, if we  
17 ended up with a legal counsel, I think the best  
18 thing we would do is sit down with them when he or  
19 she is hired and discuss with them the things we do  
20 and the order we usually do them in during the year  
21 and figure out a schedule of what we do, when, that  
22 would figure out to a certain extent, and then we'd  
23 have some emergency stuff to fill in.

24 But to me, that would be the way to go,  
25 that -- the months that we do more of the business

## Page 237

1 The question is what is the scope of work?

2 My only concern is that, you know, if  
3 there are -- if there are more pieces that are  
4 coming out in the name of the PEC that the -- that  
5 the legal counsel that we have has an adequate  
6 ability to be able to get all of the information  
7 that they need, so that they're clear that the  
8 letters that are being sent out, we're not -- we  
9 don't have an issue with, ultimately. And that's my  
10 only concern.

11 COMMISSIONER JOHNSTON: And, Madam Chair,  
12 finally, I understand what you're saying about  
13 asking us to consider having an -- an attorney with  
14 whom we contract at every meeting; because we do --  
15 we are faced, more often than not, with attorneys  
16 speaking to us first, instead of charter school  
17 folks.

18 And with the attorneys addressing issues  
19 with the charter schools, it may be of more comfort  
20 to know the best way to respond by having someone  
21 there.

22 But by the same token, I would worry that  
23 it could make it a conversation between two  
24 attorneys instead of a conversation between the PEC  
25 and the charter school representatives about that --

Page 238

1 that's what I'm thinking about right now.

2 I thank you for patiently explaining that  
3 to me, because --

4 THE CHAIR: I think that's -- the burden  
5 is on us.

6 COMMISSIONER JOHNSTON: Yeah.

7 THE CHAIR: So that we make it clear to  
8 the attorney what their role is --

9 COMMISSIONER JOHNSTON: Uh-huh.

10 THE CHAIR: -- at a meeting. And that's  
11 on us, not to rely on that attorney to be the first  
12 voice.

13 I -- personally, I don't have an issue  
14 with the school who speaks first. That's -- and  
15 that's okay if you do. That's fine.

16 COMMISSIONER JOHNSTON: Uh-huh.

17 THE CHAIR: But I hear what you're saying.  
18 And I understand that. I think, however, that these  
19 voices are strong enough that they're not going  
20 to -- you know, to acquiesce to anyone who's sitting  
21 there as the legal counsel to be the voice for the  
22 PEC.

23 But once again, I think that's -- the onus  
24 is on us to make sure that doesn't happen; but I --  
25 I understand your concern.

Page 240

1 translating that in my head to say that you would  
2 definitely like legal review, things that we put in  
3 there.

4 THE CHAIR: Oh, absolutely. Yes.

5 COMMISSIONER JOHNSTON: I don't know that  
6 that's a question. I think we all are looking for  
7 that legal review of what we say. Am I correct in  
8 that, in looking at Charter School Division?

9 COMMISSIONER ARMBRUSTER: So they wouldn't  
10 be analyzing data coming in or doing things that are  
11 not legal; right?

12 THE CHAIR: No, no, no. No. But when --  
13 if someone says -- I guess I'm looking at someone;  
14 because we're looking at who's going to best fit  
15 this bill. And I'm not looking at a person; but I'm  
16 looking at who would best do this.

17 We need someone who can understand the  
18 language of the performance framework, the data, to  
19 some extent, so that they're clear and confident, if  
20 a letter is going out from the PEC, that you're not  
21 X, Y, or Z, that it's correct.

22 COMMISSIONER ARMBRUSTER: Right. So  
23 they're sort of reviewing before going.

24 THE CHAIR: Correct.

25 COMMISSIONER CONYERS: Madam Chair, kind

Page 239

1 COMMISSIONER JOHNSTON: I'm just trying to  
2 sort through it.

3 THE CHAIR: Right. And I think you're  
4 right. I think it could fall into that trap, that  
5 it becomes a two-way conversation between two folks.

6 COMMISSIONER ARMBRUSTER: Easily.

7 THE CHAIR: So we would have to be aware  
8 of that.

9 COMMISSIONER JOHNSTON: And then for  
10 clarification for me, your last comment was that  
11 that was the only area with -- with the scope of  
12 work that you had -- that you were concerned about?  
13 Did I understand that? I don't --

14 THE CHAIR: Which -- the --

15 COMMISSIONER JOHNSTON: You said where --

16 THE CHAIR: The attendance at the  
17 meetings?

18 COMMISSIONER JOHNSTON: Right.

19 THE CHAIR: I still have an issue with  
20 the, to some extent, the J-K. And I do not want to  
21 limit the opportunity for legal counsel to be able  
22 to adequately assess that we are correct in stating  
23 that the school has not met this or -- you know,  
24 that's my concern.

25 COMMISSIONER JOHNSTON: And I'm

Page 241

1 of in light of the conversation, I -- I guess I  
2 am -- I don't guess. I know I agree. In a perfect  
3 world, if the money's there, that would be ideal for  
4 us to have our own attorney.

5 My only concern was whether there was  
6 enough -- you know, sufficient funding for that.  
7 And -- but that would be ideal. I think we would  
8 all agree.

9 THE CHAIR: And I -- because it's not -- I  
10 don't know how to put this. I don't -- this isn't  
11 putting a project on that individual, you know, like  
12 an additional project. So I don't think that it  
13 would -- it's in the scope of our everyday work.

14 So it's not -- I'm not looking at this as  
15 we also want this individual to go off and do this  
16 other project, looking at things. That's not my  
17 concern.

18 My concern is, to some extent, I see not  
19 being able to -- how do I put this? I see, to some  
20 extent, the -- the crossing out of some parts of J,  
21 K, and maybe M -- 'cause I'm -- I made a ton of  
22 notes -- that if you're the entity that is paying  
23 the services, do you have the right to interfere  
24 with what could potentially be attorney-client  
25 privilege, if this is something we want to talk

Page 242

1 about?

2 Does -- do they have the right to say,  
3 "No, you can't talk about that"?

4 And maybe I didn't -- but I think -- you  
5 know, if we're looking at our attorney making  
6 adequate recommendations to us for communications  
7 that are going out to schools, I want to make sure  
8 that that attorney has the ability to be able to  
9 access any and all information that is publicly --  
10 I'm not asking them to do any additional work or  
11 anything like that.

12 COMMISSIONER JOHNSTON: But you want them  
13 to be able to review.

14 THE CHAIR: Yes. Not -- not analyze or --  
15 I'm not asking -- I'm not -- my expectation is that  
16 they're not -- they're not analyzing this work that  
17 CSD has already done. That's -- I'm not looking for  
18 that.

19 COMMISSIONER JOHNSTON: You want access.

20 THE CHAIR: Right.

21 COMMISSIONER JOHNSTON: And is it --

22 THE CHAIR: But I'm not asking -- I'm not  
23 asking -- I don't -- I want the person who's doing  
24 this to be able to understand that information; not  
25 do the analysis, but be able to understand the

Page 244

1 it for us.

2 So to me, those were the things that I  
3 thought then, and still think, that we mostly need  
4 an attorney for.

5 COMMISSIONER ARMBRUSTER: So it would --  
6 would -- or CSD or PED write the letter of the  
7 closure thing and then send it to ours and --

8 THE CHAIR: No. Those letters come out --  
9 are supposed to come out from us. So that would be  
10 part of the legal services.

11 COMMISSIONER ARMBRUSTER: Oh. Doesn't --  
12 who's doing it now?

13 THE CHAIR: CSD.

14 COMMISSIONER ARMBRUSTER: And they're not  
15 supposed to?

16 THE CHAIR: Well, it comes out in our  
17 name.

18 COMMISSIONER TOULOUSE: We lost several  
19 appeals, when I first got on -- when Jim and I were  
20 first on the Commission, because those letters,  
21 which were done for us, were not sufficiently  
22 detailed. And that's --

23 COMMISSIONER ARMBRUSTER: I mean, I  
24 understand what you're saying and can agree with  
25 that. But why wouldn't they be -- you know, seems

Page 243

1 analysis, kind of. Does that explain it better?

2 And I'm -- you know, and I'm looking at --  
3 because, once again, I was a part of the  
4 conversation for this.

5 COMMISSIONER ARMBRUSTER: And only those  
6 two were; so --

7 THE CHAIR: That are here, yeah. Yeah.  
8 But I know that this is all -- this has been a  
9 common thread of conversation a number of other  
10 times.

11 Commissioner Toulouse?

12 COMMISSIONER TOULOUSE: Madam Chair, I  
13 think one of the things that we were concerned about  
14 when this came up was when we do a denial or closure  
15 letter, that we have it sufficiently detailed, and  
16 that all of the reasons are in there in a way that  
17 we can't get caught with, "This is too general," or,  
18 "You didn't say that," or those kinds of things;  
19 because we were caught that way on more than one  
20 occasion.

21 And the other thing that I think we need  
22 now, and we needed then, was somebody who could  
23 respond to, then, an appeal; so they actually had  
24 time to prepare an appeal and not sit down the day  
25 before the appeal and try to get in there and handle

Page 245

1 likes CSD is pretty --

2 COMMISSIONER TOULOUSE: Well, I have no  
3 idea why. And the lawyer who wrote them is not here  
4 and hasn't been here for years. I have no idea why  
5 she would have written them that way.

6 But she did, and it came back on us. And  
7 I don't like to be on the losing end, and then going  
8 into court and me being Court-ordered to vote for  
9 something I didn't want to vote for. So...

10 COMMISSIONER ARMBRUSTER: So the issue is  
11 we could have a PEC lawyer that also didn't have as  
12 much detail.

13 COMMISSIONER TOULOUSE: It's our job to  
14 see that it's on there.

15 COMMISSIONER JOHNSTON: And G and H -- and  
16 I've got so many pieces of paper --

17 THE CHAIR: Me, too.

18 COMMISSIONER JOHNSTON: -- are part of the  
19 questions you're asking? That's why I was --

20 "G" is, "At the" discretion -- "At the  
21 direction of the Chair of the PEC, the attorney will  
22 discuss any legal issues with the Director of  
23 Options for Parents and Families that would impact  
24 the work of the Charter School Division, as it  
25 provides staff support to the PEC."



Page 246

1 And then, "The attorney shall have access  
2 to public documents and information held at or  
3 generated by PED that are necessary to execute the  
4 scope of work. The selected attorney and the  
5 Director of Options for Parents shall  
6 collaboratively determine a process for requesting  
7 and producing public documents and information held  
8 at PED that are necessary to execute..." -- those  
9 don't answer your -- the questions that you're  
10 asking?

11 THE CHAIR: I don't think they did;  
12 because --

13 COMMISSIONER JOHNSTON: Okay. I didn't  
14 know. G and H on this one. I've got too many  
15 pieces of paper. Are they over here on this one,  
16 too?

17 COMMISSIONER ARMBRUSTER: The first G and  
18 H; right? To me, it seems like -- the CSD does all  
19 the investigating and doing all that. And they're  
20 in charge of doing all that. I don't care if our  
21 attorney looks at it; because you have to sign it,  
22 Patty. It seems like a duplication of effort to  
23 have them write the letter.

24 THE CHAIR: But the letter comes from us.

25 COMMISSIONER ARMBRUSTER: Right. But

Page 248

1 has been doing things for us that they shouldn't --  
2 that they don't need to do; because those letters  
3 are from us.

4 Those nonrenewals, those acceptance --  
5 those are our letters; so they should be authored by  
6 our staff.

7 COMMISSIONER ARMBRUSTER: Yeah. I mean --  
8 to me, it's a little bit splitting hairs. I'm not  
9 against what you're saying. But if they're going to  
10 do it, and it's those kind of things -- I understand  
11 what you're saying on those -- it just seems like --  
12 well --

13 THE CHAIR: Then you're saying we don't  
14 need legal counsel.

15 COMMISSIONER ARMBRUSTER: No, I don't  
16 think -- no, I'm not saying that.

17 COMMISSIONER JOHNSTON: We need the legal  
18 review. I absolutely concur; because that's that  
19 language specificity that I was talking about  
20 earlier.

21 But as far as -- I don't understand -- G  
22 and H, that I'm looking at in this scope of work,  
23 seem to address the -- the collaboration between the  
24 attorney and the Charter School Division in  
25 preparing those documents.

Page 247

1 do -- since they have more money than we are going  
2 to have.

3 THE CHAIR: No. The letter comes from us.  
4 So as far as I am concerned, if the letter comes  
5 from us, and we're signing it, the letter should  
6 be -- and if we have legal counsel to do it, then  
7 why shouldn't they do it? What do we have legal  
8 counsel for, then?

9 COMMISSIONER ARMBRUSTER: Standing up when  
10 we disagree with PED.

11 COMMISSIONER JOHNSTON: What do we need  
12 legal counsel for?

13 THE CHAIR: No, that's just it. That  
14 legal counsel is not here to stand up for us when --  
15 this is not an intention because we're at odds with  
16 PED and we want legal counsel, because we're at odds  
17 with PED. This is, in no shape, form, or manner,  
18 has anything to do with anything like that. I want  
19 to make that clear. This is not because we need  
20 some ammunition to help us with PED. This is not in  
21 any -- in any shape, form, or manner for that  
22 purpose.

23 This is because we do have some  
24 obligations, and we need to be able to fulfill those  
25 obligations. And I think, to a great extent, CSD

Page 249

1 The attorney has access to any documents  
2 that are needed, and there's collaboration, and that  
3 part of the work that the Charter School Division  
4 would be, would be to take that legal advice and  
5 interpret it into a -- write it into a letter that's  
6 then reviewed.

7 That's my -- and presented over our  
8 signature, because the attorney is the PEC attorney.  
9 Yeah, that's good.

10 THE CHAIR: So I guess my question is,  
11 what's the next step?

12 MS. POULOS: Madam Chairwoman, I think --  
13 you know, I think we kind of -- next steps, in my  
14 mind, are we kind of need to decide what direction  
15 we want to go, especially, I think, to the primary  
16 question of does the Commission want to move forward  
17 with an attorney that is present at the meetings?

18 Do you want to move forward with an RFP  
19 which would, you know, create the panel, and then  
20 getting to scope of work that we believe reflects?

21 So I think it's important, from the PED's  
22 position, that reflects legal work and -- and  
23 doesn't reflect non-legal work in that scope of  
24 work. And I think, at which point, if this  
25 Commission feels likes it needs to vote on a final

Page 250

1 scope of work, getting a final scope of work that  
2 can be voted on and then moved forward into an RFP  
3 process.

4 And I will just say, you know, this --  
5 these changes were made with the support and working  
6 in collaboration with legal counsel from PED, to be  
7 able to identify what would be appropriate legal  
8 work and what needs to be identified. And I will  
9 say it also came from my experience in my other  
10 authorizing office working with legal counsel there  
11 and, certainly, to explain why the drafting of the  
12 letters -- we would always draft letters, simply  
13 because we were closest to the data analysis, the  
14 background, all of the information that supports the  
15 rationale for your decisions, and, then, ultimately,  
16 worked closely with our legal counsel to make sure  
17 that was, you know, appropriate, and that the  
18 language in the letter was, you know, legally  
19 defensible.

20 And so that goes into the piece where we  
21 said, you know, the two parties would really work  
22 together. We would draft to get that initial  
23 information in there, and then there would be a  
24 legal review.

25 COMMISSIONER ARMBRUSTER: So that would be

Page 252

1 THE CHAIR: And I'll add that at our last  
2 telephone conversation for the agenda setting, the  
3 recommendation was that the Director was more  
4 comfortable, as an example, with a letter coming  
5 from me. I'm not comfortable writing that letter.

6 COMMISSIONER JOHNSTON: Ah. Okay.

7 THE CHAIR: So that that's my expectation,  
8 that that letter would be drafted via our attorney,  
9 with the input. But I'm not comfortable writing  
10 that letter.

11 COMMISSIONER JOHNSTON: And that, thank  
12 you. That was a clarification.

13 So Charter School Division is looking, if  
14 anything comes out over Public Education Commission  
15 Chair's signature, you wish her to write the letter.  
16 Is that what it is?

17 THE CHAIR: No. It was a specific --  
18 there was an instance that came up. And the -- the  
19 recommendation by the Director was, "I would  
20 prefer..." -- and I don't want to get into a  
21 particular --

22 COMMISSIONER JOHNSTON: Okay. That's  
23 fine.

24 THE CHAIR: Okay. But that the letter  
25 come from me.

Page 251

1 the PEC attorney would review what PED's -- wrote,  
2 so to speak? Is that what you're saying?

3 MS. POULOS: And I think the important  
4 thing, Madam Chairwoman, Commissioner Armbruster, is  
5 it's the PEC's attorney working with the staff  
6 report for the PEC, which, again, that is why we  
7 would draft that letter, being closest, having  
8 recommendations, knowing the school and information  
9 about the school.

10 COMMISSIONER ARMBRUSTER: Our attorney  
11 might not know all that and might have to go by what  
12 you're saying and do it.

13 I don't think there's any question that we  
14 want an attorney. I don't think anybody is  
15 questioning that; right?

16 THE CHAIR: I don't know. I don't know.

17 COMMISSIONER ARMBRUSTER: Well, I'm not.

18 COMMISSIONER JOHNSTON: No. I agree, in  
19 my experience in working with school attorneys, as  
20 has been identified in all of the actions I've had,  
21 is legal review and collaboration. But the staff in  
22 the school district has been responsible for the  
23 drafting of the letter and the working up of the  
24 background, so that you have solid ground on which  
25 to state your opinion, very specifically.

Page 253

1 COMMISSIONER JOHNSTON: It was a one  
2 instance.

3 THE CHAIR: At this moment in time, yes.  
4 But I'm not comfortable with that letter coming from  
5 me and me alone, because I have no one to do real  
6 review at this point in time.

7 COMMISSIONER TOULOUSE: Madam Chair, do we  
8 want to go ahead and decide if we want to look at  
9 doing this or not and can set up some kind of  
10 subcommittee to work on scope of work? Because -- I  
11 mean, we're getting way into the scope of work where  
12 we don't need to be yet.

13 THE CHAIR: And I'll tell you, I --  
14 personally, I think this needs to be moved on fairly  
15 quickly, that we don't have an extended period of  
16 time for this. We need to move on this.

17 So that's fine, if you want to give  
18 further direction. But I'm going to say that that  
19 subcommittee has to meet soon.

20 COMMISSIONER TOULOUSE: I don't know why  
21 there couldn't be a teleconference on that.

22 THE CHAIR: It could be. But it has to be  
23 sooner rather than later.

24 COMMISSIONER TOULOUSE: I've worked on a  
25 lot of contracts. I'd be willing to.

## Page 254

1 COMMISSIONER JOHNSTON: I certainly would  
2 be willing to, also.  
3 COMMISSIONER RUIZ: Me, too, yeah.  
4 COMMISSIONER TOULOUSE: As far apart as we  
5 are, we could do a telephonic meeting just fine.  
6 THE CHAIR: But the greater question is,  
7 most importantly -- and what we have to iron out for  
8 that subcommittee -- is whether the presence for the  
9 PEC attorney here at the meetings; that -- so that  
10 that gives the greatest direction to that  
11 subcommittee, because it's a big piece.  
12 COMMISSIONER ARMBRUSTER: Right. Should  
13 the PEC attorney be at this meeting? I'm going to  
14 write some of this down, so I can remember it in  
15 five minutes.  
16 So, Carmie, you were okay with being on  
17 the committee? And Trish said it, and I said it,  
18 and Daniel and Patty? So do you think we could just  
19 do a phone conference?  
20 THE CHAIR: Yes.  
21 COMMISSIONER ARMBRUSTER: And I can --  
22 COMMISSIONER JOHNSTON: And the thing  
23 you'd like us to figure out today is?  
24 THE CHAIR: Is whether we move forward  
25 with the PEC attorney being here. That's the

## Page 256

1 THE CHAIR: Okay.  
2 Commissioner Toulouse?  
3 COMMISSIONER TOULOUSE: Yes, with some  
4 reservations. But yes, we can discuss the  
5 reservations.  
6 THE CHAIR: Commissioner Armbruster?  
7 COMMISSIONER ARMBRUSTER: Yes.  
8 THE CHAIR: Commissioner Johnston?  
9 COMMISSIONER JOHNSTON: Yes.  
10 THE CHAIR: Commissioner Crone? Yes?  
11 COMMISSIONER CRONE: Yes.  
12 THE CHAIR: Commissioner Ruiz?  
13 COMMISSIONER RUIZ: Yes.  
14 THE CHAIR: Commissioner Gipson, yes.  
15 Okay. Thank you. And we'll get together.  
16 COMMISSIONER ARMBRUSTER: Okay.  
17 THE CHAIR: We are on Item No. 12, Report  
18 from the Chair. And I'll make this very brief.  
19 I just want to remind everyone not to go  
20 home without turning in your papers to Beverly.  
21 Because we're at the end of the fiscal year; so that  
22 it's -- it's imperative that we get all of our --  
23 and if you have any outstanding travel forms, please  
24 get them in yesterday. That is important.  
25 We did have preliminary discussions

## Page 255

1 biggest question. So I don't think we have to do  
2 that in the form of a motion, do we?  
3 COMMISSIONER JOHNSTON: We would have  
4 to -- I'm sorry to interrupt.  
5 THE CHAIR: Do we have to make them -- no.  
6 COMMISSIONER JOHNSTON: If I remember  
7 clearly, since you said that is not included in the  
8 scope of work at this point --  
9 THE CHAIR: But the scope of work isn't  
10 anything we make a motion of. So this is just  
11 direction that you're giving the subcommittee.  
12 COMMISSIONER TOULOUSE: And then --  
13 THE CHAIR: So we're not voting on any of  
14 this today. So this is just direction that you're  
15 giving the subcommittee. So that doesn't have to be  
16 a motion; correct?  
17 MR. DAVID STEVENS: No, I don't think any  
18 motion.  
19 THE CHAIR: We can just do a straw poll.  
20 Commissioner Conyers?  
21 COMMISSIONER CONYERS: What are we --  
22 THE CHAIR: Do you want the scope of work  
23 to include the PEC attorney being here at our  
24 meetings?  
25 COMMISSIONER CONYERS: Ideally, yes.

## Page 257

1 yesterday at the work session about what a July  
2 Public Input tour would look like. And I left my  
3 notes back; but I think -- I think I remember most  
4 of it.  
5 We are tentatively looking at July 19 with  
6 a possibility of Gallup.  
7 MS. POULOS: On the --  
8 THE CHAIR: That's Wednesday. Oh, I'm  
9 sorry. It was Tuesday, the 18th. If we have to go  
10 to Gallup, we will go to Gallup on Tuesday, the  
11 18th.  
12 We would be in Albuquerque on Wednesday,  
13 the 19th, with a meeting in the morning.  
14 COMMISSIONER ARMBRUSTER: Public Education  
15 Commission meeting.  
16 THE CHAIR: A PEC meeting in the morning,  
17 an Input hearing in the afternoon.  
18 And then on the morning of the 20th, we  
19 would have the second Albuquerque Input hearing and  
20 then travel to Las Cruces. And the 21st was  
21 Las Cruces; correct?  
22 MS. POULOS: I think what we actually -- I  
23 didn't think we had discussed splitting the 19th. I  
24 thought we just discussed having a meeting that day.  
25 And then because the Community Input hearings are

Page 258

1 typically not very long, because they are limited in  
2 length, and we've done two, we would do those two,  
3 because they're both in Albuquerque, and then travel  
4 the rest of that day down to Cruces and then do it.

5 THE CHAIR: Do two Input hearings, plus a  
6 regular meeting?

7 MS. POULOS: No, no, no. So the 19th, a  
8 meeting. That was it. On the 20th, two input  
9 hearings in Albuquerque, and then travel down to  
10 Cruces.

11 COMMISSIONER JOHNSTON: And is that  
12 meeting in Albuquerque on the 19th?

13 THE CHAIR: Right. So I thought we were  
14 traveling the afternoon of the 20th down to Cruces.

15 MS. POULOS: Yes, because the Community  
16 Input hearings are typically not very long. And so  
17 there is time to do the two.

18 THE CHAIR: We would do both of the Input  
19 hearings on the 20th and then travel down.

20 MS. POULOS: Correct.

21 THE CHAIR: Got you. Well, you know what?  
22 I don't think at this moment of time that matters as  
23 much. If we looked at the -- because typically, a  
24 July meeting is just if needs be. So I think we  
25 could -- I think if we wanted to, we could split

Page 260

1 Input hearings up to the 19th, is to recall that  
2 those two schools, the two Albuquerque schools, are  
3 already scheduled for their capacity interviews on  
4 the 11th. And so we probably won't be able to get  
5 you that evaluation until the 14th.

6 So it just cuts into your time with that  
7 capacity interview evaluation one day. So that was  
8 the only thing I wanted to caution you about.

9 COMMISSIONER ARMBRUSTER: Forgot about  
10 that.

11 THE CHAIR: Right. But the work  
12 session --

13 COMMISSIONER ARMBRUSTER: I was just --  
14 I'd rather have that than have a meeting. But fine.  
15 Okay.

16 THE CHAIR: We can figure that out in  
17 June. But -- because we will have had the full  
18 applications for a substantial --

19 MS. POULOS: Both of them.

20 THE CHAIR: Right. For a time. And so --  
21 and I've opened this up. And this was just -- it's  
22 to let people know that that week will probably go  
23 the -- your travel time, if you're traveling up,  
24 will be the 18th through the 21st.

25 So that's just an FYI. And we'll finalize

Page 259

1 those Input hearings to the afternoon, the morning;  
2 and then you'd have the whole afternoon to get down  
3 to Cruces on the 20th.

4 COMMISSIONER ARMBRUSTER: One of the  
5 things I thought about is since we have so much to  
6 do, if we only did it -- and I'm -- you know, this  
7 is what I'm thinking. But on that 19th, I guess,  
8 when you said we would be in Albuquerque for a PEC  
9 meeting, we might want to do a work session in the  
10 morning and have the PEC meeting, rather than  
11 have --

12 THE CHAIR: No, we didn't talk that at  
13 all.

14 COMMISSIONER ARMBRUSTER: No, I know we  
15 didn't. We did not say that. I'm just giving --

16 THE CHAIR: I'm going to personally say no  
17 to that one; because no -- no. It's a, "Because  
18 no."

19 COMMISSIONER ARMBRUSTER: It's a "Because  
20 no." Okay.

21 MS. POULOS: Madam Chairwoman, what we did  
22 discuss was that on the 19th, we potentially would  
23 be approving the amendment request policies, at  
24 least for some of them. The only thing that I would  
25 caution you about is, about moving one of those

Page 261

1 that at the June meeting and take a closer look at  
2 that and figure that out. But just so that, for  
3 your own travel time, you have a general idea of  
4 when you might be unavailable or available.

5 And we'll take a look -- a closer look at  
6 the -- in the June meeting, as to who is going to be  
7 where in terms of those Input hearings, okay?

8 As I mentioned before, the -- the EVCA  
9 appeal is on the 9th. But once again, I haven't had  
10 any official confirmation as to the exact time; so  
11 it will be in the morning, my understanding.

12 But once I get that information, I will --  
13 I will send it out to you as soon as I have it.

14 So if you wish to join in in the fun of  
15 that, you're welcome to be part of the audience.  
16 But there is no opportunity for members of the  
17 Commission to have input into that. So it is what  
18 it is.

19 I think I'm done. So on to Update from  
20 the Charter Coalition.

21 MS. CALLAHAN: And I will be brief.

22 Madam Chair, Commissioners, Kelly  
23 Callahan, Co-Executive Director of the New Mexico  
24 Coalition for Charter Schools.

25 Just one big announcement that we wanted

Page 262

1 to share.

2 Unfortunately, the conference that we had  
3 planned for the end of May, we had to make a call on  
4 being able to hold the conference. We had to  
5 postpone it. Just a lot of trouble with budgets.  
6 It's very, very difficult for the schools to commit.  
7 And when we talked to the schools, they said they  
8 wanted something after school was out. But I think  
9 we were a little too soon, and I think a lot of  
10 people are tired. This has been a very, very, very  
11 strenuous year. And so we are postponing to  
12 sometime in the fall.

13 We -- I just have to say that we have one  
14 of the -- we have one of the best programs that I've  
15 ever seen in a conference at that level for working  
16 with charter school instructors and teachers and  
17 leaders. And it was -- so I think we have a  
18 commitment from most of the presenters that said  
19 they would try to come back in the fall. So I will  
20 keep you all posted as to that.

21 It's unfortunate, but we're -- you know,  
22 we want to make sure that we're listening to what  
23 our constituents are saying. And so we had to go  
24 ahead and make that call, just because we had  
25 out-of-state people that we wanted to commit to.

Page 264

1 THE CHAIR: Thanks. Thanks.

2 THE CHAIR: Item No. 13, PEC Comments.  
3 Commissioner Conyers?

4 COMMISSIONER CONYERS: Just good to see  
5 everyone again and look forward to doing it next  
6 month.

7 THE CHAIR: It's always good to be seen.

8 COMMISSIONER CONYERS: Yes.

9 THE CHAIR: Commissioner Toulouse?

10 COMMISSIONER TOULOUSE: Madam Chair,  
11 Commissioner Johnston, I'm sorry I snapped at you.  
12 I'm just so tired and coughing so hard. My brain  
13 isn't all here. But I do want to apologize on the  
14 record.

15 COMMISSIONER JOHNSTON: Thank you.

16 THE CHAIR: Commissioner Armbruster?

17 COMMISSIONER ARMBRUSTER: Glad we're here,  
18 guys.

19 THE CHAIR: Commissioner Johnston?

20 COMMISSIONER JOHNSTON: Mr. Stevens,  
21 welcome. And Commissioner Toulouse, thank you. I  
22 think I did something like this, you know; so I  
23 apologize for that. I caught myself.

24 So -- but I want to commend -- I went to  
25 two of the -- I talked yesterday, so I'll be really

Page 263

1 So I just wanted to make sure -- I know  
2 Commissioner Pogna and Caballero had talked about  
3 wanting to go; so I am hoping we can get that  
4 information to them, as well.

5 And we will be at the special session with  
6 bells on and representing the charter schools.  
7 It's -- nobody knows what's going on; so -- but we  
8 will be there.

9 And we will be continuing to work with  
10 PED, Matt Pahl, on the SAM definition, which is  
11 going to be key to a lot of the work that you're  
12 doing in terms of the Performance Framework, in  
13 terms of amendments and the things.

14 So, you know, I think we definitely need  
15 to align with you, Katie, on the work that we're  
16 doing. We're meeting with Matt, I think, the 1st of  
17 June. And so we'll definitely make sure we're lined  
18 up.

19 So, anyway, that's all I have, unless you  
20 have any questions?

21 THE CHAIR: Happy travels.

22 MS. CALLAHAN: Thank you. I'm going to  
23 Australia. So I'm ready.

24 Thank you very much. We appreciate your  
25 support and look forward to continuing the work.

Page 265

1 brief -- two of the trainings that the Charter  
2 School Division is providing.

3 I went to a morning training for new  
4 applicants that's part of an ongoing nine- or  
5 ten-session training that they provide.

6 And I went to a three-hour training for  
7 governing council members to fulfill their  
8 commitments.

9 And it's quality training that's being  
10 provided. And the attendants -- six or seven  
11 charter schools were represented at the evening  
12 governing council meeting. And two of the groups  
13 writing applications were present during that  
14 morning. And they -- they were very astute in their  
15 questions.

16 So I thank you for that. And that's  
17 really good training.

18 Thank you.

19 THE CHAIR: Thanks.

20 COMMISSIONER CRONE: I need -- I took time  
21 out of my final grading to attend this meeting.

22 Thank you.

23 COMMISSIONER RUIZ: Thank you, everyone,  
24 for being here and participating. And it's always  
25 an interesting and fun opportunity. So thank you,

## Page 266

1 all.  
 2 THE CHAIR: Thank you, all.  
 3 COMMISSIONER TOULOUSE: Move to adjourn.  
 4 THE CHAIR: There's a motion to adjourn.  
 5 COMMISSIONER RUIZ: Second.  
 6 THE CHAIR: There's a second by -- and I  
 7 don't think we need a second for that. We have a  
 8 second by Commissioner Ruiz.  
 9 All in favor?  
 10 (Commissioners so indicate.)  
 11 THE CHAIR: Anyone opposed?  
 12 (No response.)  
 13 THE CHAIR: Thank you, all. Safe travels.  
 14 COMMISSIONER JOHNSTON: And, Madam Chair,  
 15 thank you for all you do.  
 16 (Proceedings concluded at 3:56 p.m.)  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

## Page 268

1 RECEIPT  
 2 JOB NUMBER: 7832L CC Date: 5/12/17  
 3 PROCEEDINGS: PUBLIC MEETING  
 4 CASE CAPTION: In re: Public Meeting of the Public  
 5 Education Commission  
 6 \*\*\*\*\*  
 7 ATTORNEY: MS. BEVERLY FRIEDMAN - PED  
 8 DOCUMENT: Transcript / Exhibits / Disks / Other \_\_\_\_\_  
 9 DATE DELIVERED: \_\_\_\_\_ DEL'D BY: \_\_\_\_\_  
 10 REC'D BY: \_\_\_\_\_ TIME: \_\_\_\_\_  
 11 \*\*\*\*\*  
 12 ATTORNEY:  
 13 DOCUMENT: Transcript / Exhibits / Disks / Other \_\_\_\_\_  
 14 DATE DELIVERED: \_\_\_\_\_ DEL'D BY: \_\_\_\_\_  
 15 REC'D BY: \_\_\_\_\_ TIME: \_\_\_\_\_  
 16 \*\*\*\*\*  
 17 ATTORNEY:  
 18 DOCUMENT: Transcript / Exhibits / Disks / Other \_\_\_\_\_  
 19 DATE DELIVERED: \_\_\_\_\_ DEL'D BY: \_\_\_\_\_  
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 21 \*\*\*\*\*  
 22 ATTORNEY:  
 23 DOCUMENT: Transcript / Exhibits / Disks / Other \_\_\_\_\_  
 24 DATE DELIVERED: \_\_\_\_\_ DEL'D BY: \_\_\_\_\_  
 25 REC'D BY: \_\_\_\_\_ TIME: \_\_\_\_\_

## Page 267

1 BEFORE THE PUBLIC EDUCATION COMMISSION  
 2 STATE OF NEW MEXICO  
 3  
 4  
 5  
 6  
 7 REPORTER'S CERTIFICATE  
 8 I, Cynthia C. Chapman, RMR, CCR #219, Certified  
 9 Court Reporter in the State of New Mexico, do hereby  
 10 certify that the foregoing pages constitute a true  
 11 transcript of proceedings had before the said  
 12 NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the  
 13 State of New Mexico, County of Santa Fe, in the  
 14 matter therein stated.  
 15 In testimony whereof, I have hereunto set my  
 16 hand on May 24, 2017.  
 17  
 18  
 19  
 20 Cynthia C. Chapman, RMR-CRR, NM CCR #219  
 21 BEAN & ASSOCIATES, INC.  
 22 201 Third Street, NW, Suite 1630  
 23 Albuquerque, New Mexico 87102  
 24  
 25 Job No.: 7832L (CC)

A		
<p><b>a'</b> 135:24</p> <p><b>a.m</b> 1:11 5:4 59:5,5 63:23 131:11</p> <p><b>abilities</b> 117:16</p> <p><b>ability</b> 11:13 34:8,10 96:23 123:15 152:7 159:7 166:18,20 190:22 192:18 237:6 242:8</p> <p><b>able</b> 18:20 19:2 39:25 61:13 77:16 91:9 111:18 113:13,17 119:15 131:18 139:18 140:11 145:25 169:17,21 192:3,16 194:12 211:24 212:3,6 213:6,21 224:1 233:12 237:6 239:21 241:19 242:8,13,24,25 247:24 250:7 260:4 262:4</p> <p><b>abruptly</b> 107:16</p> <p><b>absent</b> 188:1</p> <p><b>absolute</b> 110:1 147:22 169:22</p> <p><b>absolutely</b> 41:22 52:13 53:22 62:12 89:3 96:7 98:4 100:9 134:3 154:20 207:20 215:25 230:8 240:4 248:18</p> <p><b>absorb</b> 19:1</p> <p><b>abstain</b> 44:21 45:1</p> <p><b>abstention</b> 57:2,22</p> <p><b>abstentions</b> 42:17 44:18 209:24</p> <p><b>academia</b> 9:6</p> <p><b>academic</b> 8:12,16 31:12 52:6 56:19 135:25 136:13 137:20 159:19 165:3 169:24 170:10,11 170:17 174:11,21 196:1,8 208:7 208:18</p> <p><b>academics</b> 136:1 170:12,18 174:22,23 196:9</p> <p><b>Academy</b> 63:13</p> <p><b>accept</b> 112:13 188:5</p> <p><b>acceptable</b> 56:19 187:11 190:24 192:20</p> <p><b>acceptance</b> 144:25 145:11 162:14 163:23 248:4</p> <p><b>accepted</b> 31:1 145:9 190:25</p> <p><b>accepting</b> 149:18</p> <p><b>access</b> 14:7 78:9 91:14,19 181:8 224:1,3 242:9,19 246:1 249:1</p> <p><b>accommodate</b> 195:7 197:16 200:5</p> <p><b>accommodated</b> 211:19</p>	<p><b>accompanied</b> 25:11</p> <p><b>accomplish</b> 195:10</p> <p><b>accomplishment</b> 101:11</p> <p><b>accountable</b> 230:6</p> <p><b>accounted</b> 93:12</p> <p><b>accounts</b> 68:19</p> <p><b>accurate</b> 105:10</p> <p><b>achievement</b> 3:10 51:16,23 52:7 56:15 145:3 208:25</p> <p><b>acknowledge</b> 119:23 230:4</p> <p><b>acknowledged</b> 81:17</p> <p><b>acquiesce</b> 238:20</p> <p><b>Act</b> 233:21</p> <p><b>acted</b> 219:5,6,11</p> <p><b>action</b> 3:7,16,17,20,20,21,23 4:2 24:6 59:15 63:17 65:24 66:1 69:12 74:21,25 75:1,21 76:18 77:9,18 80:3 96:3 101:10 131:13,14 133:8,11 134:17 135:1 136:23 137:17 138:25 139:10 150:14,15 151:13 152:2 152:8,16 153:11 154:15,22,23 155:1,8 208:4,13 211:10 212:25 216:16</p> <p><b>actions</b> 3:12 65:20 156:25 251:20</p> <p><b>active</b> 210:23</p> <p><b>activities</b> 36:11 85:8 86:21</p> <p><b>activity</b> 85:14</p> <p><b>actual</b> 29:20 72:14 73:24</p> <p><b>ad-lib</b> 44:14</p> <p><b>add</b> 20:14 25:13 44:11 88:9 114:4 152:1 154:21 164:9 168:22 212:14 217:21 252:1</p> <p><b>added</b> 218:14</p> <p><b>adding</b> 158:16,17 170:7 204:19</p> <p><b>addition</b> 59:23 60:5 62:19 66:21 68:16,23 82:6,17 141:10 209:9</p> <p><b>additional</b> 53:5 71:23 227:3 241:12 242:10</p> <p><b>Additionally</b> 78:15 83:10 144:23</p> <p><b>additions</b> 22:15</p> <p><b>address</b> 56:3 75:2 77:16 109:3 120:19 121:23 139:21 157:18 227:8 248:23</p> <p><b>addressed</b> 112:3 115:18 120:2 121:9</p> <p><b>addresses</b> 133:13</p>	<p><b>addressing</b> 70:10 125:3 142:21 237:18</p> <p><b>adds</b> 88:6</p> <p><b>adequate</b> 10:25 237:5 242:6</p> <p><b>adequately</b> 233:13 239:22</p> <p><b>adjourn</b> 4:6 266:3,4</p> <p><b>adjustments</b> 236:12</p> <p><b>administrating</b> 68:3</p> <p><b>administration</b> 3:18 66:3 82:4 94:23 194:22</p> <p><b>administrator</b> 59:25 67:7,12,17 67:24 70:2 75:4,11 79:21 80:4 80:7,15 81:9,13 82:22 91:22 103:18,21 104:8 109:10,16 111:1,12 112:11 114:16 119:19 121:16 123:12 127:25</p> <p><b>administrators</b> 105:17,22 111:8 180:1</p> <p><b>admire</b> 119:6,7</p> <p><b>admit</b> 103:22</p> <p><b>adopt</b> 208:3</p> <p><b>adults</b> 88:22 169:4</p> <p><b>advance</b> 99:16 177:6 199:18</p> <p><b>advice</b> 156:1 234:14 249:4</p> <p><b>advise</b> 233:21</p> <p><b>adviser</b> 13:11 14:9,12 21:9,10</p> <p><b>advisory</b> 10:24 11:19</p> <p><b>advocate</b> 12:24 13:6</p> <p><b>advocates</b> 88:18</p> <p><b>affect</b> 39:3 47:4 165:19 218:8</p> <p><b>affidavits</b> 66:16 67:4 71:13,15,16 71:19,22,24 72:2,3,9,11,13,19 72:23,24 73:9,14,19 74:10,19 80:10</p> <p><b>affiliated</b> 72:7 96:12 116:20</p> <p><b>afford</b> 20:21</p> <p><b>afternoon</b> 132:25 211:21,25 212:7,12 257:17 258:14 259:1,2</p> <p><b>AG's</b> 109:7</p> <p><b>age</b> 15:7</p> <p><b>agencies</b> 11:22</p> <p><b>agenda</b> 3:4 6:25 18:4,11 24:10 69:9 71:4 79:1 81:6 99:13,19 126:3 131:19,21,24 135:10 232:11 233:15 252:2</p> <p><b>ago</b> 8:24 11:16 13:13 14:14 62:11 63:18 104:9 107:9 122:15</p>

188:10 213:15 217:6,12,13 218:11 <b>agree</b> 11:21 100:20 101:8 127:21 189:4,9 228:10 232:8 233:7 234:7 241:2,8 244:24 251:18 <b>agreement</b> 137:4,8 146:17 170:4 183:4 195:24 208:7 209:5 <b>agricultural</b> 26:19 43:20 44:7 83:20 85:5 <b>agriculture</b> 77:19 <b>Aguas</b> 205:16 <b>Aguilar</b> 217:3 <b>Ah</b> 252:6 <b>ahead</b> 253:8 262:24 <b>aid</b> 225:17 <b>aides</b> 16:13 <b>Alamos</b> 128:25 <b>Albuquerque</b> 1:21 56:9 91:4,6 128:25 257:12,19 258:3,9,12 259:8 260:2 267:21 <b>align</b> 160:23 263:15 <b>allegations</b> 73:9 <b>Allegiance</b> 3:3 6:12,15 <b>allotment</b> 221:21 <b>allotted</b> 7:14 <b>allowed</b> 74:21,25 136:6 <b>allowing</b> 42:4 <b>allows</b> 97:25 <b>alongside</b> 122:25 <b>alter</b> 218:6 <b>alteration</b> 43:20 <b>alternat-</b> 178:14 <b>alternate</b> 163:1 209:2 <b>alternative</b> 145:8 166:19 169:24 170:20 200:21 201:22 <b>alternatives</b> 103:15 199:23 <b>altogether</b> 225:13 <b>always-</b> 232:22 <b>amazing</b> 117:22 <b>ambiguous</b> 148:16 <b>amend</b> 27:9 42:3 51:25 56:15 <b>amendment</b> 24:13,16 26:12,16 33:7,12,19,24 34:6,8,12 37:1 38:13 39:7 40:10 41:4,9,12 42:2 43:19 44:5,19 46:2,3 47:11,15 49:6,10 51:25 56:14 212:10 223:18,20 259:23	<b>amendments</b> 3:8 24:6 25:1 32:18 35:3 134:14 263:13 <b>America</b> 20:4 <b>America's</b> 16:22 <b>Americorps</b> 78:19 <b>ammunition</b> 247:20 <b>amount</b> 124:14 135:11 142:9 <b>Anaheim</b> 13:13 <b>analysis</b> 66:15,22 69:10 161:19 162:5 209:11 242:25 243:1 250:13 <b>analyst</b> 115:7,7 116:19 156:7 <b>analyze</b> 198:2,2 242:14 <b>analyzing</b> 82:9 240:10 242:16 <b>and/or</b> 170:1 171:9 193:7 <b>ANDERSON</b> 215:14,17 <b>anecdotal</b> 64:5 <b>Ann</b> 2:3 28:20,21 <b>announcement</b> 261:25 <b>annual</b> 145:17 151:23 224:25 225:7 226:1,4,9 227:11 228:13 228:14 <b>annually</b> 11:17 <b>answer</b> 38:10,12,18 40:5 60:18 153:22 155:14 164:20 167:5 168:21 178:10 180:14 184:3,15 184:15 185:9 190:13 193:13 205:13 207:8 246:9 <b>answered</b> 92:14 <b>answers</b> 96:2 124:8 184:1 231:10 <b>antici-</b> 221:25 <b>anticipate</b> 53:17,22 221:25 233:16 <b>anticipated</b> 157:21 <b>anybody</b> 125:3 251:14 <b>anymore</b> 27:3 202:21 <b>anytime</b> 27:17 <b>anyway</b> 199:16 200:10 263:19 <b>Apache</b> 113:15 <b>apart</b> 254:4 <b>Apodaca</b> 1:12 <b>apologize</b> 43:24 101:23 134:19 134:20 167:8 264:13,23 <b>appeal</b> 9:22 63:14,15 64:6 136:6 136:7 198:23 203:2,6,7,9,11,11 213:4 215:6 243:23,24,25 261:9 <b>appealing</b> 63:15	<b>appeals</b> 222:1,13 244:19 <b>appear</b> 32:23 134:22 <b>appeared</b> 110:4 162:12 <b>applaud</b> 17:20 55:22 <b>applicant</b> 61:8 118:21 <b>applicants</b> 59:19 61:11 62:6,9 265:4 <b>application</b> 52:23 59:21 107:13 117:14 123:11 <b>applications</b> 53:5 135:13,14,16 144:11 260:18 265:13 <b>applies</b> 168:20 <b>apply</b> 141:7,11,12,16 <b>applying</b> 102:2 <b>appointment</b> 190:11 <b>apprec-</b> 29:13 <b>appreciate</b> 12:15 15:1 17:19 18:14,18 29:15 32:10,18 34:18 40:11,25 50:25 51:2 60:17,19 60:23,24 61:24 99:6 100:12 101:14 109:12 111:11 128:12 129:6,12 130:15 131:6 132:11 152:6 153:1 159:13 164:1 210:23 214:5 263:24 <b>appreciation</b> 32:1 <b>approach</b> 8:9 27:25 28:2,4 29:11 29:19 47:21 48:2 49:14,18,19 66:11 80:14 <b>appropriate</b> 38:19 46:18 65:17 75:8 148:11 149:19 156:20 160:22 181:23 250:7,17 <b>appropriately</b> 65:19 <b>approval</b> 3:4,6 10:20 21:20,21 22:12 23:5 52:14 149:18 <b>approve</b> 7:1,3,5 42:1 44:5 47:15 49:10 56:14 58:16 82:20 <b>approved</b> 11:17 25:12 46:22 51:11 57:25 58:17,19 164:12 236:9 <b>approving</b> 10:18 51:7 259:23 <b>approximately</b> 7:20 <b>April</b> 10:19 21:21 22:14 23:5 58:13 70:21 75:16 132:21,23 147:23 181:6 235:8 <b>APS</b> 117:24 205:20 <b>AptaFund</b> 91:16 <b>Archuleta</b> 83:7,8 90:9,10,11,13
---	--	---



<p>90:20,24 91:3,7,10,16,20 97:7,9 98:1 115:9,11,14,20 116:20,23 117:1 120:4,7,21 <b>arduous</b> 32:12 <b>area</b> 31:21 76:21 111:17 122:7 239:11 <b>areas</b> 59:16 62:21 98:22 114:18 114:25 133:13 153:12 154:8,10 <b>argue</b> 159:20 <b>argument</b> 168:12 <b>Arizona</b> 76:12,23 78:11 <b>Armbruster</b> 2:3 5:5,6,10,11,14 5:18,21,25 23:12,14 42:14,16 42:21,24 43:2,5,8,11,12,16 44:2 44:3,4,14,17 45:3,8,11,14,17,20 45:23,24 47:8 48:7,8,11,14,15 48:18,21,24 49:2,8,9,23,24 50:2 50:5,8,11,14,17,18 54:5,7 56:25 57:1,7,10,13,16,19,20 58:2 101:18,19 102:1,7,13 105:9 106:23 108:4,8,13,20 118:24 119:1 120:5,17 121:10 125:1 126:25 129:15,18,21,24,25 130:3,6,9 132:23 133:3,21,23 146:21 150:11,16 160:3 165:13 165:24 166:2 173:21 174:6,12 179:3,4,5 195:1,6 196:2 199:1 203:4,8,21 204:2 207:22 209:19 209:21,23 210:2,5,8,11,12,15 210:18 213:9 215:22 221:11 222:8,20 227:23 232:9,15,21 239:6 240:9,22 243:5 244:5,11 244:14,23 245:10 246:17,25 247:9 248:7,15 250:25 251:4,10 251:17 254:12,21 256:6,7,16 257:14 259:4,14,19 260:9,13 264:16,17 <b>Armiento</b> 15:3 21:1 <b>arose</b> 231:7 <b>arrange</b> 232:10 <b>arrangement</b> 108:15 <b>arrangements</b> 201:15 <b>article</b> 44:6 49:11 <b>articulate</b> 75:7 <b>arts</b> 28:18,23 47:17,21,23 48:2 134:21 <b>as-needed</b> 221:15 232:6</p>	<p><b>as-needs</b> 233:10 <b>Ashley</b> 18:7 <b>aside</b> 63:25 140:11 226:23 <b>asked</b> 18:4 25:13 51:10 53:13 73:7,8 122:10 186:3 223:8 <b>asking</b> 32:17 33:4 92:4 95:13 96:4 99:5 104:11 138:10 148:6 181:14 183:3 189:4 190:6 223:10 237:13 242:10,15,22,23 245:19 246:10 <b>aspect</b> 157:19 170:6 <b>assemble</b> 163:13 <b>assess</b> 239:22 <b>assessing</b> 177:21 <b>assessment</b> 140:12,19 174:17 175:9 178:6,15 181:7,15,16 182:6 183:8,16 184:25,25 191:5 191:9 192:2 193:23,25 194:5 198:14,23 199:3,17 202:21,24 208:14 <b>assessments</b> 29:13 136:21 138:4 143:4 193:18,22,24 200:7,9 <b>asset</b> 13:8 <b>assign</b> 116:10 <b>assist</b> 225:6 226:15 228:17,18,20 <b>assistance</b> 77:22 155:19 225:12 <b>Assistant</b> 2:9 <b>associated</b> 9:9 66:19 154:23 163:25 181:9 <b>Associates</b> 1:19 267:20 <b>assuming</b> 63:24 <b>assurance</b> 186:23 187:24 194:14 <b>assurances</b> 189:2,10 <b>assure</b> 79:8 83:4 92:11 186:21 187:9 <b>assured</b> 188:6 <b>asthma</b> 6:19 <b>astute</b> 265:14 <b>attach</b> 138:16 <b>attached</b> 71:21,24 <b>ATTACHMENTS</b> 4:9 <b>attainment</b> 77:5 <b>attempt</b> 146:10 147:6 153:19 158:14 159:5 209:6 <b>attempts</b> 146:4,18 <b>attend</b> 12:13 62:3 86:1 99:1 163:17 265:21</p>	<p><b>attendance</b> 82:9 86:18,23 128:12 239:16 <b>attendants</b> 265:10 <b>attended</b> 61:3,5,17 <b>attending</b> 9:2 <b>attention</b> 11:9 104:20 105:1 144:12 <b>attest</b> 112:8 <b>attorney</b> 2:9 23:23 69:22 96:10 96:16 99:14,14,25 109:7 134:10 147:10 219:12 225:6,16 226:16 228:7,8,11 229:1 231:3,12,12 231:13 232:2 233:22 234:1,2,13 237:13 238:8,11 241:4 242:5,8 244:4 245:21 246:1,4,21 248:24 249:1,8,8,17 251:1,5,10,14 252:8 254:9,13,25 255:23 268:7 268:12,17,22 <b>attorney-client</b> 241:24 <b>attorneys</b> 157:16 221:13 228:14 231:8 235:4 237:15,18,24 251:19 <b>auctioning</b> 118:6 <b>audience</b> 18:5 21:3 261:15 <b>audit</b> 66:21 68:17,18 69:2,2 70:22,25 71:9,10 72:15 73:1,3,3 73:5,19,21 74:8,11,13,14 75:15 75:21 80:12 87:21,24 92:9 109:5 115:15,18 116:3 120:2 125:3,8,11,15 127:10,11 128:2 128:3,10 149:23 150:7 155:3,4 155:5,13 156:11 161:19 162:5 209:13,14 <b>audits</b> 128:13 150:1 <b>Audrey</b> 23:24 <b>August</b> 30:10,11 107:24 135:9 155:4 <b>Australia</b> 263:23 <b>authored</b> 248:5 <b>authority</b> 156:23 <b>authorized</b> 25:2 42:3 <b>authorizer</b> 226:3 230:1,5 <b>authorizers</b> 224:9 <b>authorizing</b> 230:11 250:10 <b>availability</b> 234:3 <b>available</b> 35:5 91:11 112:20 124:22 141:12,18 145:1 167:25</p>
--	--	---

168:1 183:15 192:13 196:16,18  
196:19,20 231:14 234:14 261:4  
**average** 135:23 136:5 143:13,16  
143:19 165:6,9 166:1,7 167:20  
168:22 170:21 171:1,2,5,6,19  
172:4 173:5,6 174:15

**avoid** 167:5

**avoiding** 166:21

**awaiting** 80:12

**award** 21:4

**aware** 121:5 143:3 152:2 239:7

## B

**b** 3:10,14 51:15 136:1 170:11,17  
174:21 196:9

**back** 6:9 8:23 13:13 18:14 27:17  
30:14 46:10,12,21 47:1 53:4,16  
55:5,7 56:1 62:10 83:24 94:15  
94:23 104:17 108:21 124:21  
131:12 138:22 166:23 167:8  
174:10 177:17 181:5 182:9  
183:9 190:3 194:23 198:11  
200:15 211:5,6 219:22 245:6  
257:3 262:19

**back-and-forth** 205:7

**backed** 181:21

**background** 70:15 98:11 250:14  
251:24

**bad** 6:19 15:4

**balanced** 80:22

**bank** 186:8

**banking** 207:10

**banquet** 20:11

**Barnes** 134:11 139:9 189:15

**Barnhouse** 69:23

**base** 72:6 80:7

**based** 3:17 10:25 28:7 42:9 62:4  
66:2,13 72:1 74:19 79:5 81:3  
113:3,22 123:2,3 138:3 139:24  
147:9 150:1 155:12 181:23  
182:1 183:7

**basically** 104:21 123:5

**basis** 105:22 111:13 114:21  
151:23 221:16 231:4,13 232:6  
233:10 234:2

**battle** 73:10

**Bean** 1:19 267:20

**beautiful** 100:10 126:23

**becoming** 234:22

**began** 66:14 105:11

**Begay** 93:9,10,19 95:6,10,18,21  
101:25 102:3 108:14 125:13,20  
126:19

**beginning** 42:6,6 67:5 98:13  
123:9 152:14 155:10 164:10,10  
165:3 174:10 201:15 208:23

**behalf** 8:5 15:7,8 69:24 77:9

**belabor** 142:2

**believe** 10:7 24:13 25:23 26:24  
27:19 43:21 52:1 58:12,15  
63:18,20 65:7 66:19 68:1 74:7  
80:5 88:5 107:21 130:24 132:3  
133:13 135:13 145:20 149:15  
152:25 153:13 157:6 161:23  
162:1 164:16,22 179:15 201:5  
220:19 228:25 230:22 249:20

**bells** 263:6

**belts** 11:23 19:1

**beneficial** 223:2

**benefit** 83:21,21

**benefits** 9:8

**BENNETT** 215:14,17

**Berg** 28:13,17,24 29:5 32:13,16  
34:18,22 36:24 38:20 39:10,13  
40:2,12,23 41:17,24 46:21 47:6  
50:22

**best** 49:19 88:18 96:23 106:16,21  
111:16 142:15 169:22 175:7  
178:17 190:19 207:16 211:6  
215:3 232:5 235:17 237:20  
240:14,16 262:14

**best-kept** 16:22

**better** 20:18 29:6 61:25 89:9  
101:17 128:23 217:5 243:1

**Beverly** 2:10 256:20 268:7

**beyond** 109:2

**biased** 144:20

**big** 14:1,6 20:16 31:22 34:24  
38:23 122:5 123:16 160:4  
165:22 180:9,11 254:11 261:25

**bigger** 160:19

**biggest** 36:25 205:11 255:1

**Bilingual** 144:2 155:18

**bill** 26:4 221:22 240:15

**binder** 216:23

**bins** 85:23

**bit** 18:10 26:18 28:9 29:3 64:13  
76:15 126:15 136:8 152:18  
163:15 181:20 216:17 233:14  
248:8

**biweekly** 85:16

**blessing** 79:25

**blocked** 103:13

**board** 10:4,19 11:6,10,19 13:4,4  
19:11 25:12 58:8 74:23 128:1  
155:4 156:24 167:2

**Board's** 10:24

**bodies** 59:18

**body** 61:17 62:23 63:8 64:11

**books** 132:4

**border** 76:23

**born** 76:11 79:20 94:12

**bothers** 16:24

**bottom** 43:23 44:1 67:5 110:24  
111:5 180:16

**bought-in** 206:2

**boundaries** 113:11,20

**Bowker** 156:8

**box** 135:5,21 136:3 166:6,13  
191:23 196:1

**boxes** 144:24 166:11

**brain** 112:2 167:8 264:12

**break** 59:4 131:10 211:2 216:6

**breakfast** 103:9

**breath** 110:3

**brief** 63:18,20 105:23 148:18  
256:18 261:21 265:1

**briefly** 158:5

**bring** 13:8,9 20:1 34:25 38:22  
99:13 103:1 108:18 114:10  
115:3 200:13

**bringing** 31:23 34:24 103:18  
107:18 114:6,7

**brings** 53:12 60:3

**broadly** 124:19

**brothers** 130:20

**brought** 66:10 76:3,7 126:4

**Bruce** 55:14 58:7

**buck** 111:6

**budget** 11:21 18:23 66:13,14,22  
67:14 69:6,9 82:3,20 98:5,19,20

99:1 106:13,14 115:7 116:7,18  
120:8 126:7 128:7 154:5 155:12  
155:23 156:5 161:18 162:4  
163:18 204:13,13,17 209:10  
221:14 236:6,8,11  
**budgetarily** 97:3 233:3  
**budgets** 116:16 262:5  
**build** 8:18 60:9 102:20 105:1  
**building** 1:12 54:2 82:14 104:19  
205:21  
**buildings** 103:1 117:25  
**bumping** 175:3  
**bunch** 117:25  
**burden** 165:20,22 238:4  
**Bureau** 19:3 66:15,21,23 69:10  
73:3 79:24 94:8 145:18 146:8  
146:13 155:13,18 156:17  
158:18,19 159:4,10 209:12,14  
**bureaus** 145:22,24 156:3 160:22  
161:19 162:5,6 209:10  
**business** 59:24 66:11,17,18 67:2  
67:21 68:5,8,12 71:14 74:12  
75:9 82:1 83:1,6 90:12 93:25  
95:15 96:18 97:16 103:23,25  
104:3 106:11 107:2,10,12,14,19  
108:1,15,18 111:12 115:6 117:5  
128:6 212:7 235:25  
**busy** 141:20  
**busy-work** 236:1  
**button** 7:25 29:2  
**bylaws** 149:12

## C

**c** 1:19 2:1 3:1,15 4:1 56:21 84:9  
135:22,23 136:1,4,5 143:12,13  
143:15,16,19 164:23,24 165:1,5  
165:6,9,10,11,14,15 166:6,7  
167:17,21,22 168:22 169:21,25  
170:10,11,16,17 171:4,5,5,6,9  
171:23 172:5 173:5,6,20 174:21  
174:22 177:17 196:8,9 200:15  
207:10,12 208:9 221:2 267:8,19  
**C'** 168:1,3  
**Caballero** 6:1 133:4,22 263:2  
**Cabinet** 224:11  
**calculate** 176:4 181:3  
**calculated** 53:7

**calculating** 172:3 184:3 185:14  
**calculation** 87:13 186:1 189:19  
**calculations** 191:21  
**calendar** 99:18 135:8 141:19  
212:21  
**call** 3:3,3 97:13 123:13 126:24  
127:1 197:21 262:3,24  
**Callahan** 261:21,23 263:22  
**called** 16:22 52:8 92:5  
**calling** 5:1,2 132:7 197:22  
**calls** 98:2  
**candidates** 122:20 123:5,7  
**cap** 52:14 53:6 136:1 170:11,12  
170:17 174:22,23 196:9 202:20  
205:20  
**capable** 54:2 81:20  
**capacity** 260:3,7  
**capital** 105:3  
**CAPTION** 268:4  
**capture** 186:12,13 191:16  
**captured** 208:1  
**captures** 186:6  
**car** 133:24  
**card** 136:5 166:7 168:15 200:22  
**cards** 89:1  
**care** 246:20  
**career** 9:18 10:5 16:2 18:6 78:9  
134:20  
**career-tech** 13:25  
**career-technical** 8:6,8,10,14 9:6  
9:21 21:12  
**careers** 8:21 10:10  
**Carmie** 2:6 254:16  
**carries** 7:12 23:3  
**cart** 20:18,21  
**case** 8:14 73:10,22 105:21 121:20  
168:11 215:6 268:4  
**cases** 218:15  
**catching** 64:12  
**caught** 97:23 243:17,19 264:23  
**cause** 47:3 216:5 230:20 241:21  
**caused** 11:3 155:10  
**caution** 259:25 260:8  
**CC** 1:25 267:25 268:2  
**CCR** 1:19 267:8,19  
**ceiling** 89:15  
**center** 74:3 86:2,12

**century** 111:14  
**certain** 36:21 90:4 156:25 160:14  
235:22  
**certainly** 11:8 17:19,23 18:20,22  
37:19 55:23 89:21 110:5 111:14  
111:21,25 128:4 139:22 144:10  
152:5 156:1 163:11 164:1  
176:18 190:4 227:4 230:5 231:1  
232:17 234:16,25 250:11 254:1  
**CERTIFICATE** 4:7 267:7  
**Certified** 267:8  
**certify** 267:10  
**cetera** 31:3  
**chair** 2:3 4:4 5:1,17 6:4,17,24 7:5  
7:9,11 8:2 9:25 12:18,22,25  
14:25 15:2 17:18 18:24 19:5,7  
19:18 20:14,22 21:17 22:1,4,8  
22:10,18,21,25 23:2,10,13,17  
23:19 24:3,9 27:20 28:10 29:1  
32:7,20 33:5,11,15,23 34:3,13  
34:21 36:23 37:7,14,18,22 38:1  
38:11,15 39:6,12,15,22 40:4,19  
40:25 41:10,22,25 42:12 43:1  
43:15,17,25 44:3,15,24 45:10  
45:25 46:14,24 47:10 48:5,23  
49:4,21 50:16,20 51:3,5,15,17  
52:15 54:3,6,16,17 55:17 56:8  
56:13,22,24 57:12,23 58:10,14  
58:17,23 59:3,6 60:14,25 61:2  
62:18 63:22 65:22 69:14,17,18  
69:21 70:6 75:25 76:17 87:4,5  
87:22 88:7 89:6,16,19,21 91:21  
99:9,10 101:6,18 108:23 111:25  
112:22 117:7,8 118:6,16 125:18  
125:24 126:10 127:4,6,10,15,17  
127:20,25 128:9,15,19 129:6,12  
129:17 130:11 131:6,12,25  
132:2,7,11,16,22,24 133:20  
134:1,3,9 135:6,14,16 136:10  
136:20,25 137:3,15 138:1,5,12  
138:17 139:2,8,14 140:1,8,13  
141:1,6,13,22 142:9,21 143:1  
146:2,12,15 148:8 149:3,5,9,12  
149:14 150:9,13,18,22,25  
156:16 157:2,9,12,24 158:5,22  
159:2,21 160:6,10,15,24 161:8  
161:16,20 162:3,15 163:5,7,9

164:7,13,16 165:4,15,17 166:1  
 166:9 167:10,19 168:9,14  
 169:11,19 170:1,8,22 171:2,15  
 171:18 172:13,21 173:2,9,15  
 174:19 175:7,19,22 176:16,20  
 177:23 178:4 179:3,4 180:16,22  
 181:21 182:5,8,12,14 183:18  
 184:16,19,23 185:16,18 186:17  
 187:8,12,18 188:25 189:12,21  
 189:25 190:9,19 191:10,20  
 192:10,15,25 193:2,5,9 194:3,8  
 194:16,23 195:2,11,15,20,24  
 196:6 197:5,12 198:11,22 199:3  
 199:12,20,24 200:24 201:5,7,11  
 201:21,25 202:3,7,14,16 203:6  
 203:9,16,21,24 204:4,9,22,23  
 205:3 206:11 207:21,25 209:14  
 209:20 210:1,20 211:1,4,8,23  
 212:17,22 213:10,14,24,25  
 214:14,16 215:1,8,11,16,19,25  
 216:1,4,10,13 218:23,25 219:5  
 219:8,16,20 220:9,15,18 221:1  
 221:6,17 222:9,23 224:16,23  
 225:2,8,14,17,21,23 226:11  
 227:19,22,25 228:4,9,15,22  
 229:4,19 230:15,20,24 231:2,18  
 231:20,24 232:7,13,18,22 233:4  
 233:8,12,24 234:5,8 235:5,16  
 236:8,19 237:11 238:4,7,10,17  
 239:3,7,14,16,19 240:4,12,24  
 240:25 241:9 242:14,20,22  
 243:7,12 244:8,13,16 245:17,21  
 246:11,24 247:3,13 248:13  
 249:10 251:16 252:1,7,17,24  
 253:3,7,13,22 254:6,20,24  
 255:5,9,13,19,22 256:1,6,8,10  
 256:12,14,17,18 257:8,16 258:5  
 258:13,18,21 259:12,16 260:11  
 260:16,20 261:22 263:21 264:1  
 264:2,7,9,10,16,19 265:19  
 266:2,4,6,11,13,14  
**Chair's** 252:15  
**Chairman** 101:5  
**chairperson** 10:3,5 79:16  
**Chairwoman** 18:16 24:11 41:6  
 43:22 46:5 47:14 51:22 58:9  
 59:10 66:8 76:1 87:9 125:25

135:12 139:19 143:9 156:22  
 164:19 166:3 176:6 198:15  
 219:24 226:2,18 229:24 230:22  
 234:15 249:12 251:4 259:21  
**challenge** 37:17 39:23 55:18 56:3  
 89:7 111:18  
**challenges** 39:21 42:7 48:3 89:11  
 108:25 110:5,6 118:23 124:23  
 124:24 201:7  
**challenging** 14:3 26:12 118:16  
 166:5  
**Chamber** 14:15  
**change** 27:17,17,22 29:18 33:8  
 34:13,23 41:4,13 44:6 46:3,12  
 46:13 47:11,16 49:7,11 64:4  
 67:18 79:6 137:11 146:3 150:17  
 158:2,12,20 169:11,20 170:8  
 212:21  
**changed** 13:18 64:9 121:22  
**changes** 3:14 14:11 32:22,23  
 33:5 64:12 137:25 149:19  
 158:11 208:1 226:20 231:21  
 234:18 235:10 250:5  
**changing** 29:19 30:3 35:18,21  
 47:5 137:6,10 158:6 188:4  
 198:25  
**changing-around** 30:22  
**Chapman** 1:19 58:4 267:8,19  
**chapter** 19:25 88:16,16,21  
**charge** 103:7 246:20  
**Charlotte** 83:7 90:10,13,20,24  
 91:3,7,10,16,20 97:9 104:2  
 107:9 115:9,11,14,20 116:23  
 117:1 120:3,4,7,21  
**charter** 2:8 3:8,11,13,16 24:6  
 25:14 26:6,17,21 29:15 39:16  
 42:2 44:6 49:11 51:24 52:11,22  
 54:14 56:15,16 59:7,9,12 61:4  
 65:14,25 69:24 71:6,17 74:5,22  
 74:22 75:18 76:20 78:1,2 80:15  
 81:16 90:23,25,25 92:7 109:17  
 116:8 121:11 126:6 131:3  
 148:12 152:22 153:4,20,25  
 158:1 179:9 181:9,9 183:11  
 184:12,17 194:17 199:3,4  
 214:12,22 225:25 226:3,14,24  
 227:16 234:23 237:16,19,25

240:8 245:24 248:24 249:3  
 252:13 261:20,24 262:16 263:6  
 265:1,11  
**charters** 25:17 214:8  
**Chavez** 115:9,11  
**check** 120:1 142:13 162:21 186:7  
 191:23 204:20 235:12,15  
**checked** 162:15  
**cherish** 14:22  
**Chief** 68:25 90:15 92:11  
**child** 184:6 201:15  
**children** 54:12 86:1,5 113:12  
**chitty** 101:16  
**choice** 169:25  
**choose** 219:12,14  
**choosing** 72:13  
**Chris** 151:3,11,18 152:13 153:8  
 153:22 154:18 156:8,14 163:9  
 169:2,6,10 171:13,21 174:3,5,9  
 175:5,21,24 176:18 180:22  
 185:5,8,21 187:7 188:11,15  
 189:12 190:4,7,11 191:11 192:4  
 192:14 193:21 194:6,16 201:19  
 204:15 205:10 206:7 207:7,20  
 210:24  
**Christie** 28:13,17,24 29:5 32:13  
 32:16 34:18,22 36:24 38:20  
 39:10,13 40:2,12,23 41:17,24  
 46:21 47:6 50:22  
**Christmas** 130:23  
**Cien** 205:16  
**Cindy** 58:4  
**circle** 86:5 181:5  
**circles** 86:11  
**circumstances** 147:9  
**claimed** 74:10  
**claims** 72:9,24  
**clan** 79:19  
**clarification** 164:8,18,19 233:20  
 239:10 252:12  
**clarified** 26:3  
**clarify** 26:5 29:9 45:1 98:7 168:2  
**clarity** 142:6  
**Class** 56:17  
**classes** 14:8 36:7,8  
**Classical** 63:13  
**classify** 147:8

<b>classroom</b> 13:10 14:21 30:23 32:1 44:8 95:20 104:24 <b>classrooms</b> 30:22 35:19,22 36:1 <b>clean</b> 24:19 85:21 218:17,19 230:18 <b>cleanup</b> 47:2 <b>clear</b> 72:20 76:2 111:3 126:9 137:18 165:2 176:25 191:3 198:17 201:2 204:2,3 237:7 238:7 240:19 247:19 <b>clearer</b> 38:18 <b>clearly</b> 75:5 106:12 110:19 143:5 255:7 <b>clip</b> 29:2,2 69:18 <b>close</b> 91:1 148:3 171:12 177:18 200:17 201:22 205:17 207:13 <b>closed</b> 141:24 201:3 <b>closely</b> 73:21 74:10 147:14 155:20 156:2 250:16 <b>closer</b> 195:9 261:1,5 <b>closest</b> 250:13 251:7 <b>closing</b> 130:12 167:5 <b>closure</b> 65:10,11,15 243:14 244:7 <b>closures</b> 3:15 65:7 <b>CNM</b> 19:11 <b>Co-Executive</b> 261:23 <b>Coalition</b> 261:20,24 <b>Code</b> 68:11 <b>cohort</b> 136:14 <b>collaborate</b> 105:4 <b>collaboration</b> 81:24 248:23 249:2 250:6 251:21 <b>collaborative</b> 93:4,15 96:17 105:19 106:8 152:21 <b>collaboratively</b> 106:22 246:6 <b>collecting</b> 85:9 184:8 227:10 <b>collective</b> 114:13 <b>college</b> 18:6 78:8,12 86:10 <b>combination</b> 8:16 36:1,7 <b>come</b> 21:18 24:7 26:3 27:17 33:6 33:18 40:16 46:10,12,21 51:12 55:5,7 56:1,9 60:21 65:3 75:19 79:25 90:1 94:23 101:15 102:22 106:7,7 111:5 117:6 118:14 122:2 124:17 128:13 138:21 144:7,11 151:1 157:23,23 164:22 165:8 175:17,18 176:17	176:20 178:18 179:10 180:6 182:9 183:9 187:23 188:3 189:9 192:1 202:2 207:5 211:15 213:23 244:8,9 252:25 262:19 <b>comes</b> 36:13 96:19 144:10 177:18 186:2 187:10 191:9 192:1 225:8 226:9 232:23 236:5,17,17 244:16 246:24 247:3,4 252:14 <b>comfort</b> 237:19 <b>comfortable</b> 144:9 151:17,20 152:4,6,11,25 153:5,17 155:11 157:17 187:9 188:2 200:24 214:20,21 252:4,5,9 253:4 <b>coming</b> 18:14 19:19 47:1 50:21 51:24 53:4,16,24 59:1 60:16 62:15 69:15 108:16 122:18 123:14 124:9,16 136:18 166:14 166:23 176:13 177:7 180:24 212:10 223:21 237:4 240:10 252:4 253:4 <b>commence</b> 152:7 <b>commend</b> 20:24 21:2 119:2 131:2 154:1 264:24 <b>comment</b> 3:5 4:10 7:13,16 61:1 129:11,13 231:25 239:10 <b>comments</b> 4:5 18:18 41:11 54:4 56:10 133:17 150:10 160:7 221:7 264:2 <b>Commerce</b> 14:15 <b>Commission</b> 1:1 5:3 9:22 24:22 25:16 27:4,15 34:9 44:19 61:20 61:21 62:1,20 64:22,25 65:2 66:12 69:7 70:8,11 71:5,20 72:1 73:11,22 74:1,4 76:5 78:21 79:17 132:19 143:21 147:12 148:25 151:19,25 154:20 158:23 163:10 164:20 167:2 170:4 171:4 172:7 173:19 208:3 217:9 224:25 227:14 234:17 244:20 249:16,25 252:14 257:15 261:17 267:1,12 268:5 <b>Commissioner</b> 5:4,6,6,8,9,10,10 5:12,13,14,14,16,18,18,20,21 5:21,23,24,25,25 6:6,12,14,17 7:2,4,6,6 19:6,7,19,22,23 20:15 20:20,22,23 21:6,11,25 22:2,3,4	22:17,19,20,21 23:9,10,12,13 32:7,14,17 33:9,13,20 34:2,11 34:15 42:11,12,14,16,19,20,21 42:21,23,24,24 43:2,2,4,5,5,7,8 43:8,10,11,11,16 44:2,3,4,13,14 44:16,17,24 45:3,6,7,8,8,11,11 45:13,14,14,16,17,17,19,20,20 45:22,23,23 47:8,13,14 48:7,8,8 48:10,11,11,13,14,14,16,17,18 48:18,20,21,21,24,24 49:1,2,8,9 49:20,22,23,24,25 50:1,2,2,4,5 50:5,7,8,8,10,11,11,13,14,14,17 50:18 51:5,17 54:5,7,17 56:11 56:13,23,24,25 57:1,5,6,7,7,9 57:10,10,13,13,15,16,16,18,19 57:19 58:2 60:25 61:3 62:13 87:5,17 89:19,21,23 90:11,16 90:22 91:1,5,8,13,18,24 92:3,7 92:14,19,22 93:2,7,11,21,24 94:2,10,14,17,20 95:2,8,12,19 95:22 96:15 97:15 98:17,24 99:3,7,9,10 100:3,11 101:4,5,6 101:7,18,19 102:1,7,13 105:9 106:23 108:4,8,13,20,22 112:21 115:5,10,12,15,21,25 116:24 117:3,7,8 118:13,24 119:1 120:5,17 121:4,10 125:1 126:12 126:13,14,25 127:2,4,6,11,14 127:16,18,19,21 128:15,20 129:10,15,15,18,18,20,21,21,23 129:24,24 130:1,2,3,3,5,6,6,8,9 131:23 132:14,23 133:2,3,4,18 133:19,20,21,22,23,24 134:2,7 134:12 135:15,18 136:12,22 137:2,12,16 138:2,6,14,21 139:4,11,15 140:2,9 141:2,10 141:17,25 142:17,23 146:20,21 146:23 148:5,22 149:2 150:11 150:16,20,23 151:4,5,12,18 152:9,13 153:1,3,8,18 154:4,18 155:15 156:4,9 160:3,6 165:13 165:17,24 166:2 168:25 169:3,8 172:9 173:21 174:6,12 179:3,4 179:5 183:19 184:18,21,24 185:6,8,17 187:5 188:9,13 190:1,5,16 192:21 193:1,17 195:1,6,13 196:2 199:1 201:9
--	---	---

202:5,15 203:4,8,21 204:2,7,10 204:18,22,24 205:5,15 206:8,25 207:8,18,22 209:19,20,23,25 210:2,2,4,5,5,7,8,8,10,11,11,13 210:14,15,15,17,18,22 213:9 215:22 217:5,7 218:21,24 219:2 219:6,10,19,23 220:16,21,24 221:11 222:8,20 224:15,17 225:3,10,12,15,19,22,24 226:12 226:19 227:15,21,23 228:2,7,12 228:17,19 229:3,4,12,13,15,16 229:18,19,25 231:16,19,24 232:8,9,15,21 233:1,2,5,11,19 234:4,7 235:16 236:10 237:11 238:6,9,16 239:1,6,9,15,18,25 240:5,9,22,25 242:12,19,21 243:5,11,12 244:5,11,14,18,23 245:2,10,13,15,18 246:13,17,25 247:9,11 248:7,15,17 250:25 251:4,10,17,18 252:6,11,22 253:1,7,20,24 254:1,3,4,12,21 254:22 255:3,6,12,20,21,25 256:2,3,6,7,8,9,10,11,12,13,14 256:16 257:14 258:11 259:4,14 259:19 260:9,13 263:2 264:3,4 264:8,9,10,11,15,16,17,19,20 264:21 265:20,23 266:3,5,8,14 <b>Commissioners</b> 2:2 6:2 7:8 18:2 18:17 22:7,24 23:16 24:12 28:21 37:8 39:15 41:2,7,25 46:6 51:23 54:4 59:3,11 66:9 69:17,21 75:24 76:2 79:11 86:25 87:2,4,10 109:6 126:1 131:16 132:17 133:2,16 139:20 143:7,10 150:9 156:23 211:1 226:3 234:16 261:22 266:10 <b>Commissioners'</b> 6:5 <b>commit</b> 145:21 146:9 159:3 160:1 177:8 262:6,25 <b>commitment</b> 81:22 105:16,18 206:23 207:1,4,5,10 262:18 <b>commitments</b> 265:8 <b>committed</b> 70:24 83:13,15 101:3 104:14 110:10 <b>committee</b> 59:23 69:2,3 76:4 106:14 122:1 125:15,18 151:21 152:3 155:5 167:1 220:3,8,23	254:17 <b>common</b> 29:12 122:18 243:9 <b>commonly</b> 10:6 <b>communicate</b> 111:14 181:17,25 <b>communicated</b> 147:15 <b>communicating</b> 40:15 <b>communication</b> 66:14 109:15 153:24 <b>communications</b> 111:22 147:10 242:6 <b>communities</b> 9:18 77:2 <b>community</b> 65:13 76:22 77:1,4,7 77:9,12,16 78:4,16,24 79:2,5,9 79:12,13 80:6,9,14,25 81:22 83:16,22 84:6,18,20,23 85:2,6 85:11,21 88:22 94:13 102:22 110:9,10,11 114:24 122:5 123:1 124:18 126:23 206:23 207:17 257:25 258:15 <b>community-invested</b> 78:20 <b>community-led</b> 77:14 <b>community-wide</b> 206:20 <b>compared</b> 123:4 <b>competition</b> 13:14 14:17 17:9 <b>complement</b> 34:9 <b>complements</b> 44:8 <b>complete</b> 11:14 12:3 74:25 75:21 82:8 85:16 140:15 195:17 <b>completed</b> 87:12 199:11 <b>completely</b> 98:10 144:18 <b>completing</b> 145:5 <b>compliance</b> 68:15,20,24 69:1,5 83:9 120:16 153:4 <b>complicate</b> 71:11 <b>complied</b> 75:17 <b>complies</b> 69:20 <b>compliment</b> 64:14 <b>comply</b> 67:22 <b>component</b> 163:19 <b>components</b> 26:20 <b>compromised</b> 11:15 <b>computation</b> 188:18 <b>computations</b> 191:18 <b>concepts</b> 80:23 <b>concern</b> 41:20 63:1 68:24 69:1,5 107:1 109:2,9 110:4,7 122:18 144:8,14,19 146:6 147:14	151:13 153:12 154:12 160:19 172:15 173:22 176:7,7,11 190:17 213:18 216:5 223:6 224:5 231:5 233:12 234:12 235:9 237:2,10 238:25 239:24 241:5,17,18 <b>concerned</b> 34:17 72:21 99:17 111:8 142:8,20 146:14 151:24 172:16,21,23 173:16 183:6 205:8,15,23 235:7 239:12 243:13 247:4 <b>concerning</b> 37:2,21 63:5 90:8 106:24 109:25 <b>concerns</b> 10:24 11:2 39:18 59:16 64:25 65:3 67:4 68:13,23 70:11 70:19 72:10,20,25 74:19,20 83:3 121:11 126:8 133:14,17 139:20,23 142:25 143:8,11 144:21 149:4 181:1 198:19 205:6 221:7 223:9 231:15 <b>concise</b> 155:6 <b>concluded</b> 266:16 <b>concludes</b> 87:1 <b>concur</b> 248:18 <b>condensed</b> 154:25 <b>conditions</b> 77:10 <b>conduct</b> 74:13 147:11 154:2 <b>conducted</b> 70:22 72:16 147:3 148:4 <b>conducting</b> 72:8 73:3 <b>conference</b> 16:14,16 190:13 254:19 262:2,4,15 <b>conferences</b> 12:13 85:18,19,19 <b>confidence</b> 184:25 <b>confident</b> 236:21,23 240:19 <b>confined</b> 29:23 <b>confirmation</b> 261:10 <b>conflict</b> 166:12 <b>conflicts</b> 227:7 <b>confused</b> 220:6,11 <b>confusing</b> 152:15,18 233:25 234:6 <b>confusion</b> 90:3 204:5 <b>Congratulations</b> 94:18 <b>consensus</b> 76:4 <b>consider</b> 3:16 39:25 65:24 71:5 237:13
--	--	--

**consideration** 52:5  
**considered** 37:11  
**consistent** 203:12,14 223:3  
**consistently** 9:10  
**constantly** 101:1  
**constituents** 262:23  
**constitute** 267:10  
**consult** 231:14  
**contagious** 6:21  
**contain** 230:3  
**contained** 71:16  
**contemplated** 157:22  
**contemplates** 159:18  
**content** 164:12  
**contention** 74:16  
**contentions** 112:7 147:13  
**context** 77:1 167:4 227:4  
**continue** 11:11 32:4 38:17 62:3  
63:10 79:9 84:5,6 95:23 102:20  
105:16 121:3 145:6 156:2  
**continued** 4:1 53:10  
**continues** 173:22  
**continuing** 59:18 60:9 67:6 77:8  
200:25 263:9,25  
**continuous** 145:8 209:2  
**continuously** 83:5  
**contract** 3:22,24,24 4:3 27:23  
29:17,21 35:6,7,13,20,24 36:4  
36:20 39:19 46:19 56:16 63:6,6  
117:15 140:17,21,25 143:2  
145:8,13 147:5 148:13,16  
160:24 161:2 162:25 211:10  
212:25 213:1,18 214:13 216:16  
216:20 217:24 218:4,7 223:1  
226:20 237:14  
**contracted** 221:12 226:16  
**contracts** 27:7 183:9 214:12  
253:25  
**control** 11:20 98:19,20 156:19,21  
**controls** 68:19,22  
**conversation** 24:23 25:15,18  
110:17 122:9 123:21 124:6  
134:13 141:3 154:6 173:18  
182:20 189:14,15 192:9 219:18  
219:22 220:13 237:23,24 239:5  
241:1 243:4,9 252:2  
**conversations** 67:2 98:10,11

111:8 164:3 235:3 236:22,24  
**convoluted** 231:9  
**Conyers** 2:4 5:12,13 6:12 7:4,6  
23:9,11 42:11,13,19,20 45:6,7  
48:19,20 50:6,7 57:5,6 100:7  
101:5,6,7 130:1,2 210:13,14  
217:8 229:19,25 231:24 233:2  
240:25 255:20,21,25 264:3,4,8  
**cook** 85:11  
**cooked** 84:21  
**Cool** 39:13  
**cooperated** 83:10  
**cooperation** 147:8  
**coordinate** 145:25 146:4,11,18  
158:14 209:6  
**coordinated** 145:18  
**coordination** 102:25  
**coordinator/adviser** 11:12  
**copies** 80:10 98:8 218:13,20  
**copy** 217:14,15 218:17,19 219:25  
**Core** 29:12  
**corn** 85:4  
**correct** 21:5 29:8 30:13,14 31:3  
33:11,13 37:6 39:22 54:19  
58:14 61:6 95:1 117:4 125:11  
125:17 126:1 127:15 131:22  
137:15 138:5 139:7 141:13  
148:8,24 149:13 152:10 156:15  
156:17 158:19 160:13 171:1,21  
176:17 183:14 192:25 221:3,5  
222:23 225:1,2 227:18 230:17  
230:17 233:4,6 239:22 240:7,21  
240:24 255:16 257:21 258:20  
**corrected** 125:16  
**correction** 96:25 128:1 136:23  
208:19  
**corrections** 21:23 22:15 23:7  
150:1 161:17 208:5  
**corrective** 3:20 74:21,24 75:1  
96:2 131:14 133:8,11 134:17  
135:1 137:17 138:25 139:10  
150:14,15 151:13 152:2,7,16  
153:11 154:15,22,23,25 155:7  
208:3,12  
**correctly** 120:15 177:22 183:14  
**correspondence** 98:7  
**cost** 118:8 132:12 204:14

**costs** 19:1  
**coughing** 6:20 264:12  
**council** 28:22 51:1 57:25 70:6  
76:17 82:18,19 83:13,24 86:20  
106:15,18 112:23 116:13  
118:14 121:25 125:5 265:7,12  
**councils** 216:2,7  
**counsel** 2:9 148:19 216:21  
217:19 218:8 223:24 229:1  
235:13,17 237:5 238:21 239:21  
247:6,8,12,14,16 248:14 250:6  
250:10,16  
**counted** 134:5 185:14  
**counting** 185:16  
**county** 105:4,6 124:1 267:13  
**couple** 13:13 26:2 38:22 86:19  
101:21 181:1 214:3 221:9 223:6  
**course** 20:25 119:20 134:8  
210:24  
**court** 1:20 245:8 267:9  
**Court-ordered** 245:8  
**cow** 134:4  
**cracks** 110:15  
**Craig** 155:22  
**crazy** 17:6  
**create** 77:15 142:14 249:19  
**created** 60:7 78:8 80:18 85:25  
113:10 155:18 161:4 191:6  
219:3  
**creating** 78:16 86:4 137:19  
234:18  
**credence** 13:9  
**critically** 11:15  
**Crone** 2:4 5:22 19:20,22,23  
20:15,20 22:3,5,20,22 43:6,7  
45:18,19 48:25 49:1 50:9,10  
56:23,24 57:8,9 126:12,13  
127:2 129:19,20 202:15 210:16  
210:17 256:10,11 265:20  
**cross-age** 36:18  
**cross-outs** 218:16  
**crossing** 241:20  
**Cruces** 60:23 118:22 257:20,21  
258:4,10,14 259:3  
**crunch** 181:14 200:10  
**Crystal** 94:12 114:25  
**CSD** 37:16 58:19 60:20 63:19

70:12,19 71:2,4,12 72:1,5,7,12  
 72:19,21 74:18 76:2,6 82:13  
 83:2 90:6 132:9 133:6 139:5,6  
 139:8,9,12,18 140:3 143:11  
 144:6,22 145:18 146:10,21  
 147:10 158:13 159:3 176:21  
 182:2 188:21 189:20 191:23  
 193:15 195:18 196:12,21 197:6  
 197:19,23 198:2 199:16 202:9  
 202:18,20,24 208:11,13,19  
 209:5 226:9 227:13 230:2,10  
 242:17 244:6,13 245:1 246:18  
 247:25  
**CSD's** 63:20 71:20 73:2 74:8,16  
 75:7 76:7 144:16 176:7 181:2  
 188:16 198:5  
**CTE** 9:9 10:9,14 11:6 12:9  
**CTEs** 9:12  
**CTLB** 15:7  
**CTLP** 10:6,24,25 13:4 16:21  
 17:7  
**CTLP's** 11:13  
**CTSO** 13:10  
**CTSOs** 10:9 12:9,10,14 13:7  
**culinary** 85:3  
**cultural** 83:20 86:8  
**culture** 32:1 77:18 121:21  
**cultures** 113:5 119:12  
**current** 27:10 42:9 70:17 88:1  
 89:17 140:14,20,23 171:14,15  
 171:19 201:20  
**currently** 3:24 11:12 25:2 41:15  
 41:18 52:1 73:3 76:24 114:17  
 213:1  
**curriculum** 26:19,20 44:8 49:16  
 81:8 83:1 93:8 95:3  
**cursory** 185:2  
**curve** 102:15 105:13 110:23  
**Custodian** 2:10  
**custom** 189:13 196:17  
**customize** 186:4,5,22  
**customized** 189:22 190:21,23,25  
 192:17 193:7 194:12 196:24  
 197:7,9,20 199:21 204:1,11  
**cut** 18:22 194:17  
**cut-and-dry** 180:14  
**cuts** 260:6

**Cuylear** 69:22 70:7 86:25 96:13  
**cycle** 143:4 175:9  
**CYFD** 25:23  
**Cynthia** 1:19 267:8,19

## D

**d** 3:1,1 4:1,1 136:1 164:24,25  
 167:18,23 168:5 170:11,17  
 171:10 172:16,23,24 173:3,6,17  
 174:22 196:9 230:18  
**D.C** 16:11  
**daily** 85:14 114:21  
**dangling** 201:12  
**Daniel** 254:18  
**DANIELLE** 2:5  
**DASH** 163:11,16,19  
**data** 69:11 82:9 115:17 139:5,12  
 139:17 140:13,20,22 144:7  
 158:7 175:5,16,17,25 176:1,8  
 176:10,11,13,16,20 177:12,20  
 177:22 180:8 181:3 182:2,2,7  
 183:15 184:8,12 185:7 186:9,10  
 186:20 187:15,15 188:1,21  
 189:16,20 190:21,24 191:2  
 192:6,16,23 193:6,6,10,12,16  
 194:13 195:18 196:12,15  
 197:18,18,22,23 198:3 199:2,17  
 202:9,18 203:25 204:6 208:10  
 208:10,19,21 224:3 227:10  
 240:10,18 250:13  
**date** 64:4,9 71:17 73:4 129:9  
 139:16 141:18,18 147:17,18,22  
 147:23 148:1,2,3 175:2,9 188:6  
 193:6,20 194:17 200:17 208:21  
 268:2,9,14,19,24  
**dates** 61:6 147:21 213:21  
**daughter** 19:9  
**David** 2:9 155:22 255:17  
**day** 35:11 80:20 95:15 105:23  
 159:13 175:23 178:8 234:20  
 243:24 257:24 258:4 260:7  
**day-care** 86:2  
**day-to-day** 82:24 109:11 111:9  
 120:11  
**days** 122:14 139:16 144:5,9  
 184:4 198:5,11,20,24 199:9,10  
 203:1 208:16,20

**deadlines** 198:7  
**deal** 38:12,13 61:10,15 99:15  
 100:8 118:10 119:12 179:20  
**dealing** 61:19 167:11 179:2  
**deals** 167:10  
**dealt** 39:7 87:19  
**Deana** 117:2  
**DEAP** 3:17 66:1 69:24,25 70:2  
 70:16,18,21,23 71:1,3,8,13,15  
 71:18 72:7,16,20 73:4,7,8,13  
 74:17,20,24 75:2,5,5,12,20  
 76:16 77:11,15,20,22,25 78:5,6  
 78:8,9,14,15 79:9 80:3,5,18  
 81:16 82:5,10,11 83:3,10,13,15  
 84:10,13,19,21,24 85:2,5,13,15  
 85:20,24 86:2,14 87:1 113:10  
 127:1 173:23  
**DEAP's** 70:14,16 71:6,13 74:12  
 75:3,14,23 78:22 80:13 81:13  
 81:19 82:19 83:9  
**death** 219:20  
**debate** 191:13  
**debating** 191:13  
**DECA** 13:4,19,22 16:22 17:22  
 19:8,24,25 20:1,5,12  
**December** 24:14 52:4 65:12 69:8  
**decide** 39:1 249:14 253:8  
**decided** 31:4  
**decision** 63:15 114:5 135:3  
 179:25 183:7 206:17  
**decision-making** 67:10  
**decisions** 18:21 19:4 67:10,14,15  
 67:15 169:4 234:20 250:15  
**decreased** 86:18,24  
**decreasing** 28:5  
**deep** 80:17  
**deepened** 61:22  
**deeply** 18:13 128:1  
**default** 166:22  
**defensible** 250:19  
**Defiance** 76:12,23 86:13 114:24  
**deficiency** 68:18  
**deficit** 17:4,5,5,5  
**deficits** 17:11  
**define** 136:23  
**defined** 37:5,9 110:19 136:16,17  
 138:7



<p><b>definitely</b> 36:17 102:8,18 114:18 194:7 240:2 263:14,17</p> <p><b>definition</b> 15:20,23 25:25 37:12 136:15 137:23 263:10</p> <p><b>DEL'D</b> 268:9,14,19,24</p> <p><b>delay</b> 121:6</p> <p><b>DELIVERED</b> 268:9,14,19,24</p> <p><b>delve</b> 18:12</p> <p><b>demand</b> 190:10</p> <p><b>demonstrate</b> 166:19</p> <p><b>demonstrated</b> 52:6 56:19</p> <p><b>demonstrations</b> 85:3</p> <p><b>denial</b> 243:14</p> <p><b>denied</b> 223:12</p> <p><b>denigrate</b> 96:10</p> <p><b>denying</b> 51:8,12</p> <p><b>department</b> 8:7 12:4 70:23,24 73:2,16 74:13 75:18 115:8 116:7 153:7 154:8 185:1</p> <p><b>departments</b> 155:16,21 156:3</p> <p><b>dependent</b> 81:12</p> <p><b>Deputy</b> 217:2,16 221:18</p> <p><b>designed</b> 85:24</p> <p><b>desire</b> 39:25 222:24</p> <p><b>desk</b> 98:9</p> <p><b>detail</b> 245:12</p> <p><b>detailed</b> 156:6 243:15 244:22</p> <p><b>determination</b> 98:15 179:7 182:25 223:19</p> <p><b>determine</b> 87:14 136:19 189:17 246:6</p> <p><b>determined</b> 129:9</p> <p><b>determines</b> 198:3 202:20,24 208:13</p> <p><b>develop</b> 15:21 131:4</p> <p><b>developed</b> 152:3 228:23</p> <p><b>developing</b> 153:6</p> <p><b>development</b> 77:4 142:12 229:23</p> <p><b>Developmentally</b> 25:20</p> <p><b>devote</b> 91:9</p> <p><b>died</b> 219:15,18</p> <p><b>differ</b> 109:17</p> <p><b>difference</b> 100:13,15 119:10,11 136:8 160:5 180:10,11 225:25</p> <p><b>different</b> 12:11 30:12 46:10 72:4 80:17 100:8 103:1,14 104:15 105:4 107:2 114:8 115:1 145:22</p>	<p>162:6 172:20 185:10</p> <p><b>difficult</b> 30:6 38:8 73:6,18 78:3 132:17 201:9 262:6</p> <p><b>difficulties</b> 87:11 169:16</p> <p><b>difficulty</b> 31:14 137:18 164:5 182:18 214:6</p> <p><b>diligently</b> 83:9 84:17 97:2,4,20 151:9</p> <p><b>Diné</b> 113:4,14 124:19 126:15,18</p> <p><b>Dine'</b> 90:25</p> <p><b>dire</b> 9:14</p> <p><b>direct</b> 97:22 99:5 185:25</p> <p><b>directed</b> 68:5 147:11</p> <p><b>direction</b> 230:2 245:21 249:14 253:18 254:10 255:11,14</p> <p><b>directions</b> 68:8</p> <p><b>directive</b> 68:14 75:17 148:25</p> <p><b>directives</b> 67:13</p> <p><b>directly</b> 17:10 66:17 80:11 82:23 97:13 99:18 126:14 192:1</p> <p><b>director</b> 2:8 18:6 29:7 40:14 61:4 66:7 75:25 79:17 81:7,8,25 82:25 83:1,11 91:25 92:10,12 92:16 93:7 95:3,4 102:11,19 104:18 109:20 111:7 115:22 125:24 143:8 144:2 163:23 175:8 191:17 192:5 213:11 218:12 234:14 245:22 246:5 252:3,19 261:23</p> <p><b>dirty</b> 16:20</p> <p><b>Disabled</b> 25:20</p> <p><b>disagree</b> 199:4 229:12,16 247:10</p> <p><b>disagreement</b> 144:14 147:7</p> <p><b>disapprove</b> 82:20</p> <p><b>discomfort</b> 153:19,20</p> <p><b>Discovery</b> 138:7</p> <p><b>discrepancy</b> 140:3</p> <p><b>discretion</b> 245:20</p> <p><b>discuss</b> 46:6 99:19 153:12,19 162:10 235:19 245:22 256:4 259:22</p> <p><b>discussed</b> 26:18 27:13 139:24 153:18 188:16 257:23,24</p> <p><b>discussing</b> 213:12</p> <p><b>discussion</b> 3:7,11,16,20,21,23 4:2 24:5 46:16 65:24 73:23 99:22 99:23 101:8 126:11 127:8,19,20</p>	<p>128:9 131:13 146:9 165:18,23 166:25 167:3 169:7 170:5 171:3 188:25 189:6 211:3,9 212:24 216:15 221:17 222:4 230:21 234:17</p> <p><b>discussions</b> 37:1 81:10 89:7 189:21 200:1 213:2 230:23 256:25</p> <p><b>Disks</b> 268:8,13,18,23</p> <p><b>disposed</b> 65:18</p> <p><b>dispute</b> 168:23 177:15,23 188:20 198:16 199:11</p> <p><b>disputing</b> 199:2</p> <p><b>disruption</b> 159:12</p> <p><b>distinction</b> 196:23 202:23</p> <p><b>district</b> 251:22</p> <p><b>Ditl</b> 65:25</p> <p><b>Ditl'-ooi</b> 126:19</p> <p><b>Ditl'ooi</b> 3:17 76:18 80:2 126:21</p> <p><b>Ditl-ooi</b> 126:20,24</p> <p><b>diverse</b> 54:12</p> <p><b>diversity</b> 96:21</p> <p><b>divide</b> 7:16 119:15</p> <p><b>Division</b> 2:8 3:11,13 29:16 59:8 59:12 61:4,13 71:17 74:5 75:18 116:8 145:4 152:23 153:5,21 154:1 158:2 177:12,21 184:13 184:17 194:17 199:4,5 226:1,14 226:25 227:2,16 240:8 245:24 248:24 249:3 252:13 265:2</p> <p><b>Division's</b> 126:7</p> <p><b>doable</b> 186:14</p> <p><b>document</b> 112:12 142:18 152:11 152:11,14,16,17 153:10 154:22 163:5 216:19 217:22 218:7,10 219:3 268:8,13,18,23</p> <p><b>documents</b> 66:24 99:24 154:14 155:2 157:1 246:2,7 248:25 249:1</p> <p><b>dogging</b> 188:14</p> <p><b>doing</b> 10:23 16:17 35:14,23 51:20 54:8 55:24,25 59:17 60:10 68:3 88:25 105:13 106:4 106:20,25 119:20 142:5 162:16 162:20 179:18,22 185:18,19 188:17 191:17 205:1,7,23,24 206:5 227:17 229:9,21 234:20</p>
---	---	--

240:10 242:23 244:12 246:19  
 246:20 248:1 253:9 263:12,16  
 264:5  
**dollar** 97:19 235:6  
**dollars** 11:13,23 100:15  
**Don** 1:12  
**donate** 105:7  
**Donna** 71:23  
**doors** 13:20  
**dorm** 130:22  
**double** 104:21  
**double-check** 221:1  
**doubt** 133:12  
**Dr** 11:4,6 18:4,8,19 70:1,2 79:15  
 79:18 86:17 88:2,8 89:14,17  
 91:21,23 92:1,5,13 93:6,14,18  
 93:23 94:4,6,11,15,19 95:1 96:6  
 97:16 98:6,18 99:2,6 100:19  
 102:15 111:23 112:1 115:23,24  
 116:10,15 123:22 124:5 130:12  
**draft** 134:18 225:16 231:17  
 250:12,22 251:7  
**drafted** 137:14 229:8 252:8  
**drafting** 225:6,13,13,18 226:15  
 227:9 228:18,20 250:11 251:23  
**draw** 131:1  
**Dream** 90:25  
**Drexel** 17:13  
**dropped** 167:17  
**due** 10:19 68:13 120:8,8 135:2  
 156:18 182:4  
**dump** 84:20 176:1  
**dumped** 120:6  
**duplication** 246:22  
**Dzit** 3:17 65:25 76:17 80:2  
 126:19,20,20,24

## E

**e** 2:1,1 3:1,1,1 4:1,1,1 145:16  
 158:12 209:5  
**e-mail** 11:4,5 71:1 97:13 98:8  
 106:11 189:23  
**e-mails** 106:10  
**earlier** 9:13 74:2 89:6 178:6  
 232:1 248:20  
**earliest** 193:20  
**early** 8:19 9:16 74:3 81:17

161:24 194:1  
**earn** 186:6 222:21  
**easier** 29:3 69:19 196:3  
**easily** 191:12 239:6  
**easy** 36:14 80:20 158:10 179:7  
**eating** 231:5  
**economic** 77:3  
**ed** 54:13,13  
**Eden** 18:7  
**educated** 119:14  
**educating** 8:9  
**education** 1:1,12 3:19 5:3 8:6,7,8  
 8:10,15 9:7,9,11,11,21 10:5  
 12:16 29:11 66:4 70:23 73:2  
 74:18 75:6 76:13 77:1,5,24  
 79:23,24 80:19,22 82:15 83:16  
 86:15 94:8 95:5,6 113:1,11  
 115:1,8 116:7 119:13 124:17  
 130:16 144:2 154:8 208:3  
 252:14 257:14 267:1,12 268:5  
**educational** 47:20 48:1 179:25  
**effectively** 174:15  
**effectiveness** 11:14  
**effort** 60:19 77:14,23 106:8 110:1  
 125:16 127:23,23 128:6 152:21  
 206:19,20 246:22  
**efforts** 11:25 77:11,12 79:6 83:17  
 88:14 108:17 125:10  
**eight** 43:13 88:5 190:2  
**eighth** 25:7 30:11 31:7,16,17,18  
 41:19 52:25 53:10 76:25  
**eighth-grade** 88:11  
**eighth-graders** 41:15,17 52:24  
 53:3 88:5,10  
**either** 25:22 118:12 148:13  
 197:20 214:10,17  
**elders** 80:9 88:22  
**elected** 21:8  
**electives** 14:5  
**electronic** 111:22  
**electronically** 111:15 131:19  
 132:1  
**elementary** 30:3,6,8,19 31:15  
**eliminate** 162:25 167:20  
**eliminated** 163:8 204:4 230:25  
**eliminating** 170:23  
**elimination** 12:3 209:1

**ELL** 54:12  
**else's** 112:6  
**emergency** 235:23  
**emphasis** 30:17  
**employee** 68:3,7  
**employer** 20:20  
**empower** 80:5,24  
**empowered** 77:15 79:4  
**empowering** 77:24 79:5 89:5  
**empowerment** 3:17 66:1 76:18  
 80:3 81:3 86:16  
**enable** 100:15  
**encompass** 109:18  
**encourage** 27:4,14 64:22 65:4  
 80:8 97:21 98:1 116:3 154:5,7  
**ended** 161:10 170:22 235:17  
**ends** 118:7 216:3  
**Energy** 17:13  
**English** 130:19,25 134:21  
**enjoyed** 10:23  
**enjoying** 28:14  
**ENMU-CTLP** 10:11  
**enrolled** 26:6  
**enrollment** 26:8 39:20 42:9 52:1  
 52:14 56:18 83:18 88:1 89:13  
 110:2 141:9 205:12  
**enrollments** 88:15 110:6  
**ensure** 29:16 68:15 83:9 114:12  
 120:14 163:15  
**ensuring** 65:16 82:14 96:23  
**enter** 26:9 34:4 126:10 183:9  
**entertain** 21:24 22:16 23:8 41:11  
 56:11  
**entertaining** 73:12  
**entire** 72:1 96:8 116:12 142:18  
 147:12 148:25 155:24 169:7  
 193:24 206:23  
**entirely** 151:25  
**entirety** 46:9  
**entities** 27:2 103:1 105:5,6  
 117:21  
**entity** 122:5 144:20 150:19  
 241:22  
**entrusted** 96:19  
**EPSS** 59:14  
**equitable** 153:15  
**equivalent** 130:24

**erasure** 113:8  
**error** 58:1,23 221:3  
**Española** 47:19,25 94:9 132:25  
**especially** 18:1 19:12 71:8 101:12  
 109:21 229:5 231:25 249:15  
**establishing** 39:24  
**Estancia** 63:13 213:4  
**estimate** 89:13  
**et** 31:3  
**ethically** 37:24  
**evaluate** 122:22 192:3 224:3  
**evaluation** 82:21 144:22 260:5,7  
**evaluations** 82:8  
**evaluator** 198:18,19  
**EVCA** 261:8  
**evening** 265:11  
**evenly** 7:17  
**event** 14:16  
**events** 83:20  
**eventually** 35:2 98:18  
**everybody** 35:11 93:12 105:18  
 106:16 205:22  
**everyday** 241:13  
**Everyone's** 107:6  
**evidence** 70:12  
**evidencing** 75:5  
**evolved** 130:16  
**exact** 63:23 261:10  
**exactly** 78:5 102:14 142:7 179:13  
 188:7  
**exam** 184:6  
**example** 15:24 31:13 78:7 83:19  
 223:16 224:5 252:4  
**examples** 16:5  
**exceed** 137:24 138:8 187:14  
**exceeding** 160:8  
**excellence** 77:25 141:12  
**excellent** 52:6  
**excess** 69:5  
**excited** 31:24 35:11 38:25 60:4  
 236:16  
**excuse** 6:22 15:4 35:17 88:4  
 126:13 229:15  
**execute** 223:22 246:3,8  
**Executive** 76:4 91:25 92:10,12  
 109:20 115:22  
**exercise** 85:15

**exhaustive** 236:22  
**exhibits** 84:25 268:8,13,18,23  
**exist** 11:3 113:6  
**existed** 78:13,17  
**existence** 71:15 78:18 173:25  
**existing** 114:17 168:20  
**expanding** 55:22  
**expect** 172:10 176:25  
**expectation** 223:25 242:15 252:7  
**expectations** 230:14  
**expected** 84:15 226:16 230:9  
**expenditures** 69:6  
**expensive** 118:17 204:12  
**experience** 13:15,19 14:11,21  
 20:12 76:16 79:22 81:21 113:1  
 190:6 250:9 251:19  
**experienced** 214:23  
**experiences** 54:24  
**expertise** 81:12 160:21  
**experts** 140:10  
**expire** 214:8  
**explain** 6:18 15:17 18:21 28:8  
 107:4 243:1 250:11  
**explaining** 238:2  
**explore** 38:9  
**Exposure** 78:11  
**express** 19:24 176:7  
**expressed** 70:19 109:9 198:19  
 223:9  
**expressing** 106:25  
**extend** 6:9 214:11  
**extended** 253:15  
**extension** 215:6,15,16  
**extent** 153:24 157:22 200:4  
 235:22 239:20 240:19 241:18  
 241:20 247:25  
**external** 83:7  
**extra** 14:10 132:12  
**extraordinary** 118:9  
**extremely** 78:2 123:10 155:16  
 170:19  
**eyes** 199:8,8 225:9

---

**F**


---

**F** 165:14 167:18 171:15,20 172:2  
**fabulous** 64:17  
**face** 113:6 124:17

**faced** 74:1 237:15  
**faces** 42:7 48:3  
**facet** 77:11  
**facilitate** 10:11 145:23  
**facilities** 78:3 89:18 103:4 110:5  
**facility** 118:22  
**facing** 17:10 105:25 118:21  
**fact** 35:9 46:8 47:4 57:24 61:25  
 74:11 94:21 130:15 132:2  
 151:19 156:18 182:13 186:25  
**failed** 69:11  
**failure** 68:14  
**fair** 85:1,5 158:9 175:14 180:20  
 193:8 206:15 224:1  
**fairly** 46:15 178:24 180:18  
 211:12 236:21 253:14  
**fairness** 192:4  
**fall** 37:15 214:2 239:4 262:12,19  
**falling** 110:15 187:16  
**false** 160:2  
**familiar** 105:24 131:8 152:20  
 163:12 183:21  
**families** 47:19,24 78:7,12 114:7  
 114:14 201:10 206:2,17,18  
 245:23  
**family** 82:14 122:6 123:17  
**fantastic** 30:17 31:2,11 51:19  
**far** 39:2 64:2,19 109:20 111:7  
 131:7 151:24 152:4 163:20  
 187:16 207:14 226:8 227:19  
 247:4 248:21 254:4  
**fast** 98:12 101:22  
**fault** 174:3  
**favor** 7:7 22:6,23 23:15 266:9  
**Fe** 1:13 30:25 267:13  
**feat** 80:20  
**February** 62:10 181:8  
**federal** 67:19,20 68:4 100:24  
**feedback** 28:7 154:3  
**feeder** 40:2  
**feel** 16:3 88:18 96:22 106:19,21  
 181:22 199:6 236:23  
**feels** 249:25  
**feet** 109:12  
**fell** 103:19  
**felt** 104:6 105:15 144:3 219:13  
**females** 116:4 119:8

<b>field</b> 35:10 124:16 <b>fifth</b> 27:19 102:2 104:2 <b>fifth-graders</b> 88:3 <b>fighting</b> 117:21 <b>figure</b> 18:25 113:16,21,25 233:13 235:21,22 254:23 260:16 261:2 <b>figured</b> 135:2 <b>figurehead</b> 67:9 <b>figuring</b> 114:2 192:8 <b>filed</b> 63:19 <b>files</b> 65:17 <b>fill</b> 8:17 9:13 93:3 235:23 <b>filled</b> 62:25 104:6,7 <b>final</b> 11:21 49:6 163:5 188:17 194:5 218:19 236:6 249:25 250:1 265:21 <b>finalize</b> 87:15 260:25 <b>finalized</b> 131:20 218:16 <b>finalizing</b> 59:13 <b>finally</b> 15:2 85:24 86:9 123:11 209:8 237:12 <b>finance</b> 81:5 82:3 83:2,10,11 94:24 97:5,18,25 105:12 115:7 116:7 125:18 154:7,24 155:23 156:24 <b>finances</b> 74:23 103:19 109:21 110:14 119:19 120:14 155:9 156:19,21 162:8 <b>financial</b> 3:18,18 17:5 66:3,3,15 66:22,24,25 69:10,11 74:9 81:24 82:6 91:14 95:24 105:25 109:2 111:18 115:17 149:23 150:6 154:21 155:7 156:17 157:5,19 158:17,18,25 159:4,10 159:19,22 161:17,18 162:4 209:8,10,11,12 <b>financially</b> 118:19 <b>Financials</b> 149:21 <b>find</b> 16:2 30:7 72:3,12 116:19,24 117:4 123:11 124:20 162:22 168:11 179:12 <b>finding</b> 53:14 118:8,22 128:11 <b>findings</b> 68:17 72:14 73:24 80:12 82:12 90:2 115:16,18 116:3 120:2,18 121:7 125:2,3,8,12,13 127:11 128:2,3,13 157:7,8,10 <b>fine</b> 146:13,19 158:9 174:14	192:10,11,14,19 207:3 238:15 252:23 253:17 254:5 260:14 <b>finger</b> 127:5 <b>finish</b> 149:3 175:20,22 186:18 236:11 <b>finished</b> 186:11 215:13 <b>finishes</b> 184:6 <b>finishing</b> 200:6,9 <b>firm</b> 69:23 214:1 <b>firmed</b> 129:8 <b>firmlly</b> 11:21 <b>first</b> 7:21 12:8 19:15 24:9 25:2,10 30:2,15 41:13 47:12 62:9 70:7 71:12,14 84:7,8,24 89:11 96:9 103:5 106:11 110:2 123:9 130:19 135:1,5,21 136:10 140:16,21,24 143:12 148:3 166:13 167:7,11 180:23 183:22 184:2 186:10 195:17,23 196:1,2 196:6 200:23 203:22 219:2 220:20 221:10 237:16 238:11 238:14 244:19,20 246:17 <b>fiscal</b> 68:17 195:12 199:19 208:8 208:23 230:7 256:21 <b>fit</b> 31:5 122:23 123:1 124:7 131:4 155:6 240:14 <b>five</b> 24:13,15 25:1 88:3 95:11 107:1 212:1 214:1 220:8 254:15 <b>five-minute</b> 59:4 131:9 <b>five-year</b> 52:4 63:16 <b>fix</b> 158:10 <b>fixed</b> 40:8 <b>fixing</b> 170:24 <b>Flag</b> 3:3 6:13,16 <b>Flagstaff</b> 78:11 <b>flight</b> 55:19 201:13 <b>floor</b> 8:2 10:3 12:2,7,20 13:2 14:20 15:1,4 17:17 21:5,8,16 28:11 58:7 69:16,20 83:24 <b>flux</b> 213:3 <b>focus</b> 28:5 135:16 <b>focused</b> 144:12 <b>focusing</b> 79:6 <b>folks</b> 32:21 62:15 99:12 108:24 166:22 206:10 207:6 220:2 237:17 239:5 <b>follow</b> 68:14	<b>followed</b> 6:13 68:22 <b>following</b> 29:17 44:25 165:8 169:1 181:19 190:17 208:4 <b>food</b> 84:19 85:11 103:7 <b>foods</b> 84:21 <b>football</b> 54:19 55:16 <b>foregoing</b> 267:10 <b>forensic</b> 8:25 9:3 <b>forensics</b> 9:1 <b>foresight</b> 131:3 <b>forget</b> 13:19 <b>forging</b> 85:8 <b>forgiveness</b> 68:7 <b>Forgot</b> 260:9 <b>form</b> 247:17,21 255:2 <b>former</b> 66:11 71:14 74:12 76:12 84:20 123:12 <b>formerly</b> 72:7 <b>forms</b> 256:23 <b>formulas</b> 137:6 <b>Fort</b> 76:12,23 86:13 114:24 <b>forth</b> 14:10 <b>forward</b> 18:19 24:4 27:14 31:12 34:7 58:18 63:14 64:8 66:10 105:8 130:17 151:10 172:18,23 173:17 178:21 205:6 214:19 217:19 220:4 234:18 236:21,25 249:16,18 250:2 254:24 263:25 264:5 <b>forwarded</b> 11:4 217:15,16 <b>found</b> 52:24 125:15 <b>foundation</b> 8:18 31:25 97:5 <b>founded</b> 77:20 <b>founder</b> 58:6 93:1,10 116:11 <b>founders</b> 81:19 96:18 <b>founding</b> 116:13 <b>four</b> 7:15 15:11,11,18 16:9 64:1 85:22 98:13 104:9 107:1 123:8 147:21 190:2 218:2 220:2,17 <b>four-and-a-half</b> 64:1 205:3 <b>four-and-one-half</b> 80:4 <b>four-year</b> 217:24 <b>Fox</b> 213:23,25,25 214:1,15,21 215:4,9,12,24 216:1,9,11 <b>frame</b> 135:7 178:2 179:1 217:5 <b>frames</b> 178:3 <b>framework</b> 3:22 61:19,23 136:13
---	--	---

137:1,20 138:1,13,15,19 139:3  
 143:3 144:1 151:22 169:25  
 181:10 208:18 211:11 214:12  
 240:18 263:12  
**frameworks** 61:20 192:3  
**free** 55:4  
**frequently** 229:14,17  
**freshman** 16:5  
**Friday** 5:3 61:7 63:18 99:12  
 147:24 212:6,13  
**FRIEDMAN** 2:10 12:1,5 14:19  
 17:16 131:25 132:3,9 211:22  
 212:17 268:7  
**front** 16:7,16 26:5 62:20 125:7  
 152:24 153:16 162:1 207:2  
**FTA** 20:3  
**fulfill** 139:25 247:24 265:7  
**fulfilling** 79:2  
**full** 12:8,8 34:9 86:5 109:13  
 173:18 174:11 260:17  
**full-time** 11:11 90:18 123:16  
**fully** 11:20 70:24 82:10 100:12  
 109:10  
**fun** 205:4 261:14 265:25  
**functions** 18:3 81:14  
**fund** 119:21  
**funded** 11:12,23 18:3 25:23,24  
 39:16,17  
**funding** 10:25 11:11,17 12:4  
 37:10 82:4 105:3 204:12 241:6  
**funds** 100:21 119:22 232:5  
**furiously** 89:24  
**further** 23:21 39:1 71:12 72:23  
 253:18  
**furthermore** 74:20  
**fussing** 206:4  
**future** 3:16 8:4,21 20:3 27:14  
 40:13 46:12 53:21 65:24 71:6  
 104:16 120:25 127:8 216:11  
**fuzzy** 126:22,24 138:24  
**FY** 155:3 164:11 168:21 170:9,15  
 174:20 196:7  
**FYI** 260:25

---

**G**


---

**G** 3:1 4:1 245:15,20 246:14,17  
 248:21

**gain** 98:21  
**gained** 82:2  
**Gallup** 122:12,16,18 123:14,17  
 128:16 129:7 257:6,10,10  
**Gallup-McKinley** 124:1  
**gamble** 233:15  
**game** 119:18  
**gap** 110:14  
**gaps** 207:13  
**garden** 84:18,20,21 106:3  
**gardening** 26:23 44:10  
**Gardner** 71:22 106:10 107:24  
**Garnanez** 92:21,22 93:19 94:3  
**Garnenez** 81:25 92:18,20,25 94:1  
 102:11,17 105:15 107:7 108:7  
 108:10  
**gas** 124:9  
**Gaspar** 1:12  
**gathered** 85:23  
**gavel** 20:2  
**GC** 125:4,21  
**gearing** 59:20  
**general** 2:9 29:25 138:17 155:16  
 195:24 208:6 209:5 243:17  
 261:3  
**General's** 23:23 229:1 231:13  
 234:2,13  
**generally** 63:25  
**generate** 226:16  
**generated** 196:13 223:15 246:3  
**genuine** 236:23  
**geographic** 111:11  
**getting** 17:10 19:14 59:13 73:19  
 79:1 101:23 105:19 118:10  
 164:5 176:8 177:8 187:13  
 196:24 218:20 236:12 249:20  
 250:1 253:11  
**giant** 20:5  
**Gillespie** 10:2,4  
**Gipson** 2:3 5:16 42:25 45:9 48:22  
 50:15 57:11 79:16 129:16  
 174:14 196:4 202:2,11 209:25  
 256:14  
**girl** 8:23  
**give** 8:19 20:25 66:5 83:23 92:2  
 106:19 112:4 126:16 156:6  
 176:4 178:21 191:18 194:18

199:18 253:17  
**given** 14:8 28:7 67:13 74:24  
 147:16,21 176:2 204:18  
**gives** 177:2,4 184:9 254:10  
**giving** 12:23 17:8 28:24 222:18  
 255:11,15 259:15  
**glad** 19:23 100:5,6 104:10 156:5  
 264:17  
**glass** 236:19  
**Gloudemans'** 61:21  
**go** 8:23 13:23 14:7 15:19 18:10  
 19:16 23:21 24:25 25:4 30:14  
 31:12 32:21 33:21,23,25 34:20  
 35:6,7,9,13 37:20 45:5 52:25  
 53:1 64:21 66:23 74:21 88:20  
 91:11 96:4 100:4,5,6,10 110:17  
 119:15 120:22 124:20,21  
 126:22 128:18 130:18 136:3  
 150:8 152:21 160:5 177:16  
 178:20 194:23 198:11 200:15  
 204:19 205:6 214:19 222:15  
 224:11 227:3 233:17 235:24  
 236:25 241:15 249:15 251:11  
 253:8 256:19 257:9,10 260:22  
 262:23 263:3  
**go-to** 9:4  
**goal** 95:23 120:12 138:8 143:24  
 144:3 160:9,25 161:1 181:9  
 185:12,21,22 187:14,17 191:24  
 194:8 202:19,25 207:12 208:12  
 208:15  
**goals** 110:12 142:7 143:4 151:23  
 152:3 157:5 158:17 160:20  
 165:3 174:17 176:1 177:13,20  
 185:15 196:1,25 197:21,25  
 198:4,6 208:7,22 209:8  
**goes** 6:7 64:20 97:19 112:12  
 121:2 160:19 163:16 209:4  
 220:4 250:20  
**going** 6:19 16:9 19:9 20:1 21:9  
 24:24 33:23 38:16 40:7,20  
 44:20 47:4,5 64:21 65:15 66:25  
 72:23 85:8 88:15 89:10 98:14  
 103:3 106:4 107:13 111:5  
 112:17 116:15 120:21 122:4  
 130:13 131:9 134:20 136:19  
 137:9 146:21 148:3 149:1 151:6

<p>155:12 159:8,14,15 163:14  166:8 169:16,21 171:8,11  172:17,23 173:6,17 174:16  176:9 177:9,18,21 178:18 179:6  179:10,12 180:2 183:1,2,5,8  184:23 185:23 186:15,15 187:2  187:20,21,23,24 188:1 189:3,7  190:12 191:23 192:7,13 194:14  199:15,23 200:5 201:13,14  206:9,10 207:16,24 211:5,5,6  211:12 212:19 213:6 214:8  215:19 217:4,6 219:11 221:20  222:21 223:16,17,18,19,22,24  226:5 228:15 232:20 233:13,17  235:8 236:12,16,19,21,24,25  238:19 240:14,20,23 242:7  245:7 247:1 248:9 253:18  254:13 259:16 261:6 263:7,11  263:22</p> <p><b>Gomez</b> 117:2</p> <p><b>good</b> 7:23 12:22 28:10,11,12,13  28:20 31:3 40:14 51:3 52:16,17  52:19 53:18 66:5 69:14,16,21  70:1,4 76:9 118:10,18,19  122:23 123:1 124:7 128:5  147:24 151:3,5 156:10 197:12  213:7 214:21 232:4 249:9 264:4  264:7 265:17</p> <p><b>gosh</b> 62:10</p> <p><b>gotten</b> 220:1,5</p> <p><b>govern</b> 184:5</p> <p><b>governance</b> 3:14 57:25 112:22</p> <p><b>governing</b> 19:11 28:22 51:1 58:7  59:18 61:17 62:23 63:8 64:11  70:5 76:17 82:18,19 83:13,24  106:14,18 121:25 216:1,7 265:7  265:12</p> <p><b>government</b> 100:24</p> <p><b>governmental</b> 105:5</p> <p><b>graciously</b> 132:9</p> <p><b>grade</b> 25:7,8 27:11,18 30:5,5,12  31:7,16,17,19,20 34:23 41:4,13  41:19 42:8 46:13 53:1,10 56:17  56:21 84:9 88:9 135:22 136:6  164:21 165:5,15,20 166:16  167:16,25 168:1,7,15,20,24  169:21 170:3,10,16 171:4,8,15</p>	<p>171:20 172:10,11,22 173:3,10  174:21 177:17 178:16 180:13  196:8 200:22 208:8</p> <p><b>grade's</b> 178:18</p> <p><b>grade-level</b> 46:9</p> <p><b>graders</b> 41:18</p> <p><b>grades</b> 25:3,5,5,7 30:3 32:6 42:3  42:4,5 48:4 76:24 165:7</p> <p><b>grading</b> 265:21</p> <p><b>grandson</b> 124:1 205:16</p> <p><b>grant</b> 18:2 33:24 34:8 63:16  67:20,22 68:4,6 82:4 105:2</p> <p><b>granted</b> 31:8</p> <p><b>grantors</b> 81:15</p> <p><b>graphs</b> 182:16</p> <p><b>great</b> 19:2 20:9,12 35:11 58:21  59:17 60:10 61:10,14 86:3  100:16 110:8 154:3 155:18,23  179:19 183:10 216:12,13  247:25</p> <p><b>greater</b> 172:14 231:11 254:6</p> <p><b>greatest</b> 118:12 254:10</p> <p><b>greatly</b> 86:18</p> <p><b>greenhouse</b> 44:10</p> <p><b>greeting</b> 126:16</p> <p><b>grew</b> 94:11</p> <p><b>ground</b> 77:18 109:12 251:24</p> <p><b>group</b> 6:18 54:11,12 116:4 150:7  150:7 154:1 206:22</p> <p><b>groupings</b> 35:20 49:15</p> <p><b>groups</b> 265:12</p> <p><b>grow</b> 103:3 104:25</p> <p><b>grown</b> 54:13</p> <p><b>growth</b> 16:19 84:10,12,13 114:19  118:3 136:15,16,17 137:11,23  180:19 185:10,12,13,16,21  186:13 189:17 191:19 207:12</p> <p><b>guarantee</b> 122:8 141:8 159:8,15  160:2,2 178:19,21 232:13</p> <p><b>guess</b> 36:25 38:11 56:2 92:2  107:7,18 120:5,18 152:10 159:2  167:14 170:6,19 171:10 172:6  178:4 180:6 196:13 197:18  230:15 232:9 240:13 241:1,2  249:10 259:7</p> <p><b>guessing</b> 212:8</p> <p><b>guidance</b> 163:25 164:2</p>	<p><b>guide</b> 103:23 154:14</p> <p><b>guy</b> 20:6</p> <p><b>guys</b> 12:20 13:7 264:18</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>H</b> 245:15 246:14,18 248:22</p> <p><b>hack</b> 6:21</p> <p><b>hail</b> 28:15</p> <p><b>hairs</b> 248:8</p> <p><b>hairly</b> 126:22</p> <p><b>half</b> 136:19 137:4 217:13 222:7</p> <p><b>half-a-day</b> 128:17</p> <p><b>half-a-mile</b> 123:24</p> <p><b>half-full</b> 236:20</p> <p><b>Hall</b> 1:12 64:2 212:20</p> <p><b>halls</b> 55:4</p> <p><b>hand</b> 183:2,3 191:16 267:16</p> <p><b>handing</b> 188:21</p> <p><b>handle</b> 24:24 39:19 109:24  243:25</p> <p><b>handled</b> 39:21 111:10</p> <p><b>handling</b> 64:6,17 100:14,14,17</p> <p><b>hands</b> 107:5</p> <p><b>hands-on</b> 44:9 76:25 109:21  111:19</p> <p><b>handwriting</b> 15:5</p> <p><b>hang</b> 201:14 206:13</p> <p><b>hanging</b> 205:24</p> <p><b>happen</b> 13:11 32:3 53:22 159:9  159:14,15 173:10 193:14 198:8  198:21 221:23 238:24</p> <p><b>happened</b> 34:5 96:24 182:14</p> <p><b>happening</b> 105:23 106:2 112:5  118:7 161:10 184:14,14</p> <p><b>happens</b> 194:10 197:9</p> <p><b>happy</b> 52:11 56:2 60:11 214:23  263:21</p> <p><b>hard</b> 8:20 15:16 32:11 59:13  119:22 123:10 146:9 180:7,25  195:15 234:19 264:12</p> <p><b>Harvard</b> 9:2</p> <p><b>hate</b> 33:21 184:10</p> <p><b>hats</b> 80:17</p> <p><b>hailed</b> 20:16</p> <p><b>hauling</b> 20:5</p> <p><b>head</b> 28:17 67:7,12,23 70:2 75:3  75:10 80:4,7,15 81:8,13 82:21</p>
---	--	---

85:25 91:21 103:18,20 104:7  
105:17,22 109:10,16 110:25  
112:22 114:16 123:12 127:24  
142:24 151:8 169:9 179:6  
226:13 240:1  
**health** 8:4 9:14,18 77:5 82:18  
**hear** 12:20 54:25 75:11,14 84:4  
96:8 151:2 176:8 223:19 238:17  
**heard** 71:20  
**hearing** 3:16 7:11 22:10 23:2,19  
63:20,21 64:2,4 65:25 71:6  
99:19,20 174:24 203:1 208:15  
257:17,19  
**hearings** 128:16 129:2 257:25  
258:5,9,16,19 259:1 260:1  
261:7  
**hearsay** 64:8  
**heart-to-hearts** 110:20  
**heavy** 122:17 130:25  
**height-challenged** 20:17  
**Heinrich** 16:12  
**held** 7:25 110:3 198:1 211:3  
217:11 230:5 246:2,7 267:12  
**hello** 76:9 79:11  
**help** 9:12,13 10:7,9 18:15 36:19  
102:19 103:23 105:12,12 131:3  
133:7 155:23 179:23 207:17  
228:11 235:3 247:20  
**helped** 85:20 107:12  
**helpful** 128:22 155:17,22  
**helping** 137:19 179:23 181:3  
**helps** 10:11 15:21 17:12 62:3  
**Henderson** 12:19 13:2  
**herbs** 85:10  
**hereunto** 267:15  
**Hi** 28:20  
**high** 13:3,12 16:6 17:12 19:9,25  
52:8 53:1,5,11 54:21,23 171:9  
171:10  
**high-school** 55:20  
**higher** 9:10,11 60:8 143:18  
**highlight** 80:13 83:25  
**highlights** 84:7  
**highly** 21:14 72:12 81:19 83:8  
117:15  
**hikes** 85:15  
**Hill-Clapp** 28:20,21

**hinky** 173:10  
**hire** 30:4,21 115:23 121:16  
216:20  
**hired** 30:12,15 31:2,6 75:9 83:6  
93:3 107:9,24 108:9 109:23  
121:1 140:5 174:9 235:19  
**hiring** 31:14 82:21 122:1  
**Hispanic** 14:15  
**historical** 146:24 218:22,22  
**history** 30:9 82:10  
**Hobbs** 21:11  
**hold** 95:4,6 151:6 160:14 161:7  
161:12,20 162:22 164:17  
174:24 198:5 262:4  
**holding** 54:2 235:14  
**holds** 82:19  
**Holy** 134:3  
**home** 79:25 94:4,16 124:20  
130:22,23 256:20  
**hometown** 21:1  
**homework** 206:5  
**honest** 144:18 153:9  
**honestly** 39:6  
**honesty** 182:8 201:12  
**honoring** 170:6  
**hope** 24:3 28:14 40:6 88:5 111:21  
121:22 127:24 145:25 190:7,14  
194:9 221:24  
**hopeful** 207:9  
**hopefully** 128:10 208:1 211:18  
**hoping** 6:7 87:23 128:12 213:5  
213:21 263:3  
**horticulture** 84:25  
**HOSA** 8:4,25 9:1,16 16:22  
**hospital** 86:13  
**hours** 14:10 64:1 87:14,15 178:8  
205:4 212:2 221:22  
**house** 124:21  
**housing** 31:15 122:4,8 123:15  
124:22  
**huge** 55:12 63:1 98:25 102:14  
**husband** 6:7  
**hypothetical** 168:17  
**hysterical** 218:22 219:1

---

**I**

---

i's 49:12

**IAIA** 78:9  
**ICDC** 13:18,19  
**ice** 122:17  
**Icela** 144:2 160:16  
**idea** 102:18 113:10 168:17  
196:15 198:10 229:5 245:3,4  
261:3  
**ideal** 145:20 241:3,7  
**ideally** 114:23 255:25  
**ideals** 113:3  
**identical** 157:7,13 158:20 209:16  
**identification** 144:4  
**identified** 26:21 27:25 68:18  
140:4 143:25 150:2 250:8  
251:20  
**identifies** 27:11  
**identify** 65:2 93:15 143:21  
144:15 192:7 226:6 230:8 250:7  
**identifying** 26:25  
**IEP** 137:22  
**ignored** 68:8  
**II** 90:14 102:5  
**ill** 6:7  
**immediate** 167:3 200:16  
**immediately** 97:21 179:9 194:21  
200:17  
**immersion** 109:13  
**impact** 3:22 15:14 16:18 17:1,23  
78:23 80:14 211:10,14,25 212:5  
212:13 245:23  
**imperative** 256:22  
**implement** 120:13 145:4,6  
**implementation** 145:7 149:25  
**implemented** 67:24  
**importance** 9:21,23 114:15  
**important** 19:12 39:14 51:6 60:3  
70:21 77:13 78:21 81:4,21  
97:12,18,19 113:9,24 119:16  
122:24 149:17 150:6 157:1  
187:13 229:25 230:4 249:21  
251:3 256:24  
**importantly** 254:7  
**impossible** 173:8  
**impressed** 101:11  
**improper** 72:5  
**improve** 47:20,25 77:10 83:5  
**improvement** 96:3 145:4,9

<p>152:17 172:15 209:3  <b>improvements</b> 149:25  <b>improving</b> 82:13  <b>in-depth</b> 18:11  <b>inappropriate</b> 73:15  <b>include</b> 25:16 69:3 81:7,11  130:16 144:16 255:23  <b>included</b> 11:22 27:16 69:8 85:6  125:14 149:19 255:7  <b>includes</b> 47:21 48:2 86:1  <b>including</b> 70:16 83:12 85:3,7  145:15  <b>inclusion</b> 143:12  <b>incorporate</b> 29:11  <b>incorporated</b> 26:14 62:8  <b>incorporates</b> 25:14 80:22  <b>incorrect</b> 184:3  <b>increase</b> 14:4 52:14 54:2 83:17  84:15 88:15 110:1 186:7 223:16  <b>increased</b> 85:14 86:23 97:2  <b>increasing</b> 88:14  <b>incredible</b> 16:18  <b>independent</b> 72:14 74:5,8 199:8  <b>independently</b> 116:22  <b>index</b> 185:13  <b>Indian</b> 79:24 86:11 94:8  <b>indicate</b> 7:8 19:21 22:7,24 23:16  58:11 160:24 175:17 227:12  266:10  <b>indicated</b> 67:8 148:20 163:24  172:9 212:1 226:22  <b>indicates</b> 7:4 21:25 22:3,17,20  23:9,12 42:11 111:7 127:14  131:17 145:17 151:22 191:19  209:19 212:16  <b>indicator</b> 137:13 138:3 167:7  174:18  <b>indicators</b> 135:25 166:20,21  169:24 170:11,17 174:21 192:8  196:9  <b>indigenous</b> 80:19,23 85:9,10  113:13 114:11,11,25 116:4  119:12 121:19  <b>individual</b> 20:15 60:20 66:15  67:11,14,16 141:7 222:18  241:11,15  <b>individuals</b> 7:18 18:17 109:23</p>	<p>124:3  <b>industrial-sized</b> 85:23  <b>industry</b> 17:8  <b>inform</b> 82:18  <b>informal</b> 81:5  <b>informally</b> 181:25  <b>information</b> 11:5 39:2 59:14  61:13,17 63:11 64:5,18 70:16  71:9,16,24 73:4,5 74:5,7 87:24  91:14 112:19 137:7 138:9 156:6  161:3 162:19 175:15 182:11,22  183:24 184:7 186:14 189:2  190:18 220:1 226:7 230:12  237:6 242:9,24 246:2,7 250:14  250:23 251:8 261:12 263:4  <b>informed</b> 87:11 98:4 105:18  106:17 160:18  <b>informs</b> 98:10  <b>infrastructure</b> 102:20  <b>inglorious</b> 219:20  <b>initial</b> 133:7 217:3 233:8,9  250:22  <b>initially</b> 102:18 103:5,11 148:19  149:8 172:8  <b>initiated</b> 75:15 83:19  <b>initiative</b> 75:13 76:8  <b>innovative</b> 8:9 11:25 77:17 80:14  <b>input</b> 56:6 60:17 105:19 133:7  144:17 212:3 252:9 257:2,17,19  257:25 258:5,8,16,18 259:1  260:1 261:7,17  <b>inroads</b> 235:10  <b>inserting</b> 195:22  <b>Inspired</b> 66:20 77:21 82:2 107:11  108:11  <b>instance</b> 200:23 227:1 252:18  253:2  <b>instances</b> 36:15 155:25  <b>instruction</b> 28:1,4 44:8 49:14,15  97:23,24,25  <b>instructional</b> 87:13,14  <b>instructors</b> 262:16  <b>insufficient</b> 48:4  <b>integrated</b> 47:20 48:1  <b>integrity</b> 15:13  <b>intend</b> 88:9 172:8 230:8  <b>intended</b> 172:7</p>	<p><b>intent</b> 53:2 82:15 166:13 179:14  227:8  <b>intention</b> 247:15  <b>intentional</b> 110:16 150:4  <b>intentionally</b> 112:3  <b>intents</b> 161:8,12  <b>inter-</b> 29:22  <b>interact</b> 97:7,17  <b>interaction</b> 93:25  <b>interacts</b> 97:6  <b>interest</b> 124:3 227:7  <b>interested</b> 9:17 30:7 36:15 73:12  <b>interesting</b> 265:25  <b>interfere</b> 241:23  <b>interim</b> 138:4 180:8 193:18,25  <b>internal</b> 64:16 68:19,21 183:7  <b>internally</b> 60:8  <b>interpret</b> 249:5  <b>interpretation</b> 29:22,23 139:13  177:15 186:16,19 187:10  188:18 208:20  <b>interrupt</b> 32:9 255:4  <b>interview</b> 260:7  <b>interviews</b> 260:3  <b>introduce</b> 7:24 13:1 69:25  <b>introduced</b> 79:18  <b>introducing</b> 29:8  <b>invaluable</b> 14:1  <b>invested</b> 86:7  <b>investigating</b> 246:19  <b>investigation</b> 72:8 73:16,20  <b>invisible</b> 113:8  <b>invitation</b> 100:12 101:14  <b>invite</b> 12:10,12  <b>involved</b> 8:24 9:6 19:10 96:1  106:17 109:10 128:1 132:18  163:19 177:21  <b>involvement</b> 181:2 188:17  <b>involves</b> 8:16  <b>iron</b> 254:7  <b>issue</b> 37:8 56:4 74:1 121:15  123:16 124:15 136:11 142:22  148:14 156:16 158:6,8 159:11  169:16 178:15 181:4 192:5  193:21 199:12,21 200:13  215:11 223:14,21 237:9 238:13  239:19 245:10</p>
---	---	--



**issued** 72:17  
**issues** 26:2 71:19 74:9 77:3,6,16  
 101:9 105:24 111:11 123:17  
 150:2 160:4 234:22 235:3  
 237:18 245:22  
**it'll** 35:11 222:11  
**item** 18:12 21:19 22:12 23:4 24:5  
 40:21 47:11 59:6 60:13 65:23  
 66:10 76:3 87:12 99:13,19,22  
 99:23 126:7 127:8 131:10,13  
 145:16 149:7,11 162:11 216:15  
 218:4,7 256:17 264:2  
**items** 131:20,21,24 143:10  
**iteration** 183:22

---

## J

---

**J** 224:6 241:20  
**J-K** 239:20  
**James** 2:4 7:21 8:3  
**January** 62:10 69:8 74:2 147:19  
**Jennie** 70:1,2 79:15,18 88:2,8  
 89:14,17 91:23 92:1,5,13 93:6  
 93:18,23 94:6,11,15,19 95:1  
 98:6,18 99:2,6 100:19 104:9  
 105:23 111:23 112:1 115:24  
 120:22 130:12  
**Jerry** 1:12  
**Jim** 128:23 131:7 244:19  
**Jimenez** 70:1,2 79:15,19 86:17  
 88:2,8 89:14,17 91:21,23 92:1,5  
 92:13 93:6,14,18,23 94:4,6,11  
 94:15,19 95:1 96:6 97:16 98:6  
 98:18 99:2,6 100:19 102:15  
 111:23 112:1 115:23,24 116:10  
 116:15 123:22 124:5 130:12  
**JoAnn** 52:17 54:22 55:15 56:7  
 58:5,5,21 59:2  
**job** 1:25 8:18 9:13 20:5 30:24  
 59:17 64:17 89:3 102:10 110:8  
 111:1 112:3 116:14 117:11  
 121:13 123:19 245:13 267:25  
 268:2  
**jobs** 16:20 17:6,10 19:14 78:16  
 222:21  
**Johnson** 69:23  
**Johnston** 2:5 5:19,20 21:25 22:2  
 32:7,14,17 33:9,13,20 34:2,11

34:15 43:9,10 45:15,16 48:12  
 48:13 50:3,4 57:17,18 60:25  
 61:3 62:13 89:19,22,23 90:11  
 90:16,22 91:1,5,8,13,18,24 92:3  
 92:7,14,19,22 93:2,7,11,21,24  
 94:2,10,14,17,20 95:2,8,12,19  
 95:22 96:15 97:15 98:17,24  
 99:3,7 100:3,11 101:4 108:22  
 112:21 115:5,10,12,15,21,25  
 116:24 117:3 121:4 127:19,21  
 130:7,8 131:23 133:18,19 134:2  
 134:7,12 135:15,18 136:12,22  
 137:2,12,16 138:2,6,14,21  
 139:4,11,15 140:2,9 141:2,10  
 141:17,25 142:17,23 146:20,23  
 148:5,22 149:2 150:20,23 151:4  
 151:5,12,18 152:9,13 153:2,3,8  
 153:18 154:4,19 155:15 156:4,9  
 168:25 169:3,8 183:19 184:18  
 184:21,24 185:6,9,17 187:5  
 188:9,13 190:1,5,16 192:21  
 193:1,17 195:13 201:9 202:5  
 204:7,10,18 207:18 210:9,10,22  
 218:21,24 219:2,6,19,23 220:16  
 220:21,24 224:15,17 225:3,10  
 225:15,19,22,24 226:12,19  
 227:15,21 228:2,7,12,19 229:3  
 229:12,15,18 231:16,19 232:8  
 233:1,5,11,19 234:4,7 237:11  
 238:6,9,16 239:1,9,15,18,25  
 240:5 242:12,19,21 245:15,18  
 246:13 247:11 248:17 251:18  
 252:6,11,22 253:1 254:1,22  
 255:3,6 256:8,9 258:11 264:11  
 264:15,19,20 266:14  
**join** 261:14  
**Jonathan** 15:2,6  
**Jones** 134:8,9 142:10 150:23,24  
 151:3,8,11,18 152:13 153:8,22  
 154:4,18 156:8,14 163:9 168:25  
 169:2,6,10 171:13,21 174:5,9  
 175:21,24 176:18 180:22  
 183:21 185:5,8,21 187:7 188:9  
 188:11,15 189:12 190:1,4,7,11  
 191:11 192:4,14 193:21 194:6  
 194:16 201:19 204:15 205:10  
 206:7 207:7,18,20 210:22,24

**Josh** 228:25  
**journey** 60:22  
**judgment** 180:21  
**Julia** 134:10 139:9  
**Julie** 28:20,21  
**July** 90:14 107:24 121:3 169:22  
 175:13,13 178:11,16,17 183:16  
 195:12 200:2 203:19 214:9,20  
 257:1,5 258:24  
**July-August** 178:2  
**June** 18:8,14 63:21,22,22 107:15  
 120:12,20 135:21 144:10,11  
 164:15,22 165:4 166:15 167:16  
 167:25 168:9,14 174:24 175:4,4  
 175:10,10,10,12 176:14 177:2,7  
 178:9,10,19 183:12 193:13  
 194:15,25 195:3,5 198:1 200:1  
 200:6 213:7,22 214:10,11 216:6  
 260:17 261:1,6 263:17

---

## K

---

**K** 25:3,5,5 26:8 39:20 241:21  
**K-6** 42:5 47:5  
**K-7** 42:4 47:18  
**K-through-6** 47:24  
**K-through-8** 30:4  
**KARYL** 2:3  
**Katie** 2:8 52:21 263:15  
**Kay** 71:22 106:10,12 107:24  
 108:9  
**Kayla** 93:9,10,19 95:6,10,18,21  
 101:24,25,25 102:3 105:17  
 108:14 117:10 125:13,20  
 126:19  
**Keegan** 69:23  
**keep** 6:23 7:19,25 40:13 106:16  
 106:17 178:25 205:7 262:20  
**keeping** 54:20 105:18  
**Kelly** 261:22  
**kept** 19:8 213:4  
**key** 263:11  
**kicks** 177:15  
**Kiddos** 183:9  
**kids** 10:7 13:7,9 14:8 53:8,13,16  
 54:13,20 55:2,5,14,15 123:2  
 179:20,21 180:2,9 185:22  
 205:25 206:3 207:13

**kind** 35:3 36:18 52:20 53:6 54:14  
 64:8 105:10,14 107:2,3 141:5  
 146:24 179:6,20,21 213:16  
 219:14 223:23 236:6 240:25  
 243:1 248:10 249:13,14 253:9  
**kindergarten** 40:3 130:24  
**kinds** 243:18  
**knew** 70:22 130:19 134:4 179:20  
 204:19  
**know** 8:12 9:5,22 10:9,10 13:7  
 16:21 18:21,22 20:7 21:11,14  
 25:15 36:9,16 37:2 39:2 40:7,9  
 40:14,15,17 50:23 52:9 55:17  
 63:3 64:2 70:20 71:7 73:1 75:1  
 78:21 89:6 97:3 101:9 104:4,5  
 104:11 106:3,3,5,18 108:19,25  
 109:6 110:24 111:15 112:25  
 113:7,20 114:18,25 117:17,23  
 118:3,10 119:2,13,14,24 121:14  
 121:15 123:13 124:4,12 125:10  
 128:23 135:19 142:1,7 143:20  
 144:12 146:10 154:11,12  
 155:15 156:20 157:12,15  
 159:11,12 163:10,22,25 166:24  
 168:7 173:9 175:16 176:23  
 177:1,11 178:7,13,13,14 179:1  
 179:21,21 180:1,5,12,12,17,18  
 180:20 181:23 183:5,23 185:3,6  
 186:24 187:14,19,20,22 188:23  
 189:8 192:13 194:1,9 195:20  
 199:25 200:3,20,24 201:2  
 203:20 205:10,13,14 206:8,11  
 206:13 213:6 214:2 215:12  
 216:5,25 218:1,2,2 221:6,6  
 222:2,14,17 223:4,8,11 228:18  
 229:20 230:21 231:6 232:3,12  
 232:19,23,24 233:14 234:10  
 235:2,12 236:1,11 237:2,20  
 238:20 239:23 240:5 241:2,6,10  
 241:11 242:5 243:2,8 244:25  
 246:14 249:13,19 250:4,17,18  
 250:21 251:11,16,16 253:20  
 258:21 259:6,14 260:22 262:21  
 263:1,14 264:22  
**knowing** 31:19 80:23 144:7  
 251:8  
**knowledge** 61:22 80:25 98:21

185:1  
**known** 10:6  
**knows** 156:10 263:7

---

**L**

---

**L** 224:7,15,16  
**La** 3:9,20 24:10,12 28:18,22 42:2  
 44:5 47:15,17,23 49:10 74:3  
 131:14 134:8 154:13 208:4  
**labor** 67:19  
**lack** 3:19 66:4 74:18 75:6 77:3  
 147:8 151:14 161:13 184:11  
**laid** 216:22  
**Lake** 76:21 114:24  
**Langston** 55:14 58:7  
**language** 26:25 27:6,16,22 41:8  
 63:5 84:11 113:5 134:15,20  
 145:15 148:12,15 151:24 158:3  
 195:9 202:7 203:13,15 204:3  
 230:24 240:18 248:19 250:18  
**lap** 120:6  
**large-print** 132:12  
**larger** 55:21 104:25 132:10  
**Las** 60:23 193:23 257:20,21  
**lastly** 68:12 149:21  
**late** 65:8 165:19 176:5,13  
**latest** 147:18,22 167:24  
**Laurel** 64:15  
**law** 82:15 148:10 157:22  
**lawyer** 64:6 229:10 245:3,11  
**lead** 81:10 85:21  
**leader** 3:19 66:4 67:3 74:18 75:6  
 93:14 106:20 154:13  
**leaders** 77:16 96:9 108:11 262:17  
**leadership** 10:6 70:18 75:15 81:2  
 81:6,9,11,18 86:11 93:4,22  
 96:17 106:15 110:13,14 114:2  
 160:17 207:19  
**leading** 16:16  
**learn** 26:22 86:4 98:5 113:16  
 117:12,17 122:25  
**learned** 10:19 61:10,14 62:5  
 71:15  
**Learner** 28:17  
**learning** 8:12,17,25 44:9 74:3  
 81:23 94:22,24 102:15 105:13  
 107:19 110:23 111:2

**leave** 52:25 54:23 173:5 178:15  
 178:16 193:3 212:4,13  
**leaving** 53:15  
**led** 16:17 85:2,5  
**left** 53:9 87:13 107:16,17 108:6  
 131:17 178:17 182:24 257:2  
**legal** 4:3 72:5 216:16 217:19,19  
 218:8 219:21 221:13 222:10  
 223:24 224:1,14,21 226:21,23  
 227:4 228:20,23 234:22,23  
 235:2,13,17 237:5 238:21  
 239:21 240:2,7,11 244:10  
 245:22 247:6,7,12,14,16 248:14  
 248:17 249:4,22 250:6,7,10,16  
 250:24 251:21  
**legally** 229:7,9 250:18  
**Legislature** 18:22 26:4,5  
**length** 258:2  
**lengthy** 46:15 154:25  
**let's** 112:1 115:21 139:12 164:23  
 167:15 172:1 186:12 194:9,23  
**letter** 54:1 84:9 164:21 167:15,25  
 168:1,7,20,24 170:3 172:10,11  
 172:22 173:3 178:16,18 209:5  
 221:2 223:21,23,23 224:6,7  
 240:20 243:15 244:6 246:23,24  
 247:3,4,5 249:5 250:18 251:7  
 251:23 252:4,5,8,10,15,24  
 253:4  
**letter-grade** 56:20  
**letters** 13:24 53:2 64:24 221:5  
 223:15,17 237:8 244:8,20 248:2  
 248:5 250:12,12  
**letting** 142:6  
**level** 9:5 34:12 56:19 60:8 76:12  
 90:14 95:7 102:5,5 189:17  
 207:9 262:15  
**levels** 27:12,18 42:8 46:13 56:17  
 85:14 86:7 186:8  
**liabilities** 120:10  
**Liaison** 2:11  
**license** 30:6,8,16,20 31:1 90:15  
 95:7 108:5  
**licensed** 59:24,25 60:2 66:17  
 67:3,6,12,17,21,23 75:10 79:21  
 90:12 95:4  
**licenses** 95:5

**licensure** 30:13,14 31:4 38:3,6  
 155:20  
**lies** 119:9 188:22 193:21  
**life** 10:10 13:18  
**life-changing** 13:15,18  
**light** 6:11 241:1  
**likes** 105:20 245:1 249:25  
**limbo** 205:22  
**limit** 239:21  
**limited** 78:4 104:22 153:25  
 221:13 258:1  
**limiting** 35:13  
**line** 94:7 110:24 111:5 180:16  
 181:20  
**lined** 263:17  
**lines** 110:18 111:22  
**linesman** 17:15  
**Links** 193:23  
**list** 7:21 10:1 12:18 65:19 142:11  
**listening** 60:16 61:11 101:22  
 133:1 262:22  
**literally** 53:15  
**Literature** 36:13  
**little** 18:10 20:2 26:11,12,18 28:9  
 29:3 49:12 64:13 76:15 101:17  
 106:24 126:15 136:8 152:15  
 157:6 163:15 192:7 195:9 213:3  
 216:17 233:14 248:8 262:9  
**live** 91:1,3,5 95:14 122:11 124:18  
 124:21 131:6  
**lives** 14:12 16:4 169:5  
**living** 123:17 222:22  
**lllAll** 146:3  
**load** 144:6  
**local** 78:16 83:16,21 85:5,21,25  
**location** 31:14 43:20  
**locations** 27:1 29:24 44:11,12  
**logged** 184:7  
**long** 62:11 79:8 92:23 95:9 113:7  
 156:10 169:24 176:19 188:10  
 213:14 218:25 232:19 258:1,16  
**long-term** 31:7 104:12  
**longer** 10:20 35:5  
**longevity** 122:24  
**look** 6:25 24:4 53:8 58:1,24 61:5  
 65:7 96:17 106:9 113:11 115:1  
 116:5 131:18 149:24 159:19,22

183:3 185:11 187:15 189:3,17  
 190:23 191:8 193:15 194:23,24  
 194:24 203:22 231:10 234:9,9  
 253:8 257:2 261:1,5,5 263:25  
 264:5  
**looked** 20:16 53:18 134:17  
 179:16 204:13 258:23  
**looking** 31:21 39:5 65:4 89:14  
 90:5 103:11,14 104:19 105:2  
 107:6 121:6 124:2 135:4,8  
 144:24 164:14 166:14 171:18  
 174:16 181:2 183:10 185:15  
 188:17 200:22 224:20 230:16  
 230:19 233:15 240:6,8,13,14,15  
 240:16 241:14,16 242:5,17  
 243:2 248:22 252:13 257:5  
**looks** 18:19 205:12 246:21  
**Los** 35:4 128:25  
**lose** 186:17,19  
**losing** 161:1 169:13 202:16 205:9  
 245:7  
**lost** 116:21 117:10 195:20 205:11  
 218:20 244:18  
**lot** 15:14 20:10 29:8 50:24,25  
 52:25 55:1 59:11 94:22 98:7  
 102:23,25 105:2,11 109:3 113:3  
 117:12 118:23 121:22 128:24  
 164:9 177:9 190:10 207:11  
 211:24 222:14 253:25 262:5,9  
 263:11  
**Lots** 99:3 154:3  
**lottery** 37:2  
**love** 32:3 36:9  
**low** 77:5  
**lower** 56:21  
**Luceros** 35:4  
**luck** 51:3  
**lunch** 103:9 211:2  
**lurch** 182:24  
**luxury** 14:6,7

---

## M

---

**M** 241:21  
**ma'am** 93:6 195:25  
**Mabry** 1:12 64:2 212:20  
**machine** 184:1,2,7  
**Madam** 6:17 8:2 10:3 12:22

18:16 19:7 24:11 32:7,20 37:7  
 38:15 39:15 41:6 43:22 44:24  
 46:5 47:14 51:5,17,22 54:17  
 56:13 58:9 59:10 60:25 66:8  
 69:17,21 76:1 87:5,9 89:19  
 99:10 117:8 125:25 127:6  
 128:15 131:25 133:20 135:12  
 139:19 140:13 143:9 149:3  
 156:22 158:22 160:6 161:16  
 163:5,9 164:7,19 165:17 166:3  
 176:6 179:3 180:22 182:5,12  
 187:12 189:12 191:20 194:16  
 198:15 201:5 203:21 204:22  
 212:17 213:25 216:1 219:24  
 226:2,18 229:4,19,24 230:22  
 231:24 234:15 235:16 237:11  
 240:25 243:12 249:12 251:4  
 253:7 259:21 261:22 264:10  
 266:14  
**mail** 215:21  
**main** 29:10  
**maintain** 31:9  
**major** 11:2 103:5  
**majority** 123:7 133:13 221:4  
**makeup** 176:19 194:2  
**making** 17:1 46:15 57:24 77:23  
 83:4 120:10 127:23 142:16  
 155:6 169:4 179:19 180:9 183:7  
 207:12 226:20 229:9 234:18,19  
 235:9 242:5  
**management** 67:1 98:22 107:10  
**Management's** 92:9  
**manager** 59:25 66:11,17,18 67:3  
 67:21 68:5,8,13 75:9 83:1,7  
 97:11 104:3 106:11 107:12,14  
 107:19 108:1,15,18  
**managers** 71:14 74:12 82:1  
 103:23 104:1 107:2  
**mandates** 29:14  
**manner** 116:9 128:14 247:17,21  
**manual** 189:19  
**manually** 176:4 186:13  
**MAPs** 179:20 183:22 184:9  
 185:1,4  
**March** 28:15 72:17 87:7 107:21  
**Marjorie** 10:1,4  
**mark** 191:23 222:3

<b>market</b> 8:18 9:13 124:10 <b>Martin</b> 16:12 <b>MAS</b> 58:6 <b>material</b> 26:17 27:8 32:23 <b>materials</b> 28:3 49:13 76:7 <b>math</b> 36:13 84:12 86:10 137:24 <b>mathematically</b> 172:4 173:7 <b>Matt</b> 263:10,16 <b>matter</b> 51:12 70:21 73:15 97:18 191:1 197:1 199:16 267:14 <b>matters</b> 71:11 81:4,24 82:7 97:13 97:18 105:25 154:5 197:5 258:22 <b>Matthews</b> 132:21 134:10 153:13 157:11,14,25 158:22 159:17 161:21 163:4 164:7,14 166:13 167:13 168:16 169:18,23 170:2 170:19,25 171:5,17 172:19,25 173:4,11 174:8,14 175:1 177:10 177:25 182:4 183:6 185:20 189:23 193:3,8 195:8,16,22,25 196:4,11,22 197:3,11,15 198:13 198:25 199:10,15,22 200:11 201:23 202:2,6,11 203:12 214:1 <b>maximum</b> 53:8 <b>McKee</b> 23:24 <b>mean</b> 32:9 37:23 44:25 73:9 88:3 96:10 102:14 106:25 114:13 119:20 141:18 164:11 171:7 173:4 176:19 177:19 178:7 179:10 180:4,6 206:4,19 236:22 244:23 248:7 253:11 <b>meaning</b> 122:24 <b>meaningful</b> 76:25 77:17,24 78:23 <b>meaningless</b> 182:16 <b>means</b> 30:16 114:1 117:23 118:1 121:6 126:17 137:14 140:24 200:16 <b>meant</b> 108:15 135:13 188:19 <b>measure</b> 47:2 <b>meat</b> 84:2 <b>Medical</b> 86:12 <b>meet</b> 10:22 87:14 99:11 100:7 105:21 125:19 132:20 137:24 138:7,25 152:12 164:25 165:1 168:2 174:17,23 175:13 178:9 185:22 190:12 197:25 198:4,17	199:5 202:25 208:15 212:18 216:2 220:13 253:19 <b>meeting</b> 1:10 5:2 7:14 10:15,19 11:1,2,20 18:9 22:13 58:20 63:2 71:4 74:2 98:14 106:13,19 135:10,17 139:7 160:8 167:1 175:11,12 176:14 177:2,7 182:22 194:15,25 195:3,7 198:1 198:1 200:8 211:21 212:19 213:22 214:17 215:24 228:25 233:6 237:14 238:10 254:5,13 257:13,15,16,24 258:6,8,12,24 259:9,10 260:14 261:1,6 263:16 265:12,21 268:3,4 <b>meetings</b> 12:11,12 88:16,16 139:9 230:19 231:4,14 233:21 234:13 239:17 249:17 254:9 255:24 <b>meets</b> 191:24 <b>member</b> 2:4,4,5,5,6 11:19 13:3,4 13:11 20:3 61:18,21 93:3 125:14 184:12 <b>members</b> 10:4,22 12:22 13:12 60:7,21 62:1 63:8 66:12 79:17 80:25 81:6,7,18 85:2 95:3 106:18 151:19 154:20 158:22 163:9 220:3 261:16 265:7 <b>membership</b> 14:4 <b>memo</b> 226:21 228:19 <b>Memorandum</b> 213:17 <b>Memorial</b> 175:23 <b>memory</b> 116:21 <b>mention</b> 180:23 189:13 212:18 <b>mentioned</b> 86:17 123:20 155:3 261:8 <b>mentored</b> 108:5 <b>mentoring</b> 36:19 <b>menu</b> 142:14 202:1 <b>met</b> 14:14 82:16,17 93:19 132:19 132:24 135:22,25 136:2 165:5 166:20 168:4 170:9,10,13,16,16 170:18 174:21,22 177:13 182:15 195:17 196:8,10,11 197:21 202:19 208:11 239:23 <b>methods</b> 28:3,6 49:13 <b>Mexico</b> 1:2,13,21 3:3 6:13,16 9:14 10:14 17:3 19:13 76:13	82:3,7 95:4 96:20 117:20 122:12 163:11,16,19 261:23 267:2,9,12,13,21 <b>microphone</b> 7:25 101:20 151:7 <b>mid-May</b> 175:25 <b>middle</b> 30:7,16,25 31:5 71:9 117:9 123:23 167:6 201:3 <b>middle-school/</b> 55:19 <b>midyear</b> 82:12 <b>million</b> 18:23 <b>mind</b> 13:21 129:4 157:3 249:14 <b>mindset</b> 113:19 <b>mine</b> 98:9 175:25 <b>mined</b> 177:22 183:16 <b>minimal</b> 154:6 <b>minimum</b> 63:2 <b>mining</b> 180:19 <b>minute</b> 108:21 166:9 184:6 <b>minutes</b> 3:6 7:15,20 21:20,22 22:13 23:5 25:11 57:24 58:13 58:18,19 90:4 122:13 254:15 <b>miracle</b> 168:17 <b>misanswered</b> 184:2 <b>missed</b> 205:3 <b>misses</b> 171:9 <b>mission</b> 3:10 27:10,11,21 33:6,8 33:17 34:14 46:10,10,13,17,19 46:22 47:16 49:19 51:15,23 56:14 62:7,16 79:2,4 80:5 81:20 123:3 <b>misspeak</b> 125:10 <b>misunderstanding</b> 162:13 <b>moccasins</b> 85:25 86:4 <b>model</b> 81:9 <b>modified</b> 136:13 137:21 192:24 <b>modify</b> 188:6 193:4 198:9 <b>mold</b> 16:3 <b>moment</b> 87:24 89:10 159:7 187:3 190:20 236:20 253:3 258:22 <b>Monday</b> 63:19 66:23 98:14 112:15,16 <b>money</b> 96:19 100:14,17 102:8 118:14 140:6 222:15,17 231:5 232:1,4 235:8 236:5 247:1 <b>money's</b> 241:3 <b>monies</b> 101:2 103:13 <b>monitored</b> 153:4
---	--	---

**monitoring** 37:16 145:7  
**Montessori** 3:9 24:10,12 27:23  
 28:3,6,18,23 29:10 31:23,25  
 32:4 36:9 38:25 44:6 47:17,21  
 47:23 48:2 49:11,13,15,16  
 65:14  
**month** 19:3 21:10 30:24 78:10  
 107:8 177:3,5 181:6 200:8  
 235:14 264:6  
**month's** 18:4  
**months** 23:25 68:13 80:4 86:19  
 98:13 104:9 121:2 122:14 135:2  
 135:3,7 235:25  
**moot** 174:15  
**morally** 37:24  
**morning** 7:23 10:23 12:22 21:18  
 28:10,11,12,13,21,25 52:16,17  
 52:19,20 66:5,24 69:14,16,21  
 70:1,4 76:10 132:24 151:3,5  
 257:13,16,18 259:1,10 261:11  
 265:3,14  
**mother** 76:14 113:4  
**motion** 7:1,2,5,12 21:24 22:1,10  
 22:16,18 23:3,8,10,20 41:8  
 43:15 46:1 48:6 49:3,5 50:21  
 56:11 57:21 127:22 128:21  
 129:14 130:10,11 148:15  
 207:25 208:2 210:20 255:2,10  
 255:16,18 266:4  
**motions** 41:12  
**motivated** 9:17  
**MOU** 214:7 215:18  
**mountain** 126:21,23,24  
**mountains** 85:9  
**mouth** 112:2  
**move** 20:17 41:14 42:1 44:4  
 47:15 49:9 56:13 60:12 88:10  
 98:21 104:17 105:8 127:7  
 131:10 151:9 206:20 236:21  
 249:16,18 253:16 254:24 266:3  
**moved** 20:7 63:13 142:24 207:13  
 250:2 253:14  
**movement** 55:3  
**moving** 27:14 32:2 41:19 98:12  
 195:7 213:5 216:14 234:18  
 259:25  
**multi-age** 35:19,20,22 36:1,7,18

49:15  
**multi-age/cross-age** 36:11  
**multiple** 13:23 16:12 86:7 124:23  
 222:25  
**Myers** 52:17 54:22 55:15 56:7  
 58:5,5,21 59:2  


---

**N**

---

**N** 2:1 3:1,1 4:1,1  
**NACA** 66:19 77:21 82:1 99:11  
 107:11 108:11,24 115:3 116:21  
**name** 8:3 15:3,6 67:8 69:22 70:5  
 76:10 93:10 111:9 112:12  
 126:18,20 237:4 244:17  
**names** 58:4 92:6 101:23  
**narrative** 79:7  
**Natasha** 69:22 70:7 86:25 96:13  
**Nation** 76:22 84:25 85:1 105:5  
**national** 13:14 14:17 16:14,14  
 21:4,10 86:11  
**nations** 95:13  
**nationwide** 21:12  
**NAU** 78:10  
**Navajo** 76:11,11,21,22 79:15,19  
 79:20 84:24,25 85:4 105:5  
 114:24 122:2,15,19 123:23  
 126:20  
**navigate** 218:17 234:11 235:3  
**nearest** 122:10  
**necessari-** 228:9  
**necessarily** 25:25 94:7 123:19  
 145:21 228:10  
**necessary** 64:19 83:4 99:22  
 148:11 183:1 230:12 246:3,8  
**need** 7:24 9:14 19:14 27:17 38:9  
 42:8 47:8,10 48:4 53:20,21  
 55:10 64:19 84:5 88:24 95:25  
 98:4 103:3 108:19 110:22 116:6  
 120:24 125:17 127:12 136:16  
 138:9,15 139:21 146:22 163:2  
 164:1,6 176:12,23 177:5 187:17  
 191:8,22 193:5 199:13 206:17  
 206:18 211:1 215:5 216:2 223:5  
 226:8 227:3 228:1,4 229:21  
 233:13 237:7 240:17 243:21  
 244:3 247:11,19,24 248:2,14,17  
 249:14 253:12,16 263:14

265:20 266:7  
**needed** 29:18 78:5 87:19 104:6  
 219:13 227:10 243:22 249:2  
**needing** 194:4  
**needs** 8:17 9:13 52:8 79:9 80:6  
 96:2 104:20 109:1 110:21,24  
 120:23 137:17 152:12 193:6  
 196:16 205:25 225:9,10 249:25  
 250:8 253:14 258:24  
**negotiate** 33:7  
**negotiated** 32:19 33:17 138:18  
 160:21  
**negotiation** 24:18 188:16 189:13  
 204:25 224:22  
**negotiations** 3:24 32:24 33:3,16  
 34:5 153:11 161:3 162:16,20  
 189:7 212:25 218:5,8  
**neither** 58:3  
**nervous** 170:20  
**network** 66:20 104:1 107:11  
 108:12  
**Networks** 77:21 82:2  
**never** 13:19 16:7 33:16 53:9  
 121:11 138:10 219:3,4,5,6  
 222:11  
**never-ending** 121:13  
**new** 1:2,13,21 3:3 6:13,16 9:14  
 10:14 17:3 19:13 24:19 59:19  
 59:20 61:8 62:6,9 75:9 76:13  
 78:1 80:15 81:16 82:3,7 83:6  
 95:4 96:20 101:16 117:19  
 118:21 122:12 126:14 133:10  
 135:13,14,16 137:13 138:2  
 144:11 163:11,16,19 183:23  
 214:12 234:19 261:23 265:3  
 267:2,9,12,13,21  
**newer** 18:1 61:21  
**nice** 28:14 111:16 236:5  
**night** 117:24  
**nine** 41:18  
**nine-** 265:4  
**ninth** 88:9  
**NISN** 77:21 83:8,15 108:16  
 115:3  
**NM** 1:19 267:19  
**NMDASH** 144:24,25 145:4,10  
 162:13

**NMPED** 11:18  
**non-legal** 249:23  
**nonexistent** 126:15  
**nonrenewals** 248:4  
**normally** 148:7  
**north** 76:22  
**Northern** 78:11 94:9  
**note** 17:2 39:15 69:7 76:5,5 92:8  
 150:3 199:13 226:21  
**noted** 27:5 64:23 72:19 87:10  
 158:11  
**notes** 89:2 163:4 207:23 241:22  
 257:3  
**notice** 63:10 64:7,20 65:1 99:16  
 199:18  
**notification** 63:7 64:3  
**notifications** 63:4 134:14  
**notified** 90:5  
**notifying** 71:3  
**noting** 68:20 69:2  
**November** 32:13 122:14  
**number** 23:24 53:8 54:25 72:4  
 89:8,9 102:25 104:23 122:6  
 148:11 176:11 179:5 220:5,7,14  
 220:17 243:9 268:2  
**numbered** 46:2  
**numbers** 36:2 53:6 63:2 65:8  
 89:8 97:3  
**NW** 1:20 267:20  
**NWEA** 84:9,11,12,14 137:5,6  
 140:13 176:2 183:21 186:3,21  
 187:9,10,13 189:16 190:2  
 191:21 195:18 196:11,13,16,20  
 197:2,6,18,22 199:2 202:9,17  
 202:18,22,24 203:23 207:11  
 208:10,11,14  
**NWEA-generated** 197:17,24

## O

**O** 3:1,1 4:1,1  
**obligated** 224:7,10 229:9  
**obligation** 82:17 228:5  
**obligations** 247:24,25  
**observation** 183:20  
**observed** 66:24  
**obtain** 136:4 166:5,6 192:19  
**obviously** 119:14 143:17

**occasion** 243:20  
**occur** 33:5 159:1  
**occurring** 107:4  
**October** 135:2,10 174:4  
**odds** 247:15,16  
**offense** 96:7  
**offer** 55:21 217:18 219:21  
**offered** 60:17 211:15  
**offers** 44:9  
**office** 23:23 97:11 216:20 231:14  
 234:2,13 250:10  
**officer** 16:15 63:20 64:4 68:25  
 90:15 92:11 94:8 115:19,23  
**official** 64:3,7 90:12 93:25 95:16  
 96:18 97:16 117:5 128:6 261:10  
**oftentimes** 117:5 118:18 122:13  
 138:23 235:11  
**oh** 19:20 35:17 41:13 43:25 92:22  
 139:5 149:10 160:10 166:10  
 168:3 170:12 174:12 202:2,13  
 220:21 225:5 240:4 244:11  
 257:8  
**okay** 12:21 28:8,10 34:2,15,23  
 35:18 36:22 40:18 41:23 42:18  
 42:19 45:5 47:6 49:17,24 52:19  
 57:4 60:14 62:13,18 89:16  
 91:13,18 93:21 94:10,14 95:2,8  
 95:12 97:14 98:6,17 99:3  
 108:13,20 115:25 121:2 122:10  
 132:13 135:15,18 136:12 137:2  
 138:6 139:4,11 140:1,18 141:25  
 143:1 149:2,6,14 157:2,24  
 160:15 161:20 162:23 170:12  
 173:13 174:19 175:1 177:4  
 183:8 189:25 193:1 198:11  
 203:8,16,17 205:12 207:21  
 209:3 212:22,22 214:15 215:1,4  
 215:12 216:9,10 218:11 219:19  
 220:9,15,21,24 224:17 227:21  
 231:2,19 232:7 233:17 238:15  
 246:13 252:6,22,24 254:16  
 256:1,15,16 259:20 260:15  
 261:7  
**old** 64:13 132:7  
**on-call** 234:3  
**on-site** 91:9  
**once** 12:11 19:18 35:12 51:11

134:23 159:2,25 188:6 236:2  
 238:23 243:3 261:9,12  
**once-in-a-lifetime** 14:21  
**one's** 160:3  
**ones** 51:7 114:9  
**ongoing** 62:20 265:4  
**onus** 238:23  
**Ooh** 221:19  
**open** 29:21,23 104:13 119:20  
 121:11 122:22 141:23 168:12  
 221:6,9 231:14 233:21 234:13  
**opened** 13:21 35:15 36:6 89:11  
 110:3 203:3 260:21  
**opening** 89:8  
**opens** 13:20 231:11  
**operate** 84:6 103:2  
**operation** 81:7,25 82:24,25 95:24  
**operational** 67:15 159:19  
**operations** 81:5 92:16 94:25 95:3  
 98:25 102:12,19 104:18 152:7  
**opined** 199:16  
**opinion** 72:22 84:2 200:20  
 251:25  
**opportunities** 36:10 44:9 78:13  
 116:17 124:14 142:12  
**opportunity** 6:25 10:22 18:20  
 37:3 47:19,25 56:9 58:16 60:18  
 65:2 70:8 71:18 77:4 78:8  
 80:13,18 108:24 141:12 146:7  
 147:16 150:7 172:14 192:18  
 198:23 199:25 201:18 223:1  
 224:3 239:21 261:16 265:25  
**opposed** 7:9 22:25 23:17 46:19  
 266:11  
**opposition** 7:11 22:8 23:2,19  
**oppositional** 191:14  
**option** 29:25 36:5 78:6 118:18,19  
 141:22,23 177:24  
**options** 3:11 59:7 78:3 245:23  
 246:5  
**order** 3:3 29:17 30:4 40:8 82:8  
 180:11 185:22 235:20  
**organization** 8:24 15:8,10,11,13  
 15:19,20,21,24 16:10,15 78:20  
 113:2  
**organizational** 3:18 20:10 61:18  
 66:2 70:17 74:17 75:3 162:12

162:24 163:7 208:22  
**organizations** 9:15 11:22 13:25  
 16:21 17:7  
**organize** 85:21  
**organized** 20:11  
**original** 67:20 203:5  
**originally** 52:23 53:19  
**ought** 87:20  
**out-of-state** 262:25  
**outcomes** 47:20 48:1  
**outdoor** 86:14  
**outlined** 81:14 154:14  
**outside** 28:15 111:17  
**outstanding** 62:25 256:23  
**overall** 106:14 224:12  
**overlapping** 175:3  
**overlay** 121:8  
**overly** 72:22  
**oversee** 103:10 105:14  
**oversight** 10:14 107:25  
**Overson** 71:23

---

**P**

---

**P** 2:1,1 3:1 4:1  
**p.m** 131:11 211:7,7 266:16  
**packets** 106:9  
**pads** 118:17  
**page** 3:2 43:21,23,23 44:1 46:4  
 56:16 58:11 65:7,9 67:6,6  
 144:23 149:7 215:10 220:20  
**pages** 41:7 267:10  
**Pahl** 263:10  
**paid** 198:20  
**Pamela** 156:8  
**panel** 249:19  
**paper** 9:8 245:16 246:15  
**papers** 256:20  
**paperwork** 31:9 64:12 67:19  
 90:3 115:16 116:4  
**paragraph** 164:8 209:4  
**paramount** 100:18  
**PARCC** 181:6,11,12,15 194:21  
**parent** 69:3 86:3,7 125:14  
**parent-teacher** 85:18  
**parents** 3:11 10:7 31:19 59:7  
 80:8 88:22 124:22 206:4 207:17  
 245:23 246:5

**part** 9:1 31:14,15 35:10 40:1  
 56:6 59:25 60:2 62:12 63:6  
 64:10,25 90:19 94:12 97:25  
 114:12 115:2 117:19,20 122:9  
 123:20 124:2 126:6 136:14  
 137:19 138:10 146:6 150:5,8  
 157:20 167:20 178:23 179:19  
 181:8 186:9,10,12 204:25  
 223:13 230:20 234:16,25 243:3  
 244:10 245:18 249:3 261:15  
 265:4  
**participate** 17:14  
**participating** 265:24  
**participation** 210:23  
**particular** 29:24 45:4 64:22  
 142:19 170:6 223:7 252:21  
**particularly** 54:9 60:23 119:7  
**parties** 144:15 198:16 250:21  
**partly** 152:15  
**partnered** 86:10,13  
**partnership** 17:13 27:2 77:20  
**partnerships** 86:9  
**parts** 241:20  
**party** 140:4 144:16 203:10  
**passed** 49:5  
**passes** 22:11 23:20 43:15 46:1,3  
 49:3 50:19,21 57:21 130:10,11  
 210:20  
**passing** 55:4  
**passion** 17:20  
**passionate** 15:16  
**pathway** 16:2  
**patient** 40:24  
**patiently** 238:2  
**PATRICIA** 2:3  
**Patty** 132:21 246:22 254:18  
**pay** 30:18 118:9 140:6  
**payable** 68:20  
**paying** 100:22 120:9 144:19,20  
 241:22  
**payrolls** 120:10  
**PE-** 224:8  
**PEC** 2:9,11 4:3,5 10:3,13,17,22  
 12:8,22 22:13 23:5 29:16 33:16  
 63:19 71:4 75:20 79:8 83:3  
 133:20 134:10 135:8 149:17  
 174:24 198:4 211:16 214:6,9

215:24 216:16,20 218:11 220:3  
 221:4 223:7,9,15,21 224:7  
 228:23 231:3,12,12 232:2 234:1  
 234:1 237:4,24 238:22 240:20  
 245:11,21,25 249:8 251:1,6  
 254:9,13,25 255:23 257:16  
 259:8,10 264:2  
**PEC's** 69:9 177:1 251:5  
**PEC-authorized** 76:20  
**PED** 2:10 11:7,20 12:3 18:17  
 25:23,24 29:16 37:10 39:17  
 52:9 66:14 70:19 76:2 81:14  
 83:2,10,11 136:6 140:11 149:22  
 149:24 150:6 154:7 155:15  
 156:3,7 160:22 161:19 162:6  
 219:11 221:4 224:11 226:4,19  
 226:24 227:6 244:6 246:3,8  
 247:10,16,17,20 250:6 263:10  
 268:7  
**PED's** 18:23 66:21 74:4 176:7  
 216:20 236:8 249:21 251:1  
**PED-funded** 38:4,5  
**Pennsylvania** 131:7  
**people** 7:15 8:10,19 15:25 16:1,8  
 16:16 19:13 20:17 30:7,12,21  
 54:22 72:6 80:1,8,19 96:1,16  
 100:22 102:14 106:22 111:18  
 113:13 114:11 116:17 117:10  
 122:2,9,18 128:22,25 131:5  
 138:25 157:4 169:17 201:10  
 206:22 207:1 216:25 222:25  
 260:22 262:10,25  
**Peralta** 5:15  
**percent** 84:10,11  
**percentages** 84:15  
**Perea** 11:4,6 18:4,8,19  
**perfect** 104:5 129:1 194:3,6  
 241:2  
**performance** 3:22 56:20,20  
 61:19,20 136:25 137:13 138:1,3  
 138:12,15,18 139:3 143:3,25  
 151:22 181:10 192:3 208:18  
 211:11 240:18 263:12  
**period** 24:15 195:17 196:11  
 253:15  
**Perkins** 10:18 18:2  
**permissible** 32:8,20

**permission** 60:5  
**Perseverance** 3:17 66:1 76:19 80:3  
**persevere** 79:10  
**person** 16:6 31:2,6 108:6 116:11 118:14 121:19 206:22 221:11 221:21 222:21,25 228:8 232:10 232:11 240:15 242:23  
**personal** 15:22 96:7 114:3 123:18 130:13  
**personalized** 192:17  
**personally** 236:4 238:13 253:14 259:16  
**personnel** 68:5 81:4 82:6  
**perspective** 60:3 73:17 222:24  
**pertaining** 81:4 82:15  
**phase** 25:6  
**phased** 31:18,20  
**phasing** 25:7,8  
**philosophy** 36:9  
**phone** 91:12 97:8 132:16 254:19  
**phrasing** 157:5  
**physically** 111:19  
**pick** 107:3  
**picking** 119:4,5  
**picture** 14:16 31:22 34:24 38:23 112:4 128:24 160:20  
**pictures** 118:11  
**pie** 200:4  
**piece** 84:18 86:8 188:23 211:20 250:20 254:11  
**pieces** 152:1 185:11 237:3 245:16 246:15  
**Pierce** 16:13  
**piggyback** 121:5  
**pike** 166:15  
**pin** 20:1,1  
**place** 19:15 32:15 35:1 96:3 100:10 106:8 109:13 120:24 122:10 124:21 145:18 158:14 159:6 161:3 165:22 180:7,25 195:21 203:1 208:16 209:6 214:13,22 230:8  
**placed** 81:5 84:24  
**places** 31:21 207:3  
**plan** 3:20 10:18,21 24:24 40:17 74:25 75:2 96:3,3 131:14 133:8

133:11 135:1,4 136:23 137:17 139:1,10 150:14,15 151:13,14 151:17,20,21 152:2,5,8,21 153:6,11 154:15,22 155:1,8 188:22 192:22 194:18 208:4,13 236:15  
**planned** 262:3  
**planning** 35:9 38:21 98:23 102:25 104:12 106:2 120:19 145:5,5,6 163:12  
**plans** 36:17 104:12 134:17 152:16,17 154:23  
**plants** 85:9  
**play** 119:17  
**please** 6:22 12:25 15:4 19:21 21:7 42:15 162:3 209:22 256:23  
**pleased** 88:19  
**Pledge** 3:3 6:12,15  
**plots** 26:23,25 35:8 44:10  
**plus** 258:5  
**Pogna** 5:7 6:6 263:2  
**point** 32:18 38:13 40:10 46:15,24 51:6 60:15 71:25 74:15 99:11 112:15,19 114:19 133:15 147:25 149:17,20 159:25 164:7 168:8,19 170:5 180:21 189:11 200:2 206:21 215:5 219:11 220:12 221:8 223:14 231:23 235:6 236:14 249:24 253:6 255:8  
**pointed** 157:4  
**points** 171:7,10 185:24  
**policies** 68:21 234:18,19 259:23  
**policy** 67:25 235:10  
**poll** 255:19  
**pool** 122:1,22  
**poor** 109:14  
**popped** 139:8  
**populate** 230:12  
**populated** 142:11 199:6 217:1 227:20  
**populating** 171:19  
**population** 52:8 54:9 133:8 175:8 180:3  
**portables** 118:1,7  
**portion** 7:14 70:10 211:20,20  
**posing** 231:23

**position** 11:12 60:8 94:7 147:15 226:19 249:22  
**positions** 147:3  
**positive** 128:13  
**possibility** 129:7 257:6  
**possible** 3:7,12,16,20,21,23 4:2 24:6 33:21 65:24 131:13 145:24 147:18 166:15 176:15 211:10 212:25 216:15 231:21  
**posted** 262:20  
**posting** 60:6  
**postpone** 262:5  
**postponing** 262:11  
**potential** 12:3 46:7 82:11 126:4 172:3 200:25 222:1  
**potentially** 27:1 159:13 241:24 259:22  
**Poulos** 2:8 18:16,25 24:7,11 27:21 29:7 33:14 35:5 37:7,17 37:19,23 38:2,15 39:14 40:14 41:6 43:22 46:5 51:22 58:9,12 58:15 59:10 61:4 62:8,19 64:10 66:8 76:1 79:17 87:6,9 125:25 135:12 139:19 143:9 146:6,13 147:2 148:9,24 149:3,6,10,13 149:15 156:22 157:3 158:23 160:8,13,16 161:7,16,21,23 162:4 163:24 164:18 166:3,11 167:14,22 168:10 171:25 175:16 176:5,6,23 178:1 182:12 183:13 187:12 191:1,17,20 192:5 196:15 197:1 198:15 201:5 209:13 212:16 213:13 219:24 220:10,19,22 221:5 226:2,18 227:18 229:24 230:22 234:15 249:12 251:3 257:7,22 258:7,15,20 259:21 260:19  
**Poulos'** 157:18 168:19  
**pour** 118:17  
**poverty** 77:5  
**power** 82:20  
**practical** 177:19 227:5  
**practice** 54:19 55:13  
**practices** 49:17 82:4 83:5 230:11  
**prayers** 6:6,10  
**pre-K** 25:14,17,22 26:7,14 31:23 32:1 34:25 35:1 37:1,3,11,14



38:13,21 39:8,16,24 40:10 41:4 47:1	<b>printed</b> 132:4,5,10 186:1 230:25	25:17,22 26:14 37:11 38:4,5,6
<b>pre-level</b> 102:3	<b>prior</b> 125:1	39:16,24 55:1,23 83:20 141:7,9
<b>pre-population</b> 153:10	<b>priority</b> 8:7 11:7 47:3 116:9	262:14
<b>precise</b> 137:9	<b>private</b> 105:6 119:20	<b>progress</b> 179:19
<b>prefer</b> 252:20	<b>privilege</b> 241:25	<b>project</b> 10:6 86:14 241:11,12,16
<b>preferably</b> 200:19	<b>probably</b> 39:8 63:24 89:15 91:10	<b>projected</b> 51:25 56:17 89:12
<b>preference</b> 222:24 223:4	92:6 174:16 178:1 180:12 195:2	<b>Promesa</b> 3:20 74:3 131:14 134:8
<b>preferential</b> 26:8	203:19 212:9 217:6 260:4,22	154:13 208:4
<b>preliminary</b> 213:2 256:25	<b>problem</b> 11:15 40:9 53:18 55:6	<b>promoted</b> 60:7
<b>premature</b> 73:15 101:10 166:22	157:11,20,23 163:21 169:19	<b>promotes</b> 86:15
<b>prepare</b> 8:20 9:16 243:24	188:4,20,21 197:14 205:19	<b>promotion</b> 64:16
<b>prepared</b> 61:25 73:13 75:2 82:12	215:7	<b>prompted</b> 74:12
<b>preparing</b> 151:21 205:17 248:25	<b>problematic</b> 72:3,12 178:7	<b>pronunciation</b> 126:17
<b>presence</b> 254:8	181:20 207:15 217:25 232:24	<b>proper</b> 68:9
<b>present</b> 5:9,13,15,20,24 12:10	<b>problems</b> 3:18 66:2 74:17 123:15	<b>property</b> 65:18
33:1 75:4,10 85:11,12,17 88:21	<b>procedural</b> 148:6 233:21	<b>proposal</b> 216:20 217:3,13 219:8
88:24 95:14 98:3 99:14,24	<b>procedures</b> 68:21 120:13	231:20
118:23 124:25 144:13,21 217:9	<b>proceedings</b> 1:10 75:19 266:16	<b>proposals</b> 44:20
249:17 265:13	267:11 268:3	<b>propose</b> 99:20
<b>presentation</b> 19:2 61:22 100:1	<b>proceeds</b> 68:4	<b>proposed</b> 3:20 41:8 99:19 131:14
211:15,18 212:2,5,13	<b>process</b> 24:18,18,21,25 32:12	200:11
<b>presented</b> 42:2 49:10 56:14	33:7 59:21 60:4 61:12 62:12	<b>protect</b> 101:1 152:12
70:12,13 71:18 73:24 86:22	65:16 74:22 86:4 104:4 107:14	<b>proud</b> 60:10 78:19
88:17 89:2 218:11 219:13 249:7	122:21 123:11 136:7 137:10	<b>proven</b> 72:11 81:20
<b>presenters</b> 85:6 262:18	145:5,7 152:19 155:24 163:12	<b>provide</b> 17:14 21:13 36:15 37:10
<b>presents</b> 11:15 71:13 144:8	163:23 177:16 198:16 199:11	47:18,24 62:6 68:16 70:15
<b>president</b> 8:4 19:25 28:22 58:8	220:4 246:6 250:3	76:21 77:23 78:4 80:21 97:25
121:25 127:25	<b>processes</b> 65:11 68:9 81:23	100:15 103:8 104:23 107:25
<b>Prestene</b> 81:25 92:18,20,20,25	120:13,24	139:5,12 140:24 182:1 186:20
93:19 94:1 97:9 98:14,21 102:9	<b>procurement</b> 68:9,11,24,25	189:20 191:4 192:11 194:12
102:11,17 105:15 107:7 108:7	90:15 92:11 115:19,23	202:9,14,17 208:9,10,19 221:13
108:10 117:11 120:23	<b>produced</b> 84:21	224:8,10,21 226:8 227:2,3,6
<b>Prestene's</b> 98:9	<b>producing</b> 246:7	265:5
<b>presuming</b> 198:16	<b>product</b> 217:2,11	<b>provided</b> 41:8 62:11 63:19 71:10
<b>pretty</b> 63:5 65:8 90:7 163:12	<b>profession</b> 9:19	73:5,6 74:6 77:22 147:18
245:1	<b>professional</b> 1:20 142:12 154:2	148:18 182:21 190:22 192:16
<b>previous</b> 27:24 48:4	<b>professionals</b> 8:4 9:15 17:9	193:7 195:5 196:21 218:12
<b>previously</b> 26:21 79:18	<b>proficiency</b> 185:20 186:8 191:19	224:9 226:4 265:10
<b>price</b> 204:16	<b>program</b> 11:14 17:15,22,23 20:9	<b>provides</b> 78:12 139:16 208:21
<b>primary</b> 249:15	25:19,21,25 26:7,9,10 31:12	226:25 227:13 230:10 245:25
<b>principal</b> 27:25 58:5 67:8 97:11	37:3,10,15 39:3,4,8,20 40:2	<b>providing</b> 76:25 83:15 100:18
97:12,17 141:11	47:1 86:12,15 103:10 106:4	116:16 192:5 265:2
<b>principals</b> 97:24 141:11	145:9 160:17 162:14 191:5,9	<b>provision</b> 65:1
<b>principals'</b> 141:19	192:2	<b>provisions</b> 20:11 227:12
<b>principle</b> 28:2	<b>programmatically</b> 97:1	<b>prudent</b> 11:25 232:1 233:2
<b>print</b> 132:8	<b>programming</b> 47:5 55:20	<b>PSFA</b> 54:1
	<b>programs</b> 9:7 17:20 19:12 21:13	<b>public</b> 1:1,10 3:5,22 4:10 5:2

7:13,16 25:18,25 26:9 37:6,8,12  
56:6 70:23 73:2 94:23 101:2  
115:8 116:6 119:17,22 154:8  
208:3 211:10,14,25 212:5,13  
224:4 246:2,7 252:14 257:2,14  
267:1,12 268:3,4,4  
**publicly** 242:9  
**published** 136:5 166:7  
**pueblo** 113:14  
**Pueblos** 94:9  
**pull** 173:1,6  
**pulled** 123:18  
**purchases** 68:10  
**purely** 194:13  
**purpose** 161:9 247:22  
**purposeful** 16:4,4  
**purposes** 11:5 161:9,12  
**pursuing** 9:17 141:11  
**push** 14:9 113:11,20 195:12  
**pushed** 113:7  
**pushing** 53:6 114:22  
**put** 14:9 29:2 38:22 47:3 51:6  
52:22 60:20 103:4 138:9 160:13  
168:16 170:2 175:2,3 176:3  
189:18 191:23 193:5 198:23  
214:9 216:21 220:2 240:2  
241:10,19  
**putting** 34:7 129:10 164:16  
205:22 241:11

---

## Q

---

**Q1** 207:13  
**qualified** 30:19 83:8  
**quality** 12:16 83:15 265:9  
**quarterly** 91:11  
**question** 32:8,9 33:4 36:25 38:8  
38:12 62:4 87:6 90:17 92:15  
94:20 106:24 112:21 115:6  
139:6 146:20 148:6 150:21  
151:15 152:10 153:23 154:16  
155:14 157:18,18 158:24  
160:11 165:9 172:1,6 173:11  
184:2 185:9 190:14 192:21  
200:15,23 204:8 207:8 218:22  
222:3 230:16 231:3,7,11,16,22  
233:25 237:1 240:6 249:10,16  
251:13 254:6 255:1

**questioning** 251:15  
**questions** 11:3 17:25 18:10 41:2  
41:11 54:4 56:10 60:18 62:15  
87:3,4 89:20 90:1 95:25 96:4  
98:3 99:4,5 101:21 133:16  
134:13,22 142:1,4 143:7 150:10  
184:1 215:2 221:7 245:19 246:9  
263:20 265:15  
**quick** 211:13 212:23 216:8  
**quicker** 176:17 192:8  
**quickly** 53:23 117:6 185:7  
186:10 253:15  
**quiet** 16:6  
**quite** 54:18 62:11,24 71:7 75:19  
133:24 137:17  
**quorum** 6:3 57:2 211:8 220:11  
**quote** 11:8  
**quoted** 204:15

---

## R

---

**R** 2:1 3:1 4:1  
**raise** 34:11 64:25 67:5 72:19,25  
105:3 143:11  
**raised** 18:1 72:9,10,24 74:19  
95:25 133:14 164:19  
**raising** 107:5  
**ranch** 26:22  
**Rancho** 13:3,12  
**range** 158:6  
**rate** 20:9 137:11  
**rates** 9:11  
**rationale** 32:6 250:15  
**raw** 139:5 140:12,19,22 158:7  
176:8,16,20 182:2,2 184:8  
186:20 188:1,21 189:20 190:20  
190:24 192:6,15,23 193:6,6,10  
193:12,16 194:13 195:18  
196:12,15 197:22 199:2 203:23  
203:25 204:5 208:10  
**Ray** 12:19 13:2  
**reached** 170:4  
**reaching** 110:9,11  
**read** 15:3 32:22 44:7 49:12 64:23  
92:3,4 132:8 196:2 207:24  
214:7  
**Readiness** 18:7  
**reading** 84:14 115:16 137:18

142:8 151:12 207:22  
**readjust** 181:4  
**reads** 145:2 196:6  
**ready** 98:16 127:7 176:14 205:6  
263:23  
**real** 88:12 97:12,17 105:16,18  
227:5 236:16 253:5  
**realize** 72:10  
**really** 8:17 9:16,22,22 14:9 18:12  
26:3 28:1 31:24 32:10 35:21  
38:11 39:5,22 40:9,14 46:18  
50:24 51:2,6 52:6 53:5 54:8  
55:9 60:9 61:22,23 64:17 71:7  
71:25 73:6,18 78:23 84:16,16  
86:3,20 95:22 96:16 100:11,21  
103:22 104:10,17,18 109:3  
111:19 112:16 113:20 118:19  
119:16 124:6 130:15,17,25  
141:20 147:23 154:25 155:5,10  
155:24 172:10,17 180:9,11  
181:2,12 182:17 184:14 200:7  
201:8 205:13 207:11 208:24  
218:8 226:24 230:3 250:21  
264:25 265:17  
**reason** 39:1 51:9 55:1 84:5 127:5  
219:10 223:20 224:2 230:6  
**reasonable** 135:11 146:16 158:9  
158:24,25 175:9,14 178:23  
180:20 206:15 223:11 224:2  
235:6  
**reasoning** 135:20  
**reasons** 10:16 51:7,8,12,12 54:20  
54:25 72:4 227:5 243:16  
**REC'D** 268:10,15,20,25  
**recall** 24:14 52:5 65:11 148:18  
260:1  
**RECEIPT** 268:1  
**receipts** 67:25  
**receive** 52:3 82:25 143:14  
**received** 53:25 63:4,7,9,18 64:3,5  
64:16 82:7 90:14 125:5 131:23  
**receiver** 98:8  
**receives** 71:1  
**receiving** 86:6  
**Recess** 59:5 131:11 211:7  
**recognize** 18:6 23:22 55:24 104:4  
114:15 115:4

<p><b>recommend</b> 46:7 52:13 73:22 100:4 141:3,5 142:22 143:18 145:12,14 166:4</p> <p><b>recommendation</b> 46:25 70:13 71:5 72:2,6 74:9 75:7 76:3,6 141:14 149:8 150:5 158:1 160:7 161:23 162:1,11 194:18 211:14 252:3,19</p> <p><b>recommendations</b> 142:16 152:22 153:14 242:6 251:8</p> <p><b>recommended</b> 90:6 99:12 100:1 117:2 139:10 149:16,22 162:2 220:5,7,14</p> <p><b>recommending</b> 161:22</p> <p><b>reconsideration</b> 148:20</p> <p><b>record</b> 2:10 7:24 13:1 19:16,21 126:9 144:4 165:2 211:3 214:11 224:4 264:14</p> <p><b>record-keeping</b> 157:1</p> <p><b>recover</b> 6:8</p> <p><b>recruiting</b> 83:17</p> <p><b>recusing</b> 51:18</p> <p><b>red</b> 76:21 114:24 218:18 224:20</p> <p><b>redefine</b> 80:19 83:14 136:13 137:21</p> <p><b>redefining</b> 112:17 137:3</p> <p><b>redlined</b> 218:14 219:25</p> <p><b>redundant</b> 143:13</p> <p><b>reference</b> 138:15 229:20</p> <p><b>references</b> 46:9 144:24</p> <p><b>referencing</b> 135:24</p> <p><b>referred</b> 109:19</p> <p><b>refined</b> 153:14</p> <p><b>reflect</b> 249:23</p> <p><b>reflections</b> 80:17 85:16,17</p> <p><b>reflects</b> 196:25 249:20,22</p> <p><b>regarding</b> 3:16,22 65:25 181:18 211:10</p> <p><b>regardless</b> 179:7 180:13</p> <p><b>regards</b> 66:25 68:19 69:5 70:25 73:1 74:16 143:24 144:5 162:8 162:11 219:24 223:17 227:9</p> <p><b>region</b> 21:8 47:19,25</p> <p><b>regular</b> 9:11 30:18 54:13 111:13 149:23 159:1 211:20,20 212:7 231:4,13 234:2 258:6</p> <p><b>regularly</b> 125:19</p>	<p><b>regulations</b> 154:9</p> <p><b>rehashing</b> 177:17</p> <p><b>rehired</b> 166:23</p> <p><b>reiterate</b> 10:24 223:8</p> <p><b>rejected</b> 67:21</p> <p><b>related</b> 69:1 73:21 74:10 126:14</p> <p><b>relation</b> 68:9</p> <p><b>relationship</b> 83:14 150:13</p> <p><b>relationships</b> 82:14</p> <p><b>relative</b> 51:20</p> <p><b>relatively</b> 75:16</p> <p><b>release</b> 87:16</p> <p><b>released</b> 74:14</p> <p><b>relevant</b> 77:1</p> <p><b>reliable</b> 182:11</p> <p><b>relied</b> 72:22</p> <p><b>reluctant</b> 11:11 187:1</p> <p><b>rely</b> 72:13 81:21 103:22 182:6 187:2,21 193:10 194:4 238:11</p> <p><b>relying</b> 193:12 194:13</p> <p><b>remainder</b> 209:4</p> <p><b>remaining</b> 149:4</p> <p><b>remarkable</b> 54:11</p> <p><b>remember</b> 130:18,21 165:23 203:23 254:14 255:6 257:3</p> <p><b>remember-</b> 134:4</p> <p><b>remembering</b> 42:18</p> <p><b>remind</b> 151:6 256:19</p> <p><b>removal</b> 145:12,14</p> <p><b>removals</b> 63:9</p> <p><b>remove</b> 26:25 28:2 46:8 145:14</p> <p><b>removed</b> 41:5 74:24 150:3 217:25</p> <p><b>Removing</b> 166:2</p> <p><b>renegotiating</b> 205:1</p> <p><b>renegotiation</b> 24:18</p> <p><b>renew</b> 65:12,13</p> <p><b>renewal</b> 3:24 32:12,19 52:3,4,5 52:23 62:15 63:14,16 148:13,15 213:1</p> <p><b>renewals</b> 135:9,13</p> <p><b>renewed</b> 24:14 214:2</p> <p><b>repeat</b> 121:7 157:7,9,10 158:21 209:17</p> <p><b>repeated</b> 101:1</p> <p><b>repetition</b> 135:20</p> <p><b>replaced</b> 209:17</p>	<p><b>replacing</b> 23:24</p> <p><b>report</b> 3:11,14,15 4:4 59:7,11 64:11,11 65:6,6 66:9,10,13 67:20 71:20,21 72:17 73:2 82:13 87:8,16 109:5 125:7,21 126:7 127:13 135:1 167:16 168:7,15 183:1,4 185:25 186:4 186:5,22,24 187:2,9,13,17,20 187:22,22 188:4,5,7 189:1,2,3,7 189:8,9,14,22 190:3,22,23,25 191:2,4,15,18,21 192:7,17,19 192:23 193:7 194:12 195:18 196:12,13,17,24 197:2,7,7,10 197:13,17,20,24 198:6 199:21 200:22 202:18,23 203:25 204:11 208:11 224:8,10,10,12 224:25 225:7 226:1,4,7,8,9,10 226:15,17 227:10,11,20 228:4,5 228:6,13,18,21 229:6,7,21 230:2,13 251:6 256:17</p> <p><b>reported</b> 1:19 3:17 59:21 66:2 67:23 68:2</p> <p><b>Reporter</b> 267:9</p> <p><b>REPORTER'S</b> 4:7 267:7</p> <p><b>reporting</b> 1:20 3:19 66:4 67:19 69:12 74:9 126:8 134:25 137:7 155:12 191:8 230:1,6,9</p> <p><b>reports</b> 59:13 67:18 82:25 106:19 125:5 127:9,12 137:9 164:21 182:9,21 184:9 186:13 196:16 196:18,20 228:14</p> <p><b>represent</b> 96:13,15 100:22 214:1</p> <p><b>representation</b> 221:14 224:21 234:24 235:2</p> <p><b>representative</b> 139:6 219:14</p> <p><b>representatives</b> 69:25 70:14 71:3 75:24 95:17 214:4 237:25</p> <p><b>represented</b> 133:20 265:11</p> <p><b>representing</b> 263:6</p> <p><b>request</b> 12:8 25:10,12 26:12,16 33:25 34:6 41:4 42:2 43:19 44:5 47:15 49:7,10 51:25 53:20 53:25 56:14 58:18 69:9 74:4 148:19 188:10 214:9 217:12,25 219:8,17,17 223:20 259:23</p> <p><b>requested</b> 27:9 31:7 36:14 61:9 187:5 224:21,22 230:19,24</p>
--	---	--

**requesting** 25:4 29:24 31:17  
 34:25 51:25 191:4 246:6  
**requests** 24:13,16 41:9,12 83:11  
 212:10 217:23 223:11,18  
**require** 190:20  
**required** 10:20 33:18 69:4,12  
 100:16 102:24 147:4 148:10,17  
 148:21 149:25 222:11 224:24  
**requirement** 38:7  
**requirements** 38:3 61:23  
**requires** 80:16 81:2 104:25  
**rescheduled** 147:19,25  
**research** 163:15 207:11  
**researched** 163:11  
**reservation** 77:2 78:2 80:16  
 100:9 102:23 128:24  
**reservations** 256:4,5  
**residents** 96:20  
**resignation** 64:24  
**resignations** 62:23,25 63:3  
**resigned** 63:8 68:13  
**resist** 55:11  
**resolution** 170:7 177:16 199:11  
**resolutions** 81:10  
**resolved** 11:16  
**resources** 102:24  
**respect** 96:21 100:12,16 141:20  
 151:8 155:9 182:4  
**respond** 59:15 71:18 73:7,8,13  
 73:18,25 75:22 80:6,11 100:20  
 237:20 243:23  
**response** 7:10 22:9 23:1,18 73:14  
 92:9 111:24 178:4 266:12  
**responses** 116:6  
**responsibility** 81:14 95:20  
 109:16 112:14 156:25  
**responsible** 82:23 92:10 96:22  
 107:18 110:18 111:4 112:6,9,13  
 112:17 115:22 154:10 251:22  
**responsive** 70:18  
**rest** 88:12 170:23 258:4  
**restate** 116:16  
**restricted** 36:20  
**result** 68:10 106:13 128:3,10  
**results** 140:3,4,7 181:24 197:8,13  
 202:22,23,25 203:7 204:1  
 208:14

**retain** 169:17  
**retained** 65:17  
**retakes** 186:11  
**retired** 94:15 124:5  
**returning** 88:13  
**review** 59:21 60:1,2 140:6 177:12  
 184:13 185:2,2 203:10,14,17  
 208:17 220:3,23 223:23 224:14  
 225:11,12 231:21 240:2,7  
 242:13 248:18 250:24 251:1,21  
 253:6  
**reviewed** 32:23 229:8 249:6  
**reviewing** 10:17 177:12 240:23  
**Revise** 149:12  
**revised** 10:18  
**revocation** 3:16 65:25 90:6 126:5  
 136:11 167:3 174:24 197:25  
 198:5 200:16 201:19 203:1  
 206:14 208:15  
**revoke** 75:8  
**revoked** 179:9 200:17  
**revoking** 71:6 206:12  
**RFP** 220:3,7,22 249:18 250:2  
**rhetorical** 150:21 151:15  
**rid** 117:25 212:6  
**right** 19:5 21:4 26:12 27:20 30:4  
 31:4 32:16 35:18,19 37:17,18  
 37:22,25 38:1,10 39:6 40:1,4,5  
 40:12,23 41:22 42:1 44:1,19  
 45:3 47:6 53:6 54:3,16,16  
 55:13,15 57:22 58:22 64:8 71:8  
 84:1,3 86:8 87:22 90:10 91:16  
 91:18 93:9 98:9 104:22 109:3  
 113:8,23 114:1,5 117:3 120:8  
 122:3,15 123:14 124:8 126:10  
 128:19 131:4 134:1,1,3 137:16  
 141:1 143:14 146:12 159:24  
 160:15 166:17 167:13 170:1  
 171:16 177:2,6 180:24 185:4,23  
 187:18,18 191:1,10,10 193:22  
 197:3 198:22 206:18 207:7  
 208:2 209:15 213:5 215:1,3  
 216:4 217:1,7,8 219:7 220:1,2  
 220:18 221:22 222:20 224:19  
 225:14 229:3 231:22 232:21  
 234:4 235:7 238:1 239:3,4,18  
 240:11,22 241:23 242:2,20

246:18,25 251:15 254:12  
 258:13 260:11,20  
**rights** 82:16  
**rigor** 144:22  
**rigorous** 143:18 144:3  
**Rio** 13:3,12  
**risk** 124:7  
**RMR** 267:8  
**RMR-CRR** 1:19 267:19  
**road** 40:21 96:25 122:15  
**rock** 180:7,25  
**role** 82:11 97:22 109:15,18  
 110:25 223:16 238:8  
**Roll** 3:3  
**roll-call** 5:5 42:14 129:14 209:22  
**roller-coaster** 205:11  
**room** 96:8 98:3  
**rooms** 104:23  
**Roots** 90:24  
**roughly** 107:8 126:21  
**Roundhouse** 212:19  
**routine** 211:24  
**rubric** 123:5  
**Ruiz** 2:5 5:23,24 7:2,6 20:22,23  
 21:6,11 22:17,19 43:3,4 44:13  
 44:16 45:12,13 47:13,14 48:9  
 48:10 49:20,22 50:12,13 56:12  
 56:13 57:14,15 127:14,18 130:4  
 130:5 133:2,21 160:6 210:6,7  
 225:12 228:17 254:3 256:12,13  
 265:23 266:5,8  
**Ruiz's** 133:24  
**run** 117:12 120:10 197:13  
**running** 21:9 105:10 106:6  
 109:11 111:9 114:4 169:15  
**runs** 85:15  
**ruralness** 124:13  
**rusty** 126:15 127:3

---

## S

---

**S** 2:1 3:1 4:1  
**sacred** 116:18  
**safe** 214:19,21 266:13  
**Sage** 65:13  
**said/she** 73:11  
**salary** 222:19  
**Salute** 3:3 6:13,15

<p><b>SAM</b> 263:10</p> <p><b>Santa</b> 1:13 30:25 267:13</p> <p><b>Sarmiento</b> 15:6 21:1</p> <p><b>satisfied</b> 202:19 208:12</p> <p><b>Saturday</b> 10:20</p> <p><b>saw</b> 117:24 118:11 179:18 221:19</p> <p><b>saying</b> 35:5 114:8,9,10 143:12 157:6 167:19 168:6 170:5 171:11 173:7,15 177:1 183:8 185:17 186:20 188:2 192:15 197:8,19 199:24 206:16 221:12 225:5 227:24,25 228:15,17 237:12 238:17 244:24 248:9,11 248:13,16 251:2,12 262:23</p> <p><b>says</b> 29:21 35:7,19,22 92:9 97:17 99:19 112:12 135:24 166:6 178:1 185:18 191:24 199:5 240:13</p> <p><b>scale</b> 30:18</p> <p><b>schedule</b> 62:2 147:6 211:18 213:3,21 235:21</p> <p><b>scheduled</b> 63:21 147:14,20 193:18 194:1 212:18 260:3</p> <p><b>schedules</b> 145:23</p> <p><b>school</b> 2:8 3:8,11,13,15,17 8:11 8:23 13:3,12 16:1,6 17:12,22 19:9,25 20:15 24:6,7,9,14 25:3 25:8,9,18,25 26:6,7,10,24 27:9 28:1,8,18,23 29:10 30:4,8,9,11 30:16,19,25 31:5,12 32:4 34:6 35:21 36:10 37:6,9,13,20 39:3,3 42:3,3,4,5,6,7 44:6,25 46:8 47:16,17,22,23 48:3 49:11,14 49:17,18 51:4,10,18,20,24 52:3 52:6,10 53:5,11 54:8,21,24 55:21 56:15,18 59:8,9 61:4 65:6,13,14 66:1,14,18,22 67:1,3 67:7,11,24 68:10,20,25 69:8,9 69:10,24 70:3 71:17 73:23 74:5 75:9,10,17,18,22 76:5,18,20 78:2 79:14 80:2,16 81:16,19 82:2,19,24 83:18 84:8 86:8 87:18 88:19,20,24 90:12,19,25 90:25 91:2,9 92:24 93:1,1,25 94:23 95:15,15,23 96:9,12 97:5 97:21 98:22 99:23 100:4,5,8 101:12 102:21,24 103:8,13,21</p>	<p>104:13,19 105:11 106:7,21 107:13 109:11,25 111:10 112:4 112:5,12 114:13 115:6 116:8,12 117:5 119:17,21 120:12 121:12 123:2,3,4,9,23,24 124:2 126:2,6 127:12,24 128:18 130:17,18,20 131:4 135:22,22 136:4 137:24 138:7 139:4,16 140:4,9,14,16 140:20,21 143:2,14 144:19 145:2,3,9 146:7 147:7,10,16,24 149:12 151:9 152:17 153:5,12 153:15,25 155:12,22 159:13 161:18,25 162:4,14 165:5,5,7 166:4,16,16,19 167:6,6 169:9 169:12,14,20 170:9,10,14,15,16 172:22,24 173:3,10,16,23,23,25 174:4,18,20,20,23 175:22 178:22 179:11,11,18 180:6 181:19 182:6,18 183:12 184:17 184:20 187:16 188:22 189:16 190:9 191:24 195:14,18 196:7,8 196:12,20,25 197:25 198:2,3,4 198:20 199:4,5,18 200:19,25 201:1,3,4,13,16,24 202:8,9,14 202:16,17,18,19,19,25 205:12 206:21,23 207:2,14 208:6,7,8,9 208:11,12,14,21,23,24 209:10 213:7,17 214:4,22 226:1,3,14 227:16 237:16,25 238:14 239:23 240:8 245:24 248:24 249:3 251:8,9,19,22 252:13 262:8,16 265:2</p> <p><b>school's</b> 25:14 44:10 56:16 66:11 68:12,14 73:17 148:19 171:8 177:14</p> <p><b>school,'</b> 179:13</p> <p><b>schools</b> 3:24 14:1,1,2,4,5,6 27:15 29:15 38:5 39:16,24 46:17 52:11 53:1 54:15 55:18 59:12 59:15,15 63:1,7,10 64:18 66:20 74:22,23 77:21 78:1 84:4 90:21 90:21,23 92:8 107:11 108:11 109:18,22,24 118:20 122:7 124:1,10 128:17 142:6 145:1 148:12 152:23 153:20 158:1 180:3 182:10 184:13 187:14 191:3,4 194:17 213:1,20,22</p>	<p>214:1 226:25 234:23 235:4 237:19 242:7 260:2,2 261:24 262:6,7 263:6 265:11</p> <p><b>science</b> 30:17 36:12,12</p> <p><b>sciences</b> 28:19,23 47:18,22,23 48:3</p> <p><b>scope</b> 217:20 228:22 229:2 237:1 239:11 241:13 246:4 248:22 249:20,23 250:1,1 253:10,11 255:8,9,22</p> <p><b>score</b> 136:5 166:7</p> <p><b>scores</b> 9:10 84:9</p> <p><b>screen</b> 123:5</p> <p><b>se</b> 135:7</p> <p><b>second</b> 7:6 22:4,21 23:13 42:10 42:12 44:13,15 48:5 49:20,21 55:1 56:22,23,24 61:16 76:19 84:7,18 96:9 99:17 102:4 127:17 148:2,4,17,21 150:12 157:5 167:10 185:2 195:4 207:23 209:18,20 219:16 257:19 266:5,6,7,8</p> <p><b>second-year</b> 76:20 173:23</p> <p><b>secondary</b> 30:20</p> <p><b>secret</b> 16:23,25,25</p> <p><b>Secretaries</b> 221:18</p> <p><b>Secretary</b> 2:3 14:15 217:3,16 224:11</p> <p><b>section</b> 44:7 49:12 56:16 65:8 154:21 155:7,11</p> <p><b>see</b> 6:8 20:18 25:11 28:14 32:3,25 33:1,21 37:20 41:7 61:6 62:24 65:10 66:9 67:5 73:20 86:3,20 99:24 100:7 107:5 112:1 115:21 116:12 121:14 128:11 138:15 139:12 181:23 183:17 184:13 186:5,24 187:3 192:18 234:21 236:16 241:18,19 245:14 264:4</p> <p><b>seeing</b> 21:24 35:16 52:19 56:10 86:5 96:19 209:25</p> <p><b>seek</b> 77:15</p> <p><b>seeking</b> 28:1</p> <p><b>seen</b> 15:18,24 118:3 173:9 182:1 182:9 185:3 189:5,8 234:19 262:15 264:7</p> <p><b>select</b> 88:21 147:17 198:18</p> <p><b>selected</b> 147:18,22,24 246:4</p>
--	---	---

**self-contained** 30:23  
**semantics** 29:18,20 35:4,18  
**semester** 184:5 200:18 201:14,22  
**Senator** 16:12  
**send** 6:5 11:4 183:11,12 223:17  
 244:7 261:13  
**sense** 90:1 127:22 164:9 168:18  
**sensing** 184:11  
**sent** 106:10 132:1,1 190:21,25  
 195:18 196:12 197:19,23 237:8  
**sentence** 137:13 140:15 145:15  
 164:10 170:22,24 195:17,22,23  
 196:3,6 203:22  
**separate** 41:9 108:17 150:15,18  
 154:23 155:2 218:13  
**separately** 216:21  
**September** 135:10,17  
**serious** 72:11 99:15 101:9 104:20  
 110:16 116:2  
**seriously** 96:5 99:4  
**seriousness** 99:13 100:2  
**serve** 25:3 26:15 42:4,4,5 76:24  
 79:25 94:13  
**served** 27:12 97:20  
**serves** 25:19 52:7  
**service** 1:20 21:13 77:19 85:20  
**services** 4:3 76:21 79:23 103:7  
 107:10 108:16 216:16 217:19  
 219:21 222:10 226:21,23 227:5  
 228:20,24 241:23 244:10  
**servicing** 110:11  
**serving** 25:5,5  
**session** 5:1,2 21:22 27:5 40:22  
 61:9 163:17 211:17 217:2,10  
 229:2 236:17 257:1 259:9  
 260:12 263:5  
**set** 8:19 63:25 199:7,8 226:22  
 230:13 253:9 267:15  
**setting** 252:2  
**settle** 66:6  
**seven** 43:13,13 49:2 50:18 169:15  
 210:18 265:10  
**seven-to-zero** 130:10  
**seven-zero** 43:15,17 45:25 49:5  
 50:21 130:11 210:20  
**seventh** 25:8 31:16,20 41:18  
**seventh-graders** 88:4

**shame** 118:20  
**shape** 118:12 247:17,21  
**share** 59:22 61:14 121:20 262:1  
**shared** 81:9 84:22 114:1  
**Shayla** 70:4,5 76:9,10 83:24 84:1  
 106:17 112:24 117:12 121:24  
 125:4,22  
**she'll** 19:2 183:14  
**Sheet** 4:10  
**Sheets** 4:11  
**shifted** 53:3  
**shock** 71:8  
**short** 78:22 111:23 143:4 175:8  
 178:18 194:11 206:12 222:4  
**short-cycle** 136:20 140:12,19  
 174:17 175:5 177:20 178:5,15  
 180:8 181:15  
**shorter** 20:6  
**shortly** 6:9  
**shot** 232:19  
**shout-out** 21:1  
**show** 9:10 34:6 166:20 169:21  
 174:20 180:8 186:25 188:3,7  
 196:7 208:7  
**showed** 207:1,2  
**showing** 110:9 129:4 197:20  
 206:5  
**shown** 117:16  
**shows** 9:5 54:1 135:22 165:5  
 169:12,14,20 170:9,15 197:24  
 202:18 208:11  
**shredding** 67:25  
**shutdown** 166:22  
**side** 8:12  
**sign** 216:2 246:21  
**Sign-In** 4:10,11  
**signatories** 83:12  
**signature** 249:8 252:15  
**signed** 7:15 143:2  
**significant** 68:18 142:9 235:10  
**signing** 247:5  
**similar** 106:4 217:13  
**simplify** 200:12  
**simply** 51:8,10 58:18 126:7  
 145:24 158:12 176:14 177:8  
 250:12  
**single** 106:20

**single-grade** 36:8  
**sisters** 130:20,21  
**sit** 33:1 87:20 112:16 121:25  
 184:12,16 235:18 243:24  
**site** 59:13 72:15,16,18 78:19  
 84:20 87:7,8 95:15 127:13  
 145:17 146:4,19,23,25,25 147:2  
 147:4,17 148:7,9,11 149:23  
 150:8 154:2 156:17,20 157:19  
 157:21 158:13,14,17,25 159:1,6  
 159:12,18,22,23 161:17 209:6,9  
**sits** 183:25  
**sitting** 112:25 119:3 151:16  
 187:19 238:20  
**situation** 75:8 168:11 214:6  
**six** 6:2 12:10,11,14 57:2 135:2,3  
 135:7 190:2 265:10  
**Six-to-zero** 57:21  
**sixth-graders** 88:4  
**size** 104:21  
**Sizes** 56:17  
**Skandera** 14:15  
**skill** 8:19  
**skills** 8:20 15:22 16:14 19:14  
 20:10  
**SkillsUSA** 15:9,20 16:21 17:7,12  
 19:10 21:3  
**skipping** 204:25  
**sky** 200:4  
**slash** 135:9  
**small** 14:1,5 101:12 132:6,8  
 206:22  
**small-print** 132:15  
**snap** 66:23  
**snapped** 167:8 264:11  
**snow** 28:16 122:17  
**snowed** 122:14  
**social** 36:12  
**soft** 8:20 141:5  
**software** 91:14  
**solely** 167:11 187:2 197:13  
**solid** 8:18 251:24  
**solidified** 214:17  
**solution** 200:21  
**solutions** 77:17  
**solve** 40:9  
**somebody** 122:22,25 123:10,12

124:6 192:1 243:22  
**something's** 232:19  
**somewhat** 143:13 153:25 232:18  
**soon** 40:20 180:18 186:11 253:19  
 261:13 262:9  
**sooner** 176:21,24 190:14 253:23  
**sorry** 12:6,25 13:2 14:19 15:3  
 17:16 19:20 27:21 29:1 34:16  
 34:21 54:6 57:25 58:25 86:23  
 101:22 115:10 135:14 149:10  
 159:23,23 169:13 172:19  
 179:11 184:16 202:11 209:10  
 225:11 228:3 255:4 257:9  
 264:11  
**sort** 9:9 67:9 76:22 103:12,14,19  
 112:19 135:11 162:7 166:21  
 239:2 240:23  
**sound** 177:19  
**sounded** 126:3  
**sounds** 58:21 97:1 178:1  
**Southern** 130:25  
**sovereignty** 84:19  
**space** 55:7 104:18,24  
**Spanish** 193:23  
**speak** 8:5 16:7 17:21 70:8 75:4  
 76:15 97:12 107:8,17 112:23  
 119:18 125:6 150:24 151:1  
 157:15,16 159:9 184:23 223:13  
 251:2  
**speaker** 69:20 127:5  
**speaking** 15:8 237:16  
**speaks** 86:6 136:11 238:14  
**special** 54:13 76:13 82:15 113:1  
 216:8 236:17 263:5  
**specialist** 9:3 65:10  
**specific** 26:19,22,22,25 44:11  
 61:15,16 125:6 141:18 154:14  
 191:15 196:14 252:17  
**specifically** 25:19 26:15 27:11  
 31:23 34:24 72:21 108:1 125:8  
 138:24 139:2 149:24 251:25  
**specificity** 134:15 142:5,18  
 151:14 152:12 161:13 248:19  
**specify** 137:8  
**specs** 156:5  
**spectrum** 98:25  
**spend** 65:4 105:2 221:20

**spending** 82:5 232:1  
**spent** 82:9 134:20 142:2,9  
**spirit** 114:2  
**split** 258:25  
**splitting** 248:8 257:23  
**spoke** 18:18 20:24 130:25  
**spoken** 16:12,15 76:11,11 79:15  
 79:19,20  
**sports** 55:1,12,23  
**spouses** 124:15  
**spreadsheet** 176:3 189:18 191:6  
**spring** 12:14 54:19 66:12 84:16  
 99:1 163:17 193:18,24  
**squeeze** 212:5  
**staff** 2:7 16:13 51:1 65:17 67:7  
 67:11 78:3 87:12 92:24 93:1,3  
 132:9 178:20,24 180:21 181:17  
 182:1 184:20 190:18 191:25  
 200:1 201:17 226:11,25 227:6  
 227:13,17 230:10 245:25 248:6  
 251:5,21  
**staffing** 36:3 42:7 67:15  
**stance** 104:15  
**stand** 87:3 247:14  
**standard** 143:19 161:4,11,11,14  
**standards** 17:8 29:12  
**Standing** 247:9  
**standpoint** 72:5  
**stands** 218:10  
**start** 6:11 26:9 30:2 39:8 52:18  
 78:1 85:25 102:24 103:21  
 112:16 134:25 184:8 202:12  
**start-up** 117:13,14  
**started** 8:25 79:1 92:25 102:18  
 103:6 104:9 107:21 130:20  
**starting** 145:13 209:2 211:19  
**starts** 31:25 43:25 65:8 184:3  
**state** 1:2 8:7 10:18 11:13,21,23  
 12:4,13,16 13:8,25 17:3 19:8  
 28:3 29:12,13 70:11 77:13 82:3  
 94:5 96:20,21 100:22 106:12  
 113:10 117:19 144:15 158:13  
 160:12,25 161:4,10,11,14 236:7  
 251:25 267:2,9,13  
**State's** 68:11  
**State-designated** 160:25  
**stated** 74:13,20 138:23 139:2

143:6 267:14  
**statement** 25:13 26:17 27:10,11  
 27:24 28:2 33:6,8,17 34:14  
 46:11,20,23 62:16 87:1 94:21  
 126:1,3 130:13,13 136:10  
 231:17  
**statements** 46:17 62:7 73:20  
 74:11 135:20  
**states** 17:4 19:12  
**statewide** 21:12  
**stating** 106:10 239:22  
**station** 124:10  
**stationed** 94:9  
**status** 62:22  
**statute** 26:1 37:9,12 69:4 148:9  
 159:18 214:7 224:7 227:12  
**statutorily** 224:9,24  
**statutory** 10:13 40:8,20 228:5  
**stay** 121:16  
**stayed** 130:22  
**STEAM** 86:10  
**steamed** 85:4  
**step** 130:17 249:11  
**steps** 75:12 83:4 249:13  
**Steve** 16:13  
**Stevens** 2:9 23:22 24:2 233:20,20  
 255:17 264:20  
**stick** 202:7  
**stop** 36:18 77:8  
**stops** 111:6  
**story** 8:22 9:4 76:16  
**straight** 53:11  
**straw** 255:19  
**street** 1:20 123:25 267:20  
**strength** 114:13 119:9  
**strengthen** 83:14  
**strengths** 114:3  
**strenuous** 262:11  
**stress** 9:20  
**stringent** 181:12  
**strive** 80:24  
**strived** 77:25  
**strong** 13:12 42:8 60:9 81:2 90:7  
 113:13 238:19  
**stronger** 32:5  
**strongly** 20:13 141:3,4 142:22  
**structural** 124:23

**structure** 3:18 55:3,10 66:3 69:2  
70:17 74:17 75:3  
**structured** 55:3  
**struggle** 77:3  
**struggled** 78:1  
**struggles** 77:7 103:18,25  
**struggling** 15:25 16:1 173:24  
180:15  
**student** 26:8 37:9 65:16 82:9,13  
82:16 88:1 136:14 145:3 169:4  
183:25 184:1 196:18 197:18,22  
208:25  
**student's** 185:15  
**student-led** 15:21 85:17,19  
**student-level** 140:12,19,22  
**students** 8:9 9:10,12,16 10:9  
12:17 13:14,17 14:16 15:19,21  
17:8,14 20:24 21:14 25:20 26:6  
26:20,21 37:6,11,13 39:25  
47:18,24 52:2,2,7 53:8 54:18  
56:1 76:24 77:24 78:6,9,12  
79:3,5,6,10 80:6,24 83:17,21  
84:10,11,13,16,19,21,24 85:2,7  
85:13,15,20,24,25 86:4 88:3,11  
88:17,21 89:1 97:20 101:12  
103:4,9,16 104:22,24 114:6,14  
114:22 137:21 181:7,13,18  
185:24 190:17 194:4 205:8,18  
205:25 206:1,10  
**students'** 10:11 14:12 31:25  
**studying** 9:1  
**stuff** 105:7 117:17 173:10 211:24  
235:23 236:1,1,11  
**subcommittee** 34:7 132:19  
152:20 153:24 173:19 253:10  
253:19 254:8,11 255:11,15  
**submit** 24:16 69:11 115:17  
**submitted** 10:21 131:19  
**subsequent** 189:21 200:18  
**substantial** 260:18  
**substantiate** 72:9,24  
**substitute** 31:7  
**succeed** 10:10 55:9  
**succeeding** 79:10  
**success** 3:10 8:22 10:12 51:16,23  
56:15 89:4  
**successes** 83:25

**successful** 84:4 88:25  
**sufficient** 75:22 141:4 167:23  
176:22 182:5 183:5 241:6  
**sufficiently** 243:15 244:21  
**suggest** 12:9 38:20 128:17  
**suggested** 195:9  
**suggestion** 128:21 129:12  
**Suite** 1:20 267:20  
**Summary** 23:5  
**summer** 107:23 128:16 129:3  
136:5 165:8,9 166:8  
**Superintendent** 92:6 109:19  
**supervised** 67:13  
**support** 10:14,25 12:8,16 19:8,17  
19:24 20:12 21:15 59:18 70:13  
77:22 79:10 80:25 108:25 111:5  
154:9 155:19 163:16 164:5  
182:11,17 187:16 191:25  
226:25 227:2,3,7,13,16 230:11  
245:25 250:5 263:25  
**support's** 74:8  
**supportive** 52:10  
**supports** 250:14  
**supposed** 107:19 134:5 186:6,23  
224:11 230:3 244:9,15  
**sure** 24:9 27:7,15 57:24 61:6  
64:19 87:23 88:12 99:25 116:5  
119:21 120:10,13 121:18 126:8  
129:3 139:24 149:5 150:4,22  
155:6 157:16 162:10 163:5,6,22  
169:2,8 178:10 183:14 192:14  
194:7 200:13 204:3 206:1,7  
207:12,20 213:24 214:22  
218:23 226:7 229:6,8 230:16  
238:24 242:7 250:16 262:22  
263:1,17  
**surprise** 75:20  
**surprised** 236:4  
**surrounding** 114:25  
**survive** 110:2 113:6,18,22  
**Susan** 213:25  
**Suspension** 155:4  
**SY** 208:24  
**system** 39:17 113:22 114:17  
131:3  
**systematic** 124:24

---

**T**


---

**T** 3:1 4:1  
**table** 40:11 73:23 74:4 113:23  
127:7 146:8 153:7 162:10 235:4  
**take** 6:25 15:25 16:2 17:2 29:1  
58:24 59:4,15 75:21 77:9 80:13  
81:13 96:4 97:21 98:16 99:4  
101:10 107:3 109:13 110:25  
120:24 124:7 128:17 129:13  
145:18 156:1,24 158:14 159:6  
163:4,14 173:13 178:14 186:15  
190:2 201:23 203:1,11 205:17  
208:16 209:6 211:2 216:5 249:4  
261:1,5  
**taken** 59:5 65:20 69:13 75:12  
131:11 180:17 181:7 186:11  
211:7 218:15,18 223:7 224:6,18  
225:3  
**takes** 80:21 104:14 184:2  
**talk** 15:15 18:20 84:3 95:25  
105:22 106:17,18 146:7 150:11  
157:25 200:14 220:22 224:20  
241:25 242:3 259:12  
**talked** 88:11 144:1 169:23  
211:16 231:25 262:7 263:2  
264:25  
**talking** 30:2 62:1 89:25 93:5  
100:13 125:8 142:10,17,19  
168:19,24 172:11 201:10  
248:19  
**tardies** 86:18,24  
**target** 173:12  
**targets** 137:25,25  
**task** 112:18 113:6 114:12  
**tasked** 96:22  
**tasks** 103:5,19  
**taught** 15:12 17:21  
**taxes** 100:23  
**teach** 30:19 82:8 95:18  
**teacher** 21:3 31:3,10 60:2 76:13  
82:8 95:9,10 102:4 113:1  
134:21,21  
**teachers** 10:8 20:3 30:5 36:11,14  
49:16 124:16 166:23 179:21  
180:1 262:16  
**teaching** 30:7 95:7  
**team** 60:1,7,10,17,20 64:15,15



81:3,6,11,18 93:4,13,14,15,17  
 93:22 96:17 106:15 115:3  
 163:13  
**team's** 81:3  
**teams** 60:2  
**teasing** 116:1  
**technical** 10:5 15:22 77:22 87:11  
 108:25 111:4 155:19 164:5  
**tedious** 181:12  
**teleconference** 253:21  
**telephone** 252:2  
**telephonic** 254:5  
**televisions** 20:6  
**tell** 8:13 21:6 88:23 93:16 178:20  
 184:22 193:9 216:17 232:16,17  
 253:13  
**template** 133:11 226:6 229:20  
 230:13  
**ten** 173:25 230:19  
**ten-session** 265:5  
**tend** 52:25  
**tentatively** 257:5  
**term** 24:19 52:4 133:10 145:7  
 161:1 203:24 204:5  
**terms** 26:18 27:8 67:22 68:6  
 86:20 89:7 104:11 109:15  
 110:17 119:18,19 135:7 142:15  
 143:4 159:5 172:17 175:8  
 206:16 214:8 261:7 263:12,13  
**territory** 133:10  
**test** 9:10 84:11,12 181:8,12,24  
 202:22,23,24 203:7 204:1  
**testament** 55:25 89:4  
**testify** 16:20  
**testimony** 267:15  
**testing** 84:14 176:19 197:7,13,18  
 197:23 202:9,17 208:10,14  
**tests** 180:18 194:2  
**thank** 6:4,23,24 7:25 8:2 9:24,25  
 10:13 12:15,18,23 14:23,25  
 17:17,18 19:5,17,18,19 20:13  
 20:23 21:16,17,17 24:2 28:24  
 29:5,6,7 34:15,19,22 36:23,24  
 39:13 40:18 43:17 44:23 46:14  
 47:6 48:5 49:4 50:20,21,22  
 51:3,14 52:15,19 54:3 56:5,7  
 58:22 59:1,2 60:15,24 62:13,17

62:17 65:22 69:14,15 70:8  
 75:24 86:24 87:17 89:23 94:19  
 99:7 100:18 101:4,17 117:6  
 118:5 127:16 128:8 129:5 131:5  
 132:13 133:1,6,19 134:4 149:2  
 151:11 152:9 154:17,18 156:4  
 156:13,14 157:13 204:21  
 209:11 210:21,24,25 212:22  
 214:25 216:12 219:7,23 220:24  
 221:2 238:2 252:11 256:15  
 263:22,24 264:15,21 265:16,18  
 265:22,23,25 266:2,13,15  
**thanks** 18:17 34:21 41:10,23  
 52:20 62:18 216:13 264:1,1  
 265:19  
**thing** 16:24 17:6 35:4 38:19  
 55:12 58:3 63:12 84:8 120:1  
 122:5 144:13 157:4 203:5  
 235:18 243:21 244:7 251:4  
 254:22 259:24 260:8  
**things** 14:3 15:12,12,15 16:10,17  
 16:19,25 17:2 18:3 20:7 24:20  
 29:9 35:14 46:6 85:10 96:24  
 101:13 114:20,21,23 119:13  
 123:18,19 134:22 149:7,15  
 160:14 173:25 179:6 185:19  
 198:8 217:22 219:25 223:6  
 226:5 233:16 235:19 240:2,10  
 241:16 243:13,18 244:2 248:1  
 248:10 259:5 263:13  
**think** 8:10,11,11 11:24 17:25  
 18:19 19:11 22:1 24:16,20 25:6  
 26:2,4,11,13 28:5,6 33:9 38:9  
 39:7,14 40:6,10 47:3 51:8,19  
 53:13,20 54:5,7,10,14 58:3,10  
 58:22 60:3 62:14 67:2 70:20  
 71:11 73:9,11,14 84:2 87:1,18  
 87:19 89:3,4,9 95:22 98:12  
 99:21,21 101:10,17,19 102:17  
 104:15 106:6,8,9 109:1 110:3  
 110:14,16 112:18 113:9,24  
 114:7,18,20,22 115:2 116:18  
 117:1,15,22 118:10,18 119:3,6  
 119:16 121:19 122:23 124:15  
 128:21,24 129:1 130:17 131:23  
 135:6,8 138:17,19 143:17,17,20  
 145:2 146:10,15 149:9,17 150:5

151:16 156:16,25 158:8,8,9  
 159:3,4,7,18,21,25 160:19  
 161:2 163:14 164:4,8,9,20  
 165:1 167:1 168:17,18 169:15  
 170:2 171:25 172:14,25 173:8  
 173:21 175:2,7 179:8,9 180:14  
 180:15,16,20 181:19,21 187:8  
 190:2,19 191:1,2 196:4,15  
 197:5,6 201:11,21 202:3,3  
 203:22 206:1,9,15 211:1,12  
 214:3 216:6,22 223:2,5,10,24  
 224:6 225:8,17 228:10 229:5,10  
 229:25 230:3 232:4,13 234:5,12  
 234:20 235:5,5,17 236:14,15  
 238:4,18,23 239:3,4 240:6  
 241:7,12 242:4 243:13,21 244:3  
 246:11 247:25 248:16 249:12  
 249:13,15,21,24 251:3,13,14  
 253:14 254:18 255:1,17 257:3,3  
 257:22,23 258:22,24,25 261:19  
 262:8,9,17 263:14,16 264:22  
 266:7  
**thinking** 40:19 134:16,16 174:2  
 220:11 235:11 238:1 259:7  
**third** 1:20 11:11 31:6 140:4  
 144:16 149:7,9,10 203:10  
 267:20  
**third-party** 82:1 198:18,19  
 203:14,17 208:16  
**Thorpe** 131:7  
**thought** 10:17 50:25 53:21 89:9  
 93:11 118:2 129:6 138:11  
 142:21 178:23 183:2 204:25  
 217:24 218:1 221:19 233:9  
 234:25 235:15 244:3 257:24  
 258:13 259:5  
**thoughtful** 7:19 27:6 222:16  
**thoughts** 6:6,10  
**thread** 243:9  
**three** 10:15 11:16 14:14 16:11  
 30:12 41:19 49:12 56:21 68:13  
 76:14 90:21 107:8 124:10 217:6  
 218:11  
**three-hour** 265:6  
**three-year** 63:14 135:23 136:4  
 143:13,16,19 165:6 166:7  
 171:19 172:4

<p><b>thriving</b> 84:20</p> <p><b>throw</b> 118:2</p> <p><b>Thursday</b> 58:22 71:2,12 211:21 211:25 212:7,12</p> <p><b>tier</b> 54:10 102:2</p> <p><b>Tierra</b> 3:9 24:10,12 28:18,22 42:2 44:5 47:15,17,23 49:10</p> <p><b>tighten</b> 11:23 19:1</p> <p><b>till</b> 178:16,17</p> <p><b>Tim</b> 2:4 128:23</p> <p><b>time</b> 7:16,19 11:8 12:1,5,23 14:19,24 17:16 18:9 19:19 24:15,24 28:25 38:13 40:10 44:22 46:22,25 50:23 55:20 60:15,19 62:11 63:23 64:4 65:4 66:6 67:19 69:12 71:12,15 74:3 75:22 82:9 83:23 87:25 89:10 91:8,11 99:17,24 103:17 105:2 107:6 122:8 126:2 128:18 129:2 130:19,23 133:15 135:6,11 142:10 145:19 146:5,17 147:15 158:15 159:1,6,8,9,25 161:5 176:12,22 177:9 178:2,3 179:1 180:21 181:19 186:15 187:4 188:15 189:11,12 190:20 193:15 199:18 200:2,10 205:4 206:21 209:7 212:3,8 213:7,15 213:22 215:6,16 217:1,9,17 220:2 221:8 223:14 226:4 231:23 232:3 235:6 236:14,20 243:24 253:3,6,16 258:17,22 260:6,20,23 261:3,10 265:20 268:10,15,20,25</p> <p><b>timely</b> 69:11 116:9</p> <p><b>times</b> 16:11 25:16 105:21 121:15 235:1 243:10</p> <p><b>timid</b> 16:7</p> <p><b>timing</b> 70:20 139:24 190:18</p> <p><b>tired</b> 262:10 264:12</p> <p><b>tires</b> 85:22</p> <p><b>title</b> 92:2 114:16</p> <p><b>titled</b> 216:19</p> <p><b>today</b> 8:5,13 9:1,20 10:15 12:23 18:5,11,13,18 51:24 70:9,12 72:1,2 73:7,22 75:2,4,10,11 76:15 79:1 87:2,15 93:16 116:13 131:17 132:10 154:16</p>	<p>164:12 187:24 192:22 211:13 254:23 255:14</p> <p><b>today's</b> 8:14 62:14 71:4</p> <p><b>token</b> 237:22</p> <p><b>told</b> 11:6,10 68:3 115:19 116:21 182:23 213:7</p> <p><b>tomorrow</b> 179:12</p> <p><b>ton</b> 241:21</p> <p><b>top</b> 9:12 43:23</p> <p><b>total</b> 88:2 98:19</p> <p><b>totally</b> 206:2</p> <p><b>touch</b> 188:14 215:2 216:11</p> <p><b>tough</b> 195:11 234:10</p> <p><b>Toulouse</b> 2:6 5:8,9 6:14,17 19:6 19:7 42:22,23 44:24 45:21,22 48:16,17 49:25 50:1 51:5,17 54:17 87:5,17 99:9,10 117:7,8 118:13 127:4,6,11,16 128:15,20 129:10,22,23 132:14 165:17 172:9 204:22,24 205:5,15 206:8 206:25 207:8 210:3,4 217:5,8 219:10 229:4,13,16 235:16 236:10 243:11,12 244:18 245:2 245:13 253:7,20,24 254:4 255:12 256:2,3 264:9,10,21 266:3</p> <p><b>tour</b> 60:16 133:1 257:2</p> <p><b>town</b> 190:13</p> <p><b>track</b> 7:19</p> <p><b>tracker</b> 62:21</p> <p><b>tradition</b> 113:5</p> <p><b>traditional</b> 30:25 53:1 54:23 55:21 85:3 109:17,22,24</p> <p><b>train</b> 59:18</p> <p><b>trained</b> 31:10 49:16 92:11</p> <p><b>training</b> 61:8,18 62:2,6,9,11 82:7 110:17 163:18,25 265:3,5,6,9 265:17</p> <p><b>trainings</b> 61:5 265:1</p> <p><b>transcript</b> 1:10 22:13 267:11 268:8,13,18,23</p> <p><b>Transcripts</b> 3:6 21:20 22:13</p> <p><b>transferring</b> 83:12</p> <p><b>transform</b> 81:1</p> <p><b>transformed</b> 84:19</p> <p><b>transforming</b> 78:15</p> <p><b>transition</b> 183:23</p>	<p><b>transitioning</b> 176:3</p> <p><b>translates</b> 126:21</p> <p><b>translating</b> 240:1</p> <p><b>transportation</b> 103:12,13</p> <p><b>transporting</b> 118:8</p> <p><b>trap</b> 239:4</p> <p><b>trash</b> 85:23</p> <p><b>travel</b> 67:25 256:23 257:20 258:3 258:9,19 260:23 261:3</p> <p><b>traveling</b> 21:18 101:15 213:10 258:14 260:23</p> <p><b>travels</b> 263:21 266:13</p> <p><b>tremendous</b> 13:8 21:13 116:14 118:3</p> <p><b>trend</b> 52:24 53:3,10</p> <p><b>trends</b> 82:10</p> <p><b>tribal</b> 117:18 118:14</p> <p><b>trip</b> 13:17</p> <p><b>triple</b> 44:7</p> <p><b>Trish</b> 2:5 254:17</p> <p><b>trouble</b> 121:18 262:5</p> <p><b>truancy</b> 82:13</p> <p><b>true</b> 72:11 119:6 267:10</p> <p><b>truly</b> 27:7 95:23 96:16,25 143:22 207:10</p> <p><b>trust</b> 10:7 88:7 184:11</p> <p><b>truthfully</b> 172:15</p> <p><b>try</b> 6:22 7:19 9:16 14:7 55:7 63:10 186:12 200:5 211:5 212:4 214:24 243:25 262:19</p> <p><b>trying</b> 24:19 61:15 87:15 105:8 113:25 117:24 138:25 162:22 163:4 166:18 178:2,9,22 192:6 192:6 194:24 195:10 196:22 197:4,11,15 222:16 226:13 239:1</p> <p><b>Tsehootsooi</b> 86:12</p> <p><b>Tuesday</b> 132:3,22,24 257:9,10</p> <p><b>turn</b> 70:14 75:23 139:22 157:15</p> <p><b>Turnaround</b> 145:3,17 146:8</p> <p><b>turned</b> 155:25</p> <p><b>turning</b> 256:20</p> <p><b>tutoring</b> 36:19</p> <p><b>TV</b> 117:24</p> <p><b>TVs</b> 20:16</p> <p><b>twenty</b> 169:15</p> <p><b>twice</b> 32:21 33:22,24 34:1,16</p>
---	---	--

**two** 7:20 17:13,14 25:4 35:3  
 40:21 61:3 71:13,21 72:2 73:9  
 78:22 81:17 86:1 88:21 102:4  
 103:1 104:1 117:10,13,21 118:3  
 121:2 122:6,14 123:1 144:24  
 145:22 146:25 147:4 154:23  
 155:2 161:16,22 162:5 164:21  
 165:7 166:11 172:20 185:10,18  
 188:11 199:23 212:1 215:19,20  
 217:8,12,13,22 218:13 221:18  
 231:8 237:23 239:5 243:6  
 250:21 258:2,2,5,8,17 260:2,2  
 264:25 265:1,12  
**two-way** 239:5  
**tying** 46:17  
**type** 180:8  
**types** 86:21  
**typically** 59:24 162:6 258:1,16  
 258:23  
**typo** 221:3

---

## U

---

**Uh-huh** 40:23 41:24 125:20  
 238:9,16  
**ultimate** 82:19  
**ultimately** 108:14 123:2 143:20  
 148:4 191:7,8 231:21 237:9  
 250:15  
**unable** 227:1,2  
**unanticipated** 232:23  
**unavailable** 261:4  
**unclear** 26:11 144:15 150:5  
 164:23 167:15  
**uncomfortable** 153:9  
**unconditional** 63:16  
**undergoing** 70:22  
**underlines** 218:15  
**understand** 9:23 12:2 17:23 19:3  
 38:24 54:18 82:10 83:2 96:24  
 97:4,16 98:13 100:21 101:2  
 102:15 117:20 119:11 122:3  
 134:23 159:11 163:20 168:6  
 180:23 183:13,18 184:10  
 190:16 193:14 199:22 206:16  
 206:18 207:4 214:5 226:12  
 235:9 237:12 238:18,25 239:13  
 240:17 242:24,25 244:24

248:10,21  
**understanding** 32:11 37:4 61:18  
 80:24 82:3 107:23 137:5 138:18  
 138:20,22,24 152:5 160:11  
 162:17 165:11,18 171:3 173:18  
 187:23 197:6 203:18 213:17  
 261:11  
**understood** 11:20 94:22 136:14  
 156:5  
**unequivocally** 187:21  
**unfortunate** 78:25 87:22 262:21  
**unfortunately** 40:5 51:19 109:4  
 110:23 118:7 131:8,17 142:11  
 160:16 161:5 262:2  
**United** 17:4  
**University** 9:2 78:11  
**unlicensed** 67:11,14 68:2,7  
**UNM** 78:10  
**unnecessary** 44:11  
**up-to-date** 226:10  
**upcoming** 188:22  
**update** 3:13 59:9 63:12 65:10,21  
 261:19  
**updated** 62:22  
**updates** 62:22  
**Uplift** 65:12 123:13  
**upper** 54:10  
**urgency** 90:2 127:22 128:6  
**use** 27:23 35:8 49:14 69:18 91:15  
 99:14 133:11 136:24 141:2  
 154:7 159:4 188:19 203:13,15  
 222:6,7,9,15,16 232:5  
**usually** 97:10,10,12 232:16  
 235:20  
**utilized** 49:13  
**utilizing** 47:20 48:1 49:18

---

## V

---

**vacancy** 60:6  
**vague** 148:16  
**Valerio** 7:22 8:3  
**valid** 223:10  
**Valley** 63:13 213:4  
**value** 113:17  
**values** 113:4,4 114:10 121:21  
 123:3 171:14  
**variety** 147:9

**various** 81:23 85:6 147:3 156:3  
**vast** 95:14 96:21  
**Venture** 86:14  
**veracity** 112:8  
**verbal** 35:6  
**verbatim** 15:13 77:18 84:13  
 107:22  
**verbiage** 46:3 47:11 49:7  
**verified** 147:23  
**verify** 191:22  
**Veronica** 115:9,11,12,13  
**version** 132:12,15 154:25 230:18  
**versus** 169:25  
**vested** 81:19 124:3  
**vibrant** 17:22  
**violate** 68:6  
**violation** 35:23 36:4 68:11  
**vision** 81:3 123:4  
**visit** 66:23 72:15,16,18 87:7,8  
 100:4 101:15 120:12,23 127:13  
 128:18 146:25 147:2,11,17  
 148:4,7,10,17,21,23 149:1,23  
 150:8,12 154:2,3 155:17 156:17  
 156:20 157:19,21 158:17,25  
 159:1,6,18,22 161:18,24 162:7  
 209:9  
**visited** 78:9 79:12 100:5  
**visiting** 78:10  
**visitors** 4:11 79:13  
**visits** 59:13 145:17 146:4,19,23  
 147:1,4 148:11 158:13,14  
 159:12 209:6  
**vital** 62:14  
**vocational** 8:11,17  
**voice** 16:7 98:2,2 223:3 238:12  
 238:21  
**voices** 238:19  
**void** 104:6  
**volunteer** 69:3  
**vote** 5:5 42:14 44:20 45:25 47:9  
 47:10,12 57:21 58:11 65:12,13  
 129:14 130:10 192:12 209:22  
 214:10,18 221:4 245:8,9 249:25  
**voted** 58:1,24 74:4 167:2 172:8  
 192:22 250:2  
**votes** 43:12 45:24 48:15 50:18  
 129:25 210:12

**voting** 42:17 51:18 57:3 255:13

## W

**wait** 40:13 139:22 166:9

**waiting** 103:20 104:7 148:25  
236:6

**waiver** 31:8

**walk** 37:24

**walks** 85:15

**want** 6:5,9 10:7,13 12:24 13:24  
14:23 18:5 19:8,24 20:14,23,25  
21:14 24:1,23 27:6 29:1,9  
31:11 33:1 34:16 35:2 38:23  
39:1 52:18 54:15 55:2,3,4 56:1  
56:5 58:2 60:12 69:18 76:2  
79:8,11 80:8 83:3 84:4 99:11  
102:8 104:15,21,24 108:23  
114:23 115:4 117:9,9 118:24  
119:1,23 121:19 122:8 124:6,17  
125:9,9 128:4 133:1,6 135:19  
143:21,25 144:4 157:14,15,16  
157:17,22,25 158:2 159:14  
163:6 164:20 165:2 167:24  
169:8 175:2,3 176:11 178:14  
188:7 191:7 197:21 200:14  
203:10 206:6,13 212:4,14  
216:24 220:13 221:1 224:13  
225:15 231:3,12 232:11 233:5  
235:1 239:20 241:15,25 242:7  
242:12,19,23 245:9 247:16,18  
249:15,16,18 251:14 252:20  
253:8,8,17 255:22 256:19 259:9  
262:22 264:13,24

**wanted** 9:20 19:16 21:2 31:5  
45:1 59:22 86:20 87:1 114:19  
116:19 120:1 121:14 126:1,8  
143:11 149:16,20 152:1 162:9  
163:22 180:23 204:3,20 212:2  
234:1 258:25 260:8 261:25  
262:8,25 263:1

**wanting** 173:13 263:3

**wants** 26:24 44:21 112:23 150:25  
215:13

**Washington** 16:11

**wasn't** 31:4 106:10 131:19  
133:24 134:2 174:2 201:25  
219:11

**waters** 234:11

**way** 6:21 15:5 21:18 29:3 32:5  
36:19,21 37:15 53:9,17 65:18  
90:7 96:11 105:24 107:14 116:2  
132:5 143:15 159:15,16 166:24  
166:25 168:2 178:11 180:4  
194:18 199:6 206:1 222:13  
235:24 237:20 243:16,19 245:5  
253:11

**ways** 11:24 80:23 105:11

**we'll** 28:8 33:2 53:13 60:1 63:10  
125:16 129:7,8,13 181:16  
186:18 201:23 207:9 213:16  
215:2,4 216:11 222:9 256:15  
260:25 261:5 263:17

**we're** 6:7 16:24 17:10 18:25  
27:19 29:19 31:24 35:9,21 36:4  
36:20 38:25 40:23 41:1,3 51:7  
51:8 53:14,24 59:20 60:4,6,10  
89:14 103:3,14 104:10,22  
105:25 106:2 112:15 113:20,25  
113:25 114:6,6,8,22 118:8  
127:7,23 135:4 137:3 148:24  
155:10 158:16,17 159:2 164:14  
165:24 166:18,21 167:5 169:15  
171:11 172:11 174:14,16 176:2  
177:1 178:1 179:2,22,23 180:24  
181:14 182:19,24,24 183:9,12  
185:14,16,18,19,19 186:4,11,15  
187:2,19,20 191:3 192:6,11  
193:12 195:2,10,11,13 197:12  
197:19 198:15 199:15 200:1,5,8  
201:2,10 203:24,25 205:1,22  
207:16 211:5,6 212:19,24 213:5  
214:16 215:9 216:14 219:22  
221:20 222:16,18,18 223:17,19  
226:16 231:5 235:8,11 237:8  
240:14 242:5 247:5,15,16  
253:11 255:13 256:21 262:21  
262:22 263:15,16,17 264:17

**we've** 6:24 17:1 25:15 26:18 28:7  
33:18 37:1 41:8 51:11 53:25  
61:19 87:10 99:18 103:12,17  
104:2,2 105:16 121:21 123:8  
142:5 163:8 168:4 176:25  
177:22 181:21 186:3 187:14  
191:2 201:3 203:3 204:4 205:11

214:23 222:14 226:11 258:2

**weather** 28:15

**Web** 59:14

**Wednesday** 132:4 257:8,12

**week** 35:10 63:18 71:2 160:17  
177:6 195:4,7 260:22

**weekly** 81:6 105:21

**weeks** 13:13 107:9 188:12 190:2  
190:2,3 215:20,20

**weight** 114:17

**welcome** 23:22 24:1 79:12  
261:15 264:21

**well-maintained** 122:16

**wellness** 77:18 83:19 85:13,16  
86:15

**went** 14:17 31:8 32:12 53:9 58:24  
132:25 140:18 162:18 169:6  
264:24 265:3,6

**weren't** 53:16 87:23 179:19  
213:11,12

**Western** 80:22 119:13

**Western-dominant** 113:3

**whatnot** 122:17

**whereof** 267:15

**whispering** 39:10

**whoever's** 144:20

**WIDA** 138:8 140:22 143:24  
160:8,12 161:5

**willing** 105:7 122:2,25 124:7  
253:25 254:2

**willingness** 154:11

**window** 141:24

**Wings** 90:24

**winter** 84:11,12,14 122:13

**wish** 18:24 112:9 252:15 261:14

**woman** 113:4 124:20

**women** 114:11 118:4 119:9

**won** 21:4

**wonderful** 54:8 89:3 94:18

**wonderfully** 51:20

**wondering** 107:3

**word** 90:7 127:23 162:19,25  
188:18 203:11 209:16

**worded** 166:25 174:18 193:3

**wording** 109:7,8 141:5 142:6  
158:12,19 166:4 209:1

**words** 52:20 72:6 112:7 141:3

168:22 179:13  
**work** 11:14 21:22 27:5,15 32:25  
 33:2 34:16 50:23,24 52:10,12  
 55:24,25 60:10 62:4 63:11  
 64:15 77:9 90:18 97:10 103:6  
 106:21 108:16 109:1 112:2  
 113:21 115:13 116:22 122:4  
 124:18 142:5 144:6 145:2  
 151:20 154:12,15 156:2 162:7  
 170:12 173:24 176:12 178:3  
 196:23 208:24 211:17 213:16  
 217:2,2,10,11,20 223:1 226:6  
 228:23 229:2,2 236:2 237:1  
 239:12 241:13 242:10,16  
 245:24 246:4 248:22 249:3,20  
 249:22,23,24 250:1,1,8,21  
 253:10,10,11 255:8,9,22 257:1  
 259:9 260:11 263:9,11,15,25  
**worked** 32:10 117:13 123:25  
 132:18 151:9 153:23 155:20,21  
 211:17 216:7 217:21 220:1  
 228:13 250:16 253:24  
**workers** 17:5  
**working** 17:9 24:4 59:12 60:6  
 61:12 64:17 66:17 70:24 83:9  
 84:17 94:5 97:2,3 102:5 103:20  
 107:22 108:1 113:2 119:22  
 120:9,22 123:23 133:25 138:19  
 138:22 139:16 144:5,9 145:23  
 152:19 156:11 186:4 214:16  
 250:5,10 251:5,19,23 262:15  
**workings** 98:20  
**workplace** 15:22  
**works** 215:20  
**worksheets** 224:22  
**Workshop** 66:13 99:1 163:18  
**world** 13:21,21 81:1,17 113:7,18  
 119:10 194:3,6 241:3  
**worlds** 111:16  
**worrisome** 111:7  
**worry** 205:20 237:22  
**worst** 16:19  
**wouldn't** 31:18 34:4,4 129:3  
 151:16 175:12 180:6 221:24  
 224:13 225:15 235:7,13 240:9  
 244:25  
**wow** 212:23 221:20

**wrapped** 226:13  
**write** 202:21 244:6 246:23 249:5  
 252:15 254:14  
**writing** 62:7 89:24 252:5,9  
 265:13  
**written** 148:13 164:11 202:8  
 215:18 245:5  
**wrong** 156:18 164:17 230:17  
**wrote** 13:17 89:2 245:3 251:1

---

## X

---

**X** 3:1 4:1 240:21

---

## Y

---

**Y** 240:21  
**yards** 86:2  
**yeah** 32:16 34:21 41:22 43:25  
 46:14 62:12 92:8 102:6,7 119:1  
 121:24 127:2 132:14 159:24  
 171:13 193:2 194:2,7 195:1,2  
 202:5 206:7 214:14 215:8,8,11  
 215:25 225:14 231:1 238:6  
 243:7,7 248:7 249:9 254:3  
**yeah-buts** 119:25  
**year** 12:12 16:6 18:23 21:9,10  
 25:8,9 26:5 31:18,19,20 35:10  
 35:25 39:4 42:5,6 47:16,22  
 51:4 53:3,14,15 54:14 60:1  
 68:17 74:2 76:19 83:18 84:8,8  
 85:1 88:9 99:18 102:2,5 104:13  
 107:15 117:13,14 120:3,18  
 125:2 128:3 136:16,17,19 137:3  
 140:14,16,20,21,23,25 141:21  
 141:23 143:22,23 146:25  
 155:17 159:18 161:25 164:25  
 165:1,14,19 166:8 167:6 168:3  
 168:4 171:20,22,23 172:1,2,9  
 172:12 173:16 174:3,7,18  
 175:23 179:16,17 181:19  
 188:23 190:10 191:12 195:12  
 196:19 199:19 200:19 201:1,4  
 201:16,20,24 202:16 205:11,12  
 205:24 206:13 207:14 208:8,23  
 212:9 217:12 222:5,7,12,14  
 225:20 230:7 235:20 256:21  
 262:11  
**year's** 89:13 115:15,18 128:2

156:11 164:24,24 165:20,21  
 204:12,13,16  
**year-and-a-half** 180:19  
**years** 8:24 11:16 14:14 15:7,11  
 15:11,18 16:9 17:13 24:15 25:4  
 38:22 40:21 56:21 78:22 79:24  
 95:11 102:4 104:1 118:4 169:13  
 174:1 185:10 186:13 189:18  
 191:14 205:14 217:6,12,13  
 218:2,11 245:4  
**years'** 79:22,22  
**Yellowhair** 70:4,5 76:9,10 84:1  
 112:24 121:24 125:4,22  
**yeoman's** 117:11  
**yesterday** 27:5,13 46:7,16 59:22  
 62:1,5 134:14 141:4 211:17  
 216:22 218:13 221:18 222:5  
 256:24 257:1 264:25  
**Yield** 108:20  
**young** 8:19 15:25 19:13 80:8  
 116:17  
**Youth** 86:11

---

## Z

---

**Z** 240:21  
**zero** 49:2 50:18 210:19 222:11

---

## 0

---



---

## 1

---

**1** 3:3 4:10 41:12 44:1 46:3 67:6  
 209:8 214:9  
**1,140** 52:2 53:12 56:18  
**1.5** 136:16,17 185:10,16,20  
 186:12 189:18 191:14  
**1:35** 211:7  
**10** 3:23 7:15 53:16 139:15 144:5  
 212:24  
**10:00** 59:5  
**10:13** 59:5  
**100** 86:2  
**11** 4:2 58:11 216:15  
**11:41** 131:11  
**11:55** 131:11  
**11th** 260:4  
**12** 1:11 4:4 88:4 185:23 186:7  
 256:17  
**120** 53:16

**12th** 5:3 155:4  
**13** 4:5 264:2  
**131** 3:20  
**14** 4:6  
**14th** 87:7 195:3 213:22 260:5  
**15** 144:9 175:4 198:5,11,20,24  
 199:9,10 203:1 208:16,20  
**15-'16** 174:8  
**15-to-20-day** 158:7  
**15th** 72:17 74:2 194:20 211:22  
 211:23 212:20  
**16** 68:17 155:3 174:13  
**16,000** 16:16  
**1630** 1:20 267:20  
**16th** 212:20  
**17** 167:16 168:21  
**17-'18** 25:7 196:7 208:8,24  
**17-'8** 174:20  
**17th** 61:7  
**18** 15:6 167:17 194:24  
**18-'19** 25:9 169:18,19  
**1865** 20:2  
**18th** 257:9,11 260:24  
**19** 257:5  
**1960s** 20:6  
**1965** 20:2  
**19th** 257:13,23 258:7,12 259:7  
 259:22 260:1  
**1st** 90:14 144:10,11 214:20  
 263:16

---

**2**

---

**2** 3:4 4:11 41:3,12 56:16 67:6  
 145:16 158:12 162:11,24  
 208:22 209:16  
**2:00** 211:4  
**2:30** 211:5,6  
**2:44** 211:7  
**20** 18:23 144:10 195:19 196:13  
 197:19 208:20 211:4  
**20,000** 18:24  
**200** 85:22  
**201** 1:20 267:20  
**2015-'16** 140:20  
**2015-16** 140:16  
**2016** 107:25  
**2017** 1:11 13:18 21:22 22:14 23:6

70:21 136:5 166:8 167:11,22  
 170:15 171:24 173:14 195:19  
 196:13 197:19 267:16  
**2017-'18** 47:16 164:11 168:23  
 170:15  
**2017-2018** 42:5 83:18 169:12,14  
 169:20 170:9 172:13,17,22  
 173:2,16  
**2018** 135:21 164:23 165:4,10,10  
 165:12,16 166:14,15,21 167:12  
 167:16,20,23,25 168:9,14  
 174:25 194:25 202:15,17 208:9  
**2018-'19** 47:22  
**2018-2019** 42:6  
**20th** 58:13 193:8,10,12 197:8,9  
 202:10 208:9 257:18 258:8,14  
 258:19 259:3  
**21** 3:6  
**211** 3:21  
**212** 3:23  
**216** 4:2  
**219** 1:19 267:8,19  
**21st** 111:13 257:20 260:24  
**220** 65:9  
**24** 3:7,9 88:3,6 89:8 267:16  
**24/7** 121:13  
**24th** 70:21 75:16  
**256** 4:4  
**25th** 132:21,23 177:7  
**264** 4:5  
**266** 4:6  
**267** 4:7  
**26th** 10:19 190:12

---

**3**

---

**3** 3:5 41:12  
**3/16** 107:21  
**3:56** 266:16  
**30** 79:22,22 175:4  
**300** 1:12  
**30th** 214:11  
**330** 13:12  
**37** 14:16  
**3Y-4Y** 25:20 26:15 37:5

---

**4**

---

**4** 3:6 21:19 41:12 46:2 47:11

**41** 13:14  
**44** 89:15  
**4A** 21:21  
**4B** 22:12  
**4C** 23:4  
**4th** 71:1

---

**5**

---

**5** 3:3,7 21:8 24:5 49:7  
**5/12/17** 268:2  
**5/20** 202:14  
**5/20/18** 202:17  
**50** 55:14,15 122:13  
**51** 3:10  
**59** 3:11,13  
**5th** 177:1

---

**6**

---

**6** 3:4,11 21:21 25:6 59:6 76:24  
 149:8  
**60-day** 40:22  
**64** 3:14  
**65** 3:15,16 20:2  
**67** 84:12  
**6th** 177:2,7

---

**7**

---

**7** 3:5,16 30:5 41:7 43:23 65:23  
 127:8  
**71** 56:16  
**72** 84:11  
**7832L** 1:25 267:25 268:2  
**7th** 22:14 23:5

---

**8**

---

**8** 3:20 25:3,5 30:5 41:7 43:21,23  
 44:6 46:4 49:11 131:13 185:22  
 186:6  
**8-point** 186:7  
**8.01A** 44:7 49:12  
**85,000** 221:14,20,20 226:22  
**87102** 1:21 267:21  
**89** 84:10

---

**9**

---

**9** 3:21 41:7 211:9  
**9:00** 1:11 63:24  
**9:02** 5:4

**90** 184:4  
**90-day** 145:6  
**912** 52:2  
**9th** 63:21,22,22 261:9

## **Public Education Commission Meeting**

March 10, 2017

Mabry Hall, Jerry Apodaca Education Building  
300 Don Gaspar, Santa Fe, NM 87501

### **Summary Minutes**

<b>Members Present-</b> Patricia Gipson, Chair Karyl Ann Armbruster, Secretary Carmie Toulouse James Conyers Trish Ruiz Danielle Johnston Tim Crone arrived after the Public Comments  Meeting began at 9:02 a.m.	<b>Members Absent-</b> Gilbert Peralta, Vice-Chair Millie Pogna R. Carlos Caballero
<b>Agenda Item 1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE &amp; SALUTE TO NEW MEXICO FLAG</b>	Karyl Ann Armbruster, Secretary called the roll and confirmed a quorum.
<b>Agenda Item 2. APPROVAL OF AGENDA</b>	<p style="text-align: center;"><b>MOTION</b></p> <p>Trish Ruiz made a motion to approve the agenda. James Conyers seconded the motion.</p> <p style="text-align: center;"><b>Motion passed unanimously</b></p>
<b>Agenda Item 3. PUBLIC COMMENT</b>	Public comments were made by James Valerio, Marjorie Gillespie, Ray Henderson, and Jonathan Sarmiento. The recorded comments are available in full transcript.
<b>Agenda Item 4. APPROVAL OF MINUTES AND TRANSCRIPT</b>  A. Approval of PEC Work Session Minutes for April 6, 2017  B. Approval of PEC Meeting Transcript/Minutes for April 7, 2017.  C. Approval of PEC Summary Minutes for April 7, 2017	<p style="text-align: center;"><b>MOTION</b></p> <p>Danielle Johnston made a motion to approve the work session minutes. Tim Crone seconded the motion.</p> <p style="text-align: center;"><b>Motion passed unanimously</b></p> <p style="text-align: center;"><b>MOTION</b></p> <p>Trish Ruiz made a motion to approve the Meeting Transcript Minutes. Tim Crone seconded the motion.</p> <p style="text-align: center;"><b>Motion passed unanimously</b></p> <p style="text-align: center;"><b>MOTION</b></p> <p>James Conyers made a motion to approve the Meeting Summary Minutes. Karyl Ann Armbruster seconded the motion.</p> <p style="text-align: center;"><b>Motion passed unanimously</b></p>



**Agenda Item 5. DISCUSSION AND POSSIBLE ACTION ON CHARTER SCHOOL AMENDMENTS.**

**A. La Tierra Montessori**

1. Grade change-removal of grades 7 and 8

**MOTION**

Patricia Gipson made the following motion:

I will move to approve the amendment request presented by La Tierra Charter School to amend the authorized school grades they serve, allowing the school to serve Grades K-7 for the school year 2017-2018, and to serve Grades K-6, beginning in school year -- beginning 2018-2019, because the school faces challenges in staffing, and there isn't a strong need for those grade levels based on the current enrollment.

James Conyers seconded the motion.

**Motion passed unanimously**

- ~~2. Grade change-addition of Pre-K~~

Amendment 2 was removed from the agenda by the PEC. The recorded comments are available in full transcript.

3. Alteration of agricultural plot location

**MOTION**

Karyl Ann Armbruster made the following motion:

I move to approve the amendment request by La Tierra Montessori Charter School to change Article 8, Section 8.01A, triple "i," to read, "An agricultural curriculum complements classroom instruction and offers opportunities for hands-on learning in the school's greenhouse and gardening plots"; because it was unnecessary to add locations -- specific locations. Trish Ruiz seconded the motion.

**Motion passed unanimously**

4. Verbiage change if Amendment 1 passes

**MOTION**

Trish Ruiz made the following motion:

Madam Chairwoman, I move to approve the amendment request by La Tierra to change their mission for the 2017-'18 school year to, "La Tierra Montessori School of the Arts and Sciences will provide K-7 students and their families in the Española region the opportunity to improve educational outcomes utilizing an integrated approach that includes Montessori, the arts and sciences; and for the 2018-'19 school year, La Tierra Montessori School of the Arts and Sciences will provide K-through-6 students and their families in the Española region the opportunity to improve educational outcomes utilizing an integrated approach that includes the Montessori, the arts and sciences, because the school faces challenges and insufficient need for the previous grades."

Patricia Gipson seconded the motion.

**Motion passed unanimously**

<p>5. Verbiage change- mission statement regarding Montessori multi-age groupings</p> <p>B. Mission Achievement and Success</p> <p>1. Enrollment cap increase</p>	<p><b>MOTION</b></p> <p>Karyl Ann Armbruster made the following motion: I move to approve the amendment request presented by La Tierra Montessori Charter School to Change article 8, Section 8.01A, three little "i's," to read, "Montessori methods and materials will be utilized as an approach to instruction. The school will use Montessori instruction in multi-age groupings with teachers who are trained in Montessori curriculum and practices, because the school..." -- okay "...-- the school has been utilizing that approach as the best approach for their mission." Trish Ruiz seconded the motion.</p> <p><b>Motion passed unanimously</b></p> <p><b>MOTION</b></p> <p>Trish Ruiz made the following motion: Madam Chair, I move to approve the amendment request presented by Mission Achievement and Success Charter School to amend the school's charter contract, Section 2, Page 71, "Grade Levels, Class Sizes and Projected Enrollment," to 1,140, because the school has demonstrated an acceptable level of academic performance through letter-grade performance, with no grade lower than a "C" in the last three years. Tim Crone seconded the motion.</p> <p><b>Motion passed by a majority vote (6-0; Toulouse recused herself)</b></p>
<p><b>Agenda Item 6. REPORT FROM OPTIONS FOR PARENTS AND THE CHARTER SCHOOL DIVISION – DISCUSSION AND POSSIBLE ACTIONS</b></p> <p>A. Charter School Division Update</p> <p>B. Report on Governance Changes</p> <ol style="list-style-type: none"> <li>1. J Paul Taylor</li> <li>2. SABE</li> <li>3. ABQ School of Excellence</li> <li>4. Amy Biehl High School</li> <li>5. Cariños de Los Niños</li> <li>6. Media Arts</li> <li>7. Monté del Sol</li> <li>8. New America School-NM</li> <li>9. South Valley Prep</li> <li>10. The Montessori Elementary &amp; Middle</li> <li>11. Estancia Valley</li> <li>12. NM School for the Arts</li> <li>13. SAMS</li> <li>14. SW Secondary Learning Center</li> <li>15. Technology Leadership</li> <li>16. Walatowa Charter</li> </ol>	<p>Recorded comments are available in full transcript.</p> <p>Recorded comments are available in full transcript.</p>

C. Report on School Closures	Recorded comments are available in full transcript.
<b>Agenda Item 7. DISCUSSION AND POSSIBLE ACTION TO CONSIDER FUTURE CHARTER REVOCATION HEARING REGARDING DZIT DITL'OOI SCHOOL OF EMPOWERMENT, ACTION AND PERSERVERANCE (DEAP) BASED ON REPORTED PROBLEMS WITH ORGANIZATIONAL STRUCTURE, FINANCIAL ADMINISTRATION AND FINANCIAL REPORTING, AND LACK OF AN EDUCATION LEADER</b>	<p style="text-align: center;"><b>MOTION</b></p> <p>Carmie Toulouse made the following motion:  Madam Chair, if we're ready, I would like to move that we table this Item 7 for discussion in the future when we have all the reports, audit findings and any of the other reports we need from the school. And I also would like the site visit report.  Trish Ruiz seconded the motion.</p> <p style="text-align: center;"><b>Motion passed unanimously</b></p>
<b>Agenda Item 8. DISCUSSION AND POSSIBLE ACTION ON THE PROPOSED LA PROMESA CORRECTIVE ACTION PLAN</b>	<p style="text-align: center;"><b>MOTION</b></p> <p>Patricia Gipson made the following motion:  I make a motion that the Public Education Commission adopt the Corrective Action Plan for La Promesa with the following corrections: The school will -- under "General Agreement, Academic Goals," "The school will show, in fiscal year '17-'18, that it has a school grade of C. By May 20th, 2018, the school will provide raw data..." -- "...will provide NWEA testing data to CSD. If the NWEA report shows the school met their goal, the school has satisfied the Corrective Action Plan. If CSD determines, through their assessment of NWEA testing results, that the school did not meet its goal, a revocation hearing will take place within 15 days after any third-party review." Under "Academic Performance Framework," the correction is, "The CSD must provide data interpretation no later than 15 to 20 days from the date the school provides the data." Under "Organizational Goals," No. 2, it is, "Beginning fiscal year..." -- or "School" -- "SY," really -- "...17-'18, the school must work with student achievement." And the elimination of all the wording starting with, "...or an alternate continuous improvement." Okay? So the remainder of that paragraph goes -- Under "General Agreement," letter "e," "CSD will attempt to coordinate the site visits to take place at the same time." Finally, under "Financial Goals," No. 1, there is an addition of, "...and a site visit by School Budget and Financial Bureaus" -- I'm sorry -- "...Financial Analysis" -- "and the "Audit Bureau." And in No. 2, the word "identical" is being replaced by "repeat."  Karyl Ann Armbruster seconded the motion.</p> <p style="text-align: center;"><b>Motion passed unanimously</b></p>

