

1 BEFORE THE PUBLIC EDUCATION COMMISSION

2 STATE OF NEW MEXICO

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9 TRANSCRIPT OF PROCEEDINGS

10 PUBLIC MEETING

April 17, 2015

9:00 a.m.

11 Jerry Apodaca Education Building - Mabry Hall

300 Don Gaspar

12 Santa Fe, New Mexico

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A P P E A R A N C E S

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MR. VINCE BERGMAN, Vice Chair
MR. GILBERT PERALTA, Secretary
MS. KARYL ANN ARMBRUSTER
MR. JEFF CARR
MR. JAMES CONYERS
MS. PATRICIA GIPSON
MS. CARMIE TOULOUSE

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Division

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1 THE CHAIR: I call into session this
2 regularly scheduled meeting of the New Mexico Public
3 Education Commission.

4 Mr. Secretary, may we have a roll call?

5 COMMISSIONER PERALTA: Commissioner
6 Toulouse?

7 COMMISSIONER TOULOUSE: Present.

8 COMMISSIONER PERALTA: Commissioner
9 Armbruster?

10 COMMISSIONER ARMBRUSTER: Present.

11 COMMISSIONER PERALTA: Commissioner
12 Conyers?

13 COMMISSIONER CONYERS: Here.

14 COMMISSIONER PERALTA: Commissioner

15 Gipson?

16 COMMISSIONER GIPSON: Here.

17 COMMISSIONER PERALTA: Commissioner

18 Bergman?

19 COMMISSIONER BERGMAN: Here.

20 COMMISSIONER PERALTA: Commissioner

21 Chavez?

22 (No response.)

23 COMMISSIONER PERALTA: Commissioner Carr?

24 COMMISSIONER CARR: Here.

25 COMMISSIONER PERALTA: Commissioner

1 Shearman?

2 THE CHAIR: Here.

3 COMMISSIONER PERALTA: Commissioner

4 Peralta is here.

5 Madam Chair, we have eight of ten members
6 present.

7 THE CHAIR: Thank you. I declare we have
8 a quorum with eight of ten members present.

9 Next is the Pledge of Allegiance and
10 Salute to the Flag. And Commissioner Bergman and I
11 are on the agenda.

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

14 THE CHAIR: Thank you, all. Next item is
15 approval of the agenda. I would remind everyone
16 that we may reorder the agenda, move things around;
17 but we may not add things to the agenda.

18 Is there any discussion on the agenda?

19 COMMISSIONER TOULOUSE: Madam Chair, move
20 approval.

21 THE CHAIR: Thank you. Commissioner
22 Toulouse moves approval of the agenda. I need a
23 second.

24 COMMISSIONER GIPSON: Second.

25 THE CHAIR: Which? Commissioner Gipson?

1 Thank you.

2 Motion and second to approve the agenda.

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

4 (Commissioners so indicate.)

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

6 (No response.)

7 THE CHAIR: The agenda is approved.

8 Item No. 3 is the PEC Meeting Minutes of
9 March 13, 2015.

10 Are there any corrections or additions,
11 deletions, whatever, to the minutes?

12 I see no one with corrections or additions
13 to the minutes. And, Cindy, you are absolutely
14 ruining my reputation. I have -- we thank you for
15 your great work.

16 Hearing no corrections to the minutes, may
17 we have a motion on the minutes, please?

18 COMMISSIONER GIPSON: So moved.

19 COMMISSIONER ARMBRUSTER: Second.

20 THE CHAIR: Was that Commissioner Gipson?
21 Commissioner Gipson moved to approve the minutes, as
22 distributed. Commissioner Armbruster seconds.

23 All those in favor of approving the
24 minutes, please say "Aye."

25 (Commissioners so indicate.)

1 THE CHAIR: Any opposed, please say "No."
2 (No response.)

3 THE CHAIR: The minutes are approved, as
4 distributed.

5 Item No. 5 is Discussion and Possible
6 Action on Health Science Academy; though I believe
7 we have some other --

8 COMMISSIONER BERGMAN: You jumped over
9 No. 4.

10 THE CHAIR: I certainly did. Thank you so
11 much. I'm just trying to get this meeting going
12 right away now.

13 Let's go to Item 4, Report from PED
14 Leadership. Mr. Pahl?

15 MR. PAHL: Thank you, Madam Chair. I can
16 smell the burning rubber in the room, we're going so
17 fast.

18 I have a few announcements from PED
19 leadership. The first, and a very important one, is
20 that the Charter Schools Division has named a new
21 director. "Katie Poulos" is her name. She's
22 currently the deputy director at the Arizona -- at
23 Arizona Statewide Authorizers; so she has experience
24 working with authorizers. She's a former teacher
25 and has a legal background, as well. So we are

1 excited about the skill set that she brings to the
2 PED and the services she'll be able to provide for
3 the PEC.

4 She will start next Monday. We couldn't
5 quite get her out here for this meeting; but all the
6 Commissioners can expect at least a phone call or at
7 least a request for a personal meeting so she can
8 get to know each of you moving forward.

9 So we're excited to bring Katie on board
10 and wish -- wish her the best as she gets started
11 and ask you to welcome her, as you've been so
12 welcoming to the rest of our staff. So that is our
13 first announcement.

14 Second, the PARCC window, the first window
15 was just completed a couple of weeks ago. There's
16 something to note here that's important. First of
17 all, we have some charter representatives in the
18 audience. The first big thing is just a big thank
19 you to all of them. It was a heavy lift. It was a
20 heavy lift for people at the State, for all the
21 people on the ground, whether they were in a
22 district school or a charter school. And it was for
23 something.

24 We were the highest -- the -- out of all
25 the states that took the PARCC exam, the highest

1 proportion of our students took the exam on a
2 computer. Eventually, 100 percent of students will
3 take this assessment on the computer. 85 percent of
4 our students in our state took it, and that was the
5 highest of any state that took the assessment.

6 So we're going to continue to have growing
7 pains. This is a new thing. The logistics of it
8 are difficult. But given that we're 85 percent of
9 the way there, I think our future difficulties will
10 be minimized. So it's something that we can
11 celebrate as a state together, that we were able to
12 obtain such a high rate of taking the test on the
13 computer. So that's a -- that's a great thing.

14 I just have a couple of comments, being --
15 this being my last final meeting and full -- you'll
16 see more of me; I'm not leaving the PED. But I just
17 want to thank all the Commissioners.

18 I am -- maybe it's because I'm still
19 young; but I'm a sucker for the process. I think it
20 works. It doesn't look good. It's ugly. Whether
21 it's at the Legislature -- any legislative body has
22 their strife; but it's designed to be that way. We
23 work well because each of the Commissioners are
24 dedicated to the work that we do for the students in
25 the state.

1 And I just want to say that I appreciate
2 serving you. We don't always agree, and we're not
3 supposed to. So I appreciate all the hard work that
4 our Commissioners put in as unpaid civil servants
5 and elected officials. So thank you all for your
6 hard work. I know you'll continue it.

7 I was no factor in your hard work; but I
8 know you'll continue it, and I just want to thank
9 you for the last 11 months.

10 THE CHAIR: Well, Matt, I think on behalf
11 of all the Commissioners, we want to thank you for
12 the job you've done. We know you came in sort of --
13 just sort of accepted the job and walked in and
14 said, "I'm going to learn it and do it," and doing
15 another job at the same time, which is a tremendous
16 effort.

17 You've been very easy to work with, and
18 we've gained a lot of your knowledge, along while
19 you were learning it. So we appreciate the job
20 you've done, certainly appreciate the staff that you
21 put together. You've got some really, really
22 outstanding people on that staff. You had some
23 already, and added some -- some really great folks.
24 I think Katie is going to come into a situation
25 that's going to be a lot easier, I think, maybe,

1 than the situation you walked in, being so
2 short-staffed when you came in.

3 So we're looking forward to your continued
4 great stuff, and we hope to see you around.

5 MR. PAHL: You will see me plenty. And I
6 want to let everyone know in the room that in my
7 future -- in my current role here at PED and in any
8 future role I'll always be an advocate for
9 high-performing charters.

10 COMMISSIONER GIPSON: Great, thank you.

11 THE CHAIR: Appreciate that.

12 All right. Now we are to Item 5. But I
13 believe, Matt, that you are looking for some
14 additional people from here in the building that are
15 going to join us for that discussion. Are they here
16 yet?

17 MR. PAHL: Madam Chair, they're scheduled
18 to be here at 9:45. What I would request is that
19 maybe we can move through the amendments, the next
20 agenda item, and switch those two.

21 THE CHAIR: Okay. Do we need a vote on a
22 that? Just do it?

23 Okay. Commissioners, if it's all right
24 with you, let's move on to Item No. 6, which is
25 Discussion and Possible Action on Charter School

1 Amendments.

2 Mr. Pahl? And I believe Julie is going to
3 help you with this one.

4 MR. PAHL: Uh-huh. Madam Chair, members
5 of the Commission, La Resolana Charter School is
6 first up on the list.

7 Do we have any representatives from
8 La Resolana? Not at this time?

9 Maybe we'll move on to the next school --
10 Julie, are they planning on having representatives
11 here?

12 MS. LUCERO: They didn't say; so...

13 MR. PAHL: They were invited to come and
14 requested to come; but they're not here today. So
15 if we're comfortable moving forward, maybe we can
16 hear the amendment and then make a decision,
17 Madam Chair.

18 THE CHAIR: That's fine.

19 MR. PAHL: Madam Chair, La Resolana
20 Charter is requesting a new facility at 230 Truman,
21 Northeast, Albuquerque, New Mexico. The Charter
22 School Division recommends approval of in amendment
23 with the following conditions: That approval is
24 contingent upon them securing an E-Occupancy rating
25 for that building prior to moving in.

1 I'll just kind of hand it over to Julie
2 for a second and see if she has anything to add to
3 that. Anything to add on La Resolana?

4 MS. LUCERO: No, there is nothing else.

5 MR. PAHL: Okay.

6 THE CHAIR: I'm noticing on their
7 application for amendment, their rationale, the
8 second bullet says, "E-Occupancy certified." Is
9 that referencing this facility?

10 MR. PAHL: Madam Chair, we haven't seen
11 the E-Occupancy certificate at this point; hence our
12 contingency for the approval on that.

13 THE CHAIR: They are indicating they have
14 it; but you all have not seen it yet.

15 MR. PAHL: Yeah, uh-huh.

16 THE CHAIR: Okay.

17 Commissioner Peralta, has there been any
18 discussion at PSCOC on this facility or this
19 E-Occupancy?

20 COMMISSIONER PERALTA: No, Madam Chair,
21 there hasn't. The information I got from PSFA, from
22 Martica, is that La Resolana has got an
23 above-average-rated NMCI on facilities; so there's
24 no concern.

25 THE CHAIR: Above-average rating.

1 COMMISSIONER PERALTA: Yes, ma'am?

2 THE CHAIR: And what does that -- what
3 does that indicate, Commissioner Peralta? Does that
4 mean they've got work to do? Can they move into the
5 building, even if it has an E-Occupancy with this
6 rating? Well, if they get the E-Occupancy, that
7 means they can move in, of course.

8 COMMISSIONER PERALTA: My understanding
9 from Martica is they're in good standing to make the
10 change of facilities.

11 THE CHAIR: Okay. We'll also ask our
12 attorney if he finds their board minutes, their
13 governance council minutes in order that indicate
14 they approve the -- this amendment.

15 MR. PAHL: And I can see it on the agenda
16 as Item 7B, in case we're searching.

17 COMMISSIONER CARR: Madam Chair?

18 THE CHAIR: Commissioner?

19 COMMISSIONER CARR: May I make a comment
20 while he's looking, for efficiency?

21 I -- you know, I looked this up. And this
22 school is located right on Loma Linda Park. It's a
23 really nice area. I just wanted to -- most of our
24 schools aren't located in nice areas like that; so
25 it sounds pretty good.

1 COMMISSIONER TOULOUSE: Madam Chair?

2 THE CHAIR: Commissioner Toulouse?

3 COMMISSIONER TOULOUSE: If I'm not wrong,
4 isn't this where the Ralph Bunche school was?

5 MR. PAHL: I believe it is the old Ralph
6 Bunche building, yes.

7 COMMISSIONER TOULOUSE: I know the
8 facility they're moving out of is the one behind the
9 Mission Achievement and Success school that they're
10 planning to use, because we approved them for the --
11 you know, K-through-5 grades. So I know that they
12 were -- they're certainly planning on that move.

13 THE CHAIR: More room? Okay.

14 COMMISSIONER TOULOUSE: Because then it
15 will give them that whole little area where they
16 are. So -- okay, thank you. I was pretty sure it
17 was where Ralph Bunche was.

18 THE CHAIR: Commissioner Bergman?

19 COMMISSIONER BERGMAN: I just wanted to
20 note that former Commissioner Gant would be very
21 pleased to see their lease payment actually is
22 falling almost by half in their new facility. He
23 would be very excited about that. So I'll speak for
24 Mr. Gant, I guess, about that.

25 COMMISSIONER GIPSON: I'll let him know.

1 THE CHAIR: And our attorney indicates to
2 me that the governance council minutes are in order
3 approving this amendment.

4 Further discussion concerning the
5 amendment on La Resolana moving to a new facility?

6 Hearing none, the Chair would entertain a
7 motion. And I would remind you that on the
8 Executive Summary page, there are various wordings
9 for suggested motions, should anyone choose to use
10 that wording.

11 Commissioner Gipson?

12 COMMISSIONER GIPSON: Madam Chair, I move
13 to approve amendment presented by La Resolana
14 Charter School, requesting a new facility located at
15 230 Truman, Northeast, Albuquerque, New Mexico. And
16 I'm assuming I have to deal with the condition,
17 because it's an E-Occupancy; correct? Okay.

18 With the following condition, that -- an
19 E-Occupancy approval.

20 THE CHAIR: Thank you. Do we have a
21 second?

22 COMMISSIONER BERGMAN: Second.

23 THE CHAIR: I'm hearing Commissioner
24 Bergman.

25 So a motion by Commissioner Gipson,

1 seconded by Commissioner Bergman, to approve the
2 anticipated request from La Resolana Charter School
3 for a new location, pending E-Occupancy.

4 Further discussion?

5 Hearing none, Mr. Secretary, may we have a
6 roll-call vote?

7 COMMISSIONER PERALTA: Commissioner
8 Armbruster?

9 COMMISSIONER ARMBRUSTER: Yes.

10 COMMISSIONER PERALTA: Commissioner
11 Conyers?

12 COMMISSIONER CONYERS: Yes.

13 COMMISSIONER PERALTA: Commissioner
14 Gipson?

15 COMMISSIONER GIPSON: Yes.

16 COMMISSIONER PERALTA: Commissioner Carr?

17 COMMISSIONER CARR: Yes.

18 COMMISSIONER PERALTA: Commissioner
19 Toulouse?

20 COMMISSIONER TOULOUSE: Yes.

21 COMMISSIONER PERALTA: Commissioner

22 Bergman?

23 COMMISSIONER BERGMAN: Yes.

24 COMMISSIONER PERALTA: Commissioner

25 Peralta votes "Yes."

1 Commissioner Shearman?

2 THE CHAIR: Yes.

3 COMMISSIONER PERALTA: Madam Chair, that
4 is an 8-to-0 vote in favor of the motion.

5 THE CHAIR: Thank you. The motion passes
6 unanimously approving the amendment request of
7 La Resolana. Thank you.

8 Mr. Pahl?

9 MR. PAHL: Madam Chair, the second school
10 on our agenda requesting an amendment is La Promesa
11 Learning Center. As a representative from
12 La Promesa comes up, I'll explain the amendment a
13 little bit; although I think the school will be able
14 to put a little more meat on the bone as far as why
15 they're requesting this.

16 La Promesa Learning Center is requesting
17 an enrollment cap increase from 375 students to
18 425 students. We are recommending approval of this
19 amendment. And that deserves an explanation.

20 Generally, when we have a low-performing
21 school, a school that's consistently gotten a grade
22 of a D, we aren't interested in them serving more
23 students. That is from a statewide perspective and
24 something that you can expect consistency from, from
25 the Charter Schools Division, both now and in the

1 future.

2 However, when we look at the surrounding
3 schools, the schools that surround La Promesa,
4 they're not any better than La Promesa. The
5 surrounding schools have grades of a D or below,
6 much like La Promesa; and their trajectory and how
7 they're faring on the report card is actually moving
8 downwards. This is consistent in all the
9 surrounding middle schools for La Promesa.

10 That's why we're approving this enrollment
11 cap increase. We are not excited about D schools
12 serving more students; but when they -- when they
13 represent the best option in that area for students,
14 we have no choice but to say, "This is what we want
15 to have happen."

16 If they're requesting an enrollment
17 increase, then, again, they have their programmatic
18 reasons; and they're valid. We recommend this
19 amendment.

20 I'll just make a note, too, that
21 La Promesa -- we have noted the school grade and
22 that it's been consistently low. It is moving
23 upwards, and they have been a very good actor as far
24 as engaging with the CSD and engaging with the
25 opportunities that are provided by the PED to

1 improve their performance at their school site.

2 So we're excited for good things to come
3 with La Promesa. And because of their area schools
4 and how they compare with those, we do recommend
5 approval of this amendment.

6 COMMISSIONER TOULOUSE: Madam Chair?

7 THE CHAIR: Commissioner?

8 COMMISSIONER TOULOUSE: I'm sorry. I
9 am -- it's still early in the morning for me. I
10 need to recuse myself from this item, because I have
11 a cousin attending the school.

12 THE CHAIR: Thank you. Mr. Secretary, if
13 you'll make note of that please?

14 Commissioner Bergman?

15 COMMISSIONER BERGMAN: I would just like
16 to amplify a little bit on what Director Pahl
17 stated. We have had discussions in the past as a
18 Commission on when amendments should come forth,
19 et cetera, et cetera. Some come forward in the
20 contract negotiation process. And this happens to
21 be the case in this one.

22 And when we got to it, I believe, because
23 of the letter grade on the school, that it was
24 probably more important for this particular school
25 that the entire Commission be given the opportunity

1 to weigh in on this. So that is why we have this
2 today. I asked them to remove it from the
3 performance framework and bring it forth at our next
4 meeting; and that is what they've done at my
5 request. I wanted you all to know that.

6 Thank you, Madam Chair.

7 THE CHAIR: Is this the school we have the
8 agreement with that -- okay. So their school report
9 card score on the agreement was to increase 5 points
10 in a year; so before they could add any students.
11 Is that correct?

12 MR. PAHL: Yeah, I think -- Madam Chair?

13 Madam Chair, members of the Commission, we
14 recommend approval of this amendment. It is outside
15 of an agreement that the school has with the PEC.
16 And I think that's where it would be important to
17 hear the school's perspective on why they want the
18 enrollment cap increase.

19 I think this might also be an opportunity
20 to revisit the -- the agreement. And I'm putting
21 that out there as an impartial observer of that
22 agreement. But it does seem to be an aberration.
23 We don't have any other agreements for enrollment
24 caps with other schools.

25 And so I just want to point out that it is

1 different from the other schools in how we've done
2 enrollment cap increases. So we've decided to treat
3 this request as any other school requesting an
4 enrollment cap increase.

5 But -- it's up to you, Madam Chair. But
6 potentially, it would be good to hear from the
7 school on why they're requesting this.

8 THE CHAIR: Okay. Let me just say,
9 particularly for our new Commissioners, this school
10 came to us -- I believe it was two years ago; is
11 that correct?

12 DR. ABEYTA: That's correct.

13 THE CHAIR: Asking for an enrollment
14 increase. And the deal we worked out with them was
15 that their final score on their grade report card
16 had to increase 5 points from year to year in order
17 for them to add 50 students -- only 50 students --
18 after adding 5 points.

19 We were looking for growth; we were
20 looking for increased student achievement. And at
21 that time, the -- the agreement -- the settlement
22 agreement that we reached was agreeable to all
23 parties.

24 I am not at all in agreement with
25 scuttling that agreement that the Commission and the

1 school and their attorney worked out. An agreement
2 is an agreement. And unless there is some
3 overriding reason why we should not continue with
4 that agreement, I am personally not in favor of not
5 honoring that agreement.

6 And I see -- of course, we don't have 2014
7 scores yet. But I see the 2013 score was a 36.1.
8 The 2012 score was a 35.6. So they came up not even
9 quite 1 point; and that's not the 5 points that were
10 required in the agreement.

11 So in my mind, I would not support an
12 increase in the enrollment cap at this time.

13 COMMISSIONER GIPSON: I think the 2014 --

14 THE CHAIR: Am I looking at the wrong
15 thing?

16 COMMISSIONER GIPSON: Yeah, I have a 2014.

17 THE CHAIR: Sorry, 39.85. So how much of
18 an increase is that?

19 COMMISSIONER GIPSON: 44.3 was the 2014.

20 THE CHAIR: Am I not looking at the -- I
21 don't see a 2014.

22 COMMISSIONER BERGMAN: They must have
23 missed your page. I think, this one.

24 THE CHAIR: I don't see a 2014. Thank
25 you. So let me start that over.

1 From 2013, when it was a 39.85, to 2014,
2 at a 44.30 -- could somebody do the math and tell me
3 what that is?

4 COMMISSIONER BERGMAN: Slightly under 5.

5 THE CHAIR: Slightly under 5.

6 Any other comments?

7 MR. PAHL: Madam Chair?

8 THE CHAIR: Mr. Pahl?

9 MR. PAHL: Thank you Madam Chair. I want
10 to make a statement on behalf of the CSD, that we
11 like the idea of attaching enrollment growth to the
12 performance of a school. I think it's a wonderful
13 idea. But our -- the reason why we're bringing this
14 to you is because it isn't consistent across. So we
15 do -- I just want to -- I did share earlier that
16 that idea of allowing our best schools to grow is a
17 great one.

18 THE CHAIR: Okay. So that's -- that's a
19 growth of 4.45 between 2013 and 2014.

20 Let me just also say -- perhaps I'm just
21 missing something else -- but I don't see a copy of
22 governance council minutes.

23 Anyone else find them?

24 COMMISSIONER GIPSON: No.

25 THE CHAIR: Any other comments,

1 Commissioners?

2 Do we have questions for the
3 representative of the school?

4 Commissioner Carr?

5 COMMISSIONER CARR: I'm looking at the
6 2014 report. And it shows the current standing, F,
7 school growth at A. And you break down a little
8 bit.

9 But in the -- it looks like they've got
10 more bonus points in 2014 than before. I find it
11 very difficult in trying -- I know one of the ways
12 we decide whether or not to bring a charter school
13 in is we judge how are the other schools in the
14 community performing. And we all have problems with
15 the grading system, you know, as well. And I know
16 that charter schools also have some differences.
17 And then we also look at lots of other things in
18 regards to charter schools.

19 But again, this calls to attention -- my
20 point, always, is traditional public schools are --
21 are judged on their school grade. We judge charter
22 schools on their school grade and other things. The
23 whole purpose for charter schools is to be
24 exceptional, not a little bit better, you know.

25 And I -- I just find it a sorry state of

1 affairs that all the schools in that area are D.
2 I'm hoping that the grade is wrong, you know, or at
3 least for some of them.

4 And I -- I have a -- I'm going to have a
5 difficult time voting to approve this. And I know
6 it's right on the line here. And -- and I would
7 like to see a greater difference between your school
8 and the local schools before I would want to be
9 able -- be able to vote on increasing your
10 enrollment.

11 THE CHAIR: Commissioner Peralta?

12 COMMISSIONER PERALTA: Yeah. Madam Chair,
13 Commissioners, I'd just like to just kind of
14 elaborate a little bit on Mr. Pahl's comment on the
15 Division about whether we don't necessarily like to
16 increase enrollment on schools that are D or Fs;
17 and, granted, we have an area there of multiple
18 schools that are D or F category.

19 I just have a difficult time processing
20 that if we allow an increase on a D school, and next
21 year they either maintain that grade or regress,
22 that there's possibilities that we have other D or
23 F schools that are wanting to have the same
24 exception to the rule, and that all we're doing is
25 adding to the problem with adding more kids to D or

1 failing schools.

2 And so I'd like to stick to the rule. And
3 regardless of the surrounding area and that there
4 are no better performing schools, to me, that's not
5 a good reason.

6 Therefore, I am -- I am not in favor of
7 the change. Thank you.

8 THE CHAIR: Thank you, Mr. Commissioner.
9 Other comments?

10 COMMISSIONER GIPSON: Madam Chair, I have
11 to agree with Commissioner Peralta and Commissioner
12 Carr. I think I'd be far more comfortable a year
13 from now seeing an increase in growth and an
14 increase in the school grade before I'm comfortable
15 enough to have an increase in the enrollment.

16 THE CHAIR: Commissioner Bergman?

17 COMMISSIONER BERGMAN: We do have the
18 rationale in the document for this. But I think at
19 least it would be appropriate if we asked the school
20 why they're doing this, why they're wanting to -- so
21 I'm going to ask you why you -- why are you asking
22 for this cap increase, if you can explain that to
23 myself and the fellow Commissioners?

24 DR. ABEYTA: Thank you, Mr. Bergman and
25 Commissioners.

1 We are a dual-language school. That means
2 that we teach half of the day in Spanish and half of
3 the day in English. All of our classes, except for
4 two, have two teachers, one that teaches the Spanish
5 component and one that teaches the English
6 component.

7 I think one of the reasons why we aren't
8 reaching the goal is because we are lacking a couple
9 of teachers. And the reason -- and those -- we're
10 lacking a couple of teachers in two grades. And
11 we're unable to get those teachers on board because
12 we have a cap.

13 And that cap is at 375 now. We'd like to
14 take it to 50 more students. That would give us an
15 opportunity to get those two classes that only have
16 one teacher that are teaching the English and
17 Spanish component on their own, it would give us the
18 opportunity to get two additional teachers that
19 would teach just like the rest of the school is
20 doing: One teacher teaches the Spanish component,
21 and the other teacher teaches the English component.
22 That's our -- that's our biggest rationale.

23 For the past couple of years since I've
24 been there, our biggest struggle, especially at this
25 time when it comes to budgeting and trying to design

1 our program, is trying to balance the fact of which
2 students are the ones that we're going to accept in
3 those particular grade levels that we don't have any
4 space for and which students are the -- are going to
5 be booted out.

6 I understand that charter schools -- in my
7 ideology, as well, I understand that charter schools
8 should be better than public schools. And ideally,
9 it would be great if we had all of these great
10 students flocking to a good charter school.

11 Unfortunately, up to this point, what we have is a
12 lot of students that can't really make it in the
13 public school flocking into the charter schools.

14 That's kind of the reality of it and
15 ideally, I know that charter schools were meant to
16 be designed to accept a certain type of student.
17 And the -- we appreciate your -- your comments, and
18 we're pleading with you to allow an additional
19 increase so that we can design our program to -- to
20 be the ultimate program that we can have.

21 By design and by theory and by research,
22 the best type of program in a dual-language method
23 or methodology is to have two teachers in every
24 grade level, one teaching the Spanish component and
25 one teaching the English component.

1 Currently, we have two grade levels where
2 there is only one teacher. And it's very difficult
3 to find teachers who have both a bilingual
4 endorsement and a TESL endorsement. And those are
5 other issues, you know, that we're having.

6 But the biggest struggle is trying to
7 balance off the numbers in order to design our
8 programs to be most effective. And we're asking you
9 to please reconsider, or consider, allowing those
10 additional students that we're asking for so that we
11 can provide a good program, or a solid program,
12 where we're lacking a couple of -- a couple of
13 teachers.

14 COMMISSIONER BERGMAN: Thank you for that
15 explanation. Let me ask this question. What is
16 your current enrollment?

17 DR. ABEYTA: Our current enrollment,
18 Mr. Bergman, is 375 students.

19 COMMISSIONER BERGMAN: So you are at your
20 cap.

21 DR. ABEYTA: We currently have -- up to
22 yesterday, we had 369 students. And I don't know if
23 this makes any difference; but this year, we had
24 150 students on the waiting list.

25 THE CHAIR: Thank you very much. Anything

1 else?

2 COMMISSIONER BERGMAN: Thank you,
3 Madam Chair.

4 THE CHAIR: Did you get a name?

5 THE REPORTER: No.

6 THE CHAIR: Would you give the court
7 reporter your name, please, for the record?

8 DR. ABEYTA: Yes, ma'am. My name is
9 Dr. Carlos Abeyta. And I am the curriculum
10 specialist for La Promesa. And I want to say that
11 Dr. Analee Maestas, who is the director of the
12 school, is at a bonding -- another real important
13 meeting. It's a bonding meeting for capital outlay.

14 THE CHAIR: Thank you very much for that.
15 Mr. Pahl?

16 MR. PAHL: Madam Chair, members of the
17 Commission, just -- excuse me. Just some
18 clarification on the meeting minutes.

19 The school had passed this -- their
20 governing board passed this in December; but the
21 documentation wasn't clear. We asked them to re- --
22 reapprove this at a meeting that took place earlier
23 this week. But they did not have a quorum.

24 So they have approved it in the past. The
25 documentation wasn't quite there. So any -- if the

1 Commission considers approving this, we would want
2 it to be contingent on approval by the governing
3 board.

4 COMMISSIONER ARMBRUSTER: Madam Chair?

5 THE CHAIR: Yes, please.

6 COMMISSIONER ARMBRUSTER: I'm conflicted
7 with the school in that one expects that if you're
8 in a charter school, you certainly are getting the
9 same students that everybody else has and that you
10 believe, starting a charter school, that you can do
11 better than surrounding schools, which may be
12 slightly true, but not enough.

13 It is a dual-language school. And what
14 I'm most concerned about in their request is I was
15 at this negotiations. And what concerns me is the
16 students; because in -- please correct me,
17 Mr. Carlos -- but it's -- they have two classes of
18 pre-K and K and 1 and 2 and 3 and 4, until you get
19 through 5; but for 6, there's just one. Am I
20 correct?

21 DR. ABEYTA: 6 and 8 at this time.

22 COMMISSIONER ARMBRUSTER: So what happens
23 is -- what bothers me for children is in fifth
24 grade, half the kids have to leave -- maybe not
25 quite half, a third -- have to leave because there's

1 only one sixth grade. And then they get them back
2 in seventh, and then they have to lose them again in
3 seventh, because there's only one eighth.

4 So for me, just the fact that kids are
5 coming and going, and they don't get any preference
6 to get back in, because it's the lottery thing --
7 whatever. They just go back into the lottery. And
8 I find that just somewhat disconcerting, because
9 they're asserting -- and I have no reason to doubt
10 you -- that you need this five to seven years.

11 So you're just getting to there, and then
12 you have to leave for a year and maybe get back, but
13 maybe not get back.

14 So I'm concerned about the setup of the --
15 does that make any sense to you? -- of how people
16 come and go all the time. And I think that's why
17 they're asking for the cap, because they want one
18 more sixth and one more eighth, which would continue
19 all of the kids through, not so much getting new
20 ones, as not losing the ones you have.

21 Is that right?

22 DR. ABEYTA: That's correct. And that's a
23 struggle that we have every year. If it's not sixth
24 and eighth grade, it's another grade or two other
25 grades.

1 THE CHAIR: So you have an enrollment
2 management issue.

3 DR. ABEYTA: Because of the cap.

4 THE CHAIR: Any other questions?
5 Comments?

6 Let me just say one thing. Remember in
7 the agreement, there is a passage that says you may
8 add two years together to get those 5 points. So if
9 you -- if your score increases .55 next year, you
10 will have the 5 points then to ask for the
11 enrollment increase without -- without question.

12 Commissioner?

13 COMMISSIONER CONYERS: Yeah. I just --
14 out of curiosity, how do you decide which students
15 don't come back, then? Is there, like, a reverse
16 lottery? Or how does that work? Is it self-select
17 or --

18 DR. ABEYTA: You know, I've been there for
19 two years, and I haven't been in that process. I'm
20 assuming that it would be, by policy. And our
21 policy says by lottery. So I'm not sure.

22 COMMISSIONER CONYERS: Okay. Thank you.

23 Another comment I'd like to make is -- and
24 I know we have various issues with the grading
25 system. And I do prefer it to the previous AYP

1 approach that -- where everyone would be failing by
2 this time, probably. And I do believe you can have
3 a D school that's still doing a lot of good things.

4 I've -- the district I came off recently
5 from the board had some D schools. And they're -- I
6 consider them good schools. And when Priority
7 Schools came in to look at them, they really didn't
8 have a lot of suggestions on how to do things
9 better.

10 So I do think you can have a D school and
11 still have a good school.

12 THE CHAIR: Thank you, Commissioner.

13 Other comments?

14 Commissioner Bergman?

15 COMMISSIONER BERGMAN: I do think it's
16 already been alluded to that are those kids -- and
17 when they get to the sixth grade, and when they come
18 back again to the eighth grade, is there a
19 disservice being done to those kids that have to
20 leave the school because there's not a classroom
21 available for them with a teacher in it? That's
22 something I just wanted to reinforce that to think
23 about that for a second.

24 And I know we have to do things in a
25 certain way and everything. But let's just think

1 about that for a moment; because I believe -- here
2 again, this did come up in the negotiation. And I
3 think we're talking -- your classes have
4 20 students -- your sixth-grade class right now, for
5 instance -- or your fifth-grade class -- would have
6 40 to 50 students.

7 DR. ABEYTA: Right.

8 COMMISSIONER BERGMAN: And they can only
9 accommodate up to 25 in the one class.

10 DR. ABEYTA: That's correct.

11 COMMISSIONER BERGMAN: So there's a
12 potential for 15 to 25 kids, as was noted, leaving
13 the school. And then apparently, they come back in
14 the seventh grade again, if they can get in through
15 the process, because it is the lottery process. And
16 then, again, they have to go through that again in
17 the eighth grade.

18 So that's something to think about,
19 anyway. This -- we seem to be getting a lot of
20 unique situations on this Commission lately; and
21 it's always a challenge, I think. But I wanted to
22 make that point.

23 Thank you.

24 THE CHAIR: And I said a minute ago, it
25 sounds like you have an issue with enrollment

1 management. It seems to me that you could
2 manipulate the number of students in each grade
3 level so that it made it where students don't have
4 to drop out. Perhaps a few fewer students in
5 second, third, and fourth grade will allow you to
6 have more sixth-grade or seventh-grade students,
7 whatever grade level you need.

8 That's -- that's what I was alluding to
9 when I said "management." I do not know
10 particular -- all the particulars of your school;
11 but that certainly would seem like an option, to me,
12 to look at. Just a thought.

13 Any other comments, Commissioners?

14 COMMISSIONER ARMBRUSTER: I think, if I'm
15 understanding this correctly -- which could be
16 not -- the issue is not having less students in
17 second, third, fourth, say, because it's that they
18 want two teachers, one who's teaching in English and
19 one who's teaching in Spanish. If they don't have
20 two teachers in each level, then they can't do that.
21 That was my understanding of that.

22 What I would also be concerned about,
23 though, if we were to approve this with
24 conditions -- if we can do that -- is the
25 English-speaking children -- who came in

1 English-speaking, not the ones who are becoming
2 English -- but the native English speakers' scores
3 be disaggregated from the whole, so that we could
4 see that -- what are those students doing? Because
5 they are English-speaking children; they're not --
6 they're somewhat ELL in Spanish.

7 But that's not what the test is -- the
8 Short Cycle Assessments aren't testing in Spanish;
9 their testing in English. So I'd want to see more
10 of those -- the growth in that, for English-speaking
11 ones, because --

12 THE CHAIR: Thank you. Any other
13 comments?

14 DR. ABEYTA: Madam Chair, if I could --

15 THE CHAIR: Yes, sir.

16 DR. ABEYTA: -- interject once more?

17 The -- I understand also the agreement
18 that we had before. And now that the testing has
19 changed from SBA to PARCC, I don't know when it's
20 going to be -- when we're going to be able to
21 correlate the testing scores from SBA to PARCC. I'm
22 assuming that it's going to take years before we can
23 actually begin to even try to correlate the numbers
24 in the different tests.

25 So our next opportunity, in my opinion, is

1 going to be three, four years down the road, to come
2 and ask for another increase, based on, you know,
3 based on the -- on the testing formula that you
4 all -- you know, that we have as an agreement.

5 THE CHAIR: And I think we all have that
6 same concern. We don't know how the PARCC results
7 are going to roll out. We don't know how they're
8 going to compare. And next year, we might have to
9 face a different situation, and perhaps, in light of
10 that, redo that agreement, if that's necessary.

11 But I think this year, from '13 to '14, we
12 do know that the growth was not adequate to meet the
13 terms of the -- of the agreement; and so for this
14 year, I think we need to honor that agreement, give
15 the school another year to grow their students some
16 more, to make some progress, and then let's revisit
17 this issue.

18 And I believe your school is up for
19 renewal -- is it next year?

20 MR. PAHL: Just renewed.

21 DR. ABEYTA: Madam Chair, we just got
22 renewed for an additional five years.

23 COMMISSIONER BERGMAN: We just did the
24 contract negotiation. It's a done deal.

25 THE CHAIR: I knew they were in that mix

1 somewhere. Thank you for that.

2 DR. ABEYTA: We also just went through a
3 national accreditation, and the school came out
4 higher than normal -- or higher than average in all
5 cases.

6 THE CHAIR: Thank you for that.

7 Commissioner Carr?

8 COMMISSIONER CARR: Quick comment,
9 Madam Chair and members of the Commission, is that,
10 you know, when it comes time where all the -- when
11 the PARCC scores come out and we're judging all the
12 schools in your particular area, if you're
13 significantly higher than your neighborhood schools,
14 we definitely would be looking at approving your
15 numbers, you know, because, yeah, we probably would
16 have to throw this agreement out at that point,
17 maybe, you know, somehow. I don't know how we'll do
18 it.

19 But the members of this Commission are
20 very reasonable. And when they see things like
21 that, we will -- I think we will act accordingly.

22 THE CHAIR: Thank you, Commissioner.

23 Any further comments?

24 Hearing none, the Chair would entertain a
25 motion.

1 COMMISSIONER PERALTA: Madam Chair?

2 THE CHAIR: Commissioner Peralta?

3 COMMISSIONER PERALTA: Madam Chair, I
4 would move to deny the amendment presented by
5 La Promesa Learning Center requesting an enrollment
6 cap increase from 375 to 425 students, due to the
7 fact that the performance agree- -- standards were
8 not met, and also due to the fact that they are a
9 D school.

10 THE CHAIR: Thank you very much.

11 COMMISSIONER CARR: Second.

12 THE CHAIR: Commissioner Carr seconded the
13 motion.

14 Is there any further discussion?

15 Mr. Secretary, may we have a roll call?

16 COMMISSIONER PERALTA: Commissioner
17 Conyers?

18 COMMISSIONER CONYERS: No.

19 THE CHAIR: Let's --

20 COMMISSIONER PERALTA: Excuse me,
21 Madam Chair. This is a motion to deny the school
22 enrollment cap, I guess would be --

23 COMMISSIONER CONYERS: I understand. I
24 understand the motion.

25 COMMISSIONER PERALTA: All right.

1 Commissioner Peralta votes "No" -- I mean --
2 sorry -- votes "Yes." Got confused, Mr. Conyers.
3 Commissioner Gipson?
4 COMMISSIONER GIPSON: Yes.
5 COMMISSIONER PERALTA: Commissioner
6 Bergman?
7 COMMISSIONER BERGMAN: No.
8 COMMISSIONER PERALTA: Commissioner Carr?
9 COMMISSIONER CARR: Yes.
10 COMMISSIONER PERALTA: Commissioner
11 Toulouse recused.
12 Commissioner Armbruster?
13 COMMISSIONER ARMBRUSTER: No.
14 THE CHAIR: I'm sorry?
15 COMMISSIONER ARMBRUSTER: No. No.
16 COMMISSIONER PERALTA: Commissioner
17 Shearman?
18 THE CHAIR: Yes.
19 COMMISSIONER PERALTA: Madam Chair, the
20 vote is 4 to 3, with one recused, in favor to deny
21 the school in increasing enrollment.
22 THE CHAIR: The amendment is denied by a
23 vote of 4 to 3. Thank you all very much.
24 If we have anyone from the J. Paul Taylor
25 School that would like to come up to the table at

1 this time?

2 Mr. Pahl?

3 MR. PAHL: Madam Chair, members of the
4 Commission, J. Paul Taylor school is requesting a
5 new facility located at 406 West Court in
6 Las Cruces, New Mexico. The Charter School Division
7 recommends approval of this amendment. And we have
8 a couple of conditions.

9 We were working with the school's
10 administrator to make sure that we had proper
11 documentation. J. Paul Taylor is up here for
12 another agenda item; so we decided to work with
13 them. And that's why you'll see an additional
14 contingency of -- of board minutes that reflect that
15 the board approved this.

16 So we recommend approval of the amendment.
17 We would like to see that the governing board
18 reflects approval of the amendment request.

19 In your binders, you'll see individual --
20 and potentially, the school administrator can
21 explain these -- but they're really statements from
22 each of the board members that said, "Yes, I approve
23 this," at a meeting in May.

24 We want official board minutes. So we
25 have reason to believe that the board will approve

1 them, and this will allow the school administrator
2 to e-mail those to us instead of making a separate
3 trip to Santa Fe from Las Cruces.

4 And, secondly, approval is also contingent
5 on E-Occupancy. This building is being built right
6 now for J. Paul Taylor; is that correct?

7 MS. RISNER: Yes, sir.

8 MR. PAHL: So it's being built for the
9 purposes of the school, and we would expect it to
10 have that E-Occupancy rating. Thank you.

11 THE CHAIR: Thank you. Just for
12 clarification, before we ask you for your comments,
13 is this a facility that the school district is
14 providing for the school?

15 MS. RISNER: Madam Chair, members of the
16 Commission, yes. They are developing a complex for
17 charter schools. They hope to add more. But right
18 now, we'll be moving in next to Alma d'Arte. And
19 the school district has worked closely with us to
20 design a facility that meets our needs, and it's
21 under construction.

22 THE CHAIR: Thank you very much. If you
23 have a statement, please give your name and whatever
24 you'd like to say.

25 MS. RISNER: I'm Cynthia Risner,

1 R-I-S-N-E-R. And I'm the head administrator of
2 J. Paul Taylor Academy.

3 I'm really proud of our school. Fabulous
4 things are happening. But we do have eight
5 portables and four interior classrooms. And one of
6 the big components of our school is building the
7 community.

8 And the staff and the parents have done an
9 admirable job of that, given these constraints; but
10 we would like a place where we're all under one roof
11 and also have a center meeting room, so we don't
12 have to rent one.

13 My apologies, if this should have been --
14 if this should have come before anything was
15 started. I interpreted -- and I guess I shouldn't
16 have -- that I needed to get permission -- or
17 actually, my -- the person following me next year --
18 would need to get permission prior to the move to
19 ensure that there is an E-Occupancy. So I thought
20 that's when you requested the approval.

21 However, my governing council is
22 100 percent behind it, and it's on our May agenda.

23 THE CHAIR: Thank you very much.

24 Commissioners, do you have questions?

25 Commissioner Carr?

1 COMMISSIONER CARR: I'm looking at your
2 facility on a satellite map, too.

3 MS. RISNER: The current one, sir.

4 COMMISSIONER CARR: It's the one on West
5 Court is the new one?

6 MS. RISNER: Yes, sir.

7 COMMISSIONER CARR: And it -- I should
8 probably have looked at the other one, too; but --
9 I'm sure this is a better -- going to be a much
10 better facility. And I'm looking at a vacant lot
11 that's -- is that a vacant lot.

12 COMMISSIONER GIPSON: It's a park, Pioneer
13 Park.

14 COMMISSIONER CARR: That's exactly what I
15 wanted to know. So you've got a park a block away.
16 Is there playground facilities there?

17 COMMISSIONER GIPSON: Excuse me.

18 COMMISSIONER CARR: What's that park like?

19 COMMISSIONER GIPSON: It's a lovely treed,
20 open-space park, small park for children's
21 playground. But it's part of the historic
22 tradition, original part of Las Cruces.

23 MS. RISNER: And, Commissioner Carr, I
24 neglected to mention that yes, the park is there,
25 and there's also a large area. It will not have

1 playground equipment immediately. Our foundation is
2 working on that. But we have chosen to put every
3 penny into making the building what we needed,
4 because that's harder to change at a later date.

5 Right now, the center we're occupying was
6 a former day-care center, and our middle-schoolers
7 have done a fabulous job of adjusting and taking it
8 in stride.

9 COMMISSIONER CARR: Very good. Thank you.

10 COMMISSIONER GIPSON: May I just add?
11 It's also very close to the museum downtown. So
12 it's within walking distance to the downtown. So
13 there's a lot of cultural -- and museums in the
14 area.

15 COMMISSIONER CARR: All right.

16 THE CHAIR: Okay. Any other comments,
17 Commissioners?

18 Mr. Pahl?

19 MR. PAHL: Just a brief one, Madam Chair,
20 in case anyone is connecting dots between the two
21 agenda items that J. Paul Taylor is on the agenda
22 for today. The second one is a financial concern.
23 But because of this school building's relationship
24 with the school district, we're not concerned that
25 that financial concern will impact any of the on- --

1 the proceedings with the construction of the
2 building.

3 THE CHAIR: All right. Thank you for that
4 clarification. And your recommendation is for
5 approval with the conditions of E-Occupancy and
6 formal governance council minutes approving this.

7 MR. PAHL: Madam Chair, members of the
8 Commission, that's correct. And we'll continue to
9 work with Ms. Risner as we get those minutes from
10 her and send them to the Commission.

11 THE CHAIR: Commissioners, are you ready
12 for a motion?

13 Commissioner Bergman?

14 COMMISSIONER BERGMAN: Madam Chair, I move
15 that the Public Education Commission approve the
16 amendment presented by J. Paul Taylor Charter School
17 requesting to move into a new facility located at
18 406 West Court, Las Cruces, New Mexico, subject to
19 the conditions that the school provide the governing
20 board minutes reflecting approval of this amendment
21 request, and, of course, being contingent on
22 obtaining E-Occupancy for the facility.

23 COMMISSIONER CARR: Second.

24 THE CHAIR: Thank you. Motion by
25 Commissioner Bergman, second by Commissioner Carr,

1 to approve the motion with the two conditions, as
2 stated.

3 Is there any further discussion?

4 Hearing none, Mr. Secretary, may we have a
5 roll-call vote, please?

6 COMMISSIONER PERALTA: Commissioner Carr?

7 COMMISSIONER CARR: Yes.

8 COMMISSIONER PERALTA: Commissioner
9 Toulouse?

10 COMMISSIONER TOULOUSE: Yes.

11 COMMISSIONER PERALTA: Commissioner
12 Armbruster?

13 COMMISSIONER ARMBRUSTER: Yes.

14 COMMISSIONER PERALTA: Commissioner

15 Conyers?

16 COMMISSIONER CONYERS: Yes.

17 COMMISSIONER PERALTA: Commissioner

18 Gipson?

19 COMMISSIONER GIPSON: Yes.

20 COMMISSIONER PERALTA: Commissioner

21 Bergman?

22 COMMISSIONER BERGMAN: Yes.

23 COMMISSIONER PERALTA: Commissioner

24 Peralta votes "Yes."

25 Commissioner Shearman?

1 THE CHAIR: Yes.

2 COMMISSIONER PERALTA: Madam Chair, that
3 is 8-to-0 in favor of the motion.

4 THE CHAIR: Thank you. The motion passes
5 unanimously. We hope you enjoy your new facility.

6 MS. RISNER: Thank you. I'm sure we will.

7 THE CHAIR: Thank you very much.

8 We have completed Item 6.

9 Mr. Pahl, are your folks here? Could we
10 take just a few-minute break before we begin with
11 Item 5?

12 MR. PAHL: Yes.

13 THE CHAIR: Ladies and gentlemen, let's
14 come back at five after 10:00.

15 (Recess taken, 9:55 a.m. to 10:07 a.m.)

16 THE CHAIR: Ladies and gentlemen, I call
17 back into session this meeting of the Public
18 Education Commission. We're returning to Item
19 No. 5, Discussion and Possible Action on Health
20 Science Academy.

21 Mr. Pahl?

22 And I understand you have some folks with
23 you today. And I would ask that they come up to the
24 table, please, so that you can use the mic and we'll
25 be able to hear you if we have questions for you.

1 MR. PAHL: Madam Chair, members of the
2 Commission, I'll allow the PED staff to introduce
3 themselves and mention their titles, as well. They
4 were integral in some of the follow-up work that
5 we'll be discussing here with the school in
6 question.

7 MS. MARRUJO-GALLEGOS: Good morning,
8 Madam Chair, members of the Commission. My name is
9 Eileen Marrujo-Gallegos. I'm Director of Operations
10 here at the Public Education Department.

11 THE CHAIR: Thank you.

12 MR. HILL: Good morning, Madam Chair,
13 members of the Commission. I am Dan Hill. I'm the
14 General Counsel at PED.

15 MS. SAIZ: Good morning, Madam Chair,
16 Commissioners. My name is Molly Saiz. I'm the
17 Audit and Accounting Bureau Chief.

18 THE CHAIR: The Accounting Bureau Chief?

19 MS. SAIZ: Audit and Accounting.

20 THE CHAIR: Thank you very much. Please
21 go ahead.

22 MR. PAHL: Madam Chair, members of the
23 Commission, you all have a memo in front of you.
24 I'm going to read that into the record. And I think
25 at that point, we'll probably have a robust

1 conversation.

2 "Due to fraudulent enrollment processes,
3 inappropriate governance, financial conflicts of
4 interest, violations of Procurement Code, and
5 management instability that has persisted since the
6 opening of the school in August 2014, the Charter
7 Schools Division at the Public Education Department
8 recommends that Health Science Academy's charter be
9 revoked.

10 "PED Staff conducted a site visit on
11 March 18th and 19th in 2015 and verified these
12 issues."

13 I'll now go over a summary.

14 "During the March 2014 PEC meeting,
15 Commissioner Bergman indicated there were
16 allegations the school was recruiting students from
17 Texas. According to minutes from that meeting,
18 Commissioner Bergman asked Raphael Nevins, the
19 school's founder and current board president, quote,
20 'Are you going to be taking kids from Texas that
21 live in Texas in your school,' end quote.

22 "Mr. Nevins replied, quote, 'We are not
23 recruiting in El Paso; to be direct as an answer to
24 you, no,' end quote.

25 "On February 19th, 2015, PED received a

1 complaint from a staff member at HSA..." -- sorry,
2 "HSA" is "Health Sciences Academy" -- "...that the
3 school was enrolling students from Texas and asking
4 them to provide false New Mexico addresses on their
5 registration forms.

6 "CSD staff contacted Mr. Jacob Montano,
7 the school's current administrator, who validated
8 the claim and immediately took action to disenroll
9 these students.

10 "The Charter Schools Division, in
11 coordination with the Public Ed Department's Office
12 of General Counsel and Audit Division, immediately
13 met to determine how to investigate these claims
14 during the scheduled March 18th and 19th site visit.

15 "In testing ten selected student
16 residences, PED Staff found one student residence
17 was physically located in Texas. The student's
18 address of record is shown to be 300 Magnolia
19 Street, Anthony, New Mexico, area code 79821. PED
20 auditors searched through zillow.com and
21 googlemaps.com prior to the site visit. The only
22 known address was 309 Magnolia, Anthony, Texas, area
23 code 79821. It is approximately 12.4 miles from the
24 school. Auditors visited that location during the
25 site visit.

1 "HSA Staff and administration corroborated
2 in separate interviews that Ms. Norma Gotzmann [ph],
3 the school's night program coordinator and
4 recruiter, gave students from El Paso, Texas,
5 New Mexico addresses to use on their application.
6 When she was interviewed by CSD staff, Ms. Gotzmann
7 stated she checked every student enrolling to assure
8 that they had a current utility bill and a
9 New Mexico driver's license.

10 "However, Mr. Montaña disenrolled
11 19 students who admitted to him they are residents
12 of Texas and were instructed by Ms. Gotzmann to use
13 a New Mexico address on their enrollment forms.

14 "Further, it appears HSA has submitted
15 students in its student counts for the purpose of
16 generating State funding when these students are not
17 participating in HSA programs or who have incomplete
18 enrollment information. PED auditors found one
19 student shown as 'out,' meaning no longer attending
20 HSA, but was counted, meaning enrolled and in
21 attendance, as of the 120-day verification mark.

22 "Data from the 120-day verification mark
23 is used with other counts to determine the
24 allocation of public school support and the State
25 Equalization Guarantee. The student" is noted as

1 listed -- as listed as -- I'm sorry.

2 "The student noted is listed as living at
3 231 Archangel, Chaparral, New Mexico, area code"
4 8801- -- "88081. This address was also used by
5 seven other students. Of the eight students using
6 the same address, five have been disenrolled, and
7 two are still enrolled at HSA. One of the students'
8 statuses is unknown, because there was no file on
9 site for that student.

10 "During their site visit, PED Staff
11 conducted an audit of student enrollment files.
12 Staff found 14 of 272 student files were unverified
13 and not considered acceptable to verify valid
14 registration.

15 "127 of 272 student files were unverified
16 due to missing documentation.

17 "182 of 272 student files did not have
18 documentation of previous student records.

19 "Eight out of the 272 students tested for
20 enrollment and attendance records could not be
21 verified, due to missing documentations or files
22 that were not located.

23 "And 6 student files could not be located.

24 "Despite these discrepancies, the school's
25 enrollment count was 272 students.

1 "Further, PED obtained a listing of
2 student addresses from the administrative assistant
3 and noted two students with a Texas zip code. One
4 of the two students was disenrolled on January 29th,
5 2015, including students from another state.

6 "In-student [verbatim] counts artificially
7 inflates the school's State Equalization Guarantee."

8 And that's the funding that they get from
9 the State funding formula.

10 "This is in violation of State statute and
11 is likely a criminal offense.

12 "Auditors found governance issues at HSA.
13 Administrators both past and present have all
14 indicated Mr. Nevins was directly involved with the
15 day-to-day operations of the school, an
16 inappropriate role for a governing board member.
17 The involvement went as far as firing an employee
18 when a former administrator at the time refused to.

19 "This information was given to CSD staff
20 in a phone conversation with a former administrator
21 on the morning of November 14th, 2014, the day after
22 his contract with the school was terminated. Later,
23 the fired employee was reinstated as a teacher in
24 the school's night program.

25 "Additionally, one former administrator

1 contacted the New Mexico Attorney General and filed
2 a complaint about Mr. Nevins' interference in school
3 operations and made accusations about fraudulent
4 misuse of school funds.

5 "During the site visit, Staff found the
6 board president purchased items on his personal
7 credit card and requested reimbursement after the
8 fact from the school for those expenditures without
9 advanced approval. This is in violation of the
10 State Procurement law and the school's internal
11 policies and procedures.

12 "Separate interviews conducted by PED
13 Staff corroborated that Mr. Nevins has submitted
14 invoices for payment without following protocol or
15 internal controls.

16 "PED found that the governing board
17 approved a travel reimbursement policy for the
18 members of the governing board. It appears that
19 individual board members will be reimbursed at a
20 lower rate than the employees in accordance with
21 board policy.

22 "Per board policy, a member may be
23 reimbursed with prior approval of the governing
24 board for travel, out-of-pocket and other expenses
25 incurred while performing as a governing board

1 member on school business, in accordance with the
2 New Mexico Mileage and Per Diem Act.

3 "In a review of the four reimbursement
4 packets reviewed for Mr. Nevins, all expenses were
5 incurred prior to the execution of the purchase
6 order, and there is no documentation that the board
7 made prior approval of those expenses.

8 "PED auditors noted that HSA does not have
9 proper internal control over Open Meetings Act
10 requirements, document processing, or document
11 retention. The agenda for a special meeting on
12 March 12th, 2014, did not meet the 72-hour posting
13 requirement. Three meetings did not have the
14 minutes included in the permanent record, and
15 12 meetings do not have the posting date included,
16 and the auditors were unable to determine the
17 posting date.

18 "During PED auditors' review of the
19 minutes, it was noted that Ms. Nancy Duhigg serves
20 on both the HSA and Healthy Futures, Incorporated,
21 boards. This brings us into a potential conflict of
22 interest that we found during our site visit.

23 HSA is leasing their building from Healthy
24 Futures, Incorporated." I'll refer to them as
25 "HFI."

1 "The company also provides lunch services
2 to the school. The food service contract dated
3 August 5th, 2014, is signed by Raphael Nevins,
4 president of Health Sciences Academy, and by Norma
5 Gotzmann [ph]. Norma Gotzmann [ph] is the secretary
6 for HFI, as well as the school's night program
7 coordinator and recruiter.

8 "Further, Mr. Nevins is married to Lorna
9 Samraj, the former CEO of Healthy Futures,
10 Incorporated, who also signed the food service
11 management company equivalent worksheet and
12 purchased items with her personal credit card, which
13 was then reimbursed by HSA.

14 "According to several governing council
15 members, Ms. Samraj has taken minutes at the
16 governing board meetings, as well.

17 "In a review of HSA's board minutes, the
18 governing board passed a conflict of interest waiver
19 resolution specifically for Carmen Burciaga, a board
20 member at HSA at the time. Those same minutes
21 confirmed this action item did not have a quorum
22 vote. There were three board members present at the
23 meeting, which make a quorum; but there was not a
24 quorum for this action item because Ms. Burciaga
25 abstained from voting.

1 "The resolution references statutory
2 sections that cover employees of a local public
3 body; however, Ms. Burciaga is not an employee of
4 HSA; she's an employee of HFI.

5 "PED found that Health Sciences Academy
6 allows Ms. Burciaga to do a significant amount of
7 the food and food services purchases on behalf of
8 Health Sciences Academy," end quote.

9 The next issue I wanted to cover is one
10 that has been brought to the Commission several
11 times since the school has been founded.

12 "The school has had four head
13 administrators since July 2014. In interviews with
14 Charter School Division Staff, all four of those
15 administrators have indicated there are significant
16 issues with Mr. Nevins interfering with day-to-day
17 operations of the school. The current head
18 administrator, Mr. Montaña, has begun to implement
19 internal controls and follow required protocols.

20 "The school's procurement process, as well
21 as the HSA policy, is not being adhered to
22 effectively. There are significant inadequacies of
23 internal control in order to comply with the
24 New Mexico Procurement Code.

25 "PED staff found HSA does not have a chief

1 procurement officer named as of, or after,
2 January 1st, 2014. Auditors also found, per review
3 of board minutes, there were expenditures made prior
4 to the formal opening of Health Sciences Academy.
5 Board members were not privy to, nor approved,
6 quote, 'important planning year expenses,' end
7 quote.

8 "The purchases are subject to the
9 Procurement Code and established Health Sciences
10 Academy policy, since the payment would come from
11 public funds.

12 "In review of the reimbursements paid to
13 the former administrator at the school, the auditors
14 noted the documentation was incomplete for three of
15 the four reimbursement packets. The purchase order
16 was prepared with -- after the expenditures had been
17 made.

18 "It is noted for food services, there are
19 receipts with the food and food supplies purchased
20 with no expenditure code supporting the breakdown of
21 the purchase.

22 "Auditors found that HSA reimbursed a
23 former administrator \$12,568.05 from August 2014 to
24 December 2014, during the opening of Health Sciences
25 Academy.

1 "Lastly, the auditor reviewed board
2 minutes and found there was no board action to
3 approve Healthy Futures, Incorporated, to apply for
4 federal or other competitive grants on behalf of
5 Health Sciences Academy.

6 "Since this activity is outside of the
7 governing board and administration, it would be
8 difficult to track such activity, including
9 receiving of monies on behalf of HSA that are not
10 physically received by HSA."

11 Madam Chair, our next steps in this
12 process from PED are to alert other appropriate
13 authorities, particularly the Office of the State
14 Auditor. We've -- this school has been a School of
15 Concern since August. We've been concerned about
16 the stability of the leadership there. We found new
17 issues that are -- that are fraudulent and that are
18 pointing towards larger systemic problems at this
19 school.

20 It is very unlikely and nearly impossible
21 that this school is serving students well with a --
22 with an unsound leadership -- not -- sorry --
23 "unsound" is the inappropriate term -- with the
24 movement they've had in leadership, which is the
25 keystone of a school running well. And these

1 problems, we recommend revocation of the charter.

2 THE CHAIR: Thank you, Mr. Pahl.

3 Commissioners, do you have questions?

4 Commissioner Toulouse?

5 COMMISSIONER TOULOUSE: Madam Chair, what
6 is our action now to revoke this charter? What do
7 we do?

8 I know I've had concern since before we
9 opened because I have a friend who's known a number
10 the people who have left the school and reported
11 things. And I think you and I had some talks at the
12 beginning, where I had had information and gave it
13 to you, and it was too early for us to go any
14 farther.

15 But I -- never having been in this
16 position, because I'm not -- haven't been on this
17 Commission that long -- this is my third year -- to
18 actually revoke one of one that is just barely
19 chartered, what is our procedure?

20 THE CHAIR: Josh, would you like to
21 respond to that, please?

22 MR. GRANATA: Madam Chair, Commissioner
23 Toulouse, and other Commissioners, pursuant to the
24 Charter School Act, Section 22-8B-12K, "A charter
25 may be suspended, revoked, or not renewed by a

1 chartering authority if the chartering authority
2 determines that the school did any of the following:

3 "No. 1, committed a material violation of
4 any of the Commission's standards or procedures set
5 forth in the charter contract.

6 "No. 2, failed to meet or make substantial
7 progress toward achievement of the Department's
8 minimum educational standards or student performance
9 standards identified in the charter contract.

10 "No. 3, failed to meet generally accepted
11 standards of fiscal management; or...

12 "No. 4, violated any provision of law from
13 which the charter school was not specifically
14 exempted."

15 And so pursuant to that statute, this
16 Commission has the authority to revoke the charter
17 and essentially close the school.

18 COMMISSIONER TOULOUSE: Madam Chair,
19 Mr. Granata, does that mean we can do it at this
20 meeting, or we have to give them advance notice and
21 then go ahead with it?

22 MR. GRANATA: Madam Chair, Commissioner
23 Toulouse, Commissioners, it's my understanding that
24 the Commission, if it so chooses, can make a motion
25 to close the school at this meeting, and then a

1 procedure will be in place to allow for the school
2 to have a hearing and go forward from there.

3 COMMISSIONER TOULOUSE: Thank you.

4 THE CHAIR: Mr. Hill, I would call on you
5 if you have any legal -- further legal opinions that
6 you might like to share with us at this time.

7 MR. HILL: Madam Chair, members of the
8 Commission, I think Assistant Attorney General
9 Granata laid out the procedural framework very well
10 for the Commission. I think in terms of the work
11 that the Department has done in responding on pretty
12 short notice to the concerns and complaints that
13 were raised, I want to note two things:

14 One, there is a member of the school --
15 administrator from the school present, Mr. Montaña.
16 And I think, you know, without being -- without
17 saying too much, I think we should recognize that
18 Mr. Montaña has been a good actor and has assisted
19 with the investigation and has taken appropriate
20 responses to the very alarming concerns raised. And
21 so whatever action the Commission takes, I think
22 it's worth noting that Mr. Montaña has done, I
23 think, admirable work there.

24 That being said, our opinion still is that
25 the issues that were raised and then verified

1 warrant revocation.

2 And Assistant Attorney General Granata
3 laid out the four bases for revoking a charter under
4 the Charter Schools Act. I think with regard to the
5 facts that -- that Mr. Pahl laid out, there are a
6 number of -- I think at least two bases under that
7 provision that justify revocation.

8 So the first basis that -- that I think
9 applies is 22-8B-12, Subsection K(3); and that's a
10 failure to meet generally accepted standards of
11 fiscal management.

12 A number of the items raised by Mr. Pahl
13 in his presentation show a lack of internal controls
14 at the school. And those -- that lack of internal
15 controls, I think, goes beyond a mere -- a minor
16 issue or a minor finding that you would receive on
17 an audit and suggests that there are material
18 weaknesses that really go beyond the school being in
19 compliance with generally accepted accounting
20 standards. And so I think that, in and of itself,
21 would justify revoking the school's charter.

22 Some of the outcomes of those lack of
23 internal controls are having contracts where there
24 is a clear conflict of interest, having internal
25 accounts payable processes that just don't catch

1 what should be caught, is pretty major violations of
2 the procurement code. Having payments approved when
3 no payment order was in place -- excuse me -- no
4 purchase order was in place at the time that the
5 activities were taking place, as an example.

6 I think that also leads into another basis
7 for revoking a charter, which is violation of a
8 provision of law from which the charter is not
9 specifically exempted.

10 So there are a number of -- I think
11 multiple grounds, for revoking the charter under
12 this basis.

13 One, with regard to the conflicts of
14 interest, the Charter School Act, 22-8B-5.2, makes
15 very clear that a member of the governing body of a
16 charter school cannot contract with an entity where
17 that governing body member, him or herself, or a
18 member of that governing body's immediate family is
19 a -- has a financial interest in that entity.

20 And so we see multiple examples of this.

21 Mr. Nevins appears to -- that his wife was
22 the presidency of an entity where the school was
23 leasing a facility and contracting for services
24 with. That would violate the statute. It renders
25 the contract voidable at the discretion of the

1 authorizer, the Department, or the charter school.

2 In addition, another board member,
3 Ms. Burciaga, appears to be actually a board member
4 and an employee of that entity. That would also
5 violate the statute.

6 And they separate from the conflicts of
7 interest, with regard to the enrollment counts,
8 the -- what appear to be submission of false claims
9 to the Department as to their student membership.
10 That also violates statute that the charter school
11 hasn't been exempted from.

12 All schools, including charter schools,
13 are required to submit membership reports to the
14 Department annually. We take counts at four
15 separate periods during the year. The Public School
16 Finance Act -- it's 22-8-42 -- states that, "Any
17 person falsifying a record, account, or report
18 required to be kept or filed pursuant to the Public
19 School Finance Act is guilty of a petit misdemeanor
20 and shall, in addition to all other civil or
21 criminal penalties, forfeit his or her office or
22 employment."

23 The act of submitting a membership report
24 to the Department that, one, has -- has false
25 information -- so the allegation that was confirmed

1 was that there were students who were submitted at
2 counting periods who were actually not attending the
3 school -- so had withdrawn prior to the counting
4 date, still submitted as a student -- that violates
5 that provision of law, and it is, in my opinion, a
6 false claim that was submitted to the State
7 resulting in a payment to the school -- or
8 potentially resulting in the payment to the school
9 in increased SEG allocations.

10 The other part to this concern, or the
11 violation, is by submitting student counts that
12 include students where their attendance and
13 residence information has been falsified, in the
14 opinion of the Department, also violates that
15 section of the statute.

16 So by submitting a student enrollment
17 report that lists a number of students as New Mexico
18 residents when, in fact, they are not New Mexico
19 residents, again, would be a false claim, and is
20 generating monies potentially from those student
21 counts that the school's not entitled to.

22 I think, given these concerns, our opinion
23 is they're each independent bases -- or an
24 independent basis -- for revoking the charter. It's
25 a very serious matter to submit a false document to

1 the State, particularly when it's generating
2 funding. When we're talking about SEG allocations,
3 that's really taking funding away from other
4 students and schools by inflating your student
5 count.

6 So the SEG is, in a sense, a pie, based on
7 the membership of individual schools. If one school
8 is inflating its numbers, it's taking more than it's
9 entitled to, and that has an actual effect on other
10 schools in the state.

11 The dollar values may not be extremely
12 high; but it's still an egregious action that we
13 believe warrants revocation.

14 The involvement of the charter school
15 governing body members in contracts with entities
16 that have a financial interest, this is also serious
17 and appears to be a widespread activity at the
18 school.

19 And so I think -- and that's in addition
20 to just the general lack of internal controls, lack
21 of Generally Accepted Accounting Principles, or
22 standards, that would protect the school from these
23 sort of things happening, going forward.

24 I can't say strongly enough that we feel
25 that these actions warrant revocation, and we're

1 happy to entertain questions, if you have questions.

2 As Mr. Pahl indicated, the Department is
3 referring these -- these -- this information to the
4 State Auditor's Office, as well as the Department's
5 independent public accountant -- or auditor --
6 Axciom, in addition to referring it to other law
7 enforcement agencies for potential criminal
8 prosecution.

9 THE CHAIR: Mr. Pahl?

10 MR. PAHL: I'd just like to add two
11 comments, just to reiterate the comments about the
12 current administrator, who is taking all the
13 appropriate action. I just want to be on record
14 saying that.

15 Second of all, the scope of this
16 19 students, 6 students, it may seem small; but with
17 their current enrollment, that's getting close to
18 10 percent of their student body. If this was
19 happening earlier in the school year, when their
20 enrollment counts were lower -- we are -- yes, the
21 numbers seem small; but given the entire student
22 population, I would make an argument that it's
23 actually a significant piece of the enrollment that
24 they're counting that is -- that is subject to some
25 of the findings that we're hearing here.

1 So I just want to make that clear, that
2 the scope -- those numbers sound small; but when
3 we're talking about 250, 270 students, it makes a
4 significant proportion of the total enrollment of
5 the school.

6 THE CHAIR: Thank you, Mr. Pahl.

7 Commissioner Bergman?

8 COMMISSIONER BERGMAN: I would like to ask
9 Mr. Hill, do you -- those colleagues that are with
10 you today, do they have any additional information
11 that might help inform a decision that's not already
12 in Mr. Pahl's memorandum?

13 (Department representatives indicate.)

14 COMMISSIONER BERGMAN: Thank you, Madam
15 Chair.

16 COMMISSIONER GIPSON: I have a question.

17 THE CHAIR: Commissioner Gipson?

18 COMMISSIONER GIPSON: I am curious and
19 concerned about the finances now, about who's
20 controlling them. Are they still in control of
21 those finances?

22 MR. HILL: Madam Chair, Commissioner
23 Gipson, other members of the Commission, yes, the
24 school is still -- the Board of Finance of the
25 school has not been suspended by the Department. So

1 the school still controls the finances.

2 And as we noted at the outset, Mr. Montaña
3 has been a good actor and has been cooperating with
4 the Department. And we feel like we can -- we feel
5 like the risks in terms of the school's finances are
6 of a nature that did not warrant suspending its
7 Board of Finance.

8 I think -- make two comments on that.
9 One, a number of the allegations here don't have to
10 do with ongoing activity or day-to-day operations at
11 the school. The conflicts of interest, the student
12 enrollment concerns, appear to be activities that
13 have stopped, or are not ongoing. And so it's not
14 an instance where we feel like the -- the actual
15 business office of the school has been compromised.

16 And then aside from that, my understanding
17 is the school's been on month-to-month reporting
18 with the School Budget Bureau for some time. And so
19 it would be -- the amount of time where the school
20 wouldn't be looked at from a finance perspective is
21 pretty small in this case. And so it didn't warrant
22 revoking the Board of Finance of the school.

23 COMMISSIONER GIPSON: Thank you. Can I?

24 THE CHAIR: Yes, Commissioner Gipson.

25 COMMISSIONER GIPSON: Now, my larger

1 concern is with the students. And I'm assuming the
2 same process would go through as with other
3 closures. But would that be expedited? Are we
4 looking at closing by June? Or what -- you know,
5 what's our time frame here? I would think sooner
6 than later, but --

7 MR. PAHL: Madam Chair, members of the
8 Commission, this is a unique situation, given the
9 point we're at in the school year. And so what I
10 can provide is what I think what will happen; but
11 this may change depending on the action the
12 Commission takes today.

13 And that would be that the students are
14 able to complete the school year at that school.
15 And any -- if they have gone through their lottery,
16 if they've had one, or gone through their enrollment
17 process, then the students who are lined up to
18 attend next year would be notified that that is not
19 an option if the school was to be closed.

20 So my best inkling as to how we would move
21 forward is we would allow these students to complete
22 this school year.

23 COMMISSIONER ARMBRUSTER: Madam Chair?

24 THE CHAIR: Let me just make one comment.

25 It's my recollection -- and Commissioner

1 Bergman and Commissioner Carr, you may remember
2 also -- in a school that we closed in the past, the
3 motion to close that school included when that
4 school should be closed; so "end of the school year"
5 or a date that coincided with the end of the school
6 year, I believe, is what we used in the past.

7 Certainly, we -- we talked about this in
8 another school that we closed. And the Commission
9 made it well-known that they would never consider
10 closing a school -- well, I shouldn't say that -- in
11 that particular instance, the Commission made the
12 decision not to close the school during the school
13 year, to let it finish out the school year, for the
14 benefit of the students. So just that point of
15 interest.

16 Commissioner Armbruster?

17 COMMISSIONER ARMBRUSTER: Thank you,
18 Madam Chair. I just had three kind of -- just for
19 my information -- it's not even about this event. I
20 wanted to know what was the mission of -- why they
21 wanted -- I'm going to say three, so hold on here.

22 You know, like, it's the Health Science
23 Academy. And I just wondered what that -- what
24 their goal was, different from public schools, for
25 the charter, and what grade levels it covered. And

1 do we have any data on how students are doing
2 through a short circle -- hello -- Short Cycle
3 Assessment?

4 Those are just my questions. It has
5 nothing to do with this.

6 MR. PAHL: Madam Chair, members of the
7 Commission, Health Sciences Academy was meant to
8 link up a curriculum that had to do with careers in
9 the health sciences and really have those students
10 career-ready, or college-ready, in a
11 health-science-related field.

12 So that was the niche they were fulfilling
13 in Southern New Mexico.

14 The grade levels that they served -- and
15 I'm going to look over to our liaison. I believe
16 they were 8 through 12.

17 MR. WOODD: Phase-in.

18 MR. PAHL: How many grades were they
19 serving currently? Just eight?

20 MR. WOODD: I'm bringing it up. I want to
21 make sure I give you the absolute --

22 MR. PAHL: So their charter allows them to
23 serve 8 through 12; but they were phasing in and
24 growing. So over the course of two, three, or four
25 years, they would serve that full grade span. And

1 we'll get that number from Mr. Woodd in just a
2 moment.

3 Your final question, Commissioner
4 Armbruster?

5 COMMISSIONER ARMBRUSTER: I was wondering
6 if we had any Short Cycle Assessment data indicating
7 how the students were doing, because it is about
8 them.

9 MR. PAHL: Yes. Madam Chair, Commissioner
10 Armbruster, I don't have any on hand; but we'll try
11 and dig some up, and as the conversation moves
12 forward, we'll have that information for you.

13 The reasons why we're bringing this to us
14 were not for student performance at this point in
15 time; but given the -- the issues and transgressions
16 that we are seeing, it is, again, unlikely that kids
17 are -- kids are thriving there.

18 COMMISSIONER ARMBRUSTER: And that's fine.
19 That's -- of course, that is my concern. I don't
20 have any issue with all of the things that you all
21 have presented. And I'm glad, and thank you for
22 being so on top of that.

23 COMMISSIONER CARR: Madam Chair?

24 THE CHAIR: Commissioner Carr?

25 COMMISSIONER CARR: So I just want to --

1 sounds like, though, it's made clear, but I just
2 wanted to make sure it's perfectly clear that
3 there's no reason, for the sake of the students,
4 that we should consider closing this school earlier
5 than the end of the school year.

6 MR. PAHL: Madam Chair, members of the
7 Commission, as Mr. Hill and myself have stated, and
8 Mr. Woodd, who has been in direct contact with the
9 school, the day-to-day administration of the school,
10 Mr. Montañó, we feel confident in that the
11 day-to-day operations there are operating at a level
12 that they should be able to close the school year,
13 and students should be able to move forward with
14 their academic program.

15 COMMISSIONER CARR: Okay. What is the
16 official last day of school for students?

17 MR. WOODD: May 21st.

18 MR. PAHL: May 21st?

19 May 21st, Madam Chair.

20 THE CHAIR: May 21st. Thank you.

21 COMMISSIONER CARR: And one more,
22 Madam Chair. When we do the -- do the -- I think
23 Josh should help us word the motion.

24 THE CHAIR: He is.

25 COMMISSIONER CARR: Okay.

1 THE CHAIR: Mr. Pahl?

2 MR. PAHL: Madam Chair, I have just an
3 answer to Commissioner Armbruster's question. One
4 of them is that they currently serve students in
5 Grades 7 through 10; but their charter allows them
6 from 7 through 12.

7 COMMISSIONER ARMBRUSTER: I just needed a
8 complete package here. Thank you.

9 THE CHAIR: Mr. Pahl, clarify for me. I
10 know somewhere in this memo, you refer to a
11 complaint that we had received some time ago from a
12 former employee -- I believe it was an
13 administrator -- of this school, who not only
14 brought their concerns to us, but also took them to
15 the Attorney General's Office.

16 MR. PAHL: Yes.

17 THE CHAIR: All of the issues and concerns
18 and complaints that have come to you and to members
19 of this Commission since this school began
20 operation, the school, the administrators, and the
21 board members, are aware of those complaints and
22 concerns, are they not?

23 MR. PAHL: Madam Chair, members of the
24 Commission, yes. That was brought to us -- they're
25 blending together, because the school has been a

1 School of Concern each month. But I do remember
2 some questions from Mr. Carr about who -- this had
3 to do with a firing of a staff member by a governing
4 board member. And I remember some of the
5 discussions between Commissioner Carr and myself in
6 the public setting during the hearing about who
7 actually conducted the -- the termination of that
8 employee.

9 If you'd like, we can -- we can dig back
10 and just cite the meeting that we brought that. But
11 that was as a result of a complaint that was brought
12 to both us and the AG's Office.

13 THE CHAIR: I think -- I just wanted to be
14 sure, in my own mind, that this is not the first
15 time this school has heard that CSD, PED, and the
16 Commission is aware of issues, concerns, and trouble
17 at the school, that it's been an ongoing dialogue
18 with the school, letting them know about these
19 concerns.

20 MR. PAHL: Madam Chair, members of the
21 Commission, that is correct. I can't recall a month
22 where they haven't been a School of Concern since
23 their -- their beginning.

24 The other thing I would just note is that
25 during the site visit, we did notify the school that

1 we would be bringing extra staff, because there were
2 additional concerns, as well. They were let -- let
3 that be known ahead of time; so -- and they -- the
4 school's administration worked with us diligently to
5 provide documentation and work with us while we were
6 on site.

7 But any time we're bringing extra staff
8 because there are additional concerns, that would be
9 another indication to the school that there are
10 issues that we're looking into that potentially need
11 to be resolved. So in addition to those monthly
12 meetings, where we talked about the -- the movement
13 of their leadership, and then the multiple
14 transitions they've had to go through -- we've
15 mentioned the conflict of interest that was reported
16 by the Las Cruces Sun News, and we also brought
17 forth that report, that comment, the request from
18 the Attorney General about the firing of an employee
19 by a board member.

20 What's new today are the enrollment issues
21 that we've uncovered through our site visit.

22 THE CHAIR: Thank you.

23 Commissioner Toulouse?

24 COMMISSIONER TOULOUSE: Madam Chair, I
25 have a concern whether they've revoked their Board

1 of Finance or not, about the governance council and
2 its composition. And is Mr. Nevins still around?
3 He lives in my neighborhood, and I have not seen him
4 or his wife, Dr. Samraj, for months now. And I
5 wonder if they're even in the state; because I know
6 Mr. Nevins has gone to several other states and
7 started charter schools. I don't know which ones; I
8 think maybe in the Midwest, Illinois, or somewhere.

9 And I've had concerns from the first time
10 I met him -- he was brought to me by a former
11 legislator, who's another cousin of mine. I have a
12 big family.

13 I just wondered, do we have a full
14 governance council when they meet? Are they
15 meeting? And I would have severe concerns on the
16 financial piece, if we still have the same
17 governance council members.

18 MR. MONTAÑO: May I speak, please?

19 MR. PAHL: Madam Chair, can we let
20 Mr. Montaña --

21 THE CHAIR: If you will just pull up a
22 chair here and use the microphone, please, so we can
23 hear you.

24 MR. MONTAÑO: Yes, ma'am.

25 THE CHAIR: If you would introduce

1 yourself so we can have it on the record.

2 MR. MONTAÑO: Good morning. My name is
3 Jacob Montaño, and I am the present director at the
4 Health Sciences Academy, where I've been just
5 recently employed for approximately the last
6 three-and-a-half months.

7 Madam Chairperson, Commissioners, it's
8 very hard for me to sit in the audience and listen
9 to all of the things that are being said at a school
10 where I presently represent the administration; but
11 I can assure you, when I came aboard, an awful lot
12 of the things that I'm hearing now were brought to
13 my attention. And I want you to rest assured that
14 those things have been resolved, and I've worked
15 very, very hard at resolving them.

16 I'm really here to speak to you on the
17 behalf of the students, because that's why I left a
18 job, a very comfortable job as a public
19 administrator, where I've been for the past -- or an
20 administrator -- for the past 22 years, and a
21 teacher for the nine that preceded that, all public
22 education.

23 But I moved into the charter environment
24 as an administrator because of what the school
25 offered the students in our location. And it's just

1 disheartening to hear a lot of the improprieties
2 that are no fault of theirs, nor mine, nor the
3 wonderful staff that I work with, but through
4 possibly the fault of someone else.

5 I'm not here to point fingers or lay
6 blame. I'm just here to represent those fine
7 students that I represent and also the parents of
8 those fine students.

9 Presently, we have enrolled 132 daytime
10 students and approximately 61 nighttime students.
11 We have already had a recruitment process, where we
12 have already enrolled an additional 50 new
13 seventh-graders coming from sixth grade. We're
14 filling up very, very quickly.

15 And it's just sad, because we have
16 something really terrific going on.

17 But I'm here to let you know that
18 oftentimes, we have to make a stand for what's
19 right. And I'm here to make a stand for what's
20 right for kids. That's why I'm an educator. And
21 I've tried to cooperate fully, and to the best of my
22 knowledge, with Mr. Woodd, Mrs. Lucero, the other
23 fine auditing members of their staff, in regards to
24 opening our books and letting them come in and visit
25 with us. We have absolutely nothing to hide. And

1 I've worked very, very hard at making sure that
2 everything is done correctly.

3 So the questions in regards to finances
4 and things of that nature, I believe you can rest
5 assured that there will be no even act of
6 impropriety. We work very closely with the Vigil
7 Group with regards to assuring that everything has a
8 process -- excuse me -- of procurement. And we're
9 working diligently in the right direction.

10 We have a very rigorous curriculum that
11 we've designed and developed for health sciences,
12 specifically, for those students in that area that
13 may wish to become a nurse, a nurse practitioner, an
14 EMT, an OT, a PT -- the list goes on and on and on.
15 And if you could come into the school now -- I
16 haven't been there that long -- if you could come
17 into the school now -- and I think that Mr. Woodd
18 would verify this -- the culture of the school and
19 the direction of the school has changed.

20 My only regret is that I wasn't there
21 since the beginning. But an awful lot of the things
22 that are being said and so on and so forth, believe
23 me, and believe me when I tell you that there's no
24 one that feels that pressure more than I in regards
25 to trying to do what's right for kids.

1 And it's been a tough haul. And it was
2 tough for me to show up today, and now to listen to
3 this is even tougher. But if it means doing what's
4 right by kids, then I'm all for it, because that's
5 the type of person, teacher, administrator that I
6 want to represent. And everything on the behalf of
7 those students and what's best for kids is what I'm
8 all about.

9 So if we close down or if you decide to do
10 that, then that, of course, is your decision. But
11 please know that it is going to affect an awful lot
12 of people, but most notably, the fine children that
13 live in that area, the heel of New Mexico, if you
14 will. Texas is not even but a half a mile away, the
15 Texas border. Mexico is but three miles away. It's
16 all right there. So it encompasses just quite an
17 array of students, both daytime and night.

18 So I would just ask, please, if you have
19 questions that I may address, I'll address them
20 openly, honestly, to the best of my knowledge.
21 Again, I have not been there very long; so please
22 excuse me ignorance, if you will. But I'm open for
23 any kind of questions and in any manner to support
24 the school or the students that it represents.

25 THE CHAIR: Mr. Montaña, we appreciate you

1 being here today and your open and honest statement
2 to us.

3 MR. MONTAÑO: Yes, ma'am.

4 THE CHAIR: Let me just clarify in my own
5 mind. The school opened in August of 2014; is that
6 correct?

7 MR. MONTAÑO: Yes, ma'am.

8 THE CHAIR: And how many administrators
9 has that school had before you?

10 MR. MONTAÑO: To my knowledge, there were
11 four administrators before me. And I've kind of set
12 the record, Madam Chair. So I feel pretty good
13 about that.

14 THE CHAIR: Absolutely. And I don't want
15 to put you on the spot; but could you answer
16 Commissioner Toulouse's question as to the
17 whereabouts of the president of your governing
18 council? Do you -- is he -- have you seen him
19 lately?

20 MR. MONTAÑO: No, ma'am. I believe he's
21 vacationing. I'm sorry. That's the honest --

22 THE CHAIR: No, we're asking you for your
23 honest responses, and that's what you're giving us.

24 Commissioners, do you have any other
25 questions?

1 Commissioner Bergman?

2 COMMISSIONER BERGMAN: Since you have a
3 night component and what -- I think you said
4 61 students -- are they on the same time line as the
5 day school? Will their last day of school be
6 whatever the official day -- or are they on a
7 separate time line?

8 MR. MONTAÑO: Yes, sir, Mr. Bergman.
9 Their school will end also May 21st. They attend
10 school essentially from 6:00 to 10:00 at night,
11 Monday through Thursday.

12 COMMISSIONER BERGMAN: Thank you. I think
13 there is a sense of urgency here, especially when I
14 heard him say that there's 50 new kids already
15 signed up for next year, that we certainly need to
16 keep that in mind, too.

17 Thank you, Madam Chair.

18 THE CHAIR: Thank you.

19 Commissioner Toulouse?

20 COMMISSIONER TOULOUSE: Madam Chair, I
21 think that school speaks to the conundrum of we have
22 all kinds of control over the school and absolutely
23 none over the governance council, except making sure
24 they're a Board of Finance and that they have a
25 minimum number of members; because it seems to me

1 from day one, the problems with this school that I
2 have heard -- and I have friends in Santa Teresa and
3 all who have kept me apprised of a lot of things,
4 many of which I have brought forward -- it's not
5 fair to close the school for the students, teachers,
6 and administrators.

7 But what do we do with a governance
8 council that we can't control and who has continued,
9 even after some warnings, to do these sorts of
10 things? And I just wish there was something short
11 of us closing the school, but, you know, not -- not
12 putting us in a position we have to just let that
13 governance council go forward, regardless of what
14 the administration is doing.

15 I'm very impressed with our administrator
16 here and his response. And we approved the school
17 because of the first administrator, who wasn't even
18 on there by the time we got it through the planning
19 year. And I think that's been the problem since.

20 And I just -- is there some compromise
21 here? I don't see it, because of our inability to
22 control the governance council.

23 THE CHAIR: Thank you, Commissioner. Are
24 there further comments or questions?

25 COMMISSIONER ARMBRUSTER: Is there -- I'm

1 sorry. Is there an answer to Commissioner
2 Toulouse's -- are there alternatives to this? I'm
3 just --

4 THE CHAIR: I'm asking our attorney.

5 MR. GRANATA: If you would just give me a
6 second, please?

7 COMMISSIONER ARMBRUSTER: Oh, keep going.

8 THE CHAIR: I will say, from my experience
9 in the past, there is not. But let's see if
10 Mr. Granata might can -- or Mr. Hill? Would you
11 have a thought on that?

12 MR. HILL: Madam Chair, members of the
13 Commission, I think I'll have to defer to your
14 counsel. I don't represent the Commission, so I
15 don't want to be giving you legal advice on that.

16 I do echo the sentiment that it's
17 disheartening to see a lot of good things going on
18 at a school, but a lot of bad management going on
19 with the board.

20 The concern that I think the Department
21 has is Mr. Montaño has been courageous; he's been
22 very admirable and should be commended in his
23 actions. He ultimately is employed by a board who
24 has fired four administrators.

25 My guess is if they're allowed to continue

1 unfettered, they won't be so happy to have
2 Mr. Montaña serving, since he's been so cooperative
3 with investigations into their activities.

4 And so it's hard to parse the -- the good
5 things that have gone on, or that there are evidence
6 of, in terms of people behaving very ethically in
7 terms of reporting things and taking actions, with
8 then ultimately, the management of the school, the
9 board behaving very inappropriately, in our opinion.

10 And so I think, to the comments made by
11 the Commissioners, there is a sense of urgency, both
12 for the students in terms of making sure they know
13 where they're going to be attending school next
14 year, if there's going to be a change, but also for
15 the staff members at the school. These are folks
16 who are -- my opinion -- are in education for the
17 right reasons. They're approaching the end of the
18 school year expecting to have a school to return to
19 next year. And it's important for them, as well, to
20 have clarity as to whether they need to make other
21 arrangements, whether the school is going to be
22 operating next year.

23 And sort of to close my comments, I think
24 the hope that I have is the good activity that's
25 going on can be recognized, and perhaps the

1 community will -- will take the lead and say,
2 "There's great things going on at the school; let's
3 reorganize and have another charter started with a
4 better board."

5 Unfortunately, the Department -- in my
6 opinion, the Commission -- doesn't have the
7 authority or maybe even the power in terms of being
8 a part of that community to bring that action to
9 fruition. But my hope is if there's really good
10 things going on, it's recognized and can be
11 continued in some way.

12 THE CHAIR: Thank you, Mr. Hill.

13 Mr. Granata?

14 MR. GRANATA: Madam Chair, Commissioners,
15 let's see. According to Statute 22-8B-12 in terms
16 of the PEC's oversight of schools, Subsection (F)
17 states that based on the performance review
18 conducted by the chartering authority, essentially
19 the chartering authority may take appropriate
20 corrective action or exercise sanctions against the
21 school.

22 So it does appear that the PEC can impose
23 sanctions upon the school, if it so chooses.

24 THE CHAIR: Commissioner Bergman?

25 COMMISSIONER BERGMAN: Well, I would just

1 like to note, going back to Mr. Pahl's memorandum
2 again, in this particular case, we have the
3 interrelationships and the entanglements with the
4 other third parties that are involved in this that
5 are also apparently connected in some way, shape, or
6 form to Mr. Nevins and his wife.

7 And I, certainly -- I'm not sure we can do
8 one thing with all those entanglements and leave
9 them in place.

10 And like I say, I've already used the term
11 "urgency" once. It is there, and it is sad; but I
12 think we really need to move forward in this
13 situation.

14 And I would echo Mr. Hill's comment. I
15 would hope there is another group in that area --
16 and Mr. Montaña sits here today. Maybe he has the
17 ability -- he could perhaps be involved in that.

18 So I would hope, yes, that someone might
19 pick up the ball that has been dropped and carry it
20 forward. That would require a new application and
21 things like that. It's a local decision. That's --
22 we are not involved in that to any great extent
23 anyway.

24 I just wanted to make those points. Thank
25 you.

1 THE CHAIR: Are we ready for a motion,
2 Commissioners?

3 Commissioner Peralta?

4 COMMISSIONER PERALTA: Madam Chair, I --
5 there -- Mr. Bergman and General Counsel feel
6 that -- alluded to some of my thoughts when we're
7 talking about options, other options for this
8 school. And, again, thank you, Mr. Montaña, for
9 your presence and your high compassion for kids and
10 staff.

11 And I can assure you this Commission, if
12 we had to vote based just on that, we would
13 definitely side on the kids and the teachers. But
14 again, I think it's just -- the school has great
15 ideas about what they want to do for the kids and
16 their careers and their futures. It's just sad that
17 it just fell under some bad leadership and some
18 people that don't have local ties to that area and
19 are just kind of just out and about planting bad
20 schools, in my opinion.

21 I just feel like we probably need to just
22 go ahead and scratch this and hopefully get the
23 school started over with some local flavor, people
24 that have a vested interest in the community that
25 are there and that are present and working along the

1 same philosophy and lines that you are, Mr. Montaña.
2 And I think that that's just my feelings. Thank
3 you.

4 THE CHAIR: Commissioner, thank you.
5 Commissioner?

6 COMMISSIONER ARMBRUSTER: Does Mr. Nevins
7 have other schools over which he -- I don't know --
8 that he started? I'm not even sure what language to
9 use. But is this the only one here in New Mexico?

10 THE CHAIR: Not in New Mexico, not as far
11 as we know in New Mexico.

12 Is that correct?

13 MR. PAHL: Madam Chair, Commissioner
14 Armbruster, that's correct.

15 MR. HILL: Commissioner -- Madam Chair,
16 and Commissioner Armbruster, one action that the PED
17 will take, based on comments made at this meeting,
18 of Mr. Nevins being involved in schools in other
19 states, is to make the U.S. Department of Education
20 Office of Inspector General aware of the findings
21 that we have and of Mr. Nevins; so if there are any
22 other schools that are being investigated by the
23 U.S. Department of Ed, they can link the
24 investigations together.

25 And, Madam Chair, I believe Mr. Montaña

1 did -- is wondering if he can ask a question of the
2 Commission.

3 THE CHAIR: Certainly.

4 MR. MONTAÑO: Madam Chair and
5 Commissioners, is there not an allowance to -- to
6 remove possibly -- and I'm speaking just purely,
7 maybe, out of ignorance -- but to remove a governing
8 board president and possibly a board, and have the
9 Commission sanction a good board, to where a good
10 governing board would be put in place, whether
11 through election or appointment, in regards to
12 moving the school forward?

13 Because I feel that if you take away that
14 one chief component that's killing something, and
15 it's just one thing, it's unfortunate, because it's
16 going to affect so many. But the one thing, if you
17 could take it out, take the poison out and move
18 forward, you know, it would certainly -- it would
19 certainly work, without -- without a doubt. The
20 school would move forward.

21 THE CHAIR: Let me ask Mr. Pahl to respond
22 to that.

23 MR. PAHL: Madam Chair, members of the
24 Commission, and Mr. Montaña, you know, something
25 we're finding, just as a narrative that I think is

1 coming about through our charter environment right
2 now, is that we focus on administrators, good
3 administrators, like yourself, Mr. Montaña. But
4 when an administrator leaves the school, the school
5 changes, for the better or for the worse.

6 And we need to focus on, as a charter
7 community, having good, strong boards that have the
8 same expectation for administrators that make sure
9 there isn't as much variance between different
10 administrators.

11 Charter schools right now rise and fall
12 based on who's leading them. That leadership should
13 come from governing boards, and not necessarily not
14 from administrators; but the expectation should be
15 from the board that regardless of who's fulfilling
16 that position, the expectation is there, so the
17 performance of that school stays high or grows and
18 becomes high.

19 And the reason why I mention that is
20 because I -- the comments of Mr. Montaña's are
21 correct. If there's a way we can just extract the
22 bad thing and allow the good stuff to keep going, I
23 would agree with that.

24 But when the bad thing is the governing
25 board -- and I don't think we've gotten an answer

1 whether we can just replace the board. But the
2 governing board is the linchpin -- or should be the
3 linchpin -- of the leadership and success of a
4 school.

5 So I would just maintain that it's awfully
6 difficult, but appreciate the comments, Mr. Montano.

7 THE CHAIR: And I would comment -- I've
8 been on this board for six years, and we've closed a
9 few schools. It's probably the hardest thing we do.
10 It is the hardest thing we do. We're here because
11 we like kids; we like education. And when we close
12 a school, we know what we're doing.

13 But we also know that we're doing it for
14 the kids, because if they're in an unstable
15 environment, we question how good their education
16 can be. When your administrator changes every few
17 months, that's bound to affect the school and the
18 teachers.

19 So as Commissioner Bergman says, there is
20 a sense of urgency here. The employees of this
21 school, the students, the parents, families of this
22 school deserve our best consideration and most
23 notice that we can give them if we, in fact, are
24 going to close their school; so they can begin to
25 make other arrangements.

1 We have to do the hard stuff. That's how
2 come we get paid so much for doing these jobs. But
3 you have to love education -- and I hear you do,
4 too.

5 MR. MONTAÑO: Yes, ma'am.

6 THE CHAIR: But we love kids, and we want
7 the best for them. And my personal feeling after
8 reading this and hearing what's been said today, is
9 this cannot go on. So -- Commissioner Carr?

10 COMMISSIONER CARR: I don't know exactly
11 where to begin with this, except for the fact that I
12 think it should be made clear by the Public
13 Education Department, by the PEC, by the Attorney
14 General's Office, by the State Auditor's Office,
15 that this type of thing won't be tolerated.

16 And what we have on paper is all we know.
17 We don't know if law enforcement isn't going to come
18 down, like they did with another school, and pick up
19 boxes of papers and maybe close the school on the
20 spot. We don't know.

21 We -- you've invested -- you've done a
22 great investigation. We don't know all the answers.
23 Maybe this is the tip of the iceberg. Maybe all the
24 problems have been dealt with. We have a lot of
25 unknowns here.

1 One of the reasons why it's so important
2 that we need to pick outstanding charter schools is
3 the fact that they're a brand new school. They have
4 no institutional memory, no establishment of a
5 history within a community. And if they don't come
6 out on firm footing from the beginning, then it's
7 going to be a problem for the children.

8 I find it insidious to think that corrupt
9 people hide behind children. You know, I'm not
10 saying you're doing that. But -- and we always have
11 to look at the best interests of the children. And
12 we also have to look at the best interests of the
13 children for the whole state, for the whole
14 community. And it's very difficult.

15 Another reason why it's so important that
16 before we allow a school to open, that it be on firm
17 footing, because we are talking about children. And
18 it is a horrible disruption to change -- to move
19 them from one place to another.

20 And it is those corrupt people that have
21 put this school in this situation. And I say that
22 "allegedly," corrupt people. But, you know, it's --
23 it's something that all the members of this
24 Commission who have been here for a long time -- and
25 I have a feeling what Gene Gant would be saying

1 right now. I have a feeling what, you know --
2 everybody that's been here long-term -- and even the
3 people who haven't been here that long, who I think
4 are already coming to realize -- is it's -- these
5 are some of the things that we've been worrying
6 about for years. And we continue to worry about.

7 So keeping all that in mind, I think it
8 was important for me to put that on the record and
9 have that said.

10 THE CHAIR: Thank you, Mr. Carr.

11 Any other comments?

12 Commissioner Bergman?

13 COMMISSIONER BERGMAN: Well, I've just
14 been sitting here thinking about how I might word
15 this. Those of you who have been around me for a
16 while as we've sat on these, the very last thing I
17 ever want to do is revoke a school. I want to be
18 sure that we've explored all these other options,
19 that -- because of the kids.

20 But I am just concerned, and that's what
21 I'm telling myself, because of the entanglements in
22 this particular instance and whether we even have
23 the authority to remove a board ourselves. I'm not
24 sure we do, actually. I believe our only option in
25 this particular case is we revoke it or don't and

1 ignore what's going on.

2 So I think that's the question before us
3 today. Thank you, Madam Chair.

4 THE CHAIR: Commissioner Toulouse?

5 COMMISSIONER TOULOUSE: Madam Chair, I
6 think we need a motion pretty soon; although I'm not
7 sure I'm ready to make it.

8 But I would like to ask, when it says we
9 can sanction a school, can we sanction the school by
10 saying their board can no longer handle the finances
11 and request that PED take over the finances and let
12 the administration go through into next year because
13 they've had only one year and review them again next
14 spring?

15 THE CHAIR: Well, Mr. Pahl -- Mr. Granata
16 is busy at the moment. But let me go back to what
17 Mr. Hill was saying earlier when he was reading from
18 22-8B-12. And I'm no attorney, Mr. Hill. You might
19 prefer to read that yourself.

20 But Section K, where you were reading,
21 says, "A charter may be suspended, revoked, or not
22 renewed by the chartering authority if the
23 chartering authority determines that the charter
24 school did any of the following."

25 And that's when he referred to "committed

1 a material violation of any of the conditions."

2 He also talked about "violating any
3 provisions of law."

4 The other two conditions are "failed to
5 meet substantial progress towards academic movement
6 and failed to make generally accepted standards of
7 financial management."

8 My personal thinking is this school has
9 moved beyond sanctions. When you make these -- when
10 you have these kinds of charges, when you've made
11 these kinds of violations, you're beyond sanctions.
12 You're into suspend, revoke, or not renew.

13 Now, either of the attorneys may want to
14 speak to that; but that's -- that's what's in front
15 of me, and that's what you were speaking to,
16 Mr. Hill.

17 MR. HILL: Madam Chair, members of the
18 Commission, not giving legal advice or a legal
19 opinion, I think the Department's opinion is that
20 the actions that were uncovered as a result of
21 investigation warrant revocation.

22 And to maybe tie up some of the comments
23 that have been made, I think it's unfortunate in
24 this school that you have a lot of good activity
25 going on and good people. But at the end of the

1 day, the board of the school is responsible for
2 holding the administrator accountable. And it seems
3 like we have the reverse of the administrator
4 holding the board accountable.

5 And as I sit here before you, I believe
6 this body's responsibility is also to hold the
7 schools accountable, the management of the schools
8 accountable. And I think it sends a message to the
9 charter community as a whole that if the boards
10 participate in egregious behavior, it's -- there
11 will be action that will be taken.

12 And so I think for those reasons,
13 unfortunately, revocation is what we believe is
14 warranted here.

15 The Department, no matter what the PEC
16 does, will work with the school to try to transition
17 the students if the school's being closed, or figure
18 out a solution for -- if there's a solution to be
19 had, for keeping that school community together.
20 And so we'll work to try to minimize its impact on
21 the students.

22 But given the nature of the actions that
23 are outlined in the memorandum, we feel revocation
24 is warranted.

25 COMMISSIONER ARMBRUSTER: Mr. Pahl? I

1 just -- if this point of information -- so when --
2 assuming this occurs, does the PED work with parents
3 and students to get them placed in -- wherever? Or
4 do they say, "Oh, this school is closed, good luck"?

5 MR. PAHL: Madam Chair, Commissioner
6 Armbruster, depending on how the school engages with
7 PED, that might be done by the school itself.
8 Ideally, it's done by the school itself. They have
9 the relationship already. And when they recognize
10 closure is imminent -- as noted by Mr. Montaña, he
11 cares about those students, and he wants to let them
12 know those options.

13 In lieu of that happening by the school,
14 we would be able to provide assistance in writing
15 more formal communication. But those informal
16 channels are something that the schools definitely
17 have, and so we'd be helping them to identify other
18 options for the schools that they could include in
19 their communication.

20 So I guess the bottom line is we
21 collaborate with them; but ideally, it's something
22 that's driven by the local school that is going
23 through closure.

24 COMMISSIONER ARMBRUSTER: Thank you.

25 THE CHAIR: Commissioners, Mr. Granata has

1 received a communication from the school's attorney,
2 and I have asked that he read that for all of us to
3 hear, and into the record, as well.

4 MR. GRANATA: Madam Chair, Commissioners,
5 yesterday a letter was received by Beverly, sent to
6 the Chair. I've asked that Beverly print the letter
7 and give it to each Commissioner. So I can -- I can
8 read it into the record, if you'd like, or the
9 Commission can go ahead and take a break and read
10 the letter. It's up to the Chair.

11 THE CHAIR: What's your recommendation?

12 COMMISSIONER BERGMAN: I would prefer
13 reading it into the record.

14 THE CHAIR: Would you like for it to be in
15 the record?

16 COMMISSIONER BERGMAN: I would think so,
17 unless you're uncomfortable with it.

18 MR. GRANATA: That's fine.

19 "Dear Ms. Shearman."

20 And this letter is -- it was sent via
21 e-mail dated April 16th, 2015. It's from a firm,
22 Wiggins, Williams & Wiggins, out of Albuquerque.

23 "We represent Health Science Academy's
24 governing board. HSA is an agenda item on the
25 Commission's April 17th, 2015, meeting agenda.

1 While HSA looks forward to fully responding to any
2 and all concerns that may be raised regarding its
3 operations, we thought it might be helpful to
4 provide you with the following information in
5 advance of that meeting.

6 "On April 14, 2015, during Raphael Nevins'
7 and my call with representatives of the Public
8 Education Department, Matt Pahl expressed concern
9 about HSA student records and ostensible
10 deficiencies in a number of student files secured by
11 the administrator and his staff.

12 "Specifically, Mr. Pahl indicated that
13 during the March 19th, 2015, PED audit and CSD site
14 visit, the CSD team was unable to confirm that
15 certain student files were complete and/or missing
16 from the administrative custodian secure and
17 fireproof location at HSA. We have confirmed that
18 HSA maintains its student files in two fireproof
19 cabinets that are secured at HSA's" offices --
20 "office."

21 "In addition, we note that to further
22 address compliance with PED rules and regulations
23 relating to custody of student records, HSA's
24 president, Mr. Nevins, and vice president of the
25 governing board, plan to hold a special board

1 meeting within the next ten days and to address the
2 matter with the administrator, Jacob Montaña.

3 "The governing board intends to recommend
4 that Mr. Montaña provide a detailed plan to assure
5 these issues do not arise again, strongly consider
6 additional administrative staff training from ACR
7 hyphen NM, experts in records maintenance for
8 charter schools and STARS reporting protocols, and
9 direct administrative consultation, Ron Haugen, to
10 oversee HSA's administrative staff who have custody
11 of student records to assure they follow all PED
12 protocols and maintain the privacy of these records.

13 "During our April 14th, 2015, call,
14 Mr. Pahl expressed concern regarding whether
15 Mr. Nevins was involved in the day-to-day personnel
16 matters at HSA. Mr. Nevins was involved in one
17 personnel matter during a leadership transition,
18 after he was informed of what appeared to be
19 questionable conduct by HSA staff that occurred in
20 front of HSA students.

21 "The matter was resolved in consultation
22 with Mr. Montaña, the new administrator, counsel,
23 and the governing board. Mr. Pahl has a question
24 whether Mr. Nevins posts HSA positions. We note
25 that Ron Haugen was designated NMREAP, authorized

1 representative for HSA, by Ruben Mirabal.

2 "In the summer of 2014, however, prior to
3 HSA's receipt of funding, Mr. Nevins' wife paid for
4 the NMREAP account; and thus information relating to
5 NMREAP was sent to Mr. Nevins' attention.

6 "Finally, during our April 14, 2015, call,
7 Mr. Pahl asked that the use of credit cards by HSA
8 governing board, contrary to the procurement code
9 requirements." [Verbatim.] "Mr. Nevins explained he
10 uses his credit card for travel expenses to and from
11 governing board meetings. He also recalls an
12 incidental charge to help pay for an emergency
13 purchase of burritos for students when the HSA
14 kitchen was not operative.

15 "We hope this information is helpful to
16 the members of the Commission, and we thank you for
17 the opportunity to address you."

18 Signed by Lorna M. Wiggins.

19 THE CHAIR: Thank you. And I will just
20 let the Commission know I did not receive this
21 letter, or this e-mail, directly. I have received
22 this morning, just now, a forward of this e-mail
23 from Ms. Friedman.

24 Commissioner Peralta, did you indicate you
25 were wanting to speak?

1 COMMISSIONER PERALTA: Yes, Commissioner
2 Shearman. I am ready to make a motion, if the
3 Commission is done with --

4 THE CHAIR: Are we ready for a motion?

5 COMMISSIONER CONYERS: I have one
6 question.

7 THE CHAIR: Commissioner?

8 COMMISSIONER CONYERS: Previously, you
9 were reading, and the term "suspension" came up.
10 And I really don't know what that means or what that
11 implies for the charter. Do you --

12 THE CHAIR: I don't think anybody else
13 does, either.

14 COMMISSIONER CONYERS: Okay.

15 MR. GRANATA: No, I'm not aware.

16 COMMISSIONER CONYERS: Great.

17 THE CHAIR: All right. Commissioner
18 Bergman?

19 COMMISSIONER BERGMAN: I just heard of
20 this letter myself, and I just glanced at it again.
21 I think I would like to note that it addresses a
22 number of the issues that are in Mr. Pahl's
23 memorandum; but I notice there's no word in this
24 letter about the addresses and the students from
25 Texas being enrolled in the school. I notice that

1 is missing. I just wanted that on the record also.

2 Thank you, Madam Chair.

3 THE CHAIR: Thank you.

4 Commissioner Peralta, if you're ready,
5 please go ahead.

6 COMMISSIONER PERALTA: I, Commissioner
7 Peralta, move to revoke the charter for Health
8 Sciences Academy and close the school by May 21st,
9 2015, pursuant to Section 22-8B-4.2, and the Charter
10 Schools Act, and that the Commission adopts the
11 reasons for revocation as presented by the CSD and
12 the PED at today's meeting.

13 THE CHAIR: Thank you. We have a motion.
14 Do we have a second?

15 COMMISSIONER GIPSON: Second.

16 THE CHAIR: Motion by Commissioner
17 Peralta, second by Commissioner Gipson, to agree
18 with the recommendation of the Charter School
19 Division to revoke the charter of Health Science
20 Academy, effective May 21st, 2015.

21 Any further discussion?

22 COMMISSIONER TOULOUSE: Question. Call
23 the question.

24 COMMISSIONER ARMBRUSTER: I have a
25 question.

1 THE CHAIR: You call the question. When
2 you call the question, at this point, what does that
3 mean?

4 COMMISSIONER GIPSON: No more discussion.

5 COMMISSIONER TOULOUSE: No more
6 discussion.

7 THE CHAIR: No discussion. Vote. Sorry,
8 Commissioner.

9 COMMISSIONER ARMBRUSTER: That's fine.

10 THE CHAIR: We have to vote. Commissioner
11 Peralta, may we have a roll-call vote, please?

12 COMMISSIONER CARR: You don't have to
13 accept the question; but okay.

14 COMMISSIONER PERALTA: May I remind the
15 Commission a "Yes" vote is to revoke the charter?
16 Commissioner Toulouse?

17 COMMISSIONER TOULOUSE: Reluctantly, yes.

18 COMMISSIONER PERALTA: Commissioner
19 Armbruster?

20 COMMISSIONER ARMBRUSTER: Yes.

21 COMMISSIONER PERALTA: Commissioner
22 Conyers?

23 COMMISSIONER CONYERS: Yes.

24 COMMISSIONER PERALTA: Commissioner
25 Peralta votes "Yes."

1 Commissioner Gipson?

2 COMMISSIONER GIPSON: Yes.

3 COMMISSIONER PERALTA: Commissioner Carr?

4 COMMISSIONER CARR: Yes.

5 COMMISSIONER PERALTA: Commissioner

6 Bergman?

7 COMMISSIONER BERGMAN: Yes.

8 COMMISSIONER PERALTA: Commissioner

9 Shearman?

10 THE CHAIR: Yes.

11 COMMISSIONER PERALTA: Madam Chair, that
12 is an 8-to-0 vote in favor of the motion to revoke
13 the charter.

14 THE CHAIR: Thank you, Mr. Secretary. The
15 motion carries unanimously to revoke the charter of
16 the Health Science Academy, effective January 21st,
17 2015.

18 Thank you for being here, sir. Thank you
19 all for your help, and we appreciate all your work.

20 I'm sorry. Let me correct myself. The
21 closure is effective May 21st, 2015.

22 Thank you all for being here.

23 Commissioners, is this time to break for
24 lunch, or do we want to continue on through? I
25 would recommend a break for lunch and then come back

1 in an hour.

2 Can we do that? Is that all right with
3 everybody?

4 Let's be back at 12:30. Thank you, all.

5 (A recess was taken at 11:23 a.m., and
6 reconvened at 12:30 p.m., as follows:)

7 THE CHAIR: I call back into session this
8 meeting of the New Mexico Public Education
9 Commission.

10 I would ask that the record please note
11 that Commissioner Carr is not back from lunch yet.
12 We'll notice when he arrives.

13 The next item on the agenda is Report on
14 Connection -- Report from Connections Academy on the
15 PARCC Testing.

16 If you guys would like to come forward?
17 And we thank you for being here. If you would just
18 please introduce yourselves for the record, and then
19 I think we've got some questions. Or maybe you
20 would rather do your report first, and then we'll
21 have questions. Why don't we do that?

22 MS. TRUJILLO: Okay. Good afternoon,
23 Madam Chair, and Commissioners. My name is Athena
24 Trujillo. I am the principal at New Mexico
25 Connections Academy.

1 I would like to introduce Dr. Penny
2 Wilson, assistant principal at New Mexico
3 Connections Academy, and our testing coordinator,
4 Mrs. Lindsey Edwards.

5 THE CHAIR: Glad you're here.

6 MS. TRUJILLO: Before I get started, I
7 want to take this opportunity to welcome the new
8 Commissioners to our authorizing body. It's great
9 to see new faces. And thank you for what you do for
10 charter schools.

11 I also wanted to thank
12 Commissioner Carr -- he's not here right now. He
13 intended to visit New Mexico Connections Academy,
14 was unable to make it, but sent a representative
15 instead. And so that was fun for us to show us --
16 to allow us to show them what we do in our school.

17 And I also wanted to thank Mr. Matt Pahl
18 for all the work and support you've given to
19 New Mexico Connections Academy. You have been very
20 much appreciated.

21 Well, New Mexico Connections Academy
22 currently serves 801 students across the state. And
23 New Mexico law requires each public school to test
24 its students in prescribed State testing for the
25 '14-'15 school year.

1 This is the PARCC PBA, Grades 4 through 11
2 H3; and NM SBA Science, Grades 4, 7 and 11; and our
3 PARCC EOY, which we are currently immersed in, for
4 Grades 4 through 11 and H3.

5 At New Mexico Connections Academy, we have
6 several guiding principles that all staff
7 communicate to families about our State testing. We
8 remind families that public school students are
9 required to participate in State testing. We help
10 inform them about the consequences to the school and
11 how testing impacts all stakeholders, that each one
12 of us has a piece of accountability for testing.

13 We assure families that our school and our
14 curriculum prepares our students for success. We
15 navigate the emotional conversations with calmness
16 and stay focused on the student, because testing is
17 an emotional, controversial item in today's public
18 education.

19 And we remind students to use SMART
20 assessment strategies to do their best.

21 So far this year, our participation rate
22 is lower than it was last year. We were rated a
23 C school on the school grade; but our grade was
24 dropped to a D, because we missed the 95 percent
25 participation rate by 4/10 of a point.

1 This year, with the political climate out
2 there about opting out, we have seen a turn in our
3 students and parents doing just that, again, opting
4 out of testing.

5 So out of 703 students who were testing,
6 596 of them did turn out for the PARCC PBA, and
7 pretty close to that for the NMSBA test in Science,
8 which is approximately 84 to 85 percent of our
9 student population.

10 63 students just did not participate.
11 They didn't show up. 31 refused to test, often
12 sending us opt-out forms from other districts that
13 they found, or just sending letters to state --
14 say -- state that, "Our children will not be opting
15 out" -- or "will not be taking the test."

16 Currently, we have 61 fourth-graders
17 enrolled, 78 fifth-graders enrolled, 74 sixth grade,
18 107 seventh grade, 105 eighth grade, 161 ninth
19 grade, 118 tenth grade, and 73 eleventh-graders.

20 I think my colleagues here would say that
21 when we did the PARCC PBA test, that the most common
22 grade bands for students opting out who were
23 no-shows to testing ranged in the seventh and eighth
24 grades, for whatever reason.

25 So how are the PARCC assessments

1 administered in our environment?

2 Students are tested at assigned locations
3 across the state. This year, we had 23 locations.
4 And we assign our students based on their hometown
5 area, look at hometown population, set up testing
6 sites so that our families are not required to
7 travel more than an hour to a testing site in order
8 to test our students.

9 And this year, the tests were administered
10 via paper and pencil.

11 Our State testing plan is quite lengthy,
12 because there are certain steps to go through. And
13 knowing that this would be a -- an online test, we
14 had to determine whether we were able, as a school,
15 to give State tests online-based because of a lack
16 of infrastructure, which is kind of contrary to the
17 thinking of an online school, because that's how we
18 do our schooling.

19 However, reaching kids across the state,
20 these states [verbatim] are required to be
21 proctored. And so looking at our infrastructure, we
22 knew what a chore this was going to be, and we
23 started planning at the beginning of the school
24 year.

25 So in the meantime, we requested a waiver

1 from the Public Ed Department with our State testing
2 plan for the following year, assuring that there
3 would be online testing.

4 We established a testing schedule for the
5 school. We identified students by location and set
6 up testing sites, like I talked about. And we
7 addressed how we would be our special populations.

8 Along with that was the ordering process
9 of PARCC and measured progress tests. And this
10 rotated, based on the three different testing
11 windows that we had.

12 And then we had to secure the testing
13 locations. We utilized colleges, universities, and
14 hotels to test our students. We even -- we even
15 used a bank, I believe, a bank conference room.

16 We definitely had to set up data views
17 within our system for parents and students, to
18 confirm their participation, for us to communicate
19 their locations, the dates, and to provide
20 documentation that they could easily access, print
21 out, and have on-hand to inform them about our
22 locations and such for our testing for the year.

23 We did start the year with newsletters
24 from me stating, "State testing is coming up.
25 You've made a commitment when you enrolled with our

1 school that yes, you will -- you confirmed that you
2 will participate in State testing."

3 We also set up the communication process,
4 principal letters, newsletters, system
5 communication, homeroom teacher phone calls, EIVR --
6 which are robotic calls -- calls for scheduling when
7 students miss testing; so there was continuous,
8 ongoing communication throughout the year.

9 We scheduled teachers to travel to the
10 23 site locations for all three State-assigned
11 tests. We had to hold -- excuse me -- our teacher
12 test training. We completed test participation data
13 views for tracking. So when our kids came to our
14 testing site, we would immediately enter into our
15 system that we use the fact that they did
16 participate; and then those students who did not
17 show up for testing that day received phone calls
18 directly from teachers encouraging them to show up,
19 because we always included a makeup testing day
20 following the test day itself.

21 We then were immersed in packing tests and
22 materials for each testing site, with security
23 measures in place for storage, transporting,
24 administration, and check-in for our test materials,
25 check in testing materials after each site for

1 confirmation, secure storage, until return. And
2 then we packed the tests to return to vendors for
3 shipping after each administration, much like many
4 public schools do.

5 There was a question about estimated costs
6 to date with regard to our State testing. So far
7 this year, we have expended \$22,000 on teacher
8 travel, approximately \$2,500 on administrative
9 travel. Our testing supplies, the tests themselves,
10 have cost us approximately \$20,340. Our conference
11 room or rentals of college rooms has cost us
12 \$17,000; and hotel rooms for teachers, \$3,500, which
13 is an approximate subtotal of \$66,000.

14 And because we are ending our PARCC EOY
15 administration, we expect to incur approximately
16 \$13,000 more in expense, which is approximately
17 \$79,000 total.

18 State testing problems and how they were
19 addressed:

20 Online testing, we -- like I began
21 earlier, we requested a waiver for the paper and
22 pencil. And in order to address the additional
23 tests and traveling for teachers for this school
24 year, we began looking into vendor support for this
25 endeavor.

1 How are we going to do this? Is there
2 someone out there that can support us with the
3 infrastructure, with the leasing of computers?
4 Because buying computers for our school kids across
5 the state, storing them in our facility, preparing
6 them for the testing, did not seem feasible and
7 would not be financially sound.

8 So we were looking into a possible vendor
9 who would support that piece of the testing. And
10 around November-December, we came to the conclusion
11 that we didn't find vendors who were prepared to
12 help us do that; and so this is when we petitioned
13 the State for the waiver.

14 Test participation and the boycott
15 movement has been another issue for us. Like I
16 explained earlier, last year was our first year. We
17 worked hard to ensure that our families showed up.
18 Because of one student, we received a 94 --
19 96.4 percent participation rate. And as I've
20 discussed, it dropped this year, based on our
21 testing numbers right now, because not only is the
22 boycott of State testing a New Mexico issue; it
23 seems to be a country issue.

24 Schools have no recourse. You can't
25 withdraw them; you can't punish them. There is an

1 exception -- you know, there is no exception. You
2 have to accept that they choose, for personal
3 reasons, not to do that.

4 Parental choice and virtual schooling:
5 Families that are attracted to charters
6 and online learning think out of the box. And many
7 of them are home-school families and families who
8 need virtual education due to medical or scheduling
9 reasons. And I believe for the very same reason
10 that these families found our school are the very
11 same reasons that caused them to be more likely to
12 refuse State testing.

13 We continually examine opportunities to
14 help families see the value in assessments and
15 accountability. And throughout the year, as a
16 principal, I have sent out letters to try to cajole
17 or to include parents in understanding the value of
18 testing for their students, and that the schools are
19 not the only stakeholders, that the kids themselves
20 are stakeholders; the parents themselves are
21 stakeholders. After all, what is the purpose of the
22 test?

23 I remember being in third grade a long
24 time ago taking the Iowa Test of Basic Skills. To
25 me, it was a challenge. I thought, "Ooh, I want

1 to" -- but, that's my thinking. But testing has
2 been around. We test for a lot of things. Teachers
3 test, you know, different careers test.

4 But people have their own personal
5 opinions.

6 The number of assessments was a little bit
7 of concern. With the advent of PARCC in New Mexico,
8 it's increased the numbers of days and the duration
9 of the test. This may be a barrier for our families
10 who travel to testing locations.

11 It also increases our travel time as a
12 school and rental costs for sites and hotels for
13 staff to administer these tests.

14 Time:

15 The process began at the start of the
16 school [verbatim] with the following things to get
17 the information about State testing: Information
18 sessions that we held across the state about our
19 school. Enrollment. When students enroll -- like
20 families enroll, there is a button that they click,
21 "Yes, I confirm that I will have my child
22 participate in State testing."

23 Nothing happens if they don't do that; but
24 we do remind them that they did tell us that they
25 would be a part of testing.

1 All of our teachers, when students enroll
2 in our school, receive a welcome call, and that is
3 part of the dialogue during the welcome call.

4 Once again, I address the principal's
5 letters. And I recently sent out another letter
6 after NMSBA Science reminding them about testing.
7 Our school newsletter has talked about State testing
8 since the beginning of school.

9 Time:

10 Then we look at planning and what it takes
11 to plan for the tests and to make sure that all
12 pieces are in place. And this brave lady chose to
13 be our DTC this year and did a tremendous amount of
14 work with the support of her colleagues.

15 And then it comes time for testing, which
16 has taken us -- we've been on the road for quite
17 some time, and we're all pretty tired; but we're
18 almost done.

19 So suggested considerations for the
20 future:

21 When I think about this -- I mean, this is
22 one person's suggestion. What we in New Mexico are
23 experiencing, as well as the experience of other
24 virtual schools and traditional schools, is not
25 unique anymore. Other states are examining policy

1 changes to help balance the focus of accountability
2 with the culture and the anti-test movement.

3 Here are three suggestions from Arizona
4 that the State may want to consider when trying to
5 balance these priorities:

6 95 percent test completion rate. Schools
7 testings fewer than 95 percent will have their
8 school grade dropped.

9 In Arizona, they have done a scaled score
10 for schools. So our school, at the place it is now,
11 95 percent or higher, they're looking at having a B
12 for that school; 85 to 94 percent, a B. We would
13 make a C again this year. Well, I can't say that,
14 because we don't know what our scores are. But 75
15 to 84 percent.

16 So it's more -- it's more evenly weighted,
17 instead of saying, you know, my testing
18 participation was the result of one student. That
19 was hard to swallow.

20 Consequences, maybe, for failure to test.
21 We have State accountability; we have school
22 accountability; we have teacher accountability; we
23 have administrator accountability. Where is the
24 parent and student accountability?

25 And then consideration of -- of mobility

1 in State testing: Students moving.

2 You know, I -- it's interesting that even
3 in USA Today, there was a cartoon with two little
4 kiddos standing against a brick wall. And they have
5 T-shirts that say, "Opt Out of State Testing."

6 It says, "My parents say this is just the
7 start. The movement is spreading to all 50 states."

8 So it's out there, and it's upon us, and
9 it's impacting every -- every school.

10 That's about all I have. Questions?

11 THE CHAIR: Thank you very much for that
12 presentation.

13 Cindy, would you please note that
14 Commissioner Carr is now with us? Thank you much.

15 (Commissioner Carr has re-entered
16 hearing room.)

17 THE CHAIR: Commissioners, do you have
18 comments or questions?

19 Commissioner Carr?

20 COMMISSIONER CARR: Okay. This brings up
21 a few questions. And one of them, you know, is --
22 so I know you guys have some -- you have
23 get-togethers, and then you also have to get
24 together for testing. Do you require immunization?

25 MS. TRUJILLO: Yes.

1 COMMISSIONER CARR: Interesting. That's
2 something I never thought of when you first came --
3 when this school first came before us, how would
4 that be handled, you know. How do you handle the
5 Short Cycle Assessments?

6 MS. TRUJILLO: The Short Cycle Assessments
7 have been approved through the PED and are part of
8 our educator effectiveness plan. And we utilize --
9 in -- I'm looking for the term -- we have LEAP and
10 Scantron, which are a test that kids can access
11 within the system. And we utilize those as our
12 Short Cycle.

13 COMMISSIONER CARR: Okay. The Secretary
14 of Education and the Governor of this state have a
15 philosophy that I don't ascribe -- that I don't
16 agree with it. And it's, "No excuses." I heard a
17 lot of excuses today. And believe me, I understand
18 them all, and -- and I commiserate with you on your
19 situation.

20 The opt-out movement is a symptom of
21 something. And I've talked with those students who
22 have led those movements in Albuquerque and
23 Santa Fe. Those students -- and I'm not going to
24 give a big speech here. But some of those students
25 were pepper-sprayed. Students around the state were

1 told they couldn't play sports. They were
2 intimidated. Some students were locked in their
3 schools.

4 You can't do that, of course. And I don't
5 want you to.

6 MS. TRUJILLO: I wouldn't.

7 COMMISSIONER CARR: I'm just saying -- and
8 those students are intelligent; they're
9 well-informed; their opinion is intelligent and
10 well-informed. Whether or not they're right or not,
11 it's not up to me to decide. It's up -- that's the
12 Court of Public Opinion to decide.

13 But, you know, I think this is
14 something -- this is an issue I'm not sure you
15 necessarily thought of, or the school thought of, or
16 the statewide side of your schools that are in
17 existence now, two of you -- and we've got two more
18 that are applying -- thought about that much.

19 And \$79,000, that does not include the
20 expenses of the parents. It does not include the
21 expenses of what the State is paying out in a
22 five-year contract with Pearson. There is an awful
23 lot of money here involved.

24 If I go with what the philosophy of the
25 Secretary of Education and the Governor is, if she

1 was sitting here in my student population, I would
2 think she would say, "I'm sorry. No excuses.
3 That's your tough -- you need to get going." Right?

4 MS. TRUJILLO: Uh-huh.

5 COMMISSIONER CARR: I'm not going to say
6 that. And that's -- that's a -- that's a
7 different -- you know, that's -- that's an issue
8 that we have to -- to deal with. And we have to
9 make sure that there's not a -- that we're being
10 fair to charter schools as opposed to traditional
11 public schools.

12 And I think it's -- it's just -- I
13 can't -- you know, just like the last issue we dealt
14 with before lunch, you know, these are issues that
15 are coming up because we've decided to make certain
16 changes in education, I think, most of the time, for
17 good. There's a lot of really good charter schools
18 out there. There's a lot of things happening that's
19 good for -- for kids. And I think computers are the
20 place for some kids.

21 But I just wanted to make that statement,
22 and I -- for the record. Thank you.

23 THE CHAIR: Commissioner Bergman?

24 COMMISSIONER BERGMAN: Well, I'm from
25 Roswell. So I have a Roswell bias, to some extent.

1 I know I have students in Roswell that are a part of
2 your school.

3 Was Roswell one of your testing sites?

4 MS. TRUJILLO: Uh-huh.

5 COMMISSIONER BERGMAN: What other area --
6 who did you pull in? Did you pull in Artesia and
7 Ruidoso and places like that?

8 MS. TRUJILLO: We went to Artesia. We
9 were in Hobbs, Silver City, Gallup. I liked Gallup,
10 because I could go jewelry shopping. Our largest
11 testing area is, of course, Albuquerque. We tested
12 in Santa Fe. We tested in Chama. We tested in
13 Las Vegas, Raton, Los Lunas, Clovis.

14 MS. WILSON: Alamogordo.

15 MS. EDWARDS: Las Cruces.

16 MS. TRUJILLO: Santa Rosa.

17 COMMISSIONER BERGMAN: It sounds like you
18 covered the bases. Most people hopefully didn't
19 have to travel too far to bring their kids into your
20 testing.

21 MS. TRUJILLO: No.

22 COMMISSIONER BERGMAN: I wanted to touch
23 on just one thing you said that wasn't necessarily
24 part of the brief you were given.

25 You mentioned you have 801 students. I

1 may have to ask Director Pahl about that. My memory
2 is your initial cap was 500 students. What is your
3 current cap?

4 MS. TRUJILLO: Our cap is 2,000 over the
5 five years of our school, and there were projected
6 enrollment numbers.

7 COMMISSIONER BERGMAN: Yeah, I thought
8 there were some step limits in there somewhere;
9 so...

10 MS. TRUJILLO: We've looked at that
11 carefully, and it doesn't state that. What it does
12 state is over a five-year period, we will enroll no
13 more than 2,000 students.

14 COMMISSIONER BERGMAN: I know we don't
15 normally do step enrollments. We'll probably have
16 to think about that in the future. Okay, I think
17 that answers my question now. That's pretty good
18 growth in a short amount of time.

19 MS. TRUJILLO: Yes.

20 COMMISSIONER BERGMAN: How have you
21 integrated all those kids? Any problems?

22 MS. TRUJILLO: No. Been hiring new staff.
23 And, you know, our enrollment changes, you know.
24 Kids enroll, find out it's not the right setting for
25 them; they'll withdraw. New people enroll.

1 But it's remained pretty consistent this
2 year.

3 COMMISSIONER BERGMAN: There was an
4 article, I think, in yesterday's Albuquerque
5 Journal. Some teachers in the Albuquerque area,
6 apparently, experienced some problems in
7 administering tests to special ed kids. How -- do
8 you have special ed kids in your program?

9 MS. TRUJILLO: Yes, we do.

10 COMMISSIONER BERGMAN: So did you
11 experience any problems? How did you integrate
12 them? Some of them had headphones. Some of them
13 required people to actually help them read the
14 questions, or something. It was a newspaper
15 article.

16 MS. TRUJILLO: It depends on the
17 accommodation for the child. Because we were paper
18 and pencil, typically, it's a small group, a
19 one-on-one, read aloud, large print. So they're
20 specifying accommodations through their IEPs that we
21 address. And so it meant, you know, additional
22 staff members at these sites to address the
23 accommodations of those children.

24 COMMISSIONER BERGMAN: What would you have
25 done if one of those kids couldn't travel? Would

1 you have gone to their home community, a one-on-one
2 administration?

3 MS. TRUJILLO: Yes, we could have. And
4 I'll tell you, we had one family with two newly
5 enrolled students. The mother lost her car and
6 couldn't get her kids to testing. Really felt
7 strongly about testing. So one of my staff members
8 sent them bus fare. And they took the bus to the
9 testing site.

10 MS. EDWARDS: We had another family that
11 did not have access to a vehicle. So we worked with
12 the church that they attend. And someone was able
13 to give them a ride to the church, and we drove
14 our -- our staff member drove from Santa Fe down to
15 Ruidoso to that church to test that child.

16 COMMISSIONER BERGMAN: Thank you for that.
17 Thank you, Madam Chair.

18 THE CHAIR: Thank you.
19 Commissioner Peralta?

20 COMMISSIONER PERALTA: I want to go back
21 to your -- your site -- you said you had 23 sites
22 throughout the state. And I'm assuming that your --
23 your teacher that was assigned to each site was
24 someone -- somewhat geographically close, I'm
25 assuming. That may not be the case in all cases.

1 As you mentioned, Santa Fe lady went down
2 to Ruidoso, or what have you. In most cases, did
3 you try to accommodate the closest teacher to that
4 geographic area?

5 MS. TRUJILLO: Yes. Well, there were
6 several factors. Most of our teachers work out of
7 our office site here in Santa Fe. So they're
8 traveling. But we also try to pair second-year
9 teachers with first-year teachers, so that the
10 environment -- the testing environment wasn't too
11 unfamiliar for them. So that could have, you know,
12 impacted a teacher coming from another location that
13 was a far enough distance.

14 We do have two teachers in Las Cruces, one
15 teacher in Lemitar, one teacher at Elephant Butte,
16 one teacher in Farmington.

17 MS. EDWARDS: Folsom, Cimarron.

18 MS. TRUJILLO: One teacher in Folsom, one
19 teacher in Cimarron; so we did try to work that out
20 geographically.

21 COMMISSIONER PERALTA: So about -- on
22 average per site, about how many students?

23 MS. TRUJILLO: It just depended.

24 MS. EDWARDS: Yeah.

25 COMMISSIONER PERALTA: Any of the sites

1 with 25 or greater?

2 MS. TRUJILLO: Albuquerque, we had 266.

3 MS. EDWARDS: Santa Fe, Rio Rancho,
4 Las Cruces.

5 COMMISSIONER PERALTA: How did you address
6 the 25-to-1 ratio, as the administrator?

7 MS. TRUJILLO: We made sure that we had
8 enough staff members at that site. And so when we
9 created our testing schedule, we made sure that we
10 had enough staff members; so our testing window was
11 extended a bit, within the State testing window.
12 But the testing wasn't everybody testing at once.

13 COMMISSIONER PERALTA: Any proctors used?

14 MS. TRUJILLO: This year, we had enough
15 staff members that we did not need to use proctors.

16 COMMISSIONER PERALTA: And all certified;
17 correct?

18 MS. TRUJILLO: Yes.

19 COMMISSIONER PERALTA: Any -- with some of
20 the teachers that might have been comfortably near
21 the geographic area, if that teacher -- were there
22 any teachers that had a child that might have been
23 in that testing site?

24 MS. TRUJILLO: We have one teacher who
25 works out of Lemitar who has a student in the

1 school. And we made sure that he tested in a
2 different testing area. I believe she brought her
3 child down to the Santa Fe area, and he tested
4 there.

5 COMMISSIONER PERALTA: Okay. Thank you.

6 MS. TRUJILLO: Uh-huh.

7 THE CHAIR: Thank you. Other --
8 Commissioner?

9 COMMISSIONER ARMBRUSTER: I have a whole
10 list. I totally understand where you're coming
11 from, and actually think it's an absurd rule,
12 because it's -- you have no control over whatever it
13 is. And since charter schools came about because
14 everyone wanted a choice, then you also get a choice
15 of whether you want your child tested on an
16 instrument, whether -- I don't know what that tells
17 them, necessarily.

18 You're doing short-term, Short Cycle
19 Assessments. Doesn't that tell you, like, the
20 strengths and weaknesses and the grade level of the
21 child?

22 MS. TRUJILLO: Yes.

23 COMMISSIONER ARMBRUSTER: I'm not familiar
24 with those two; but I'm assuming that they're like
25 everything else.

1 MS. TRUJILLO: It shows us growth and
2 skill.

3 COMMISSIONER ARMBRUSTER: So parents know
4 what their kids are doing; so taking this test
5 wasn't going to show them much more. And maybe in
6 different areas. So I agree with you; I wouldn't
7 hold that against anyone.

8 So with 800-whatever kids that you have --
9 so how many students does each teacher have? Or how
10 many teachers do you have, whichever way you want to
11 answer that?

12 MS. TRUJILLO: Well, we do have a larger
13 homeroom population for our teachers, based on our
14 virtual environment, through a waiver with the
15 Public Ed Department. For example, our elementary
16 teachers are at 45/50.

17 COMMISSIONER ARMBRUSTER: Okay. And so
18 you have a teacher who delivers the curriculum to
19 special ed students?

20 MS. TRUJILLO: Yes.

21 MR. WILLIAMS: Yes, we have special ed
22 teachers.

23 MS. TRUJILLO: Several of them.

24 COMMISSIONER ARMBRUSTER: Several? And
25 when they were taking the tests at these different

1 sites, which obviously you had to do, how did
2 they -- how many days did they take that test? Over
3 how many days?

4 MS. TRUJILLO: The first test
5 administration, because of the type of test, it was
6 not only multiple-choice, but short-answer, the
7 testing times were a little longer. So we did -- I
8 believe we did the ELA portion one day, and then the
9 math portion the next day. During this
10 administration, it was one day with makeup testing
11 days to follow.

12 COMMISSIONER ARMBRUSTER: I'm sorry. So
13 the ELA, they did in one day. And then they did
14 math a second day? So everyone was there twice.

15 MS. TRUJILLO: For the PBA portion of the
16 testing.

17 MR. WILLIAMS: Then they have to come back
18 for the End Of Year testing, which is where we are
19 right now. And that's a one-day test, ELA in the
20 morning, and then math to follow. The fourth- and
21 fifth-graders take less -- or fewer tests than the
22 older kids. So theirs is over a little bit sooner.
23 But it's a one-day test with a makeup day to follow.

24 COMMISSIONER ARMBRUSTER: Have you figured
25 that -- is that part of the \$79,000.

1 MS. WILSON: Yes, that was the expected
2 \$13,000 more.

3 COMMISSIONER ARMBRUSTER: So when you're
4 doing special ed, do you have a diagnostician who
5 tests them and retests them; so you -- within the
6 school itself?

7 MS. WILSON: Right.

8 COMMISSIONER ARMBRUSTER: Okay. Okay.
9 Thank you.

10 MS. TRUJILLO: Thank you.

11 COMMISSIONER ARMBRUSTER: You've done a
12 lot.

13 THE CHAIR: Mr. Pahl?

14 MR. PAHL: Madam Chair, members of the
15 Commission, I just had one question. You mentioned
16 the training sites. And that's a lot of running
17 around. After going through this year, you know,
18 your student populations will change next year. But
19 would you -- would you have more sites? Fewer
20 sites, as a result of going through this the first
21 time?

22 I guess, what's the take-away practice
23 doing the process this way this time around? I'm
24 just curious.

25 And thanks for indulging me, Madam Chair.

1 THE CHAIR: Good question.

2 MS. TRUJILLO: You know, I think that we
3 were pretty thorough. Our sites changed from last
4 year, because, of course, our numbers increased. I
5 don't think added too many more from last year. But
6 they're so spread out across the state that I think
7 they'll work appropriately with more numbers.

8 MR. PAHL: Okay.

9 THE CHAIR: Yes. Go ahead, please.

10 COMMISSIONER PERALTA: One more thing came
11 to mind. And so with PARCC and the online
12 application and the online process of doing this
13 assessment, a lot of schools throughout the state,
14 charters or public, went ahead and did the -- the
15 test preparations. There are websites there that
16 parents, students, teachers could take their kids
17 to, you know, to get ready for the PARCC and then --
18 and get acclimated to the system and what have you.

19 Was any of that going on prior to the
20 testing with your kids? And then with the change
21 going from that to paper and pencil, what -- did you
22 see anything different about that, or -- talk to me
23 about that piece.

24 MS. TRUJILLO: No. The exercise, "The Day
25 at the PARCC," and then the online for parents and

1 students, they could look into some of those things
2 through accessing that website. But we didn't do
3 anything like that, because I believe at that time,
4 we had determined that the infrastructure wasn't
5 there. And that's when we had requested our waiver
6 and received it.

7 But information, any PED information
8 regarding, you know, the PARCC assessment itself was
9 distributed to families. We kept them informed.

10 MS. EDWARDS: And teachers did work with
11 the paper-based examples, the sample paper tests.
12 Many teachers sent those out. We went over them in
13 live lesson. The kids were introduced to them. So
14 that piece of it was done, but perhaps differently
15 than other schools that would administer by
16 computer.

17 COMMISSIONER PERALTA: Okay.

18 THE CHAIR: Let me ask one question before
19 I forget it. Did you have very much of a problem of
20 a student showing up for, say, part of a testing,
21 but not all of it?

22 MS. TRUJILLO: We had a few of those
23 instances; but just a few.

24 THE CHAIR: And what -- what was the
25 problem?

1 MS. TRUJILLO: What comes to my mind is a
2 parent sending me a web mail to say, "So-and-so
3 finished, but he's sick. He won't be able to
4 attend."

5 And so we say, "Well, he can always come
6 to this site," you know. "We've rescheduled
7 families for the May 4th administration in
8 Albuquerque."

9 So some of them take advantage of that.

10 THE CHAIR: Okay. I don't mean to rush
11 this discussion. But Julia needs to meet with the
12 negotiators for the Montessori school. And I think
13 there's a need to get that done right away.

14 So for -- if we pretty well have asked all
15 the questions we needed to, I thank you for being
16 here.

17 COMMISSIONER CARR: I did have one quick
18 question.

19 Sorry. I was looking at New Mexico
20 Virtual Academy. That's commonly referred to as the
21 K12 school in Farmington.

22 They have a B grade this last go-round.
23 Have you thought about consulting with them and
24 seeing what they did --

25 MS. TRUJILLO: I have consulted with them.

1 I've spoken with Deborah.

2 COMMISSIONER CARR: Okay. Thank you.

3 COMMISSIONER ARMBRUSTER: Even shorter,
4 really short.

5 So when you're doing this on paper and
6 pencil, did -- were they only allowed to write so
7 many words? Because what happened in Los Alamos,
8 for example, is if the kids wrote too many words, it
9 erased it, all of it. The whole thing went away.
10 And they didn't tell you how many words you could
11 do.

12 MS. TRUJILLO: You know, the kids were
13 provided, in the test booklet, I think, front to
14 back, two pages. Logically, as a teacher and a
15 school administrator, two pages are usually not
16 filled in. So they had plenty. But there was a
17 time limit for these tests; so they did have a time.

18 COMMISSIONER ARMBRUSTER: And that was the
19 issue; because it kept erasing everything they
20 wrote.

21 THE CHAIR: That had to be the online
22 test.

23 COMMISSIONER ARMBRUSTER: It was online.
24 That's why I was wondering if the paper and pencil
25 had a different criteria or whatever.

1 MS. TRUJILLO: I think the criteria was
2 the same. It was just the format by which they were
3 entering their information; so...

4 THE CHAIR: Thank you so much. We're
5 always interested in how a new school and a unique
6 school does things. So we appreciate you all being
7 here.

8 Any other quick questions? Okay. Thank
9 you so much.

10 MS. TRUJILLO: Thank you so much for
11 asking us here.

12 THE CHAIR: Thank you. Julia, you know
13 who the Commissioners are --

14 MS. BARNES: Toulouse, Bergman, and
15 Armbruster. I just need them to come outside.

16 THE CHAIR: How long do you think you
17 need?

18 COMMISSIONER CARR: Five-minute break.

19 THE CHAIR: Sure. Let's just take a break
20 while they're -- we won't do anything while they're
21 not here.

22 (Recess taken, 1:08 p.m. to 1:18 p.m.)

23 THE CHAIR: Ladies and gentlemen, we are
24 back in session. I call on Commissioner Carr first
25 for clarification.

1 COMMISSIONER CARR: Oh, right. I wanted
2 to clarify for the record. I was not here when --
3 what was her name? What was the principal's name?

4 THE REPORTER: Ms. Trujillo.

5 COMMISSIONER CARR: Ms. Trujillo made a
6 statement in regards to the fact that I could not
7 make it to visit her school, that I sent a
8 representative. And it made it sound like I sent a
9 representative from the Commission, which I did not.
10 And I did not intend to visit that school as a
11 member of the Commission, only as a teacher.

12 THE CHAIR: Okay? All right.

13 If we're ready, let's move on to Item
14 No. 8, Report from Options for Parents, Charter
15 School Division, Discussion and Possible Action.
16 First of all, on Schools of Concern.

17 Mr. Pahl?

18 MR. PAHL: Madam Chair, members of the
19 Commission, before I jump into Schools of Concern,
20 just two quick comments:

21 The first is I really liked the fact that
22 we asked a school to come up here and use that as a
23 learning opportunity. I thought the questions were
24 great, even beforehand. I think it's something
25 we're all struggling with is how virtual schools do

1 these things.

2 So I appreciate the Commission requesting
3 that.

4 Second of all, I got a message from one of
5 our LESC friends. And he noted, you know, while we
6 were going through our agenda item with Health
7 Sciences Academy, if -- and we don't know if the
8 Charter School Subcommittee is going to be meeting
9 in the interim again. But this idea of how do we
10 treat boards, how do we intervene with boards that
11 are in trouble is something that I just encourage
12 all of our members, and I'll keep in mind with my
13 other role at PED which involves that subcommittee,
14 to really be thinking about asking those questions
15 and seeing if we can't make some changes happen that
16 give us some more flexibility to really tackle
17 the -- the issue, instead of having to potentially
18 take more drastic measures, if that is indeed the
19 case.

20 So just a couple of comments there that
21 came up earlier.

22 Our first schools -- School of Concern is
23 Southwest Learning Centers. We've done -- Southwest
24 has been a School of Concern since the FBI
25 investigation started, and we haven't gotten much

1 new information on -- on that. However, there's
2 movement at the school that suggests things are
3 turning around. And there's knowledge of -- of
4 investigation findings, or something, is making
5 people leave. Their board members were leaving at a
6 fast rate.

7 At one point, they did not have enough
8 board members for a quorum. They did recruit a
9 board member. So their board members are in place,
10 and they do have a quorum. They meet the minimum
11 requirements at this point in time. That was a
12 development probably over the last six weeks that
13 they went under the -- the required amount for a
14 quorum, and then got themselves back up there.

15 If you'll remember, the PED is acting as
16 their Board of Finance; so there is accountability
17 there. Not just accountability, but much higher
18 accountability for their expenditures. So that's
19 been in place for the last several months.

20 Further, their administrator, Al
21 Baysinger, has announced that he will be leaving at
22 the end of the school year. And I'm going to have
23 to backtrack a little bit. I may have made a
24 statement that's too strong about findings from an
25 investigation. I don't know that that's true.

1 Something is happening that -- or some -- all I can
2 do is note that there's a lot of transition
3 happening right now. So my apologies for
4 misspeaking earlier.

5 But that -- those are the current
6 developments at the school. I think it's nice to
7 know that Mr. Baysinger is leaving this far in
8 advance. That's going to allow the school to
9 hopefully make a transition that's appropriate. I
10 think that's always an ideal situation when we have
11 a couple of months to find that new administrator.
12 And I do believe they have people with
13 administrative licenses that could -- in the
14 building that could act as the administrator at the
15 building.

16 But those are the new developments right
17 now. Nothing formal or informal has been shared
18 with us about the investigations from the federal
19 government. And we are still concluding our own
20 forensic audit; and as per the process there, we do
21 not get any findings.

22 So, again, apologize for alluding to that.
23 I think that's speculation. But there has been some
24 staff and board member movement that we weren't
25 necessarily seeing before.

1 THE CHAIR: Mr. Pahl, there are three
2 schools at the one location and one other school on
3 the other side of town. So there's four boards.
4 Which boards -- board or boards -- went under --
5 they're supposed to have a minimum of five members?

6 MR. PAHL: Yeah.

7 THE CHAIR: How many of those boards went
8 under five?

9 MR. PAHL: Madam Chair, members of the
10 Commission, I was not clear earlier. That was
11 Southwest Secondary that this occurred with, that
12 actually went under the amount for a quorum, and
13 then -- and are now at the level which they would
14 have a quorum.

15 We haven't heard about many board members
16 leaving the other schools on their particular
17 boards.

18 THE CHAIR: Okay. But the minimum number
19 of board members is five. Do they have five or just
20 enough to have a quorum of a larger number?

21 MR. PAHL: Madam Chair, members of the
22 Commission, Julie is going to look into that. I'm
23 under the impression that they have three right now,
24 which gives them enough to just operate. But, yes,
25 they are -- they would be short board members.

1 But that's what I think. We'll have Julie
2 find out the specifics.

3 THE CHAIR: If they just have three,
4 that's a violation of their charter.

5 MR. PAHL: Yeah. So --

6 MS. LUCERO: Madam Chair, members of the
7 Commission, they do have three. They had one, and
8 they just added two more. And that update was on
9 April 14th.

10 COMMISSIONER TOULOUSE: Madam Chair?

11 THE CHAIR: And they have -- is it 45 days
12 to get the additional board members before the
13 Secretary appoints for them? Am I correct in that
14 number?

15 MR. PAHL: Madam Chair, members of the
16 Commission, I'm not sure if it's 45 or 60. But we
17 will have to go back and look at when the vacancies
18 began to determine whether they have eclipsed that
19 deadline or not.

20 THE CHAIR: And they are aware that they
21 can't just operate with three?

22 MR. PAHL: Madam Chair, members of the
23 Commission, we've received e-mails from the school
24 that they are actively trying to recruit board
25 members right now. But as you could imagine,

1 they're probably having some difficulty.

2 THE CHAIR: Commissioner Toulouse?

3 COMMISSIONER TOULOUSE: Madam Chair, I
4 would like to ask, was -- do we have any idea that
5 when we were in negotiation with them in March, they
6 knew this? Because we did have discussions with
7 each one of those schools about the governance
8 council membership and keeping it up, and the time
9 limits. And since we negotiated all three of those
10 in March, I would have a problem if we hadn't been
11 informed during those negotiations.

12 MS. LUCERO: Madam Chair, Commissioner
13 Toulouse, they did bring it up during that
14 negotiation session, that they were under that
15 time -- they were not down to one at the time of
16 negotiations. I think they were down to three, if I
17 remember correctly. Commissioner Bergman, do you
18 remember?

19 COMMISSIONER BERGMAN: I think it was
20 brought up; I believe it was discussed. And we
21 impressed upon them the urgency of filling those
22 other two seats. But because of all the other
23 ripple effects of what's going on, as Director Pahl
24 just noted, there are probably not people lining up
25 to serve on those boards.

1 COMMISSIONER TOULOUSE: I guess I was
2 under the impression, though, that they had a list
3 of people ready to bring in; because it was not a
4 discussion of, "Oh, we're in trouble."

5 It was, "We know we have a problem, but
6 we're in talks with somebody else -- with other
7 people."

8 So I'm just concerned if they went down to
9 one right after that.

10 MS. LUCERO: They did go down to one, I
11 think, within a couple of days of the negotiation
12 session. But they were under during negotiations,
13 and they did mention it, so...

14 COMMISSIONER TOULOUSE: I'm just -- it
15 just -- Madam Chair, it does bother me, though, that
16 it obviously was an issue if they lost two
17 immediately after negotiations, that that wasn't
18 something presented to us at the time. I really did
19 get the impression that they were sure she'd be able
20 to fill those positions during the time frame at
21 that point, which would have been by now.

22 MS. LUCERO: Right. And I have some
23 e-mail threads that will tell me exactly when they
24 dropped -- I think they dropped down from 3 to 2 and
25 then 1. There was constant communication with our

1 Division to them that they needed to replace those
2 members. They knew that -- during the session, that
3 they were in trouble, even though the number had
4 already fallen below the requirement at that time.

5 THE CHAIR: Other questions?

6 COMMISSIONER BERGMAN: Here, again --
7 thank you, Madam Chair.

8 I, of course, am concerned anytime a board
9 goes below the limits. But there is a cure for
10 that. And I think -- I know you will research it.
11 But I thought the last rewrite of the Charter School
12 Act did drop it from 60 to 45. What is more concern
13 to me, sitting here right now, today, because that
14 is the first I've heard of Mr. Baysinger leaving.
15 My impression was he was kind of the block that was
16 holding it all together.

17 So I am going to be very -- I would like
18 to have immediate notice when they replace him. I'm
19 going to want to know what the background and all
20 that -- as you would do anyway, because that does
21 concern me a little bit.

22 Thank you, Mr. Pahl, Madam Chair. Yeah.

23 THE CHAIR: Commissioner Carr?

24 COMMISSIONER CARR: So that brings to mind
25 maybe a quick thought, maybe you, or the new

1 director who comes in, to do an exit interview.

2 Those are quite often very informative.

3 THE CHAIR: Okay. Are we ready to move
4 on?

5 Mr. Pahl?

6 MR. PAHL: Thank you, Madam Chair, members
7 of the Commission. The next School of Concern on
8 our list is Creative Education Preparatory
9 Institute. And we use the acronym "CEPI" for them.
10 So I'll be referring to them throughout. And we
11 have some folks from the school that are going to
12 come up here, and maybe we'll have them introduce
13 themselves real quick.

14 THE CHAIR: If you all would, please
15 introduce yourselves for the record.

16 MS. BOHANNON: Certainly. My name is
17 Elisa Bohannon. I'm the interim principal/director.
18 E-L-I-S-A. And my last name is B-O-H-A-N-N-O-N.

19 MS. ROMERO: My name is Pam Romero, and
20 I'm the president of the governance council.

21 MS. FOX: And I'm Sue Fox, legal counsel
22 for the school.

23 THE CHAIR: Okay. Thank you.

24 MR. PAHL: Madam Chair, members of the
25 Commission, two PED Staff members visited the school

1 on Monday, March 16th, this year. The Charter
2 School Division reviewed files during the visit and
3 discovered a few issues. According to S.T.A.R.S.,
4 CEPI has not identified ELL students for the last
5 three school years, '13, '14, and '15.

6 After reviewing student cumulative files,
7 we found that not all students had been given a home
8 language survey and, 15 of the students have
9 indicated a language other than English. These
10 15 students had not been given English Language
11 Proficiency assessments to determine their language
12 needs, and they do not receive services.

13 When administration was questioned on the
14 matter, they stated that the prior administration
15 did not agree with this federal mandate.

16 The CSD reviewed 11 electronic copies of
17 special education files. Two of the students are
18 identified as gifted, and eight students identified
19 as special education, with a range of disabilities
20 such as health impaired, specific learning disabled,
21 or emotionally disturbed. Of the eight students
22 with disabilities, five students are on a career
23 pathway for graduation. Only two of these eight
24 students receive maximum special education services.

25 Currently, over 50 percent of students

1 with disabilities are on a career pathway. And
2 schools should not have more than 10 percent of
3 their students on this pathway without proper
4 justification.

5 So just a couple of things we found during
6 our review of the -- the student files. One thing
7 I'll note, and that Julie mentioned, is -- we talked
8 about this in preparation for the meeting -- is that
9 we mentioned that the prior administration didn't
10 agree with the mandate, because this group here has
11 been very cooperative in working with us and
12 ensuring that we are -- we get the school on the
13 right track.

14 However, these are -- these are issue --
15 these are federal issues, and the requirements come
16 from the Office of Civil Rights. So we will have to
17 take the appropriate action and also note that the
18 school has been cooperating as we -- as we move
19 forward, particularly on the English Language
20 Learner front.

21 THE CHAIR: Would you care to respond?

22 MS. BOHANNON: I'd love to respond. So
23 I've been in this --

24 THE CHAIR: Please pull that mic real
25 close.

1 MS. BOHANNON: How do I do this? Am I
2 supposed to push something?

3 MS. FOX: Is it on?

4 MS. BOHANNON: So, Madam Chair and members
5 of the committee, I have been interim principal
6 since mid-February. And so this has been a -- you
7 know, a fast turn-around for me, too. And during
8 that time, we've been very proactive.

9 And when we met with the team that came,
10 the two ladies, we are very proud of the school that
11 we have, and we're doing everything we can to remain
12 proactive and do everything that we need to do
13 within the federal guidelines.

14 So with that in mind, as soon as we got
15 done with our visit, we reissued home language
16 surveys the following day, didn't -- we didn't waste
17 a heartbeat in doing so. We also went through every
18 one of our student files. And we have identified
19 17 students which we are going to give the ELL --
20 the WAPT screener on Tuesday and Wednesday of next
21 week.

22 It was a little bit unfortunate of the
23 timing of the visit because we had our spring break
24 that took a week of that. But it didn't stop me
25 from getting in touch with people that could support

1 us, within the ELL, and even the special education
2 component.

3 So as far as the ELL component goes, we
4 have screenings scheduled for Tuesday and Wednesday,
5 and then we'll move forward from there. But we want
6 to be very cooperative. We're very proud of our
7 school, and we're going to do everything we can to
8 stay in compliance.

9 THE CHAIR: Thank you. I don't know --
10 the question that jumps into my mind is -- is these
11 students have missed services pretty much all this
12 year? Were they students at the school last year?
13 Or the majority of them, how long have they been
14 students at the school?

15 MS. BOHANNON: I would say the majority
16 have been there for two years.

17 THE CHAIR: So is there some way to give
18 them extra time, extra services, something perhaps
19 to make up for some of this lost time?

20 MS. BOHANNON: We're certainly willing to
21 do whatever it takes to help these kids. We have a
22 very dedicated staff, and we'll do whatever it takes
23 to go above and beyond to help these kids. They've
24 been given a disservice, and now that we know about
25 it, all we can do is move forward.

1 THE CHAIR: I'm just curious. Most
2 teachers are aware of the needs for special
3 education students; they can almost identify them
4 before they're tested. Did you not have staff,
5 teachers, people in the school questioning why there
6 were not special education students being served in
7 the last two years?

8 MS. BOHANNON: I don't remember a question
9 of special education students not being served.

10 MR. PAHL: Madam Chair, just to clarify?

11 THE CHAIR: Maybe I misunderstood.

12 MR. PAHL: It's the English Language
13 Learners that there was no action towards
14 identification. And as a result, subsequently, no
15 specific services directed towards ELL students.

16 THE CHAIR: Okay. ELL. So again, my
17 question is pretty much the same, though. If a
18 student is struggling with English, and Spanish is
19 their first language, and they're not getting help,
20 I just am curious that somebody didn't say, "Why is
21 this student not getting some help, some special
22 services?"

23 Did anything like that happen?

24 MS. BOHANNON: No, not to my knowledge,
25 no. But as I said, I'm brand new here; so...

1 THE CHAIR: Okay, thank you.

2 Commissioner Bergman?

3 COMMISSIONER BERGMAN: I appreciate your
4 assurance that you have taken immediate steps to
5 rectify this situation. And you have done that.
6 That is correct.

7 MS. BOHANNON: Oh, absolutely.

8 COMMISSIONER BERGMAN: And you're working
9 closely with the Charter School Division.

10 MS. BOHANNON: Absolutely. And we're also
11 working very closely with the PED Multicultural
12 Bilingual Department. We've hired a consultant to
13 come and help us. We have jumped on this.

14 COMMISSIONER BERGMAN: Along the lines of
15 the Chair's question, are some of the -- did some of
16 the students that fell under this situation, if they
17 have fallen behind, are you bring- -- what -- in
18 other words, if they were behind, are they being
19 caught up? Or is that not part of the mechanism?
20 Did they not fall behind?

21 MS. BOHANNON: It -- these students that
22 we have identified in the file, some of them -- some
23 of the home language surveys stated that yes, it was
24 another language. Sometimes it was a little
25 convoluted, and we didn't know.

1 So I added two more students to the
2 initial list. All we can do is move forward from
3 here. It is not clear whether or not this has
4 adversely affected them or not. But all we can do
5 is move forward from here; and if they need that
6 additional instruction, we'll go above and beyond to
7 provide it.

8 COMMISSIONER BERGMAN: I'm glad to hear
9 you're assurance of that. Director Pahl, I've been
10 a long-time citizen of this great country. I was
11 not aware I had the option to ignore any federal law
12 that I didn't like.

13 THE CHAIR: The IRS comes to mind, doesn't
14 it?

15 Any other questions?

16 Okay. We thank you very much for being
17 here, and we would really like to have an update
18 from you.

19 MS. BOHANNON: We would love to provide it
20 for you. We're very excited; so thank you for your
21 support, everybody.

22 THE CHAIR: And we would like to hear from
23 you, though, sometime soon after the school year
24 starts next year on how things are going.

25 MS. BOHANNON: Great. Thank you.

1 THE CHAIR: Thank you.

2 Mr. Pahl?

3 MR. PAHL: Madam Chair, members of the
4 Commission, our next School of Concern is another
5 one who's been here for a little while. And that's
6 Dream Diné. Well, I'm editorializing today. I'll
7 say at this point, it's probably better for them to
8 stay in their non-permanent facility. They've been
9 there this whole year, and their permanent facility
10 is not yet ready.

11 They have recently installed a fire alarm.
12 That is their last step towards obtaining
13 E-Occupancy at that facility. So they have met that
14 requirement.

15 Where they're running into some hurdles is
16 the -- is that the difference between the building
17 code, fire safety code, life safety code that's
18 utilized for the State versus the Navajo Nation.
19 They need to essentially comply with both of these.

20 And so they're finding a few wrinkles here
21 and there that they -- they do think they're going
22 to be able to move into the school before the end of
23 the year; but they have extended their lease at the
24 Hogback Chapter House to be there for the remainder
25 of this school year.

1 So they will not be moving students this
2 school year; they will remain at Hogback and
3 continue to -- to do everything they need to make
4 sure that their originally contemplated site is up
5 and running for next school year.

6 THE CHAIR: How many students do they
7 have?

8 MR. PAHL: I don't know their -- is it 15?

9 THE CHAIR: 15?

10 MR. PAHL: 15.

11 THE CHAIR: I don't know how we can
12 prevent this from ever happening again. I just
13 don't know. But this -- this must have been quite
14 an ordeal for the families, the students, and the
15 people at the school, trying to -- every few weeks,
16 they think they're going to move, and -- oh -- but
17 it doesn't work, and parents having to transport
18 their kids quite a distance to this site.

19 I wish there was a way that we could
20 require that your permanent -- or your E-Occupancy
21 certified site that you plan on using is ready
22 before you get to start school. I wish we could do
23 that.

24 MR. PAHL: Madam Chair, members of the
25 Commission, I think this is a conversation for the

1 next couple of months to consider for a requirement
2 for the commencement of operations. When we did
3 Dream Diné, we knew they were close. And we -- at
4 the time, we accepted that as -- you know, if you're
5 close to securing that facility, you have identified
6 it, we know you have access to that site; but it
7 doesn't have E-Occupancy yet.

8 I think we -- I think after this ordeal
9 with Dream Diné, I think we will need to jump start
10 a conversation on what's acceptable for facilities
11 when we do that commencement; because that is in
12 May, just two months before they'd be opening their
13 doors to students. So I do think we have a
14 mechanism.

15 Now, we all know facilities move quickly,
16 and that we'll have to discuss what our parameters
17 are and maybe potentially doing commencements with
18 contingencies, that "You have access to that
19 building on July 1, and if you don't, we have
20 another planning year in front of us."

21 Those are just some ideas. It's a
22 conversation that Julie and I have had and that
23 we'll share with Katie, the new director, and
24 obviously bring that conversation to you in the
25 coming months.

1 But I don't think anyone -- like you said
2 this has been hard on just about everybody involved
3 with the school and probably isn't behooving the
4 15 students that are attending.

5 THE CHAIR: Well -- and they started out
6 with more students. They've lost students. And I
7 assume some of the reason is -- is because of this
8 distance that the parents were having to transport
9 them. And I think we also need maybe to define what
10 is close (indicates), because they may have said
11 they were close; but it turned out they weren't even
12 in the same --

13 MR. PAHL: You're right.

14 THE CHAIR: -- atmosphere.

15 Commissioner Toulouse?

16 COMMISSIONER TOULOUSE: Madam Chair, I
17 have some concerns, and I think maybe Commissioner
18 Conyers will hopefully agree with some of what I'm
19 saying, that when you're dealing with the
20 bureaucracy of the Navajo Nation, we can't control
21 any of them. And we can -- I would think if we get
22 too many more, we do need to come up with some way
23 to talk directly to tribal officials at times.

24 But it's not fair to hold schools on
25 reservations to different standards than it is

1 otherwise, because then I think we're getting into a
2 civil rights violation. And I think we need to find
3 a way that this Commission can somehow communicate
4 with the tribe, or any of the tribes; because I
5 see -- you know, we have another pueblo one this
6 time. And I just think this one, we shouldn't blame
7 on the school.

8 And I also want to say, when you talk
9 distance, and somebody living on the reservation
10 talks distance, it really can be a very different
11 concept of distance. And Hogback is not that far
12 beyond where I think some of these families may have
13 been living in the first place, because the
14 population that runs all along that road and in
15 Kirtland and Fruitland on the other side of the
16 river, and Waterflow and all of that, and the
17 Navajos who are on the -- one side -- on the south
18 side of the river, as opposed to the non-Indian land
19 on the north, that it gets to be a very complicated
20 issued on where the distance is.

21 But I just want to make sure that we give
22 our tribal schools a fair shake, because I think
23 they have a right to go do what they're doing. And
24 I don't think that their arrangement is really that
25 bad at the moment.

1 I'd be frustrated, too; but I've seen the
2 Navajo Tribe work very, very slowly for very many
3 years. And I don't -- I just don't want to tar this
4 school with the brush of Navajo bureaucratic
5 personalities.

6 Thank you.

7 THE CHAIR: Thank you. Well, now that
8 it's on the radar, we'll let Julie and Katie work
9 with it. Okay.

10 COMMISSIONER ARMBRUSTER: Madam Chair?

11 THE CHAIR: Yes.

12 COMMISSIONER ARMBRUSTER: Could you tell
13 me when the school began?

14 THE CHAIR: In August.

15 COMMISSIONER ARMBRUSTER: Oh, it's brand
16 new.

17 MR. PAHL: Yeah, its first year. Yeah.

18 THE CHAIR: Anything else?

19 Mr. Pahl?

20 MR. PAHL: Madam Chair, members of the
21 Commission, our next School of Concern is J. Paul
22 Taylor. Ms. Risner is here. If you wouldn't mind
23 coming up? Thank you.

24 We have a financial concern. This was
25 unearthed by our -- by our School Budget and Finance

1 Bureau here at the PED. And they've been working
2 with the school. What we have here -- and I've
3 given a letter that was written and sent to the
4 school, actually, this morning, and Ms. Risner has a
5 copy and has seen this -- that the school -- the
6 monthly report findings refer to several funds with
7 negative cash balances as of the end of last month.
8 And there were funds that were over-expended at the
9 function level.

10 This has -- this has amounted to
11 over-expenditures of about a little over \$85,000.
12 And so we've asked the school to put together a plan
13 to -- to see how they'll end the school year in the
14 black. As of now, they are -- are about \$85,000
15 short. The PED has forwarded them a month's worth
16 of SEG to keep them afloat.

17 And so I'll turn it over to the Chair.
18 But I'm sure the Director has some comments there,
19 as well.

20 A. But I think those capture the basics of
21 the letter of what's happening there. And they are
22 working with School Budget to remedy their
23 situation.

24 THE CHAIR: Thank you. If you would
25 introduce yourself on the record and then --

1 MS. RISNER: I'm Cynthia Risner,
2 R-I-S-N-E-R. I'm the head administrator at J. Paul
3 Taylor Academy.

4 Madam Chair, Commissioners, a little bit
5 differently -- and part of this is naivete -- it was
6 not unearthed. We went forward and said, "We have a
7 problem."

8 And it was an interesting -- it was an
9 interesting experience.

10 We do have a problem. We have not, at
11 this point, overspent \$85,000. Our budget shows
12 that there's \$85,000 more than there actually is.
13 However, I think we'll be able to take care of it.

14 I -- I was foolish enough with my
15 financial head to say -- to say, "Well, let's see if
16 they can help us out a little bit." And not a wise
17 move, not a wise move at all.

18 However, we are -- I'm not going to speak
19 specifically about the letter, because I -- I just
20 got it, and I don't want to say something that's not
21 true or I can't back up. So I'll try to answer any
22 questions you have.

23 We are making steps to take care of the
24 shortfall. I will not be able to leave as much for
25 the move as, you know, we, too, are moving. And

1 that will occur next school year. And I was hoping
2 to have some more left for whoever follows me,
3 because I'm resigning this year.

4 And that won't be in place, but that's an
5 example of something we can cut. Some of these
6 where we go over in one area, there are other areas
7 where we need to transfer the funds. So there was
8 some sloppiness there. And I will not -- I will
9 not -- I will not say there was not.

10 A couple of little side issues. We had
11 expected our eighth grade to be larger. That was
12 what was projected, and that's what we had. We had
13 the parents sign intentions to return. And they
14 didn't show up.

15 And I am thoroughly enjoying our
16 middle-schoolers. I'm an elementary person. But
17 they're a different breed. And the sixth, seventh,
18 they might want to go somewhere else because their
19 best friend is going. Things change there more
20 rapidly.

21 In light of that, we're working on the
22 numbers, of course, for next year, and we're going
23 as low as you can go, because we realize you just
24 can't count on the middle school.

25 Julie has experience at high school and is

1 good at that. I have experience with elementary.
2 We can predict that. Middle school is just
3 hysterical.

4 On the 40th day, that was our absolute
5 lowest enrollment. We had a couple of families move
6 out, because we have waiting lists in all grades, K
7 through 5. Our kinder waiting list is currently at
8 50. But that was our lowest day. We had two
9 families move out, and they each had multiple
10 children, and the new ones haven't started.

11 So that's just the luck of the draw. And
12 I do wish that we could look at something that might
13 take care of those situations. And that is why
14 Julie thought perhaps it might be wise to ask for
15 some assistance, because our average this year has
16 been 196 throughout the school year.

17 Our SpEd bill is high. I called this
18 morning, because I wanted to make sure we had the
19 latest figures, and things could change with
20 testing. We currently have 195 students, 71 of whom
21 are special ed students. That's 37 percent.

22 Mr. Aguilar expressed concern and said
23 that he felt an audit was in order. I would welcome
24 an audit. I know we do a good job on our special ed
25 records.

1 Furthermore, it's one of those compliments
2 that hurts. We get more and more special ed
3 families. When I received the current number today
4 of 71, I was also told we're getting three new
5 students next week; that will bring us to 198. And
6 all three of them are special ed.

7 We are currently being recommended by the
8 Las Cruces Association of Autistic Parents. We're
9 being recommended as a school to take the children
10 to.

11 And, you know, I'm not going to say bad
12 things. I'm not going to say, "Poor me," because
13 it's a challenge, and I've seen great things happen
14 with these children.

15 We're a smaller environment, and we can
16 provide some more nurturing and one on one than you
17 can in a larger environment.

18 I'll just give you one example, because I
19 know you don't want to hear about all my kids. One
20 student who came to us, he had been through fifth
21 grade in self-contained autistic classes, joined us
22 his sixth-grade year, and the next year he ran for
23 student council president and had to speak in front
24 of the group.

25 So I'm not saying we're wonderful. I'm

1 saying a smaller environment, a different kind of
2 situation, more active learning, has worked with
3 some of the children.

4 One thing that has been put in place that
5 really helped was the monthly -- the rent payments
6 previously were allotted quarterly; now, they're
7 monthly. So that helps, because that's \$12,000 a
8 month.

9 Let me see where we are.

10 PARCC -- and this was a surprise on me,
11 because I thought, like many others did, I thought
12 we were going in 100 percent ready. I had written a
13 grant. We had all the computers we needed. I had
14 to spend an additional \$12,000 to \$13,000 -- I don't
15 have the exact figure -- on just hardware, make sure
16 everything was going to function correctly.

17 And I found it necessary to hire a techy
18 to be there every day that we were administering it,
19 because otherwise, we'd go down, and we couldn't
20 help the kids. We needed to get it done.

21 So that was something else that we need to
22 budget into, not for the hardware, but for the help.

23 I think our charter is very, very healthy.
24 I'm listening to the governing council issue
25 smuggly; we have 11. And as you remember last year,

1 I came and asked for an increase. "Hmmm, can that
2 many people work together?"

3 Boy, can they. Our governing council is
4 on fire. The school would not function without
5 them. They go to trainings. They're creating a
6 Southern New Mexico Charter Governing Council group,
7 because there's nobody to support them down there.

8 So overall, I'd say our school is very
9 healthy. We made smaller environment mistakes.
10 We're going to project lower. We're going to move
11 some line items. And of course, we're going to
12 tighten our belt. And I think we're going to come
13 out okay at the end of the year.

14 THE CHAIR: I see one of the issues is
15 growth units.

16 MS. RISNER: Uh-huh.

17 THE CHAIR: So as you said, you predicted
18 growth that didn't happen.

19 MS. RISNER: Right. With the
20 eighth-graders. We knew pretty well where the
21 others were going to be. But middle school is
22 interesting. I adore them; but they keep you
23 guessing.

24 THE CHAIR: And that will get you.

25 MS. RISNER: Yes, for sure. So we

1 mispredicted, uh-huh.

2 THE CHAIR: Questions, Commissioners?

3 Commissioner Bergman?

4 COMMISSIONER BERGMAN: This is to both of
5 you, actually. Director Pahl, you used the word
6 "plan" in your remark. Are you and Julie putting
7 together some kind of a plan to help the school get
8 through this? Or are they just going to be --
9 what's in this letter from Mr. Wolfe? Is that going
10 to be the plan?

11 MR. PAHL: Madam Chair, Commissioner
12 Bergman, the coordination around the budget will
13 happen between the school administrator and School
14 Budget. We have a specialized bureau just for that
15 who have dealt with situations like this.

16 The plan will come from Ms. Risner. She's
17 already explained some of the steps they'll take.
18 And it's that kind of communication that will happen
19 between Budget and her school. And Budget will keep
20 us apprised of any significant developments as they
21 move forward.

22 COMMISSIONER BERGMAN: I think if the
23 School Budget Bureau is involved, it should be
24 rectified. Of course, you won't be around probably
25 when it's finally rectified, apparently.

1 MS. RISNER: No, sir. But I have to thank
2 the Commission, because you all are supporters of
3 charter schools. And I think charter schools can do
4 amazing things. I've never worked harder in my
5 life, and I've never felt more rewarded than what
6 I've seen with the children.

7 Simply put, there are too many items I
8 cannot believe in that we're being forced to do, and
9 it's time for me to honorably leave, rather than to
10 put up a fuss while I'm leading a school.

11 COMMISSIONER BERGMAN: Thank you for your
12 service. Thank you, Madam Chair.

13 THE CHAIR: Commissioner Conyers?

14 COMMISSIONER CONYERS: Just to comment on
15 what you had to say about mid-school students kind
16 of takes me back. I spent 16 years in a junior
17 high, where I was either the school counselor or the
18 principal. And I feel like I'm still in recovery
19 from that. But I feel your pain, yes.

20 MS. RISNER: But that being said, they
21 are -- they are enjoyable. I guess when I describe
22 them, the best thing I come up with is Great Dane
23 puppies. They're big; they're growing; they don't
24 know what's going on; they're full of emotion.

25 I just adore them, and I love working with

1 them. But you never know, because the tide is going
2 to turn with their best friends.

3 THE CHAIR: That's true. That's true.

4 All right. Further questions? We thank
5 you very much for being here.

6 MS. RISNER: Thank you.

7 THE CHAIR: We agree with you. We think
8 you have a great school, and this, too, will get
9 taken care of.

10 MS. RISNER: Thank you.

11 THE CHAIR: Thank you very much.

12 Mr. Pahl?

13 MR. PAHL: Madam Chair, members of the
14 Commission, I'm going to have Julie Lucero replace
15 me for the remainder of the items on the agenda
16 today.

17 Thank you, all. And I know you're -- you
18 guys know you're in good hands with Julie; so thank
19 you.

20 THE CHAIR: Thank you, Matt. Enjoyed
21 working with you.

22 MR. PAHL: Agreed. Thank you.

23 COMMISSIONER CARR: Yeah, Matt. Me, too.

24 MR. PAHL: Thanks, Jeff. Thanks, Julie.

25 THE CHAIR: You know, we used to have two

1 chairs over there for CSD folks. And one of our
2 chairs has disappeared. So -- you're on it?

3 COMMISSIONER CARR: We have ten
4 Commissioners.

5 COMMISSIONER TOULOUSE: Now we have ten of
6 us.

7 THE CHAIR: Well -- but there was always
8 one -- an additional chair over there. And somebody
9 has absconded with one of our chairs.

10 That's okay. We're glad you're sitting in
11 that chair now. Please go ahead.

12 MS. LUCERO: Okay. The next item is the
13 Anthony closure template. You'll see that included
14 in your binder. And this is just an update of where
15 things are at.

16 If you have questions on the template, I'm
17 open to those. I think that we continue to meet.
18 We have another closure meeting next week. And the
19 process moves forward until we hear otherwise.

20 THE CHAIR: Okay. So -- and are you
21 pretty well on track with all of these dates, target
22 dates?

23 MS. LUCERO: Madam Chair, members of the
24 Commission, yes. And our closure team lead, our
25 contractor, is -- she works -- she focuses only on

1 closure; so it's really easy for her to make sure
2 that these deadlines are -- we're on the right
3 track.

4 THE CHAIR: Any questions for Julie?

5 COMMISSIONER CARR: Just -- yeah. Is
6 there -- is there an appeal in process or not?

7 THE CHAIR: Yes, and the appeal hearing
8 was Tuesday --

9 COMMISSIONER CARR: Oh, okay.

10 THE CHAIR: -- before the Secretary. And
11 the ruling, I believe they have -- I believe the
12 Secretary has 60 days for the ruling. But I know
13 that the attorney for the school asked that could it
14 possibly be expedited, because the end of school
15 year is so close.

16 COMMISSIONER CARR: Of course.

17 THE CHAIR: So --

18 MS. LUCERO: Madam Chair, members of the
19 Commission, the next item is a list of all the new
20 applicants. I wanted to make sure that it was very
21 clear which schools were moving forward.

22 So this is the most current list of new
23 applicants. I know, in an upcoming agenda item,
24 we're clarifying a school that was removed from the
25 list. So this is a complete list.

1 Now, I want to note that Mr. Granata and I
2 have been in contact over a school that was removed
3 from the list, and we could not find a correct
4 address to reach them. So we're still working on
5 that.

6 THE CHAIR: Well -- and I notice
7 New Mexico Online Prep will be a statewide charter
8 school, online -- yeah, online; but no specific
9 location was given for its business offices. Is
10 that not a requirement?

11 MS. LUCERO: They intend to locate in
12 Albuquerque. That's where they provided their
13 district notice. But the business office -- I don't
14 know if that's actually a requirement. The only
15 requirement is where the school will reside.

16 So I'm guessing their business office
17 would also be at the place of the school location.

18 THE CHAIR: Okay.

19 MS. LUCERO: Madam Chair, members of the
20 Commission, "Not specific." We can clarify with
21 that school what they mean by "Not specific."

22 THE CHAIR: I'm sorry, Julie. Say that
23 again.

24 MS. LUCERO: We will clarify with the
25 school what they mean by "Not Specific." their

1 intention, when speaking with them, was Albuquerque;
2 but I'm not sure why it's noted here as "Not
3 specific." I think some schools aren't
4 understanding that they may serve students from the
5 State of New Mexico; and I think maybe that's why
6 they have the "Not specific" there.

7 But like Santa Fe Connections has their
8 site here, their main site here in Santa Fe, theirs
9 will be in Albuquerque.

10 THE CHAIR: Okay. All right.

11 Any questions on the notices of intent?

12 All right. Julie, thank you.

13 MS. LUCERO: The next item is the Planning
14 Year Checklist. And I'm in constant communication
15 with the three new schools. So you will see their
16 checklist updated. Their next deadline is June.
17 They are all moving forward in a positive way.

18 Two of the three schools already have a
19 facility, which is very good news. DEAP is the one
20 school that is not -- has not finalized that
21 location or the facility yet. But I can verify that
22 all these documents are in order and meet with them,
23 and they're in really good -- really good condition.

24 COMMISSIONER BERGMAN: Thank you, Julie.

25 I want to note for the record that the Chair has

1 taken a phone call she cannot avoid. So she's
2 taking that call and has stepped out of the room.

3 What was it that was said many years ago?
4 "I guess I'm in charge right now" is kind of -- so
5 anything else, Julie, in that area?

6 COMMISSIONER CARR: Not the person to
7 quote.

8 MS. LUCERO: Members of the Commission,
9 no, I will keep in constant communication with these
10 brand new schools and really keep in close contact
11 with the school that does not have a facility to get
12 consistent updates.

13 COMMISSIONER BERGMAN: Questions anyone?
14 I have Commissioner -- or Chairman
15 Toulouse. Commissioner Toulouse.

16 COMMISSIONER TOULOUSE: Yes, sir, I
17 appreciate the title; but it's not one I want. But
18 thank you very much.

19 Julie, on DEAP, will we -- my impression
20 is they will not have the same problem as Dream Diné
21 is having with a facility. But could that occur
22 with them, as they're also on reservation?

23 MS. LUCERO: Commissioner Toulouse,
24 members of the Commission, it appears that they're
25 running into problems because of similar -- of

1 similar situation as the other, as Dream Diné. But
2 they also are very confident that they will have a
3 facility soon. They just don't have one pinned down
4 yet; but yes, running into some issues with tribal
5 lands, those type of issues.

6 COMMISSIONER BERGMAN: I will now note
7 that Commissioner Carr has had to leave the room,
8 also. Let's see. One, two, three, four, five,
9 six -- we still have a quorum; so we'll keep going,
10 I believe.

11 Thank you.

12 Are we ready to move on then, Julie? Are
13 you finished, Commissioner Toulouse?

14 COMMISSIONER TOULOUSE: Yes, sir.

15 COMMISSIONER BERGMAN: All right. Are we
16 ready to move on, Julie?

17 MS. LUCERO: Yes, Commissioner. The next
18 item is Notice of Charter Schools Looking for a New
19 Facility.

20 This is a new item we've added to the
21 report. We will know all schools that are just
22 looking. They haven't pinned down a site yet. Now,
23 we do have J. Paul Taylor. This was when we didn't
24 have the amendment; but now we actually have a full
25 amendment, so we'll remove them.

1 But the two charter schools that are
2 currently looking for a new facility are the
3 New Mexico School for the Arts and South Valley Prep
4 Charter School.

5 COMMISSIONER BERGMAN: Well, this is just
6 more of an informational notice, then.

7 MS. LUCERO: Yes, Commissioner Bergman.
8 It's informational. This will be the way we will
9 note a school is looking for a facility.

10 The next step will be an amendment to
11 their charter.

12 COMMISSIONER BERGMAN: Have they had any
13 success, or are they still looking?

14 MS. LUCERO: I -- New Mexico School for
15 the Arts, I think, has just purchased -- or they
16 have received property. And South Valley Prep,
17 they've been looking for a long time, and I'm hoping
18 they find something soon.

19 But no, they have not pinned down a
20 particular site.

21 COMMISSIONER BERGMAN: Questions from
22 Commissioners?

23 Thank you, Julie. Does that finish this
24 item?

25 MS. LUCERO: Uh-huh.

1 COMMISSIONER BERGMAN: Now, I note for the
2 record the Chair is back again and in charge.

3 THE CHAIR: I wouldn't know about that.

4 COMMISSIONER CARR: We weren't talking to
5 each other.

6 THE CHAIR: I thank you for allowing me to
7 take care of some family business. What did you
8 just finish?

9 COMMISSIONER BERGMAN: We finished Item
10 No. 8; so now we're ready for Item No. 9.

11 THE CHAIR: Item No. 9, Possible
12 Discussion and Possible Action on Performance
13 Frameworks and Contracts for the Following Schools."

14 Is Julie -- Julia going to be here, or,
15 Julie, you're going to do this for us?

16 MS. LUCERO: Madam Chair, members of the
17 Commission, Julia and I did not discuss whether she
18 would be here. In the future, if you would like her
19 here for this portion, we can definitely include
20 her. It just was not a conversation. But yes, I
21 can definitely move forward.

22 THE CHAIR: If you feel comfortable doing
23 it, let's just move ahead.

24 Julie, let me call on you, then.

25 MS. LUCERO: Our first school is

1 Las Montañas. And we do have representatives from
2 the school here.

3 In the packet, you will see framework,
4 contract, and any documentation that goes along with
5 that. They have received approval from their board.
6 And I'll let them introduce themselves.

7 MR. ROBINSON: Good afternoon,
8 Madam Chair --

9 THE CHAIR: Good afternoon.

10 MR. ROBINSON: -- Commissioners,
11 Commission members. I'm Richard Robinson, Academic
12 Dean, Las Montañas Charter High School.

13 MR. MARTINEZ: I'm Caz Martinez, teacher,
14 and Mr. Robinson's assistant.

15 DR. ROJAS: Dr. Rojas. I am the data
16 analyst for this school.

17 THE CHAIR: Do you need any spellings,
18 Cindy?

19 THE REPORTER: No, ma'am.

20 THE CHAIR: Okay, thank you. Julie,
21 please go ahead.

22 MS. LUCERO: So during our negotiation
23 session, we came to some goals that everyone agreed
24 upon. So during this meeting, we'll just approve
25 the framework and the contract with those negotiated

1 goals. They have not been changed since then. It
2 is exactly what was negotiated at the session.

3 You'll also see information -- there are
4 board documents of approval. You will see any
5 evidence supporting the data with their goals. And
6 the final contract. These are ready to be presented
7 and approved as final documents, if you decide to do
8 so.

9 THE CHAIR: Commissioner Bergman?

10 COMMISSIONER BERGMAN: Let me make the
11 comments that I make each year as we get started
12 with this process, is I was at all four of these
13 negotiations. I never leave the room if I'm not
14 satisfied personally that I have done the best I
15 could do in the goals that we negotiated.

16 We always try and take into consideration
17 the makeup of the student body; although it's
18 understood in New Mexico that everybody is going to
19 learn, and everybody can learn, no matter what their
20 economic status is or anything else. I firmly
21 believe that myself. So that's why I consider
22 myself a fairly tough negotiator when we talk about
23 these performance indicators in the area of
24 academics.

25 I am comfortable with the goals that we

1 negotiated with this school. I was comfortable with
2 the negotiations. I found them to be very
3 cooperative in their efforts. They were very
4 sincere in the desire that they want their students
5 to excel. They want their students to grow. And
6 that seems to be the buzz word this year. We're
7 going to look at academics, but we're also going to
8 apparently be looking at growth. So we're going to
9 be concerned with a lot of things as we go forward
10 from this.

11 But I will state that I fully intend to
12 vote for this contract.

13 Thank you, Madam Chair.

14 THE CHAIR: Thank you. I would just also
15 point out something new this year is the sign-in
16 sheet; so that if there are questions, we will know
17 who was there from the PEC, who was there from the
18 school. And you'll notice Commissioner Bergman,
19 Commissioner Gipson, and I were there. Julie was
20 there from CSD. Amy Chacon was there. She's the
21 liaison with the school.

22 Then if you would care to turn over to
23 Page 4, where the goals begin -- it's in Section
24 2.1 -- this school chooses to use the MAP's Short
25 Cycle Assessment. And I agree with Commissioner

1 Bergman, I thought they agreed to rigorous, but
2 attainable, goals. They feel like their students
3 are perfectly capable of attaining at this level.

4 So are there any questions from anyone on
5 this negotiated document? The new stuff is really
6 the goals, I think.

7 MS. LUCERO: Madam Chair, members of
8 Commission, I must add that this school is really
9 pushing themselves. They are expecting lots of
10 growth from their students. And so I really do want
11 to acknowledge that they are pushing their students.
12 They're one of our schools that set the highest
13 goals.

14 COMMISSIONER GIPSON: I would just like to
15 add that it was a little bit of a tough battle to
16 get them to actually back down a little bit, because
17 they were looking to set their goals so high that we
18 were a little concerned they would not be able to
19 reach that. And that's unusual. And I want to
20 thank you. It was my first day of negotiations.

21 THE CHAIR: That's interesting. Any --
22 gentlemen, do you have any comments? You're
23 satisfied with this? Your governing council is
24 satisfied with it?

25 MR. ROBINSON: Madam Chair, Commission

1 members, yes, we did -- in the extensive
2 presentation to our governance council, and, you
3 know, they were in full understanding. And they
4 complied with it by vote.

5 And, you know, we were happy to be in the
6 company of negotiation with you all and come to
7 the -- the numbers that we did. And we worked
8 diligently to prepare and give you, you know, what
9 we came up with and how we're going to achieve
10 those.

11 So we're fairly comfortable at this point,
12 and we're just looking forward to moving on as an
13 institution and working towards meeting those
14 targets that we set.

15 THE CHAIR: Thank you, sir. Hearing no
16 further questions, the Chair would entertain a
17 motion on the charter school performance framework
18 for La Montañas Charter High School.

19 COMMISSIONER BERGMAN: I don't see a
20 sample; so would you like me to take a stab at the
21 first one, then?

22 THE CHAIR: Yes, please.

23 COMMISSIONER BERGMAN: Madam Chair and
24 Commission, I would move that the Public Education
25 Commission approve the presented performance

1 contract with the associated performance framework
2 that was -- for the year 2015 and '16 -- and I don't
3 believe I said the name -- for Las Montañas Charter
4 School. I think I got it.

5 THE CHAIR: We have a motion. Do we have
6 a second?

7 COMMISSIONER GIPSON: Second.

8 COMMISSIONER PERALTA: (Indicates.)

9 THE CHAIR: Commissioner Peralta?

10 Motion by Commissioner Bergman, second by
11 Commissioner Peralta, to accept the performance
12 framework for 2015-'16, and contract, for
13 Las Montañas Charter High School.

14 Any further discussion?

15 Mr. Secretary, may we have a roll-call
16 vote, please?

17 COMMISSIONER PERALTA: Commissioner Carr?

18 COMMISSIONER CARR: Yes.

19 COMMISSIONER PERALTA: Commissioner
20 Toulouse?

21 COMMISSIONER TOULOUSE: Yes.

22 COMMISSIONER PERALTA: Commissioner
23 Armbruster?

24 COMMISSIONER ARMBRUSTER: Yes.

25 COMMISSIONER PERALTA: Commissioner

1 Conyers?

2 COMMISSIONER CONYERS: Yes.

3 COMMISSIONER PERALTA: Commissioner

4 Gipson?

5 COMMISSIONER GIPSON: Yes.

6 COMMISSIONER PERALTA: Commissioner

7 Peralta votes "Yes."

8 Commissioner Bergman?

9 COMMISSIONER BERGMAN: Yes.

10 COMMISSIONER PERALTA: Commissioner

11 Shearman?

12 THE CHAIR: Yes.

13 COMMISSIONER PERALTA: Madam Chair, that
14 is an 8-to-0 vote in favor of the motion.

15 THE CHAIR: Thank you. The motion passes
16 unanimously. The performance framework and contract
17 is approved. Thank you, all, and have a great year.

18 MR. ROBINSON: Thank you.

19 THE CHAIR: Julie, I notice there is a
20 place in here where the school has signed and a
21 place for me to sign. Is this the one you want me
22 to sign, or do you want a different one?

23 MS. LUCERO: Madam Chair, I have a binder
24 with all the signatures required of you, and they're
25 all tabbed, and it will be an easy process at the

1 end.

2 THE CHAIR: We'll do that then. Next
3 school, please.

4 MS. LUCERO: The next school coming
5 forward is Aldo Leopold. I do not believe there is
6 anyone here to represent the school.

7 We have included the same framework,
8 paperwork, contract, sign-in sheet, and any data
9 that would support the goals that they are
10 presenting. The framework and contract are exactly
11 what were negotiated during the session, as well.

12 You'll notice we approached this school
13 just a little different to include growth and
14 proficiency. I think we started getting just a
15 little bit better at doing that as negotiation
16 sessions went on. That is the only difference you
17 will see moving forward for goals, either for
18 Discovery or any type of traditional Short Cycle
19 Assessment that we use. So these are exactly the
20 goals that were negotiated during that session.

21 MS. LUCERO: Madam Chair, members of the
22 Commission, the other -- the other pieces we're
23 trying to include are if we are expecting a year's
24 growth, we're including either a chart that shows
25 exactly what one growth [verbatim] means. That's

1 either included in the worksheet, or as an
2 attachment, as well. And in Aldo Leopold's case,
3 it's actually within the framework; so you'll be
4 able to see exactly what one year's worth of growth
5 is for each grade level.

6 THE CHAIR: Okay. Commissioner Bergman?

7 COMMISSIONER BERGMAN: While the Chair is
8 looking there, those that have attended a
9 negotiation with me -- and that's everybody in this
10 panel has been to at least one in the last couple of
11 years -- one of the questions I always ask,
12 particularly the schools that identify themselves as
13 an at-risk school with that student body, the first
14 question I always ask them is, "How many kids are
15 coming into your school that are behind? Are they
16 coming in one grade level behind or two or three?"

17 And sometimes the answer, in many cases,
18 is they are arriving two to three grade levels
19 behind.

20 And so when a school proposes a goal that
21 says, "Well, we're just going to be real happy. We
22 want to grow all our students one year," those of
23 you who have sat in with me this year, you've heard
24 me ask, "Well, then, how are you going to catch up
25 those kids that are coming in one or two or three

1 grade levels behind, if you're just going to grow
2 them one grade level a year?"

3 That is a question I ask. And we always
4 have a very robust discussion after I ask that
5 question, because, "Oh, well, we'll catch them up."

6 But that won't work. That basis doesn't
7 work. So we -- I can assure this Commission that we
8 always have those kind of discussions. And here
9 again, in light of those discussions, we try to come
10 up with reasonable, attainable goals that fit the
11 situation. They might not always be as high as we
12 probably would like to have them. But I -- I
13 believe we set a school up to fail if we set the
14 goals so high, they obviously can't make them.

15 So it's just one of those things.
16 Sometimes you just have to go with you're sitting
17 there; you're looking at the data; you're looking at
18 the school; you're considering their students;
19 you're considering how many of them are behind a
20 grade level or two. And all of these things have to
21 be factored in as we try and negotiate these things.

22 And these -- you would see if you read
23 this document, these goals are not quite as high as
24 the previous ones; but they are attainable goals and
25 they are, I believe, challenging and a stretch, as

1 some of us prefer to use the term, a "stretch" for
2 you.

3 And in this case, yes, I believe they are
4 for this school; so I wanted to share that thought
5 with you.

6 We -- we have discussed just about
7 everything before we're done in those negotiations.

8 Thank you, Madam Chair.

9 THE CHAIR: Okay. And just to make my
10 point, I'm really -- I am really adamant on Short
11 Cycle Assessment goals. And this school wanted a
12 couple of other mission goals first. But they do
13 have their Short Cycle goals, their 3.1 and 3.2 of
14 the frameworks that we get on Page 7 and continue on
15 over to Page 8. And they are -- it took a while;
16 but we -- we helped them understand that they really
17 needed to challenge their students. They have good
18 students, and we felt like these were reasonable for
19 them. So I was very satisfied --

20 COMMISSIONER GIPSON: Uh-huh.

21 THE CHAIR: -- with what we were able to
22 work out.

23 Any other discussions? Hearing none, the
24 Chair would entertain a motion on the framework and
25 contract for Aldo Leopold Charter School.

1 COMMISSIONER GIPSON: Madam Chair?

2 THE CHAIR: Commissioner Gipson?

3 COMMISSIONER GIPSON: I recommend that the
4 Public Education Commission approve the charter
5 school performance framework for the academic school
6 year of 2015-2016 for Aldo Leopold Charter School.

7 THE CHAIR: And contract.

8 COMMISSIONER GIPSON: And contract.

9 THE CHAIR: Thank you very much.

10 Do I hear a second?

11 COMMISSIONER BERGMAN: Second.

12 THE CHAIR: Motion and second to approve
13 the performance framework and contract for
14 Aldo Leopold for 2015-2016.

15 Any discussion?

16 Hearing none, Mr. Secretary, may we have a
17 roll-call vote?

18 COMMISSIONER PERALTA: Commissioner
19 Gipson?

20 COMMISSIONER GIPSON: Yes.

21 COMMISSIONER PERALTA: Commissioner
22 Bergman?

23 COMMISSIONER BERGMAN: Yes.

24 COMMISSIONER PERALTA: Commissioner
25 Shearman?

1 THE CHAIR: Yes.

2 COMMISSIONER PERALTA: Commissioner Carr?

3 COMMISSIONER CARR: Yes.

4 COMMISSIONER PERALTA: Commissioner
5 Toulouse?

6 COMMISSIONER TOULOUSE: Yes.

7 COMMISSIONER PERALTA: Commissioner
8 Armbruster?

9 COMMISSIONER ARMBRUSTER: Yes.

10 COMMISSIONER PERALTA: Commissioner
11 Conyers?

12 COMMISSIONER CONYERS: Yes.

13 COMMISSIONER PERALTA: Commissioner
14 Peralta votes "Yes."

15 Madam Chair, that is 8 to 0 in favor of
16 the motion.

17 THE CHAIR: Thank you. The motion passes
18 unanimously for the contract and the performance
19 framework for Aldo Leopold High School for
20 2015-2016.

21 Let's move, Julie, next to who?

22 MS. LUCERO: Our next school is Southwest
23 Primary. The worksheet is exactly the same as
24 negotiated in our session. They also have set
25 reasonable goals that CSD feels comfortable with.

1 I do also want to note that Ms. Barnes and
2 I work regularly on data, and we consider all the
3 things that you ask for, like students that aren't
4 reading at grade level and what expected growth is.
5 If a student, for example, is in eleventh grade
6 reading at fourth-grade level, they're expected to
7 grow more. We consider that in our data, just to
8 reassure you. We have daily conversations on these
9 things, as well.

10 But Southwest Primary is exactly as
11 negotiated in the session. We are presenting it in
12 that form.

13 THE CHAIR: Thank you. Commissioner
14 Bergman?

15 COMMISSIONER BERGMAN: In light of what we
16 heard earlier today, I think I want to make some
17 comments about these next two schools, which are
18 both Southwest schools. I -- as I indicated,
19 Mr. Baysinger was at both of these negotiations. He
20 was they're negotiator. That's why I'm concerned
21 that he's leaving.

22 However, I want to be sure we do not
23 punish the students at these schools for behavior by
24 past adults that were there. And the schools, two
25 years ago, were excellent schools. Because I think

1 of some of the ripple effects from what all is going
2 on, we have seen a little slippage, I think, on the
3 report cards in some areas.

4 So I'm going to vote for these. I'm
5 comfortable with what we negotiated, the goals we
6 negotiated and everything. But I know we're all
7 going to be watching very closely. Because of some
8 of those ripple effects and Mr. Baysinger's
9 departure, we certainly do need to keep our eye on
10 the situation.

11 I wanted to state that, because just like
12 I say, I was a little concerned when I heard
13 Mr. Baysinger was leaving.

14 Thank you, Madam Chair.

15 THE CHAIR: Thank you very much. Any
16 other comments or questions?

17 Again, I would direct your attention to
18 Page 4, where their Short Cycle Assessments are
19 listed. We're pushing hard for those. Thank you.

20 Any other comments? The Chair would
21 entertain a motion on Southwest Primary.

22 Before we go any further, let's -- Julie,
23 do we have a copy of their governance council
24 approval of this --

25 MS. LUCERO: Madam Chair, members of the

1 Commission, yes. Each packet has approval. And we
2 even have included the recommended language that we
3 would use in their board meeting. For example, we
4 did not bring Southwest Secondary forward, because
5 they didn't have a board to approve these contracts.
6 But each of these schools that I have brought
7 forward today have all their documents in order.

8 THE CHAIR: Good. Thank you very much.
9 Thanks for thinking about that.

10 Is there a question or a motion?

11 COMMISSIONER BERGMAN: A statement,
12 actually.

13 THE CHAIR: Okay.

14 COMMISSIONER BERGMAN: I looked at their
15 document. Actually a "Mr. Ken Chapman" is the chair
16 of this governing council. It's not Mr. Baysinger.
17 I just wanted to make sure everybody understands
18 they do have a board chairman that is not
19 Mr. Baysinger.

20 THE CHAIR: He's not the board chairman.

21 COMMISSIONER BERGMAN: It says here, "Ken
22 Chapman, Chair of the Governing Council."

23 I wanted to make sure everybody
24 understands that he's not the Chair. Mr. Chapman is
25 the Chair so there's not any confusion later on.

1 Yeah. Thank you.

2 THE CHAIR: Commissioner Toulouse?

3 COMMISSIONER TOULOUSE: Madam Chair, after
4 our discussion that we had with closing a one-year
5 school, it's really hard for me to make this motion,
6 because I see much bigger problems here. But I --
7 having participated in this, I will move that we
8 approve the charter school performance framework for
9 the year 2015-2016 for Southwest Primary Learning
10 Center, and this -- and the contract for, the period
11 of the contract.

12 THE CHAIR: Thank you. Any -- second?

13 COMMISSIONER ARMBRUSTER: Second.

14 THE CHAIR: Motion by Commissioner
15 Toulouse, second by Commissioner Armbruster, to
16 approve the performance framework and contract for
17 Southwest Primary for 2015-2016.

18 Further discussion?

19 Mr. Secretary, may we have a roll-call
20 vote, please?

21 COMMISSIONER PERALTA: Commissioner
22 Bergman?

23 COMMISSIONER BERGMAN: Yes.

24 COMMISSIONER PERALTA: Commissioner
25 Shearman?

1 THE CHAIR: Yes.

2 COMMISSIONER PERALTA: Commissioner Carr?

3 COMMISSIONER CARR: No.

4 COMMISSIONER PERALTA: Commissioner

5 Toulouse?

6 COMMISSIONER TOULOUSE: Yes.

7 COMMISSIONER PERALTA: Commissioner

8 Armbruster?

9 COMMISSIONER ARMBRUSTER: Yes.

10 COMMISSIONER PERALTA: Commissioner

11 Conyers?

12 COMMISSIONER CONYERS: Yes.

13 COMMISSIONER PERALTA: Commissioner

14 Peralta votes "Yes."

15 Commissioner Gipson?

16 COMMISSIONER GIPSON: Yes.

17 COMMISSIONER PERALTA: Madam Chair, that

18 is a 7-to-1 vote in favor of the motion.

19 THE CHAIR: By a vote of 7 to 1, the

20 contract and performance framework of Southwest

21 Primary for 2015-'16 is approved. Julie?

22 MS. LUCERO: Madam Chair, members of the

23 Commission, the last school is Southwest

24 Intermediate. And you will see the framework and

25 contract are exactly as negotiated. You will also

1 see all the documents necessary, board approval, and
2 any documentation to support their data.

3 Their goals, also, CSD feels are
4 appropriate, and the contract seems in good order.

5 THE CHAIR: All right. Any discussion?

6 COMMISSIONER TOULOUSE: Madam Chair, I
7 would like to point out that the board chair for
8 this school is the wife of the board chair for the
9 one we just approved.

10 THE CHAIR: Oh.

11 COMMISSIONER TOULOUSE: That's just a note
12 for the record.

13 COMMISSIONER BERGMAN: I don't believe
14 that's illegal.

15 COMMISSIONER TOULOUSE: No, it's not.
16 It's just a point of interest. And I also would
17 like to say, Madam Chair, that this is a school that
18 we need, and they understand needs to be
19 consolidated with their secondary school if it
20 continues.

21 So we negotiated it with that in mind,
22 that you really shouldn't have two administrations
23 and two small school allowances and whatever for the
24 same sixth-, seventh-, and eighth-graders, just one
25 in a more traditional setting and the other with the

1 secondary online program. So thank you.

2 THE CHAIR: Thank you. Thank you.

3 Any other comments?

4 Hearing none, the Chair would entertain a
5 motion on Southwest Intermediate.

6 Mr. Bergman, I'm looking at you.

7 COMMISSIONER TOULOUSE: I did the last
8 one.

9 COMMISSIONER BERGMAN: Madam Chair, I
10 would move that the Public Education Commission
11 approve the performance contract and the associated
12 performance frameworks for the Southwest
13 Intermediate Learning Center for the 2015-2016
14 academic school year.

15 THE CHAIR: May we have a second? I'm
16 looking at you, Mr. Conyers.

17 COMMISSIONER CONYERS: I'll second that.

18 THE CHAIR: Thank you very much. This is
19 getting late in the afternoon, sort of like pulling
20 teeth.

21 We have a motion by Commissioner Bergman,
22 seconded by Commissioner Conyers, to approve the
23 Southwest Intermediate Learning Center's performance
24 framework and contract for 2015-2016.

25 Any further discussion?

1 Mr. Secretary, may we have a roll-call
2 vote, please?

3 COMMISSIONER PERALTA: Commissioner
4 Shearman?

5 THE CHAIR: Yes.

6 COMMISSIONER PERALTA: Commissioner Carr?

7 COMMISSIONER CARR: No.

8 COMMISSIONER PERALTA: Commissioner
9 Toulouse?

10 COMMISSIONER TOULOUSE: Yes.

11 COMMISSIONER PERALTA: Commissioner
12 Armbruster?

13 COMMISSIONER ARMBRUSTER: Yes.

14 COMMISSIONER PERALTA: Commissioner
15 Conyers?

16 COMMISSIONER CONYERS: Yes.

17 COMMISSIONER PERALTA: Commissioner
18 Peralta votes "Yes."

19 Commissioner Gipson?

20 COMMISSIONER GIPSON: Yes.

21 COMMISSIONER PERALTA: Commissioner
22 Bergman?

23 COMMISSIONER BERGMAN: Yes. I thought I
24 voted on it. I guess not. Yes. I vote "yes."

25 THE CHAIR: Vote twice.

1 COMMISSIONER PERALTA: Madam Chair, that
2 is a 7-to-1 vote in favor of the motion.

3 THE CHAIR: Thank you. By a vote of 7 to
4 1, the motion passes to approve the contract and
5 performance frameworks for Southwest Intermediate
6 School.

7 Let's move to Item No. 10 on the agenda,
8 Report from the Chair with Discussion and Possible
9 Action.

10 I wanted to talk about a couple of items
11 under notices of intent. And the first line --
12 pardon me -- the first item is online schools. I --
13 we have discussed in a work session yesterday, and
14 to some degree in another couple of meetings,
15 questioning whether the notice of intent for a
16 statewide online school should be sent to every
17 school district in the state.

18 The requirement is that the notice be sent
19 not only to PEC, if they're requesting the State
20 start -- State-chartered charter school, but also be
21 sent to the local district where they will be
22 located.

23 Since they're statewide, my contention is
24 they're located everywhere.

25 So in a work session yesterday, we talked

1 about asking the Attorney General for an opinion on
2 what "location" means for a statewide online school.
3 And I would ask for your discussion on that. And if
4 we agree, then we will see what we need to do to get
5 that letter written.

6 Is anyone opposed to that idea? Maybe
7 that's the easiest thing.

8 Okay. Then I would ask for a vote on that
9 issue. Let me just make the motion.

10 I will move that the Public Education
11 Commission request of the Attorney General's Office
12 an opinion on whether a proposed online, statewide
13 charter school must notify every district in the
14 state of their intention to file an application.

15 COMMISSIONER CARR: Second.

16 THE CHAIR: Thank you, Mr. Carr. Do we
17 have discussion?

18 COMMISSIONER CARR: I -- I think I wanted
19 to -- I mean -- I saw your opinion, Josh. I -- I'm
20 still -- I think we should include in that letter
21 the opinion of whether all State-chartered charter
22 schools are considered districts or not. And, if
23 so, I think they should be notified.

24 So certainly, the two cyber schools in the
25 state should be notified, you know. Not that I'm a

1 big fond supporter of either one of them, but I
2 think that's fair.

3 So I -- I think it wouldn't hurt to
4 include, you know, those two options.

5 So the question -- two questions being,
6 should State-chartered charter schools also be
7 notified? And the second part of that question,
8 which would be nice to be clarified is, "Are
9 State-chartered charter schools considered
10 districts," because they are -- they do act as such.

11 THE CHAIR: Do you have any response to
12 that, or shall we just include that in the letter?

13 MR. GRANATA: We'll just include it.

14 THE CHAIR: I will amend my motion to
15 include what Mr. Carr has just asked for.

16 COMMISSIONER CARR: I'll okay my second.

17 THE CHAIR: Any further discussion? The
18 motion before us is to request an Attorney General
19 opinion as to whether proposed notices of intent for
20 online state -- for online State-chartered charter
21 schools must they notify every school district in
22 the state, must they notify every State-chartered
23 charter school in the state, and must they notify
24 other online schools in the state?

25 COMMISSIONER BERGMAN: Madam Chair, you

1 said, in your first sentence, "online
2 State-chartered schools." I think you meant to say
3 "online virtual." You said "State-chartered
4 schools." Were you referring to the two existing
5 online charter schools, because they're not both
6 State. One's local, and one's State. Maybe it
7 might be better to reword --

8 THE CHAIR: Then I would reword that to
9 say any "online charter schools."

10 COMMISSIONER CARR: Then the third
11 question was, are State-chartered charter schools
12 school districts?

13 THE CHAIR: Okay, let's include that.

14 All right. You've heard that convoluted
15 motion, and I'm going to attempt to repeat it. Does
16 everybody feel comfortable with what the motion
17 says?

18 All right. Are we ready for a vote? May
19 we do a voice vote? Or should we do --

20 MR. GRANATA: Yeah, just do -- a voice
21 vote is fine.

22 THE CHAIR: Mr. Granata is telling me a
23 voice vote is okay; so let's do that.

24 All in favor of the motion, please say
25 "Aye."

1 (Commissioners so indicate.)

2 THE CHAIR: All opposed to the motion,
3 please say "No."

4 (No response.)

5 THE CHAIR: Motion carries. We will write
6 the letter to the Attorney General's Office.

7 The second item I'd like to ask you about,
8 yesterday, again in the work session, we talked
9 about for at least this year, anyway, to notify by
10 letter all districts in the state that we do have
11 applications -- no -- we do have notices of intent
12 to file applications from how many virtual schools?

13 MS. LUCERO: Madam Chair, there's two.

14 THE CHAIR: Two. That we do have notices
15 of intent from two virtual schools, simply to let
16 them know and to include in that letter the proposed
17 locations of those schools, so that the districts
18 will know where the community input hearings will be
19 held, should they choose to attend, to make their
20 thoughts known.

21 COMMISSIONER CARR: And Madam Chair,
22 should we not also notify the State-chartered
23 charter schools?

24 THE CHAIR: Well, we didn't discuss that.
25 We just said the districts.

1 COMMISSIONER CARR: Oh, okay.

2 THE CHAIR: What's your pleasure,
3 Commissioners? Should we notify State-chartered
4 schools or just districts? Commissioner?

5 COMMISSIONER TOULOUSE: Madam Chair, I
6 think at this point, till we get something set up by
7 next year for what's going on, I think we can just
8 notify the districts, because I don't think that
9 most of the students in our charter schools are
10 going to be attracted to a new online school. If
11 they were going to do that, they're already -- know
12 their -- or the online schools; or their school
13 is -- like the Southwest Learning, is basically
14 online anyway.

15 COMMISSIONER CARR: Well, I mean, I
16 would -- sorry, Madam -- I would state that the
17 charter schools lose students to virtual schools all
18 the time; so it does affect them. And they do move
19 to those.

20 COMMISSIONER TOULOUSE: Madam Chair,
21 Commissioner Carr, I wasn't saying they didn't go.
22 I just don't think it's the huge flow that tends to
23 come, and I'm still not convinced that these are
24 mostly kids coming out of a public school, as
25 opposed to they are home-schooled students

1 transferring over to these schools, and money that
2 was never going to anybody for them is now being
3 taken out of the regular charter schools -- I mean,
4 the regular public schools and going to those
5 families; because I do know the charter schools are
6 marketing specifically to the various groups of
7 home-schooling parents.

8 THE CHAIR: Let me just ask Julie. If we
9 said, "Let's send this out as an e-mail to all the
10 districts," how much more work would it be to
11 include all the State-chartered schools?

12 MS. LUCERO: Madam Chair, members of the
13 Commission, it really wouldn't be much more work.
14 And I would guess that a couple of State-chartered
15 schools would attend, and others wouldn't. It would
16 be up to their discretion whether they wanted to.
17 But it wouldn't --

18 THE CHAIR: Just, then, in the interest of
19 more -- more people being aware of what's going on,
20 then let's say we'll send it to the districts and to
21 the State-chartered schools, as well.

22 Commissioner Bergman?

23 COMMISSIONER BERGMAN: Well, then, Julie
24 is going to have to pin down where that one online
25 school is going to be, so we can tell people where

1 it's going to be. We can't do the e-mail until we
2 can tell people where that school is going to be.

3 MS. LUCERO: Madam Chair, Commissioners,
4 yes, I will make sure we have an exact location.

5 THE CHAIR: I am further going to say if
6 we send out this, now, e-mail, that we ask the CSD
7 to do it for us, with the information that we've
8 talked about here.

9 MS. LUCERO: Madam Chair, members of the
10 Commission, yes, we'll do that. And we'll save --
11 we'll have copies for you, as well.

12 THE CHAIR: That'll be great.

13 Any further discussion?

14 Commissioners, I think so it might be a
15 good idea for us to vote on this, so that we're
16 officially on the record.

17 So let me make the motion that the PEC
18 send online communications to all New Mexico school
19 districts, as well as all State-chartered schools,
20 notifying them of the notices of intent received
21 from possible online schools.

22 Okay? Will that get it?

23 May I have a second?

24 COMMISSIONER CARR: Second.

25 THE CHAIR: Motion and second. You've

1 heard the motion. Any discussion? Commissioner
2 Armbruster?

3 COMMISSIONER ARMBRUSTER: So did this now
4 exclude -- I guess is Connections? -- because
5 they're not a State charter.

6 THE CHAIR: They are a State charter.

7 COMMISSIONER ARMBRUSTER: Is the other one
8 a State charter?

9 THE CHAIR: But the district will get a
10 letter.

11 COMMISSIONER ARMBRUSTER: Got it. Okay.
12 I just -- they just sounded different to me.

13 THE CHAIR: Let's vote, please.

14 All those in favor of the motion, please
15 say "Aye."

16 (Commissioners so indicate.)

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

18 (No response.)

19 THE CHAIR: Motion carries. If you would
20 take care of that, Julie, we'd appreciate it.

21 Ladies and gentlemen, we have just
22 dispensed with Item No. 10. Let's go to 11, please.

23 COMMISSIONER BERGMAN: What happened to
24 Diné Learning Academy? You had it on the bottom of
25 Item 10.

1 MS. LUCERO: Madam Chair, members of the
2 Commission, we just wanted to note on the record
3 they were a school that was removed from the process
4 because they didn't notify the district. It was
5 unclear at the last meeting what kind of
6 documentation they really did. It was more than
7 likely they didn't have it. We wanted to confirm on
8 the record they were removed. They are aware
9 they're no longer in the process.

10 THE CHAIR: The eyes aren't working
11 anymore. I thought it said "Dream Diné." Diné. So
12 there's no action we need to take?

13 MS. LUCERO: I would just say, just for
14 the record, noting they are no longer in the process
15 because they did not provide district notice.

16 THE CHAIR: Okay. So, Commissioners, we
17 talked about that in a meeting before. And somehow
18 they got left off the list. So maybe we better be
19 doubly sure of what we're doing here and move that
20 Diné Learning Academy be removed from the notices of
21 intent list for failure to notify the local
22 district.

23 COMMISSIONER BERGMAN: Second. Was that a
24 motion?

25 THE CHAIR: That was a motion.

1 Absolutely.

2 All right. Motion and second.

3 Any discussion?

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

5 (Commissioners so indicate.)

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

7 (No response.)

8 THE CHAIR: It carries. Thank you very
9 much.

10 Now, Commissioner Bergman, your turn.

11 COMMISSIONER BERGMAN: All right. I
12 believe Beverly just passed out the very latest
13 schedule for the charter school negotiations. And
14 the reason for that is that ASK Academy was
15 scheduled at a time when they did not work out. And
16 so they requested that they be delayed to a later
17 date, and that then, of course, had to fit our
18 schedule.

19 And I believe they were put on -- yeah,
20 they were added to the May 13th date. Let me get my
21 other schedule out here. We still have just two
22 sessions that need to be -- actually, it's just one
23 session. According to my records, right now, for
24 the May 13th and the May 14th negotiations, I have
25 myself, Commissioner Conyers, Commissioner Shearman,

1 and Commissioner Armbruster are scheduled for those.

2 Then we have one final session that had
3 not been scheduled yet. That is May 20th for two
4 negotiations and May 21st for one. And those
5 negotiations will be in Albuquerque.

6 And it's the Masters Program, Turquoise
7 Trail, and Tierra Encantada. And then that process
8 will be done for another year, or at least for this
9 year.

10 So I am going to put myself down, of
11 course. Commissioner Shearman, do you wish -- so we
12 have two openings there.

13 COMMISSIONER TOULOUSE: Madam Chair, I can
14 do the 21st, too.

15 COMMISSIONER BERGMAN: I think we have a
16 couple of folks that haven't been to any yet.

17 Commissioner Conyers, I know I believe
18 you -- did I say you were on -- yeah, you're on the
19 13th. Did you have any interest in coming back the
20 following week, or is that --

21 COMMISSIONER CONYERS: I can do that.

22 COMMISSIONER BERGMAN: Commissioner
23 Peralta, your schedule does not allow -- did you
24 want to do any, or --

25 COMMISSIONER PERALTA: Yeah, my intention

1 is to at least attend one. We're getting pretty
2 close to the EOY PARCC assessment here in the next
3 couple of weeks. So sometime -- one after the --
4 after next week, maybe, might --

5 COMMISSIONER BERGMAN: Well, the only one
6 that's left is the 20th and 21st, if you're
7 available for those. Or if not, that's fine.

8 COMMISSIONER PERALTA: Yeah.

9 COMMISSIONER BERGMAN: We've got you
10 pretty busy with the PSCOC and PSFA.

11 COMMISSIONER PERALTA: Yeah, let me go
12 ahead and just not.

13 COMMISSIONER BERGMAN: I just wanted to be
14 sure you had the opportunity, so you didn't feel --
15 so Mr. Carr has not done one yet. Do you have any
16 interest?

17 COMMISSIONER CARR: No.

18 COMMISSIONER BERGMAN: Okay. So now I
19 need one or two volunteers for the 20th and the
20 21st.

21 THE CHAIR: Carmie, what are you
22 volunteering?

23 COMMISSIONER TOULOUSE: Madam Chair, I can
24 do those if you don't have another volunteer.

25 COMMISSIONER BERGMAN: Anyone else?

1 COMMISSIONER CONYERS: I can do it, if you
2 need me to.

3 COMMISSIONER BERGMAN: I really just -- if
4 you want to be there, I'd be happy to have you
5 there. Four is our maximum. I'm not asking for any
6 more than four. I'm worried if we get to five, it's
7 not a quorum, but it's close to a quorum. I'm
8 keeping it down to four people.

9 If no one else wants it, if you'd like to
10 come back the next week, we'd be glad to have you.

11 COMMISSIONER CONYERS: Sure.

12 COMMISSIONER BERGMAN: Okay. So Toulouse
13 and Conyers. We're scheduled up, Madam Chair.
14 We're -- we're.

15 COMMISSIONER ARMBRUSTER: Is this
16 different from the one I printed off last night off
17 the computer?

18 COMMISSIONER GIPSON: Not if it's from
19 Beverly's e-mail from last night. This is the same
20 one.

21 COMMISSIONER ARMBRUSTER: I keep writing
22 "newer" and "newest."

23 MS. FRIEDMAN: There's a date on the
24 front.

25 COMMISSIONER CONYERS: Madam Chair?

1 THE CHAIR: Oh, I'm sorry. Commissioner
2 Conyers?

3 COMMISSIONER CONYERS: I'm sorry. I just
4 checked my calendar. I'm going to be teaching a
5 class for the college that starts that week; so I'm
6 not available after all.

7 COMMISSIONER BERGMAN: We're very
8 flexible. I just scratched you out. So you've been
9 scratched out, whatever that means.

10 THE CHAIR: What did you scratch him out
11 for?

12 COMMISSIONER BERGMAN: For the 20th and
13 21st. We still have three -- if a fourth decides
14 they want to come to that, they're welcome to come.

15 MS. FRIEDMAN: Madam Chair?

16 THE CHAIR: Yes.

17 MS. FRIEDMAN: May I ask Commissioner
18 Bergman to let me know who is going to be at the ASK
19 Academy, so I can add it to your schedule?

20 COMMISSIONER BERGMAN: That's the same
21 group. That's the -- that's myself, Commissioner
22 Conyers, Commissioner Shearman, and Commissioner
23 Armbruster. We'll be at both that day, Monte Del
24 Sol and the ASK Academy.

25 MS. FRIEDMAN: Okay. And for Taos?

1 COMMISSIONER BERGMAN: And that's the next
2 day. We'll all be at the next one, too, as it
3 stands now, yes.

4 MS. FRIEDMAN: Mr. Bergman, Ms. Shearman,
5 Ms. Armbruster, and --

6 COMMISSIONER BERGMAN: Mr. Conyers, for
7 that one.

8 MS. FRIEDMAN: -- Conyers.

9 THE CHAIR: Are we done?

10 All right. Let's move to Item 12.

11 Commissioner Peralta, anything from PSCOC?

12 COMMISSIONER PERALTA: Okay. Basically,
13 the last couple of meetings have all been focused on
14 the upcoming school year, 2015-'16, for the capital
15 outlay awards cycle. There's our six scenarios that
16 are kind of being tugged around between council
17 members, and so we are still in the process of
18 making a determination on how those awards are going
19 to be planned out for the schools that have
20 applications in for improvements.

21 And so I believe -- my understanding is,
22 is that at this next meeting, which is May the 2nd,
23 I believe, is -- should be a time when a definite
24 vote will come to take place for how those monies
25 are going to be disbursed to schools.

1 And that's basically it. That's the bulk
2 of the conversation that's going on with the
3 council; so...

4 THE CHAIR: Okay.

5 COMMISSIONER PERALTA: And with that, I'm
6 going to depart, as I have two birthday girls
7 waiting for me.

8 THE CHAIR: They happen to be twins, do
9 they?

10 COMMISSIONER PERALTA: Yes, ma'am.

11 THE CHAIR: Tell them "Happy Birthday" for
12 us.

13 COMMISSIONER PERALTA: All right. Thank
14 you.

15 THE CHAIR: All right. Thank you,
16 Commissioner.

17 Let's go on to Item 13, PEC Committees and
18 Liaison Reports.

19 Does anyone have anything they want to
20 bring to us this afternoon? Commissioner?

21 COMMISSIONER BERGMAN: I'm going to keep
22 this very brief, because I'm -- like the rest of
23 you, I want to get on the road, too.

24 I did attend the School Budget Workshop
25 last week. Actually, they did a legislative report.

1 I saw a couple of items I thought I found
2 interesting. They don't necessarily pertain to us
3 directly, but they directly pertain to our charter
4 schools that fall under our oversight. So I thought
5 I would read them.

6 Apparently, they were put in House Bill 2,
7 which I believe is the funding bill; and so I
8 believe that's appropriate. I assume that makes
9 them lost, since the funding bill passed and
10 everything.

11 One of the things says -- and I'm going to
12 quote it here -- "The Secretary of Public Education
13 shall not distribute a school district's or charter
14 school's State Equalization Guarantee distribution
15 after the first reporting date, which is October
16 14th, 2015, if, by that date, the school district or
17 charter school has not conducted an assessment of
18 its student assessment practices using a Public
19 Education Department-approved audit tool and
20 submitted the results of that audit to the Public
21 Education Department and the local school board or
22 governing body of the charter school.

23 "The Public Education Department shall
24 provide a report of the assessment audit results to
25 the LESC by December of 2015."

1 Now, I notice that we are conspicuously
2 absent from that group. So I think this Commission
3 should probably ask CSD, since I believe they are
4 going to see this information, that we probably
5 would be interested -- I could see where this might
6 affect negotiations somewhere down the road, if
7 they're -- I'd like to know what they're saying
8 about assessment practices and everything.

9 So, Madam Chair, I would suggest that you
10 might wish to ask CSD to include us when they
11 finally do get whatever data that does come out of
12 that part of that statute.

13 THE CHAIR: Julie, is it your
14 understanding you all will get that data?

15 MS. LUCERO: Madam Chair, Commissioner, we
16 will -- we will get data such as that. And we will
17 report back.

18 THE CHAIR: Thank you very much.

19 COMMISSIONER BERGMAN: And I will go on
20 here. There was another thing buried in that thing.

21 It said, "Increased charter school
22 enrollment pursuant to an authorizer-approved
23 increase in existing enrollment cap shall be
24 considered a new formula-based program."

25 So when we provide a school with an

1 increase in their enrollment cap, that sounds to me
2 like they're going to default going into some new
3 category or group; because I wrote here, "Ask Julie
4 about this."

5 And then it went on and said other things
6 like, "Notwithstanding the provisions of Section
7 22-8-23.1," blah, blah, blah. But that sounds like
8 it could certainly affect certain charter schools if
9 we give them an enrollment cap increase.

10 MS. LUCERO: Madam Chair, members of the
11 Commission, yes. And that language surprised new
12 charters originally; but it looks like it will
13 impact very few this year.

14 But what currently happens, the way I
15 understand, is schools get membership funding and
16 then projected growth. So those that ask for an
17 enrollment cap, they get money basically twice, for
18 membership and for that growth projection. So now
19 they'll only get one -- in a sense, a
20 double-dipping -- they won't get twice.

21 I'm not sure if it's for one year; I don't
22 know if that's something that will continue. But I
23 think it will impact few charters this year.

24 There's maybe five that did get an
25 enrollment cap. Only two are for the upcoming year.

1 Those are the two we approved recently; I think
2 Mission Achievement and Success and Albuquerque Sign
3 Language Academy. I'm not sure if it impacts only
4 them, or if it does impact them; but...

5 COMMISSIONER BERGMAN: Thank you for that,
6 Julie. I'm not sure this was -- the explanation was
7 not totally clear. But I wrote down that it was
8 included in Senate Memorial 135, which apparently
9 passed. It states, "On or before January 1st of
10 each year, beginning in 2014, and every time a Chief
11 Procurement Officer is hired, each State agency and
12 local public body shall provide to the State
13 Purchasing Agent the name of the State agencies or
14 the local public body's Chief Procurement Officer
15 and information identifying the State agencies or
16 local public body's Central Purchasing Office, if
17 applicable."

18 I believe that would also apply to charter
19 schools, and I believe it would have been
20 effective -- we had a school today that we voted on
21 that did not have a Chief -- an identified Chief
22 Procurement Officer. So if I'm reading that
23 correctly, every charter school is supposed to have
24 a Chief Procurement Officer.

25 MS. LUCERO: Madam Chair, Commissioner

1 Bergman, yes, exactly. In fact, charter schools
2 have known about this for a while. When I was in a
3 school as an administrator, we were aware that
4 administrators, people signing POs, would need to
5 take the test as an officer. So it's not new to
6 them. Some people may think they're hearing about
7 it for the first time. But now it's actually --
8 they need to get it done; so yes, it would affect
9 charter leaders and their business managers.

10 COMMISSIONER BERGMAN: I hope this is the
11 final note I made. There apparently is a new
12 reporting requirement in the financial area, and
13 I'll read it here.

14 "Each local superintendent or person in
15 charge of the fiscal management of a charter school
16 shall provide quarterly reports on the financial
17 position of the school district or charter school,
18 as applicable to the local school board of the
19 school district or the governing body of the charter
20 school, for use in reviewing the financial status of
21 the school district or charter school. The
22 Department shall develop the forms to be used for
23 the financial reporting required under this
24 section."

25 And it further goes on to say what should

1 be in the position.

2 Now, here again, I don't see that we were
3 mentioned in there; but I suspect if our schools are
4 filing some kind of a quarterly report, it might be
5 nice if we had them; although, we are buried in
6 paperwork already. I would leave that up to the
7 Commission.

8 THE CHAIR: Do you all get those, Julie?

9 MS. LUCERO: Madam Chair, members of the
10 Commission, now -- most schools report quarterly.
11 Now, there are a few schools that if the Budget
12 Bureau finds that there may be a concern, that
13 report monthly. So we do know if the school is
14 reporting monthly or quarterly.

15 We don't actually look at the reports. We
16 kind of keep a closer eye, if it's a monthly piece;
17 for example, I think today, they mentioned that the
18 school we talked about earlier was on monthly
19 reporting.

20 Normally, we don't dig through those
21 reports. But if there is a concern, we're notified,
22 and we would come to you, just like we did with the
23 School of Concern with J. Paul Taylor. Those are
24 things we bring to you, as needed, not necessarily
25 that we review the reports. They just notify us if

1 it's something we need to look at.

2 THE CHAIR: Sounds like it's working.

3 COMMISSIONER BERGMAN: And finally, the
4 speaker, the main speaker this year was actually a
5 very well noted New Mexico forensic auditor. And
6 she had some comments that I found interesting,
7 because we place a certain amount of faith in audits
8 of our charter schools.

9 She was not speaking about anything in
10 particular; so don't infer that. But she stated
11 only 3 percent of frauds are discovered by an
12 external audit, because most auditors are not asking
13 the right questions. 3 percent.

14 So while we love to have faith in these
15 auditors, I hope people are asking the right
16 questions.

17 I guess I've always fallen into that trap.
18 If they've got a clean bill of health in an audit,
19 everything must be just doing great. When she said
20 that, I wrote it down, because that kind of
21 flabbergasted me. I just thought it was worth
22 noting. Most of the fraud is uncovered actually by
23 insider tips.

24 Thank you, Madam Chair.

25 THE CHAIR: Thank you, Commissioner

1 Bergman. Any other reports or liaison comments?

2 Do we have any old business?

3 Seeing none, let's go to PEC Comments.

4 THE CHAIR: Let me start with Commissioner
5 Gipson.

6 COMMISSIONER GIPSON: I'm fine.

7 THE CHAIR: Commissioner Toulouse?

8 COMMISSIONER TOULOUSE: Nothing. Thank
9 you, Chairwoman.

10 THE CHAIR: Commissioner Carr?

11 COMMISSIONER CARR: No.

12 THE CHAIR: Commissioner Bergman.

13 COMMISSIONER BERGMAN: I'm good.

14 THE CHAIR: Commissioner Armbruster?

15 COMMISSIONER ARMBRUSTER: No.

16 THE CHAIR: Commission Conyers?

17 COMMISSIONER CONYERS: I have something.

18 It's just kind of a thinking out loud. But earlier
19 in the day, when we were talking about, you know,
20 revoking a charter, it was brought up that
21 suspension is an option; but no one knew what that
22 was.

23 And so I'm wondering, is there a way to
24 determine -- I mean, can the Attorney General give
25 an opinion? Should we ask the new director to

1 research what other states do if they have something
2 like -- I mean, seems like that could be a viable
3 option, if we figured out what it was. Has that
4 been discussed before, or --

5 THE CHAIR: I think we've had this same
6 discussion of, "What is suspension?" And sort of
7 the resulting talk was, suspension is the same as
8 revoking. You suspend a charter; it's not in
9 operation.

10 COMMISSIONER ARMBRUSTER: It doesn't sound
11 like it's forever. When you suspend something, it
12 seems like it's, "For six months, we'll do this, or
13 one year." And "revoke" sounds like forever.

14 COMMISSIONER GIPSON: Well, what do you do
15 for half a year?

16 COMMISSIONER ARMBRUSTER: Well, I just
17 think that's what I would interpret it to be, for
18 me.

19 THE CHAIR: Mr. Granata, would you look
20 into that for us?

21 MR. GRANATA: I will be happy to take a
22 look at that.

23 THE CHAIR: All right. And I have nothing
24 else to say. Thank you, all.

25 Beverly, do we have anyone for Open Forum?

1 MS. FRIEDMAN: No, ma'am.

2 THE CHAIR: Thank you very much.

3 Mr. Granata, do we need an Executive
4 Session?

5 MR. GRANATA: Madam Chair, Commissioners,
6 we don't necessarily need an Executive Session. If
7 the Commission would like we can discuss some of the
8 items that are on the Executive Session under -- on
9 the agenda.

10 I can just tell you that there hasn't been
11 any word received from the Public Education
12 Department regarding the Columbus Charter appeal.
13 And that's all I'd like to say on the record.

14 THE CHAIR: Okay. Can you say that the
15 decision -- has it come down on Anthony yet?

16 MR. GRANATA: And additionally, the
17 decision hasn't come down for Anthony Charter
18 School, as well.

19 As the Chair indicated earlier, the
20 hearing was earlier this week. And so once I find
21 out, or once the Chair finds out what the decision
22 is, the Commission will be notified.

23 THE CHAIR: So thank you very much for
24 that information. We will not go into Executive
25 Session.

1 Is there anything else from anybody?
2 The next item on our agenda is Adjourn.
3 Would anyone care to make the motion?
4 COMMISSIONER CARR: So moved.
5 THE CHAIR: Does anyone second?
6 COMMISSIONER ARMBRUSTER: Second.
7 THE CHAIR: Everybody votes. We're
8 adjourned. Thank you very much.
9 (Proceedings concluded at 2:55 p.m.)

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1 BEFORE THE PUBLIC EDUCATION COMMISSION

2 STATE OF NEW MEXICO

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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 April 27, 2015.

17
18
19 *Cynthia Chapman*

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