

BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
PUBLIC MEETING
VOLUME ONE
December 10, 2014
9:00 a.m.
Jerry Apodaca Building - Mabry Hall
300 Don Gaspar
Santa Fe, New Mexico

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A P P E A R A N C E S

COMMISSIONERS:

MS. CAROLYN SHEARMAN, Chair
MR. EUGENE GANT, Vice Chair
MR. VINCE BERGMAN, Secretary
MR. JEFF CARR
MR. J. TYSON PARKER
MR. GILBERT PERALTA
MS. CARMIE TOULOUSE

STAFF:

MR. MATT PAHL, Interim Director, Charter School
Division

MS. JULIE LUCERO, General Manager, Options for
Parents

MR. JOSHUA GRANATA, Assistant Attorney General,
Counsel to the PEC

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

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1 THE CHAIR: Ladies and gentlemen, I call
2 to order this regularly scheduled meeting of the
3 New Mexico Public Education Commission. I would ask
4 Secretary Bergman for a roll call.

5 COMMISSIONER BERGMAN: Commissioner
6 Toulouse?

7 COMMISSIONER TOULOUSE: Present.

8 COMMISSIONER BERGMAN: Commissioner
9 Parker?

10 COMMISSIONER PARKER: Here.

11 COMMISSIONER BERGMAN: Commissioner
12 Peralta?

13 COMMISSIONER PERALTA: Here.

14 COMMISSIONER BERGMAN: Commissioner Carr?

15 COMMISSIONER CARR: Here.

16 COMMISSIONER BERGMAN: Commissioner Gant?

17 COMMISSIONER GANT: Here.

18 COMMISSIONER CARR: Commissioner Shearman?

19 THE CHAIR: Here.

20 COMMISSIONER BERGMAN: Commissioner
21 Bergman is here.

22 Madam Chair, you have seven members
23 present. You have a quorum.

24 THE CHAIR: Thank you. And I will let you
25 know that we have heard from Commissioner Conyers.

1 He has had some health issues recently, and his
2 doctor advised him that it would be better if he did
3 not drive; so he will not be with us for this
4 meeting.

5 So we have seven Commissioners in
6 attendance. We do have a quorum.

7 Let us move on, please, to the Pledge of
8 Allegiance and Salute to the New Mexico Flag.

9 Commissioner Gant and Commissioner Parker.
10 (Pledge of Allegiance and Salute to the New
11 Mexico Flag conducted.)

12 THE CHAIR: Thank you. Next item is
13 No. 3, Approval of the Agenda. Are there any
14 corrections to the agenda or changes to the agenda?

15 Commissioner Gant?

16 COMMISSIONER GANT: Madam Chair, one of
17 the items I'd like to move forward is Item -- let me
18 get to it here to make sure I'm right -- Item 13-A,
19 Specific Schools of Concern. Martica Casias from
20 the PSFA will be here, and she can give us any
21 information. Also she has other information
22 possibly for all the schools that are being
23 considered for renewal.

24 And we don't need to tie up her for the
25 next two-and-a-half days waiting for us to get to

1 that part of the -- so I would suggest we move it
2 forward. She should be here any time now. We'll do
3 it after -- just before we close for the morning, I
4 believe.

5 THE CHAIR: Are you suggesting,
6 Commissioner Gant, that we move it to just after
7 Item 10?

8 COMMISSIONER GANT: Yes, Madam Chair.

9 THE CHAIR: Okay. So rather than renumber
10 the agenda, let's just move Item 13 to after Item 10
11 and before Item 11.

12 Are there any other changes or corrections
13 to the agenda?

14 Let me just say, I will assure everyone in
15 attendance that we will adhere to what we have
16 published in the agenda, that at 1:00 today, we will
17 begin with the renewal hearings. So even though
18 we're moving an item up on this morning's agenda, we
19 will, at 1:00, begin with the -- with the renewals,
20 okay?

21 Any other changes to the agenda?

22 Hearing none, Commissioner Gant, the Chair
23 will entertain a motion.

24 COMMISSIONER GANT: Madam Chair, I move
25 that we move Item 13 to just below -- just below 10

1 and above 11.

2 COMMISSIONER PARKER: (Indicates.)

3 THE CHAIR: Seconded by Commissioner
4 Parker. Motion by Commissioner Gant to move agenda
5 Item 13 so that it follows Item 10 and is just above
6 Item 11.

7 Further discussion?

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

9 (Commissioners so indicate.)

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

11 (No response.)

12 THE CHAIR: Motion carries. The agenda is
13 modified. Thank you all very much.

14 Let's move on to Approval of the Minutes.
15 First are the minutes from the Work Session of
16 April 13th. And they are an item -- they are in
17 Tab 3 of your notebook; but they're the latter
18 section of Tab 3. It's right behind a yellow piece
19 of paper.

20 Any corrections or additions to the
21 minutes for November 13, 2014?

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

24 COMMISSIONER BERGMAN: Madam Chair, my
25 book does not have the minutes from the 13th

1 meeting. It has the minutes from the 14th meeting.
2 So I would just ask Beverly if you could get me a
3 copy later of those minutes, please?

4 MS. FRIEDMAN: Madam Chair, Commissioner
5 Bergman, if you'd check at the very end of the
6 minutes, they may have been put at the end of those
7 minutes?

8 THE CHAIR: There it is.

9 COMMISSIONER BERGMAN: Yellow page. I
10 didn't see it. There it is.

11 THE CHAIR: Do you have it?

12 COMMISSIONER BERGMAN: I have it now.
13 Thank you.

14 THE CHAIR: The Chair would entertain a
15 motion on the minutes from November 13th.

16 Commissioner Parker?

17 COMMISSIONER PARKER: Madam Chair,
18 Commissioners, I move that we approve the minutes
19 from the November 13th Work Session.

20 THE CHAIR: Thank you. Do I hear a
21 second?

22 COMMISSIONER TOULOUSE: (Indicates.)

23 THE CHAIR: Commissioner Toulouse?

24 Commissioner Parker makes the motion;
25 Commissioner Toulouse seconds, to approve the

1 minutes of the meeting on Thursday, November 13th.

2 Any discussion?

3 Hearing none, all those in favor, please
4 say "Aye."

5 (Commissioners so indicate.)

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

7 (No response.)

8 THE CHAIR: Those minutes are approved.

9 Let's move on to the minutes of
10 November 14th, the regular meeting, November 2014.
11 Any corrections?

12 Well, Cindy, things have been too easy. I
13 have a few.

14 THE REPORTER: Oh, dear.

15 THE CHAIR: First of all, on Pages 17 and
16 18, lines 22, on Page 17, through line 1 on
17 Page 18 -- and Mr. Granata, this is your statement.
18 Oh. This is -- we were talking about -- I believe
19 it was -- well, I'll let you read it.

20 This was a settlement agreement with
21 La Promesa. And all you were asking here was that
22 the signature lines and the date lines be filled in,
23 because they were not on the copy that we had. And
24 you asked Matt if he would see to it that that was
25 accomplished. And so I'm asking, did it get done?

1 MR. PAHL: Madam Chair, could you restate
2 what the request was one more time? I'm sorry.

3 THE CHAIR: On the settlement agreement
4 for La Promesa, the line -- the signature lines were
5 not filled in and had not been signed on the copy we
6 were looking at. We seemed to think, and you, I
7 believe, agreed that you had a signed copy.

8 MR. PAHL: Yes.

9 THE CHAIR: And if it wasn't signed then
10 you were going to get it signed and dated. Has that
11 happened?

12 MR. PAHL: Yes, it has.

13 THE CHAIR: So it's all signed and dated
14 and ready to go? Thank you so much.

15 MR. GRANATA: Madam Chair, I think my
16 concern was that there was a part of the settlement
17 agreement which indicated whether or not --
18 essentially indicated the votes of the
19 Commissioners. And I think that that was my
20 concern, that that part of the document was filled
21 in, as well.

22 THE CHAIR: Thank you.

23 MR. PAHL: Madam Chair, Mr. Granata, I'm
24 glad we're here for three days. We'll be able to
25 get back to you on Thursday or Friday with the

1 answer to that specific question. Thank you.

2 THE CHAIR: Okay. If you could get back
3 to us with that information? Thank you.

4 Page 50, line 19. I believe there's a
5 word left out. If you'll look at where the quote
6 begins, and it says, "We have left this agreeing to
7 the basic terms."

8 I wondered if perhaps the word "meeting"
9 had been left out. This is talking about the
10 sign-in sheet for negotiations, contract
11 negotiations, that new sign-in sheet we were
12 initiating. And I believe it needs to say, "We have
13 left this meeting -- or this negotiation -- agreeing
14 to these basic terms." Is anybody's memory better
15 than mine as to what exactly we said? Vince?

16 COMMISSIONER BERGMAN: Madam Chair, I'm
17 not certain; but actually, the word "negotiation"
18 would fit what was said there more than the word
19 "meeting," because we were discussing that these
20 were negotiation sessions.

21 THE CHAIR: Okay. So it your
22 recommendation that it probably was "negotiation"?

23 COMMISSIONER BERGMAN: Probably; but I
24 don't remember it exactly that way.

25 THE CHAIR: Anybody else have a different

1 recollection? Then let's put "negotiation" in
2 there, because that seems to be the most logical.

3 Page 55, line 4, I believe instead of the
4 word "preparing," the word should be "proposing."
5 What we're "proposing" is that the January, March,
6 and May meetings of the PEC..." -- those are talking
7 about the reports from the --

8 COMMISSIONER CARR: Yeah.

9 THE CHAIR: -- planning year worksheet
10 checklist.

11 Line 5 -- again, I'm getting picky, Cindy.
12 I believe the word should be "meetings,"
13 plural.

14 And then in line 9, "In light of 'when' we
15 planned the negotiations for the new charter
16 schools....," rather than "where."

17 Page 56, line 15, I believe "October"
18 should be "January."

19 Page 110, 111 -- Commissioners, this was a
20 statement by Mr. Joyce from Mesa Del Sol school.
21 And I'm really asking you for a clarification of
22 what's written here, because it seems to me he
23 contradicts himself. And maybe I just am reading it
24 wrong.

25 Would you read lines 20, on Page 110,

1 through line 6 on Page 111, and see what you think?

2 It sounds to me, on line 24 and -5, he's
3 saying, "To add those students would not go over
4 their cap of 450 students, would keep us under the
5 450 cap."

6 Then, in lines 2, 3, and 4, "And because
7 those grades would have exceeded our original
8 charter enrollment of 450, we had to address that,
9 as well."

10 In one place, it says they're not
11 exceeding the cap; in the other place, it says they
12 would.

13 Commissioner Gant?

14 COMMISSIONER GANT: Madam Chair, members,
15 I take this as he's just speaking as where they are
16 right now. "If we add the addition of the grades,
17 then they're going to break the cap."

18 That's what I'm reading.

19 THE CHAIR: So you feel the statement is
20 correct the way it's quoted?

21 COMMISSIONER GANT: Yes.

22 THE CHAIR: Is everybody else all right
23 with that?

24 Okay. I just wanted to be sure.

25 Let's go, then, to Page 121, lines 10

1 through 17. Mr. Pahl -- actually, lines 14 through
2 17 -- you say you'll be happy to e-mail the
3 Commissioners with an update of where we are, both
4 in providing -- procuring a vendor to do the work
5 and whether we've started that work or not. And
6 this is talking about the audit through PED.

7 I haven't gotten an e-mail.

8 MR. PAHL: Madam Chair, I did not send an
9 e-mail, because the letter that -- that was sent to
10 the State Auditors Office was copied to you. I
11 should have let the Commission know that. But that
12 gave us an update on the work. And I will be
13 providing further update on our Schools of Concern
14 list on the Director's Report.

15 THE CHAIR: Okay. And everybody -- all
16 the Commissioners received that letter? There have
17 been so many. This is the one about the forensic
18 audit has been contracted and begun?

19 COMMISSIONER TOULOUSE: Madam Chair, I got
20 the State Auditor's letter; but I did not get Deputy
21 Secretary Aguilar's.

22 THE CHAIR: Josh says he will send it
23 again.

24 Okay. Thank you.

25 Page 130. Commissioner Toulouse, this is

1 a question of clarification for you. If you will
2 read lines 10 through 14 and tell us if the word
3 "hasn't" is correct.

4 COMMISSIONER TOULOUSE: Okay. I think so,
5 Madam Chair.

6 THE CHAIR: You think "hasn't" is correct.
7 Okay. Thank you very much.

8 Let's go to Page 148, beginning with line
9 11 going on through Page 149, line 21. This -- the
10 name of the school escapes me we were dealing with.
11 New Mexico International School that wanted to
12 increase their size -- class size limits -- found
13 that they had already done so without approval of
14 this group.

15 And Mr. Pahl, you were going to look at --
16 look into that.

17 And down on -- further down, Mr. Granata
18 was going to get involved in that, as well. What's
19 the status now?

20 MR. PAHL: Madam Chair, we are working
21 with our legal department right now. As I mentioned
22 in the minutes, this isn't something that often
23 happens. And the public school funding statute
24 mentions that every student must be funded. And so
25 we're working to see if we have a mechanism to be

1 able to do that right now and stay in compliance
2 with statute.

3 COMMISSIONER CARR: Madam Chair, point of
4 order. Don't -- I think we're getting beyond the
5 scope of our agenda, that this is something that
6 should be spoken about later, when somebody gives a
7 report, the appropriate time.

8 Right now, we're just discussing
9 corrections to the minutes, and I think we may be in
10 violation.

11 THE CHAIR: Where, then, do these
12 questions get asked? If you look for that I'll keep
13 going with corrections, okay?

14 Page 163 -- it's the same thing.

15 Page 164. Okay. The last question I have
16 as far as is this correct is on Page 233. And it's
17 something I said -- or -- we were talking about
18 frameworks. And I said, "We were probably too
19 rough."

20 Does anybody remember that? I don't
21 remember saying it. Does anybody remember either
22 way?

23 Okay. Then the minutes will stand, if
24 nobody remembers otherwise.

25 Okay. Those are all the questions I had

1 about the minutes. Does anyone else have anything?

2 All right. Hearing none, the Chair would
3 entertain a motion on the minutes.

4 COMMISSIONER CARR: So move.

5 THE CHAIR: Would you please state the --
6 so move to what? Who made that? You did? Are you
7 including the corrections?

8 COMMISSIONER CARR: Right, yes. I'm
9 including the corrections.

10 THE CHAIR: Okay. Do I hear a second?

11 COMMISSIONER GANT: Second.

12 THE CHAIR: I have a motion by
13 Commissioner Carr, a second by Commissioner Gant, to
14 approve the November 14 meeting minutes, as
15 corrected.

16 Any discussion? All those in favor,
17 please say "Aye."

18 (Commissioners so indicate.)

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

20 (No response.)

21 THE CHAIR: The minutes are approved.

22 I've just received a note that
23 Commissioner Pogna is not feeling well and will not
24 be here today. So that's two of our Commissioners
25 who are not here; but we still have seven members,

1 so we do have a quorum.

2 Okay. Item 4 is Recognitions of our
3 Commissioners who are leaving us. And I'd like to
4 start -- I'd like to start with our long-term
5 Commissioner Gant. Let's see if I can do this
6 without tripping.

7 And I'd like to thank Commissioner
8 Toulouse for being so kind as to do the shopping and
9 the getting of the plaques and all the wording
10 correctly and taking on that responsibility here at
11 this busy time. So I thank her very much.

12 I have this written down because I don't
13 want to forget what I'm going to say.

14 Commissioner Gant, a single "thank you"
15 seems pretty insignificant for all you've done for
16 students and education in New Mexico, for the eight
17 years you've been on this Commission. I just want
18 everyone to know how hard he's worked.

19 Gene's made every weeklong road trip to do
20 community input hearings for the full eight years
21 he's been on this Commission.

22 He's participated in almost every -- every
23 contract negotiation that's been held.

24 He's participated in almost every
25 performance framework renegotiation that's been

1 held.

2 Those are enormous amounts of time. Each
3 one of those contract negotiations takes half-a-day;
4 so -- and we've got a lot of them.

5 In addition to that, Gene has represented
6 this Commission on PSCOC and brought to us much
7 information on facilities, what we need to be
8 looking for to make sure that our children are
9 protected in the environments where they are. He's
10 introduced us to Martica, who now comes to our
11 meetings to bring us up-to-the-minute information on
12 the status of the facilities that our schools are
13 in. So we thank him for that.

14 Whew, that's a lot.

15 Gene, we hope that you will remember us
16 and all the good things that this Commission, with
17 your help, has been able to do. And we hope when
18 you see this plaque -- and I'm going to unwrap it
19 that Carmie so nicely put in here -- I'm going to
20 bring this plaque out. And I hope every time you
21 see this, you will be reminded of the great work
22 you've done for New Mexico and our kids and
23 education, and maybe even think fondly of us.

24 COMMISSIONER GANT: Thank you.

25 THE CHAIR: Oh. And it says -- let me

1 read it to you, please.

2 "New Mexico Public Education Commission,
3 Gene Gant, Vice Chair, District 7. In appreciation
4 for your outstanding service to education in
5 New Mexico, 2006 to 2014."

6 COMMISSIONER GANT: Thank you.

7 Well, Madam Chair, members, and audience.
8 We have a lot on the agenda for the next three days,
9 and we'll get on to that quickly. But I'm turning
10 the page. But before I do, I have some thanks.

11 THE CHAIR: While you're catching your
12 breath, may I take a moment and introduce Maureen,
13 Gene's wife?

14 COMMISSIONER GANT: That's where --

15 THE CHAIR: But I want to -- I want to get
16 to introduce Maureen. The first PEC meeting I ever
17 attended, as Karyl Ann is doing today, just to visit
18 and find out what goes on, Gene and Maureen made it
19 a point to come to me and say, "Hello, how are you;
20 who are you," and were very welcoming. So I
21 appreciate -- I appreciate that. Got your breath?

22 COMMISSIONER GANT: Now I can do my
23 thanks. That's the first one is my wife. I served
24 eight years on the local school board down in
25 Las Cruces. And as some of you all know -- or many

1 of you do -- school board can be fun. It can be
2 lots of things.

3 And she supported me through those eight
4 years down there. And she made me a promise, that
5 "You're on the school board, and I will not say a
6 word during the meetings."

7 And for eight years, she sat through every
8 meeting and never said a word.

9 MRS. GANT: It was very hard.

10 COMMISSIONER GANT: She was known to get
11 up at school board meetings and make her mind known.
12 But she was good to me that way.

13 We did have our discussions; but that was
14 outside the door of the meeting.

15 I'd like to thank Beverly. Without her,
16 this -- this Commission would really be in trouble.
17 And she has put up with me for all these eight
18 years, not getting my vouchers in on time, which I
19 still don't do. But that's okay. That's not her
20 problem; that's mine. She's really worked hard with
21 us.

22 Another one is, Cindy, our stenographer.
23 Without you, Cindy, if we had to go to court, we
24 would be totally lost. And we have to -- go down
25 the hall to deal with somebody, we would be totally

1 lost. So I really appreciate you.

2 Another one is Martica Casias. Martica?

3 MS. CASIAS: Thank you. (Applause.)

4 COMMISSIONER GANT: She has saved us. She
5 is our facilities connection. She works with the
6 Public -- Public Facilities Authorities -- Public
7 Schools Facilities Authority, PSFA. I can say that.

8 And without her over these last few years,
9 we would be totally in the dark about what's going
10 on in a lot of our charters out there. And she has
11 told us many times, "This charter is not ready to
12 move," and then we find out about it through her.

13 And I do appreciate it. She's the smart
14 one. She's kind of educated me. And I can't
15 remember everything she's told me, but that's the
16 way it goes.

17 My fellow Commissioners, past and present,
18 you put up with me. I sometimes get a little hard,
19 a little boisterous; and sometimes my wife says,
20 "You've to cool it."

21 In fact, during a board meeting, she would
22 look at me and say, "Breathe, just breathe." And
23 then she gave me Silly Putty to cool me off.

24 But that's -- you know, that's my wife,
25 you know.

1 A couple of comments I would like to make
2 and leave with you, if I may.

3 The first two deal with respect and
4 service. Our job is to serve. That's all we're
5 here for. We're here to serve the children of our
6 state. And in doing that, we have to show respect
7 to them, their parents, and their schools. And this
8 is my comment, mine alone, not theirs.

9 I believe, in many ways, in the last few
10 years, the respect for our educational system has
11 deteriorated in this state for various reasons. And
12 I think those to be served are no longer being
13 properly served. They're almost put in a position
14 of servitude. That's my comments.

15 I appreciate this Commission has done that
16 through the years, has tried hard to respect and
17 serve.

18 My last comment deals with "leave the
19 politics at the door." Do not bring politics into
20 working with kids. Leave the corporations outside
21 of the educational system.

22 I realize there's a lot of privatization
23 thoughts going on. Leave it outside. It has no
24 business making decisions in this room. Leave
25 politics and corporate outside, respect and serve,

1 and then you will be -- you'll satisfy the needs of
2 our children. Thank you.

3 THE CHAIR: Thank you, Commissioner.
4 Next, I'd like to commend our Commissioner, Tyson
5 Parker. You know, for the year that Tyson's been on
6 our Commission, I've learned to appreciate him so.
7 But every time I look at his name plaque, it looks
8 upside down to me. And I go like this.
9 (Indicates.)

10 Every time I look at "Tyson," I go like
11 this. But I'm looking at the name tag, not you.

12 Tyson, I know you've been with us only a
13 short time; but in that short time, we appreciate
14 you so much. You're level-headed; you're calm.
15 Your approach to business is just what we need. We
16 wish you could stay. We wish everybody that is on
17 this Commission to be here; we need you.

18 But you have to leave. And so having said
19 that, we want you to remember us -- look, he's
20 taller than me, too. I love that.

21 We want you to remember us with this
22 plaque that says, "New Mexico Public Education
23 Commission, J. Tyson Parker, District 4." And as
24 Gene said, "In appreciation for your outstanding
25 service to education in New Mexico, 2013-2014."

1 We appreciate you.

2 (Applause.)

3 COMMISSIONER PARKER: I think what you
4 left out is that I'm a big softy; so if I have to
5 take a pause, please forgive me.

6 I got into this because I have an
7 eight-year-old -- I have an eight-year-old and a
8 12-year-old. And as a parent, I was seeing things
9 that -- you know, they don't -- they're not
10 corporate bosses with Corporate America funding the
11 politics. They don't have one of the largest
12 lobbyist organizations in the country backing their
13 decisions. You know, they just have us, the
14 parents.

15 And so I just came here to try to -- to
16 try to leave it better than the way I found it. And
17 hopefully, I did that.

18 So, you know, the role model I wanted to
19 set for my kids is just, you know, be the change
20 that you want to see. Don't sit back and watch
21 things that you disagree with, you know. Take the
22 bull by the horns and put your name out there,
23 whether it's upside down or not, and -- yeah, that's
24 it. I'm going to sit down. Thank you.

25 (Applause.)

1 COMMISSIONER GANT: Madam Chair, I forgot
2 some people that I shouldn't have forgotten, because
3 I -- it's the Charter School Division, you know.
4 Old age is creeping up on me, and I should have
5 written all this down, and I didn't.

6 But I greatly appreciate the Charter
7 School Division. In the past, we've had -- they've
8 had a big changeover, and, for a long time, minus
9 people that they should have had. And they should
10 have had more and more people, but they haven't been
11 allocated the slots, so they can't fill them.

12 And they have -- the changes have just
13 been tremendous. And it's hard -- it's hard to
14 support a Commission -- that's their job. By
15 statute, Constitution, whatever, the Charter School
16 Division is our staff, along with Beverly Friedman.
17 And if you don't have a steady staff that's in
18 place, it's hard.

19 You've got to learn to work with these
20 people. They have to learn to work with you,
21 et cetera. And Matt, you've followed, I think, five
22 other people in your position. And we've lost, I
23 think, all of the Charter School Division as I knew
24 it when I came on eight years ago. And it's hard.

25 And you guys work hard. And sometimes I

1 think our voices, the way we say things sometimes in
2 the Commission, may come across that we don't
3 appreciate, or didn't appreciate, what you do. But
4 we do; we really do. And I wouldn't want to be in
5 your position at all. I wouldn't do it. And, you
6 know, I just wouldn't do it.

7 And I do appreciate what the Charter
8 School Division does for the Commission and for the
9 children of New Mexico.

10 You know, it's -- that's where the focus
11 has to be, not on adults. Adults can take care of
12 themselves. As Tyson said, children are the prime,
13 you know.

14 So -- and lastly, whatever Tyson and I
15 did, or any of these Commissioners did over the
16 years, history will decide whether we were right or
17 wrong; not today or tomorrow. History. And whether
18 the kids are successful in their future years and
19 they're productive or not, hopefully, what we did up
20 here helped them become successful and productive
21 citizens.

22 Thank you, Madam Chair.

23 THE CHAIR: Thank you, Commissioner. Any
24 other comments?

25 Commissioner Carr?

1 COMMISSIONER CARR: I would like to thank
2 both of the outgoing Commissioners for their
3 service. And I know their heart has always been in
4 the right place. And I think most of the -- you
5 know, I would say over 90 percent of the time, we
6 tend to agree and come together on this Commission,
7 which is nice.

8 When I first came on the Commission, I sat
9 next to Commissioner Gant. And he was -- took me
10 under his wing, and he was kind of my -- well, he
11 was my mentor on this Commission. And I learned a
12 great deal from him.

13 I have a great deal of experience in
14 education on my own; but this was a whole new story
15 when you get on the Commission. There's a whole new
16 set of things to learn and be aware of. And
17 Commissioner Gant has a tremendous amount of
18 knowledge and experience that really helped me get
19 started and get going on this Commission.

20 I would also like to recommend -- not
21 "recommend" -- I would like to commend his service
22 in the United States Air Force.

23 COMMISSIONER GANT: Watch it. Army.
24 Watch it.

25 COMMISSIONER CARR: I thought you were in

1 the Air Force.

2 COMMISSIONER GANT: I'm not a "zoomy"; I'm
3 a "ground-pounder."

4 COMMISSIONER CARR: All these years I've
5 been serving, I thought you were in the Air Force.

6 COMMISSIONER GANT: I shot down Air Force.

7 COMMISSIONER CARR: I was in the Air
8 Force; but I was also in the Army National Guard for
9 six years. But -- so I would like to -- that's
10 funny.

11 I would like to, you know -- he spent his
12 entire life in service to our country in one way or
13 the other, not serving to enrich himself or to --
14 you know, it was all about service to country, the
15 community, to our state. And we don't have enough
16 people like Commissioner Gant in this country. We
17 could use 100 million of them, you know.

18 We don't always agree, but we agree about
19 95 percent of the time, something like that. But I
20 can't let that go without -- without saying. So he
21 served his country and the children of this country.

22 So thank you, Commissioner Gant.

23 THE CHAIR: Commissioner Toulouse?

24 COMMISSIONER TOULOUSE: Madam Chair, what
25 I'd like to say is I think the kind of service that

1 we've had from both of these people is represented
2 by how quiet everybody was out here and intent on
3 what was going on up here. I think that shows that
4 the respect -- and the people here understand what
5 we do. And it's too bad the rest of the state
6 doesn't begin to understand the effort that goes in
7 here.

8 And I want to say I welcome new people,
9 but I'm going to miss these two. I hope there's
10 somebody I can pass notes to who comes in on the
11 next round.

12 And, Gene, while I extremely disagreed
13 with you on some things, I have never doubted your
14 sincerity and your caring for children and the fact
15 that I actually like you as a person.

16 COMMISSIONER GANT: Uh-oh.

17 COMMISSIONER TOULOUSE: It actually makes
18 it easier to disagree with somebody when I like
19 them. I have to be more careful when I don't.

20 And, Maureen, I'm very glad to finally
21 meet you. I've heard your name since my first day
22 on this Commission.

23 But I would want to say that I hope their
24 replacements fit in just as well and work with all
25 of us just as hard. But thank you.

1 THE CHAIR: All right. Thank you so much.
2 I think we need to move on now to Item No. 5, Report
3 from PED Leadership. Mr. Pahl?

4 MR. PAHL: Madam Chair, members of the
5 Commission, I'd just like to start with some
6 comments of my own on our departing Commissioners.
7 I'd like to thank you both, Commissioner Gant and
8 Commissioner Parker, for your service here. We've
9 been in front of LESC quite a bit lately.

10 COMMISSIONER GANT: Yes, we have.

11 MR. PAHL: And we have not always had
12 comments that agree with each other. But one
13 comment that I think we both make is there's a lot
14 of work that this Commission does. There's a lot of
15 work. And when I see how -- how much effort is put
16 in by all the Commissioners in reading our thoughts,
17 reading our schools' thoughts in the applications,
18 it's a -- it's a tribute to what public service
19 should look like.

20 So I thank Commissioner Gant and
21 Commissioner Parker for your service in all forms,
22 whether before the Commission, during the
23 Commission, and here at the Commission. Thank you
24 very much.

25 Commissioner Gant, thank you for your

1 specialization in facilities. It behooves us all.
2 You're leaving a big hole here.

3 COMMISSIONER GANT: Thank you.

4 MR. PAHL: Commissioner Parker, I'd like
5 to echo the Chair's thoughts on your
6 level-headedness and steadiness. I think it's
7 helped me to have you next door to me.

8 With that said, I will apologize in
9 advance to whoever has to sit next to me next month.
10 It's a whirlwind of papers and sometimes a little
11 more stress than people want. But I welcome them,
12 nonetheless.

13 With that, I'll get started with the
14 Director's Report. But thank you once again,
15 Commissioners Gant and Parker.

16 THE CHAIR: Now, Mr. Pahl, you said
17 Director's Report. Do you mean --

18 MR. PAHL: Oh, I'm sorry, the Report From
19 PED Leadership.

20 And there's one announcement to be made --
21 it was made yesterday, actually -- is that the
22 Public Education Department has announced awardees
23 for the first performance pay pilot in the state.
24 We announced 21 awardees; 12 of them were charter
25 schools. And we continue to work with some

1 applicants so they can get their awards, once their
2 applications fully meet the requirements.

3 We've allocated -- or we've committed over
4 \$7 million to this effort to recognize individual
5 educators' success and group success at schools and
6 districts and charter schools across the state.

7 We're very excited about being able to
8 recognize these great schools, these great
9 districts, and, most importantly, these great
10 teachers, for the impact that they're having in the
11 classroom.

12 THE CHAIR: Is that it?

13 MR. PAHL: That is it. Thank you.

14 THE CHAIR: You said something about
15 your -- a report on the letting of the contract.
16 You're going to do that under the Director's Report?

17 MR. PAHL: Yes, Madam Chair.

18 THE CHAIR: All right. Thank you.

19 Item No. 6 is Carl Perkins Update. Eric
20 Spencer?

21 Welcome back, Mr. Spencer, and good
22 morning.

23 MR. SPENCER: Good morning. Thank you,
24 Madam Chair, members of the Commission. And if I
25 may begin by maybe addressing -- I guess some

1 dialogue had occurred during the last Commission
2 meeting about the Commission's eye, if you will, on
3 Perkins Grant implementation and the fact that we
4 keep, you know, leading the charge and making
5 progress in implementing these programs for kids
6 that will ultimately have a value-add.

7 I just want to recognize, you know, that
8 there's a staff that sits behind me that's working
9 day-in and day-out quite diligently to get this all
10 done, and it's not all just me.

11 With that, Madam Chair, I would like to
12 request permission to have one of my staff to assist
13 me at the table in giving the data report today.

14 THE CHAIR: Please do. And please be sure
15 to introduce them.

16 MR. SPENCER: So, thank you. Who has just
17 joined me here is Dr. Elaine Perea. She is an
18 education administrator in the College and Career
19 Readiness Bureau. She has joined us to work on
20 leadership components of our federal Carl D. Perkins
21 Grant. She's been with us since October and has
22 been a tremendous, phenomenal asset to the Perkins
23 Grant system, College and Career Readiness, and, I'm
24 sure, PED as a whole.

25 She certainly has the expertise and the

1 mindset with regard to performance and looking at
2 program changes to move the system forward. So I'm
3 very pleased to introduce you to her -- or her to
4 you, rather -- today.

5 And she'll be working with us on moving
6 performance forward for New Mexico's children in
7 career-technical education.

8 THE CHAIR: Nice to meet you.

9 DR. PEREA: Thank you.

10 THE CHAIR: Thank you for being here.

11 DR. PEREA: Thank you for having me.

12 MR. SPENCER: So with regard to the agenda
13 that had been provided to you with regard to the
14 Carl D. Perkins Update, this is the season where we
15 are preparing the Consolidated Annual Report to be
16 submitted to the United States Department of
17 Education's Office of Career-Technical and Adult
18 Education.

19 That report is due December 31st of 2014.
20 And we are currently on track to meet the deadline
21 to submit this particular report.

22 In your information prior to the meeting,
23 you were provided with a draft of the narrative of
24 the -- of the report with regard to the State's
25 implementation of the nine required uses and the

1 permissive uses that are also identified within the
2 Perkins Act.

3 So when we look at the Perkins Act,
4 Section 124, part B, provides the required uses of
5 how a state should use these federal Perkins dollars
6 to support a career-technical education system.

7 Part C of Section 124 identifies the
8 permissive uses that a state would be able to embark
9 on with regard to investments in CTE.

10 The State does not implement all 17 of the
11 permissive uses; but we do implement all nine of the
12 required uses.

13 So in the narrative that you have
14 received, and where, for example, on Page 1 of 18,
15 Part A of the narrative indicates that, "During the
16 reporting year, did the State use Perkins funds to
17 develop valid and reliable assessments of technical
18 skills?"

19 And we indicate that, no, the State did
20 not use Perkins funds to develop those assessments
21 and technical skills.

22 And part of that is because when we think
23 about, for example, technical skill, attainment of
24 students should be aligned to business and industry
25 standards.

1 So, for example, in a construction trades
2 program, we might have a pathway of welding. We
3 wouldn't want to create our own welding assessment
4 for that. We would want to ensure that students are
5 prepared to take on the National Welding Society
6 assessment, because that particular technical skill,
7 for example, would be portable and transferable
8 statewide and across this country, and leads to
9 value-add of an individual entering an occupation at
10 above minimum wage and above entry level.

11 And so that is just a particular example
12 to consider when reading this particular narrative
13 report.

14 Some areas, you're going to see some
15 language of activities that we've implemented over
16 the last performance year, which was July 1 of 2013,
17 concluding June 30th, 2014. And in those areas
18 where you see that the State did not make an
19 expenditure, those were the permissive activities
20 and, therefore, allowable to not use Perkins funds
21 to make that particular investment.

22 By and large, thinking about continuous
23 improvement for our schools, continuous improvement
24 with regard to the staff of college-and-career
25 readiness in the implementation of Perkins, we

1 identified, through the review, the annual
2 performance reports that were submitted by the
3 funded entities at the secondary and post-secondary
4 level that there are two areas of the nine required
5 uses where additional assistance may be necessary.

6 One is in Required Use No. 6. And the
7 other is in Required Use No. 9.

8 Required Use 6 asks institutions at both
9 secondary and post-secondary levels to evaluate and
10 assess their career-technical education programs and
11 how those align to business and industry needs and
12 how they support students that are members of a
13 special populations group.

14 Required Use No. 9 specifically asks for
15 entities to address support systems for students of
16 a special population group and to define what the
17 special population group is. Those are individuals
18 with disabilities. Most of our institutions limit
19 the support to just that, and they're not
20 considering the other factors, such as individuals
21 from economically disadvantaged families, including
22 foster children, individuals preparing for
23 non-traditional fields, single parents, including
24 single pregnant women, displaced homemakers, and
25 individuals with limited English proficiency.

1 And so the review of those particular
2 annual reports indicates that, as reported by the
3 entities that they are minimally addressing, the
4 required uses, and the common denominator is special
5 populations.

6 In last year's Consolidated Annual Report
7 and review of the data, we found that, for example,
8 looking through mathematics attainment of
9 career-technical education student concentrators,
10 that those disaggregated area of special pops should
11 certainly use some attention. For example, in
12 mathematics last year, we saw that a high number of
13 students that were English Language Learners were
14 not achieving proficiency levels that maybe the
15 general population were. And so with regard to the
16 performance period of 2013-2014, we saw those as two
17 areas of opportunity to structure some technical
18 assistance and professional development with our
19 institutions, to address those issues, and ensure
20 that they know what a special population subgroup
21 is, and to provide the strategies in the context of
22 career-technical education to move the needle of
23 performance for those particular students.

24 With regard to the performance report, you
25 don't have, in your board packet, the performance

1 outcomes. And I will let Dr. Perea explain why and
2 where we are on that.

3 DR. PEREA: Thank you, Mr. Spencer.

4 Madam Chair, the data for the
5 post-secondary institutions is in very good shape.
6 Last spring, the post-secondaries came together and
7 had a meeting of the minds, if you will, with the
8 institutional researchers from each post-secondary
9 school contributing; and they developed a document
10 on how to compile their data.

11 As a result, for the first time, the --
12 all the schools did things the same way. And as a
13 direct result of that, we were able to get data that
14 was fairly clean.

15 There were a few things that didn't look
16 right; I've worked with the schools in those cases.
17 Generally, they were clerical errors, a "7" that
18 should have been a "2," that kind of thing. But we
19 got all the post-secondary data to look very clean.
20 And the good news is that we either met or are in
21 safe harbor in all of our performance indicators for
22 the post-secondary schools. So that's a big win for
23 the post-secondaries.

24 Part of that is getting -- getting our
25 house in order for the data. But the other part of

1 it, as Mr. Spencer said, is the -- the ability, once
2 the data is good, for the schools to focus on how to
3 move the data. And the non-traditional populations,
4 in particular -- I know some of the other ed admins
5 in our team -- have been helping the
6 post-secondaries figure out strategies.

7 For example -- a simple example --
8 somebody who's at an institution right now, she told
9 me all of their fliers for courses that are
10 non-traditional courses, all have the stereotypical
11 gender as the person on the -- on the flier. So if
12 it's a welding program, there's a man with a welding
13 mask; if it's a nursing program, it's a woman doing
14 the nursing.

15 So very simple feedback that we're giving
16 the school is, "Change your marketing materials."
17 For the nursing program, have a man on the cover, or
18 a man and a woman on the cover, so that you're
19 giving that subtle message to students that if
20 you're a man, and you're interested in nursing, it's
21 okay, you can do that, and the school is open for
22 you to do that. And that's how we're moving the
23 needle on those non-traditional indicators.

24 The post-secondary data is still in
25 process.

1 MR. SPENCER: Excuse me.

2 DR. PEREA: The secondary data -- sorry.

3 The secondary data is still in process.

4 Post-secondary is done; we're finished with that.

5 The secondary data is computed here in this
6 building, using the reports that the secondary
7 schools file in the STARS system.

8 And that has been a more difficult
9 process. While we in CCR have not changed the
10 rules, if you will, for the indicators, how you
11 convert those ideas into data and which fields to
12 use from the STARS system has been a challenge. And
13 what I have been doing is working with the IT
14 department, so that when they run their queries and
15 generate numbers, they give me those numbers, and
16 then I am doing a logic check on them.

17 For example, when they tell me that
18 there's 155,000 students who are taking CTE courses,
19 I say, "That can't be; there's not 155,000 high
20 school students."

21 So that kind of logic testing has been a
22 huge part of what we're doing. And every time we
23 hit another one of those, it kind of trickles
24 through. And so we think we have four indicators
25 right; then we find a problem over here; and that

1 problem changes even the indicators that we thought
2 we had nailed down.

3 So -- so this is still a little bit of a
4 work in process. Everybody is working very hard on
5 it. We are very committed to meeting our 12/31
6 deadline. The commentary is all written; so we just
7 have to get the numbers. And I believe that we will
8 get there.

9 THE CHAIR: Thank you very much.

10 MR. SPENCER: So with regard to the
11 financial status report, every year the State must
12 submit a final status report for the second
13 succeeding grant year. So, for example, the
14 Perkins, due to the Teiting Amendment, runs for a
15 27-month period of time. So it's the grant that
16 expires September 30th of 2014, requires a final
17 financial status report.

18 And then we have an interim report for the
19 most recent succeeding year, which would have been
20 the grant that started July 1 of 2013, and for
21 12 months, reporting through June 30th of 2014.

22 So our administrative services division is
23 still in the process of finalizing payment requests
24 through the Department of Finance and
25 Administration. And once those payment requests are

1 posted to the Agency's general ledger account, then
2 we would be able to run the financial statements to
3 calculate the financial status reports for both the
4 final and the interim report.

5 So we anticipate that those reports should
6 be available in the next week and a half.

7 So with regard to the final submission of
8 the Consolidated Annual Report, you have the
9 narrative. We're still teasing through some of the
10 data. And the financial statements have not yet
11 been completed by our Office of Administrative
12 Services.

13 So what we're asking for with regard to
14 the agenda is the approval of the narrative and the
15 verbal report that has been provided today. We will
16 be submitting the Consolidated Annual Report through
17 the FTS portal. And when we have that, we will be
18 submitting a copy of the final report to the PEC, in
19 total, when that becomes available.

20 THE CHAIR: Okay. But let me just be
21 clear. The vote today on the narrative, as it has
22 been presented today, if we vote -- if we approve
23 that, that would be sufficient for you to submit
24 your work by the deadline?

25 MR. SPENCER: Yes.

1 THE CHAIR: Okay. And did I hear you
2 correctly, the narrative, or did you say something
3 else?

4 MR. SPENCER: This would be the program
5 narrative, yes, ma'am.

6 THE CHAIR: Program narrative. Okay.
7 Thank you very much.

8 Commissioners, do you have questions about
9 the Carl Perkins report? Commissioner Gant?

10 COMMISSIONER GANT: Madam Chair, members,
11 first is a comment reference post-secondary. As
12 Mr. Spencer knows, I did sit in meetings several
13 years ago through all this. And it was interesting
14 to sit there, as I was basically from the secondary
15 schools at the board -- I believe I was still on the
16 board at that time. The discussion was, "We don't
17 understand how to get together."

18 And it's interesting now that, after all
19 these years, they have finally -- talking to each
20 other in the same language. And I do appreciate all
21 the effort it took to get to that point. I can
22 remember -- and I thought, "All these educated
23 people cannot work this out?"

24 I guess it's been worked out, and I do
25 appreciate that.

1 The other one was the secondary impact of
2 the CAR. You real feel confident you'll have that
3 package put together before the end of the month,
4 the data and all that, even with all the problems
5 you're having with the STARS and all that?

6 MR. SPENCER: Madam Chair,
7 Commissioner Gant, I don't have a crystal ball. The
8 information that I do have at this point in time is
9 that we are on track to submit this by the
10 December 30th deadline.

11 One thing to note is the Federal Office of
12 Career-Technical and Adult Education has changed the
13 portal that we use to submit the consolidated annual
14 report. In prior years, we had been able to
15 complete the report in a modular type of fashion.
16 And this year, it became more linear.

17 So, for example, before -- what we have to
18 do is, for example, create an information sheet,
19 register that into the system. Then we upload the
20 different components of our narrative report into
21 individual text boxes within their portal. Then
22 we're required to submit the financial status report
23 and the post-secondary data.

24 Then once that's done, we notify the
25 Federal Office of Career-Technical and Adult

1 Education that we got that far. And parallel to
2 that, our IT department has to upload the secondary
3 performance data into a system at the federal level
4 that they call "EDEN." And so once that data is
5 uploaded into EDEN, Office of Career-Technical and
6 Adult Education then requests that the transfer of
7 data occur between EDEN into our Perkins portal.

8 Then that takes three days to populate.
9 And then it opens a section for us to be able to
10 create our corrective action plans.

11 So it is a cumbersome process. It is the
12 first time that I'm aware of that the federal
13 government has created a linear system approach that
14 does create additional stumps along the way, if you
15 will.

16 But if at any time that there is a risk
17 that the report is not going to happen, through
18 Ms. Friedman's office, I will ensure that you all
19 are aware of that.

20 COMMISSIONER GANT: Madam Chair, members,
21 I'm glad you're there and I'm not and have to deal
22 with that. That would frustrate me to no end.

23 I have no more comments, Madam Chair.

24 THE CHAIR: Commissioners, do you have
25 further questions or comments?

1 Hearing none, the Chair would entertain a
2 motion on approving the program narrative that has
3 been presented by Mr. Spencer for the Carl Perkins.

4 Commissioner Bergman?

5 COMMISSIONER BERGMAN: Madam Chair, I
6 would move that the Public Education Commission
7 approve the program narrative, as presented to us
8 today by Mr. Spencer.

9 THE CHAIR: Thank you. We have a motion.
10 Do we have a second?

11 COMMISSIONER PARKER: (Indicates.)

12 THE CHAIR: Second from Commissioner
13 Parker, motion by Commissioner Bergman, to approve
14 the program narrative as presented.

15 Any further discussion?

16 Can we do a roll call or a voice vote?

17 MR. GRANATA: Might as well do a roll
18 call.

19 THE CHAIR: Let's do a roll-call vote,
20 Mr. Secretary.

21 COMMISSIONER BERGMAN: Commissioner
22 Toulouse?

23 COMMISSIONER TOULOUSE: Yes.

24 COMMISSIONER BERGMAN: Commissioner
25 Parker?

1 COMMISSIONER PARKER: Yes.

2 COMMISSIONER BERGMAN: Commissioner

3 Peralta?

4 COMMISSIONER PERALTA: Yes.

5 COMMISSIONER BERGMAN: Commissioner Carr?

6 COMMISSIONER CARR: Yes.

7 COMMISSIONER BERGMAN: Commissioner Gant?

8 COMMISSIONER GANT: Yes.

9 COMMISSIONER BERGMAN: Commissioner

10 Shearman?

11 THE CHAIR: Yes.

12 COMMISSIONER BERGMAN: Commissioner

13 Bergman votes "yes."

14 Madam Chair, that is a 7-to-0 vote in

15 favor of that motion.

16 THE CHAIR: Thank you. The motion passes

17 unanimously. We thank you for being here again.

18 Nice to meet you, and best of luck in getting this

19 all done by the end of the month.

20 MR. SPENCER: Thank you.

21 THE CHAIR: Thank you.

22 THE CHAIR: Next item on the agenda is

23 Discussion and Possible Action on Conflict of

24 Interest. And I'll ask our attorney, Mr. Granata,

25 to speak to this.

1 MR. GRANATA: Madam Chair, Commissioners,
2 as all the Commissioners are well aware, the law is
3 very complex. And that's why I'm sitting here today
4 as your counsel trying to give you guys the best
5 advice possible.

6 And in an abundance of caution, the
7 Commission has brought forward concerns to me and to
8 my office, the Attorney General's Office, about
9 whether or not there would be a conflict of interest
10 regarding Commissioner Carr serving as a PEC
11 chairman -- I apologize -- not a PEC chairman, a
12 Commissioner -- and also working as an educator for
13 a State-chartered charter school.

14 So the Commission just wants to make sure
15 that there is no conflict of interest. And so
16 they've asked my office to write an opinion
17 regarding this issue.

18 My office looked into the issue and
19 determined that there is no statutory conflict
20 regarding Commissioner Carr serving on the PEC. And
21 so, Commissioners, what that means is that there's
22 nothing in the legislation which says that an
23 employee for a -- State chartered -- charter school
24 cannot serve on the Commission. And that's
25 essentially where the law stands, as my office

1 understands it.

2 And so the Commission should be alleviated
3 regarding any concerns of liability for
4 Commissioner Carr serving on this Commission with
5 all other Commissioners. He is subjected to the
6 same kinds of conflict of interests that all the
7 other Commissioners would be subjected to, as well.

8 So, for example, if an item was brought
9 forward to the Commission regarding the school at
10 which he works at, I, as the counsel, would ask that
11 Commissioner Carr recuse himself and essentially not
12 participate in the conversation or discussion
13 regarding the school that he works at. And other
14 conflicts may arise, but they will be dealt with at
15 the time they arise.

16 And so that is the report from me
17 regarding this issue, Commissioners.

18 THE CHAIR: Thank you, Mr. Granata. Is
19 there further discussion? Any -- Commissioner
20 Parker?

21 COMMISSIONER PARKER: Madam Chair,
22 Commissioners, Mr. Granata, I -- I read and
23 understand everything that was being said on there.
24 But I don't -- what confuses me -- and I don't know
25 if it's just a moot point on there. But in the --

1 in the Rules of Order for the Commission, are we
2 getting ourselves into trouble because of the --
3 after the letter started going around regarding it,
4 under "Conflict of Interest," it says specifically,
5 "No Commissioner shall engage in any activity which
6 gives rise to a conflict of interest or the
7 appearance of a conflict of interest."

8 Are we getting in trouble with that
9 because it's in our Rules of Order? Or not at all?

10 MR. GRANATA: Madam Chair, Commissioner
11 Parker, I think that's something that the Commission
12 may want to address in the future.

13 I think -- I think that the Commission can
14 rely upon the Attorney General's opinion, though,
15 regarding essentially an expressed statutory
16 conflict of interest, or the appearance of a
17 conflict, based solely on the fact that he works for
18 the school and that he's on the Commission.

19 But I do suggest that the Commission
20 revisit their procedures, as they should annually,
21 anyway. But that's something that I'll look at in
22 the future.

23 THE CHAIR: Commissioner?

24 COMMISSIONER PARKER: So at that time,
25 look at taking that phrase out, "the appearance of"?

1 Or just --

2 MR. GRANATA: Madam Chair, Commissioner
3 Parker, that's something that may happen. I think
4 we can address it at that point in time.

5 THE CHAIR: Thank you. Further comments?
6 Commissioner Carr?

7 COMMISSIONER CARR: Commission --
8 Madam Chair, members of the Commission, I would like
9 to ask Madam Chair what the possible action would
10 have been.

11 THE CHAIR: I have no idea,
12 Commissioner Carr. On advice of our attorney,
13 anytime we put an item on the agenda that has even a
14 remote possibility of some type of action, this is
15 the way we've been advised to label the agenda item.

16 COMMISSIONER CARR: So Madam Chair had
17 nothing in mind?

18 THE CHAIR: I'm sorry?

19 COMMISSIONER CARR: Madam Chair had
20 nothing in mind in that regard?

21 THE CHAIR: Me, personally?

22 COMMISSIONER CARR: Yes. Well, let me
23 further state that the leadership sets the agenda.
24 If you put something on there, I would have thought
25 that you would have had something in mind, or

1 somebody else in leadership would have.

2 MR. GRANATA: Madam Chair,
3 Commissioner Carr, it's my understanding that, in
4 terms of discussion and possible action that might
5 have been left over from the previous agenda prior
6 to this Commission having received the opinion of
7 the Attorney General, I think that any type of
8 action that the Commission would have would be in
9 regards to what Commissioner Parker brought forward
10 regarding the procedures.

11 I think, as you're well aware, I don't
12 think that this Commission has any power to remove a
13 fellow Commissioner. That's something that's left
14 to the Legislature. And so all that this Commission
15 can really do is discuss if there is a conflict of
16 interest or an appearance of a conflict and go from
17 there.

18 COMMISSIONER CARR: So based on your
19 opinion, there was no possible action?

20 MR. GRANATA: Madam Chair,
21 Commissioner Carr, that's correct. If, for example,
22 there is a school on the agenda, though, that would
23 give rise to an appearance of a conflict, I think I
24 would advise the Commission to vote whether or not
25 any particular Commissioner should vote on that

1 matter, if that particular case came about. I'm not
2 aware of that being the case today, though.

3 COMMISSIONER CARR: Thank you. At this
4 time, I would like to read into the minutes the
5 Attorney General's decision, or opinion, that I
6 requested several weeks ago.

7 This is from Attorney General Gary King,
8 Chief Deputy Attorney General Elizabeth Glenn, dated
9 December 1st, 2014. This is addressed to me, since
10 I requested it as an elected official.

11 Regarding "Opinion Request-Charter School
12 Teacher's Service on Public Education Commission.

13 "Dear Mr. Carr:

14 "You requested our advice regarding legal
15 limitations on a charter school teacher's ability to
16 serve as a member of the Public Education
17 Commission. Specifically, you asked whether, (1), a
18 charter school teacher employed by a school
19 chartered by the state is statutorily prohibited
20 from also serving as commissioner on the PEC, and,
21 (2), the School Personnel Act, NMSA 1978, ch. 22,
22 art. 10A, (1975, as amended through 2014), in
23 particular, would require the charter school
24 employee to resign or take a leave of absence while
25 serving on the PEC. As discussed in more detail

1 below, we have reviewed the pertinent New Mexico
2 statutes, including the School Personnel Act, and
3 found nothing expressively prohibiting a person from
4 serving as an employee of a state-chartered charter
5 school while also serving as a member of the PEC.

6 "Under the Charter Schools Act, NMSA 1978
7 ch. 22, art. 8B (1999, as amended through 2011),
8 charter schools, including those chartered by the
9 state, are authorized to operate as public schools.
10 See NMSA 1978 12-8B-2(A). Employees hired by a
11 charter school are covered by the School Personnel
12 Act.

13 "We have reviewed the School Personnel Act
14 and found nothing requiring a charter school
15 employee to resign or take leave of absence in order
16 to serve as a member of the PEC.

17 "We also reviewed the Charter Schools Act,
18 which contains some restrictions related to dual
19 employment and conflicts of interest. See e.g. NMSA
20 1978 22-8B-4(B), (no member of a local school board
21 shall be a member of a governing body for a charter
22 school), 22-8B-5.2(A) (precluding a person from
23 serving as a member of a charter school governing
24 body if the person owns or otherwise has a financial
25 interest in a private entity). See also 6.60.9.8(B)

1 (5), 6.60.9.9.(C)(16) NMAC, (provisions of Public
2 Education Department's ethics code requiring
3 educators to 'refrain from exploiting the
4 institutional privileges of our professional
5 positions to promote political candidates [or]
6 partisan activities' and barring them from engaging
7 in outside employment 'the performance of which
8 conflicts with [their] public school duties').
9 Nevertheless, similar to the School Personnel Act,
10 the restrictions in Charter Schools Act do not
11 include a prohibition against serving as a charter
12 school employee while also serving on the PEC.

13 "In addition to the School Personnel Act
14 and Charter Schools Act, we looked to two other laws
15 that might affect a person who holds two public
16 employment positions. First, the provisions of the
17 Governmental Conduct Act, NMSA 1978, ch. 10,
18 art. 16 (1967, as amended through 2011), ensure that
19 all state and local government employees conduct
20 themselves ethically and primarily in the public
21 interest. In pertinent part, the Act makes it
22 'unlawful for a public officer or employee to take
23 an official act for the primary purpose of directly
24 enhancing our public officer's or employee's
25 financial interest...' and, in most cases,

1 disqualifies a public officer or employee 'from
2 engaging in any official act directly affecting the
3 public officer's or employee's financial
4 interest....' Id. Section 10-16-4(A), (B).

5 'Financial interest,' for purposes of the
6 Governmental Conduct Act includes 'any employment.'

7 "Although Governmental Conduct Act would
8 not bar a charter school employee from serving on
9 the PEC, it might limit the employee's ability to
10 act as a PEC member in certain circumstances. Among
11 other things, the PEC is responsible for approving,
12 denying, suspending and revoking charters of
13 state-chartered charter schools. See NMSA 1978,
14 Section 12-8B-16. If a charter school teacher or
15 employee was serving on the PEC, it is conceivable
16 that the charter of a school that employed the PEC
17 member would come before the PEC for approval,
18 denial, suspension or revocation. As discussed
19 above, the Governmental Conduct Act disqualifies a
20 public officer or employee from taking official
21 action that directly affects the officer's or
22 employee's financial interest. Here, the PEC
23 member's financial interest - his or her employment
24 with the charter school - would be directly affected
25 by the PEC's action on the charter. Under these

1 circumstances, the Governmental Conduct Act would
2 disqualify the PEC member from engaging, or
3 participating in the PEC's action."

4 I'm not wishing to take any more time.
5 With permission, I'll give the rest of the letter to
6 be put into the record, if that's okay.

7 And I would like to state further that I
8 find the fact that this was put on the agenda at all
9 quite disturbing, in consideration of the law and
10 the opinion that was placed by the Attorney
11 General's Office.

12 I would put it to the Commission that
13 there appears to be a conflict of interest with the
14 leadership at the present time, bearing the fact
15 that I am running for Chair of this Commission in
16 January. It would be quite -- it would be to the
17 interests of the other people wishing to keep their
18 position to get rid of me before January comes
19 about.

20 Well, I would put forth that there is a
21 conflict of interest, and it doesn't exist with me;
22 it exists with the current leadership. What the
23 Commission would like to do with that, I don't know.
24 We can't remove officers. We can't remove elected
25 officials. I don't wish to do so. But I would like

1 to put it out there for people to think about.

2 I also feel that my integrity has been
3 publicly impugned by placing this on the public
4 agenda and not being placed in an executive session.
5 And I hope we don't have to engage in anything like
6 this in the future. Thank you.

7 THE CHAIR: Commissioner Carr, let me let
8 you know that this was placed on the executive
9 session. I asked that it be placed on the executive
10 session. I did not want it in the open meeting.
11 And I was told that it could not -- it did not
12 qualify for closed session. That's what "Personnel"
13 was last month, and that's why I had it taken off.
14 I did not want this to come out in public open
15 meeting; it had to.

16 I agreed -- if you'll recall, the agenda
17 is put together by the three officers, the Executive
18 Commission of this Commission. Mr. Pahl is on the
19 call; Beverly is on the call; our attorney is on the
20 call. The draft agenda is sent out to all
21 Commissioners to ask if they would like to add
22 anything to the agenda. Everyone has input into it.

23 But I certainly agree that this item
24 should be on the agenda, if it could not be
25 executive session, because it needed to come to an

1 end. I did not raise the issue with our attorney of
2 conflict of interest. I hope you don't think I did.
3 I probably should have, back in August or September,
4 when you told me you were working for a charter
5 school. If you will recall, we were very busy then,
6 had lots of things going. And frankly, I put it in
7 the back of my mind.

8 But it did occur to me; it did bother me.
9 And I think I should have stepped forward and asked
10 for an opinion at that time.

11 The other thing we've been working with
12 are conflicting opinions. Our attorney gave us an
13 opinion that said yes, he believed there was a
14 conflict of interest; the opinion you got from the
15 Attorney General's Office says something else. When
16 that Attorney General's opinion came out, I agreed
17 this item needed to be on our agenda to bring this
18 issue to a close.

19 If the Attorney General's Office says
20 there is no conflict of interest, then this
21 Commission needs to know that and to be done with
22 this issue.

23 This has, as far as I'm concerned, nothing
24 to do with the election upcoming in January. It
25 certainly doesn't for me. If the timing is

1 coincidental, then that's what it is. It's
2 coincidental. I have no intention of letting this
3 Commission become bogged down, as some other
4 commissions have, in personalities and personal
5 conflicts. I was never -- that was never my
6 intention. I didn't start this. But I would like
7 to bring it to an end.

8 Commissioner Toulouse?

9 COMMISSIONER TOULOUSE: Madam Chair, I
10 would like to say openly what I would have said a
11 while back, but didn't think it was necessary. I am
12 the one that asked the initial question. It was not
13 directed at you, personally; although you have told
14 me you felt it was. It was based on my experience
15 on the CNM Governing Board, where we had employees
16 trying to run for the board, and were told they
17 could not run as long as they were employees. I
18 wanted it cleared.

19 But if you want a conflict, it was the
20 letter you sent out from the head of your school
21 that recommended you as the chair -- to be the chair
22 of the Commission. That should never have come to
23 any of us. Other than that, I don't see any problem
24 one way or the other.

25 I do want, since we're discussing this, to

1 say this was, by far, the fastest Attorney General's
2 opinion I have seen out of Gary King, since it took
3 over a year for Senator Lopez to get the one on the
4 online school, and why the Bernalillo County Clerk
5 never got an opinion on Same Sex Marriage. I find
6 this a very rapid one. I accept this decision, too.
7 I wanted it clear in my mind. And so I don't want
8 you blaming the other executive people. If you want
9 to blame somebody, it's me.

10 But it was never directed at you
11 personally. I have been in situations for 30 years
12 in state government, 12 years on another board, that
13 I'm very aware of when a conflict can occur. And I
14 just want to make sure it's cleared up before it
15 would happen and any actions anybody took were a
16 party to that.

17 I have never had a problem with you.
18 Politically, you and I are very much aligned. So I
19 want it clear that this was not -- excuse me --
20 Commissioner Shearman. It was me. But I don't
21 think you have a problem with me unless you choose
22 to make a problem, because I don't have a problem
23 with you.

24 Thank you.

25 COMMISSIONER CARR: Madam Chair?

1 THE CHAIR: Commissioner Carr?

2 COMMISSIONER CARR: So to belabor the
3 point a little bit further, several weeks ago, I was
4 approached by Commissioner Shearman and Commissioner
5 Bergman to run for secretary; and in exchange, they
6 asked me to support them for their leadership
7 position.

8 At that time, there appeared to be no
9 conflict of interest at all. And it wasn't until I
10 announced that I was interested in running for chair
11 that this seemed to come up. I just put that out
12 there.

13 I also had a personal conversation with
14 Commissioner Toulouse, who expressed to me her
15 concern of conflict of interest honestly, but was
16 willing to support me for vice chair.

17 So apparently, it wasn't too important at
18 that time until I decided to run for chair, bringing
19 everything out in the open. I think it's good to
20 bring everything out in the open sometimes, you
21 know? But I felt like it was forced to bring all
22 those things out into the open. When people run for
23 positions like that, they talk to people, and they
24 say, "Hey, would you support me for this? I think
25 you'd be good for this."

1 That's normal. This has gone beyond the
2 normal for me. And I'm willing to forget things and
3 go on and work together. But it's been very -- very
4 difficult for me personally.

5 I have also felt chided and disrespected
6 by the Chair. I've seen smirks. I have --

7 THE CHAIR: Mr. Carr, I don't mean to
8 interrupt you. But I believe this is getting
9 personal. Let's do this after the meeting, you and
10 I.

11 COMMISSIONER CARR: You know, no. This is
12 an open meeting. You brought it up. It's on the
13 agenda. And I am going to speak.

14 And I have felt disrespected by this
15 chair, and in meetings and out of meetings. And I
16 just want that to be heard and put on the record.
17 And I'll say no further.

18 THE CHAIR: Any other comments?

19 Let's move on.

20 Or are we ready for a break?

21 COMMISSIONER TOULOUSE: Madam Chair, may
22 we take a break?

23 THE CHAIR: Let's take a break. Let's
24 come back in ten minutes.

25 (Recess taken, 10:25 a.m. to 10:40 a.m.)

1 THE CHAIR: Next item on the agenda is
2 Item No. 8, Discussion and Possible Action on
3 Charter School Amendments. And the only one we have
4 today is New Mexico International School.

5 Mr. Pahl, if you'd like to go first,
6 please?

7 MR. PAHL: Madam Chair, members of the
8 Commission. Madam Chair, you're right. We have one
9 school with two amendments today, amendment
10 requests.

11 New Mexico International School, we've
12 heard from them, I believe, the last meeting and
13 maybe the last two; my memory is a little foggy.
14 And these amendments are to address an issue we have
15 there.

16 Before I go into the amendments, I just
17 want to note that Mr. Knouse has sent his PED
18 liaison a copy of their school improvement plan.
19 This was not required by the PEC or asked for by us.
20 But I bring it up as a point that the school's
21 leader is being very proactive in increasing their
22 student achievement levels.

23 So I just wanted to note that as some
24 context for what they're doing at the school and
25 that we appreciate that.

1 The First Amendment request for New Mexico
2 International School is an amendment to change a
3 statement in their current charter from, quote,
4 "New Mexico International School requests no waivers
5 from the New Mexico Public Education Department,"
6 end quote, to, quote, "New Mexico International
7 School requests waivers granted in accordance with
8 charter school law and," in parens, "NMSA 1978
9 22-8B," end parens, "paragraph (C)," end quote.

10 The CSD recommends approval of this
11 amendment.

12 THE CHAIR: Good morning. We're just
13 finding the right paperwork. If you're ready,
14 please go ahead.

15 MR. KNOUSE: My name is Todd Knouse,
16 K-N-O-U-S-E. I'm the school director of the
17 New Mexico International School. And before --
18 while you're gathering your papers, I just want to
19 start by saying my mom always told me to thank a
20 compliment. So I wanted to thank Mr. Pahl for those
21 nice words about getting our improvement plan done.

22 So, yes, Commissioners, I'm coming to you
23 asking you for an amendment request again, in
24 regards to our language in our charter about
25 class -- or waivers that are granted to charter

1 schools.

2 Our language in our charter currently says
3 that the -- our school requests no waivers. And I'm
4 asking that, in fact, we do request waivers that are
5 already granted through statute.

6 THE CHAIR: You know, there's just one
7 thing that occurs to me. You do know that even
8 though these are all waivers, you do have to
9 formally request them. There's a form. It goes
10 through CSD; then it goes to the Secretary. It does
11 not come through us for those automatic waivers.
12 But they --

13 MR. KNOUSE: No, I did not know that. I'm
14 glad you're advising me of that. The language in
15 the statute just says, "The Department shall waive,"
16 and I read that to mean that -- that was it; but I
17 will work with the --

18 THE CHAIR: There is a process that you
19 must -- even though they're automatic, you still
20 must ask for the ones that you want.

21 MR. KNOUSE: I will actually reach out to
22 the Charter School Division. I believe this
23 meeting --

24 THE CHAIR: But this request that you
25 brought to us today is simply to change the wording

1 in your charter; because originally, you said, "No,
2 we're not going to ask for any waivers"; and now,
3 you're going to have the ability to ask for waivers;
4 is that right?

5 MR. KNOUSE: That is correct. I just made
6 that -- I mean, it wasn't me that wrote that
7 charter; but, yes, I am requesting an amendment to
8 the language in the charter.

9 THE CHAIR: We've all learned a lot
10 through the last three years.

11 MR. KNOUSE: Again, I'm --

12 THE CHAIR: Commissioners, do you have any
13 discussion on this first waiver request?

14 Commissioner Carr?

15 COMMISSIONER CARR: Madam Chair, I have an
16 issue, because, as it was stated in the minutes of
17 your board, you were simply wanting to increase your
18 class size because of financial concerns, and not --
19 and so I don't see this as something that actually
20 benefits the children.

21 So I -- and for that reason, I can't
22 support it.

23 MR. PAHL: Madam Chair, if I may?

24 THE CHAIR: Just a point of clarification,
25 Mr. Carr. We're talking about the first waiver

1 request -- I mean, the first amendment request.
2 That's the one to change the language to allow the
3 school to ask for waivers.

4 COMMISSIONER CARR: Yes.

5 THE CHAIR: Okay? Now, Mr. Pahl?

6 MR. PAHL: I'll just extend that
7 clarification. The second amendment request is
8 specifically for that class size waiver from
9 language that's in their charter. So we have two
10 separate ones. One more immediately addresses that.
11 But this one is just allowing the school, under
12 their charter, to ask for the waivers that,
13 statutorily, charters can request.

14 THE CHAIR: And I do see minutes from
15 their -- from an emergency governing council meeting
16 on October the 6th. Can you tell me exactly where
17 in these minutes the governing council approved both
18 of these amendment requests?

19 MR. KNOUSE: Just give me a moment.
20 Both -- excuse me, Madam Chair. Both items are
21 addressed in Item E, towards the latter half --
22 let's say the -- it's on my third page, where it
23 requests -- it's, like, the third paragraph from the
24 bottom of the discussion on that item: "Gray moved
25 to" remove -- "approve revising the charter to allow

1 NMIS to use waivers granted in NMSA 1978, 22-8B."

2 Do you see it, Madam Chair?

3 THE CHAIR: I see it. Does everyone else
4 see that in the governing council minutes?

5 Okay. Knowing that that's taken care of,
6 is there any discussion on the first amendment
7 requested, which, again, would allow this school to
8 ask for waivers? Any discussion?

9 COMMISSIONER CARR: Madam Chair?

10 THE CHAIR: Commissioner Carr?

11 COMMISSIONER CARR: I guess I have a
12 question for the attorney. I think -- it sounds as
13 if I really can't vote "No" for the first one, based
14 on the law. So am I right?

15 MR. GRANATA: Madam Chair,
16 Commissioner Carr, I believe that is right. I
17 think, from what I recall from a previous meeting,
18 we asked that this individual change his amendment
19 request to first amend his charter before bringing
20 forth the amendment. So this is more of just a
21 procedural change to the charter to allow him, in
22 the future, to request a different amendment change.

23 COMMISSIONER CARR: Okay. Thank you.

24 THE CHAIR: Any other questions or
25 discussion?

1 Hearing none, the Chair would entertain a
2 motion on this first amendment request.

3 COMMISSIONER PERALTA: Madam Chair?

4 THE CHAIR: Commissioner Peralta?

5 COMMISSIONER PERALTA: I would move that
6 the Public Education Commission approve the
7 amendment presented by the New Mexico International
8 School to change a statement in their current
9 charter from "New Mexico International School
10 requests no waivers from the New Mexico PED," to
11 "New Mexico International School requests waivers,
12 granted in accordance to charter school law, NMSA
13 1978 22-8B, paragraph (C)."

14 THE CHAIR: Thank you. Do I hear a
15 second?

16 COMMISSIONER BERGMAN: Second.

17 THE CHAIR: Motion by Commissioner
18 Peralta, second by Commissioner Bergman, to approve
19 the amendment request by New Mexico International
20 School to allow them to request waivers.

21 Is there further discussion?

22 MR. GRANATA: Madam Chair, if I may just
23 clarify something for the motion, please?

24 THE CHAIR: Mr. Granata?

25 MR. GRANATA: I would just ask that --

1 there's missing some language in the motion. And I
2 would just ask that the motion be amended to reflect
3 that it's in accordance with the Charter School Act,
4 as opposed to a specific provision.

5 THE CHAIR: So "granted in accordance with
6 charter school law," period?

7 MR. GRANATA: That's correct.

8 THE CHAIR: Commissioner Peralta, do you
9 agree to that amendment?

10 COMMISSIONER PERALTA: Yes. I will go
11 ahead and make my motion to amend the language in
12 what I first stated in my motion to just the motion
13 to grant to be in accordance with the Charter School
14 Act.

15 THE CHAIR: Thank you. Commissioner
16 Bergman, do you agree with that?

17 COMMISSIONER BERGMAN: Yes.

18 THE CHAIR: Hearing the modification to
19 the motion, is there any discussion?

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

22 COMMISSIONER BERGMAN: Commissioner
23 Parker?

24 COMMISSIONER PARKER: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Peralta?

2 COMMISSIONER PERALTA: Yes.

3 COMMISSIONER BERGMAN: Commissioner Carr?

4 COMMISSIONER CARR: Yes.

5 COMMISSIONER BERGMAN: Commissioner

6 Toulouse?

7 COMMISSIONER TOULOUSE: Yes.

8 COMMISSIONER BERGMAN: Commissioner Gant?

9 COMMISSIONER GANT: Yes.

10 COMMISSIONER BERGMAN: Commissioner

11 Shearman?

12 THE CHAIR: Yes.

13 COMMISSIONER BERGMAN: Commissioner

14 Bergman votes "yes."

15 Madam Chair, that is a 7-to-0 vote in
16 favor of that motion.

17 THE CHAIR: Thank you very much. The
18 motion passes unanimously to allow New Mexico
19 International School to request waivers.

20 Mr. Pahl, the second amendment request,
21 please?

22 MR. PAHL: Madam Chair, members of the
23 Commission, the second amendment, New Mexico
24 International School is requesting is an amendment
25 to increase class size for grades K through 5 from

1 20 to 22 students. Considering this amendment in a
2 vacuum, there is nothing wrong with this amendment.
3 Increasing a class size is okay. For them to go
4 from 20 to 22 students keeps them under their full
5 enrollment cap.

6 However, when we consider the
7 circumstances of this request and that those
8 students are, from what we heard before -- and
9 Mr. Knouse may have an update -- that those students
10 are already enrolled, and they are already over
11 their 20-student-per-class cap, that puts us in a
12 tough position.

13 The amendment request itself is
14 reasonable, but because the process wasn't followed,
15 we are in a tough spot. So you'll note that the CSD
16 did not make a recommendation in this case. The
17 process that was started, started with that charter.
18 And that charter was an agreement between the PEC
19 and members here, and the school.

20 If you press me, I can -- I have a
21 recommendation. But we did not write one, because
22 we recognize that the amendment is a fine one; but
23 given the context of our situation, we felt it best
24 to leave it up to the Commission. And this -- I
25 want to note how rare this will be that we don't

1 offer a recommendation.

2 THE CHAIR: Thank you for that.

3 I know probably Commissioners have
4 questions. But can I ask -- I just need to ask you
5 some questions for clarification before we go any
6 further.

7 How many classrooms of kindergarten
8 students do you have?

9 MR. KNOUSE: We have two kindergarten
10 classrooms.

11 THE CHAIR: Two kindergarten classes. And
12 how many students in each class?

13 MR. KNOUSE: Currently, there are 22 in
14 each kindergarten class.

15 THE CHAIR: 22 in each. And does each
16 have an aide?

17 MR. KNOUSE: Correct. Each has a
18 full-time aide.

19 THE CHAIR: Okay. And then so your
20 request is K-5. So I'm going to ask you every grade
21 level.

22 How many first-grade classes do you have?

23 MR. KNOUSE: We have two classes of first
24 grade.

25 THE CHAIR: And how many students in each

1 class.

2 MR. KNOUSE: One has 20 and one has 21.

3 THE CHAIR: 21?

4 MR. KNOUSE: 21, correct.

5 THE CHAIR: Do they have aides?

6 MR. KNOUSE: They do not, neither.

7 THE CHAIR: No? Okay. You need the law.

8 I'm looking at what it says. Second grade, how many

9 classes?

10 MR. KNOUSE: There are two second-grade

11 classrooms, each with 20. I anticipated your next

12 question, Madam Chair.

13 THE CHAIR: And no aides.

14 MR. KNOUSE: No aides, no. For clarity,

15 the aides are only in kindergarten.

16 THE CHAIR: All right. Okay. Third

17 grade?

18 MR. KNOUSE: Two classes, each with 20, no

19 aides, no educational assistants.

20 THE CHAIR: Fourth grade?

21 MR. KNOUSE: One class of 19 with no EA.

22 THE CHAIR: And your fifth grade?

23 MR. KNOUSE: One class of 20 with no EA.

24 THE CHAIR: Okay. So the information I

25 have, the numbers of students that you have in each

1 one of your classes would not exceed the PED
2 requirement of the class sizes. So the problem lies
3 with what is written in your charter, in that you --
4 whomever -- said the class size maximum would be
5 20 students in each class. And you've exceeded that
6 in three classes, it looks like, to me. Is that
7 correct?

8 MR. KNOUSE: At this moment in time, yeah.
9 That is language in the charter that says there is
10 20 max in those two classes, in that section of the
11 charter.

12 THE CHAIR: Thank you. Those were my
13 questions. Any other questions, Commissioners?

14 COMMISSIONER GANT: I'd like to --

15 THE CHAIR: Commissioner Gant?

16 COMMISSIONER GANT: Madam Chair, Mr. Pahl
17 indicated he had a possible recommendation. I think
18 I would like to hear that.

19 MR. PAHL: Madam Chair, members of the
20 Commission.

21 Madam Chair, your questions were similar
22 ones that we asked. Because the total enrollment
23 cap is not exceeded by enrolling these students, we
24 feel that the amendment should be passed. We feel
25 like we would recommend passage of this amendment.

1 The school is following their total
2 enrollment cap. We feel like there are provisions
3 in this charter that we wouldn't necessarily
4 advocate for any other charters.

5 The mission of the school, the fact that
6 they are limiting their -- they're voluntarily
7 limiting their class size to 20 is not necessarily
8 aligned with the mission of the school. It seemed
9 almost as if it was a red herring within the charter
10 that they would do that. And it was done many years
11 ago; so I wasn't there and don't have the full
12 context for it.

13 But because the school is following the
14 law and is not exceeding the total charter cap,
15 we -- and, again, with much deliberation, so much so
16 that we didn't want to make a firm recommendation --
17 we would recommend for approval of this amendment.

18 THE CHAIR: Thank you. Other questions or
19 comments?

20 Commissioner Parker?

21 COMMISSIONER PARKER: Madam Chair,
22 Commissioners, you had mentioned once before, but
23 could you please remind me? You have a waiting list
24 every year for students?

25 MR. KNOUSE: Correct, Commissioner Parker.

1 And tell me if I don't speak loud enough. I'm kind
2 of a quiet person.

3 Yes, we do have a waiting list every year.
4 It's not proportional at all by grade levels. The
5 vast majority of our interest lies in our
6 kindergarten enrollment. So part of this move is in
7 response to a larger issue, is that I'm watching
8 what our natural attrition is now that we've been
9 around for three-and-a-half years. I have a little
10 bit of data in that regard, and how can I meet --
11 when somebody does withdraw from the school, where
12 do I best replace that child.

13 And I have this very lengthy wait list in
14 kindergarten and first grade; yet when people move
15 from other grades, because of that stipulation about
16 20, it handicaps me in replacing a student that
17 leaves from -- let's say, for example, you can see
18 there's a vacancy in fourth grade, and I have nobody
19 on the wait list there.

20 That was a long answer to your question;
21 but, yes, I have a wait list of -- I would say it's
22 about 70 in kindergarten, and it's down to, like,
23 two -- one and two in all the other grades, or zero.

24 COMMISSIONER PARKER: Thank you.

25 THE CHAIR: Any other comments? It occurs

1 to me this -- this school has violated one of the
2 conditions of their own charter by putting more
3 students in a classroom than they said they would.
4 I think that's one issue that we need to deal with.
5 I need to -- I think we need to note in their file
6 that this violation has occurred.

7 Then I think we need to move on from that,
8 if the rest of Commissioners agree, to look at their
9 proposed amendment. And it occurs to me, why are
10 you again limiting yourself to 22 students? Would
11 you not -- would the school not be better served to
12 simply go with State-mandated class size limits and
13 let that be your guide; because it's got to guide
14 you anyway?

15 MR. KNOUSE: Yes.

16 THE CHAIR: Unless you get a waiver from
17 that, you must abide by these numbers. And if that
18 were the situation right now, you would not be out
19 of -- out of alignment with your charter.

20 It's your business; not mine. But it
21 certainly seems, if you went with the State-mandated
22 regulation, you would not be coming back to us to
23 say, "Can we change this again?"

24 MR. KNOUSE: I very much agree with you,
25 Madam Chair. And if this amendment were coming from

1 Todd Knouse, as the -- amendment request were coming
2 from Todd Knouse, as the school director of the
3 school, it would read like that.

4 But the amendment goes through our
5 governing council. And that's the language that
6 they were comfortable with, at least on October -- I
7 can't recall the exact date; but when that --

8 THE CHAIR: 6th.

9 MR. KNOUSE: -- 6th -- when this was
10 passed. As the administrator there, yes, I would
11 like as much freedom as I can to keep the school
12 operational and --

13 THE CHAIR: Well, food for thought in the
14 future.

15 MR. KNOUSE: I will perhaps take that
16 statement back to my governing council in our next
17 discussion on this matter.

18 THE CHAIR: Thank you. Thank you.

19 I see Mr. Pahl has made a note of the
20 violation of the school?

21 MR. PAHL: Yes.

22 THE CHAIR: Class-size maximums.

23 Commissioner Toulouse?

24 COMMISSIONER TOULOUSE: Madam Chair, I
25 notice that these kinds of things happen, not just

1 with this school, mostly with facilities. But I
2 just wonder -- and I think I've said it before -- is
3 there some way we can get out to the charter schools
4 what -- the violations that have happened and what
5 our concerns are, and request that people pay more
6 attention to that?

7 I think as we go into contracts, it
8 becomes a more serious issue, I think, than it is
9 with just the charter. And I want to make sure we
10 don't have to do this and have to scold people who
11 don't necessarily have control over what their
12 governance council did; but they're the ones who
13 have to come face us and take it.

14 So it's a general kind of question that
15 I'd like to see if there's a way we can publicize
16 that to the schools, so that we -- you know, we
17 don't have an adversarial relationship; because we
18 don't. We're here to work with the schools, not
19 oppose them; so thank you.

20 THE CHAIR: Thank you. I think we've
21 asked Mr. Pahl to include that in a training, and
22 as -- get the word out as much as possible. And I
23 certainly think, in the negotiations, it's touched
24 on; so...

25 MR. KNOUSE: And if I may say, as a

1 charter school administrator, I very much welcome
2 the new paradigm that our charter will be written
3 into in this contracting framework. It sounds -- I
4 think that will answer a lot of questions and
5 concerns in terms of the operation of the school
6 that I have; so I look forward to that.

7 THE CHAIR: We look forward to working
8 with you on that.

9 Mr. Pahl?

10 MR. PAHL: If I can just make one comment
11 regarding that, Madam Chair and Commissioner
12 Toulouse? This is something that we, as the
13 Division, feel is very important moving forward.
14 You know, all the terms in a previous charter are
15 terms that schools are held accountable to. I think
16 it's easier with a performance framework. It's
17 boiled down to some of the essential elements. And
18 we have easy documents we can all look to and say,
19 "These are the things I'll be held accountable in
20 the future."

21 Now, when we look at past charter
22 school -- past charters, there isn't that
23 uniformity; and so we have some -- we have some
24 challenges with that. But it's something that we're
25 working with charters on. You'll see it in the

1 renewal applications in some of our analyses, that
2 you are held accountable in a very strict way for
3 the things that are in these documents.

4 And so we're hoping that, as we all work
5 together, the PEC, the CSD and charter schools, that
6 we have a good mutual understanding that anything
7 that's written in that contract, or in that charter,
8 is something that we will -- we need to be held
9 accountable to. And it's both the Charter Schools
10 Division's responsibility to ask that question; but,
11 furthermore, it's the responsibility of the charter
12 to know what's in there and know what their
13 limitations are and their flexibility is as a
14 charter.

15 So I just wanted to put that on the
16 record, because I think it's very important when we
17 think about the path that we're striking forward
18 with, as a charter school movement -- a charter
19 school group, whatever you want to call us here in
20 the state -- it's an important shift that I think
21 we're making here with performance contracts. And
22 we will continue to strengthen that with our
23 pre-performance contract charters, as well.

24 THE CHAIR: Thank you for that, Mr. Pahl.
25 Commissioner Carr?

1 COMMISSIONER CARR: Madam Chair, I hate to
2 belabor this any more; but, you know, I -- you sent
3 us that information, you know, on the waiver
4 numbers. And, you know, the history of it -- you
5 know, I've been intimately part of it in talking to
6 the Legislature over the years about class sizes.
7 Those waivers were established because of budget
8 problems, and not because they wanted to. It was
9 because, "Well, we -- we don't have a choice," you
10 know. "Well, you have to have 30 kids in your
11 classroom." "I'm sorry. You have to have 32 this
12 year," and it goes on and on from there.

13 I -- there is a great deal of data to show
14 that the smaller class size, and especially at the
15 lower levels, are very effective for children. And,
16 you know -- and I know you personally. You're
17 not -- I know your -- your board decided this, and,
18 you know, I hope you don't think that I'm attacking
19 you at all.

20 MR. KNOUSE: That's quite all right.

21 COMMISSIONER CARR: At all. And this is
22 about the kids here, for me. It always is. And I
23 see that if certain legislation gets passed through
24 this legislature, if they do away with the Small
25 School Funding formula for charter schools, we're

1 going to see a flood of charter schools coming in
2 here and saying, "Hey, we need to increase our class
3 size." "Hey, we need to increase our numbers."

4 It'll come like a flood. And it won't be
5 because they want to; it would be because they feel
6 like they have to, for financial reasons.

7 And I understand that, doing what you have
8 to do for financial reasons, and that you still feel
9 like, you know, you honestly still feel like you're
10 still serving all the children. I think you feel
11 that way, or you wouldn't say --

12 MR. KNOUSE: I'll put that on record. I
13 think we very much serve our children. I'm sorry to
14 interrupt you, Commissioner.

15 COMMISSIONER CARR: At the same time, I --
16 I think, you know, based on -- you know, based on
17 the rationale that I saw in the board minutes, it
18 was for money reasons only; not because it was the
19 best -- in the best interests of the children. So
20 for that reason, I still say I can't vote for this.

21 THE CHAIR: Any other discussion,
22 Commissioners?

23 Hearing none, the Chair would entertain a
24 motion. The Chair would entertain a motion.

25 Commissioner Parker?

1 COMMISSIONER PARKER: Madam Chair,
2 Commissioners, I'm going to start my motion; then I
3 just want an opportunity for feedback, if anyone
4 wants to add to it.

5 THE CHAIR: Commissioner Gant?

6 COMMISSIONER GANT: Madam Chair, members,
7 I do believe that I stated, I believe, to this
8 charter -- maybe it was another one -- but it's the
9 same thing I said last time. And I agree with
10 Commissioner Carr. If they had talked about
11 academics and all that other stuff -- but this was
12 held at an emergency meeting dealing with money. It
13 was for an emergency deficit reduction plan.

14 It's part of that plan. It's not part of
15 the academic plan for the school or anything like
16 that; so I have a problem in that regard. I really
17 do. I just -- if you come to me academically,
18 that's something else; financially, I don't want to
19 use kids to solve financial problems.

20 THE CHAIR: Thank you for that. Are you
21 ready, Commissioner Parker?

22 COMMISSIONER PARKER: Yes, Madam Chair,
23 I'd like to make a quick statement, though, before I
24 make it. And that is, it was suggested that why are
25 you limiting to 22 kids, where you could just add in

1 that you want to follow the statute of class size as
2 dictated by the State, and they're intentionally
3 holding it down to just 22 kids? So I think that
4 they're recognizing that they want to keep it lower
5 than what is allowed by -- throughout the state; yet
6 they have a waiting list of kids that could come in
7 and benefit from the school. So I'll leave it at
8 that.

9 Madam Chair, Commissioners, I move to
10 approve the amendment presented by the New Mexico
11 International School to increase its class size for
12 grades K through 5 from 20 to 22. And if there's
13 any add-ons that people would like to include with
14 that, I'm open to that.

15 THE CHAIR: Thank you. We have a motion.
16 Do I hear a second?

17 COMMISSIONER TOULOUSE: Madam Chair, I'll
18 second the motion.

19 THE CHAIR: Commissioner Toulouse.

20 We have a motion from Commissioner Parker,
21 second from Commissioner Toulouse, to approve the
22 amendment to increase the enrollment from 20 to
23 22 students for New Mexico International School.

24 Is there any discussion?

25 Hearing no discussion, the Chair would

1 call for a roll-call vote.

2 COMMISSIONER BERGMAN: Commissioner

3 Peralta?

4 COMMISSIONER PERALTA: No.

5 COMMISSIONER BERGMAN: Commissioner Carr?

6 COMMISSIONER CARR: No.

7 COMMISSIONER BERGMAN: Commissioner

8 Toulouse?

9 COMMISSIONER TOULOUSE: Yes.

10 COMMISSIONER BERGMAN: Commissioner

11 Parker?

12 COMMISSIONER PARKER: Yes.

13 COMMISSIONER BERGMAN: Commissioner Gant?

14 COMMISSIONER GANT: No.

15 COMMISSIONER BERGMAN: Commissioner

16 Shearman?

17 THE CHAIR: Yes.

18 COMMISSIONER BERGMAN: Commissioner

19 Bergman votes "yes."

20 Madam Chair, that is a 4-to-3 vote in

21 favor of that motion.

22 THE CHAIR: The motion passes by a vote of

23 4 to 3, increasing the class size from 20 to 22.

24 I would really urge you to work with your

25 governance council and look at your financial issues

1 and perhaps find a better way to work with --

2 MR. KNOUSE: Yes, Madam Chair, I will. In
3 fact, since that meeting in October, our budget
4 deficit reduction plan was only spoken in regards to
5 increasing enrollment. In their meeting since then,
6 they are looking at other issues as to how to
7 address the issues of the school.

8 Thank you.

9 THE CHAIR: Thank you very much.

10 COMMISSIONER GANT: Madam Chair -- just a
11 comment, sir, and this is for others, also, because
12 I read the notes on the charters -- I do read what's
13 online for their minutes. This one was very close
14 to not meeting the requirements for an emergency
15 meeting. You need to really understand what an
16 emergency meeting is for; so be careful. There are
17 other charters that have violated that; so just be
18 very careful.

19 MR. KNOUSE: I will, Commissioner. I'll
20 take that back. I understand there's different --
21 this is a learning process for me, also. There's
22 emergency meetings and special meetings and regular
23 meetings that have specific terminology that I have
24 actually been looking into that already. But I
25 appreciate that.

1 COMMISSIONER GANT: Thank you.

2 MR. KNOUSE: Thank you.

3 THE CHAIR: Commissioner Parker?

4 COMMISSIONER PARKER: Madam Chair,
5 Commissioners, just so I can be clear, if you're --
6 and I'm not sure if this is appropriate or not,
7 so -- whatever -- if your amendment had been for the
8 full State allowable class size, I would not have
9 been able to support it.

10 THE CHAIR: Any other comments?

11 Thank you very much.

12 MR. KNOUSE: Thank you, Commissioners.

13 THE CHAIR: Let's move on to Item No. 9,
14 Discussion and Vote on Boards of Finance for New
15 Charter Schools.

16 Mr. Pahl?

17 MR. PAHL: Madam Chair, members of the
18 Commission, we have three new charter schools that
19 are currently in their planning year.

20 The first -- one of the first steps of
21 which the Commission is involved after approving
22 their new application is the approval of their Board
23 of Finance. In the subsequent pages, after your tab
24 on Item 9, you'll see the associated documentation
25 for both -- and I'll use the acronym for 9A,

1 "DEAP" -- I'm sorry not both; all three -- Board of
2 Finance documentation for DEAP, SABE, and Technology
3 Leadership Academy.

4 All of these were submitted on -- in a
5 timely manner to the Charter Schools Division.
6 Again, this is the first step in the process. We
7 look forward to providing updates on the planning
8 year, as decided at the last meeting, in January,
9 March, and May. We recommend approval of each of
10 these as Boards of Finance.

11 THE CHAIR: Thank you, Mr. Pahl. Let me
12 just reassure myself what I heard. You are saying
13 that the CSD has reviewed all of the documents that
14 are necessary; they have been submitted in the
15 correct format by all of the people required to
16 submit. Is that correct?

17 MR. PAHL: Thank you for stating it better
18 than I. Yes, that is correct.

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

21 Commissioners, you've heard Mr. Pahl's
22 recommendation.

23 Do you have discussion or questions?

24 Hearing none, the Chair would entertain a
25 motion on the DEAP School Board of Finance.

1 Commissioner Toulouse?

2 COMMISSIONER TOULOUSE: Madam Chair, let
3 me find the -- do we have motions here?

4 THE CHAIR: Yes.

5 COMMISSIONER TOULOUSE: Yes. I move that
6 the Public Education Commission approve the DEAP
7 Board of Finance application, pursuant to New Mexico
8 AC 6.80.4.17.

9 And, Madam Chair, I would have pronounced
10 the school name relatively well; but I wasn't going
11 to get it all typed out again. I thought it would
12 be easier if I just said "DEAP." But I will say it
13 to them again privately.

14 Thank you.

15 THE CHAIR: Very good. Thank you very
16 much. We have a motion from Commissioner Toulouse.

17 Do we have a second?

18 COMMISSIONER PARKER: (Indicates.)

19 THE CHAIR: From Commissioner Parker, to
20 approve the DEAP Board of Finance application.

21 Any further discussion?

22 Hearing none, the Chair would ask for a
23 roll-call vote.

24 COMMISSIONER BERGMAN: Commissioner Carr?

25 COMMISSIONER CARR: Yes.

1 COMMISSIONER BERGMAN: Commissioner
2 Toulouse?
3 COMMISSIONER TOULOUSE: Yes.
4 COMMISSIONER BERGMAN: Commissioner
5 Parker?
6 COMMISSIONER PARKER: Yes.
7 COMMISSIONER BERGMAN: Commissioner
8 Peralta?
9 COMMISSIONER PERALTA: Yes.
10 COMMISSIONER BERGMAN: Commissioner Gant?
11 COMMISSIONER GANT: Yes.
12 COMMISSIONER BERGMAN: Commissioner
13 Shearman?
14 THE CHAIR: Yes.
15 COMMISSIONER BERGMAN: Commissioner
16 Bergman votes "yes."
17 Madam Chair, that is a 7-to-0 vote in
18 favor of that motion.
19 THE CHAIR: Thank you. The motion passes
20 unanimously to approve the DEAP Board of Finance.
21 Congratulations.
22 Next is the Sandoval Academy of Bilingual
23 Education.
24 Is there any discussion?
25 Hearing none, the Chair would entertain a

1 motion.

2 Commissioner Parker?

3 COMMISSIONER PARKER: Madam Chair,
4 Commissioners, I move the PEC approve the Sandoval
5 Academy of Bilingual Education, SABE, Board of
6 Finance application, pursuant to NMAC 6.80.4.17.

7 COMMISSIONER GANT: Second.

8 THE CHAIR: Thank you. We have a motion
9 by Commissioner Parker, second by Commissioner Gant,
10 to approve the Sandoval Academy of Bilingual
11 Education Board of Finance.

12 Further discussion?

13 Hearing none, may we have a roll-call
14 vote, Mr. Secretary?

15 COMMISSIONER BERGMAN: Commissioner
16 Toulouse?

17 COMMISSIONER TOULOUSE: Yes.

18 COMMISSIONER BERGMAN: Commissioner
19 Parker?

20 COMMISSIONER PARKER: Yes.

21 COMMISSIONER BERGMAN: Commissioner
22 Peralta?

23 COMMISSIONER PERALTA: Yes.

24 COMMISSIONER BERGMAN: Commissioner Carr?

25 COMMISSIONER CARR: Yes.

1 COMMISSIONER BERGMAN: Commissioner Gant?

2 COMMISSIONER GANT: Yes.

3 COMMISSIONER BERGMAN: Commissioner

4 Shearman?

5 THE CHAIR: Yes.

6 COMMISSIONER BERGMAN: Commissioner

7 Bergman votes "yes."

8 Madam Chair, that is a 7-to-0 vote in
9 favor of that motion.

10 THE CHAIR: Thank you very much. The
11 motion to approve the Sandoval Academy of Bilingual
12 Education Board of Finance is unanimously approved.

13 Congratulations.

14 Next, let's consider Technology Leadership
15 Academy.

16 Is there any discussion?

17 Hearing none, the Chair would entertain a
18 motion.

19 COMMISSIONER PERALTA: Madam Chair?

20 THE CHAIR: Commissioner Peralta?

21 COMMISSIONER PERALTA: I move that the PEC
22 approve the Technology Leadership Academy Board of
23 Finance application, pursuant to NMAC 6.80.4.17.

24 COMMISSIONER CARR: Second.

25 THE CHAIR: We have a motion to approve

1 the Board of Finance for Technology Leadership
2 Academy, motion by Commissioner Peralta, second by
3 Commissioner Carr.

4 Senator, do you have a comment?

5 MR. IVEY-SOTO: Madam Chair, Daniel
6 Ivey-Soto. Simply just to correct the name of the
7 school. It is Technology Leadership High School.

8 THE CHAIR: Thank you very much.

9 MR. IVEY-SOTO: You're welcome.

10 THE CHAIR: Correcting the name of the
11 school to Technology Leadership High School.

12 You've heard the motion and the second.
13 Is there any discussion?

14 Hearing none, the Chair would ask for a
15 roll-call vote.

16 COMMISSIONER BERGMAN: Commissioner
17 Parker?

18 COMMISSIONER PARKER: Yes.

19 COMMISSIONER BERGMAN: Commissioner
20 Peralta?

21 COMMISSIONER PERALTA: Yes.

22 COMMISSIONER BERGMAN: Commissioner Carr?

23 COMMISSIONER CARR: Yes.

24 COMMISSIONER BERGMAN: Commissioner
25 Toulouse?

1 COMMISSIONER TOULOUSE: Yes.

2 COMMISSIONER BERGMAN: Commissioner Gant?

3 COMMISSIONER GANT: Yes.

4 COMMISSIONER BERGMAN: Commissioner
5 Shearman?

6 THE CHAIR: Yes.

7 COMMISSIONER BERGMAN: Commissioner
8 Bergman votes "yes."

9 Madam Chair, that is a 7-to-0 vote in
10 favor of that motion.

11 THE CHAIR: Thank you very much. The
12 motion -- the motion to approve the Board of Finance
13 for Technology Leadership High School passes
14 unanimously.

15 Congratulations.

16 Let's move on to Item 13. If you will
17 recall, we moved that up from later in the agenda.

18 Martica, would you come to the table,
19 please, so that we can -- you can present the
20 information while Mr. Pahl goes through his report,
21 please?

22 Mr. Pahl, I know this is out of order.
23 Perhaps you had planned on doing your part of your
24 report later.

25 COMMISSIONER PERALTA: Madam Chair, I

1 thought at the beginning of the agenda, it was
2 discussed that we move -- we did say Item 13; right?

3 THE CHAIR: Thirteen.

4 COMMISSIONER PERALTA: Didn't we say it
5 was after 10, before 11?

6 THE CHAIR: Am I doing it too soon?

7 COMMISSIONER PERALTA: Yes.

8 THE CHAIR: I'm sorry. I'm getting so
9 excited about moving ahead here. You're correct.
10 Sorry.

11 Let's go to Item 10, which is Discussion,
12 Status of Schools of Improvement -- School
13 Improvement Plans. We would first ask North Valley
14 Academy to come forward, if there is anybody here
15 from the school.

16 And Mr. Pahl?

17 MR. PAHL: Madam Chair, members of the
18 Commission, Item No. 10 is regarding status of
19 school improvement plans. The four schools that are
20 listed, including North Valley Academy, have, since
21 our last meeting, submitted improvement plans. They
22 have been distributed to CSD liaisons for each of
23 the schools. So we can hold each of the schools
24 accountable to their improvement plans; and, as
25 mentioned prior to this at the last meeting, we will

1 be providing updates as appropriate as the
2 milestones of the improvement plans are passed.

3 THE CHAIR: Okay. Has CSD and/or the
4 liaisons had the opportunity to thoroughly read
5 through these improvement plans and give us their
6 recommendation as to whether or not they meet the
7 needs of the school?

8 MR. PAHL: Madam Chair, the improvement
9 plans vary by school. We think that's okay.

10 There are certain -- the academic
11 standards of every school is something we expect the
12 same bar to be met by every school; but because each
13 of our charter schools are different in both mission
14 and the interim assessments that they use, which is
15 what's really giving them the information as they
16 move forward from month to month, from week to week,
17 in the classroom, yes, we feel like these
18 improvement plans are -- are adequate for the -- for
19 the schools.

20 We also feel that improvement plans that
21 are created by the schools have more investment from
22 the schools. So it's another reason why you'll see
23 that there are differences in the improvement plans.
24 They know their schools better than anyone else, and
25 so they have the ability to reflect and determine

1 their best course of action.

2 After our review, we saw, yes, these are
3 adequate to improve student performance.

4 THE CHAIR: That's all I wanted to hear.

5 Mr. Pahl, I did not see in here a copy of
6 the letters that each of these schools was sent.
7 And I thought that letter was going to be in this
8 notebook item.

9 MR. PAHL: Okay. We can get a copy of
10 that, of the letter that was sent. Would you like
11 us to run off a copy? Is there a particular reason
12 why?

13 THE CHAIR: I thought -- I believe
14 Commissioners need to know what was said to these
15 schools.

16 MR. PAHL: Okay.

17 THE CHAIR: And I don't believe they've
18 seen this letter.

19 Okay. Let me just do a little background
20 here, and then -- and then if you all -- if
21 representatives of the school -- if you'll just give
22 us a couple of minutes.

23 If you all recall, we met last month, and
24 we had these schools that had not submitted an
25 improvement plan, as had been requested. We talked

1 about that, and we decided that a letter needed to
2 be sent to each of those schools requesting that
3 they come to this meeting prepared to tell us why
4 they had not provided that improvement plan last
5 month.

6 We were under the impression -- or
7 understood -- that the deadline for submitting those
8 improvement plans was October 31st, as notified by
9 CSD; and we were concerned that if we let much more
10 time go by, the school's ability to fill out and
11 complete that improvement plan in a timely manner
12 would be impacted.

13 So this Commission did decide that a
14 letter should be sent. And we were -- we first said
15 we would ask Josh and Matt to work on that letter.

16 When I got home, several days went past,
17 and I did not see any documents coming forward, a
18 draft of any letter. So I sat down and wrote a
19 letter that I thought said what the Commission had
20 said in the meeting that we needed to convey to
21 these schools. I wrote the letter, and I sent it
22 first to Josh, as our legal counsel, to see if I had
23 misstated anything.

24 I believe you sent it on to Matt, if I
25 remember the steps.

1 At that point, everyone was in agreement
2 that the letter said what the Commission wanted
3 said; and so CSD sent out the letters to the
4 schools.

5 I think, rather than taking the time to
6 read this letter, I will just ask Matt to have
7 copies made for each one of the Commissioners so
8 that you -- so there is no question what was said to
9 the schools and what they were asked for.

10 But in a nutshell, what they were asked
11 was to come here today with an improvement plan and
12 to be prepared to talk with the Commission and let
13 us know why that improvement plan had not been
14 submitted by the October 30th -- 31st -- deadline.
15 Is that sufficient?

16 Okay. So North Valley, if you would like
17 to make a presentation at this point, we'd like to
18 hear from you.

19 MS. McCONNELL: Thank you. My name is
20 Susan McConnell. I'm the principal at North Valley
21 Academy. And I have Mr. Ray Barton, our chief
22 operating officer, and Ms. Laurie Buck, our
23 instructional coach.

24 MR. BARTON: Madam Chair and members of
25 the Commission, the letter certainly gets one's

1 attention; so it did what it was supposed to do.
2 And the first thing we needed to do is apologize to
3 the Commission. We take those time lines very
4 seriously.

5 We were in the middle of our instructional
6 audit in that exact same time frame. And it did not
7 rise to the top of the priority list, like it should
8 have. That's my responsibility as responsible for
9 compliance in the organization. So I apologize.

10 Commissioner Gant spoke of respect at the
11 beginning. I want to make sure you understood that
12 that was certainly not intended to bypass that.

13 Second issue is I took a different slant
14 on this when we did submit it. I took our strategic
15 plan, which we -- for this school year, which we
16 obviously have about half-implemented and produced a
17 nine- or ten-page document from our strategic plan.
18 And when I had conversations with Julie Lucero -- by
19 the way, which -- very clear, very easy to get a
20 clear picture from, very impressed with -- we
21 realized that is not what this process was trying to
22 do. So we resubmitted the plan you have in front of
23 you, which is assessment-driven.

24 So that's an explanation of where we are.
25 We do not make excuses. We missed the time line.

1 We're sorry, and we apologize for that.

2 THE CHAIR: Appreciate that explanation.

3 Let me just ask, I really have not had time to read
4 this. This is the first I've seen of it. Your
5 governing council has approved this?

6 MR. BARTON: No, they have not. They
7 approved the strategic plan. And this is a
8 component of the strategic plan; but they did not
9 approve this specific document.

10 THE CHAIR: Can I ask that you have your
11 governance council, at their next meeting, approve,
12 specifically, this improvement plan --

13 MR. BARTON: Will do.

14 THE CHAIR: -- and provide us with a copy?

15 MR. BARTON: They're meeting on the 18th.
16 We'll be happy to supply you with those minutes.

17 THE CHAIR: The last question is, you
18 wrote this; so, obviously, you're comfortable with
19 the dates in here, that they can all be met, that
20 the work in here is reasonable to your school and
21 will be helpful to your school?

22 MR. BARTON: It is. And, again, there's
23 nothing new in this improvement plan from our
24 strategic planning standpoint of the school. This
25 is all taken from our strategic plan. So, yes, it's

1 our intention to meet every one of those deadlines.

2 THE CHAIR: Thank you. Those are all my
3 questions.

4 Any comments from others?

5 Hearing no comments -- I've forgotten. Do
6 we need to vote to approve?

7 (The Chair consults with counsel.)

8 THE CHAIR: I'm sorry. I'm coming up with
9 a blank. Don't we vote to approve these improvement
10 plans? Have we not done that in the past?

11 Mr. Pahl?

12 MR. PAHL: Madam Chair, members of the
13 Commission, I don't think you need to approve them.
14 This is a condition of their contract. And so
15 they're -- we're merely going through the steps that
16 are articulated there. So in my head, I don't know
17 that we need to; but I will defer to Mr. Granata.

18 MR. GRANATA: Madam Chair, I don't believe
19 it would be necessary to formally approve these
20 improvement plans. However, I would ask that the
21 Chair asks the school to provide the minutes of the
22 governing council's approval of the improvement
23 plan, just to dot all the I's and cross the T's.

24 THE CHAIR: Okay. All right.

25 MR. BARTON: Done.

1 THE CHAIR: Commissioners, does that meet
2 everybody's approval?

3 Okay. Thank you. If you would do that,
4 and thank you for coming today.

5 Next school on the list is Cesar Chavez.

6 Good morning.

7 MS. THOMAS: Good morning, Madam Chair,
8 members of the Commission. My name is Caryl Thomas,
9 C-A-R-Y-L. And I am the director of Cesar Chavez
10 Charter School.

11 And this has turned into a bit of a
12 confusing issue; and so I just want to offer a
13 little bit of information for clarification.

14 When we received notice in October that we
15 needed to submit a school improvement plan, I
16 immediately responded to the Charter School Division
17 letting them know that we were in our accreditation
18 process and asking that that process take the place
19 of submitting a school improvement plan.

20 I received an e-mail a couple of days
21 later which gave me permission to do that. And
22 there was never any further mention of the need to
23 submit a plan.

24 And so when I reviewed the minutes of the
25 last meeting, I was surprised to find that our

1 school was, in fact, discussed as one who had missed
2 school improvement plan submission.

3 So I feel that that clarifies the
4 situation for us. I don't want any of you to think
5 that we would fail to meet a deadline or, in any
6 way, not comply with what our responsibilities are.
7 And so, therefore, we have submitted a school
8 improvement plan, because the accreditation is still
9 in process, and the final decision at the national
10 level has not been received.

11 We did receive extremely high
12 recommendation and results from our accreditation
13 process; so we were very happy with that.

14 And I feel that that clarifies the matter,
15 and I'm open to answering any questions, of course.

16 THE CHAIR: Thank you very much. Let me
17 just say, if we could ask you to do the same that
18 we'd asked the previous school: Get us a copy of
19 the governance council meeting where this
20 improvement plan either has been or will be
21 approved?

22 MS. THOMAS: I will be happy to do that.
23 I did not receive a copy of the letter that you
24 refer to, which I assume was where it was asked that
25 the governance council approval be done; is that

1 correct? Because I wasn't clear on that. So we
2 haven't had it approved, but we will at our next
3 meeting.

4 THE CHAIR: To tell you the truth, I don't
5 believe I said anything about the governance
6 council.

7 MS. THOMAS: I wasn't clear that was
8 needed; so I will definitely take care of it.

9 THE CHAIR: It is part of the process; so
10 if it hasn't been done, please, at your next
11 governance council, please have this approved, and
12 then get a signed copy of the minutes to Mr. Pahl.

13 MS. THOMAS: Madam Chair, I'll be happy to
14 do that, of course.

15 THE CHAIR: And let me speak to the
16 confusion that went on, because I know you and I
17 talked.

18 MS. THOMAS: Uh-huh.

19 THE CHAIR: And I think what happened may
20 be a result of the new people, new staff. But when
21 a staffer says, "No, you don't have to do the
22 improvement plan; we'll just take the accreditation
23 when it comes," that, in fact, is speaking for the
24 PEC, and that's not allowed. We don't -- we ask
25 that the Staff not do that. If it's a document or a

1 job that's being directly done for PEC, let us
2 decide.

3 I think, Matt, we talked about this
4 before. Maybe a simple phone call, you know, could
5 have easily clarified.

6 And so let's keep that -- and then, of
7 course, when we came to the meeting after that, I
8 think maybe you weren't aware of the conversation
9 that had gone on.

10 So, again, we said, you know, "They're not
11 doing what they're supposed to do."

12 So we have some miscommunication there.

13 But I'd like to come back to you and say
14 please work with your staff a little bit more, if
15 need be, to make sure that this Commission wants to
16 speak for itself, and let's just keep that way up
17 here in everybody's headlights.

18 MR. PAHL: Madam Chair, a few comments,
19 both on Caryl's comments and yours. There was some
20 miscommunication with Cesar Chavez. And I think
21 part of that had to do with this being the first
22 time we're going through contracts and having
23 schools with C grades.

24 A recommendation for all of us as we move
25 forward with contract negotiations is to put a --

1 put a deadline on when the improvement plan will be
2 there. It's stipulated in the performance contract.
3 But without a time line, it's hard for the school to
4 know "when I need to get this done by after I get my
5 school grade." So just a thought for all of us.

6 There was some miscommunication with
7 Ms. Thomas, and she did not receive the letter. And
8 for that -- she's the only one that didn't. And the
9 reason for that is because we spoke on the phone,
10 and I felt like it was clear.

11 MS. THOMAS: Okay.

12 MR. PAHL: I should have still sent the
13 letter, and can do so. We have one addressed for
14 her. I just want to note, there was some
15 miscommunication. And I want to underline that
16 Ms. Thomas has been very easy to work with through
17 the process -- and something that I just want to
18 underline -- that she's been easy to engage through
19 this miscommunication that we've had.

20 We're going through the process the first
21 time, and it's not an excuse for making mistakes;
22 but we did make a mistake here. And that's --
23 that's on us. Thank you.

24 THE CHAIR: Well, if you'll make sure she
25 gets a copy of the letter, please? Thank you so

1 much.

2 MS. THOMAS: Thank you.

3 THE CHAIR: We appreciate it.

4 Commissioners, any other comments or
5 questions?

6 Okay. Thank you so much.

7 MS. THOMAS: Thank you.

8 COMMISSIONER TOULOUSE: Madam Chair, I
9 assume that when they get their accreditation, we
10 will receive a copy of it, plus all the comments
11 made on your accreditation?

12 MS. THOMAS: Yes, I would be happy to do
13 that. How would you like me to make that available
14 to you?

15 Through Director Pahl?

16 COMMISSIONER TOULOUSE: Thank you.

17 MS. THOMAS: Very well, uh-huh.

18 THE CHAIR: International School at Mesa
19 Del Sol.

20 Good morning, again. Introductions are in
21 order.

22 DR. JOYCE: Good morning, Madam Chair,
23 members of the Commission. Sean Joyce, S-E-A-N,
24 Head of School, International School at Mesa Del
25 Sol. And with me is one of our governing council

1 members, Chuck McCune.

2 MR. McCUNE: Good morning, Madam Chair,
3 fellow Commissioners. Chuck McCune, M-c-C-U-N-E,
4 and I'm newly appointed to the governing council at
5 Mesa Del Sol.

6 THE CHAIR: Pardon me for interrupting. I
7 cannot hear you.

8 MR. McCUNE: My name is Chuck McCune. I'm
9 a newly appointed member of the governing council at
10 the Mesa Del Sol International School. That's
11 M-c-C-U-N-E.

12 THE CHAIR: Okay, thank you. Dr. Joyce.

13 DR. JOYCE: Madam Chair, I'm just going to
14 use -- Madam Chair, members of the Commission, the
15 question before me is a simple one. You have asked
16 for the reason why I failed to submit the
17 improvement plan on time. It begs perhaps more than
18 a simple response.

19 But my simple answer is that on
20 October 17th, I received an e-mail, rather brief,
21 with an attachment, indicating that I needed to
22 provide an improvement plan to the Charter School
23 Division by the 31st of October.

24 I read that e-mail on the 18th. I put it
25 on my to-do list. And through the course of the

1 next 13 days, I went through that list. And on the
2 31st -- by the 31st, or even the 1st of November, I
3 had forgotten to complete that task. I failed to do
4 my job.

5 THE CHAIR: We're all human. All right.
6 And the document that you provided us --
7 "Dr. Joyce," is it not?

8 DR. JOYCE: Yes, ma'am, Madam Chair.

9 THE CHAIR: It's really more of a
10 corrective action plan.

11 DR. JOYCE: Madam Chair, yes, it is a
12 response to the corrective actions that were cited
13 in our reauthorization of our charter that was
14 approved in May of this year. And those six points
15 were bulleted in that charter. And it was my
16 understanding in the conversation I had with the
17 Charter School Division representative that that is
18 the focus of our improvement plan. That is the
19 reason we are a School of Concern are those six
20 items.

21 THE CHAIR: Okay. And, please, Mr. Pahl?

22 MR. PAHL: And, Madam Chair, we -- this
23 looks different from the template and the other
24 document that we put out. But if you look at the
25 actions, they fulfill the needs of a -- of an

1 improvement plan. And so while it's labeled as a
2 corrective action plan, you know, in an effort to
3 not make Dr. Joyce and his staff do something for
4 the sake of format, what we are worried about are
5 the actions associated with this. And we feel they
6 fulfill the needs of an improvement plan and will be
7 following up with Dr. Joyce and his staff as we meet
8 this spring.

9 THE CHAIR: Has your governance council
10 approved this?

11 DR. JOYCE: Madam Chair, members of the
12 Commission, this is an item that did not go directly
13 in front of the governing council. It is a
14 reflection, almost a copy-and-paste, of our charter
15 that this Commission approved in May of 2014. And
16 so that was approved. There is no difference in the
17 text that I have given you in that improvement plan;
18 it's a reflection of that.

19 So I have not put this in front of our
20 governing council as the improvement plan; but they
21 have already approved the merits and material in the
22 letter of that.

23 THE CHAIR: Just to "dot all the T's and
24 cross all the I's," as the guy once said. Could we
25 ask that you take this to your governance council

1 and send Matt a signed copy of those minutes?

2 DR. JOYCE: Madam Chair, members of the
3 Commission, absolutely.

4 THE CHAIR: Okay. Thank you very much.
5 And -- Commissioners?

6 MR. PAHL: Madam Chair, if I can clarify
7 on that request for the minutes, if they can send
8 those to us? I just want to be clear that I
9 don't -- in my head, we wouldn't request the
10 presence of the schools when we report that they
11 have, in fact, gotten these.

12 THE CHAIR: That's correct. If we just
13 get those, and you tell us you have them, I think
14 that's -- that's all we need.

15 Okay? All right.

16 DR. JOYCE: Madam Chair, members of the
17 Commission, may I make a comment, please?

18 THE CHAIR: Please do.

19 DR. JOYCE: My comment is -- I apologize
20 if it's lengthy, but it is a matter of confusion and
21 I'm asking for clarification.

22 In April of 2014, I sat in a day's meeting
23 with Commissioner Bergman, Commissioner Parker, and
24 Commissioner Gant. As we moved forward on our
25 charter renewal, we went through the contract and

1 the performance framework. We agreed to the terms
2 of that, those outlined, and identified the needs of
3 correction, the areas of concern that were very
4 explicitly and continuously put in front of us as to
5 what the school needs to do to improve.

6 In May of that year, this Commission
7 approved that renewal; our board approved it. And
8 my question, or comment, to you is how is that
9 different than this requirement which is newly
10 placed upon us as an improvement plan?

11 I am perhaps suggesting, humbly, that any
12 school that's gone through a charter reauthorization
13 in this new performance framework, which I
14 absolutely endorse and embrace, already has this
15 improvement plan in place, and is already required
16 to be monitored biannually several times with the
17 Charter School Division. And I'm asking to consider
18 that this one document be already considered in
19 action by these schools that have gone through
20 reauthorization and not be yet another document or
21 report we must submit, Madam Chair, members of the
22 Commission.

23 THE CHAIR: I think your suggestion is
24 certainly a valid one for us to consider. I'd like
25 to ask Mr. Pahl to put that on our January work

1 session.

2 The reason we ask for these improvement
3 plans is because when we do those performance
4 framework renegotiations, in the first section,
5 where the school report card -- all the data is
6 listed from there -- it says, "Any school that has a
7 C, D, or F grade must do an improvement plan." It's
8 part of that framework.

9 Possibly, we could look at that. Unless
10 it's statutorily required, maybe we could look at
11 modifying that or removing it or whatever
12 Commissioners might choose to consider at that time.
13 But I think it's worthy of consideration, and thank
14 you for bringing it up.

15 DR. JOYCE: Madam Chair, members of the
16 Commission, thank you very much. I appreciate it.

17 THE CHAIR: Thank you.

18 COMMISSIONER TOULOUSE: Madam Chair?

19 THE CHAIR: Commissioner Toulouse?

20 COMMISSIONER TOULOUSE: I want to thank
21 Mr. Joyce for bringing himself up here time after
22 time after time and still having the spirit to
23 appear with a holiday tie. Thank you very much.

24 THE CHAIR: Thank you both very much.

25 DR. JOYCE: Thank you.

1 THE CHAIR: New Mexico Connections. Good
2 morning.

3 MS. TRUJILLO: Good morning, Madam Chair.
4 Commissioners. My name is Athena Trujillo, and I'm
5 the principal of New Mexico Connections Academy.
6 And with me, I have Mr. Christopher Jones, who is my
7 assistant principal.

8 MR. JONES: Good morning.

9 THE CHAIR: Mr. Pahl, do you have any
10 comment to make about Connections' improvement plan?

11 MR. PAHL: I think, in your binders, you
12 have some documentation, a letter from Ms. Trujillo,
13 and then attachments, as well.

14 There seems to be a point of confusion
15 around the sample plan that we sent out. It was
16 requested by the Commission that we send out the
17 sample plan, because there's a desired template and
18 way that we want these to look; so if it doesn't
19 look each way -- and we've made some exceptions to
20 that.

21 And I think what Ms. Trujillo was reading
22 into it is some of these have passed; why should we
23 do it; because it's a sample, so we were expecting
24 everything to be looking forward at this point?

25 So there was a little confusion there. If

1 you look at Ms. Trujillo's and New Mexico
2 Connections Academy's improvement plan, it does
3 include data that is -- or points in time that are
4 in the past. So there's some points of confusion
5 there. But I think if we look at this improvement
6 plan and look at the dates that would be used moving
7 forward, we do feel like that first improvement plan
8 that we did with Anthony was a good one.

9 This follows it quite closely; and as a
10 result, we feel like this improvement plan does meet
11 the requirements that we would need so we'd know
12 that Ms. Trujillo and Connections Academy are moving
13 forward in monitoring their academic progress to be
14 successful.

15 THE CHAIR: Thank you. Thank you.

16 MS. TRUJILLO: Madame Commissioner and
17 Commissioners, the first thing I want to say is that
18 I solely assume the responsibility of this missed
19 deadline. Upon receipt of the Charter School
20 Division letter, I was under the assumption, because
21 we were having a Priority Schools Bureau visit, that
22 as a part of that PSB visit, we would be provided
23 improvement and suggestions that I thought,
24 logically, would fit into a school improvement plan
25 that would address not only the PSB visit, but also

1 the PEC Commission's request for school improvement
2 based on our school grade.

3 And so I did place that letter in my PSB
4 file. Our PSB visit was not until December 4th,
5 5th, and 6th. So once I did receive the letter from
6 Mr. Pahl about the October 31st deadline -- or that
7 we had missed that deadline -- I -- I was -- I was
8 panicked.

9 But what I do want to do today is to
10 assure the PEC that if you look at our full packet
11 of documents, there is a school improvement plan
12 that our school started off with, addressing
13 specific items in the PEC school plan that we
14 submitted. And it was approved by our school board.

15 It does address student academic
16 improvement; each of the items -- our short-cycle
17 assessments -- each of the items that are included
18 in the PEC improvement plan.

19 THE CHAIR: Thank you very much for that.
20 Mr. Pahl?

21 MR. PAHL: Madam Chair, may I add one
22 thing? Sorry to interrupt. But, Madam Chair,
23 members of the Commission, I just want to note that
24 Ms. Trujillo -- while she did miss the deadlines,
25 her idea is right. If we have a Priority Schools

1 Bureau visit to our school, we're getting that
2 personal assistance in how to improve; so I just
3 want to commend her on the idea of connecting those
4 things together.

5 The time lines didn't work out. So when
6 she did e-mail to ask, we did say, "Worry about the
7 deadline. They're going to give you some verbal
8 feedback, and you can use that. But I don't think
9 your report will be back to you for another month or
10 so" -- maybe longer; I can't remember exactly how
11 long.

12 But the idea of leveraging those resources
13 that PED is providing for schools, otherwise, into
14 other requirements; so it doesn't feel like two
15 separate requirements, but is focused on increasing
16 student achievement, is a good one. So I do want to
17 commend her on that and recommend to any charter
18 schools that if it does fit into the time lines of
19 the PEC's visit, you should not hesitate to use
20 information that we've gotten from other bureaus and
21 divisions from the Public Ed Department.

22 THE CHAIR: Thank you for that.

23 Comments or questions from Commissioners?

24 Hearing none, I would just ask the same
25 thing we've asked the others. If your governing

1 council has not yet seen this improvement plan, if
2 you would please take it to them and get it approved
3 and get a copy of the minutes to Mr. Pahl, where it
4 was approved?

5 MS. TRUJILLO: Thank you. Much
6 appreciated.

7 THE CHAIR: Thank you. And we appreciate
8 you being here.

9 All right. I believe now we can go to
10 Item 13. I was jumping ahead a while ago.

11 Ms. Casias, please?

12 Mr. Pahl, whenever you're ready, go ahead,
13 please.

14 MR. PAHL: Madam Chair, much of the
15 Director's Report is not ready for today's meeting;
16 and so I can provide the information that I'm able
17 to right now. If we are -- if it's possible, I
18 think I can provide more complete information if we
19 were to break and meet up at 11:40 -- or 12:45 -- so
20 we can still take care of it prior to the 1:00 start
21 of the renewal applications.

22 But I do have most of the information
23 verbally at this time. However, I would defer to
24 Ms. Casias to provide any information first, just so
25 she can complete her items.

1 THE CHAIR: Commissioners, what's your
2 pleasure? We could leave Item 13 later on the
3 agenda and simply ask Ms. Casias to give us her
4 information now; or we can do it at a quarter of
5 1:00, and we'll be a little rushed, I'm afraid.

6 What's your pleasure?

7 Josh is recommending that we hear
8 Ms. Casias' report now and leave the rest of the
9 Director's Report on the agenda. So just in case
10 any of the schools that are listed as a School of
11 Concern wish to hear that information, they will not
12 be confused when it's going to be on the agenda.

13 Is that all right with everybody? Is that
14 all right?

15 Okay, Martica, it's all yours.

16 MS. CASIAS: Madam Chair, members of the
17 Commission, I did send to you a list of each school
18 that you're discussing today to report the weighted
19 NMCI of each. For the Schools of Concern, the
20 Southwest Learning Center and --

21 THE CHAIR: Martica, let me interrupt you
22 just for a minute. Does everybody have -- you're
23 talking about this? (Indicates.)

24 MS. CASIAS: Madam Chair, members, yes.

25 THE CHAIR: Does everybody have this?

1 (Indicates.)

2 Okay. I believe everybody does. Please
3 go ahead.

4 MS. CASIAS: So, members, on that list of
5 all of the schools, the only one that -- the only
6 two that concerned facilities are Dream Diné and
7 New Mexico International School. So, if you will,
8 I'd start with Dream Diné.

9 When I was before you last month, they had
10 a failed foundation floor. And then on the 4th of
11 December, I got an update from CID that the
12 foundation had been poured, but that the plans were
13 not available and not adhered to; so that they have
14 to reinspect the footing foundation, submit
15 construction documents to PSFA for review, and then
16 forward to CID.

17 So this morning, on the way here, I wanted
18 to make sure I had accurate information. I spoke to
19 CID Bureau Chief Martin Romero. And yesterday, they
20 were at the site; they were there to do an
21 inspection. And they found that there were no
22 electrical permits pulled at this time.

23 So the way PSFA and CID are at this
24 moment, we're waiting for the stamped plans for the
25 foundation and for the electrical permits to be

1 pulled, so that the electrical inspector can come to
2 the item on the agenda and do an assessment.

3 Madam Chair, members, I'm not sure if the
4 school has anything to add. With that, Madam Chair,
5 I stand for questions.

6 COMMISSIONER GANT: Madam Chair?

7 THE CHAIR: Commissioner Gant?

8 COMMISSIONER GANT: Madam Chair, with all
9 that, they're way behind, way, way behind. But as I
10 remember -- Mr. Pahl, help me remember, please -- as
11 I understand it, they had a lease on a school that
12 did meet E-Occupancy. It was not -- it's an
13 alternate school. Luckily, they found it at the
14 start of the school year.

15 But I understand that lease is due to
16 expire in December. Have they done any work to
17 correct that issue, based upon the information
18 Ms. Casias has given us?

19 MR. PAHL: Madam Chair, members of the
20 Commission, part of the reason why the Director's
21 Report is not ready is I'm anticipating new
22 information on that tonight to get that lease
23 extended. Tonight, they're meeting with the -- with
24 the -- it's the Chapter House -- I believe it's
25 Hogback Chapter House that they're at -- to get

1 approval for extending that lease further.

2 So the answer right now is we know that
3 they are taking actions to extend the lease; but we
4 do not know, as of this moment, whether that lease
5 has been extended or not.

6 COMMISSIONER GANT: Madam Chair,
7 Ms. Casias -- members -- Ms. Casias, did the CID
8 give you any indication of when they would finish
9 their work on the foundation plans or -- or even
10 when the electrical permits will be pulled?

11 MS. CASIAS: Madam Chair, members, at this
12 point, the onus is on the contractor. So if he were
13 to pull his electrical permits today, make
14 applications, he would probably receive them today.
15 And then the electrical inspection has to be called
16 for and put on the schedule; for the electrical
17 inspector, it might take him a few days.

18 And the foundation plans that need to be
19 drafted and stamped by the engineer, if the PSFA
20 were to receive those plans today, we would
21 certainly try to elevate them to the top of our
22 list, do the review, send them over to CID, and get
23 them back. If it was a perfect world, we could get
24 the plans today, back to the school within three or
25 four -- probably five days, and then the inspection

1 would be needed to call -- then the contractor would
2 have to call for the foundation inspection, as well
3 as the electrical.

4 So, Mr. Gant, with -- at best, with PSFA
5 putting it at the top of our list, we could do the
6 plan review and that within a five-day turn around.

7 COMMISSIONER GANT: Madam Chair,
8 Ms. Casias, I -- in my view, you probably have
9 better data than I. In my mind -- I don't see the
10 school even putting a building on those foundations
11 till second week in January and possibly getting in
12 the buildings with children. You still have to go
13 do a final E-Occupancy once they're set; right? Is
14 that correct? So they wouldn't be in till February,
15 probably.

16 MS. CASIAS: Madam Chair, members, that's
17 correct. A final inspection and a Certificate of
18 Occupancy would need to be issued.

19 COMMISSIONER GANT: Madam Chair, last
20 comment on this Dream Diné. I think this is an
21 example of why the PEC needs to watch facilities
22 closer. This is the second time that a charter
23 school has done this, you know. And so in the
24 future, it's going to get harder.

25 And Ms. Casias' work is going to get

1 harder, because there's more and more of these. So
2 I just suggest a real close look on these and maybe
3 rejoin the checklist, the yearlong checklist, to
4 make sure this rises higher than what it is right
5 now on that checklist. Thank you.

6 THE CHAIR: Thank you. Other comments
7 from Ms. Casias on Dream Diné?

8 Thank you very much. Please go ahead.

9 MS. CASIAS: Madam Chair, members, the
10 other school is the New Mexico International School.
11 And, Madam Chair, members, is this the same as the
12 International School at Mesa Del Sol? No?

13 So Madam Chair, members, the New Mexico
14 International School, we have no concerns about a
15 facility.

16 THE CHAIR: Okay. Can I just ask a
17 question? I know this has been talked about more
18 than once, and I should know this; but help me to be
19 sure I understand.

20 The higher the number is bad; the lower
21 this weighted NMCI score is -- the lower it is, the
22 better it is; is that correct?

23 MS. CASIAS: Madam Chair, you're correct.
24 If I could draw your attention to the ACE Leadership
25 High School that has the 0 percent weighted NMCI.

1 That is a new school, so it has not yet started to
2 age. The weighted NMCI is about the aging process
3 of the school and as deficiencies occur. So the
4 lower the score -- you are correct -- the better the
5 facility.

6 The current average around the state is
7 18.95 percent. So the ones highlighted in yellow
8 are in great condition -- or exceed the average.
9 And the ones in the pumpkin color are below the
10 average; but, because they are in a current facility
11 and not moving, it's okay by statute.

12 Madam Chair, it's only when you move or
13 relocate that PSFA has to be involved, and you have
14 to meet the average weighted NMCI.

15 THE CHAIR: So if you're in a facility,
16 and you're not moving, no matter how high your
17 number is, you're okay.

18 MS. CASIAS: Madam Chair, I would like to
19 phrase that is PSFA is not involved in assessing
20 your facility and asking you to bring it up to -- to
21 the weighted NMCI. Of course, if a school is in a
22 facility that is not -- has deficiency, it is their
23 obligation to the children to keep it in good shape.

24 THE CHAIR: Okay, thank you.

25 Commissioner Gant?

1 COMMISSIONER GANT: Madam Chair -- again,
2 Ms. Casias, correct me if I'm wrong. We have
3 several -- we have 12 schools up for renewal at this
4 point. By statute, they have a right to go to the
5 Public School Capital Outlay Council and the PSFA to
6 start work on capital -- getting capital funds for
7 their facilities to move, to renovate, or whatever.

8 So at that point, these numbers -- then
9 PSFA will start getting involved if the school
10 decides -- the charter school decides to go that
11 route.

12 And Ms. Casias, talk about Aldo Leopold,
13 the 49.06, and what you know of their plans at this
14 point for what I just said.

15 MS. CASIAS: Madam Chair, members,
16 Aldo Leopold is in a facility, as you see, that has
17 a 49.06 percent weighted NMCI, which means it's not
18 in good condition. So they are in current -- they
19 are in ranking for PSCOC funding for a new facility.

20 But one of the things that the PSCOC asks
21 the school is to check with the local district to
22 see if they have space that the charter school can
23 move into. If there is no space within the local
24 district, then the charter school must find a --
25 either a publicly owned facility, or they could

1 build one with their foundation.

2 So in this case, the council has given
3 them the funding to look for a facility in that --
4 in Silver City. And at this point, they are in the
5 process of looking for a facility. The local school
6 district has said that they do not have space for
7 this particular charter school; although the PSCOC
8 tasked us with looking at every school in Silver and
9 seeing if there was capacity. There is capacity.

10 So they are -- as you see, a current PSCOC
11 award to look for a facility to either build one or
12 to move into something that is existing. But
13 whatever the final decision is, it has to be above
14 or equal to the average weighted NMCI.

15 THE CHAIR: Okay. Thank you.

16 Any other questions? Any other facilities
17 concerns?

18 Seeing none, Ms. Casias, thank you so
19 much. We appreciate -- we always appreciate you
20 making the trip up here to meet with us and bringing
21 us information. Thank you so much.

22 MS. CASIAS: Thank you, Madam Chair and
23 members.

24 THE CHAIR: Commissioners, I can't believe
25 it; but we did it. It's 12:00. We have finished

1 Item 10 and 13. And we are to Item 11, which we
2 said we would begin at 1:00 this afternoon.

3 Before we break for lunch, I'd like to not
4 miss my note to thank Beverly and Matt and the
5 staff. They worked late on Friday night to get
6 these recommendations out to us.

7 I also know Beverly worked Sunday
8 afternoon to get some other information out to us
9 and our agenda information.

10 Thank you all for putting in those extra
11 hours. This load of 22 schools in one renewal
12 period is a steep load, and we know you all have
13 been working hard. Certainly, we have, too; but we
14 appreciate the time and effort you put in to get it
15 done. So thank you very much.

16 Commissioners, if there's anything else --
17 if not, let's break for lunch, and let's come back
18 by five till 1:00, okay?

19 (A recess was taken at 12:00 p.m., and
20 reconvened at 1:00 p.m., as follows:)

21 THE CHAIR: Good afternoon. It's 1:00,
22 and I call back into session this regularly
23 scheduled meeting of the New Mexico Public Education
24 Commission.

25 We have reached Item -- pardon me -- Item

1 11 on our agenda, which is this is where we're going
2 to begin hearing and taking action on renewals for
3 current State-chartered charter schools.

4 The first one on the list is Aldo Leopold
5 Charter School from Silver City. If anyone from
6 that city is here in the audience, we invite them to
7 come up to the table, please.

8 Mr. Pahl, if you would go ahead, please?

9 MR. PAHL: Madam Chair, members of the
10 Commission, first of all, I'd just like to reiterate
11 final statements from you before the break and thank
12 CSD Staff for their efforts in completing the
13 renewed applications. This was a -- this was a big
14 undertaking, 22 schools. And I think it's -- we
15 learned a lot, and we also are proud of the work
16 that we put forward to you all last Friday.

17 Lastly, that CSD Staff also includes
18 Juliana Montoya -- if you'd stand up real quick?
19 She's a new Staff member. I decided not to wait for
20 the Director's Report to introduce her. But this is
21 a reflection of her hard work, as well.

22 So thank you, all of the Staff. It's much
23 appreciated, and we are real happy with our product
24 here.

25 THE CHAIR: Matt, may I -- I apologize for

1 interrupting you. There is something I forgot to
2 say. So let me do this while I'm thinking about it.

3 All Commissioners have received these
4 applications in a timely manner. I feel confident
5 that all Commissioners have read and studied these
6 applications. I certainly -- I can speak for
7 myself -- I spent many hours reading and studying
8 these applications, as well as the information we
9 received from the Charter School Division, our
10 staff, on these.

11 So I want to thank the Commissioners for
12 the time and effort they've put in on these and
13 assure everyone here that you're dealing with folks
14 that have done their due diligence and are here to
15 make a fair assessment.

16 Okay. Matt, if you will go ahead, please?

17 MR. PAHL: Thank you. Thank you,
18 Madam Chair.

19 One last comment before we move into
20 Aldo Leopold is some of the analysis that you'll see
21 from the CSD in the analysis boxes that we've
22 created on the renewal application, it's reiterating
23 something I said earlier, which is that when we
24 looked at goals, it wasn't good enough -- we didn't
25 give -- give school -- the schools -- we didn't say

1 a goal was met if it was met two of the five years;
2 we were very strict on the goals and how we
3 evaluated those goals.

4 That is a reflection of the new world that
5 renewed charters will be moving into with
6 performance contracts; it's not always necessarily a
7 reflection of how things have operated in the past.

8 So I wanted to make that known; so --
9 because it's important context for interpreting our
10 comments regarding goals.

11 With that said, Aldo Leopold Charter
12 School:

13 After completing its initial term, the
14 school was granted its current charter in July 1st,
15 2010. The mission of the school is to provide an
16 engaging and challenging educational program that
17 emphasizes direct experience, inquiry learning,
18 stimulation of the creative process, and stewardship
19 of their community and natural environment.

20 Our recommendation is that the charter be
21 renewed without conditions for a full five-year
22 term.

23 Aldo Leopold Charter School has complied
24 with all provisions of law and is financially
25 stable. The governing and administration of the

1 school are stable, as well. Student academic
2 performance is consistently high. Interviews with
3 stakeholders and groups indicate that the climate
4 and culture of the school are healthy and
5 supportive, despite a recent tragedy at the school.
6 The school has an active and positive presence in
7 the community, as well.

8 Just to highlight a few items on the
9 school's academic performance, the school generally
10 exceeds the State average in nearly every category.
11 Something that impressed us when we spoke to
12 Aldo Leopold when we visited the school was that one
13 element of their school report card is their growth
14 of their lowest performing students. Our Staff was
15 very impressed that there's a -- despite there being
16 a -- well, there is a downward trend in that; they
17 had scored a B in 2012 and '13, and, most recently,
18 had scored a D.

19 That prompted some -- some intense inquiry
20 at the school, which we see as a real -- real
21 important step to driving performance at schools.
22 And so that's one example of -- the student
23 achievement is generally high. When it's low, the
24 staff and the administration at the school take that
25 seriously. In this case, they developed an

1 improvement plan for themselves on how they're going
2 to reach that lowest -- that lowest quartile of
3 students.

4 So for all of those reasons -- high
5 academic performance, stable environment, and a
6 commitment to looking at how their students are --
7 their student achievement data -- we recommend
8 Aldo Leopold for a full five-year term of renewal.

9 THE CHAIR: Thank you, Mr. Pahl.

10 Good afternoon. Please introduce yourself
11 and let us hear what you might have to say.

12 MR. AHNER: My notice is Eric Ahner. I'm
13 the director of Aldo Leopold Charter School.

14 Good afternoon, Madam Chair and members of
15 the Commission. I believe that the review from the
16 Charter School Division is quite comprehensive, and
17 you have, obviously, a daunting task of looking
18 through 22 applications. So I'd like to take this
19 opportunity to thank the Commission, number one, for
20 refining the renewal process. I thought it was more
21 streamlined, but still allowed us a very good
22 opportunity to reflect; and, secondly, to commend
23 the Staff behind you, the Charter School Division,
24 for their tireless effort for not only overseeing
25 what we're doing, but also being a continual support

1 of our school and to me, as the head administrator.
2 Thank you.

3 THE CHAIR: Thank you very much for that.

4 Commissioners, you've heard the
5 recommendations from CSD and the presentation from
6 the school. Are there questions or comments from
7 Commissioners? Any questions or comments from
8 Commissioners?

9 Commissioner Bergman?

10 COMMISSIONER BERGMAN: I just want to
11 reiterate what the Chair said. There's a reason why
12 I do this each year. I have read all the
13 applications; I've read the preliminary analyses;
14 I've read the final recommendation from the CSD.

15 And I know a lot of folks wonder, why do I
16 keep doing that? That's because some years ago
17 someone appealed one of our decisions, and they
18 stated in their appeal that none of the
19 Commissioners said they read the application, so
20 they must not have read them.

21 So I do that now to ensure that someone
22 can't use that argument against us in the future.

23 Thank you, Madam Chair.

24 THE CHAIR: Thank you, Mr. Commissioner.

25 Anyone else? Any other comments?

1 Let me just say, I notice, overall -- and
2 I agree with Mr. Pahl -- that they have truly
3 tightened up their evaluation of goals and their
4 goals that are unmet.

5 I'm looking at Page 20 of your
6 application, where CSD says, "The overall goal was
7 attained each year except 2014; therefore, the goal
8 was not met.

9 "The school's graphs and narrative clearly
10 represent the students' accomplishment, both by
11 individual grade and school-wide. It is notable
12 that students' scores increased each year as
13 students moved through the grades."

14 Now, that's -- that's the kind of
15 information we're looking for, and that's the kind
16 of upward traject- -- that word, "trajectory" --
17 that we're looking for from schools. If there's a
18 year that things don't go as well as you'd like for
19 them, we understand that; but as long as the overall
20 picture is moving in the right direction, that's
21 what we're looking for. I'm very impressed.

22 And I believe that's the same on Page 22,
23 where that goal was, I believe, missed once. Let me
24 get to it.

25 Yeah. Again, that's pretty much the same

1 thing.

2 And those were really the only even
3 approaching negatives that I saw in the entire
4 evaluation.

5 Any other comments or questions,
6 Commissioners?

7 Before we make our first motion, I'd like
8 to ask Josh, forgive us; just a little guidance on
9 these motions, please?

10 MR. GRANATA: Madam Chair, Commissioners,
11 I'd just like to reiterate to the Commission a
12 concern that I mentioned in a previous meeting
13 regarding renewals; and that is, that I would just
14 ask all the Commissioners to put all their concerns
15 forward here on the record and to list any kind of
16 factors that you considered, whether you've weighed
17 them positively or negatively.

18 Essentially, the more information that's
19 before the Commission, it's better for the record,
20 essentially, in terms of legal appeals and whatnot,
21 and to also take into consideration CSD's
22 recommendation on how each particular Commissioner
23 values that recommendation, whether they agree with
24 it, whether they agree with parts of the
25 recommendation, whether they disagree with CSD's

1 recommendation, or what have you.

2 So I'd just ask that Commissioners bring
3 forth all the information that they have and not
4 hold back. Thank you.

5 THE CHAIR: Thank you. And the only other
6 thing I wanted to say is, on the back of each
7 school's -- there is a letter to us from Mr. Pahl
8 saying the name of the school. On the back of that
9 is their recommendation, and then some proposed
10 other language, should we choose to go a different
11 way.

12 We don't have to go with their language;
13 but at least sometimes, it's nice to have a starting
14 point. So I would just bring that to your
15 attention.

16 Now, hearing no further discussion on
17 Aldo Leopold School, the Chair would entertain a
18 motion.

19 COMMISSIONER BERGMAN: Do we have a sample
20 motion?

21 THE CHAIR: Yes, it's right here.

22 MR. GRANATA: I have one here also.

23 THE CHAIR: Just hand him that. There's
24 one for approval.

25 MR. AHNER: Madam Chair?

1 THE CHAIR: Yes, sir.

2 MR. AHNER: Thank you. Is there an option
3 for public comment before your decision on --
4 according to your agenda? I just wanted to
5 double-check?

6 THE CHAIR: We have never had public
7 comment on renewal hearings, or -- unless I'm --

8 MR. AHNER: It appears to be on it.

9 THE CHAIR: It says so right there,
10 doesn't it?

11 MR. AHNER: I just wanted to make sure,
12 before you moved forward with the motion.

13 THE CHAIR: I am incorrect. We do have
14 five minutes for public comment, should anyone
15 choose or would like to comment at this time.

16 Thank you. I see no one that chooses --
17 that would like to comment.

18 So now, let's -- we've had our PEC
19 questions. Let's move on to a motion.

20 COMMISSIONER BERGMAN: Madam Chair, I,
21 Vince Bergman, move that the Public Education
22 Commission approve the renewal application of the
23 Aldo Leopold Charter School for a five-year term,
24 pursuant to the Charter School Act, Section 22-8B-6,
25 and Section 22-8B-12.

1 THE CHAIR: Commissioner Bergman, does
2 that motion include any conditions on the school?

3 COMMISSIONER BERGMAN: It did not. I
4 don't believe the CSD recommended any conditions,
5 and I've not heard anyone talk about conditions. So
6 at this point, it does not.

7 THE CHAIR: With no conditions.

8 COMMISSIONER BERGMAN: With no conditions.

9 THE CHAIR: Okay, thank for you that.
10 You've heard the motion from Commissioner
11 Bergman. Are you seconding, Commissioner Peralta?

12 COMMISSIONER PERALTA: Second.

13 THE CHAIR: Thank you very much. The
14 motion is to approve the renewal application of the
15 Aldo Leopold Charter School for the full five years
16 without conditions.

17 Are there comments or questions,
18 Commissioners?

19 Commissioner Carr?

20 COMMISSIONER CARR: I have a question for
21 Josh. When I get ready to -- when I get ready to
22 vote, do you want me to make a comment then?

23 MR. GRANATA: Madam Chair,
24 Commissioner Carr, I suggest you make your comments
25 now, during the discussion.

1 COMMISSIONER CARR: Oh, now? Okay.

2 So following the -- you know, what you
3 suggested, then, I fully concur with the Charter
4 Division's recommendation, without reservation.

5 THE CHAIR: Any other comments?

6 COMMISSIONER TOULOUSE: Madam Chair, this
7 doesn't have to do with this one; but because of the
8 detail in the motion -- we don't have it written
9 down -- could we get it e-mailed to us so we could
10 read the motion?

11 MR. GRANATA: Yes.

12 COMMISSIONER TOULOUSE: Thank you.

13 Otherwise, I fully concur; I think this is
14 a good school. Thank you.

15 THE CHAIR: Any further questions?
16 Comments?

17 Hearing none, the Chair calls for a
18 roll-call vote?

19 COMMISSIONER BERGMAN: Commissioner
20 Peralta?

21 COMMISSIONER PERALTA: Yes.

22 COMMISSIONER BERGMAN: Commissioner Carr?

23 COMMISSIONER CARR: Yes.

24 COMMISSIONER BERGMAN: Commissioner
25 Toulouse?

1 COMMISSIONER TOULOUSE: Yes.

2 COMMISSIONER BERGMAN: Commissioner

3 Parker?

4 COMMISSIONER PARKER: Yes.

5 COMMISSIONER BERGMAN: Commissioner Gant?

6 COMMISSIONER GANT: Yes.

7 COMMISSIONER BERGMAN: Commissioner

8 Shearman?

9 THE CHAIR: Yes.

10 COMMISSIONER BERGMAN: Commissioner

11 Bergman votes "yes."

12 Madam Chair, that is a 7-to-0 vote in
13 favor of the renewal of Aldo Leopold.

14 THE CHAIR: Thank you very much.

15 The motion to approve the renewal
16 application for a full five years, without
17 condition, of Aldo Leopold Charter School is
18 approved unanimously. Congratulations.

19 MR. AHNER: Thank you, members of the
20 Commission.

21 COMMISSIONER TOULOUSE: Madam Chair, I'd
22 like to make a comment, because I get teased for
23 recusing myself. I want to say the fact that
24 Aldo Leopold, when he lived in Albuquerque, lived
25 right around the corner from my grandparents and my

1 father knew him was no reason to recuse myself
2 because of the name of the school. Just so people
3 know, I don't recuse on everything; just the ones I
4 know somebody at the school.

5 Just had to say that, lighten it up a
6 little.

7 THE CHAIR: Thank you.

8 The next school is Anthony Charter School.
9 Please, if anyone would like to come forward for
10 that school?

11 Good afternoon.

12 MR. FRANCO: Good afternoon.

13 THE CHAIR: Mr. Pahl, whenever you're
14 ready.

15 MR. PAHL: Madam Chair, members of the
16 Commission, Anthony Charter School was originally
17 authorized in 2008 by the Gadsden School District.
18 On February 28th, 2013, the PEC approved a
19 conditional 24-month charter for the school.

20 The Charter School Division recommends a
21 two-year renewal with conditions, which I'll state
22 in a moment, to be determined through an improvement
23 plan.

24 The school did not fulfill the terms of
25 its initial two-year charter in the first year of

1 that charter. The PEC has placed the school on an
2 improvement plan for the 2015 school year; and, to
3 date, the school has met the conditions of the
4 present improvement plan, which align with the
5 conditions that the Commission asked of the school
6 when they were renewed a year-plus or so ago.

7 The governing board has replaced the
8 former director with an experienced team in order to
9 turn the school's compliance issues around.

10 It's troubling that the school went
11 through the first year without meeting the
12 conditions asked of them. We believe that the
13 school is moving forward and meeting those
14 conditions in the second year of their -- of their
15 charter that was granted to them.

16 However, when we look at the school and
17 the services it's providing to the school -- to the
18 community, the student performance of students who
19 go to Anthony Charter School is equivalent to, or a
20 little better than, schools that are otherwise in
21 that district. And so it presents a good option.

22 We're recommending a two-year renewal,
23 because the school -- for the reason that the school
24 did not meet the conditions of the approval last
25 time. Generally speaking, I think that's a serious

1 offense. Not seeing a two-year renewal and not
2 acting right away in year one is -- that's a
3 problem.

4 However, if we look at the students -- the
5 services to students, we're recommending a two-year
6 renewal, so the school can get -- can complete
7 its -- the conditions placed on it at the prior
8 chartering that they received from the PEC, and move
9 forward to make sure it's a stable school and get a
10 longer term renewal based on the performance of the
11 school with the students.

12 We have some issues with the
13 organizational structure -- or the organization --
14 that we feel like are being remedied through actions
15 of the board in hiring a new administrator.

16 A few notes on student performance:

17 The growth of the lowest performing
18 students in the school was a D in 2012 on the
19 school's report card. In the last two years, it has
20 been an A and a C.

21 Growth of the highest performing students
22 has been an A. They're seeing growth from their
23 students.

24 Their proficiency rates are very similar
25 to schools that are serving the Gadsden area. The

1 option that's presented to students, the
2 emotional -- the focus on emotional intelligence, is
3 one that's unique to the community.

4 As a result, we're recommending that
5 two-year term, with conditions.

6 Those conditions are that shortened term
7 of two years; continuance of their improvement plan
8 that they're currently on through this year and the
9 first year of their charter; and two annual
10 monitoring visits by the CSD, if not more, depending
11 on their compliance with their own improvement plan.

12 THE CHAIR: Thank you. Gentlemen, you
13 have five minutes. Please introduce yourselves and
14 tell us whatever you'd like for us to know about
15 your school.

16 SPEAKER: Thank you. Good afternoon,
17 Madam Chair, Commissioners. My name is Abe
18 Armendariz, and I am the newly appointed principal
19 at Anthony Charter School.

20 MR. FRANCO: My name is Rudy Franco. I'm
21 the newest member of the governing board. I've been
22 there about a year.

23 DR. ARMENDARIZ: Madam Chair,
24 Commissioners, allow me to share what has been done
25 in cooperation with the school board, students, and

1 parents to address the critical situation that
2 exists in the Anthony Charter School at the moment.

3 I was employed November 19th as the head
4 administrator. Today is my eleventh day on the job.
5 I have been in constant communication with the
6 governing council, establishing a professional and
7 ethical and legal relationship, which we anticipate
8 will help us move the school forward together.

9 On November 24th, I traveled to Santa Fe
10 to meet with Mr. Ed Woodd, the school's liaison.
11 Mr. Woodd has been very helpful in the guidance that
12 he has provided me.

13 Mr. Woodd -- I became aware that we have,
14 at ACS, the Anthony Charter School, a school that
15 serves the academic, social, and personal needs of
16 mostly low socioeconomic students, as well as ELL
17 students. Families who desire a small personal
18 environment for their children's education, this is
19 the place for them.

20 I immediately began the process of
21 familiarizing myself with the school documents. And
22 during the Thanksgiving holiday, I wrote the
23 reapplication for the school, submitted it to CSD,
24 got feedback from Mr. Woodd, and submitted it again
25 on December the 2nd.

1 I also visited with the Mike Vigil group,
2 who is the organization -- our business manager --
3 to inform myself of financial matters, procedures.
4 And financially, the school is on solid ground, and
5 no financial problems are anticipated at this time.

6 COMMISSIONER GANT: Three minutes.

7 DR. ARMENDARIZ: During this process, I
8 have four -- I have had four faculty meetings, in
9 which we have discussed current school issues, as
10 well as started making tentative plans for the
11 future of the school. Teachers are optimistic and
12 supportive of the recent changes at the school.
13 They expressed strong hope that the school will
14 continue.

15 The school has a total of 72 students,
16 Grades 7 through 12, and has a potential to
17 increase. I have met with all students during both
18 A and B lunch periods almost every day. As I
19 monitor the lunchroom, I have been getting feedback
20 from them regarding their thoughts and feelings
21 about the school. They express concerns about the
22 continuation of the school and want to know what it
23 is they can do to help for the school to continue.

24 COMMISSIONER GANT: Two minutes.

25 DR. ARMENDARIZ: They often express that

1 they have good teachers who have shown concern for
2 their learning and the personal education plan
3 focuses and is a strong element that guides their
4 learning. Many have said that they feel as if the
5 rug has been pulled from under them, and they feel
6 helpless at this time.

7 The students are doing well academically,
8 as expressed by Mr. Pahl, and the school is not
9 actually doing badly either, itself.

10 I have met with the parents once, and they
11 are anxious and excited about initiating a parent
12 student and staff organization. We will have a
13 second meeting on December 16th.

14 Many parents have come in to speak with me
15 personally and express the support for the school's
16 continuance. I have also had parents whose children
17 are not students at ACS now who want information on
18 how they can get their students to start attending.
19 They expressed that they have recently been hearing
20 a great deal about the school in the community.

21 By allowing ACS --

22 COMMISSIONER GANT: One minute.

23 DR. ARMENDARIZ: -- to continue this year
24 and into the future, the PEC will be helping to
25 address a great need in this small, but strong,

1 community. Through its focus on a PEP for every
2 student, ACS is a school that provides an option for
3 children who have difficulty learning in a bigger,
4 less controlled environment.

5 Thank you for allowing me to share this
6 information with you.

7 I think Mr. Franco might have some
8 comments, taking the place of the public.

9 MR. FRANCO: Thank you, Dr. Armendariz.
10 And Madam Chair, Commissioners, like I said, I've
11 been on the school board for about a year. During
12 that time, I acknowledge that the -- when I started,
13 we made some mistakes. One of the mistakes was not
14 being accountable to the authorizing authority. And
15 I acknowledge that.

16 I polled the members of the governing
17 council, and they all agreed with me. And it's --
18 it became critical that we make some major changes.

19 Three or four months ago, we started on
20 those major changes. I have seen a great
21 improvement in the accountability of the board
22 toward the community, toward the students, and
23 toward the faculty.

24 And as a -- in visiting the school, I've
25 seen some real positive feedback from the school,

1 considering that Dr. Armendariz has only been there
2 for.

3 COMMISSIONER CARR: I'm sorry to
4 interrupt. Point of order.

5 If -- I understand your wanting to do the
6 public comment. But I don't know if we've got
7 anybody else that wants to talk. And --

8 THE CHAIR: Their time is not up yet.

9 COMMISSIONER CARR: Well, they have five
10 minutes.

11 THE CHAIR: Their five minutes is not up
12 yet.

13 COMMISSIONER GANT: They've done their
14 five minutes.

15 THE CHAIR: Did you call "Time"? I'm
16 sorry. I did not hear it.

17 COMMISSIONER GANT: He turned it over to
18 the gentleman.

19 THE CHAIR: I was waiting for you to call
20 "Time."

21 COMMISSIONER CARR: It's been way over
22 five minutes.

23 THE CHAIR: If your time is up, then we
24 need to call and see if there is public comment,
25 gentlemen.

1 MR. FRANCO: That's fine.

2 THE CHAIR: Is there anyone from the
3 public who cares to speak?

4 All right. We cannot give you the five
5 minutes that belong to the public. Thank you very
6 much, but we appreciate your passion and your being
7 here.

8 Again, I ask if there is anyone here from
9 the public.

10 All right. Hearing no one, then let's
11 move on to the next item, which is PEC
12 Commissioners' questions. I will ask Commissioners
13 if they have questions of the applicants.

14 Commissioner Bergman?

15 COMMISSIONER BERGMAN: Thank you,
16 Madam Chair. I do have a few concerns, as a lot of
17 people do, I think. The trend on just the grade
18 report is the 2013-and-'14 year was a little worse
19 than the two previous years. You had some
20 difficulties; and you've acknowledged that. I
21 understand that.

22 Your overall grade was a D; your current
23 standing was an F. You had an F on graduation and
24 career-and-college; and even school growth was a D.

25 So -- and I -- and you gave us a ton of

1 material. You made a lot of useful comparisons to
2 other schools that are similar to your own school.
3 And I appreciate that.

4 But -- so that -- there is some concern
5 for me on the trend of what I am seeing. But the
6 specific concern I had was comments that the CSD
7 made. In their final analysis and recommendation,
8 they stated that CSD Staff has concerns that Anthony
9 Charter School may not meet the material terms of
10 its charter, as set forth in the performance
11 framework and the school improvement plan imposed by
12 the PEC.

13 And then they said, "See another section."
14 So I went over to that section, and they stated
15 there that CSD has concerns that the Web EPSS plan
16 has not been completed, as required in the school's
17 initial improvement plan.

18 So my question now, at this point, has
19 that now been done? Has that Web EPSS been done?
20 Has it been submitted to the CSD?

21 THE CHAIR: Mr. Pahl?

22 MR. PAHL: Madam Chair, Commissioner
23 Bergman, just to add a little -- some specifics to
24 that, the Web can EPSS was submitted on time. But
25 we expect the Web EPSS to grow as the school year

1 moves on. So when we say that it was incomplete at
2 the time of that writing, we hadn't seen the growth
3 that we were looking for from the initial submission
4 to -- we're about midway through the school year, a
5 little short of; it, but that you would see some
6 reflection and something adding onto that Web EPSS
7 plan.

8 So I just want to be clear that they met
9 what they were meant to do in September, as of
10 September 1, to submit their Web EPSS plan; but
11 we're not seeing continued manipulation, reflection
12 of that Web EPSS.

13 But I'll defer to the -- the men up here
14 representing Anthony.

15 DR. ARMENDARIZ: No, sir, we have not
16 submitted anything to bring the school up from where
17 it was in September to now. For what it's worth, we
18 intend to do that. Mr. Woodd will guide us along
19 those lines.

20 If you recall my initial statement, I said
21 I've been there eleven days; today is my eleventh
22 day. So I haven't had too much of an opportunity to
23 look at those serious documents.

24 There is training that is provided. We
25 intend to attend that training and to be current

1 with what is expected of us and the PEC, and then in
2 the Charter School Division, as well.

3 COMMISSIONER BERGMAN: Thank you for that
4 clarification. And thank you, Mr. Pahl.

5 Now, there was another sentence there that
6 really caught my attention and really concerned me.
7 I'll go on and read it. "Additionally, the school
8 indicates that there have been material violations,
9 but did not give specific details, as directed in
10 the instructions above."

11 Well, now I would like to know, what does
12 the school -- what material violations are you
13 referring to there?

14 DR. ARMENDARIZ: I can't tell you that I
15 know specifically, you know, what material
16 violations have been committed. I -- I'm strapped,
17 you know.

18 THE CHAIR: Mr. Pahl or Mr. Woodd, can
19 either one of you help us with that?

20 MR. PAHL: Madam Chair, Commissioner
21 Bergman, Mr. Woodd just explained to me the
22 situation there. There's a series of checked boxes
23 on the renewal application that asks -- we do our
24 own investigation. But we ask them, "Have you met
25 all the material terms of your contract?"

1 And one of those -- that particular
2 question, the school said, "No" -- or either "Yes"
3 or "No," depending on how the --

4 MR. WOODE: They checked "No" on one of
5 the boxes.

6 MR. PAHL: They checked "No" on, "Have you
7 met all the material terms," something akin to that.
8 I don't have the application in front of me. So
9 they said in the application there were material
10 terms they hadn't met.

11 When asked about it, we didn't have a good
12 response; so there could have been a mistake on the
13 application. But as you'll note in looking at the
14 goals and some of the other items, that there are
15 material terms that were not met that we found, as
16 well.

17 COMMISSIONER BERGMAN: So there's just a
18 chance that there was some confusion by the folks
19 when they were doing their application, then? Is
20 that what you're saying?

21 MR. PAHL: I'm saying "yes" to that; but
22 also that we found other material terms that were
23 violated.

24 THE CHAIR: So now, I'm confused.

25 DR. ARMENDARIZ: Well, some of these

1 things -- some of these things were checked off
2 prior to me getting there. That's why it's
3 difficult for me to respond to those. Based on --
4 on my liaison, Mr. Woodd, I worked more on Part C,
5 as I submitted the reapplication to -- to the
6 Charter School Division.

7 And I don't know if that -- what you're
8 talking about appears in Part B, or where it
9 appears. I don't remember doing any -- any
10 checking, to be honest with you.

11 I wrote -- you know, summarized things and
12 stuff like that; but I don't remember checking any
13 boxes "Yes," "No," "Maybe so." I didn't do any of
14 that.

15 COMMISSIONER BERGMAN: I understand that.
16 It just -- I'm just going on what the CSD said in
17 their final analysis.

18 DR. ARMENDARIZ: Okay.

19 COMMISSIONER BERGMAN: I understand you
20 don't know what they are. But apparently, at some
21 point, someone thought there were some. And it's --
22 and so --

23 THE CHAIR: Commissioner Bergman, let's
24 just ask Mr. Pahl. Clarify this, please?

25 MR. PAHL: Yes. I'm sorry. I have been

1 provided the information I think you're looking for.
2 Some of the material terms -- so if you'll look at
3 our paragraph on Page 5, the second full paragraph,
4 when we were talking about the original goals that
5 were in the application, we didn't see any analysis
6 of their original goals. They're not tracking those
7 goals for that first year with the prior
8 administration. So that would be something that we
9 would say is a material -- is a material term that
10 has been violated.

11 So that's an example of a material term
12 that has been violated, in addition to the
13 conditions that were placed on the school in year
14 one, doing an interim assessment, tracking that
15 data, which would again be connected with those
16 goals.

17 THE CHAIR: So you're saying, "Yes, there
18 have been material violations?"

19 MR. PAHL: Yes.

20 THE CHAIR: All right.

21 COMMISSIONER BERGMAN: Thank you
22 Madam Chair. I think I'm done now.

23 THE CHAIR: All right. Other
24 Commissioners' questions or concerns?

25 Commissioner Gant?

1 COMMISSIONER GANT: Madam Chair, members,
2 I have several, but I'll just dwell on one, maybe
3 two.

4 Your -- your grade for graduation and
5 college readiness, work readiness, have not been
6 good lately, or have basically not been good. And
7 to me, this is a high school. To me, that is your
8 mission, to graduate students, get them ready to
9 work or go to college, their choice.

10 Explain to me why this has not happened.

11 DR. ARMENDARIZ: I can tell you that it's
12 not going to happen from now on. I can't explain to
13 you why it didn't happen before. I suspect that
14 there was no follow-up as to where these students
15 were going to, if they were -- if they were coming
16 from another school and not finishing their term at
17 ACS, and then leaving again and no follow-up in
18 terms of where they went. Did they graduate? Did
19 they move to another state? Those are just
20 suppositions that I'm making, based on my past
21 experiences. But I --

22 MR. FRANCO: Commissioner, if I may, these
23 violations occurred because the governing board
24 probably did not hold the administration accountable
25 like it should have. I have seen a great

1 improvement in the board. I have seen a new energy
2 and a new vigor and a new passion. And I have
3 seen -- the board has seen results, just in eleven
4 days, from the community, reflected in the
5 community, since Dr. Armendariz has been there.

6 So that is the governing council's
7 responsibility, which it did not meet.

8 COMMISSIONER GANT: Well, Madam Chair,
9 I -- as we do with our applications, whether they're
10 new or renewal, our decisions are based on what has
11 happened; not what will happen, in my view.

12 And in your -- it's talked about in
13 several places about you have a lot of students that
14 are in and out, a lot of migration and all that.
15 Can you explain to me why students leave?

16 DR. ARMENDARIZ: I don't remember saying
17 that students leave.

18 COMMISSIONER GANT: Let me find the
19 paragraph. I'll call it "mobility." In a
20 statement -- the final analysis from the CSD, it
21 says, "During the 2013-'14, ACS experienced
22 significant mobility in grades 9 through 12,
23 significantly impacting negatively the school
24 growth," et cetera.

25 Can you explain why there is a lot of

1 mobility out of your school?

2 DR. ARMENDARIZ: I would ask -- I would
3 ask the CSD to see where they got that data from,
4 because I -- I -- I don't know where they might have
5 gotten the data from to -- to make that kind of a
6 statement in terms of mobility has occurred in
7 2013-2014. I have -- I cannot answer your questions
8 based on the past.

9 And I understand that decisions are based
10 on what's happened in the past, not what's going to
11 happen in the future. But I'm -- I'm strapped here
12 for responses to the Commission, because I -- I
13 can't -- I don't feel accountable for what happened
14 in the past. And I have -- and I find myself short
15 of words trying to explain to you why these things
16 happened, because I've been there eleven days.

17 MR. FRANCO: Commissioner if I may, I sat
18 in on board meetings for the last nine, ten months,
19 and getting reports from the administrator. It is,
20 in part, a reflection of the mobile immigrant
21 community that we serve. There's some immigrants,
22 and they have a tendency to be more mobile than the
23 stable population.

24 COMMISSIONER GANT: Then my question to
25 you, sir, as the board, if the school is actually

1 satisfying the needs of students with education and
2 other services, then why would they need -- why
3 would they would want to leave? Is the school not
4 good enough to encourage them to stay?

5 MR. FRANCO: No, Commissioner. Like I
6 said, I think it's a reflection of the mobile
7 aspects of the immigrant community, of crop -- they
8 follow crops, possibly, those type of issues. They
9 move for better pay. I think the immigrant
10 community is a little more mobile.

11 DR. ARMENDARIZ: We are very close -- as
12 you well know, very close to the border. Within the
13 time that I've been there, I've had two students
14 that came -- and, as a matter of fact, I asked
15 Mr. Woodd about -- about documents, Mexican
16 documents of students. Should we keep the originals
17 or should we just keep copies, because the family
18 wanted the originals, because they travel back and
19 forth into Mexico, you know, and the Mexican
20 officials require official documents; they don't
21 want copies.

22 So based on the recommendation of
23 Mr. Woodd, we make copies for our files, gave them
24 the originals. And two out of three students that
25 came in requesting those papers, said, "We might not

1 come back after the holidays."

2 So, again, another reflection of the
3 mobility of this, you know, population.

4 COMMISSIONER GANT: That's all for now,
5 Madam Chair.

6 THE CHAIR: Commissioner Toulouse?

7 COMMISSIONER TOULOUSE: Madam Chair,
8 Dr. Armendariz, I know your credentials, and I know
9 that you're at a great disadvantage answering for
10 the past. But can you tell me what you're going to
11 try to do in the next semester for you to get a
12 handle on this, rather than speak for what you don't
13 know about that went on?

14 DR. ARMENDARIZ: Okay. That's good.
15 Thank for you that.

16 One of the things that I'm going to do, as
17 reflective of my comment -- my opening comments, is
18 December 16th, we are having a parent-teacher -- we
19 call it "PASSO" -- Parent Teacher -- Parent,
20 Administration, Staff, and Student Organization.
21 There is a big need to involve the community at
22 large, but particularly the community that
23 contributes to our student population at the school.

24 Now, there has not been that involvement.
25 The parents are very happy; they're very glad to be

1 able to be reached out to. We have limited space in
2 which we meet with them, and we're going to start
3 meeting at the Water District facility, which has --
4 can accommodate up to 250 people. We're going to
5 organize the organization, because they want to be
6 able to participate in the ongoing activities of the
7 organization.

8 Friday, two days, I'm meeting with the
9 faculty. We have a professional development day,
10 where we're going to be talking about some of the
11 changes that we want to make academically. There is
12 a period that is called "Consejos," which means
13 counseling; that is, the staff is there -- it's --
14 the venue. They either were there in September or
15 August. And I came on board in November.

16 So we are looking at things very
17 critically in terms of what can we do to better
18 serve the students. We're going to sit down and
19 we're going to talk about how can we make better use
20 of this "Consejos" period, which is -- we're in a
21 block schedule. We have an hour and 20 minutes per
22 class. And we're going to see if we can -- we can
23 have more of a structure for the period, where we
24 can have student data, test scores, grades, classes,
25 career path, all of that spelled out like it's

1 supposed to be spelled out in the Personalized
2 Education Plan. That's one thing.

3 We're looking at the structure of the
4 school in terms of is an hour and 20 minutes enough?
5 Too much? Every single faculty member said it's too
6 much. We cannot change the block schedule spring
7 semester. That might come later. But what we can
8 do, I suspect, is they probably were not trained on
9 probably how to deal -- how to use the hour and
10 20 minutes to instruct the children. So that's
11 taking place.

12 We are in the process of hopefully being
13 able to remodel the school cafeteria, because the
14 kids -- we have 72 kids. They eat; and they're
15 eating like this. (Indicates.) There's no
16 movement. We have to knock some walls down from
17 that modular that's there to be able to create space
18 for the cafeteria for kids to eat.

19 Within the same structure, there is a very
20 small lab -- computer lab, you know. Half of the
21 computers don't work. We have somebody there that's
22 looking at the computers and making them functional.

23 We think we have 30 boxes of brand new
24 books that are in boxes on shelves, which is a
25 tremendous fire hazard, as far as I'm concerned.

1 Part of that remodeling is going to include creating
2 a small library space, so the kids can go in there
3 with the teachers and be able to take advantage of
4 the books. The City has a brand new library right
5 next door to us, which we're going to start to make
6 use of that library, as well.

7 I am going to train the board, you know.
8 There has been talk about bringing in an outside
9 consultant to train the board on procedures. And I
10 think that I'm going to make use of our attorney,
11 Patti Matthews, to be able to help me do that.

12 I don't want anybody else training the
13 board, other than myself, you know, and
14 Ms. Matthews, because I want to be held accountable
15 for the things that they do or don't do.

16 We started working on a self-evaluation
17 plan of the board. As I research, I've been asking
18 the administrative office staff for policy
19 handbooks. We can't find them. We can't find them.
20 We reorganized my office, the office where the
21 administrative assistant and school clerk operate.
22 We can't find policy handbooks. I'm sure there's
23 policy handbooks someplace.

24 And I need to make sure that whatever the
25 board does, the minutes and meetings and things of

1 that nature take place legally. You know, I work
2 out of an acronym that I use: P-E-L. I work very
3 professionally; I work very ethically, and legally,
4 within those bounds. That's the way that I like to
5 operate.

6 I am very candid with the board in terms
7 of the things that need to be done, the things that
8 need to take place. And hopefully, they will listen
9 to me and respect me.

10 They felt, officially, I guess, that I was
11 the man for the job, threw the mothballs out of the
12 box, and pulled me out of retirement, and here I am.

13 There -- I think that one of the biggest
14 things that we need to do is we need to make sure
15 that the children know that there is -- that the
16 school is stable. You know, they didn't know that
17 they had gotten a D grade; I told them that they had
18 gotten a D grade. I said, "How many of you are D
19 students?" And none of them held their hand up.

20 I said, "I'm an A person. What about
21 you?"

22 They said, "We're all A people," you know.

23 So we're on the road to making drastic
24 changes.

25 And I told the board -- in a memo that I

1 sent out, I said, "You might not like some of the
2 things that I am going to propose to do, you know;
3 but they need to be done. They need to be done,
4 because we -- we need to be held, and we want to be
5 held, accountable by the Charter School Division, by
6 the PED, professionally, legally, ethically."

7 We -- I might not agree with some of the
8 things that the State comes down and wants us to do.
9 But I'm a ball-player. I will tell you how I feel
10 about it, and then I will get on the ship, and we
11 will go, and we will do the things that need to be
12 done, because that's -- I'm -- Mr. Commissioner Carr
13 talked earlier about he was in this because of the
14 kids. I'm the same way.

15 I told the board, I tell the faculty, I
16 tell the students, "I don't need the job. I got a
17 very good retirement. I don't need the job. I'm
18 here because I want to be here, because I care, and
19 because I know that I can make a difference."

20 THE CHAIR: Commissioner Toulouse, I don't
21 mean to interrupt anyone, but we're on an extremely
22 tight schedule.

23 We appreciate your passion.

24 DR. ARMENDARIZ: Thank you. Sure. Sure.

25 THE CHAIR: And I appreciate your

1 question, Commissioner Toulouse. Do you have any
2 other questions?

3 COMMISSIONER TOULOUSE: No. I just wanted
4 to give him an opportunity to show where the school
5 is going, since he can't really tell us where it's
6 been.

7 THE CHAIR: Thank you. Commissioner Carr?

8 COMMISSIONER CARR: I'll try to keep it
9 short. I have a lot of reservations. I'm worried.
10 I concur with the Charter Division's recommendation.

11 However, I will say -- or, further, I will
12 say a lot of my concerns have been alleviated by
13 just hearing you speak today.

14 DR. ARMENDARIZ: Good.

15 COMMISSIONER CARR: Because a fellow
16 educator, I recognize. How long have you been --

17 DR. ARMENDARIZ: At the school?

18 COMMISSIONER CARR: An educator.

19 DR. ARMENDARIZ: Oh, 42 years.

20 COMMISSIONER CARR: I figured as much.
21 I'm very impressed with your speak -- your speech
22 today and what you said. And I hope you can do
23 that.

24 I've worked with immigrant children for
25 many years. I know there are individual issues and

1 needs in their mobility. And I commend you for
2 wanting to work with them, because they need -- they
3 need our support.

4 So my one question for you is this: If we
5 were to continue your charter, which I won't vote
6 for -- to deny, if we were, what would happen with
7 those children?

8 DR. ARMENDARIZ: Those children would go
9 back to the schools that are maybe not suited for
10 them. It's a -- they function in a smaller
11 environment a lot better with a one-to-one,
12 personalized type of interaction with faculty and
13 administration.

14 Before last week, I had three families
15 that were leaving -- and I guess we can be candid --
16 honest. They were leaving Gadsden Middle School
17 because of bullying, because of gangs.

18 We don't have -- I'm not saying we don't
19 have gang members. I haven't identified any yet.
20 But we don't have gangs, per se. We don't have
21 fights. We don't have bullying at the school.

22 We had an incident where it started, and I
23 called the police in, and they took care of it. And
24 they filed a report, and the kids were very
25 apologetic to each other. It won't happen again.

1 And it hasn't happened.

2 So those children would go back to --
3 probably not Chaparral, not Santa Teresa, but to the
4 Gadsden High School and Gadsden Middle School,
5 because the majority of the kids come from Anthony
6 that feeds into the middle school at Gadsden and the
7 high school.

8 There is one person from Vado, which is
9 about ten miles south on Highway 478, and one
10 student from La Mesa, which is about as far, but on
11 Highway 28. All the rest of the students are from
12 the Anthony area. So they would go back.

13 COMMISSIONER CARR: Thank you.

14 THE CHAIR: Commissioner Parker?

15 COMMISSIONER PARKER: Madam Chair,
16 Commissioners, I just wanted to say that you touched
17 on it, about the stability of the school, because
18 what popped out in my eyes was new director, new
19 board, and new teachers, twice, in two -- like,
20 100 percent, or something to that effect.

21 And so I just wanted to keep the focus
22 that, you know, a lot of times for these schools --
23 or these children in these situations, the school is
24 the most stable place that they can have in their
25 reality. And if the school -- if it's something we

1 have control over, we need to make sure that it's as
2 stable as possible. So --

3 DR. ARMENDARIZ: Thank you for that. You
4 hit the nail on the head. We're talking about club
5 soccer, club volleyball. We're talking about
6 expanding our facilities within what our district
7 has allowed us to do. But we're talking about all
8 those kind of things. And the kids are excited
9 about stuff like that, yeah.

10 THE CHAIR: Thank you. Any other
11 questions, Mr. Parker?

12 Anybody else with questions?

13 Commissioner Peralta?

14 COMMISSIONER PERALTA: Yes. Thank you.
15 Real quick, I just want to go back to this financial
16 audit that happened about a year ago. And there
17 were some significant findings, things that reports
18 weren't done in a timely manner. And there were
19 some inaccuracies in some of the reportings and so
20 forth.

21 And, granted, knowing that you're new and
22 you're just getting started again, you may not know
23 the main reason behind. The school disputed the
24 findings, the audit findings. And you may not know
25 the exact reason why the school might have disputed

1 that, and maybe if there had been any -- how they
2 addressed the concerns.

3 But my major question would be is how you
4 guys are financially at the present moment? Can you
5 tell me a little bit about that?

6 MS. MATTHEWS: Madam Chair, and
7 Commissioner Peralta, I can address the audit --
8 past audit, if you have questions. But, Abe, I
9 think his question to you is how are the current
10 financials? So I'm happy to do whatever you need
11 for me to do.

12 DR. ARMENDARIZ: Currently, again, on
13 my -- the week of Thanksgiving, the school was off.
14 On that Monday, I traveled to Santa Fe to talk to
15 Mr. Woodd. And on his way back, I stopped with the
16 Mike Vigil group; they are business managers. And
17 he -- I don't have it in writing; I'm sure I could
18 get it in writing and provide it for the
19 Commissioners -- that we're financially stable.
20 We're doing okay. We're doing okay financially.

21 They're -- we're not in the hole anywhere.
22 We don't anticipate any shortcomings towards the end
23 of the school year. Maybe Mr. Franco could --

24 MR. FRANCO: Commissioner, if I may, there
25 were some issues with the previous business manager

1 and the type of system that was used for financial
2 controls. That's why we acquired a reputable firm,
3 the Mike Vigil group, to handle the finances.

4 COMMISSIONER PERALTA: Thank you.
5 Madam Chair, thank you.

6 THE CHAIR: Thank you. Any other
7 questions from anyone?

8 Gentlemen, I appreciate you being here
9 today. And I understand the situation you're in,
10 that you're new to the school, and you may not know
11 all the answers to the questions.

12 But I am reminded it's this Commission's
13 job to evaluate this school for renewal based on
14 past performance.

15 This school started in 2008. It came to
16 us in 2013 for renewal. This Commission denied that
17 renewal. The school had not done well, had not
18 progressed academically. The students were not
19 progressing academically. And for a variety of
20 reasons, this Commission denied that application.

21 The school appealed that application to
22 the Secretary. The decision was overturned, and the
23 school was placed on a two-year renewal with six
24 conditions that the school was to have completed
25 prior to the end of the renewal.

1 I'm looking at those renewal conditions.
2 The first one has been met, because the Secretary
3 allowed the school to rewrite their renewal
4 application. So that was the first condition; it
5 was met.

6 The second condition, on the last report
7 we got from Mr. Pahl, "Has the school identified the
8 Discovery short-cycle assessment aligns to the
9 academic program of the school?"

10 We have been made aware that condition has
11 not been met.

12 Now, I remind you, these are all supposed
13 to have been met before the end of this renewal
14 period.

15 DR. ARMENDARIZ: May I address that,
16 Madam Chair, the second one, the short-cycle? The
17 data -- did you say the data has not been utilized?

18 THE CHAIR: "Identify how the Discovery
19 short-cycle assessment aligns to the academic
20 program of the school."

21 DR. ARMENDARIZ: Okay. Okay.

22 THE CHAIR: The next goal -- pardon me --
23 the next condition that has not been met, "Has the
24 governing council conducted a strategic plan that
25 clearly identifies how the school will measure

1 progress in growing its Q1 population" -- that's the
2 highest-performing population -- "and it's Q3
3 population" -- that's its lowest performing
4 population? That has not been met.

5 Condition 4: "Has the governing council
6 clearly stated the leadership competency indicators
7 it will use to evaluate the principal?"

8 That has not been completed.

9 Condition 6 -- pardon me -- Condition 5
10 has been met.

11 Condition 6: "Has the governing council
12 approved all school policies required by New Mexico
13 law?" On this copy, that has not been met.

14 To my mind, the school has failed to meet
15 the conditions of its renewal conditions, as stated
16 by the Secretary. The school has failed to meet
17 those conditions.

18 In my mind, failure to meet those
19 conditions means you don't renew. You didn't meet
20 the requirements of your last conditional renewal.
21 Why would this Commission want to give you another
22 conditional renewal when you didn't meet the
23 conditions of the last one?

24 The school was given two additional years
25 to do some very specific things to bring the school

1 into alignment. It didn't happen.

2 So that's the first thing I see as a huge
3 problem.

4 The second thing I see is on the
5 improvement plan that, honestly, in hindsight, we
6 probably should not have even asked for, since these
7 conditions were already in place -- but we did ask
8 for it -- the second condition is also about the
9 Discovery short-cycle assessment that was to be
10 completed by September 15th.

11 "By September 30, 2014, the school will
12 submit the aggregate data, analysis of the data, and
13 a specific plan to address raising the scores of the
14 Q1 and Q3 students. And that data will be provided
15 to CSD." That data was late in getting to CSD.

16 Further, that condition says, "CSD will
17 provide the aggregate data and specific plan to
18 address raising the scores of Q1 and Q3 to the PEC
19 during its October 17, 2014, meeting."

20 I'm not seeing that data. Do you have the
21 data?

22 MR. PAHL: Madam Chair, we do not have
23 that data.

24 THE CHAIR: So that entire condition of
25 the improvement plan has not been met.

1 MR. PAHL: Not at this time.

2 THE CHAIR: There are other items on here
3 that some are future dates.

4 Let me now just go to the application
5 itself. And the first page I want to go to is
6 Page 6.

7 Do you have a copy of that application in
8 front of you, the renewal application?

9 DR. ARMENDARIZ: I do.

10 THE CHAIR: Page 6 contains the CSD -- the
11 Charter School Division analysis of the State Report
12 Card. And that -- and that comment says, "The
13 overall analysis of this section is found to be
14 inadequate."

15 That's the school's report card.

16 I go to Page 12.

17 DR. ARMENDARIZ: I'm sorry. My pages are
18 not numbered, so I -- I -- is it Part B or Part C
19 that you're looking at?

20 THE CHAIR: It's in Part A.

21 DR. ARMENDARIZ: Part A, okay.

22 THE CHAIR: I'm sorry. What I just talked
23 about was Page 12, the analysis of the report card.

24 Then I go to Page 16 -- if my computer
25 will cooperate. At the top of Page 16, it says

1 "Charter School Division analysis of goals, Part B.
2 CSD staff found no reference to or analysis of the
3 original three goals in the school's application for
4 renewal or the submitted appendices. The school
5 submitted 91 pages of data tables that were not
6 uploaded per the application instructions."

7 So this tells me the goals that were as
8 part of the school's application for renewal, apart
9 from the conditions that were laid on the school,
10 the three goals, the three things the school said
11 they would do, none of those -- there's no reference
12 to them. There's no analysis of them at all.

13 I go to Page 18. Again, the school did
14 not meet this goal and provided insufficient
15 evidence to support goal outcomes for the term of
16 the charter.

17 I go to Page 20, where there was mention
18 of the material terms. We've already discussed
19 that.

20 I go to Page 23, under "Charter School
21 Division Analysis of Provisions of Law," CSD has
22 concerns that the Web EPSS plan has not been
23 completed as required in the school's improvement
24 plan. Also, the governing council has not evaluated
25 itself during the 2013-'14 school year.

1 Additionally, the school indicates that
2 they have -- that there have been material
3 violations, but did not give specifics, as we have
4 discussed earlier.

5 I go to Page 27. I look at this -- and
6 I'm just questioning the information here. It says,
7 "Anthony Charter School occupies facilities that are
8 in compliance, but has not been through the first
9 renewal; therefore, it does not have a weighted
10 NMCI."

11 Yes, it has been through its first
12 renewal; so it should have. It should have. And I
13 believe that was on the information that Martica
14 gave us earlier.

15 On Page 32, where the school lists their
16 new goals -- I'm sorry. It's farther down.

17 COMMISSIONER TOULOUSE: Madam Chair, on
18 Martica's information to us, it shows that they do
19 meet the E-Occupancy, 12.12 percent. So they're
20 under the State average, so --

21 DR. ARMENDARIZ: Our attorney just
22 provided me with a copy of that letter.

23 THE CHAIR: I noted, in the final analysis
24 and review that the CSD put out, there's a quote
25 that Anthony has been allowed to submit new goals.

1 And I wrote myself a note: "Anthony has been
2 allowed to submit new material to the application
3 after it was officially turned in by the deadline."

4 This is not allowed. It's on Page 54 of
5 the final analysis.

6 MR. PAHL: Madam Chair, I think that's
7 a -- it was an inartful term there that we used.
8 But the renewal process is that that we receive a
9 renewal application, we write a response to it, and
10 then every applicant has the chance to read our
11 response and provide a response to that response.
12 That's what this is referring to.

13 No special treatment was given to Anthony
14 on this application.

15 THE CHAIR: Okay. They provided new goals
16 in that new material.

17 DR. ARMENDARIZ: Yes, yes.

18 MR. PAHL: New goals were submitted.

19 DR. ARMENDARIZ: I don't know if they were
20 new, but --

21 MR. PAHL: New information regarding the
22 goals was submitted. And, again, I think it's more
23 a problem of an inartful term rather than something
24 different.

25 THE CHAIR: That shouldn't have been given

1 them at all, unless it was clearly defined that it
2 was simply in response. It didn't appear that way
3 to me.

4 MR. PAHL: Yes.

5 THE CHAIR: Okay. I have to say -- I must
6 adhere to what I've been told we should do. A
7 renewal is based on past history of the school.
8 This school does not have a successful past history.

9 From the day it first opened in 2008, I
10 think they've encountered issues and problems. The
11 students have not been successful; the school has
12 not been successful. They have a history of not
13 completing what they were asked to do.

14 The STARS data was not turned in on time.
15 Discovery short-cycle data was not submitted at all.

16 Now we have conditions from a two-year
17 renewal that were not met. We have an improvement
18 plan that has not been met. We have a school that
19 is not making progress. There's no upward trending
20 at all for student academic success and abilities.

21 I understand what you say you'd like to do
22 with this school. And certainly, I believe you are
23 sincere. But let me assure you we've heard this
24 before. As a matter of fact, we heard it before
25 from the people who were here two years ago and

1 agreed to these conditions, who said "Yes, they
2 could complete them, they would do it, and things
3 would be better."

4 I cannot -- I cannot, in all good
5 conscience, allow this vote to allow this school to
6 go forward. They've had their second chance; it
7 didn't work. I think it's time for this school to
8 close its doors.

9 If there are people who are out there who
10 think a school is needed in that area, then a new
11 application with a whole new framework, with no
12 added baggage -- let's start fresh with a new
13 school. But this school has proven it is just not
14 ready to survive. I think it needs to close.

15 Those are my thoughts.

16 Commissioners, does anyone have anything
17 else they'd like to share? Anything else?

18 Hearing no other comments, the Chair would
19 entertain a motion. And I know Josh is working on
20 the wording of a motion. Let me just say -- well,
21 we're either going to have to do conditions, or
22 we're going to have to have reasons for denial. How
23 do we do it? Is anyone ready to make a motion?

24 Commissioners, I will make the motion,
25 because I feel very strongly about this.

1 So where are my reasons? Oh, okay. I
2 see.

3 (The Chair consults with Counsel.)

4 THE CHAIR: Commissioners, I, Commissioner
5 Carolyn Shearman, move to deny the renewal of the
6 Anthony Charter School application, pursuant to the
7 Charter School Act, Section 22-8B-6 and Section
8 12-8B-12. The charter is denied because --

9 (The Chair consults with Counsel.)

10 THE CHAIR: -- the application is
11 otherwise contrary to the best interests of the
12 charter school's projected students, the local
13 community, or the school district in whose
14 geographic boundaries the charter school applies to
15 operate.

16 In addition, I note that there have been
17 material violations. Their goals have not been met.
18 Their -- the conditions imposed upon them for the
19 last renewal cycle have not been met. Many of the
20 conditions of their improvement plan have not been
21 met.

22 For these reasons, I move that we deny the
23 application of Anthony Charter School.

24 COMMISSIONER GANT: Second.

25 THE CHAIR: Was that Commissioner Gant?

1 Thank you. Motion and second -- motion by
2 Commissioner Shearman, second by Commissioner Gant,
3 to deny the application of Anthony Charter School
4 for renewal for the reasons listed.

5 Further discussion?

6 Commissioner Toulouse?

7 COMMISSIONER TOULOUSE: Madam Chair, I
8 can't disagree with your motion or any of the things
9 in it. But I do think that there is a problem the
10 way the whole thing is set up for schools that deal
11 with students like theirs, as separate from their
12 whole organizational mess, which, to me, is enough
13 to probably say it needs to start anew.

14 But we've had another school today, Cesar
15 Chavez, that we talked about, other schools, where
16 they're dealing with a very different kind of
17 students. We're holding them to the same grades;
18 we're holding them to the same kind of thing.

19 I just want to say, as far as I'm
20 concerned, there needs to be some other way to deal
21 with the second-chance students, or the ones from
22 very poor or very mobile homeless communities,
23 very -- students who still are trying to get an
24 education rather than staying on the street.

25 So while I can't disagree with you, I

1 would like in the record that I am concerned that
2 there is not a slightly different way, since we have
3 to look at those grades, that those grades are done
4 for schools that are dealing with these very much
5 at-risk, at-need students, who very much want a
6 diploma, or they wouldn't be there. Thank you.

7 THE CHAIR: Commissioner Toulouse, I agree
8 with you; I do. And if the only thing we were
9 dealing with here was a student population that
10 wasn't progressing or wasn't progressing very much
11 or very fast, I would -- my feelings would be
12 different.

13 But there are conditions here that have to
14 do with the governing council and --

15 COMMISSIONER TOULOUSE: Madam Chair, I
16 completely agree with that. My statement had to do
17 with the philosophical reason for those students, as
18 opposed to the disorder in the organization, none of
19 which is Dr. Armendariz' fault. He stepped into a
20 mess that very few people, I think, would want to
21 step into, and still, whether we vote to deny it or
22 not, has to take them through the rest of the school
23 year and work with everybody to get it done
24 correctly.

25 So he has an awful job. I wouldn't wish

1 it on anybody, 43 years or not.

2 So thank you.

3 THE CHAIR: Thank you, Commissioner.

4 Other comments? Commissioner Carr?

5 COMMISSIONER CARR: I would say Madam
6 Chairman made a good case to close your doors. And
7 it's difficult. Quite often we have to make
8 decisions, seems like sometimes just based on the
9 numbers and then throw our intellect -- not our
10 intellect -- but our intuition and our heart out the
11 window, sometimes, we think, to make these
12 decisions. I have a hard time doing that. I can't
13 disconnect those things myself.

14 I have, like I said before, lots of
15 concerns. However, you know, you are dealing with a
16 special group of kids in a special area of our
17 state. And I was convinced today by you that you
18 could handle it.

19 I have a lot of confidence in you.

20 DR. ARMENDARIZ: Thank you.

21 COMMISSIONER CARR: Maybe we're not
22 supposed to do it that way. But I can't help
23 picturing those kids and where they're going to end
24 up, as well. And I'm -- I am still inclined to give
25 you a chance.

1 However we do this, I don't know how it's
2 going to come out, even if we did it for a year, you
3 know -- I mean, we're going to have to do it for a
4 half-a-year anyway. So that's still my thoughts,
5 and I'm still going to vote for you.

6 DR. ARMENDARIZ: Thank you.

7 THE CHAIR: Thank you, Commissioner.

8 Other comments?

9 Other comments?

10 Hearing none, Commissioner Bergman, may we
11 have a roll-call vote, please?

12 COMMISSIONER BERGMAN: Madam Chair, I will
13 add that since the motion is to deny, that a "yes"
14 vote is to deny; a "no" vote is to approve. Is that
15 everyone else's understanding?

16 Commissioner Carr?

17 COMMISSIONER CARR: No.

18 COMMISSIONER BERGMAN: Commissioner
19 Toulouse?

20 COMMISSIONER TOULOUSE: Very reluctantly,
21 I'm going to vote "yes." But it's very reluctant.

22 COMMISSIONER BERGMAN: Commissioner
23 Parker?

24 COMMISSIONER PARKER: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Peralta?

2 COMMISSIONER PERALTA: Yes.

3 COMMISSIONER BERGMAN: Commissioner Gant?

4 COMMISSIONER GANT: Yes.

5 COMMISSIONER BERGMAN: Commissioner

6 Shearman?

7 THE CHAIR: Yes.

8 COMMISSIONER BERGMAN: Commissioner

9 Bergman votes "yes."

10 Madam Chair, that is a 6-to-1 vote in
11 favor of the motion to deny this renewal
12 application.

13 THE CHAIR: Thank you, Mr. Secretary. The
14 motion to deny the renewal application of Anthony
15 Charter School passes by a vote of 6 to 7.

16 (A discussion was held off the record.)

17 THE CHAIR: Let me clarify. I misstated.
18 The vote was 6 to deny, 1 not to deny; so the motion
19 passes to deny the application.

20 Do we need a break yet?

21 Commissioners, let take a short break.

22 Please, let's be back at 2:30. And I -- please let
23 the record note that Commissioner Parker is having
24 to leave; but we still have a quorum. We have six
25 Commissioners present.

1 (Recess taken, 2:20 p.m. to 2:35 p.m.)

2 THE CHAIR: All right. Ladies and
3 gentlemen, let's get started again, please. We're
4 to Item 11-C, Las Montañas Charter High School,
5 Las Cruces.

6 If there are representatives from that
7 school, would they please come forward?

8 Mr. Pahl, when you're ready, please give
9 us your recommendation.

10 MR. PAHL: Madam Chair, members of the
11 Commission, the Charter School Division recommends
12 that Las Montañas Charter High School be approved
13 without conditions for a term of five years.

14 The school's original five-year charter
15 was followed by three one-year renewals with
16 provisions; and this was at the district level with
17 Las Cruces Public Schools. The school met the
18 provisions each of those three years.

19 The school has not violated any provision
20 of law. Las Montañas has adequately analyzed the
21 progress for this charter term and has proposed
22 goals in a proper format that will provide for
23 adequate growth during the next term.

24 The school faces challenges in some
25 aspects of the report card; however, based on their

1 application and renewal site visit, we note that the
2 school's desire and capacity to improve in these
3 areas is there. And they've also done the proper
4 steps to create a plan for themselves to improve in
5 those areas.

6 The school is not "highly effective" at
7 this time. But there is no evidence to -- or cause
8 for concern about its ability to operate the school
9 and continue to improve as it has already.

10 A few notes on the report card that I
11 think are important: There was a conversation at
12 the end of our last school's -- Anthony Chart- --
13 about schools with a different population and how
14 we -- how we measure success for those schools.

15 This is a school that, I think if you're
16 familiar with the district schools, it's serving
17 students that would potentially attend school in an
18 alternative high school or something of that nature.
19 So when we have students like that, who are looked
20 at as someone who is not consuming education at
21 their normal district level, we look at growth on
22 their report card, whether those students -- if they
23 come in and they score very, very low, not even
24 close to passing on a test, and once they leave, or
25 the next year, they're closer, they may not be

1 proficient yet, but they keep gaining in their
2 ability to show that they are able to -- to be
3 proficient.

4 Now, this is a school that hits on that
5 exactly. The school has an -- a three-year average
6 of a C. The growth of its highest performing
7 students was an F in 2012, and has gone up to an A
8 in 2014.

9 The lowest performing growth -- that's
10 their Q1 kids -- their lowest performers, in the
11 past, they have been rated a B, and now an A on the
12 school report card. So their students come in at a
13 lower level. And when we see that growth, we know
14 that the school's doing a good job, despite having
15 proficiency rates that are in the low teens or
16 dozen percents; so we're seeing proficiency rates of
17 15 percent, somewhere along that line.

18 The school has seen a notable drop in
19 graduation rates, as reflected in their school grade
20 report. And that is concerning; however, during our
21 site visit, we saw that the school takes that very
22 seriously and wants to leverage the growth that
23 they've had amongst their students to -- and have
24 created a plan to ensure that they are tackling that
25 problem. And we should -- we're hoping to see a

1 change in that in the near future.

2 So, again, the recommendation from the
3 Charter Schools Division is a five-year term with no
4 conditions.

5 THE CHAIR: Thank you. Gentlemen and
6 Madam, please introduce yourselves. You have five
7 minutes.

8 MR. ROBINSON: Good afternoon,
9 Madam Chair, members of the Public Education
10 Commission. My name is Richard Robinson, and I am
11 the academic dean of Las Montañas Charter High
12 School in Las Cruces. To my right is Mr. Caz
13 Martinez, who serves as my assistant principal and
14 health education teacher. To my left is Ms. Geri
15 Bennett; and she is my business manager. And she
16 works out of the Southwest Regional Education Coop,
17 District X.

18 We are so honored to be here in your
19 presence today. On behalf of our students, parents,
20 and staff, we thank the Charter School Division for
21 all the support and guidance that they have provided
22 for us in tackling this process.

23 We are here today to respectfully request
24 the PEC to grant us permission to move from being a
25 locally chartered to a State-chartered institution.

1 We strongly feel that our school provides the
2 community and academic programs that will ensure our
3 high-risk student population the opportunity to
4 succeed.

5 Our growth data has shown a significant
6 increase over the past three years, which is evident
7 that our instructional programs are meeting the
8 needs of our unique student population.

9 With that being said, we, again, thank you
10 for your time and consideration, and we are open for
11 questions.

12 THE CHAIR: Thank you. Commissioners,
13 you've heard the presentation. Are there questions?

14 Commissioner Gant?

15 COMMISSIONER CARR: Madam Chair, we didn't
16 ask for public comment.

17 THE CHAIR: Oh, thank you. I keep missing
18 that. Do we have anyone from the public who would
19 care to comment?

20 Seeing none, thank you.

21 Commissioner Gant?

22 COMMISSIONER GANT: Madam Chair, the first
23 question I'm going to ask is, if you're doing so
24 well in your current situation with LCPS, why would
25 you want to become a State-chartered charter school?

1 Very specific, please.

2 MR. ROBINSON: Commissioner Gant, thank
3 you for that question. The Las Cruces Public School
4 District gave us two -- previously gave us two
5 years, each with conditions. We met all those
6 conditions -- okay? -- and we came up for the third
7 year, which was going to be for the next, you know,
8 renewal.

9 And the conditions for that renewal, sir,
10 were that we apply for State membership. And that's
11 what brings us here today.

12 We had -- when I took over as the academic
13 dean, I inherited some turbulence, in as far as
14 instructional, financial; and this is where the
15 conditions arose. And we met all those conditions.
16 And the District -- there were, again, some
17 turbulence as far as our relationships; but working
18 together, ourselves, along with them, we resolved
19 those items. And, again, for some apparent reason,
20 they feel as though we would be better suited to be
21 a State charter and not be authorized locally as
22 them being our authorizer.

23 But, again, it stemmed from the -- what
24 was inherited in as far as instructional things, as
25 far as being out of compliance and financially --

1 and I might add, Commissioner Gant, that all of
2 those things, we have met, and we are in compliance.

3 And I'm open for any questioning. And it
4 is outlined in our -- in our renewal application.

5 COMMISSIONER GANT: Madam Chair, members,
6 first of all, I didn't know districts could say,
7 "Move on to become" -- and we're going to need to
8 look into that. I really -- that one, I'm going to
9 have discussions with my friends down there.

10 As we know, or we should know, you had a
11 master teacher -- or master -- someone working with
12 you, Herb Torres.

13 MR. ROBINSON: A special master, sir.

14 COMMISSIONER GANT: A special master that
15 somebody paid for, out of classroom money. But my
16 concern is Mr. Torres worked for you -- and I know
17 Mr. Torres well; and he's good, very good,
18 ex-superintendent, et cetera, et cetera.

19 My concern is can you continue to succeed
20 as you did this last year without a special master?

21 MR. ROBINSON: Again, very good question,
22 Commissioner Gant.

23 Mr. Torres was appointed by Superintendent
24 Rounds as one of the conditions for renewal, okay?
25 And he was co- -- he was appointed to oversee, okay,

1 what was happening with us financially; if we were
2 not in compliance, what was happening with us
3 instructionally, to see if we were not in
4 compliance, and aligned with the State standards,
5 okay?

6 And when he came, he was somewhat
7 surprised that we were in -- ahead of the game in a
8 lot of areas. Again, all of this was being
9 discussed, as I presume it, to my authorizer. But,
10 you know, it was, "Okay, you're doing it; but we're
11 going to make sure that's what you're doing." Okay?

12 And he came; and he saw; and he had to
13 report back to the authorizing, LCPS School Board.
14 And those reports were outstanding, and they were
15 all thumbs-up. We were in compliance in all areas.
16 And we were right on cue with moving forward.

17 We were -- you know, we had improvements.
18 We had programs that we implemented that were
19 innovative to serve the needs of our high-risk
20 student population. And I commend Mr. Torres, who
21 was given the title of "special master," that he did
22 give some input in some areas in as far as mentoring
23 myself, if you will. And we established a very
24 strong relationship.

25 And -- but again, it was something that

1 was helpful to us. And he was -- I might add, he
2 was appointed to us by the Superintendent. The
3 conditions of his compensation were decided by the
4 Board. And they were that the Board -- the
5 authorizer, LCPS -- would pay 50 percent, and we
6 would pay 50 percent of his salary.

7 COMMISSIONER GANT: That's all.

8 THE CHAIR: Commissioner Carr?

9 COMMISSIONER CARR: I'm rather astounded
10 this morning --

11 COMMISSIONER TOULOUSE: Afternoon.

12 COMMISSIONER CARR: Afternoon, yeah. I --
13 you are extremely accommodating to things that were
14 placed upon you I'm not sure that are legal.

15 I'm not a lawyer. But you were -- the
16 Las Cruces School Board said you -- I just want to
17 make sure I've got this straight -- said that you
18 were to employ this person that would oversee your
19 operation. You would pay half the pay; they would
20 pay half the pay. And also, as -- and this was part
21 of -- this was one of the condition- -- one of the
22 conditions. And also, the second condition was for
23 you to come before us and ask for a State-chartered
24 charter.

25 MR. ROBINSON: Commissioner Carr, you will

1 find those in Las Cruces Public School Board
2 minutes, yes, sir.

3 COMMISSIONER CARR: Oh, I'd like to
4 reiterate what -- I think this is something that
5 we -- that's maybe for further discussion. I'd like
6 the Charter Division to look into it. I would like
7 our attorney to look into it. I -- I find these
8 things -- I mean, they -- I guess things worked out
9 well; nonetheless, you know, I am very troubled by
10 what I heard today.

11 So I don't -- and I don't know where we go
12 from here. And maybe it's beyond -- I know it's
13 beyond the scope of accepting you or not accepting
14 you, which I will gladly vote to accept you. But
15 thank you for bringing those things up.

16 If there's anything else peculiar, I would
17 like to hear about it. I especially would like to
18 know where the title, "special master," came from.

19 MR. ROBINSON: Commissioner Carr, that
20 would be a question that you would have to ask the
21 Superintendent.

22 COMMISSIONER CARR: Okay.

23 MR. ROBINSON: And we were, by no means --
24 it was very disturbing for myself and my -- you
25 know, all of my employees and the whole school

1 community of Las Montañas. But, again, it was
2 almost being backed into a corner. And my job is to
3 act out in the best interests of making that
4 institution a viable school for the community and
5 the students that we serve; so I had no choice.

6 And we did seek legal advice, okay? But
7 it was one of those things where it was a no-win for
8 us. That was a condition. And for -- in order for
9 us to remain open and, you know, to serve that
10 community -- which, by the way, is well-needed in
11 our -- in our community -- I had to comply with
12 those. And I did.

13 Now, it's a long story. And I'm -- I lost
14 a lot of sleep. And -- you know, and there was a
15 lot of worry. And I commend my administration team.
16 I commend my staff for entrusting me that I would
17 get them through that. And, may I add, we had no
18 turnover; everyone stayed. And they trusted me.
19 And that's what brings us here today.

20 And this is one of the conditions, again,
21 that was given to us by the District, or our
22 authorizer, that, "You have to apply for State
23 charter membership."

24 THE CHAIR: Commissioner Toulouse?

25 COMMISSIONER TOULOUSE: Madam Chair.

1 Do you want to be with us? It's an
2 honest -- you got a very good evaluation, better
3 than a lot of the schools in front -- but I just --
4 it bothers me that -- it's like they're shoving you
5 off, saying, "You're not wanted here." But if you
6 want to stay there, it doesn't seem fair to make you
7 come to a group -- we have open arms; we have a
8 number of people coming to us this time. But it's
9 troubling to me, too, that this was done to you.

10 MR. ROBINSON: Chairman Toulouse,
11 absolutely. You know, long-term -- speaking
12 long-term, that was our plan, okay? And what I
13 wanted to do, again, from what we inherited, I
14 wanted to make sure when I came before this
15 Commission, that I had all my ducks in a row, okay?
16 And that was my sole premise. I wasn't going to
17 come up here without being confident that, "Look,
18 we're doing the job -- the task at hand."

19 And so once that was in place, I would
20 prefer that the District give us -- honor a
21 five-year -- give us a five-year renewal and give us
22 that whole five-year package to do what we have to
23 do.

24 And we were given year renewals, yearly
25 renewals, which, again, when I reviewed the Charter

1 School Act, I could find nothing of the sort.
2 And -- but, again, what was my sole purpose? It was
3 to make sure that our school maintained their doors
4 as being open and serving our student population.

5 But, yes, to answer your question, I
6 welcome being a State charter.

7 COMMISSIONER TOULOUSE: Thank you.

8 THE CHAIR: Thank you.

9 Commissioner Bergman?

10 COMMISSIONER BERGMAN: I do have a
11 question, but I also have a comment. In light of
12 other comments that have been made here, I would
13 just like to note that this Commission has no
14 oversight or any say over what a school board might
15 or might not do. And the Charter School Division
16 certainly has no oversight or say over what a local
17 school board might or might not do. That's for
18 somebody else to look into, I suspect.

19 My question for you guys, as you mentioned
20 in the early part of your evaluation, that you had a
21 new advisory program that was going to help you with
22 student achievement. And you specifically stated --
23 back on Page 43, you just made a statement about
24 your newly developed advisory program, which is a
25 multifaceted data-driven program with a variety of

1 strategies; and you pretty much left it at that.

2 Can you just share with us a few -- what
3 specific strategies are you trying to undertake at
4 this time to improve that student achievement?

5 MR. ROBINSON: Okay. You know, again,
6 dealing with a high-risk student population, you
7 know, we have to find that connect. And what we
8 found, that -- you know, in reviewing our data and
9 not, you know, meeting growth, we had to dig down
10 and find something where we could find and create
11 something where we connect to the students. And
12 this is where we came up with this advisory program.

13 And we made that a period. We are on a
14 block schedule. It was a traditional four-period
15 block; then we made that five, because we took
16 minutes away from each of the four periods to create
17 an advisory period.

18 What we do with the advisory period, we
19 break it down by grade level. And they meet every
20 day. It's like a class. And it's
21 curriculum-driven, okay?

22 One of the things that we do is we call --
23 it's "Reflecting and Monitoring Success." And we
24 call that "RAMS," which "RAMS" is -- that's our
25 school mascot, okay? And that -- the RAMS

1 program -- it's a progressive monitoring system that
2 gives the students ownership of their grades, their
3 behavior, and their attendance.

4 So we're bringing and making that real to
5 the students, so they can understand fully, like,
6 "This is why you're here." And, you know, we do
7 that one-on-one with them.

8 Another one is test preparation, study
9 habits. In that one -- that portion of it, students
10 are strategically placed in test preparation courses
11 to prepare for the rigorous demands of the new PARCC
12 assessment, the short-cycle assessments, and the
13 end-of-course exams, again, to expose to them,
14 explain to them, what does -- what does education
15 mean, okay, which they have never thought about
16 that. Well, a lot of kids in comprehensive high
17 schools don't think about that.

18 So we have a chance, in our small school
19 community, to really resonate and engage the kids.

20 Another one, sir, is the numeracy and
21 literacy interventions. Some kids come to us two or
22 three or four grade levels behind. Now we get a
23 chance to assess them in intervention -- students
24 are strategically placed in intervention courses to
25 raise the level, again, of their two things, reading

1 and math. And so we find out where they are and
2 then we can start with where they are and then
3 scaffold them up.

4 So if we have them, for example, in
5 geometry, and they haven't even passed algebra one,
6 they won't pass geometry. So we take them back,
7 scaffold them up to where they can be successful in
8 those things.

9 And then another thing that's really
10 important is the senior advisory program, which is
11 again integrated into this total advisory program.
12 All seniors and potential graduates will be subject
13 to strict progress monitoring to ensure that they
14 meet all the needs of graduation requirements. And
15 the seniors will be exposed to a variety of
16 college-and-career-readiness activities, as well as
17 post-secondary and career options.

18 So, again, we're readying the kids that
19 are right there, getting ready to step a foot into
20 the world, to have hope that they would not have
21 otherwise had, if they had not had -- joined us at
22 our educational institution.

23 So that's just a snapshot, if you will,
24 Mr. Bergman, of that -- Commissioner Bergman.

25 COMMISSIONER BERGMAN: Thank you. That's

1 what I was looking for. And I particularly was
2 taken with your comment of you're trying to get the
3 kids to take ownership of their own success; because
4 there is a shortcoming, not only in this state, but
5 I think nationwide in that area, that we don't let
6 the kids have some ownership stake in their own
7 success or their own failure. So I'm glad you're
8 doing that.

9 Thank you.

10 And thank you, Madam Chair.

11 THE CHAIR: Thank you. Other comments or
12 questions?

13 Let me just say, I have a couple. And
14 then if anyone else thinks of a second question
15 they'd like --

16 I'm looking at Page 16 of your
17 application. Student Academic Performance Standard
18 Goal No. 1. Now, I like ambitious goals, let me
19 tell you. I really want schools to stretch and to
20 challenge their students.

21 Your goal says, "The number of students
22 testing proficient in reading in Grade 11 will
23 improve from 24.49 percent to 79 percent."

24 "The number of proficient in math in
25 Grade 11 will improve from 12.24 to 79 percent."

1 Did no one ever say to you, that is --
2 that's not just ambitious; that's -- whew -- that's
3 almost impossible. And I look at the scores -- and,
4 of course, you weren't able to meet that. What
5 possessed you for -- such a high number?

6 MR. ROBINSON: I'm going to let
7 Mr. Martinez expand on that response.

8 MR. MARTINEZ: Commissioner Shearman, that
9 was written by the previous administration. And
10 once that got approved by the local authorizing
11 district, that administration became ours, and we
12 took over. Once we saw that, we had the same
13 reaction you did. We didn't see that, prior to the
14 initial renewal application done by the previous
15 administration.

16 So we were very concerned that that number
17 did get approved. It was first written in there in
18 the first place, and then actually got approved by
19 the local authorizing agent.

20 And, you know, we knew we couldn't meet
21 that goal. We eventually hope to increase and grow
22 at a more realistic rate, and, as you could see in
23 our new goals, that we have.

24 THE CHAIR: Oh, yes. We're going to talk
25 about those, too. Yes, we are.

1 MR. MARTINEZ: So that's the answer to
2 that question.

3 THE CHAIR: Okay, thank you. And I do
4 notice your SBA scores here; they're kind of up and
5 down. But I can see that you work with students who
6 struggle, perhaps. And they're going to need some
7 help, because this is going to have to be approved.

8 MR. MARTINEZ: Yes. And --

9 THE CHAIR: Let me go to Page 18. No,
10 let's go to Page 19.

11 "All English Language Learners will meet
12 the 2011-'12 AMAO set forth by PED."

13 You did not meet that goal; you know, just
14 a goal you did not meet.

15 Then I'm looking on -- again, another goal
16 was not met. I mean, you've got a history of not
17 meeting goals here. I don't think any of them were
18 satisfied the way that they were written. Now, some
19 of it may have been the way they were written. But
20 you've got to -- you know, you've got to have a way
21 to demonstrate that you can help students be
22 successful, okay?

23 On Page 20 -- we just talked about that
24 one.

25 Let's go to your -- the last goal is on

1 Page 21. And this goal, you did not meet because
2 insufficient data was presented. So your students
3 might have done well -- or, I think in this case, it
4 was -- had to do with teachers and so forth. But
5 not enough data was presented to know if that goal
6 was met.

7 I'd really like to go to your future
8 goals. Was that -- I can't even make sense of the
9 way I've got these numbers written down. I must
10 have done this one late at night.

11 I believe it's Page 38. Now, I realize,
12 as all the rest of the Commissioners do, that should
13 your application be approved, these goals you have
14 listed here as future goals are a starting point for
15 negotiations. They could change a great deal.

16 But I just wanted to look at your
17 mission-specific goal No. 1, "Track and improve
18 students performing at grade level for two distinct
19 cohorts."

20 "SMART goal: The school will increase the
21 rate of students tested at grade level by 7 percent
22 in one year, as measured by short-cycle assessment."

23 What is the value -- I'm used to seeing
24 goals that say "Student progress will be" this much.
25 I don't believe I've seen a goal that said, "We're

1 going to increase the number of students tested."

2 What was your thinking there?

3 MR. MARTINEZ: That's -- that's what we
4 meant. I'm sorry that it's worded a bit confusing;
5 but we do -- we do mean increase the level of
6 achievement by 7 percent. Yes.

7 THE CHAIR: And what's short- -- I can't
8 say it very quickly.

9 MR. MARTINEZ: NWEA MAPs.

10 THE CHAIR: MAPs?

11 MR. MARTINEZ: Yes.

12 THE CHAIR: Okay. Your second goal has to
13 do with attendance. And for the population you
14 have, perhaps that's appropriate. But it says,
15 "Students who begin their ninth-grade year enrolled
16 at this school and remain for the entirety of their
17 high school career will improve their attendance for
18 the two distinct cohort groups."

19 Well, I just question that one. I've
20 pretty much asked all the questions about that.

21 You did bring up one thing. You said you
22 were approved -- you were renewed for one year at a
23 time. What was the rationale for that?

24 MR. ROBINSON: Again --

25 THE CHAIR: Push the button down and hold

1 it down. Now, it's active.

2 MR. ROBINSON: Madam Chair, that's a
3 question that we had as well, okay? And that's a
4 question that we asked to our authorizer. And we
5 even brought them and sat down with them to, you
6 know, review the Charter School Act and policies and
7 procedures and statutes.

8 But, again, I was not given the
9 opportunity to accept anything other than what, you
10 know, they gave us as conditions. And that was it.

11 This was something new to me. I
12 collaborated with other charter school members, both
13 locally-authorized and State-authorized. And they
14 just would go, "Boy, you know, you should write a
15 book, because you are being, you know, given
16 conditions that aren't present in statute and have
17 never existed in our, you know, practices."

18 So, again, I can't answer that question.
19 You would have to, you know, submit that question to
20 the authorizer.

21 THE CHAIR: Okay. Thank you very much.

22 MR. ROBINSON: You're welcome.

23 THE CHAIR: Any other questions?

24 COMMISSIONER CARR: A comment.

25 THE CHAIR: Commissioner Carr?

1 COMMISSIONER CARR: One, I think we noted
2 that Commissioner Parker had left for the day. And
3 I think we still have a quorum of six.

4 THE CHAIR: We do.

5 COMMISSIONER CARR: And maybe it's not
6 germane. But I looked up what a "special master"
7 is. It's somebody appointed by the court to make
8 sure court orders are being accomplished; so there
9 actually is a legal phrase for that, just for
10 everybody's information.

11 MR. ROBINSON: Okay. Could I make a
12 comment on that --

13 COMMISSIONER CARR: Sure.

14 MR. ROBINSON: -- Mr. Carr? Well, again,
15 you can look at the -- you know, the minutes of that
16 particular meeting. But I think it was referenced
17 that this is something that's done in the State of
18 Texas, our neighbors to the east. And so this was
19 some new concept. And, I guess, you know, it was
20 bestowed upon us.

21 COMMISSIONER CARR: We New Mexicans love
22 to hear things like that.

23 THE CHAIR: I like Texas myself.

24 COMMISSIONER TOULOUSE: Madam Chair, you
25 were born in Texas.

1 THE CHAIR: Yes, I was. Yes, I was.

2 COMMISSIONER TOULOUSE: Madam Chair?

3 THE CHAIR: Commissioner Bergman?

4 COMMISSIONER BERGMAN: Were you still
5 speaking?

6 COMMISSIONER TOULOUSE: I just wanted to
7 request a copy of the minutes from that board
8 meeting.

9 THE CHAIR: Do you know the date that
10 we're requesting?

11 COMMISSIONER TOULOUSE: What date was
12 that?

13 MR. MARTINEZ: The last one was May and
14 June of this year, and the one prior to that was
15 May of 2013.

16 COMMISSIONER TOULOUSE: What about the one
17 that instructed you to reapply with us?

18 MR. MARTINEZ: June of 2014.

19 COMMISSIONER TOULOUSE: And, Madam Chair,
20 would it be possible for us to have those e-mailed
21 or whatever, so we could --

22 THE CHAIR: I just wonder. Are their
23 minutes online?

24 MR. MARTINEZ: They are on the Las Cruces
25 Public Schools website, yes.

1 THE CHAIR: Can you all do that for us,
2 Julie?

3 MS. LUCERO: Uh-huh.

4 THE CHAIR: Okay. Now, Commissioner
5 Bergman?

6 COMMISSIONER BERGMAN: I just wanted to
7 note that -- I'm prejudiced, of course. I'm happy
8 that you want to come to us, whatever the
9 circumstances are that you decided to come to us,
10 because I believe that we are providing the
11 oversight that schools need. And the Charter School
12 Division works very closely with every one of our
13 schools. And you have access to data and forms and
14 information and everything else that you may or may
15 not have with your local charter schools.

16 We've had schools come to us in the past
17 and say they had never heard from their authorizer
18 when they were locally authorized. I think it's a
19 benefit, forever. I think in a matter of some
20 years, every charter school in this state is going
21 to end up coming to the PEC.

22 We care about our schools. Sometimes it
23 may not seem like it. We care about our schools; we
24 care about their success; we care about their kids
25 and their success, and we want them to perform well,

1 because we want them to be a success in life.

2 So I think you will find it beneficial to
3 be a part of -- under the umbrella, should that be
4 what comes to pass in a few minutes.

5 Thank you, Madam Chair.

6 THE CHAIR: Thank you.

7 Any other comments or questions?

8 Hearing none, the Chair would entertain a
9 motion.

10 And, again, I remind you that in your
11 notebook, there are -- there is suggested wording
12 for comments. Josh also has -- Josh has suggested
13 wording. Would you like this?

14 COMMISSIONER CARR: Sure. This is much
15 simpler than what's in the book.

16 I, Commissioner Carr, move to approve the
17 renewal of the charter school application for --
18 sorry -- Las Montañas Charter High School, pursuant
19 to the Charter School Act, Section 22-8B-6 and
20 Section 12-8B-12, for five years.

21 COMMISSIONER BERGMAN: Without conditions.

22 COMMISSIONER CARR: Without conditions.

23 Thank you.

24 COMMISSIONER TOULOUSE: It's not written
25 on here.

1 THE CHAIR: Do I hear a second?

2 COMMISSIONER PERALTA: Second.

3 THE CHAIR: Thank you. We have a motion
4 by Commissioner Carr, seconded by Commissioner
5 Peralta, to approve the renewal application of
6 La Montañas School in Las Cruces for a five-year
7 period with no conditions.

8 Further comments or questions?

9 Discussion?

10 Hearing none, Mr. Secretary, may we have a
11 roll-call vote?

12 COMMISSIONER BERGMAN: Commissioner
13 Toulouse?

14 COMMISSIONER TOULOUSE: Yes.

15 COMMISSIONER BERGMAN: Commissioner
16 Peralta?

17 COMMISSIONER PERALTA: Yes.

18 COMMISSIONER BERGMAN: Commissioner Carr?

19 COMMISSIONER CARR: Yes.

20 COMMISSIONER BERGMAN: Commissioner Gant?

21 COMMISSIONER GANT: Yes.

22 COMMISSIONER BERGMAN: Commissioner
23 Shearman?

24 THE CHAIR: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Bergman votes "yes."

2 Madam Chair, by a 6-to-0 vote, that motion
3 to approve their renewal has been approved.

4 THE CHAIR: Thank you very much.
5 Officially, the vote is 6-0, approving the
6 application for Las Montañas Charter High School to
7 become a State-chartered charter school. Five
8 years. No conditions.

9 MR. ROBINSON: Thank you very much. Thank
10 you for your time.

11 THE CHAIR: Congratulations.

12 MR. ROBINSON: Thank you.

13 THE CHAIR: Thank you.

14 Next on the agenda is Taos Integrated
15 School of the Arts. If there's anyone from that
16 school that would like to come down? And, Julie,
17 while they're getting seated, if you'd like to go
18 ahead, please.

19 MS. LUCERO: Thank you, Madam Chair. Taos
20 Integrated School of the Arts was authorized in 2009
21 and serves students in grades K through 8. TISA
22 will cultivate academic skills and knowledge to help
23 all students achieve their highest potential as
24 artistically-minded, lifelong learners. The Charter
25 School Division recommends that Taos Integrated

1 School for the Arts be approved without conditions
2 for a term of five years. The school has
3 demonstrated average progress on current results on
4 the State grade report card, with a three-year
5 average of a C. Financial matters seem in good
6 order, and the school has not violated any provision
7 of the law.

8 Areas to note are -- areas, actually, of
9 concern: School has maintained a current grade of
10 an F -- dropped from a grade of a B to an F in
11 school growth. Growth of lowest performing students
12 has also been an F for the past two years.

13 An area to note is comparing Taos
14 Integrated School of the Arts to other schools in
15 the Taos area. In most cases, the proficiency is
16 much higher than most schools in the Taos community;
17 in some cases, doubling the rates of the number of
18 proficient students.

19 Taos -- TISA's math proficiency score is
20 48.1 percent, which is much higher than the local
21 elementary school.

22 So Charter School Division recommends that
23 they be approved without conditions for a term of
24 five years.

25 THE CHAIR: Thank you.

1 Good afternoon. Please introduce
2 yourselves. Remember, you have five minutes, and
3 we'd love to hear from you.

4 MS. GERMANN: Good afternoon, Madam Chair,
5 Commissioners, Charter School Division.

6 To my right is Deanna Gomez, our business
7 manager; and to my left is Jill Cline, representing
8 our governing council.

9 (Reporter requests clarification.)

10 Susan Germann. I'm the director.

11 THE CHAIR: You might want to spell that
12 last name, please.

13 MS. GERMANN: G-E-R-M-A-N-N.

14 THE CHAIR: Thank you.

15 MS. GERMANN: And on behalf of our staff,
16 our governing council, our parents, I want to thank
17 the Charter School Division for the time and energy.
18 And I also -- we want to thank the Commissioners for
19 the time you gave to all of the charters to read
20 each one.

21 I would like to share a little bit of
22 information about TISA that might not be readily
23 accessible from what has been documented on paper.
24 Obviously, we value all forms of art and attempt to
25 integrate such into our academics on a daily basis.

1 Our eighth-grade students, all 20 of them,
2 have a bicycle, and along with their teacher, once a
3 month, they bike around to the other schools,
4 charter and public -- mostly charter -- and they
5 have a column in the Taos News once a month.

6 And that's just been a wonderful new thing
7 that we started this year.

8 Our eighth-grade students are also working
9 with some professional rappers to create a Civil War
10 rap, with all good words.

11 One thing that you won't see in our
12 charter renewal is, I don't think, the care and
13 compassion with which our teachers view every single
14 student. I've been an administrator in -- head
15 administrator and assistant administrator in several
16 districts in other states. And I can tell you it's
17 a joy to go to work every day. We look at every
18 student and we care about every single one.

19 One thing I know you're concerned about --
20 because I read your October minutes -- was the fact
21 that we're a "C" school. And I just want to say
22 quickly, I raised four children. The oldest one was
23 a straight A student; the next two were As and B's.
24 The fourth one was a C student.

25 And every time we got a report card, I

1 would say, "Did you do your very best?"

2 Sometimes he would say "Yes"; other times
3 he would say, "No, I didn't like the teacher, and I
4 didn't want to do the work."

5 And that is not okay with me, and we had a
6 lot of dialogue about that.

7 But he is a highly successful individual.
8 Is "C" okay with me? No. I would rather sit before
9 you and say, "We're a 'B' or an 'A.'" I really
10 would like to say, "We're an 'A' school."

11 I asked this question to my staff
12 frequently. "Are we doing our very best?"

13 Well, I know that we can do better. I
14 just want to tell you quickly one of -- our focused
15 work toward our Q1 students, our lowest performing,
16 last year there were 27 students in that category.
17 When we came back in the fall, ten of them had left
18 the school, leaving us with 17. And based on our
19 first MAPs data, we added to that number.

20 And I can tell you that every teacher in
21 my school knows every one of those students by name.
22 And --

23 COMMISSIONER GANT: Two minutes.

24 MS. GERMANN: And what we've done is
25 created an action plan for each one of those

1 students. Each one has a mentor that is not their
2 classroom teacher. And the teachers have set up a
3 weekly cross-age tutoring program to help them.

4 Just listening here this morning and just
5 being aware, there's not a school in this country
6 that doesn't have challenging students, and parents.
7 And I feel that it is not just my responsibility,
8 but my privilege and my joy, to love the students at
9 TISA. I really do love them. And it's my job to
10 model that for teachers.

11 Creative children -- and we have a lot of
12 them -- they don't sit in seats and listen to
13 teachers. So we have to be creative in the ways
14 that we provide guidance for their education.

15 I have a 13-year-old boy in fifth grade
16 who fell through the cracks at a couple of other
17 schools. And I work daily with his teacher. And I
18 meet with him several times a week. And he's just
19 beginning to blossom and move forward.

20 Do we love what we do at TISA? I tell the
21 teachers, "If you don't, I will help you make a
22 change in your -- in what you do for a living."

23 Daniel Pink has a book called "Drive,"
24 which he says the surprising truth about what
25 motivates us is -- guess what? -- not money, but

1 autonomy, mastery, and purpose. That's our goal,
2 not only for ourselves, but also for our children.
3 My task is to lead by example and by design.

4 THE CHAIR: Thank you very much for that.
5 I am not going to forget community input at this
6 point.

7 Is there anyone in the audience who would
8 like to speak at this time?

9 I see none.

10 Let's move on, then, to Commissioners'
11 questions or comments.

12 Commissioner Carr?

13 COMMISSIONER CARR: I remember when you
14 first -- when we first approved you. I am in love
15 with your curriculum, the whole idea of it. I'm a
16 musician -- artist -- I guess, or something like
17 that.

18 I do have -- yeah, I'd like to -- you
19 know, yeah, I want you to improve your grade. I
20 know you want to improve your grade.

21 I had heard that you had an issue with
22 mold in your new building, and I would like to hear
23 about that.

24 MS. GERMANN: Yes, sir. We do not have
25 students in that building. I came before you last

1 spring for approval to move. And we just -- it's
2 two buildings that are owned by the Taos County
3 Economic Development Corporation. And we do have
4 our E-Occupancy. I know you were concerned about
5 that, too; here is the original. I worked very hard
6 on that.

7 And the mold -- can you hold that down for
8 me? -- the supposed mold issue has -- we have had
9 people come in and look at that building. And it
10 has not been substantiated that it actually exists.
11 But we don't have children in that building.

12 Our -- will we be able to move forward
13 into a lease/purchase? That building would have to
14 be renovated, totally renovated, gutted and
15 renovated. And it does need a new roof.

16 We've had inspections done. But I
17 cannot -- I don't have evidence. It's -- I've been
18 contacted by an anonymous source, which I
19 immediately went for an inspection. But I haven't
20 received documentation that it does exist.

21 COMMISSIONER CARR: Okay. So no -- and no
22 children are going to be in there; so that's a
23 nonissue at the -- good. Good to hear that.

24 I wanted to ask you about your -- well,
25 here's a couple of questions:

1 One is how many member- -- how many staff
2 members do you have?

3 MS. GERMANN: We have nine classroom
4 teachers. We have two reading interventionists. We
5 have -- this time, for the first -- this year for
6 the first time, we have a full-time special
7 education coordinator; and we have contracted speech
8 pathologist, physical therapist, occupational
9 therapist.

10 COMMISSIONER CARR: Okay.

11 MS. GERMANN: And an office
12 manager/secretary.

13 COMMISSIONER CARR: I want to know about
14 teacher turnover, how many -- how many new teachers
15 you have here, how many -- you know, how many
16 teachers have been there for the full, you know,
17 five years -- well, not quite five years; but how
18 many teachers have been there for four years and
19 longer? How many teachers have been -- you know,
20 one year -- have you -- and with that number of
21 staff, that probably shouldn't be too hard for you.

22 MS. GERMANN: I can do that. There are
23 nine classroom teachers. Of those nine teachers,
24 four have been with the school.

25 There are five new teachers this year.

1 And I will tell you the reason for that. If you
2 look -- if you dig into our data, our scores in the
3 middle school last year were not okay in math; 18 to
4 25 percent. That is not okay. And I did help a
5 couple of teachers make other arrangements for where
6 they were going to be spending this year.

7 And I worked diligently to hire teachers
8 who would follow the State laws regarding charter
9 schools, and whose passion and commitment would be
10 for the -- you know, we're trying to raise and grow
11 artists who can read, write, and do math. And that
12 better be our primary purpose.

13 And so I have -- you know, I feel like we
14 have an outstanding staff this year. And everyone
15 has made the commitment that, you know, yes, we do
16 art; but academics comes first. And we integrate
17 art into that. And so we have had turnover.

18 COMMISSIONER CARR: Okay.

19 MS. GERMANN: And another -- another thing
20 that I did -- I know you know our situation. We're
21 in two campuses a mile and a half apart. And I
22 purposely put myself where the middle school is.
23 And so I'm in every classroom every day.

24 In November, I spent one hour in every
25 classroom. In December, I am teaching each class

1 for one hour. In January, I will spend another hour
2 in each class to determine how our tutoring program
3 is working with our lowest performing students.

4 COMMISSIONER CARR: All right. So I --
5 you know, I feel like you're doing a good job,
6 overall. I -- but I do have -- you know, if I was
7 leader of a school, I would look at things, like if
8 my grades were going down, I would think, "Well, my
9 staff isn't doing the job, and I need to help my
10 staff do their job."

11 Or, "I need to get rid of them and get
12 somebody new," you know.

13 In most cases, you've got people who --
14 you know, you haven't been there that long. Most of
15 them -- some of them may have had tenure at this
16 point, on a State level. They don't call it
17 "tenure," but they get a certain level of due
18 process before they can be let go. Before that
19 process, they can be fired without cause. They're
20 "at will" workers.

21 There's two ways to handle a situation
22 with employees that you think maybe shouldn't be
23 there. You can help them to get on track to put
24 them on a professional improvement plan and help
25 them to get to where they need to go; or you can

1 fire them.

2 Well, I should say, then there's a third
3 way, that would be very troublesome for me, would be
4 to make their life so miserable that they want to
5 quit.

6 MS. GERMANN: I don't operate that way.

7 COMMISSIONER CARR: Okay. All right. So,
8 you know, to me, yeah, the best way is to help them.
9 And if they don't -- you know, then they don't
10 improve, then let them go, you know; go through the
11 process and let them go.

12 And sometimes an environment is not
13 conducive to making good grades. Sometimes -- you
14 know, it could be any number of reasons. And -- you
15 know, so I just wanted to bring that up. I'm not
16 going to vote "no." I'm going to vote for your
17 renewal. I -- but I did want to bring up those
18 concerns before I did so. Thank you.

19 MS. GERMANN: Thank you.

20 COMMISSIONER CARR: Okay.

21 THE CHAIR: Other comments, Commissioners?
22 Commissioner Bergman?

23 COMMISSIONER BERGMAN: Thank you,
24 Madam Chair. I'm going to quote a page here. But
25 I'm not -- none of my pages seem to match the pages

1 that the Chairman is working from. So mine is on
2 Page 14 of your renewal application.

3 Right at the very top, you mention that
4 you're working on a lease/purchase for a new
5 location. And you said, in your remarks, that you
6 had come to us previously.

7 Is this still the same location that you
8 had come to us about before, or is this a different
9 location?

10 MS. GERMANN: Same location.

11 COMMISSIONER BERGMAN: So you are working
12 on trying to get it all in one place and one
13 building, where you're not running around across
14 town?

15 MS. GERMANN: Yes, sir.

16 COMMISSIONER BERGMAN: All right. Thank
17 you.

18 I noticed in another point in your
19 application that you've had an influx of special
20 education kids.

21 MS. GERMANN: Yes, we have.

22 COMMISSIONER BERGMAN: And it's up to
23 about 20 percent of your population now. I noticed
24 you hired one-and-a-half additional staff to handle
25 that. Has that caused -- are you accommodating that

1 okay?

2 MS. GERMANN: Financially?

3 COMMISSIONER BERGMAN: Or --

4 MS. GERMANN: Yes, yes. Along with our
5 special education population, we also have
6 14 identified dyslexic students. And so we had to
7 hire additional reading intervention.

8 Did I say reading intervention when you
9 asked me? Two reading interventionists,
10 one-and-a-half.

11 COMMISSIONER BERGMAN: That's why I asked
12 that, because some schools -- other schools, in the
13 past, have had problems when they've had a large
14 influx of special ed students, and they've typically
15 had record-keeping problems. So I would suggest you
16 stay up with all their IEPs and things like that, so
17 that does not become a problem.

18 MS. GERMANN: Thank you, sir. The person
19 I hired for the special education position came from
20 a charter in Albuquerque, and she does an
21 outstanding job of managing IEPs and record-keeping.

22 COMMISSIONER BERGMAN: Thank you.

23 And thank you.

24 THE CHAIR: Thank you.

25 Further questions?

1 I really just have one, maybe two.

2 On Page -- my Page 14 of -- I believe it's
3 probably the initial review by CSD of the
4 application. And it's talking about the report
5 card. And as you've said, the last two years, the
6 grade for your student -- your student growth of
7 lowest performing students has been an F. The
8 statement is made, "TISA does not adequately address
9 the issue, nor has a plan to improve in the..." --
10 "nor has a plan to improve in the renewal
11 application."

12 My comment is, I think I've heard you
13 speak to some plans and some activities that you
14 have right now towards helping those students.
15 Well, let me just say, for me -- and I believe I
16 speak pretty much for the entire Commission -- when
17 the lowest performing students in your school
18 continue to be rated as an F, it is a big red flag.
19 And I also know how hard it is to raise that grade;
20 it is very difficult.

21 But I would -- if your school is approved,
22 I would -- I would urge you to really focus -- if
23 you're not already -- and you may be -- I would urge
24 you to focus on that area and try to bring it up,
25 because that is one of the areas that, certainly, I

1 focus on heavily. Thank you very much.

2 Commissioner Gant?

3 COMMISSIONER GANT: Madam Chair, members.

4 I'm looking at your student performance standards.

5 The first one is on Page 16 of the final analysis.

6 That performance is, "The combined scores of all

7 third- through eighth-grade students tested will

8 show an average 80 percent proficiency in all

9 subjects tested on the NMSBA for 2014."

10 And the words from the CSD, "The school
11 did not meet this goal; although the data presented
12 was very clear. TISA has taken steps to
13 ensure..." -- tell me why you did not meet this
14 goal.

15 MS. GERMANN: Why we did not meet the
16 80 percent proficiency goal?

17 COMMISSIONER GANT: Yeah.

18 MS. GERMANN: Well, I think there are
19 several reasons, and a big one being the lack of
20 math -- an effective math instruction for the
21 middle-school students. If you break it out, we did
22 better at the lower levels in the last five years
23 than -- so that would be one reason.

24 And I feel like that has been corrected
25 for -- for this year.

1 80 percent proficiency is high. I did not
2 write these goals; but I certainly have attempted to
3 meet them. We didn't.

4 There's another issue that I have brought
5 forward to the board. We are a four-day-a-week
6 school. And we have extra minutes added to meet the
7 State requirement there. But our days with students
8 are Tuesday through Friday.

9 And so I started looking at that last year
10 when I came. And I went, "This is not productive.
11 The children should be there Monday through
12 Thursday, and we can do our professional development
13 and our work on Fridays."

14 And so I believe the board will consider
15 making that change for next year. I feel like it's
16 a really big issue; because Friday is a day that,
17 psychologically, in the workplace, everywhere --
18 "Oh, it's Friday. It's casual day," or this or
19 that.

20 So I would rather see our students hit the
21 academics Monday through Thursday, and then they can
22 have the ski program on Friday and the other
23 activities on Fridays.

24 COMMISSIONER GANT: So, Madam Chair -- if
25 you would, please, ma'am, reiterate how you plan to

1 fix this or correct this issue?

2 MS. GERMANN: Yes, it -- I do feel like it
3 is in our charter renewal, the work that we've taken
4 to fix the situation. We are assisting every
5 student. We've added -- along with a math
6 instructor, we've added Reflex math for all the
7 students. And that is a program that increases
8 automaticity. We get students who can't add,
9 subtract, divide, or multiply. That is an online
10 program that increases automaticity.

11 Our reading scores were 77. That's not
12 80; but it's better than 48 last year. And so I
13 feel like we're close there. And we'll go over the
14 80 percent mark in reading.

15 We also use a program called Visual
16 Mapping Strategies. And all of the teachers have
17 been trained in that. And the success of that
18 program has been proven; the research is that it's
19 proven to, over time, help increase test scores.

20 We just started it, so -- last January.
21 So I don't think that's quite enough time.

22 COMMISSIONER GANT: Yes, I understand what
23 was in your application. I just want to -- someone
24 to verbalize it. You know, a lot of people can sit
25 around, in my view, and write a lot of stuff; but do

1 they really understand what they're writing is my
2 question.

3 The next performance goal was, "Student
4 learning of thematic multi-cultural and
5 art-integrated curriculum will be measured using
6 formative and summative assessments, with a
7 classroom average of 80 percent mastery of each
8 unit."

9 The words -- the evaluation from the CSD,
10 "Taos Integrated School of the Arts has not met this
11 goal, and they did not collect data to address the
12 progress."

13 Answer, please.

14 MS. GERMANN: Yes. When I inquired when I
15 came there where that data was, when I started
16 working on this, the only -- there wasn't; they
17 didn't have formative assessments.

18 So the steps I've taken to correct that is
19 providing professional development to the teachers.
20 I gave them all the State standards in art and music
21 so that they can construct formative assessments.
22 And they've had training in how to do that so that
23 that goal -- it's a worthwhile goal -- but so that
24 we can collect adequate, appropriate data to meet
25 that goal.

1 COMMISSIONER GANT: One more question.
2 This has to do with organizational goal No. 2. And
3 it was not met -- you know, what that --

4 MS. GERMANN: It is the parent
5 involvement?

6 COMMISSIONER GANT: Yes.

7 MS. GERMANN: It is. And what I've done
8 to correct that myself is I also take -- take
9 attendance and write notes at each PTA meeting, so
10 that I can document exactly how many parents are in
11 attendance.

12 And the other step I've taken to correct
13 being able to provide data for this goal is I have
14 asked the teachers to begin maintaining a list of
15 classroom volunteers and exactly what it is they're
16 doing.

17 COMMISSIONER GANT: Thank you,
18 Madam Chair.

19 THE CHAIR: Thank you.

20 Commissioner Bergman?

21 COMMISSIONER BERGMAN: One other thing I
22 just noticed, as I got down the stack of my
23 paperwork, I just wanted to call, for the record,
24 and in case some of the Commissioners missed it,
25 they have proposed a new mission statement for their

1 school as a part of their renewal application. So
2 as we vote on the application to approve, we'll also
3 be voting on their new mission statement that will
4 automatically be incorporated into their new
5 performance framework. I just wanted to call that
6 to everyone's attention.

7 THE CHAIR: Thank you for pointing that
8 out, Commissioner, just in case we haven't noticed
9 it.

10 Is there any other discussion or
11 questions?

12 Hearing none, the Chair would entertain a
13 motion concerning Taos Integrated School of the
14 Arts. Who would care to make the motion?

15 COMMISSIONER CARR: I'll make the motion.

16 THE CHAIR: Commissioner Carr?

17 COMMISSIONER CARR: Okay. Make sure I get
18 the name right, because I just call you "TISA";
19 right?

20 Okay. So I, Commissioner Carr, move that
21 the Public Education Commission to approve the
22 renewal of the charter application for Taos
23 Integrated School of the Arts, pursuant to the
24 Charter School Act, Section 22-8B-6 and Section
25 22-8B-12, for a term of five years, without

1 conditions.

2 THE CHAIR: Do I hear a second?

3 COMMISSIONER BERGMAN: Second.

4 THE CHAIR: Motion by Commissioner Carr,
5 second by Commissioner Bergman to approve the
6 renewal application of Taos Integrated School of the
7 Arts for a period of five years, without conditions.
8 Further discussion?
9 Hearing none, Mr. Secretary, may we have a
10 roll-call vote?

11 COMMISSIONER BERGMAN: Commissioner
12 Peralta?

13 COMMISSIONER PERALTA: Yes.

14 COMMISSIONER BERGMAN: Commissioner Carr?

15 COMMISSIONER CARR: Yes.

16 COMMISSIONER BERGMAN: Commissioner
17 Toulouse?

18 COMMISSIONER TOULOUSE: Yes.

19 COMMISSIONER BERGMAN: Commissioner Gant?

20 COMMISSIONER GANT: Yes.

21 COMMISSIONER BERGMAN: Commissioner
22 Shearman?

23 THE CHAIR: Yes.

24 COMMISSIONER BERGMAN: Commissioner
25 Bergman votes "yes."

1 That is a 6-to-0 vote in favor of that
2 motion to approve.

3 THE CHAIR: Thank you. The motion passes
4 unanimously to approve the renewal application of
5 Taos Integrated School of the Arts.

6 Thank you, all.

7 Commissioners, is it time for a break?
8 Want to do one more?

9 (A discussion was held off the record.)

10 THE CHAIR: Let's go ahead, then. Monte
11 del Sol Charter School, Santa Fe, please.

12 MS. LUCERO: Monte del Sol was initially
13 chartered in 1991 by Santa Fe Community School
14 District. It is one of the oldest non-conversion
15 charter schools in New Mexico.

16 The Charter School Division recommends
17 that Monte del Sol be approved without conditions
18 for a term of five years, due to the following
19 factors:

20 The school has no record of material
21 violations.

22 The school's three-year average is A-B.

23 Financial matters seem in good order, and
24 the school has not violated any provision of law.

25 Areas to note:

1 For lowest performing students, the school
2 received a B in 2012, 2013, and a C in 2014. As a
3 result of the drop, the school has conducted a
4 thorough analysis and taken corrective action.

5 Another area to note:

6 The school's graduation rate was a C in
7 2012; in 2013, an F; and in 2014, a D. In response
8 to the low graduation rate the school has formed a
9 graduation team to directly address the issue.

10 Monte del Sol ranks favorably when
11 compared to other schools in the Santa Fe District.
12 The Charter School Division recommends Monte del Sol
13 to be approved without conditions for a term of five
14 years.

15 THE CHAIR: Thank you very much.

16 Good afternoon, gentlemen. Please
17 introduce yourselves, and you have five minutes.

18 MR. JESSEN: My name is Robert Jessen.
19 I'm the Head Learner of Monte del Sol.

20 MR. SMITH: My name is Michael Smith. I
21 am the treasurer of the board of directors.

22 THE CHAIR: Thank you very much. We'd
23 like to hear from you.

24 MR. JESSEN: This is my first year as the
25 Head Learner at the school. I had taught at the

1 school five years prior to that. And before that, I
2 was the Chair of Liberal Arts and Interdisciplinary
3 Subjects at the College of Santa Fe, which, in 2008,
4 changed; so I was fortunate, I think, to land at
5 Monte del Sol.

6 I was teaching political science. And at
7 Monte, I got to teach Spanish language arts, French,
8 and government.

9 So I know the student body. My research,
10 actually, for my dissertation was in Chihuahua,
11 Mexico. So the Mexican national population are
12 people that I am very familiar with; so I'm excited
13 to be Head Learner here.

14 One of the reasons I wanted to be Head
15 Learner is because I came in when the current
16 graduating class were all in the seventh grade. And
17 most all educators understand that good education is
18 based on relationship. So these kids are like unto
19 my family now; so I'm excited about having them
20 graduate.

21 Monte -- Monte's mission is about knowing
22 all the students, about building a relationship with
23 them. We have a very distinct, different mentorship
24 program, which has become a model for something in
25 Santa Fe called "Inspire." Every single student at

1 Monte has to do two mentorships with adult
2 professionals in the community, so that they can
3 understand what they need to do in the work world,
4 and also explore their passions and things they
5 might want to do after graduation.

6 Our mission also focuses on what could be
7 called "global literacy," which is exemplified by
8 the Tony Gerlicz Gathering Space, which is our
9 multipurpose space for eating, athletics, and
10 presentations. Around the entire -- around the
11 walls in the entire space are 44 flags of different
12 countries. In order to gets a flag on the wall,
13 either you or one of your immediate parents has to
14 be from one of those places. So Monte embraces the
15 local community, through the mentorship community,
16 and the worldwide community, by acknowledging where
17 we've all come from.

18 The last thing I want to say, by giving
19 you a feel of Monte, are what the graduations are
20 like.

21 We don't have a valedictorian give a
22 presentation. Anyone at a Monte graduation -- a
23 senior who wants to say something -- can get up and
24 say something about their six years, four years, two
25 years at the school. And at every other graduation

1 I've been to, it's always where are we going? And
2 at Monte graduations, it's always where we've just
3 been.

4 COMMISSIONER GANT: Two years -- two
5 minutes, I mean.

6 THE CHAIR: Don't give him any ideas.

7 MR. JESSEN: And so rather than "what I'm
8 going to do with my life," it's "the community that
9 I've just come from has made this a special place,
10 and it's a family that we're leaving, and we're
11 going out in the world," and that family follows
12 them out into the world. And it's a fantastic place
13 to teach. Thank you.

14 THE CHAIR: Thank you very much. Is there
15 anyone in the audience that would care to speak?

16 Seeing none, Commissioners, do you have
17 questions?

18 Commissioner Bergman?

19 COMMISSIONER BERGMAN: Well, I want to
20 start with my Page 32 of your -- you noted, under
21 your organizational performance, that you had
22 exceeded your enrollment cap twice. And then I --
23 and that got me to thinking. So I went over -- our
24 CSD staff has this neat little thing called a
25 "Snapshot" that they give us. And that tells me

1 that on your 40-day count this year, you had an
2 enrollment of 387, when your cap is 360.

3 I just wanted to note that this Commission
4 takes a very dim view of schools exceeding their
5 caps, and if you were to be approved, that you would
6 need to immediately, it looks like to me, come back
7 to us and either request an enrollment cap increase
8 to cover -- apparently, you have more people wanting
9 to come to your school than your cap is allowing, or
10 some -- I know we don't ever ask schools to kick
11 27 kids out; we're not going to do that.

12 So I throw that out for my fellow
13 Commissioners to think about commenting on and how
14 we might want to address that. Thank you.

15 THE CHAIR: That's on Page 23 of my --

16 MR. SMITH: May I comment?

17 THE CHAIR: Thank you, Commissioner
18 Bergman, because that was going to be my first
19 question, too. Are you still in excess of your cap?

20 MR. JESSEN: The 380 count is not this
21 year's count; that's last year's count. The former
22 Head Learner tried to get us to 360; and it's a
23 little bit like selling seats on an airplane. He
24 overbooked, expecting a greater melt than actually
25 occurred.

1 So in a way, we exceeded his expectations
2 in keeping students at the school.

3 Policy this year, and every single year
4 going forward, is to never have more than 360 at one
5 time, and to try to scramble and find students on
6 the waiting list -- and we do have a good waiting
7 list -- to fill the spots as they change, transfer,
8 or move away. So the -- my dedication is to keeping
9 that 360 and below.

10 And the school does not intend to have
11 more students. It's part of the idea of the school
12 to be small, so that we can know all of the students
13 well.

14 THE CHAIR: Julie, let me ask you. What's
15 their 40-day count?

16 MS. LUCERO: Madam Chair, I currently
17 don't have that information. I can get it for you.
18 The 40 days were finalized recently. So I will get
19 that information right after break.

20 THE CHAIR: This is supposed to be the
21 current 40-day count, I thought, on this snapshot.

22 MS. LUCERO: The snapshot was for the last
23 40th day.

24 MR. JESSEN: Last year.

25 THE CHAIR: Last year?

1 MS. LUCERO: Yes.

2 THE CHAIR: It's not current?

3 MS. LUCERO: It is not current.

4 THE CHAIR: Can you call someone in your
5 office and get a current number?

6 MS. LUCERO: Yes. I'll make a text real
7 quick.

8 MR. SMITH: Madam Chairman, we just had a
9 board meeting -- last night? Last night. And the
10 official report in the minutes will show that it's
11 360 exactly.

12 THE CHAIR: Okay. Let me tell you, when
13 you exceed your enrollment cap, that's a material
14 violation. So you've had two of them. We don't
15 take that lightly. You need to increase that cap or
16 watch the number of students or something.

17 Also, when you go beyond that cap, are you
18 in violation of the number of students that PSFA
19 says you can have in your building?

20 MR. JESSEN: No, we're not.

21 THE CHAIR: How many students do they say
22 you can have in your building?

23 MR. JESSEN: I don't know the exact number
24 that's there that we can have in the building. It
25 depends on each classroom. And we've never exceeded

1 specific classroom numbers.

2 THE CHAIR: I would strongly urge that you
3 look at -- get that specific information, because
4 they're getting pretty -- pretty definite about the
5 number of students that you may have in a building.

6 MR. JESSEN: Well, since we don't expect
7 to ever go over 360, I will find out; but we're
8 within our limits of 360.

9 THE CHAIR: You might want to open that
10 cap and give yourselves a little breathing space.
11 You're right there on the edge.

12 MR. SMITH: We've been at 360 and below
13 all year, this whole year.

14 THE CHAIR: But for two years, you went
15 above.

16 MR. SMITH: Right. So -- but we've
17 already made a commitment to being 360 and under.
18 And that's part of our board meetings, every
19 meeting, and it's something that we're keeping a
20 close eye on.

21 THE CHAIR: Good. I'm glad to hear that.

22 Other comments?

23 Commissioner Toulouse?

24 COMMISSIONER TOULOUSE: Madam Chair, I'd
25 just like to ask, why, after all your years of being

1 a charter school you've chosen to come to us?
2 Again, we're always happy to have people -- although
3 we'd like to have more staff to deal with them. But
4 I'm just curious as to why you would choose -- after
5 our last discussion with the Las Cruces folks, I
6 would hope it was a free choice.

7 MR. JESSEN: It's a very free choice. One
8 of the first jobs I had to do, as Head Learner, was
9 attend charter school boot camp. And the question
10 then was, "With whom do you want to charter? The
11 District or the State?"

12 One, you have one level of bureaucracy,
13 rather than two.

14 What Commissioner Bergman said -- I think
15 it was you -- about the ability of the PED to work
16 with charter schools, was evident. We were getting
17 a lot of guidance from the State and PED, but not a
18 lot of guidance from the District.

19 So in terms of helping us, every year,
20 meet our goals and measure those, it seemed like,
21 even if it might be more rigorous -- which we
22 welcome -- it's clearer with the State.

23 In addition, when you work with a
24 district, there are more constraints on what you
25 might do in terms of hours of school, days of

1 service. And this is my first year. And as a
2 charter school, we're supposed to be autonomous and
3 creative. That's the whole reason to have a charter
4 school. And I didn't want to lock myself into the
5 structure that the District would impose on us in
6 terms of days of school and busing.

7 So to give ourselves as much freedom as
8 possible to be creative, the State was a logical
9 option. So we're willingly coming to the State.

10 COMMISSIONER TOULOUSE: Thank you.

11 THE CHAIR: Other questions? Let me --
12 let me go to one that I had marked down and just
13 didn't see it a minute ago when we were talking.

14 On Page 22 are your audit findings. Let
15 me get there. In 2010-'11, credit card -- "Nature
16 of findings: Credit card use by the school."

17 "School's response: Card discontinued."

18 "2011-'12, Nature of the findings: Credit
19 card used by the school. Overdraft bank account,
20 cash disbursements."

21 Again, it said the credit card was
22 discontinued. You've taken steps to take care of
23 the overdraft.

24 '12-'13, "Credit card use by the school.
25 Overdraft of bank account. Cash disbursements.

1 Late submission of audit report."

2 It's the same thing over and over and over
3 again.

4 What can you tell me?

5 MR. JESSEN: This is the sixth year I've
6 been at the school. This is the first year we've
7 had the same business manager two years in a row.
8 So following through on the policies and structures
9 from the previous year hasn't been as good as we
10 would like it to be.

11 This year, I have increased the staffing
12 in the business office by one-third. We had
13 one-and-a-half people in the office. Now we have
14 two full-time people in the office. They're
15 concentrating solely on -- not solely -- but they're
16 concentrating carefully on procedures for
17 procurement and requisitions, all of the kinds of
18 things that we got hit for before.

19 So I'm working on making sure the business
20 office doesn't have any more findings.

21 THE CHAIR: What kind of issues were there
22 with the credit cards?

23 MR. JESSEN: When you send someone to
24 SAM's Club, it's just a lot easier if they have a
25 credit card from SAM'S Club. It's just the facility

1 that credit cards give you in terms of buying things
2 and buying things quickly from providers. That's
3 the whole thing. It just makes it a simple
4 procedure, rather than going through the requisition
5 and the purchase order and everything else.

6 So that's -- that's simply how they were
7 making purchases, and that's to be discontinued.

8 THE CHAIR: Okay. I'd like to move on to
9 your -- Page 34, to your suggested future goals.
10 Performance indicators, "Students in Grades 7
11 through 12 will elect to complete additional
12 mentorships above those required for graduation, and
13 a greater number will begin mentorship process in
14 middle school."

15 If you're renewed by this Commission, that
16 goal doesn't stand a chance. It's not that it isn't
17 worthwhile for your school to do; but we want goals
18 in SMART format that have a measurement matrix with
19 them. We're going to look real hard at academic
20 performance goals, like a certain percentage
21 increase in your Discovery short-cycle assessments
22 for all grade levels by the year.

23 So participation won't do it. It's got to
24 be something truly solid and measurable. And I
25 think schools need to be warned about that coming

1 in, because I don't think all authorizers are quite
2 as picky as we are about goals and indicators.

3 So I just wanted to sort of alert you to
4 how rigorous we might be pushing you on your goals.

5 MR. JESSEN: Duly alerted.

6 THE CHAIR: Okay. Thank you. 359. Your
7 40-day count was 359. So you've got one slot wiggle
8 room.

9 MR. SMITH: We're recruiting right now.

10 MR. JESSEN: Our 80th day count was 360.

11 THE CHAIR: Well, I'd give myself some
12 wiggle room. That's your business.

13 Commissioners, any other comments? Any
14 other questions?

15 Hearing none, the Chair would entertain a
16 motion?

17 Commissioner Bergman?

18 COMMISSIONER BERGMAN: Madam Chair, I,
19 Commissioner Bergman, move that the Public Education
20 Commission approve the renewal of the Monte del Sol
21 Charter School for a five-year term, with no
22 conditions, pursuant to the Charter School Act,
23 Section 22-8B-6 and Section 22-8B-12.

24 THE CHAIR: Thank you. And I will second
25 the motion.

1 Any further discussion? You've heard the
2 motion by Commissioner Bergman, a second by
3 Commissioner Shearman, to approve the Monte del Sol
4 Charter School application for renewal; five years,
5 no conditions.

6 Any further discussion?

7 Mr. Secretary, may we have a roll-call
8 vote?

9 COMMISSIONER BERGMAN: Commissioner Carr?

10 COMMISSIONER CARR: Yes.

11 COMMISSIONER BERGMAN: Commissioner
12 Toulouse?

13 COMMISSIONER TOULOUSE: Yes.

14 COMMISSIONER BERGMAN: Commissioner
15 Peralta?

16 COMMISSIONER PERALTA: Yes.

17 COMMISSIONER BERGMAN: Commissioner Gant?

18 COMMISSIONER GANT: Yes.

19 COMMISSIONER BERGMAN: Commissioner
20 Shearman?

21 THE CHAIR: Yes.

22 COMMISSIONER BERGMAN: Commissioner
23 Bergman votes "yes."

24 Madam Chair, that is a 6-to-0 vote in
25 favor of approval.

1 THE CHAIR: Thank you very much. The vote
2 is unanimous to approve the renewal application for
3 Monte del Sol. Congratulations. We look forward to
4 working with you.

5 Commissioners, shall we take a -- about a
6 ten-minute break and come back and do one more?
7 Does that work for everybody?

8 All right. Let's come back at seven
9 after.

10 (Recess taken, 3:57 p.m. to 4:09 p.m.)

11 THE CHAIR: Ladies and gentlemen, we are
12 ready. And let me just share with you that we're
13 going to do one more school this afternoon. So if
14 you're here on the list after --

15 MS. SALZMANN: The MASTERS Program.

16 THE CHAIR: My list has gotten out of
17 whack, so let me get organized here.

18 COMMISSIONER TOULOUSE: The MASTERS
19 Program.

20 THE CHAIR: The MASTERS Program. That
21 will be the last one we'll do today. So if you want
22 to exit and come back tomorrow, we'll be thrilled to
23 see you. Okay?

24 All right. Julie, if you'd like to get
25 started, please?

1 MS. LUCERO: Yes, thank you. The MASTERS
2 Program was chartered by this date in 2009. The
3 first year of operation commenced in 2010.

4 CSD recommends a five-year renewal term
5 for the MASTERS Program, due to the following
6 factors:

7 The school has no record of material
8 violations.

9 The school's three-year average is an A.
10 Financial matters seem in good order;
11 And the school has not violated any
12 provisional follow-ups.

13 The MASTERS Program's three-year report
14 card averages an A, with upward growth in scores
15 from B in 2012 to A in 2013; then the 2014 grade of
16 an A. The three-year school growth of highest
17 performing students progressed from a C to an A, and
18 also an A in the final year of 2014.

19 The school outscored or equaled the two
20 neighborhood schools, Santa Fe High and Capital
21 High, in all areas for 2014, for final school grade.
22 The CSD recommends approval of a full five-year
23 charter term without conditions for the MASTERS
24 Program.

25 THE CHAIR: Thank you, Julie.

1 Good afternoon. If you all would like to
2 identify yourself, please, you have five minutes.

3 MS. SALZMANN: I'm Anne Salzmann. I'm
4 principal of the MASTERS Program.

5 MR. REED: I'm Albert Reed. I'm the chair
6 of the governing body.

7 MS. MUMFORD: And I am Mary Mumford, the
8 business manager.

9 THE CHAIR: Thank you.

10 MS. SALZMANN: I'll just say a couple of
11 things. We are really proud to be in sort of the
12 advanced guard of "early college" charter schools in
13 this state. I think it's a great model for high
14 school students. You'll note we start at tenth
15 grade, because we're on a college campus. I think
16 we all agree with the founder that a ninth-grader
17 might not be ready to be on a college campus.

18 We -- also, I wanted to note we're very
19 proud of our changing population right now. We have
20 seen our economically disadvantaged numbers more
21 than double since the beginning of the school. We
22 also are seeing a lot of word-of-mouth among, in
23 Santa Fe, Mexican families, students who are
24 first-generation, coming to our school. And we --
25 and when I say "we," my staff and I really work a

1 lot as a unit. We actually work in one office, 13
2 of us in a room.

3 We -- we are really proud to have those
4 students, because we know that, as they are spending
5 time on a college campus, we are making sure that
6 they're going to go on beyond high school. And we
7 think that's really important for first-generation
8 students.

9 Just three notes about our mission,
10 academic excellence:

11 We're very strict about things like
12 attendance, the way that people treat each other in
13 our school.

14 We also talk about developing
15 compassionate and engaged students. We came up with
16 an engagement rubric so that students can't just sit
17 in a classroom quietly and say, "But I'm here." It
18 is not enough.

19 And the third thing is we really believe
20 in service to the community. That's been part of
21 our charter since the beginning. And we really see
22 what happens with our students when they're out in
23 the community, whether they're scooping cereal at
24 the Food Depot or working at the Humane Society or
25 whatever, we really believe that experience enhances

1 their development as human beings and as academic
2 human beings, as well.

3 That's all I'd like to say.

4 THE CHAIR: All right. Thank you very
5 much. Is there anyone in the audience that would
6 care to speak? Seeing none, the Commissioners. Do
7 you have questions?

8 Commissioner Bergman?

9 COMMISSIONER BERGMAN: I'm just curious,
10 because I looked at all the As on your grade, and
11 then I see that F for graduation. Did you address
12 that?

13 You stated that you felt like it was the
14 way PED was calculating your graduation rate, and
15 that you wrote to the Secretary, and as of the time
16 you did this application, you have never received a
17 response.

18 Have you ever received a response since
19 then?

20 MS. SALZMANN: We've never received a
21 response.

22 COMMISSIONER BERGMAN: So you still don't
23 know why?

24 MS. SALZMANN: We've been told those are
25 federal definitions. So if you fit the federal

1 definition, which means if you get a GED, you are a
2 dropout. I don't know that the State has any way to
3 change that.

4 But our conversation about that has never
5 been acknowledged, either. And because we can go
6 through the National Student Clearing House, we
7 can -- it's not just supposition those students are
8 in college; we can prove it.

9 It's a little -- it's frustrating, but
10 it's the reality for us.

11 COMMISSIONER BERGMAN: Sure, I understand
12 that. I have seen this on a couple of other
13 schools. And I just ask myself, "How can an A
14 school have an F graduation rate?"

15 And I don't know if there's an answer to
16 that, apparently. It does not -- it strikes me
17 just -- for some reason. But -- okay. Thanks so
18 much. Thanks Madam Chair.

19 THE CHAIR: Thank you. I'd like to sort
20 of follow up on that same question.

21 On Page 11 of my preliminary evaluation
22 document, it says, "Prior to May 2013, 10 students
23 in the '13-'14 graduating cohort withdrew to get
24 their GEDs."

25 Why is "prior to May 2013" important?

1 MS. SALZMANN: Because they didn't
2 actually graduate. That's when graduation is. So
3 they left before that, which, according to the way
4 it's calculated, means they're a dropout; otherwise,
5 they would have been in that group graduating.

6 THE CHAIR: And graduated in a few days?

7 MS. SALZMANN: Yeah. Well, no, it means
8 anywhere prior to that. Could have been a month,
9 two months, three months, four months earlier. But
10 the whole point of it was that if they had stayed in
11 that year and graduated with their classmates, then
12 our rate would have been -- I think it was 77
13 percent; it would have shown going up.

14 THE CHAIR: And could I -- did you counsel
15 these students and actively pursue them not dropping
16 out of school and getting their GED?

17 MS. SALZMANN: We did, to some degree.
18 But what you've got to realize is many of these were
19 students in a huge rush, who did not want to go
20 through all the high school classes they had to
21 take. And they are all in college doing extremely
22 well. They just wanted to leapfrog ahead.

23 And when you have students who are clearly
24 really bright and absolutely intending to do it,
25 it's pretty hard to change them. Their parents

1 supported it, and --

2 THE CHAIR: Were they all 18 years old?

3 MS. SALZMANN: No, most of them were under
4 18.

5 THE CHAIR: The research I did on the PED
6 website says anyone under the age of 16 who wants to
7 drop out of high school and take their GED must,
8 first, declare an emergency or a hardship, why
9 they're doing this. I have yet to hear a hardship
10 being talked about.

11 Then they also need their parents'
12 signature, and they need the school's signature.

13 So what hardship are they talking about
14 here?

15 MS. SALZMANN: So clarity around that only
16 came to us over the last year. I was never
17 instructed prior to that that we could not -- if the
18 parents signed it, we couldn't sign those. In the
19 last year or so, there's been a letter from the
20 Secretary saying that it has to be a declared
21 hardship.

22 And we still have to determine -- I mean,
23 the -- as a charter school head, I'm also the
24 superintendent. And I have gotten far tougher on
25 that.

1 Now, we also have not had very many
2 students doing this anymore. I think initially,
3 perhaps, they thought this was a school that could
4 leap them into college; and the reality is they're
5 in a high school when they're with us. Maybe they
6 came in under that misunderstanding. Nobody ever
7 said that.

8 But it's very clear now that we cannot do
9 that; and we have not.

10 Now, there is a loophole in it, just so
11 you know. And one of our parents did find that.
12 The loophole is if you withdraw to go to be
13 home-schooled, the person who then becomes the
14 person who signs off on you being able to go take a
15 GED is the parent who is home-schooling you.

16 THE CHAIR: Is there a time frame in
17 there? You have to be home-schooled for a --

18 MS. SALZMANN: Nothing that I've seen.
19 And that was interesting, because somebody -- when I
20 refused to sign a most recent student, the parent
21 came back and said, "Here's what we have found out
22 we can do; so we're going to withdraw to go to
23 home-schooling."

24 So kind of interesting. People will find
25 a way around it.

1 THE CHAIR: Yeah. I just -- I think a
2 high school diploma has value. And I would fear, in
3 the event that that student might not, for whatever
4 reason, be able to finish college, they would then
5 be a -- student --

6 MS. SALZMANN: I agree with you.

7 THE CHAIR: -- an adult with a GED, rather
8 than their high school diploma. And that might be
9 unfortunate for that student.

10 If we could look at Page 30, please? Your
11 pages may not be exactly the same as mine. So I'm
12 on Performance Indicator 2, and then down below
13 that, where CSD has made their comments.

14 MS. SALZMANN: Is this the one about AYP?

15 THE CHAIR: I'm sorry? I'm looking at
16 their comment, where it says, "CSD would like
17 assurance that a data tracking system will be in
18 place to verify the results of these goals."

19 MS. SALZMANN: Uh-huh.

20 THE CHAIR: Have you found that?

21 MS. SALZMANN: Yes.

22 THE CHAIR: Okay. Just give me your
23 thoughts on that. Do you have that in place? Is
24 that something you can do easily? What?

25 MS. SALZMANN: We do. We do. So the

1 goals that we're talking about here are the number
2 of college credits, which is easily tracked on their
3 transcripts. And the other one has to do with our
4 community service hours. So we now do -- on
5 Fridays, we have a combination of sort of academics
6 that are -- and service that's related.

7 And we track very carefully who's there
8 every day; they get credit for it. And so we know
9 exactly who's been there and for how many hours on
10 any given day. So those are already in place.

11 THE CHAIR: Okay. Thank you very much.

12 Those are all my questions.

13 Anyone have any others?

14 Commissioner Bergman?

15 COMMISSIONER BERGMAN: Not a question. I
16 just want to note -- I just saw this -- that you --
17 in your application, that you had two tutors on
18 campus at no charge to the students each day. One,
19 I wanted to congratulate you on that, keeping
20 parents from having to hire tutors for their kids.

21 How does that work? Are they kept busy
22 throughout the day?

23 MS. SALZMANN: They are. Our goal around
24 academic excellence is that we're going to challenge
25 our students; but we tell them that asking for help

1 is a strength not a weakness. And many of our
2 students come in afraid to ask for help.

3 So if I'm given an essay to write, and I
4 don't how to write it, and I just sit back and don't
5 do it because I don't want to appear stupid, then
6 we're not going to be able to be a really viable
7 school.

8 So what we say to them is, "There are
9 always two people here who can help you at any
10 point," as well as your teachers. As I said, we all
11 work in the same room. It's not that hard to find
12 your teacher in this large classroom with 13 people
13 with desks. And it's not as scary, I think, as one
14 of the big classrooms in a big high school, where
15 they're kind of in the back somewhere.

16 But our two tutors are available all day
17 during the school day to help either group --
18 sometimes you'll see them sitting at a table, and
19 there are five or six kids sitting there, all
20 working, either partly on their own, talking to the
21 tutor, or sitting next to the tutor to do it.

22 And those tutors, if asked, can work with
23 them on the weekend, if they need to, meeting in --
24 you know, in a coffee shop or something.

25 So we truly -- if you're going to

1 challenge students -- and as I said, we have more
2 students coming in with lower ability levels --
3 you've got to provide the support whenever they need
4 it.

5 COMMISSIONER BERGMAN: And it just
6 occurred to me: Are these tutors volunteers, or are
7 they paid staff?

8 MS. SALZMANN: They're paid. One is a
9 certified teacher, a certified teacher who didn't
10 want to teach any longer; one is a master's degree
11 graduate from St. Johns, who is young and really
12 loves this age of kids. Eventually, he'll move on
13 to do something else; but he's really good with
14 them.

15 COMMISSIONER BERGMAN: I congratulate you.
16 I wish more schools would provide tutors to their
17 kids. Then we may not be having all these academic
18 discussions that we seem to keep having. But I
19 salute you for that.

20 MS. SALZMANN: I won't say 100 percent of
21 them take advantage of it, but --

22 COMMISSIONER BERGMAN: Thank you,
23 Madam Chair.

24 THE CHAIR: Thank you. Are there comments
25 or questions from Commissioners?

1 MS. SALZMANN: Can I just make one note?

2 THE CHAIR: Yes.

3 MS. SALZMANN: There was a typo in one of
4 the two goals that had to do with the average number
5 of college credits. We're not negotiating that at
6 this point, but I wanted to note that it was there.

7 The typo was that we put that they would
8 graduate with an average of 50 college credits. It
9 should be 30. Quite a big difference. I didn't
10 want people to wonder later, did we suddenly drop
11 our standards?

12 MR. REED: He was a former administrator
13 at Santa Fe Community College. Thirty credit-hours
14 is at least a one-year certificate. Many of the
15 students are graduating with -- from the charter
16 school with a certificate, or well on their way
17 toward an associate's degree with transferable
18 credit hours.

19 And I think it's important to recognize
20 that, you know, having college student -- high
21 school students earning college credit while they're
22 in high school is a win-win for everybody, parents,
23 students, and the whole education system.

24 THE CHAIR: Thank you. And I certainly
25 agree with that.

1 Any further comments or questions?

2 COMMISSIONER TOULOUSE: Madam Chair, I
3 just wanted to add to that while I was on the CNM
4 governing board, that every single graduation, we
5 had at least one high school student getting an
6 associate degree. We had one of them who was a year
7 away from his diploma, but he was going back to the
8 high school, because he wanted to do his senior
9 year. But he had taken everything he needed for an
10 associate degree at that point.

11 So when the kids have the opportunity to
12 do that, I think it's absolutely wonderful.

13 THE CHAIR: Further questions or comments?
14 Hearing none, the Chair would entertain a
15 motion.

16 MR. PAHL: Who's got the sheet? Oh, we
17 all do. Okay.

18 Commissioner Toulouse?

19 COMMISSIONER TOULOUSE: And, Madam Chair,
20 it's getting late. Let's see if I can read this
21 correctly. I, Commissioner Toulouse, move that the
22 Public Education Commission approve the renewal of
23 the charter school application for the MASTERS
24 Program, pursuant to the Charter School Act, Section
25 22-8B-6 and Section 22-8B-12 for 12 -- for five

1 years -- see, I couldn't quite make it -- five
2 years, with no conditions.

3 THE CHAIR: Thank you. Do we have a
4 second?

5 COMMISSIONER PERALTA: Second.

6 THE CHAIR: Motion by Commissioner
7 Toulouse, second by Commissioner Peralta, to approve
8 the MASTERS Program renewal application for five
9 years, with no conditions.

10 Any discussion?

11 Commissioner Bergman, may we have a
12 roll-call vote, please?

13 COMMISSIONER BERGMAN: Commissioner
14 Toulouse?

15 COMMISSIONER TOULOUSE: Yes.

16 COMMISSIONER BERGMAN: Commissioner
17 Peralta?

18 COMMISSIONER PERALTA: Yes.

19 COMMISSIONER BERGMAN: Commissioner Carr?

20 COMMISSIONER CARR: Yes.

21 COMMISSIONER BERGMAN: Commissioner Gant?

22 COMMISSIONER GANT: Yes.

23 COMMISSIONER BERGMAN: Commissioner
24 Shearman?

25 THE CHAIR: Yes.

1 COMMISSIONER BERGMAN: Commissioner
2 Bergman votes "yes."

3 Madam Chair, that is a 6-to-0 vote in
4 favor of approval.

5 THE CHAIR: Thank you. The motion passes
6 unanimously to approve the renewal application of
7 the MASTERS Program.

8 Congratulations. Thank you, all.

9 Ladies and gentlemen, Commissioners, that
10 ends our business for today. We will begin in the
11 morning at 9:00, if that's all right with everybody.

12 Is it okay? We are -- we are recessed
13 until 9:00 in the morning.

14 (Proceedings in recess at 4:27 p.m.)
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1 BEFORE THE PUBLIC EDUCATION COMMISSION

2 STATE OF NEW MEXICO

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 December 23, 2014.

17
18 *Cynthia Chapman*

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