

BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

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Santa Fe, New Mexico

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A P P E A R A N C E S

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

STAFF:

MR. MATT PAHL, Interim Director, Charter School
Division

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MR. JOSHUA GRANATA, Assistant Attorney General,
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MS. BEVERLY FRIEDMAN, Custodian of Records and
PED Liaison to the PEC

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1 THE CHAIR: Good morning. I call back
2 into session this meeting of the New Mexico Public
3 Education Commission. I would like to -- oh, please
4 turn down, or turn off, your electronic devices,
5 please.

6 I would ask Secretary Bergman for a roll
7 call, so that we ensure we have a quorum.

8 COMMISSIONER BERGMAN: Commissioner Pogna?

9 COMMISSIONER POGNA: Here.

10 COMMISSIONER BERGMAN: Commissioner
11 Toulouse?

12 COMMISSIONER TOULOUSE: Present.

13 COMMISSIONER BERGMAN: Commissioner
14 Peralta?

15 COMMISSIONER PERALTA: Here.

16 COMMISSIONER BERGMAN: Commissioner Carr?

17 COMMISSIONER CARR: Here.

18 COMMISSIONER BERGMAN: Commissioner Gant?

19 COMMISSIONER GANT: Here.

20 COMMISSIONER BERGMAN: Commissioner
21 Shearman?

22 THE CHAIR: Here.

23 COMMISSIONER BERGMAN: Commissioner
24 Bergman is here.

25 Madam Chair, you have seven members

1 present. You do have a quorum.

2 THE CHAIR: Thank you, Mr. Secretary. I
3 declare we have a quorum for today's business.

4 I would like to announce that our
5 Commissioner Conyers has let us know that he's
6 having some serious health issues and will not be
7 able to join us today or tomorrow. He hopes to be
8 able to be with us in January.

9 Commissioner Parker has let me know that
10 he will be a little late this morning, but that he
11 will be with us.

12 One other announcement I want to make --
13 and I may repeat this a little later in the
14 morning -- the attorney for Southwest -- the three
15 Southwest schools has had a death in the family and
16 has asked if we could accommodate him by moving
17 those schools up to 1:00 this afternoon. And we
18 have said that yes, we will do that.

19 So, please, those schools who are here for
20 later this morning, or early this afternoon, please
21 be aware that at 1:00, we will hear the three
22 Southwest schools. Thank you very much.

23 Next on our agenda is Item G,
24 Tierra Encantada from Santa Fe. We see that you
25 gentlemen are already at the table, and, welcome,

1 this morning.

2 Mr. Pahl, if you would like to go ahead
3 with CSD's recommendation, please?

4 MR. PAHL: Madam Chair, members of the
5 Commission, Tierra Encantada was originally
6 chartered by the Santa Fe Public School District as
7 Charter 37, indicating that it was the 37th charter
8 school in the state. The school had a reputation as
9 an alternative school for troubled teens.

10 After a succession of directors early in
11 the school's tenure, the present administration has
12 turned the focus of the school toward academic
13 achievement, as evidenced by the improvement in the
14 school grade.

15 The Charter School Division recommends
16 renewal for a three-year term, with conditions to be
17 developed through an improvement plan. The school
18 is stablized and made steady gains in academics.
19 The school has met all provisions of law, and the
20 governing board demonstrated knowledge of oversight
21 and responsibilities. And the school appears to be
22 financially stable.

23 Madam Chair, this is a school that is
24 moving in the right direction. In 2012, the
25 school's grade was an F; and in 2013 and '14, the

1 school has maintained a school grade of a C, while
2 also maintaining a similar student population that I
3 think, colloquially, we can speak of as those who
4 might otherwise attend an alternative school.

5 The school improved from an A in their --
6 up to an A from lower school grades in the growth of
7 their highest performing students, and continues to
8 make progress in their ability to make academic
9 gains with their lowest performing students.

10 In order to raise those math and reading
11 scores that are low, the school has begun a four-day
12 instructional week, with Fridays being devoted to
13 tutorials and one-on-one instruction, as well as
14 professional development; so focusing on those
15 students that need it most.

16 In response to a continuing low graduation
17 grade of an F for the last three years, the school
18 has hired a counselor, who has devoted full time as
19 the graduation and college and career coach. These
20 are things that are encouraging. When we look at
21 data and we see deficits in our data, we want to
22 have an action plan of how we are going to attack
23 that and change the way that data looks in future
24 years.

25 All of those are encouraging signs that

1 Tierra Encantada can be a very successful school.
2 But the final recommendation, for the time being,
3 based on past performance, is a three-year renewal.

4 THE CHAIR: With conditions or without?

5 MR. PAHL: I'm sorry. With conditions,
6 which is the completion of an improvement plan and
7 two annual site visits by the Charter Schools
8 Division.

9 We are statutorily required to do one; we
10 want to double that. And Tierra Encantada is right
11 down the street; so I'm sure they'd be renewed -- we
12 might be doing a few more than two, just depending
13 on how we can support the school to help them be
14 successful.

15 THE CHAIR: Thank you. Gentlemen, we
16 welcome you here this morning. We would appreciate
17 it if you would introduce yourselves, and you have
18 five minutes to let us hear about your school.

19 MR. TRUJILLO: Madam Chair, good morning.
20 Members of the Commission --

21 THE CHAIR: Press down the button, please.

22 MR. TRUJILLO: I apologize. Madam Chair,
23 members of the Commission, my name is Don Francisco
24 Trujillo. I'm president of the governance council.
25 I'm in my third year on the governance council with

1 Tierra Encantada and my first year as president.
2 Sitting beside me is Mr. Daniel Benavidez, our
3 director for Tierra Encantada.

4 MR. BENAVIDEZ: Good morning, Madam Chair
5 and members of the Commission. I know I only have
6 five minutes, and five minutes is a very short time
7 to talk about our school. This is the most nervous
8 I've been, and I didn't even get this nervous when I
9 was in combat.

10 THE CHAIR: Well, that says something.

11 MR. BENAVIDEZ: When you're only worried
12 about yourself, it's a little different. But when
13 you're worried about 33 other people in a school,
14 it's a little nerve-racking; so I apologize if I
15 stutter or I don't address you guys in the correct
16 manner. I apologize up front.

17 Everything that the director of the CSD
18 division said is true. I only have one slight
19 disagreement. I respect what they do. I was part
20 of the Public Education Department for almost seven
21 years. I worked in the Title I unit, and I was part
22 of the "dream team" that was going around the state
23 under the NCLB -- No Child Left Behind -- Act, where
24 we would go to schools and look at schools, how to
25 improve them.

1 So when I took this job, I looked at it as
2 a turn-around school more than anything, as a way to
3 be honest with you, something that I could coach;
4 because I was already done with coaching at the
5 middle- and high-school level, and I figured that
6 this would be a good way to give back.

7 I've been in education for 17 years. And
8 my -- so, again, I look back at my time at Public
9 Education Department. And I say, with only one
10 disagreement with the recommendation, I'd like to
11 recommend us, if possible, a five-year, with an
12 improvement plan, with all the bells and whistles
13 that go with that. And here's the reason why:

14 If we were to get renewed for a
15 three-year -- which we'd be very grateful, by the
16 way -- you would have -- you would -- in two years,
17 you would look at us, and then you'd look at only
18 two years of data. And the standard, usually, is
19 three years of data.

20 So if you look at that, and you take that
21 into consideration, we wouldn't be able to see that
22 third year of growth that we're looking at. And
23 that's why I'm asking or requesting a five-year
24 renewal with all the conditions that you guys put
25 forth to us.

1 We have no problem moving in that
2 direction. We're -- our school is -- is very
3 unique. We have a group of parents, a group of
4 teachers, board, that are very supportive. When I
5 first took over, we had 109 students, and we were
6 located on Santa Fe Indian School property. We're
7 now at 271, and in two years, we'll be at 340. We
8 have a current waiting list of 15 at each grade
9 level. And we have -- we had our first lottery last
10 year for seventh grade, because we only admit the
11 seventh grade.

12 One thing I want to impress on you is that
13 this school used to be considered an alternative
14 school through Santa Fe Public Schools. They never
15 supported us, and that's why we'd like to go State.
16 We feel that -- and my knowledge of the State, we
17 feel that you could support us in a better capacity.

18 We are now located at Alvarado Elementary,
19 which is about three blocks from here. We secured a
20 ten-year lease with Santa Fe Public Schools, and we
21 have five-and-a-half years left on that lease. And
22 so we're very excited where we're going. And we --
23 we always tell people, "Come visit us," because it's
24 about our students.

25 We brought a student. We don't have time

1 to have her speak; but we want you to come to us at
2 any time and visit us. We have no problem with
3 people coming to our school.

4 COMMISSIONER GANT: One minute.

5 MR. BENAVIDEZ: Lastly, I want to say
6 that, you know, education is tough. We take full
7 ownership in everything that we've done. I think
8 we're going in the right direction. And I think
9 we're going to be a diamond that's going to make a
10 lot of people proud in this state, in two languages,
11 Spanish and English, under the "Expeditionary
12 Learning" model.

13 Thank you very much for your time.

14 THE CHAIR: Thank you both very much. We
15 now have five minutes for community input, if
16 anybody in the audience wishes to speak.

17 COMMISSIONER GANT: The student is public.
18 He said he had a student here.

19 THE CHAIR: Do you have a student here
20 that wishes to speak?

21 MR. BENAVIDEZ: Yes, ma'am.

22 THE CHAIR: We have five minutes for
23 anyone from the audience who wishes to speak.

24 Please use the microphone, if you would,
25 and state your name for the record, please.

1 MS. JUAREZ: Good morning, Madam Chair and
2 the Commission. I'd like to introduce myself. I'm
3 currently a tenth-grader at Tierra Encantada. May
4 name is Vanessa Juarez, and I have been at the
5 school since Daniel Benavidez and Casey Benavidez
6 have taken over, and I have seen how the school has
7 been able to grow.

8 So starting out as a seventh-grader, I
9 think I wasn't really getting the learning
10 experience that I wanted; so that's why I went to
11 that school, because -- well, first of all, for me
12 it was something very different, being dual
13 language, college prep, and Expeditionary Learning;
14 so to me, that's just something that really stands
15 out.

16 From the beginning, I'll admit that we did
17 have quite a few problems, and it wasn't the best
18 that it could have been. But being quite honest, I
19 definitely have seen this school grow, and it really
20 impresses me, because it's giving students an
21 opportunity that any other school doesn't give.

22 So honestly, one of the things that really
23 impresses me is the passion that these teachers have
24 to our students. I like going in every day to the
25 school, because I know that I have a support system

1 that actually cares about my learning, me, being --
2 I would be the first generation of my family to
3 graduate high school and go to college; and
4 honestly, that's one of my goals.

5 I definitely do see a lot of potential in
6 this school, and I would really want for it to keep
7 growing, so I could go back and say that that was my
8 school, and I started off there. I see a lot of
9 students in this school that are actually getting
10 places. I honestly saw a lot of students graduate
11 that you wouldn't see graduating at any other
12 school.

13 And so the -- one of the things that also
14 impresses me is the bilingual. I come from a
15 Mexican-American background, but I didn't know how
16 to read or write in Spanish. (Ms. Juarez speaks in
17 Spanish language.)

18 So I'd just really like to get that point
19 across to you, because it's kind of hard to
20 understand from an outside perspective; but this
21 school really is doing something for the students
22 themselves. We may not have all the opportunities
23 there; but we're working for it.

24 We are offering -- they are offering us
25 dual language, and they are offering us dual credit;

1 so not only are they actually supporting us right
2 now, they're actually preparing us for college.
3 They're giving us leadership skills; like right now,
4 I wouldn't be able to talk to you guys if it wasn't
5 for all that this school has put me through and all
6 that this school has pushed me to do.

7 I'm learning how to be a positive member
8 of the community. To me, it's a treasure. It's
9 something that any other school won't do. They give
10 you that one-on-one time to actually be someone of
11 your community, to actually take leadership skills
12 and to actually, like, do something.

13 To finish up, I guess I'd just really like
14 to emphasize on the dual language, on the leadership
15 skills, college prep. I think those things are
16 great. I don't see any other school doing that.
17 And to me, that's so -- like, as a student, I see it
18 as an amazing opportunity that I wouldn't see at any
19 other school.

20 I'm a great student, and I could have
21 gone -- I could have gone to any private school if I
22 wanted to; but I decided to stay with this school,
23 because I know it's offering me something. And I
24 know that these -- all this staff, they actually
25 care about me. They're going to give me that

1 one-on-one time to succeed; because I know that if I
2 go to any other private school, I know that it's not
3 going to be the same. I know that I'm not going to
4 have that care and this passion that this school
5 does offer.

6 So that's just coming from a student
7 perspective, and, just, thank you for your time.

8 THE CHAIR: Thank you for your time. Very
9 well said. We appreciate you.

10 Commissioners, it's now your opportunity
11 to ask questions of the school and or the CSD.

12 Commissioner Bergman?

13 COMMISSIONER BERGMAN: I don't want to
14 sidetrack us immediately, but I think I'm going to
15 have to. You said, in your comments, you have
16 271 students currently. What is your cap?

17 MR. BENAVIDEZ: Our current cap is 400;
18 but because it's an elementary, we're capping it at
19 360.

20 COMMISSIONER BERGMAN: So we, at some
21 point, gave you an increase in cap. I have a
22 snapshot here from the CSD that says your cap is
23 215. Under.

24 MR. BENAVIDEZ: Our charter, we have --
25 Santa Fe Public Schools granted us a 400-student

1 enrollment.

2 COMMISSIONER BERGMAN: Okay. That takes
3 care of that.

4 I would like to say to the young lady. I
5 appreciate your comments, because I was the first
6 person in my family to graduate from college. I
7 hope you realize that dream.

8 Thank you, Madame Chair.

9 THE CHAIR: Thank you, Commissioner.

10 Other comments? Other questions?

11 Commissioner Gant?

12 COMMISSIONER GANT: Madam President,
13 members. I'm just looking at your current report
14 card. And we know what that can mean or not mean.
15 But current standing, according to this one, is F.
16 And of course, your graduation and college-ready and
17 work-ready is an F.

18 And to me, that is your -- graduation and
19 college-ready, work-ready, that, to me, is the
20 mission of any high school. You get beat up if you
21 don't graduate students; you know how that goes, for
22 years. So everything you do, in my view, is built
23 on that.

24 Now, I hear what Mr. Pahl has said. I've
25 heard what you've said. I heard the student. And

1 that was a -- I don't know of many students that
2 could get up and speak like that in front of a crowd
3 that she knows nobody, except for you two.

4 Anyway, if we grant you your request for
5 renewal, regardless, if it's three or five, you need
6 to build on the graduation. To me, that's the
7 culmination of everything you do. And I -- all the
8 rest of it leads, in my view -- it may not be
9 everybody else's -- but you've got to get that
10 graduation going, or I don't see -- I don't see the
11 final product, okay? Thank you.

12 MR. BENAVIDEZ: Madame President?

13 THE CHAIR: Any other questions or
14 comments, Commissioners?

15 COMMISSIONER GANT: He'd like to answer.

16 THE CHAIR: Would you care to answer?

17 MR. BENAVIDEZ: Yes, ma'am.

18 I couldn't agree with you more. One of
19 the reasons we went -- and I told the board at the
20 time -- if we don't -- we requested an amendment to
21 our -- to our charter. Our school was originally a
22 9-through-12 school. And so within a month after
23 doing an evaluation and reporting to the board, I
24 told the board I'd like their permission to go to
25 Santa Fe Public Schools and request a seventh-grade

1 class.

2 If we don't grow our own class, if we
3 don't grow our own students, the school will not
4 succeed, and our graduation rate -- we will not be
5 successful. You're absolutely right.

6 The first graduation class of that cohort
7 is Vanessa's class; it will be a class of 17. And
8 right now, we're on track to have an 89 percent
9 graduation rate.

10 And the only reason it's lower is because
11 we've lost students to Santa Fe High, because of the
12 rigor. Vanessa can answer that. If you wanted, you
13 could ask her about that.

14 But you're absolutely right. We take
15 ownership. We know what the eleventh-,
16 twelfth-graders -- and to be honest with you it's
17 probably going to go down a little bit next year,
18 just because of the fluctuation and the rates. But
19 we're really excited where we're going. We take
20 ownership of that. We're not shying away from that.
21 You're absolutely right. Graduation is paramount,
22 and that's what we're shooting for.

23 COMMISSIONER GANT: Thank you.

24 MR. TRUJILLO: Madam Chair, may I address
25 the Commissioners and the Commission?

1 THE CHAIR: Please do.

2 MR. TRUJILLO: Commissioner, not only as
3 president of the governance council, but as a father
4 of a prior student at Tierra Encantada, who had a
5 choice to go into regular public school, to go into
6 Tierra Encantada, and was accepted into the lottery
7 at one of the other schools here in Santa Fe -- he
8 chose Tierra Encantada; he graduated last year. And
9 he is doing exceedingly well.

10 My son -- and I speak of this openly
11 because he allows me to -- suffers from ADHD. And
12 so it's difficult for him to focus. In a small
13 environment, like Tierra Encantada, he was able to
14 learn skills to help him cope with being able to
15 focus and study.

16 Eighteen children graduated with him.
17 There were 21; we lost three students in the
18 process. I was here yesterday afternoon when the
19 MASTERS Program addressed you. And they were
20 talking about students that wanted to jump the gun
21 and get their GED so they could get into college
22 right away.

23 I'm a human resources director; it's what
24 I do for a living. And it's -- it may not sound
25 fair. But quite honestly -- and I hire people that

1 make six figures. And when I look at applications,
2 and I look at resumes, and I see a GED, it's -- it's
3 almost like an instant flag of someone that doesn't
4 want to succeed; they take the easy way out.

5 That may not be fair, I agree. But it is
6 something that happens in the human resources world.
7 It's a fact of life.

8 And so we strive, at Tierra Encantada, to
9 convince every single student, "Stick it out. It's
10 going to matter in your future, whether you go
11 straight into college, which is what we desire, or
12 if you wait a few years and go into college later;
13 whatever it is, that is going to stick with you the
14 rest of your life, and it's going to matter in every
15 aspect of every -- any profession that you choose."

16 And we lost three students; you know, some
17 of them, because they wanted to, you know, go to
18 Santa Fe High or Capital High, wanted to be more
19 involved in larger sports activities and things like
20 that. But we graduated 18 students. And those
21 18 students might not have graduated had it not been
22 for Tierra Encantada. So though the numbers are
23 small, they're still very important.

24 THE CHAIR: Commissioner Gant?

25 COMMISSIONER GANT: Madam Chair, members,

1 I've just got to agree with what you say about the
2 GED. As an old retired military, I do know that the
3 military is not accepting GED. So that must be
4 telling the world something, that they prefer
5 kids -- or students -- young men and women who are
6 willing to stick it out; because they figure they'll
7 stick it out in whatever happens to them in the
8 military.

9 So I do agree with what you say. We know
10 about HR. And they're looking at GED. And these
11 students don't understand what they're giving up
12 when they don't get that diploma down the hard way.

13 Thank you.

14 COMMISSIONER TOULOUSE: Madam Chair?

15 THE CHAIR: Commissioner Toulouse?

16 COMMISSIONER TOULOUSE: Can I just echo
17 this, too? You know, 30 years in State government,
18 21 of them in management, when I got an application
19 for a new employee, if they were young, under, you
20 know 30, you know, late teens into their 20s, and
21 they had a GED, I put it aside.

22 Now, if it was somebody who had a brand
23 new GED, and they were 40 years old and had just
24 come back and got it because, for various reasons,
25 they were out, that person, I did look at, because

1 that showed the desire to go back and take the only
2 avenue they really could to finish their degree.

3 So I absolutely agree. These students
4 have got to stick it out and get their diploma, no
5 matter what.

6 Thank you.

7 THE CHAIR: Thank you. Any other
8 comments, Commissioners?

9 Most of the questions I had on my list
10 have been asked. Certainly, the enrollment cap
11 question was a huge red flag for me when I saw 215,
12 and you're way over that; so I'm glad to know that
13 that was just an error.

14 Let me ask your understanding, if you're
15 renewed for whatever period, as Commissioner Gant
16 said, with conditions, and that condition is that an
17 improvement plan be written by you all, by the
18 school that addresses the concerns that have been
19 raised by CSD and by the Commission, which would
20 include graduation, career-and-college readiness,
21 student growth of your lowest performing students,
22 perhaps the goals that were not met in your current
23 charter, all those kinds of things, with due dates,
24 plans for improvement, all of those kinds of things,
25 is that your understanding of what an improvement

1 plan would be that you would write?

2 MR. BENAVIDEZ: Madame President and
3 members of the Commission, absolutely. As a matter
4 of fact, when we got the -- when the grade came out,
5 and we got an F, I might have been the only director
6 in the state, or superintendent, for that matter,
7 that said, "Yeah, we deserve it. Our data was shot.
8 It was messed up."

9 And at the time, they had -- I don't know
10 if it still exists or not -- but four years ago,
11 they had a group of people that would go to the "F"
12 schools and have them create a plan, an improvement
13 plan. And I already had one in place. It was
14 something that -- they didn't have to visit -- when
15 PED came to visit, it was already in place.

16 Not only that, but I have a -- I'm
17 finishing up a five-year plan that I've had to
18 submit that the governance board asked me to put
19 together. And so far -- correct me if I'm wrong,
20 President Trujillo -- but we're right on track with
21 that. Am I correct?

22 MR. TRUJILLO: Yes.

23 MR. BENAVIDEZ: And so, absolutely, we
24 have no problem at all with being given criteria and
25 meeting those deadlines. I think that the more you

1 hold the -- and that goes back to my comfort with
2 the State. And one of the reasons why we're --
3 we're moving from the -- from a local to the State,
4 we don't mind accountability. I think
5 accountability is good. If it's reasonable it's
6 absolutely fine.

7 Remember, the ultimate goal is to get
8 these kids educated and get them into college.
9 That's one of the main things that we strive for.
10 Although we take our kids out to the field, and they
11 measure water and do different things out in the
12 field, those are the type of things that they're
13 going to be doing in college, and we want them to
14 experience those type of things.

15 We have kids that have never even left
16 Santa Fe, and they're visiting Grants to the Malpais
17 and studying lava. We're taking them out there to
18 Villanueva, and they're staying out for three or
19 four days with teachers. And they're getting all
20 their subjects, in Spanish and history, English, all
21 of them out there, PE, as well. And our ultimate
22 goal is to get these kids educated, and we do not
23 mind being held accountable.

24 My only slight disagreement -- and it's
25 just a professional opinion, just because I've done

1 what they've done; I did it for almost seven
2 years -- is that to hold us accountable, to be fair,
3 is to look at our data. And that's why I request a
4 five-year with an improvement plan. With those
5 things together, we have no problem whatsoever.

6 THE CHAIR: Thank you. And I appreciate
7 your willingness to take ownership and acknowledge
8 the deficiencies your school may have and your
9 willingness to confront those head-on and fix them.

10 I also invite you to come to southeastern
11 New Mexico and bring your kids. Let them see an oil
12 well. There are lots of jobs there.

13 MR. BENAVIDEZ: We went down to Carlsbad
14 because we did some fieldwork on the Pecos River and
15 the Caves. So our next one is -- we were going to
16 go to Farmington, just because it was closer, and it
17 was -- weather-wise.

18 But we were studying world -- the climate
19 change. And so we're going up to the station up
20 there. So I will keep that in mind, to go down
21 there, because I know it's booming down there.

22 THE CHAIR: Oh, absolutely. Thank you for
23 that. Mr. Pahl?

24 MR. PAHL: Madam Chair, members of the
25 Commission, I think this is running through a few of

1 our heads, but -- regarding the earlier conversation
2 around graduation. But I just thought for the
3 benefit of the charters in the audience and us here,
4 that when that's an item of concern and a mutual
5 goal that we all want to see increase, that's
6 exactly what I think we want to be tackling when we
7 look at building a performance framework.

8 So I -- you can agree or disagree with
9 that. But I -- for the benefit of the audience, I
10 think, you know, we're moving into new performance
11 frameworks and new goals. And so I just wanted to
12 highlight that as a -- as a possibility for this
13 school and others, that when we have these
14 conversations, and we all identify items and metrics
15 that we want to see improving, I think that's a
16 great foundation for the negotiations of the
17 performance framework.

18 THE CHAIR: Thank you, Mr. Pahl.

19 Anything else?

20 Commissioner Bergman?

21 COMMISSIONER BERGMAN: I just want to,
22 very briefly, discuss this improvement plan, because
23 in the Executive Summary, CSD said, "As we negotiate
24 a contract to do an improvement plan..." -- we all
25 know, with our schedule set up like it is, it may be

1 May before we're talking to this school. We cannot,
2 I do not believe, wait till May to do an improvement
3 plan.

4 As a part of our condition would be that
5 you would probably prepare an initial improvement
6 plan maybe to present to us in January at our
7 meeting. And we don't want a dissertation. We've
8 been asking schools to do a one- or a two-page, just
9 to give us an idea of how you intend to attack these
10 problems; 'cause we're not talking about a
11 corrective action plan, which is something much more
12 detailed.

13 I just wanted to share that and let
14 anybody weigh in on that they might want to do.

15 Thank you, Madam Chair.

16 THE CHAIR: Thank you for that
17 clarification, Commissioner.

18 Any other comments or questions?

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

21 Commissioner Bergman?

22 COMMISSIONER BERGMAN: Do we want to
23 discuss three or five years? I actually agree -- I
24 have been a champion of three-year plans; but I also
25 agree that sometimes you don't have enough data,

1 even after three years. If I make the motion, it's
2 probably going to be for a five-year. Then I guess
3 it can either fail or pass.

4 THE CHAIR: Anyone else want to weigh in
5 on three or five years? Commissioner Toulouse?

6 COMMISSIONER TOULOUSE: Madam Chair, I
7 hear a lot of sincerity here. I think a five-year
8 is fine, because we're going to be checking the
9 corrective actions -- not a plan -- but the
10 corrective actions that are taken and see how it
11 goes; because at the end of year, we're going to
12 look at the performance framework anyway.

13 So it seems to me if they want to take it
14 on, let's let them have the five years.

15 THE CHAIR: Anyone else?

16 I hear no other discussion.

17 Commissioner, if you'd like to proceed
18 with your motion?

19 COMMISSIONER BERGMAN: I, Commissioner
20 Bergman, move that the Public Education Commission
21 approve the renewal contract of the Tierra Encantada
22 Charter School for a five-year term, with the
23 following conditions:

24 1, that the school prepare and present to
25 this Commission an initial improvement plan for how

1 they will attack some of their shortcomings, and;
2 2, that they agree to at least two annual
3 monitoring visits from the CSD.

4 And this is pursuant to the Charter School
5 Act, Section 22-8B-6 and Section 22-8B-12.

6 Did that cover everything? I think it
7 did.

8 THE CHAIR: Thank you, Commissioner.

9 Do I hear a second?

10 COMMISSIONER GANT: Second.

11 COMMISSIONER TOULOUSE: (Indicates.)

12 THE CHAIR: I saw Commissioner Toulouse
13 first. Motion by Commissioner Bergman, second by
14 Commissioner Toulouse, to approve the renewal
15 application of Tierra Encantada, with the
16 conditions, as stated on the official record.

17 Is there any discussion, Commissioners?

18 Seeing none, Mr. Secretary, may we have a
19 roll-call vote?

20 COMMISSIONER BERGMAN: Commissioner
21 Toulouse?

22 COMMISSIONER TOULOUSE: Yes.

23 COMMISSIONER BERGMAN: Commissioner
24 Peralta?

25 COMMISSIONER PERALTA: Yes.

1 COMMISSIONER BERGMAN: Commissioner Carr?

2 COMMISSIONER CARR: Yes.

3 COMMISSIONER BERGMAN: Commissioner Pogna?

4 COMMISSIONER POGNA: 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 approval.

14 THE CHAIR: Thank you very much. The
15 motion to approve the renewal application of
16 Tierra Encantada School is unanimously approved,
17 with conditions, a five-year approval.

18 Please work with CSD on that improvement
19 plan, and we would like to see that, at least in
20 draft form, by January.

21 MR. BENAVIDEZ: Not a problem. Thank you
22 very, very, very much.

23 THE CHAIR: Thank you.

24 MR. TRUJILLO: Madam Chair, members of the
25 Commission, thank you. We truly appreciate your

1 vote of confidence.

2 THE CHAIR: We appreciate your opportunity
3 for being here. Although I did not catch her name,
4 thank her for being here.

5 Next on our list is Turquoise Trail. If
6 representatives of that school would like to come on
7 down?

8 Good morning, gentlemen. How are you
9 today?

10 Mr. Pahl, if you'd like to go ahead?

11 MR. PAHL: Thank you, Madam Chair, members
12 of the Commission. Turquoise Trail Charter is a
13 public conversion charter school within the Santa Fe
14 Public Schools. The school was founded in 1990
15 through community advocacy as a school dedicated to
16 the principles of holistic, hands-on, innovative
17 education. The school is requesting renewal through
18 the Public Education Commission, and had previously
19 been authorized by Santa Fe Public Schools.

20 The Charter School Division recommends
21 that Turquoise Trail be approved without conditions
22 for a term of five years. The school has a State
23 grade average of a C and a current grade of an A on
24 their most recent school report card. The school
25 has no material violations, and CSD finds that the

1 school operates efficiently in terms of governance
2 procedures, the reporting duties, and organizational
3 stability.

4 Financial matters seem to be in good
5 order, and the school has analyzed its progress and
6 proposed future goals for academic achievement and
7 fluency in 21st Century School.

8 Just a note on the C grade: The school
9 has most recently received a grade of an A. And
10 it's reflected also in the organization of the
11 school. This was one of the few site visits that I
12 was able to attend. And you can see that the school
13 is really moving in a proper direction, including
14 their analysis of their data and their goals.

15 So we feel like the school -- we're hoping
16 that the school grade continues to be more of the A
17 nature than the C, and we have reason to believe
18 what we saw at the school will make that happen.

19 THE CHAIR: Thank you, Mr. Pahl.

20 COMMISSIONER PERALTA: Madam Chair?

21 THE CHAIR: Gentlemen -- I'm sorry.

22 COMMISSIONER PERALTA: Before we begin the
23 process, I'd like to ask to be recused from this
24 process, as I have a relative that's employed.

25 THE CHAIR: Mr. Secretary, if you'll make

1 a note of that, please?

2 Gentlemen, if you would introduce
3 yourselves, please? And you have five minutes.

4 MR. TRUJILLO: Thank you, Madam Chair. My
5 name is Floyd J. Trujillo. I'm president of the
6 governing council. I have with me Dr. Ray Griffin,
7 head administrator, as well as Mr. Randy Freeman,
8 our business manager.

9 As I said, my name is Floyd J. Trujillo.
10 I'm president of the Turquoise Trail governance
11 council. I have served on the council for more than
12 15 years. The governing council is currently
13 comprised of seven voting members and two staff
14 representatives. The head administrator and
15 business manager serve in an advisory capacity. The
16 seven voting members are elected to two-year terms,
17 and the terms are staggered to assure continuity.

18 The council meets twice a month. We have
19 a formal business session, as well as a monthly
20 planning session. As I shared with the Commission
21 members during their site visit, I believe that the
22 maturity and stability of our governance council
23 is -- are some of the strongest assets. Throughout
24 the 20 years of the school's existence, the council
25 has continued to improve in its leadership of the

1 school.

2 The council has official bylaws, policies
3 and procedures, and formally approved committees.
4 The council has a formal annual strategic planning
5 process, as well as a formal policy and procedure
6 for head administrator evaluation.

7 Council members attend school-wide
8 functions, such as "Gathering of the Pack" and the
9 annual open house, and are always introduced to the
10 community members present. At these functions, we
11 remind everyone of the meeting schedule, as well as
12 encourage community members to attend the meetings,
13 participate in committees, and contact council
14 members with any concerns.

15 I'm happy to answer any questions the
16 Commission may have regarding the TTCS governance
17 council. And with that, I'll turn it over to our
18 business manager, Mr. Randy Freeman.

19 MR. FREEMAN: Thank you. Madam Chair and
20 members of the Commission, I am Randy Freeman from
21 Turquoise Trail, the business manager for ten years.

22 I just wanted to add a little bit of
23 history. Our school was built in 1990, as
24 envisioned by a farsighted Santa Fe superintendent,
25 Eddie Ortiz, as an experiment in site-based

1 management and student-centered learning.

2 In 1994, we became one of the first three
3 charter schools in New Mexico, and we remain the
4 only conversion charter school.

5 A 2001 change in New Mexico charter law
6 granted us more financial autonomy from our
7 authorizing district.

8 In 2004 and '5, then principal Sandy Davis
9 and other members of the school community began
10 working with the Coalition of Charter Schools to
11 develop a plan for an alternative charter authorizer
12 in New Mexico. That work ultimately led to the
13 chartering authority of the Public Education
14 Commission and our presence here today.

15 A quick note about our financial capacity:
16 In addition to a healthy cash balance equal to about
17 11 percent of our operational spending last year, we
18 have shown the ability to manage our funds
19 responsibly and to target resources both
20 tactically -- for example, to improve our school
21 grade four points in one year -- and strategically,
22 as we match our resources to the new challenges
23 coming in the next charter term.

24 We have a good audit record going back ten
25 years.

1 Already in the top performing 16 percent
2 of all Title I elementary schools in New Mexico, we
3 have much higher sights, and we now have the
4 academic, financial, and organizational strengths to
5 repay your confidence in us today.

6 Thank you for considering our application.

7 COMMISSIONER GANT: You have
8 one-and-a-half minutes.

9 MR. GRIFFIN: Thank you to the CSD for
10 their very professional and welcoming approach, and
11 we are very happy to be here at the end of a process
12 that has been going on for the year and a half I've
13 been at the school.

14 I want to conclude by saying that we are
15 very proud of our school. We have a tremendous
16 history; we are a flagship charter school in
17 New Mexico. There has been very stable, excellent
18 leadership at the school. And this year, we are
19 especially proud of the fact that the New Mexico
20 Coalition of Charter Schools has awarded us with a
21 2014 Charter School of the Year recognition.

22 Our future is very bright, and we intend
23 to become a center for a student-centered-learning
24 focus school with a commitment to the ideals of the
25 Coalition of Essential Schools, a organization with

1 core principles that have been universally praised
2 for the past 30 years.

3 We are committed to helping create a new
4 center for the Coalition of Essential Schools in
5 New Mexico, and we look forward to working with this
6 organization and with the PED. Thank you.

7 THE CHAIR: Thank you very much for that
8 presentation.

9 Is there anyone in the audience who would
10 care to speak?

11 Seeing no one, let's move on to
12 Commissioners' comments or questions.

13 Commissioner Bergman?

14 COMMISSIONER BERGMAN: I would just note,
15 as we begin our discussion, that this is another
16 school that has asked -- as a part of their renewal,
17 they've got an amendment request in their
18 application to increase their enrollment cap from
19 465 to 475. And I will say I did write myself a
20 note. Why are you asking only for an increase of
21 10? Most schools ask for 75 or 100. I'm just
22 curious.

23 MR. FREEMAN: Actually, our -- our
24 facility will really only handle, you know, maybe
25 480, 475, something like that. And as you pointed

1 out yesterday, with the number of the schools that
2 were under review, since we're continually right at
3 the 465, we're just trying to build a little cushion
4 in there for those periods when, on a given
5 reporting date, we might be over that.

6 COMMISSIONER BERGMAN: Thank you for that
7 clarification.

8 And I noticed in your application that
9 you've established, for the last two years, what
10 you're calling "Professional Learning Committee,"
11 and you're working with your teachers. Can you give
12 me just a little brief description of what you're
13 doing in those -- with that?

14 MR. GRIFFIN: Briefly, for example, our
15 new commitment as a school to ensure that our
16 elementary students have a good background and
17 understanding and meet the standards for 21st
18 Century learning skills. For the Commission, I'm
19 sure you have looked at the new PARCC test, and I
20 hope you will all take it. On that test, it
21 requires that elementary students know many
22 technical details of how to use computers and
23 operations. So it's not surprising that with our
24 very experienced staff, some of them are my age and
25 need to learn new skills on the computer.

1 So in the school, not only with teachers
2 and with students, we are very dedicated to the idea
3 that we will use all the 21st Century tools,
4 programs, and hardware and software that will ensure
5 a future for our students, who, no matter what we
6 do, will be required to do online testing in every
7 profession, including the military, just to be
8 accepted.

9 So we're developing that throughout the
10 school, with very high-level standards in that area,
11 for example.

12 COMMISSIONER BERGMAN: Thank you for that.
13 And I'm glad you mentioned the PARCC, because I was
14 fortunate enough to sit through a demonstration of
15 PARCC just a couple of months ago in Hobbs at the
16 LESC meeting there. And they actually had the
17 legislators take one little portion of the
18 fifth-grade test.

19 And I can tell you that for those that
20 think PARCC is going to be a "skate" thing, the
21 legislators had trouble with it. It was a
22 difficult, demanding -- I was sitting there. There
23 were questions I could not answer, as a college
24 graduate.

25 And I was very impressed. It's not going

1 to be easy. It's going to be a challenge for you
2 schools, when you start doing that PARCC testing; so
3 you're going to have to be ready for it.

4 Thank you, Madam Chair.

5 THE CHAIR: Thank you, Commissioner. Any
6 other questions?

7 Commissioner Carr?

8 COMMISSIONER CARR: Just a quick one, out
9 of curiosity. I -- I'm sure it was in your
10 application, but I forgot. What short-cycle
11 assessment test do you use?

12 MR. GRIFFIN: We use several. We've been
13 using a reading assessment called the DRA for many
14 years, for K through 6. We use DIBELS for the State
15 program to identify students that need an additional
16 pullout; and we use the DIBELS testing to monitor
17 that. And then our large-scale, all-school test is
18 the Discovery Education, DEA. And we're giving that
19 four times a year, and it's working very well.

20 And teachers are learning how to, as we
21 say, dig into the data and identify specific student
22 needs, and then target instruction and tutoring to
23 help. And that was one of the many things we did
24 last year to help us raise our student achievement
25 from a D to an A.

1 COMMISSIONER CARR: I'm going to be
2 curious to see -- because many schools are still
3 using MAPs and different ones -- Discovery is
4 actually aligned to the PARCC. And I want to see if
5 there's going to be a difference between the schools
6 that use the Discovery and the ones that use the
7 MAPs. But thank you.

8 THE CHAIR: Commissioner Toulouse?

9 COMMISSIONER TOULOUSE: Madam Chair, when
10 I look at any of our elementary schools, I'm always
11 curious. Where do your students then transition on?
12 Do they go to another charter school? Do they go
13 back into public schools or private schools?

14 Part of it is personal. I have two
15 eight-year-old grandsons in charter schools. In
16 Albuquerque, there's a lot of options. But I'm just
17 curious. How do your kids transition, and do you
18 track them?

19 MR. GRIFFIN: No, we do not track them.
20 However, in this conversion, we will be changing our
21 school database. And one of our goals is to
22 actually measure our success by how our Turquoise
23 Trail students do as they move into other schools.

24 So some of you may be familiar with
25 Santa Fe Public Schools. But ten years ago, there

1 were very, very few options for middle school. I
2 can happily say now there are five, six, seven
3 options, including Tierra Encantada, a new magnet
4 school in the district, the regular junior highs,
5 ACT, another charter school. So there are many
6 options. And I would say our students are
7 distributed to all of these schools.

8 The impediment that keeps most of our
9 students from going to charter schools is that the
10 wait lists in the charter schools are so large,
11 there is a very low chance of getting in, unless you
12 have a sibling in those schools.

13 So the demand for charter schools in
14 Santa Fe is very high, especially at the
15 middle-school level. So I know that most of our
16 60 sixth-grade students apply to charter schools;
17 but only about 30 to 50 percent, depending on the
18 year and the luck in the lottery, get in to Monte
19 del Sol, ATC, Tierra Encantada, and so on so forth.

20 THE CHAIR: Thank you. Any other
21 comments?

22 Commissioner Gant?

23 COMMISSIONER GANT: Madam Chair, members,
24 since you brought it up, technology -- that was one
25 of the areas in your Part B that you failed to meet.

1 MR. GRIFFIN: Correct.

2 COMMISSIONER GANT: And you've got PARCC
3 coming down. Your goal was everybody to be
4 technical-literate, computer-literate and all that,
5 and you didn't make it. You said you have a plan.
6 What is your plan?

7 MR. GRIFFIN: The plan is being fully
8 implemented. We have spent a significant amount of
9 our resources to ensure that we are not only ready
10 for the PARCC test -- and we are -- but we've
11 increased the number of machines. We're moving
12 towards a one-on-one device for every student in our
13 school, the 465 students.

14 We have fully implemented all of our
15 supplementary and intervention software. There are
16 a number of reading, math, and so on, products. So
17 as I speak now, we are ready with our backbone with
18 our Internet. We have spent a year and a half
19 independently creating our own network; in other
20 words, disassociating from the Santa Fe Public
21 Schools Internet; and that is all now in place.

22 And so if you were to walk into our school
23 today, you would be impressed at how we do use
24 technology: SMART boards in every single room,
25 laptop carts. So we're in very good shape. And the

1 plan is underway. And we will see immediate
2 results.

3 So a specific example is that we are now
4 providing after-school, blended learning tutoring
5 for any student for free. So a child in our school
6 that wants additional help in reading and/or math
7 will go for an hour after school, any day of the
8 week, go to the laboratory and be coached by a
9 certified -- one of our teachers -- to have
10 individualized instruction in any of the core
11 subjects, specifically tailored, with technology, to
12 review, meet their needs, and challenge them. So
13 the computers, as you know, are becoming additional
14 teaching tools, as well as review tools and
15 intervention tools.

16 So the plan is underway. What you're
17 seeing in the report is the past few years that, as
18 we had mentioned, was severely impacted by a major
19 remodel. But we are on the highway, and we are
20 moving right now.

21 COMMISSIONER GANT: Madam Chair, members,
22 you may be one of the very few schools that are
23 ready for the PARCC.

24 MR. GRIFFIN: We are. We are. And we're
25 very proud of that. We've spent a lot of time and a

1 lot of money and a lot of energy, and we're ready to
2 go.

3 COMMISSIONER GANT: I know some of the
4 charter schools in Las Cruces are not even close yet
5 because -- money.

6 MR. GRIFFIN: It's going to be a large
7 issue for our rural state, and a lot of schools will
8 have difficulty having their kids have full access
9 this year in this implementation year of the PARCC.

10 COMMISSIONER GANT: Thank you,
11 Madam Chair.

12 THE CHAIR: Other comments?

13 I just have a couple myself.

14 If I heard you correctly when we were
15 talking about enrollment cap, you said, "If we go
16 over the enrollment cap," or, "When we go over the
17 enrollment cap," something like that. Correct me.
18 Tell me what you said, please.

19 MR. GRIFFIN: We currently have had a long
20 history of full enrollments, with large waiting
21 lists. But in a mobile society, and in -- we call
22 it a "mobile group of cohort of families," that
23 often move. Because of the way school funding is
24 the 40th-, 80th-day count, from time to time, we do
25 over-enroll a class by one or two, anticipating

1 there will be, in the classic enrollment term, a
2 melt of students, a drop.

3 And so we want to, in a very carefully
4 monitored, enrollment-management way, make sure
5 we're always exactly at 465. And that's part of our
6 experience as a school, to maintain consistent and
7 solid financial funding.

8 THE CHAIR: I just -- I just want to make
9 you aware that this Commission takes exceeding your
10 enrollment cap very seriously; it's actually a
11 material violation.

12 MR. GRIFFIN: Understood.

13 THE CHAIR: So we would urge you to keep a
14 close eye on that. How you manage your internal
15 classroom enrollment is a State issue and a waiver
16 issue and all like that. But total enrollment cap,
17 we ask you to keep a close eye on that one.

18 I know Commissioner Gant touched on it
19 just briefly. But I notice in the goals that are
20 listed in your application -- and there were one,
21 two, three, four, five, six, seven goals, five of
22 which were not met -- that's pretty significant, I
23 think. And that's something that is going to need
24 to be corrected.

25 Certainly, if this Commission approves

1 your application for renewal, when that contract is
2 negotiated, the goals that are in that contract in
3 the performance framework are going to have to be
4 realistic and are going to have to be met.

5 MR. GRIFFIN: Of course.

6 THE CHAIR: I was also impressed -- just a
7 comment -- that when dealing -- when -- the
8 information on your lowest performing quartile of
9 students, you have the plan already in place to
10 address that. And I was impressed that you were
11 already that forward-thinking and gave us that
12 information.

13 I really don't have a question. Mine was
14 more comments and concerns. Thank you.

15 Anything else, Commissioners?

16 Hearing no other comments, are we ready
17 for a motion, Commissioners?

18 You've heard the recommendation from CSD.
19 You've heard the comments. What is your pleasure?

20 Commissioner Carr?

21 May I just -- before you begin, could I
22 ask Josh a question? Since there is an amendment
23 included with this application, does that amendment
24 specifically need to be recognized in the motion,
25 should the motion be to approve?

1 MR. GRANATA: Madam Chair, Commissioners,
2 I think that the motion could be -- if -- for
3 example, if it's going to be approval, approval with
4 the amendment presented by the school.

5 THE CHAIR: But it does need to be
6 mentioned, in your opinion?

7 MR. GRANATA: I think so.

8 THE CHAIR: Okay. Thank you.

9 COMMISSIONER CARR: On that -- you know, I
10 guess it's not -- it's not the regular amendment;
11 it's an amendment to the application itself. So
12 it's not something that we would consider
13 separately; right?

14 COMMISSIONER BERGMAN: Yeah, I -- I kind
15 of agree with Commissioner Carr. Since it's in the
16 package, I consider it just to be a part of the
17 application. But I guess we can go either way.

18 COMMISSIONER CARR: Sure. That's good.
19 Okay.

20 COMMISSIONER BERGMAN: Yeah.

21 COMMISSIONER CARR: I'm ready to proceed.

22 I, Commissioner Carr, move that the Public
23 Education Commission approve the renewal of the
24 charter school application for Turquoise Trail
25 Elementary for a term of five years, pursuant to the

1 Charter School Act, Section 22-8B-6 and
2 Section 22-8B-12, to include the amendment.

3 THE CHAIR: Thank you. Do I hear a
4 second?

5 COMMISSIONER POGNA: Second.

6 THE CHAIR: Commissioner Pogna?

7 I have a motion by Commissioner Carr,
8 seconded by Commissioner Pogna, to approve the
9 renewal application of Turquoise Trail Elementary
10 School, including the enrollment cap amendment
11 contained therein.

12 Any discussion, Commissioners?

13 Secretary Bergman, may we have a roll-call
14 vote, please?

15 COMMISSIONER BERGMAN: Commissioner Carr?

16 COMMISSIONER CARR: Yes.

17 COMMISSIONER BERGMAN: Commissioner Pogna?

18 COMMISSIONER POGNA: Yes.

19 COMMISSIONER BERGMAN: Commissioner
20 Toulouse?

21 COMMISSIONER TOULOUSE: Yes.

22 COMMISSIONER BERGMAN: Commissioner
23 Peralta abstains.

24 Commissioner Gant?

25 COMMISSIONER GANT: Yes.

1 COMMISSIONER BERGMAN: Commissioner
2 Shearman?

3 THE CHAIR: Yes.

4 COMMISSIONER BERGMAN: Commissioner
5 Bergman votes "yes."

6 Madam Chair, that is a 6-to-0 vote, with
7 one abstention, in favor of the approval.

8 THE CHAIR: Thank you very much. The
9 amendment -- the application for Turquoise Trail
10 Elementary School, including the amendment, is
11 approved for a five-year term. Congratulations.

12 MR. FREEMAN: Madam Chair, Commission,
13 thank you very much. We very much appreciate it.

14 THE CHAIR: Thank you. We look forward to
15 working with you.

16 MR. PAHL: Madam Chair?

17 THE CHAIR: Mr. Pahl?

18 MR. PAHL: I was not here for the last
19 renewal that also had an amendment. So I just want
20 to take this opportunity to make sure, do we need to
21 do any clarification around that last renewal -- I
22 believe it was TISA, Taos Integrated School of the
23 Arts, they had -- is that right? They had an
24 amendment?

25 I know it was spoken of. But I just want

1 to make sure the process was clear, that we also had
2 that amendment passed as part of the package for the
3 renewal application.

4 THE CHAIR: I think you were the one that
5 brought that up.

6 COMMISSIONER BERGMAN: I brought it up,
7 yes. And we didn't specifically mention it in the
8 motion; but here again, because it was a part of
9 the -- my interpretation, as a nonlawyer, would be
10 yes, we -- it was approved, and that amendment was
11 approved as a part of that application.

12 MR. PAHL: Okay. Uh-huh.

13 THE CHAIR: Josh?

14 MR. GRANATA: Madam Chair, Commissioners,
15 and Mr. Pahl, I agree with Commissioner Bergman on
16 the matter.

17 MR. PAHL: Great.

18 THE CHAIR: Thank you. It probably is
19 better to mention it.

20 COMMISSIONER BERGMAN: Yeah. Let's
21 mention it on future ones, yeah.

22 THE CHAIR: Turquoise Trail -- pardon
23 me -- Academy of Trades and Technology? Good
24 morning.

25 MR. HOTCHKISS: Good morning.

1 THE CHAIR: Mr. Pahl, whenever you're
2 ready.

3 MR. PAHL: Madam Chair, members of the
4 Commission, Academy of Trades and Technology, also
5 known as ATT, was chartered by the state on
6 July 1st, 2010. Prior to 2010, ATT was an
7 Albuquerque Public Schools District charter.

8 The mission of the school is to combine
9 career-and-technical education and academic courses
10 using project-based learning to reach at-risk
11 students, while developing their vocational,
12 academic, social, personal needs and skills required
13 to attain quality employment.

14 The Charter School Division recommends
15 that ATT be approved and given a three-year charter
16 renewal, with conditions to be determined through
17 the development of an improvement plan.

18 The school has demonstrated consistently
19 poor progress on current results on the State grade
20 report card, with a three-year average of a D, and
21 academic performance falling well below proficiency
22 levels of the State.

23 That said, because of the population that
24 ATT serves, we look at growth and give that more --
25 more weight when we're considering this in the

1 application.

2 ATT has demonstrated an increase in growth
3 of highest performing students and improved from a
4 grade of an F in 2012 to a grade of an A in 2014.

5 The school ranks No. 4 out of 33 for
6 highest performing students' growth on the 2014
7 school grade report card.

8 Some concerns around the school around
9 academic performance are the very low proficiency
10 rates. Currently, only 3.4 percent of all students
11 are proficient in reading, and 3.3 percent of
12 students are proficient in math.

13 So we have a -- we have a picture of
14 academic performance that looks a little different
15 from others. As a result, we're recommending a
16 shorter term. We think this school, more than many,
17 would be able -- would behoove being on a
18 performance framework, where, as Commissioner
19 Bergman likes to say, the extra goals there, if
20 they're ambitious, and they're reachable, are other
21 ways to show your success outside of the school
22 report card. And so that's why we're recommending a
23 shorter term.

24 And just to highlight the proposed
25 conditions, we're recommending a three-year term for

1 ATT, a completion of an improvement plan specific to
2 the school, and two annual monitoring visits by the
3 Charter School Division.

4 THE CHAIR: Thank you, Mr. Pahl.

5 Gentlemen, if you would introduce
6 yourselves, please, and you have five minutes.

7 MR. HOTCHKISS: I'm Christopher Hotchkiss.
8 I'm the principal at ATT. This is Henry Lackey, the
9 board president. And this is Lee Maxwell, the
10 vice president.

11 MR. LACKEY: Madam Chair, Commissioners,
12 thank you for having us here today, and thank you
13 for renewing our charter in 2010. We've enjoyed
14 being a part of the -- State charter.

15 If you can recall, when we came over in
16 2010, we had some issues with the charter with APS.
17 And we came over to the State kind of with a heavy
18 heart on whether or not we should stay with APS or
19 come to the State. But by the time we came to the
20 State, APS -- they finally got it, and understood
21 who we were.

22 And prior to that, we had -- with all our
23 issues and going through the different things we had
24 to go through, they didn't truly understand what it
25 is that we do. You know, you have -- every charter

1 school has some at-risk kids. It's just the nature
2 of our business.

3 However, our kids are pretty much all
4 at-risk; that's who we target. We don't send out
5 fliers to our local neighborhood residents and tell
6 them, "Look, we're the closest school to you, send
7 us your kids," and -- that's not what we do. What
8 we do is we get our kids from CYFD. We get our kids
9 from other high schools that have dropped out. Our
10 slogan is, "Drop back in."

11 Well, actually, our students, they built a
12 three-story haunted house in 21 days, from ground
13 up. And that was just a recruiting tool, to recruit
14 the kind of kids that we want and for that
15 population that we serve.

16 COMMISSIONER GANT: Three minutes.

17 MR. LACKEY: Three minutes? Thank you.

18 For the population that we're serving,
19 there's always going to be some -- there's always
20 going to be a lag in grade performance, because our
21 staff, our principals, they spend a lot of time of
22 going to get these kids back into school. They may
23 come for three weeks, and then take one of our staff
24 members a week to go find them, get them back into
25 school. That's what we do.

1 And, you know, just earlier this week, we
2 had a kid come in, and the finance manager asked
3 him, "Where are you from?"

4 And he says "D.C."

5 And the finance manager asked him, "Well,
6 why did you come from D.C.? That's a long ways."

7 He was, like, "No, YDDC."

8 The kid needs three credits to graduate.

9 That's another thing that we serve. He's
10 going to come to our school. He'll get the three
11 credits; he'll graduate. But can we get a real
12 accurate [verbatim] of his growth from the three
13 credits he's going to get at our school? We're not
14 going to be able to get that.

15 We get quite a few of those. Every year
16 that we've been a charter school, we'll start the
17 school with "X" number of eligible seniors to
18 graduate; but at the end of the year, we graduate
19 five or six more than we had to start with to
20 graduate, because we're trying to fill the need of
21 students that are young adults that are not
22 necessarily going to go to college or want to go to
23 college.

24 I mean, we don't want to be like APS. We
25 don't want to be like other schools. We want to

1 fill the gap of teaching kids --

2 COMMISSIONER GANT: Minute and a half.

3 MR. LACKEY: Minute and a half? Thank
4 you.

5 Teaching young adults how to be job-ready,
6 how to earn a living, how not to be on welfare, how
7 to treat your fellowman kindly, how not to get shot
8 by the police, how not to -- to get yourself shot.
9 And those are the type of things we deal with on a
10 daily basis.

11 And, unfortunately, for our school --

12 COMMISSIONER GANT: One minute.

13 MR. LACKEY: Thank you. Unfortunately, in
14 our school, we've had a lot of that. And we'll
15 always have a lot of that. But we've been able to
16 build a culture within our school, where our kids,
17 even though they come from hard backgrounds, we
18 don't have the -- the thing of "no snitch." Our
19 kids will tell on other students. If another
20 student is going to do some harm, we have a good
21 relationship with our students -- our teachers do --
22 where they'll come and tell.

23 You know, we've had students shot and
24 killed off-campus. We've had APD kill two of our
25 students; one was a student, one was an ex-student.

1 And we've gotten to the point now where our staff
2 understands and can recognize these issues, and we
3 can deal with them.

4 As of last year, we hadn't had these
5 issues. We've had -- we've had students arrested
6 earlier this month, because they were -- they were
7 perpetrators of a homicide.

8 COMMISSIONER GANT: That's it.

9 THE CHAIR: Thank you, gentlemen. Do we
10 have anyone in the audience that would care to
11 speak?

12 Yes, sir. Please come forward. Please
13 use the microphone. State your name for the record,
14 and you have five minutes.

15 MR. ELFSTROM: My name is Jonathan
16 Elfstrom.

17 THE CHAIR: We can't hear you. Pull it
18 closer to you. Just a little bit closer. There you
19 go.

20 MR. ELFSTROM: My name is Jonathan
21 Elfstrom. I'm the math teacher at Academy of Trades
22 and Technology. This is my tenth year teaching
23 at-risk high school students. I worked at three
24 different schools, first, at a school out of
25 California, where I'm originally from; then at

1 Gordon Bernell Charter School; and last year, I
2 moved over to Academy of Trades and Technology.

3 This population is a really rewarding
4 population to work with, but also a really
5 challenging population to work with. In addition to
6 building up people's skills and helping them
7 redefine themselves as a student, we're also helping
8 them redefine themselves as people, how to see
9 themselves in a different light.

10 And that's no easy task to get someone to
11 see themselves as -- rather than being the toughest
12 thug on the block, to see themselves as being a
13 scholar. But when it happens, it's a really
14 wonderful thing. And I think that ATTHS has all the
15 ingredients that are necessary for that.

16 We've got a really strong staff; we have
17 clear expectations of our students; we're holding
18 them to high expectations. We provide the support
19 they need for their basic needs outside of school,
20 things like making sure they have a safe place to
21 live, making sure that they have access to the
22 social services that will keep them so that they're
23 fed and clothed and housed.

24 We also provide a lot of job training,
25 more so at our school than you would see at a

1 typical school. Students can work for -- currently,
2 students can work for the school companies and
3 actually earn money through a grant through
4 Youth- -- through Vision Builders through
5 YouthBuild. And we also provide other job training
6 opportunities.

7 And the idea is that when our students
8 graduate, they really will be ready to go out into
9 the real world, to go into the workforce. And we
10 see that happening.

11 Looking at last year's graduates at the
12 graduation, I felt these are kids who really --
13 they're ready now to go out there and succeed. And
14 before, there's a question of whether they would
15 have even shown up to school.

16 We tend to attract people back; so we'll
17 end up getting a student that disappeared, and then
18 we'll see them a couple of years later. Then
19 they'll come back and eventually graduate, a lot of
20 times.

21 THE CHAIR: May I interrupt you for a
22 moment? Excuse me. Do we have another person
23 waiting to speak, sir?

24 Okay. You're at two-and-a-half minutes.
25 There is a total of five. So when you would like to

1 yield the mic to the other person, that's up to you.

2 MR. ELFSTROM: I guess I probably should,
3 then. But it's really -- it's a rewarding school to
4 work for. I think we have all the tools necessary
5 for success.

6 There's been a lot of turnover at our
7 school, but our current core, right now, of
8 employees, I think we have -- we have a good plan
9 for what we're going forward to, and we continue to
10 build, refine, and improve on it.

11 I'm real excited to see what's going to
12 happen in the years to come.

13 COMMISSIONER GANT: You have two minutes.

14 MR. GROBLEBE: Okay. My name is Gene
15 Groblebe, and I'm the English teacher at the high
16 school. This is my third year there. Likewise, I
17 had seen a huge turnaround in many of the individual
18 students, things that data can't really show a
19 complete picture of.

20 Our students are trained in construction
21 and graphic design; but they have to be able to find
22 jobs and apply in the same way they would in the
23 real world, with cover letters and resumes and
24 interviews. But academically, they also are very
25 challenged.

1 I believe, as an English teacher, in the
2 power of literacy to change lives, and I challenge
3 them, as does Jonathan, in math. Our scores don't
4 always show that in our short-cycle assessment; but
5 we have plans to implement more student training as
6 far as MAPs goes.

7 And our -- and, again, our population is
8 so transitory, and they're dealing with issues
9 beyond our control, that we can't really, you know,
10 understand outside the classroom at times.

11 And so to see the turnaround -- this is my
12 third year, like I said, in a lot of these students'
13 lives. It has been very rewarding. I've taught in
14 public schools. I taught a year at community
15 colleges. And, you know, they really do make those
16 connections to -- and they understand that the staff
17 is caring and that we want them to be successful in
18 the world; so...

19 THE CHAIR: Thank you very much. We
20 appreciate hearing from you all.

21 Commissioners, it's our turn. Do we have
22 questions? Comments?

23 Commissioner Carr?

24 COMMISSIONER CARR: I have a question --
25 not a question, but, I guess, some comments. You

1 know, when you look at a school on paper, it's one
2 thing; but when you hear it from the people that are
3 actually involved in the school, it gives you a
4 completely different picture. That's why we
5 interview people for jobs, instead of just looking
6 at their resume; right?

7 I have worked with kids like the ones you
8 work with for many years. Still do. And I have
9 taught many kids how to not get shot, or arrested
10 or -- you know, those little basic things that a lot
11 of us take for granted. People who don't -- who
12 have not been there don't realize, you know.

13 I was a -- I should have been -- well, I
14 guess I was an at-risk student. My two older
15 brothers were, come from a single-family home. I
16 shouldn't be sitting up here today, you know. I
17 could have easily ended up going way the other
18 direction. So I really appreciate the fact that --
19 that you are working with -- with young people like
20 you do.

21 Obviously, we have concerns with grades,
22 graduation, all those things that we have concerns
23 with other schools. But I recognize the fact that
24 you work with a different group of people. So I
25 will support what the Charter Division recommends

1 today, and thank you for working with those
2 people -- with those kids.

3 THE CHAIR: Thank you.

4 Commissioner Toulouse?

5 COMMISSIONER TOULOUSE: Madam Chair, I
6 know that, in Albuquerque, there are several of -- I
7 prefer "second chance" to "last chance" schools.

8 MR. HOTCHKISS: Right.

9 COMMISSIONER TOULOUSE: Do your students
10 trade back and forth with some of the others, or do
11 they pretty much stay with you?

12 MR. HOTCHKISS: They do. They're a very
13 highly mobile population. We really focus on the
14 dropouts. We also take a lot of the students that
15 have been either expelled or long-term suspended
16 from APS or other charter schools. We take kids
17 that are reintegrating from the Detention Center,
18 YDDC, into our school. And sometimes they come in
19 for a week; sometimes they come in for a few days
20 and they leave.

21 We actually go door-to-door sometimes to
22 go find them, and we bring them back. And they are;
23 they're very highly mobile. And even in -- up in
24 the Gordon Bernell, we'll -- our door is open to
25 them 24/7. We'll take them back, you know.

1 So many of our students are on that lower
2 end of the Maslow scale, to where getting them in
3 the school, and focusing them on academics -- which
4 is a huge concern for us, and we do know that we
5 really need to improve in that area and so many
6 areas on the report card. But we provide a vital
7 service to these students, because they do feel safe
8 when they're at our school. And they do come back.
9 And they do have a lot of challenges. And we'll
10 never turn them away; so it's very rewarding to work
11 with them.

12 MR. LACKEY: If I can expand on that. And
13 also, what he's saying is that when we -- because
14 our students are always in and out, they've already
15 failed at their traditional high schools. And so
16 coming back to our school, even though it's
17 different, and our staff puts a lot of time into
18 going back and locating these kids and going to the
19 house and getting them, to say, "Hey, are you going
20 to come back to school today?"

21 And that's why we'd like to ask you to
22 consider giving us a five-year renewal, just because
23 it takes so much time to do -- it takes a year and a
24 half to prepare for this. And it takes the
25 principal and some of the staff a long time to do

1 it. And we're putting in all that information
2 that -- because we'll have to start doing this again
3 a year and a half from now. And that's just time
4 that one of these teachers back here is not out
5 knocking on the kids' doors saying, "Come back in."
6 It's time that they're filling out paperwork or
7 looking for paperwork to give to you guys.

8 I would humbly ask that you give us a
9 five-year renewal.

10 THE CHAIR: Commissioner?

11 COMMISSIONER TOULOUSE: How many of your
12 students are male and how many are female? I don't
13 have a computer in front of me, so I --

14 MR. HOTCHKISS: You know, when I walk
15 through the halls -- because I know every student --
16 it seems like we have a lot more males than females.
17 But we really do have quite a few females.
18 Amazingly enough, I'd say it's probably 60 male,
19 40 female.

20 We do have actually a lot of females that
21 participate in the construction area of our school.
22 You should see some of the projects and products
23 that they've come out with. They've laid concrete
24 tables at some of the community centers, and did a
25 chessboard staining on top. And our girls were very

1 involved with that; it is impressive.

2 And we do pathway them. When they come
3 in, they're either going to go graphic arts, or
4 they're going to go construction. And it's about
5 evenly split on which way they go.

6 And the girls are -- you know, they're --
7 they're wonderful and do some amazing things.

8 COMMISSIONER TOULOUSE: I know when I was
9 on the CNM Board, I was amazed that some of the
10 welders we had in the welding program were the
11 women.

12 I think, Madam Chair, this is another one
13 of those situations, like the schools yesterday,
14 where there needs to be a different standard to
15 judge on the graduation area of the grading for this
16 kind of school, and some of the others, where
17 there's no way that you're even going to be able to
18 track a lot of these students; but every day they're
19 in school is a day they're getting a little bit
20 more.

21 And I think there needs to be some kind of
22 weighting when you're doing scores on these kinds of
23 schools. And I feel very strongly about that.
24 Although I know we can't do it; PED has to. But I
25 would like, if we ever get any time among all of

1 this other, to try to approach PED with developing a
2 kind of weighted standard for special schools --
3 just like when we come up later on the Sign Language
4 Academy, where they have yet to figure out how to
5 evaluate them. I think we need another approach to
6 several -- the other one that comes to mind
7 immediately, because it's close to me, is
8 Cesar Chavez. And even though it's APS -- it's not
9 us -- Gordon Bernell, because I've talked several
10 times to their principal.

11 And those schools, you know, especially
12 Gordon Bernell, by definition, those kids are going
13 to leave, go somewhere else. They're not going to
14 graduate from there. So of course, they're always
15 going to have an F graduation rate.

16 So I -- just as a comment to us, I'd like,
17 if we find any time -- I'm not sure where --
18 somewhere -- to take that up on the agenda and see
19 if we can come up -- or at a working session,
20 develop something that we can then send through to
21 the rest of PED, I'd appreciate it. Thank you.

22 THE CHAIR: Thank you for those comments.
23 Commissioner Gant?

24 COMMISSIONER GANT: Madam Chair, members,
25 gentlemen, in looking at the final analysis and your

1 application, you had seven academic goals and at
2 least two organizational goals under Part B; and
3 none of them did you make.

4 MR. HOTCHKISS: We made one. We made one
5 out of the -- out of the nine -- I do believe it is
6 nine goals. And we had insufficient data. We were
7 missing at least two years of data. As you probably
8 well know from the application, we've been through
9 three administrators until me. And data was either
10 not collected -- there was an assessment called the
11 SWAP that I could not find anywhere. I found a
12 rubric on it, but I found no -- nothing of use as to
13 actually use it.

14 The ILPs, which are stated in the goals,
15 are Individual Learning Plans. They are now "Next
16 Step" plans; nothing in there that was filed in
17 there, except for from the charter before. So they
18 used all that data to come up with some of these
19 goals.

20 There's a lot of missing data. And we
21 definitely noted in there if it was missing.

22 We tried to answer, you know, all the
23 questions with fidelity and -- and, you know, there
24 are goals that we just flat out did miss.

25 Over the last year and a half -- last two

1 years -- there are some goals that we've made
2 progress on and that we've met during that time.
3 But, over the length of this charter, every goal,
4 except for one, which is the health and well-being
5 and going out and finding our students and providing
6 those social services that they desperately need, we
7 did not meet.

8 And we definitely recognize that we need
9 to improve in the academic area. We do need to
10 improve on record-keeping. And one of the big
11 things that we're going to get involved in here real
12 soon -- because we've had professional development
13 on integrating some of our lesson plans between the
14 academics and the -- and the elective courses -- the
15 next big step that we're going to do, because of --
16 we're going to go on to these S.M.A.R.T. goals, is
17 we're going to start professional development with
18 the staff on data-driven instruction.

19 How do we take that short-cycle assessment
20 data, apply it in our classes to show improvement
21 and the best gain that we can make with our
22 students? Because that really is the true test for
23 our students. About 75 percent of our students come
24 in at the sixth-, fifth-grade reading level or
25 below. And so we really want to see an improvement

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1 on that.

2 And we also want to address the students
3 that are learning above and at grade level, which is
4 usually about two, to three, to four a year, per
5 grade level. So...

6 MR. LACKEY: Can I expand on that?
7 Because he was -- Chris has been the principal for
8 the last year and a half. And he wasn't our
9 principal for some of the issues here -- he wasn't
10 our principal during some of these issues. But a
11 couple of things happened during this last charter
12 renewal, is that we've had two moves; we've had
13 three principals.

14 And the first principal we had to get rid
15 of, just because he wasn't doing the job we were
16 expecting him to do. The second principal, Arlene
17 Trujillo, was really good. However, she was pulling
18 herself off her deathbed for most of her second term
19 there, and she spent half of the time in the
20 hospital. And so at the time she could make it in
21 and do things, she did what she could. And she kept
22 the school running on track. She kept our students
23 moving forward.

24 And when she went -- when she moved over,
25 to Chris, she recalls giving our finance manager a

1 binder, which he gave to me. And we can't find that
2 binder, and that binder had a lot of information of
3 our goals in there. Also, we had a cabinet that was
4 in our office that our maintenance man moved it from
5 her office to a storage cabinet during the
6 transition of Chris and her. And that cabinet is
7 empty in the other office. It was full in Arlene's
8 office, but it's empty there, and he doesn't recall
9 ever taking anything out of it.

10 And so that's a little problematic and
11 disturbing that -- I know he had to empty that
12 cabinet to move, because it would have been too
13 heavy. It's disturbing he doesn't know what he did
14 with some of the information out of it.

15 That's when some of the other information
16 may have been lost.

17 COMMISSIONER GANT: Madam Chair, members,
18 I hear all you're saying. But you've had the length
19 of this to have all the data -- where is the
20 governance council asking questions about data and
21 having an understanding of what the school is
22 actually doing based upon data?

23 MR. LACKEY: Do I have -- I don't know how
24 we didn't refer all that data to you. But we do
25 have quite a bit of data, because we did -- with

1 the -- to get our -- our grade, to put -- so a lot
2 of data was put in when we got a grade, and
3 throughout the years of every principal and all the
4 time there.

5 And then for some of the SWAP data, I
6 don't know how it just didn't make it here. But our
7 kids did projects; for example, the haunted house.
8 And so they built a set at a theater; I don't know
9 how that didn't make it there. They built planters
10 and tables at community centers.

11 And so my -- okay. So Chris is telling me
12 that that data was there. And so our -- I don't
13 truly understand what is exactly missing. But from
14 the governing council position, at every board
15 meeting -- and if we turn in our minutes, then you
16 can see that our principals will give us the data of
17 what's -- what's happened from month to month,
18 what's going on from month to month with each
19 student. Our students will come in and they'll give
20 presentations about what they did.

21 And so we -- from being the president of
22 the governing board, when we have our board
23 meetings, and we have the students coming in, and we
24 have the people from the community coming in, or
25 sending us letters about our students did such a

1 job -- great job with this, you know, we feel good
2 about that. And when we have our math and our
3 English teachers coming in and saying, "You know
4 what? This student excelled in this, and we'd like
5 to recognize them before the board" -- and so from a
6 board -- the governing board standpoint, we have
7 been getting quite a bit of positive feedback from
8 the community and our staff.

9 COMMISSIONER GANT: Well, Madam Chair,
10 members, regardless of how many years we give them,
11 if we renew them, there has to be a comprehensive
12 improvement plan specifically dealing with all these
13 issues on -- on their goals. It just -- I know
14 there's reasons they have, moving and all this, and
15 people moving filing cabinets; that's all reasons.

16 But teaching kids, we have to know what's
17 going on out there. And this is the only way we
18 know, you know. So, Madam Chair, there has to be a
19 very specific improvement plan for this school, if
20 we approve it.

21 THE CHAIR: Thank you.

22 MR. HOTCHKISS: We agree.

23 MR. LACKEY: We all agree with that.

24 MR. HOTCHKISS: We do agree with that. We
25 definitely need that in place. I'm excited that

1 we're moving to the S.M.A.R.T. goals and negotiating
2 those and reporting out on those every year. I
3 think it's going to be very beneficial to us. I
4 plan on being here a long time.

5 But it's definitely very beneficial, if
6 there's any movement with administration that we
7 report out every year. I agree with the plan. We
8 do need a very comprehensive plan.

9 COMMISSIONER GANT: Madam Chair, I also
10 believe we need to have at least two annual --
11 annual visits by the CSD, to begin with, for the
12 term of the contract; because you all may even
13 consider putting it on the watch list.

14 MR. HOTCHKISS: We agree with that, too.

15 THE CHAIR: Can I just ask that the record
16 reflect that Commissioner Parker has now joined us?

17 THE REPORTER: (Indicates.)

18 THE CHAIR: Thank you.

19 Any further Commissioner questions?

20 Commissioner Bergman?

21 COMMISSIONER BERGMAN: I certainly share
22 those sentiments from Commissioner Gant. I would --
23 also, as we did with the last one, I would say we
24 probably would need a preliminary improvement plan
25 at our next meeting, which is next month.

1 It doesn't have to be a dissertation. But
2 we are going to need something more extensive than
3 that for us to work on by the time it comes to pass
4 for a full contract negotiation. We'll need a very
5 specific plan to address a lot of these issues from
6 you; but certainly something -- a couple of pages --
7 for instance, you've established a literacy
8 intervention strategy for this year, some other
9 things.

10 A couple of schools have been before us in
11 the last couple of days are offering free tutoring
12 to their students. You might want to think -- just
13 things like that, that you can show us how you're
14 going to perhaps address those plans.

15 MR. HOTCHKISS: Exactly.

16 COMMISSIONER BERGMAN: Thank you.

17 And thank you, Madam Chair.

18 THE CHAIR: Thank you. I just have a
19 couple of comments. I don't know how realistic it
20 is or if it's even workable; but it seems to me that
21 we have several schools that deal with this unique
22 population.

23 MR. HOTCHKISS: Yes, ma'am.

24 THE CHAIR: Some are doing better than
25 others. I wonder if there's any such thing as two

1 schools working together to learn from each other on
2 what works for this other school that you might want
3 to try in your school.

4 Just a suggestion. And certainly, if you
5 think it's worthwhile, you might work through the
6 CSD for that.

7 Mr. Pahl?

8 MR. PAHL: Madam Chair, members of the
9 Commission, representatives of ATT, that's something
10 that we're trying to build some expertise in at the
11 Charter School Division. You know, we touch each of
12 these schools that are serving that population. And
13 so within our liaisons, we're trying to collaborate
14 internally at the Department, so we can give that
15 kind of information to the schools, as well.

16 And we certainly encourage any additional
17 collaboration from school to school.

18 THE CHAIR: Okay. Thank for you that.

19 I remember five years ago, when this
20 school came up for renewal, it almost didn't make
21 it; it was very close because -- for the reasons
22 we're looking at today. The students were not
23 progressing as far as the data told us.

24 And the data that I'm looking at is pretty
25 discouraging, except for your highest performing

1 students and your lowest performing students. One
2 is an A, and the other is a C. And I'm impressed by
3 that. When you can bring your lowest performing
4 students up to a C, you've done something well.

5 But right below that are the reading
6 proficiency and math proficiency. I don't want to
7 say those are close to illiterate scores; but
8 they're real close, in my mind.

9 I understand hands-on learning. I
10 understand teaching with trades so they can go out
11 and get a job; I absolutely understand that. But
12 you've also got to be able to speak coherently in
13 order to get through the interview process before
14 you can get hired to be a -- a contractor or a
15 carpenter or a whatever. You also have to be able
16 to do some rudimentary math to survive in this
17 world.

18 I appreciate the students you're working
19 with and the job that you're doing. But in my
20 mind -- and I'm only speaking for myself -- when
21 this Commission has looked at this school twice --
22 once, almost didn't approve it at all -- if this
23 school is approved today for a three-year term with
24 conditions, when this school comes back to us, I
25 expect to see some really significant improvement.

1 And how in the world you're going to bring that off
2 is going to be as unique as your student population.

3 But my mind is, how much money are our
4 taxpayers putting into this school; and truly, where
5 is the return on those dollars? If students are
6 coming out job-ready, that's great. If they can't
7 speak, if they can't do math, how job-ready are
8 they, really?

9 So I'm just telling you, you know you've
10 got your work cut out for you; I don't need to tell
11 you that. I applaud what you're doing. But it's --
12 there's going to have to be some results in these
13 areas.

14 Mr. Pahl?

15 MR. PAHL: Madam Chair, I just want to
16 echo those comments on behalf of the PED. For any
17 of the schools that we've recommended a shorter term
18 for, that's the mindset we have, as well. And so I
19 just want that on the record.

20 THE CHAIR: Okay. Any other comments,
21 Commissioners?

22 Commissioner Bergman?

23 COMMISSIONER BERGMAN: Let me just address
24 something that you said, Mr. Hotchkiss. A part, I
25 think, of the problems with this school in the past

1 has been the turnover in the leadership. When
2 there's no stability in the leadership, it doesn't
3 matter whether you're talking about the private
4 sector or the school sector.

5 There has -- so I appreciate you've said
6 you're going to stay. I know things change; but I
7 believe there needs to be some stability in your
8 school in your leadership to help overcome these
9 obstacles. So I appreciate that you said you intend
10 to be there for a while. That comforts me a little
11 bit. Thank you, sir.

12 Thank you, Madam Chair.

13 THE CHAIR: Thank you.

14 MR. HOTCHKISS: Thank you, Commissioner.

15 THE CHAIR: Anything else? Hearing no
16 further discussion, the Chair would entertain a
17 motion.

18 Commissioner Bergman?

19 COMMISSIONER BERGMAN: Perhaps we should
20 discuss where the leaning would be on the motion,
21 whether for a three-year or a five-year. I'm not
22 contradicting myself. I know what I said just about
23 a half-an-hour ago. There are times when I am
24 comfortable with a five-year renewal, and there's
25 times when I would be comfortable with a three-year

1 renewal. I personally will probably be more
2 comfortable with a three-year renewal on this
3 school, but will not oppose a five-year renewal, if
4 that's the leanings of the rest of the Commission.

5 THE CHAIR: My comfort zone is a
6 three-year. Anybody?

7 I'm seeing a consensus of three. Are you
8 interested in making the motion, please --

9 COMMISSIONER BERGMAN: I'll make the
10 motion, if no one else wants to make it.

11 THE CHAIR: -- with the input, then?

12 COMMISSIONER BERGMAN: It's hard to sit
13 here and get my notes together.

14 Madam Chair, I, Commissioner Bergman, move
15 that the Public Education Commission approve the
16 renewal application of the Academy of Trades and
17 Technology for a three-year term, with the following
18 conditions:

19 That the school complete an initial
20 improvement plan that would be presented to this
21 Commission in our January meeting. That will be
22 fairly initial, with the understanding that we will
23 do a much more comprehensive plan as a part of the
24 contract negotiation;

25 And that the school agree to at least two

1 monitoring visits from the CSD, and they may make
2 more if they wish;

3 And I would -- that this would be pursuant
4 to the Charter School Act, Section 22-8B-6 and
5 Section 22-8B-12.

6 THE CHAIR: Thank you. Do I hear a
7 second?

8 COMMISSIONER GANT: Second.

9 THE CHAIR: Motion by Commissioner
10 Bergman, seconded by Commissioner Gant, to approve
11 the renewal application of Academy of Trades and
12 Technology Charter School, with the conditions as
13 noted on the official record.

14 Any further discussion, Commissioner
15 Parker?

16 COMMISSIONER PARKER: Madam Chair,
17 Commissioners, I'll be abstaining from this vote,
18 because I was not part of the conversation up to
19 this point.

20 THE CHAIR: Thank for you that.

21 Mr. Secretary, if you'd make a note of
22 that?

23 Any further comments?

24 Hearing none, Commissioner Bergman, may we
25 have a roll-call vote, please?

1 COMMISSIONER BERGMAN: Commissioner Pogna?

2 COMMISSIONER POGNA: Yes.

3 COMMISSIONER BERGMAN: Commissioner

4 Toulouse?

5 COMMISSIONER TOULOUSE: Yes.

6 COMMISSIONER BERGMAN: Commissioner

7 Peralta?

8 COMMISSIONER PERALTA: Yes.

9 COMMISSIONER BERGMAN: Commissioner Carr?

10 COMMISSIONER CARR: Yes.

11 COMMISSIONER BERGMAN: Commissioner Gant?

12 COMMISSIONER GANT: Yes.

13 COMMISSIONER BERGMAN: Commissioner

14 Shearman?

15 THE CHAIR: Yes.

16 COMMISSIONER BERGMAN: Commissioner

17 Bergman votes "yes."

18 Madam Chair, that is a 7-to-0 vote, with
19 one abstention, in favor of the three-year renewal.

20 THE CHAIR: Thank you. The motion to
21 approve the renewal application of Academy of Trades
22 and Technology, with conditions as noted in the
23 record, for a three-year period, is approved.

24 Please work with CSD and get that
25 improvement plan going right away.

1 MR. HOTCHKISS: Commissioner Bergman,
2 thank you. Madam Chair, thank you. Commissioners,
3 appreciate it. Thanks a lot.

4 THE CHAIR: Commissioners, let's take a
5 ten-minute break and come back at a quarter of
6 11:00.

7 (Recess taken, 10:35 a.m. to 10:50 a.m.)

8 THE CHAIR: Let's go ahead and get
9 started. I'm sure Commissioner Toulouse will join
10 us shortly.

11 Next on the agenda is ACE Leadership High
12 School.

13 Mr. Pahl, whenever you're ready?

14 MR. PAHL: Thank you, Madam Chair, members
15 of the Commission. ACE Leadership High School was
16 initially granted a charter by the PEC in December
17 of 2009. The school maintains strong connections to
18 industry partners and features a project-based
19 approach to learning by applying coursework directly
20 to industry standards.

21 Charter School Division recommends a
22 five-year term of renewal, with conditions, to be
23 determined through an improvement plan for ACE
24 Leadership High School.

25 Data presented by the school indicated

1 continuing low proficiency scores in reading and
2 math. The school shows significant decline in
3 reading and math scores from 2013 and 2014.

4 However, the school has shown inconsistent marks on
5 their school grades, which has -- which has given a
6 three-year average of a C.

7 The governance and administration of the
8 school are stable, and the school is financially
9 sound, and the school has an active and positive
10 presence in the community.

11 Much like the last two schools who serve a
12 similar population, we have very low proficiency
13 rates at ACE. However, the school has
14 above-average -- or sorry -- when compared to the
15 State, has above-average growth amongst its lowest
16 performing students and its highest performing
17 students.

18 We've requested an improvement plan for
19 ACE, despite recommending a five-year renewal term.
20 You'll notice that we haven't done this with many
21 schools. The reason we've asked for an improvement
22 plan for ACE and to increase our monitoring at ACE
23 is that the school has shown a lack of commitment
24 towards certain types of data elements.

25 The school can benefit greatly from the

1 performance contract, if the PEC and the school
2 agree to ambitious and feasible goals for the
3 school, with data elements that point the school in
4 the right direction to raise those proficiency
5 rates.

6 ACE must track these with fidelity.
7 Should the school not do this, the report card will
8 be the only element that tells their story. And
9 given recent trends, we're not sure that that's the
10 story ACE wants to be told -- wants to be shared
11 with the community.

12 Should the school be renewed, attention to
13 their framework goals will be integral to their
14 success. There are no reservations about the
15 five-year-recommendation; however, we feel like the
16 conditions that we'd like to place on the school can
17 help us collaborate to make sure the school is
18 moving in the right direction.

19 The two proposed conditions that we -- we
20 are proposing for the school are completion of an
21 improvement plan specific to the school and the
22 goals that it would like to achieve, pursuant to a
23 contract negotiation with the PEC, and two annual
24 monitoring visits by CSD.

25 I'll just note, as well, that our last

1 site visit with -- with the school was a good one.
2 I think we have a good foundation for a
3 collaborative relationship, and so we're looking
4 forward to working with ACE.

5 THE CHAIR: Thank you, Mr. Pahl.

6 COMMISSIONER CARR: May I ask Matt a quick
7 question?

8 THE CHAIR: Sure.

9 COMMISSIONER CARR: It was -- sorry. In
10 the paperwork, you had three conditions. You had
11 a -- you had two to three years instead of five; so
12 you're taking that away?

13 MR. PAHL: If you'll look there, that's
14 standard kind of formatting there.

15 COMMISSIONER CARR: Oh, okay.

16 MR. PAHL: But our conditions are showing
17 up in the section next to the "X" there. So it
18 looks as if -- right there.

19 COMMISSIONER CARR: All right.

20 MR. PAHL: So rest assured, we are not
21 recommending a shorter term for the school. But the
22 other two conditions apply in this case.

23 COMMISSIONER CARR: Thank you.

24 THE CHAIR: Before we ask you to identify
25 yourselves and get started, I see you have quite a

1 number of young people here with you today, and we'd
2 like to welcome them. But I'd like to make
3 everybody aware of the schedule that we are on.

4 The school has five minutes to present.
5 The audience has five minutes to present. So if you
6 have students who would like to speak to this
7 Commission today, I would ask that those students
8 come up with a representative or two to share that
9 five minutes, because at the end of five minutes, we
10 do have to cut it off and move on with the rest of
11 the agenda; so just a heads-up on that.

12 And, again, good morning. If you all
13 would introduce yourselves, please, and then five
14 minutes for your presentation.

15 MS. STEPHENS-SHAUGER: Good morning,
16 Madam Chair, Commissioners. My name is Tori
17 Stephens-Shauger.

18 MS. MORA: Good morning, members of the
19 Commission. My name is Vicki Mora. I'm CEO of
20 Associated General Contractors of New Mexico. We're
21 the sponsoring industry group for the charter
22 school.

23 MR. IVEY-SOTO: Good morning, Madam Chair,
24 members of the Commission. My name is Daniel
25 Ivey-Soto. I'm general counsel to the school.

1 MS. STEPHENS-SHAUGER: So as I mentioned,
2 my name is Tori Stephens-Shauger, and I'm the
3 executive director and principal of ACE Leadership
4 High School. "ACE," of course, stands for
5 Architecture, Construction, and Engineering.

6 I'm pleased to be in front of you today
7 and share the successes and next steps for ACE
8 Leadership High School. We are a well-organized and
9 fiscally responsible school that is about to move
10 into a newly-built building, specifically designed
11 for ACE Leadership High School students.

12 We are proud that each year our graduation
13 rate has been significantly better than, or equal
14 to, the State's average. Since ACE opened,
15 150 students have entered their high school -- have
16 earned their high school diploma and have
17 transitioned to either an apprenticeship program,
18 two- or four-year college program, or directly to
19 work.

20 Most of those graduates have already
21 dropped out of other high schools prior to coming to
22 ACE. Our graduates transitioned with a plan and
23 continued support as ACE alumni.

24 Each year, our students in both Q1 and Q3
25 have grown more than the State average, according to

1 the SBA. And we look forward to continuing to help
2 our students improve their academic skills as they
3 work towards graduation.

4 ACE has collaborated with the Associated
5 General Contractors of New Mexico and CNM to create
6 the first pre-apprenticeship, dual-credit course in
7 the state. The AGC endowed chair at the UNM School
8 of Engineering has worked with ACE very closely to
9 support the success of dual-credit students and
10 pre-engineering courses.

11 ACE students have gone to China with UNM
12 School of Architecture students on the team for
13 Solar Decathlon competitions. ACE graduates are not
14 only building a reputation of having sound academic
15 skills, but the leadership skills to allow them to
16 excel in the industry.

17 COMMISSIONER GANT: Three minutes.

18 MS. STEPHENS-SHAUGER: Our unprecedented
19 partnerships with the industry have allowed us to
20 build a relevant, cutting-edge high school preparing
21 leaders of the future. The next steps for ACE will
22 be to continue to build math, reading, and writing
23 skills of our students, bolster our transition
24 planning and experiences to ensure our students have
25 both the cognitive and noncognitive skills necessary

1 to be successful in their plan, and build our alumni
2 network and build longitudinal data on the success
3 of our graduates.

4 I ask that you renew the charter of the
5 ACE Leadership High School for another five years,
6 and look forward to contract negotiations in the
7 spring to address continued support of student
8 growth.

9 Thank you.

10 COMMISSIONER GANT: Two minutes.

11 MS. MORA: Madam Chair, members of the
12 Commission, what I would like to attest to is the
13 commitment of the sponsoring organization and the
14 uniqueness of its deliberate allocation of resources
15 and alignment of its future leaders with faculty to
16 perform an unprecedented collaboration between
17 business, industry, and the education of the
18 students and their career preparedness.

19 As a result, we have future leaders
20 identified through strategic processes of our
21 employer companies who are working with our unsung
22 heroes at ACE, which are our faculty. Those
23 collaborate together on developing resume building,
24 along with the requirements of standard education
25 and what is expected through public education.

1 As a result, we have caught the attention
2 of national AGC chapters throughout the country
3 including Louisiana and Colorado, who are looking at
4 our model and at replication in their respective
5 states.

6 We've had national visits from our
7 national officers of our trade association. And in
8 2013, we were much honored that, in conjunction with
9 the --

10 COMMISSIONER GANT: One minute.

11 MS. MORA: -- national recognition of
12 apprenticeship by the U. S. Department of Labor, we
13 were visited by U. S. Department of Labor Secretary,
14 Hilda Solis, and our students interviewed.

15 I ask that you favorably approve of this
16 unique collaboration and career-preparedness
17 program.

18 THE CHAIR: Thank you very much for that.

19 Do we have anyone from the audience who
20 would care to speak?

21 Good morning. Let me just ask you, are
22 you the only --

23 SPEAKER: Does anyone else want to
24 speak?

25 MS. STEPHENS-SHAUGER: We have one other.

1 THE CHAIR: Okay. Let that person come on
2 down; would you please?

3 All right. And I will ask
4 Commissioner Gant to let each -- to let you know
5 when your two-and-a-half minutes is up, okay?

6 Please introduce yourself and go right
7 ahead.

8 MR. CALDERON: Hello. Madam Chair, and
9 Commissioners. My name is Nathaniel Calderon. I'm
10 a junior at ACE Leadership High School.

11 THE CHAIR: Go ahead with your
12 presentation.

13 MR. CALDERON: Oh. Like I said, I'm a
14 junior at ACE Leadership. I started right out of
15 middle school. When I was in middle school, I was
16 wasn't a model student; I didn't get good grades; I
17 was mostly Ds and Cs. But coming to ACE, I jumped
18 from Ds and Cs to all As. I had all As on my report
19 card last year, on my final report card.

20 I was a captain of the ACE Leadership
21 football team this year, and I was a member, my
22 sophomore and my junior year, varsity. I'm also
23 part of the Toastmasters Club for our ACE
24 Leadership. We're doing an elevator speech in a
25 couple of weeks -- or in a couple of months -- to

1 help sponsor our group; so support for our --
2 support for our group. And I also -- getting into
3 our Capstone program.

4 COMMISSIONER GANT: Four minutes.

5 MR. CALDERON: I'm also getting into the
6 Capstone program, which is the final year for our
7 students; so I'll be graduating a year early.

8 I also had a job interview and an
9 internship interview with Jaynes Corporation, with
10 Chad Jaynes. I wrote him an e-mail my freshman
11 year, and he offered to take me -- hire me after
12 high school, because of the great things that I have
13 been doing at ACE and the example I've set for
14 myself and the reputation I've built.

15 And all the teachers there have vouched
16 for me, and they're -- I have built myself up from
17 not being able to do -- go to school and do work, to
18 being able to get out of high school a year early
19 and have a job already lined up, and being able to
20 pay for my college by myself and not having to rely
21 on my parents to do it for me.

22 COMMISSIONER GANT: Three minutes.

23 MR. CALDERON: I also -- I'm also -- after
24 high school, I'm enlisting in the Marines. I'm
25 going to go the Marines. I will go to basic after I

1 graduate, and then I'll do my year tour -- or --
2 yeah, my first tour on a -- after I graduate basic.
3 And after basic, they'll send me to college. And
4 then after college, I can apply for officer's
5 promotion. And if they grant me officer status,
6 I'll go to OSC in Quantico, and I'll come out ranked
7 a second lieutenant. And then I'll serve my 20
8 years with the Marines, and then I'll retire when
9 I'm 40, full benefits and honors.

10 THE CHAIR: That's a wonderful plan.

11 MR. CALDERON: I'm done.

12 THE CHAIR: Thank you very much. Not many
13 of us have our lives planned out that well.

14 MS. STEPHENS-SHAUGER: That's transition
15 planning.

16 MR. CHAVEZ: That's certainly a better
17 plan than I ever had. My name is Victor Chavez.
18 I'm the president of the foundation board for ACE
19 High School, and I just want to share a couple of
20 quick stories.

21 You know, there's a lot of numbers and
22 grades and stuff. But on the personal level, five
23 years ago I met a young man there -- a young boy
24 there -- who was taught to shake hands. And he
25 wouldn't look you in the eye. It was clear he

1 didn't want to be there. He had already dropped out
2 of public school.

3 And last year, I saw a young man who was
4 ahead of the Design Review Committee, who was going
5 over the plans for the new school that we're about
6 to finish up. He had become a young man and was
7 very confident of himself. And that whole change
8 took place because of going to ACE High School.

9 And there's another recent graduate from
10 ACE, a kid who had also dropped out of school, who
11 didn't have plans or a future. He's now been hired
12 by a local construction firm who has guaranteed him
13 his college education, as long as he continues
14 working through them at the time he's going to
15 school.

16 Those are the results you're getting out
17 of ACE. These are kids that otherwise would have
18 been on the streets, would have been somewhere else.
19 Instead, they're becoming productive, qualified
20 young men.

21 So thank you for the support. We look
22 forward to another five years.

23 THE CHAIR: Thank you both very much.
24 Appreciate it.

25 Commissioners, do you have questions or

1 comments?

2 Commissioner Carr?

3 COMMISSIONER CARR: I just want to give
4 some advice to that young man who spoke about going
5 into the Marines. Really, the Marines have their
6 own vocabulary. You go to "boot camp," not "basic."
7 You're not a "soldier"; you're a "Marine."

8 I'm not -- I was never a Marine; but I
9 know those things. And they're very particular
10 about it. You -- and once a Marine, always a
11 Marine, and all those things. I know a lot of
12 people -- I have a lot of friends who are Marines.

13 I tend -- I'm kind of -- I don't know how
14 the rest of you guys go. I tend to -- I'm kind of
15 leaning toward three years instead of five, based on
16 the -- but, you know, I'll go either way with that.
17 I just wanted to throw that out.

18 Other than that, you know, I don't -- you
19 know, I -- you know, I've got -- you know, I know
20 the grades are an issue. There's some issues
21 involved. I -- I have no doubt that you all will be
22 able to work them out.

23 But I just wanted to throw that out there.
24 And, you know, I'll wait to hear from everybody
25 else.

1 THE CHAIR: Thank you.

2 Commissioner Toulouse?

3 COMMISSIONER TOULOUSE: Madam Chair, this
4 is one of the schools that's in my district. They
5 invited me to visit; so I have been there to visit
6 them. And I'm looking forward to their new
7 facilities.

8 But I just want to say that what I saw
9 while I was there -- I was watching the students
10 working in groups and talked to several of them, as
11 well as the instructors, the administration,
12 whatever. And I was very impressed of what those
13 students could tell me that they were doing and
14 learning, that they could verbalize to me what the
15 process was and what they were doing.

16 You know, not being the kind of educator
17 most of the people out here are, I'm not going to
18 put it into educational terms.

19 But as somebody who spent my life in, you
20 know, public employment kinds of things, I was
21 impressed with -- I wasn't directed to any students.
22 There was one sitting next to me doing something. I
23 talked to him, you know. I was starting out of the
24 building, saw another one, talked to him. Nobody
25 was headed to me; each one talked to me and could

1 explain what they were learning and how they were
2 learning in the particular project group they were
3 working with.

4 So learning is very clearly going on
5 there. And I have no problem with five years. I
6 think their new facilities is going to add quite a
7 bit on where they can go with some of this
8 instruction, too.

9 Thank you.

10 THE CHAIR: Thank you.

11 Anyone else?

12 Commissioner Gant?

13 COMMISSIONER GANT: These are going to be
14 comments, and you can respond if you care to,
15 Madam Chair, members. But looking at your specific
16 goals and how many you didn't meet, whether they're
17 academic or organizational, concerns me. The lack
18 of data concerns me, for a school that I believe
19 has -- should have a basis -- a hard basis of data
20 collection and understanding of data and how to use
21 data. From what I see in reports from the CSD,
22 et cetera, I don't understand the lack of data.
23 That just concerns me.

24 And I kind of agree -- I -- yes, I guess,
25 with Commissioner Carr, that this needs to be a

1 three-year, with a very specific improvement plan
2 and at least two-a-year's visits from CSD, or more.
3 I mean, you got a good idea, an outstanding -- I
4 appreciate it; I really do. But you've got to show
5 the data these students know how to read, write, and
6 chew gum at the same time.

7 And, you know, I'm not seeing that. I
8 look at your report card. You know, that's what we
9 have to go by.

10 THE CHAIR: Thank you.

11 Commissioner Parker?

12 COMMISSIONER PARKER: Thank you,
13 Commissioners. It's probably not a surprise to most
14 of you, but I'm particularly fond of the idea of the
15 school that you guys are doing, in terms of who your
16 target audience is, as well as the exposure to the
17 design and construction industries. I think what a
18 lot of people don't realize is that in the design
19 world, you are exposed to a great deal, and you gain
20 a holistic view of what's out there, not just
21 specific elements of -- that some careers have.

22 But just to echo what Commissioner Gant
23 had said is that some of these things, like six of
24 the seven goals not being met -- don't set yourself
25 up for failure. Take care of those situations,

1 because the good that you're doing could be
2 overshadowed by this other stuff. And I would hate
3 to see that happen.

4 MR. IVEY-SOTO: And if I may?

5 THE CHAIR: Please.

6 MR. IVEY-SOTO: And thank you very much.
7 You're absolutely right about that. The -- you
8 know, one of the things that we really appreciate
9 about the dialogue that we had with -- with
10 Mr. Pahl, as we've gone through this process, has
11 been how do we -- our school has a narrative in
12 terms of who we -- who we serve and in terms of what
13 they do at that school, and, really, the incredible
14 life-changing opportunities that are -- that are
15 there and that we see manifest themselves.

16 And part of what Mr. Pahl has been -- has
17 recommended within those conditions has been for us
18 to find ways where we can more effectively express
19 that what is happening at the school matches the
20 narrative and what people see when they come to the
21 school.

22 So you're right on target. And it is
23 something we need to do a better job of. And it's
24 something that I think CSD understands, as well, and
25 that we're working together to make sure that we can

1 do that.

2 THE CHAIR: Thank you.

3 If I might just pick up on that same
4 issue, there were something like eleven -- ten or
5 eleven goals; one was met. That is very troubling;
6 it really is.

7 The other thing that's really troubling to
8 me is in Part C of your application, where you're
9 asked for -- looking forward, for your
10 mission-specific indicators and goals. And it was
11 very specific. It asked for those to be in SMART
12 format, which is very, very comprehensive. You have
13 a time line; you have a matrix for evaluation and
14 all of that. And instead of that, we got your
15 school's strategic plan.

16 It's hard for me to think, in a document
17 that's this important, that you didn't provide what
18 was asked for.

19 Could I get a response to that?

20 MS. STEPHENS-SHAUGER: Thank you,
21 Madam Chair. I did provide the information that was
22 requested in the S.M.A.R.T. goal, if you look at all
23 of the pieces, what the S, the M, the A, the R, and
24 the T stand for. What I didn't provide them is I
25 didn't provide them in the example that -- in the

1 format that the example had in the -- in the
2 application.

3 The reason why I didn't do that is because
4 I know -- I know that we were going to be
5 negotiating them, and that there would be extensive
6 conversation around that. So I provided all of the
7 work that -- that, at the board level, we were going
8 to be focused on. And that did have a time frame;
9 it did have measurements set of what we wanted and
10 expected; and it did have areas focused on. It just
11 wasn't in the same format.

12 After meeting with -- after -- after
13 meeting with the site visit, we -- we -- I sent --
14 about a week after the site visit, I did send the
15 goals in the exact format that was in the -- in the
16 application. And evidently, it was still not
17 including all the information, according to the CSD
18 analysis.

19 So I look forward to actually sitting down
20 with you all and writing the goals in a way that you
21 want me to write them, because the -- kind of me
22 copying what's in the document is not -- is not
23 necessarily any more effective than what I provided
24 beforehand.

25 So I look forward to -- I look forward to

1 our negotiations.

2 I also wanted to respond to the lack of
3 data. I don't think that there's lack of data for
4 our goals. I think initially, when we wrote our
5 goals, we thought there would be data available to
6 us in a certain way. And then as we began
7 collecting data -- and I expressed this in the
8 renewal application -- when we began collecting
9 data, it wasn't able to be collected in that format.
10 So instead of, like, two grade levels, the data we
11 collected was labeled "proficiency," "nearing
12 proficiency" and so on.

13 So because it wasn't in the exact same
14 format that those goals called for; therefore, the
15 Charter School Division had to say we didn't meet,
16 or we didn't provide data for, those goals.

17 But I do feel like there's a lot of data
18 that we did provide, especially the research data
19 that we did with the University of New Mexico and
20 that's ongoing and that's reviewed nationally. I
21 also -- that shows that our students are reaching
22 proficiency when evaluated using a performance
23 assessment tool.

24 So I think -- I think there is data there.
25 Was it in the exact format of the goals that were

1 written in 2009? No, it wasn't.

2 THE CHAIR: Since you've talked about
3 that, let me just say -- and I -- I said this to the
4 school that was here earlier, and I will say it to
5 you all. I understand that you all work with a
6 unique population, that you're doing some really
7 outstanding work and providing job skills and the
8 means for students to be successful.

9 But when I look at these proficiency
10 scores in reading and math, again, I really -- I
11 can't think of another word to use other than
12 "illiterate." When you have 2 percent of your
13 population that's proficient in math, 5.1 that's
14 proficient in reading -- I understand that probably
15 your students are more interested in jobs than they
16 are in reading Shakespeare. Quite frankly, I was,
17 too.

18 But you've got to be able to fill out a
19 job application. You've got to be able to speak
20 during the interview coherently. You've got to be
21 able to do the math that the job requires.

22 And I just -- I feel that with a renewed
23 effort on your school's part, with probably some
24 different types of presentation -- whatever it
25 takes -- those scores need to be brought up so that

1 your score -- your students truly, truly, truly, are
2 prepared for the world that's out there; because it
3 expects people who can function in reading and math
4 and so forth.

5 And I understand you have other data and
6 other ways of looking at things. This is the data
7 that we have; this is what we have to work with. So
8 I encourage you to continue working, bring these
9 scores up. We need to see better scores.

10 I also -- I cannot remember when we
11 approved this new facility, Mr. Pahl, or
12 Mr. Ivey-Soto. Does anyone remember when the PEC
13 approved the new facility for ACE?

14 MR. IVEY-SOTO: Yes, ma'am. Actually,
15 this school came and made a presentation about a
16 year and a half ago to the PEC and discussed kind of
17 where it was headed and what was going on, and then
18 came back to the PEC. And that was about eight
19 months ago?

20 MS. STEPHENS-SHAUGER: Uh-huh. And our
21 approved charter also indicated that we would be in
22 a temporary -- the approved charter from 2009 also
23 indicated that we would be moving from a temporary
24 home, also.

25 MR. IVEY-SOTO: Yes. And so --

1 MS. STEPHENS-SHAUGER: So it's been in
2 several places.

3 MR. IVEY-SOTO: But the location was
4 approved. Commissioner -- in fact, we had a nice
5 dialogue with Commissioner Gant in terms of -- in
6 terms of where we were in terms of our target
7 population when that was approved.

8 And we also reviewed -- we have the specs
9 with us and reviewed all of that here with the
10 Commission in terms of how it matches the learning
11 modalities for ACE Leadership High School.

12 THE CHAIR: Okay. I appreciate that. My
13 memory is not as good as it used to be.

14 But I do also recall that I received an
15 invitation to the grand opening of your building.
16 Then I received another notification that it was
17 going to be in January or later, after the first of
18 the year, and that the students would spend the next
19 two weeks touring New Mexico, or touring around
20 discovering what it was like to be New Mexican.

21 Does that mean they're not in class?

22 MS. STEPHENS-SHAUGER: Being a
23 project-based learning school, we don't have
24 classes; we have projects. And so all of our -- all
25 of our learning is done through a particular project

1 that is driven by design or build, or both.

2 So the last two weeks -- or this week and
3 next week -- the students have started a project
4 called "New Mexico Are Us." And it is a project
5 focused on English language arts and social studies,
6 either New Mexico history or U.S. history, depending
7 on what level the student -- of history the student
8 wants to focus on.

9 So as they go through each site -- like
10 place-based learning. As they go through each site,
11 they have certain characteristics at that site that
12 they need to analyze and look at to help them tell
13 the story of New Mexico within New Mexico's own
14 history, or tell a story of New Mexico within the
15 United States history, based on what they're seeing,
16 through design and construction practices around the
17 state.

18 THE CHAIR: So I was drawing an incorrect
19 conclusion that perhaps your building was not --
20 your current building was not available to you, or
21 something like that?

22 MR. IVEY-SOTO: One of the important
23 things about being a school that deals with
24 construction is understanding construction projects
25 and trying to get them finalized.

1 So the school is available to us. We
2 have -- but the issue is that we have not received
3 the final E-Occupancy for it. We do have -- we do
4 have the rating from PSFA. All of that is -- all of
5 that is fine. And so -- but as a result of that,
6 that's why -- that's why we are doing the
7 place-based learning until we have that finalized
8 E-Occupancy.

9 THE CHAIR: Thank you. Thank you for
10 that.

11 My last comment is I support the other
12 Commissioners and comments that were made of a
13 three-year renewal.

14 So who else?

15 Commissioner Bergman?

16 COMMISSIONER BERGMAN: Thank you. I want
17 to address the goals issue. I'm not going to beat
18 you up on that. But there's a reason why we had a
19 sample goal in there, and there's a reason why it's
20 in our template, the application template, because
21 there's a process. You're not the first school that
22 said, "Well, we'll negotiate the goal with you down
23 the road."

24 But, see, today I'm being asked to vote on
25 your application without seeing that specific goal.

1 That's why we prefer to have a specific goal in
2 front of us. It helps comfort me that when I say
3 "yes" to your application, that you have an -- I
4 know you have an understanding of the goal. But
5 that's why we ask schools to put that in our format.

6 There's a reason for it. I was probably
7 the one that insisted that it be put in there like
8 that, because I'm a goals person.

9 So I just wanted to say I understand your
10 rationale and your explanation; but that's my
11 rationale and explanation. I have to vote before we
12 get to the negotiation. There's a step on it. So
13 that's all we really ask the schools to do. That's
14 our rationale.

15 Would you like to respond? I know you may
16 want to.

17 MS. STEPHENS-SHAUGER: No.

18 COMMISSIONER BERGMAN: And, Senator, I saw
19 your frustration with the mic. You might put
20 something in the next appropriation to give PED a
21 little extra money for a new sound system in here.

22 Thank you, Madam Chair.

23 THE CHAIR: Thank you, Commissioner.

24 Commissioner Peralta?

25 COMMISSIONER PERALTA: Yes. I just want

1 to speak to -- I know, you know, there were some
2 things -- a lot of things noted in the CSD summary,
3 and there's a lot of those items that have been
4 shared by fellow Commissioners. And, of course,
5 there's a lot of work that needs to be done by the
6 school in terms of data and reporting and so forth.

7 So what I do want to say is I am inclined
8 to support a three-year term, as opposed to the
9 five-year. And the reason is because I think we
10 need to stay consistent with -- with the length of
11 terms that we're awarding as a Commission. Because
12 noted in previous schools that had conditions, the
13 conditions are pretty much all similar and the same.
14 And I think if the school has conditions that need
15 to be met, that maybe we are consistent in saying
16 that they deserve a three-year, as opposed to
17 some -- or a five. Some deserve three.

18 And I think we kind of get into some areas
19 of dispute there and what have you. So I just want
20 to make a note that we should be thinking about
21 consistent when there's conditions that need to be
22 met, that we strongly consider three-year length of
23 terms. Thank you.

24 COMMISSIONER TOULOUSE: Madam Chair?

25 THE CHAIR: Commissioner Toulouse?

1 COMMISSIONER TOULOUSE: I'd like to
2 correct your statement that you were in agreement
3 with the other Commissioners on the three-year,
4 because I stated I would like a five-year.

5 THE CHAIR: Some of the Commissioners.

6 COMMISSIONER TOULOUSE: Thank you. I will
7 vote with the three, if that's what people are
8 doing. I want to make sure the record is clear. My
9 attempt is I could go with the five, with these
10 conditions. So thank you.

11 THE CHAIR: Thank you.

12 MR. IVEY-SOTO: And, Madam Chair, I would
13 just simply remind the Commission that yesterday,
14 you did approve a five-year renewal with conditions.

15 THE CHAIR: Thank you. Any other
16 comments?

17 Commissioner Bergman?

18 COMMISSIONER BERGMAN: Well, I think you
19 heard my comments to the previous school, about the
20 improvement plan. We would -- that will be one of
21 the conditions, I'm sure. Whoever makes the motion,
22 we would want a very -- a couple of pages, just very
23 specific, an initial plan by our next meeting, so we
24 understand that in January, you would submit it to
25 the CSD. And then you would work on a more

1 comprehensive improvement plan that you would then
2 bring to that contract negotiation, performance
3 contract, whenever it occurs in the spring.

4 They're all going to be in the spring
5 sometime. So I assume the other Commissioners would
6 concur; there is some consistency with what we've
7 asked from the other school. That's our thinking,
8 anyway. I wanted to share that.

9 THE CHAIR: Thank you.

10 MR. IVEY-SOTO: And, Madam Chair -- and I
11 know you're looking for a motion and would like to
12 get there at the appropriate time. And I would
13 also -- it's important, as you talk about
14 improvement plans, and as you're looking at the data
15 on this school, it's important to remember, in terms
16 of the population that the school serves, that most
17 of our students, if they were not at ACE, they would
18 not be in school. And that -- and that to the
19 extent that there may be some frustration with where
20 the scores are with some of the students, recognize
21 that there would be no score for those students at
22 all if they were not at ACE. Thank you.

23 THE CHAIR: Thank you. And just a partial
24 response: We've dealt with several schools that
25 have these unique populations, and we certainly

1 appreciate the work that these schools do. However,
2 we understand the data that we have to work with and
3 that the final analysis and the final job of a
4 school is to prepare students in many areas for the
5 world that they face.

6 And so the data that we have here tells us
7 that this job, I think, could be better in the area
8 of the academics. I think the school probably is
9 doing really well in the vocational area. I call it
10 "vocational." But the academics have got to flow,
11 as well. They're very important. And that's what
12 we're asking for improvement in.

13 Commissioner Toulouse?

14 COMMISSIONER TOULOUSE: Madam Chair,
15 though, I think it is important to look at their
16 improvement rates of their students; because when
17 you -- any of these schools are taking people at
18 such a low level that, yes, the overall score isn't
19 going to be high. Not as a Commissioner, but as me
20 as a person, I'm sick to death of data and not
21 people. There's people out here. I'm much more
22 interested in what's in each of those heads than
23 what data is on the paper.

24 I understand, as a Commissioner, I have to
25 look at the data. But I think that at least when

1 we're doing discussions, we need to take into
2 account what's been put into each of those heads out
3 there; and they're here, as opposed to somewhere
4 else. So I'm just saying -- this is just me
5 expressing some frustration, because we've had
6 several of these schools in a row -- that when
7 you're starting with somebody who's virtually
8 illiterate, and you're bringing them up through
9 time, you're not going to get them to a grade level
10 until maybe you graduate them, if you get them there
11 then. But at least they can read, and they can fill
12 out applications.

13 I can't do some applications anymore
14 because my vision is bad, and I get little teeny
15 print. But that doesn't mean I'm not educated. You
16 know, that's just an example of what I'm looking at.
17 So I will go with the group; but I think this group
18 is doing a great job with what they're doing,
19 because at least they're turning out people with
20 skills.

21 THE CHAIR: Thank you very much. Thank
22 you.

23 Other comments? Other comments?

24 Hearing no further comments, the Chair
25 would entertain a motion.

1 COMMISSIONER GANT: Madam Chair?

2 THE CHAIR: All right. Commissioner Gant?

3 COMMISSIONER GANT: Madam Chair, I,
4 Commissioner Eugene Gant, move the PEC approve, with
5 conditions, the renewal of the charter school
6 application for ACE Leadership High School of
7 Albuquerque, pursuant to the Charter School Act,
8 Section 22-8B-6 and Section 22-8B-12. The charter
9 is renewed for approval with the following
10 conditions:

11 A shortened contract term of three years;
12 Completion of an improvement plan specific
13 to the school;

14 And at least two annual monitoring visits
15 by Charter School Division.

16 THE CHAIR: Do I hear a second?

17 COMMISSIONER PERALTA: Second.

18 COMMISSIONER CARR: Second.

19 THE CHAIR: I'm sorry. I heard
20 Commissioner Carr.

21 COMMISSIONER CARR: We both said it at the
22 same time.

23 THE CHAIR: And Commissioner Peralta.
24 Motion by Commissioner Gant, seconded by
25 Commissioners Carr and Peralta, to approve the

1 renewal application of ACE Leadership High School,
2 with conditions and term as noted in the official
3 record.

4 Is there additional discussion?
5 Commissioner Parker?

6 COMMISSIONER PARKER: Madam Chair,
7 Commissioners, I would just like you guys to look at
8 this as an opportunity to resolve some of the
9 overshadowing that I was talking about, because,
10 like they said, you're doing some good stuff.

11 THE CHAIR: Thank you very much.
12 Commissioner Carr?

13 COMMISSIONER CARR: I would also like to
14 add, yes, if I was only looking at the data, I might
15 not renew your contract at all. But, you know, I --
16 looking at the whole thing, you know -- and that's
17 the way I always do -- I don't expect, in three
18 years, we're going to be turning you down. I expect
19 I'm going to see a huge improvement. And that's
20 what I expect; because I know you've got a lot of
21 good things going on.

22 THE CHAIR: Commissioner Bergman?

23 COMMISSIONER BERGMAN: And I'll second
24 that kind of thinking, also. I have told schools
25 when I have sat down and negotiated their

1 performance contracts that it would be a mistake for
2 any school to put all their eggs in a grade report
3 basket. You need to have other things that this
4 Commission can evaluate you over in the future.

5 So, yeah, we -- the grade report, at least
6 speaking for myself, personally, I look way beyond
7 the grade report when I make a decision "yay" or
8 "nay." So it is important that schools understand
9 that. You want to have multiple bases for your next
10 renewal.

11 Thank you, Madam Chair.

12 THE CHAIR: Thank you. Other comments?

13 Hearing no others, Commissioner Bergman,
14 may we have a roll-call vote?

15 COMMISSIONER BERGMAN: Commissioner
16 Toulouse?

17 COMMISSIONER TOULOUSE: Yes, but I'd
18 rather be voting for five.

19 COMMISSIONER BERGMAN: I can't write that
20 on this little tiny box.

21 COMMISSIONER TOULOUSE: No; but it will be
22 in the record, Mr. Secretary.

23 COMMISSIONER BERGMAN: Commissioner
24 Parker?

25 COMMISSIONER PARKER: Yes.

1 COMMISSIONER BERGMAN: Commissioner
2 Peralta?
3 COMMISSIONER PERALTA: Yes.
4 COMMISSIONER BERGMAN: Commissioner Carr?
5 COMMISSIONER CARR: Yes.
6 COMMISSIONER BERGMAN: Commissioner Gant?
7 COMMISSIONER GANT: Yes.
8 COMMISSIONER BERGMAN: Commissioner
9 Shearman?
10 THE CHAIR: Yes.
11 COMMISSIONER BERGMAN: Commissioner
12 Bergman votes "yes."
13 Commissioner Pogna? I'm sorry.
14 COMMISSIONER POGNA: Yes.
15 COMMISSIONER BERGMAN: I missed you.
16 COMMISSIONER POGNA: That's all right.
17 COMMISSIONER BERGMAN: Madam Chair, that
18 is an 8-to-0 vote in favor of the approval of this
19 application.
20 THE CHAIR: Thank you. The application of
21 ACE Leadership High School is renewed for a period
22 of three years, with conditions as noted in the
23 record.
24 Thank you all very much. Congratulations.
25 Mr. Pahl, do you have a comment?

1 MR. PAHL: Yeah. Madam Chair, members of
2 the Commission, we've passed, as a condition of
3 approval, improvement plans for several schools.
4 And I'll throw out as a recommendation that instead
5 of asking for an improvement plan for next month,
6 that we ask improvement plans a month after their
7 negotiation has taken place. Ideally, these
8 improvement plans should be directly aligned with
9 the goals that have been established for a school.

10 And I feel that, as we go through the
11 process -- and we have a lot of them over this --
12 over this spring -- that an improvement plan may be
13 more appropriate on a rolling basis, as they
14 complete their improvement plans. I just submit
15 that for your consideration as we move forward with
16 the schools that we have approved, with the
17 condition of having an improvement plan, and also
18 any in the future.

19 THE CHAIR: May I respond, and then any
20 others who wish to?

21 First of all, I -- we've told several
22 schools it's due in January. I know that can be
23 changed; but frankly, I would prefer to have a
24 preliminary improvement plan in January --

25 MR. PAHL: Okay.

1 THE CHAIR: -- than to ask for -- when you
2 think about when a final improvement plan is due.
3 But some of these negotiations are several months in
4 the future. That's an awfully long time for a
5 school to know exactly what they're going to need to
6 do to improve.

7 So -- I don't know.

8 Commissioner Bergman, do you have a
9 thought?

10 COMMISSIONER BERGMAN: Yeah, I agree --
11 Mr. Pahl has made a valid point. But that's why
12 I've called it a two-stage thing. The first one is
13 just an initial -- give us an idea of what you're
14 thinking. So that's one, to get them on the road to
15 doing that improvement plan, just to give them some
16 kind of a deadline. That's my thing.

17 It's just an initial -- that's why I said
18 real short; we don't need a dissertation on it. We
19 just want them to show us that we -- that, one, that
20 they're identifying the problems that we're trying
21 to identify; and, two, that they at least, up here,
22 have some initial idea of how they're going to
23 address that.

24 And yes, as I've said that, then in the
25 negotiation, we'll work on that much more extensive

1 improvement plan, and that will then become a part
2 of their performance. That just was my thinking,
3 just myself.

4 THE CHAIR: Thank you. So we'll consider
5 that suggestion. If -- whenever you're ready on
6 this school, please?

7 MR. PAHL: Thank you, Madam Chair.

8 Madam Chair, members of the Commission,
9 Albuquerque Institute of Math and Science was
10 chartered by the State in 2009. The first year of
11 operation commenced in July of 2010. The school's
12 mission is -- is to prepare and provide an
13 extraordinary education to students in the
14 Albuquerque metropolitan area who are interested in
15 pursuing careers requiring advanced math, science,
16 and technology skills.

17 This is a STEM-based, dual credit,
18 secondary school with a strong connection to the
19 University of New Mexico community.

20 The Charter Division recommends a
21 five-year renewal term for -- sorry -- they are
22 colloquially called "AIMS," Albuquerque Institute of
23 Math and Science.

24 The Charter School Division recommends a
25 five-year renewal term for AIMS due to the following

1 factors:

2 The school has no record of material
3 violations.

4 The school's three-year school grade
5 average is an A. It has also received national
6 accolades for its performance of its students.

7 Financial matters seem to be in good
8 order, and the school has not violated any provision
9 of the law.

10 The school has analyzed its progress and
11 shortcomings and proposed future goals for community
12 service and dual-credit involvement in S.M.A.R.T.
13 format to ensure continued growth for the next
14 charter term.

15 In my mind, the school's most encouraging
16 result over the last three years is its increase in
17 the performance of their lowest performing students.
18 AIMS is a very data-driven school. This would be
19 the blemish on an A report card for AIMS in the
20 past. And we've seen an improvement over the past
21 three years.

22 In the last three years, the performance
23 of the lowest performing students has progressed
24 from a letter grade of a D in 2012 to a letter grade
25 of a B in 2013 and 2014.

1 Furthermore, the school has outscored, or
2 equaled, their neighborhood high school, which would
3 be Albuquerque High School, in all areas of the 2014
4 final school grade. That represents that AIMS is a
5 good option for students who live in that community.

6 Furthermore, I'd just like to state that
7 there's a unique goal that AIMS is -- is -- has
8 written into their application around replication.
9 This is something we haven't done here in the state.
10 And I think it's commendable that AIMS wants to move
11 down this path.

12 Replication has a lot of connotations with
13 it. And I think sometimes we think, about schools,
14 that we want to have 20 schools throughout the
15 state, and via a big organization or some sort of
16 corporation.

17 I don't think that's what AIMS is about.
18 When we have an exceptional school in New Mexico,
19 we'd love to see two of those schools instead of
20 one; we'd love to serve 500 students instead of 250.

21 It's commendable that AIMS is going down
22 this road instead of applying for new charters.
23 Other schools have done that in the past, and
24 they've taken advantage of funding formula
25 inequities as a result of applying for separate

1 charters, rather than trying to renew under the same
2 charter.

3 There's been a lot of strife surrounding
4 this, and I think that the fact that the school has
5 submitted it as a goal is a -- is a turning point
6 for us, as a state. And I look forward to seeing
7 how -- what that proposed goal yields in the
8 negotiations. Thank you.

9 THE CHAIR: Thank you. Before we get to
10 the school, could I ask Mr. Pahl, that there's a
11 sentence in this -- the brief history of the
12 school's charter, which is on my Page 3, that I
13 would ask that it be corrected?

14 Mine says, "The Albuquerque Institute for
15 Mathematics and Science, a secondary school, was
16 chartered by the State in 2005."

17 First of all, the State doesn't charter
18 schools. They don't have the authority to do so.
19 The PEC is the State-chartering authority. But this
20 school was not chartered by the State, by the PEC,
21 in 2005. You are -- AIMS is currently an
22 Albuquerque Public School charter school, are you
23 not?

24 MR. IVEY-SOTO: No, ma'am. We were
25 originally an APS charter. This current charter is

1 with the PEC.

2 THE CHAIR: Okay. I had it just backwards
3 then.

4 But it's -- in 2005; I thought I heard you
5 say "2009."

6 MR. PAHL: That's correct. And the school
7 can correct me if I'm wrong. But in 2005, it began
8 as a charter within Albuquerque Public Schools, and
9 in 2009, transitioned to become a State-chartered
10 charter under the authorizer of the Public Education
11 Commission.

12 THE CHAIR: Okay. Can we just have that
13 sentence corrected, please?

14 MR. PAHL: Absolutely. Thank you.

15 THE CHAIR: It's not surprising at all
16 that I'd ask that, is it?

17 Good morning. Please introduce yourselves
18 for the record, and you have five minutes.

19 MS. SANDOVAL-SNIDER: Madam Chair, members
20 of the Commission, I'm Kathy Sandoval-Snider,
21 S-N-I-D-E-R. I am the director of the Albuquerque
22 Institute for Math and Science at UNM. I also have
23 with me three members of my board: Dr. Steve
24 Cabaniss, who is the president; Mr. Bob Walton,
25 who's vice president; and Dr. Kathryn Watkins, who

1 is our secretary.

2 Additionally, I have my assistant
3 principal, Bob Cordova, and my business manager,
4 Joleen Jaramillo. And I'll let -- and I have an
5 administrative intern who is here.

6 MR. IVEY-SOTO: Good morning, Madam Chair,
7 members of the Commission. My name is Daniel
8 Ivey-Soto. I am general counsel to AIMS Charter
9 School, and have been since -- since, I think, the
10 last seven years, working with the school.

11 I -- in terms of our presentation, let me
12 just say that as someone who has spent much of his
13 career in education prior to going to -- into other
14 areas, working with AIMS as a client in my law
15 practice has been more of a partnership than a --
16 than a -- than a traditional relationship, because
17 AIMS is -- is so driven in terms of excellence.

18 And, you know, there -- it is often said
19 that children -- children can hit whatever bar we
20 put -- we place in front of them, if we give them
21 the tools to get there. And I think AIMS is a great
22 example of where that can happen.

23 The biggest problem we have in terms of
24 telling the story of AIMS is that people don't
25 believe us when we tell them that we do a lottery of

1 any child who applies. They say it's not possible
2 for us to have the scores that we have under those
3 circumstances.

4 In fact, it is possible. And, in fact,
5 when Dr. Sandoval-Snider first took over the school
6 as principal, it was High-Tech High School, under
7 APS' chartering authority. And the school frankly
8 was in a bit of disarray.

9 Those students who were there at that
10 time, you can see the trajectory of their scores, as
11 well, of what happened.

12 Today, the Albuquerque Institute for
13 Mathematics and Science, if New Mexico were still
14 under No Child Left Behind, would be the only high
15 school in the state to have made Adequate Yearly
16 Progress last year, the only high school.

17 AIMS at UNM is, to my knowledge, the only
18 school where 100 percent of its graduating class,
19 for three years running, has gone on to four-year
20 colleges. We have a number of our students who
21 graduate with their associate's degree at the same
22 time they get their high school diploma.

23 The lottery scholarship had to make a
24 ruling a couple of years ago, as a result of AIMS,
25 that the lottery scholarship is a four-year

1 scholarship, and that that includes a master's
2 degree, if the student has progressed that far.

3 We are a National Blue Ribbon School.

4 COMMISSIONER GANT: Two-and-a-half
5 minutes.

6 MR. IVEY-SOTO: We are a National Blue
7 Ribbon School, so recognized by the U.S. Department
8 of Education. We are on the list of the Best High
9 Schools in America, by the U.S. News and World
10 Report. The Washington Post has rated us the 46th
11 best high school in America, public or private.

12 What we do at AIMS -- we're a small
13 school. We'd like to replicate and do the same
14 thing elsewhere.

15 COMMISSIONER GANT: Two minutes.

16 MR. IVEY-SOTO: Why are we interested in
17 doing this? Frankly, the easier road for us would
18 just be to sit in our little corner and keep doing
19 what we're doing. But we think we're onto something
20 at AIMS. We think there's something we are doing
21 that, just as the conversations you've been having
22 for the last day and a half with people about, "How
23 can you do something better" -- we think we're onto
24 something about how things can be done better.

25 And that takes study. And we are being

1 studied by the University of New Mexico. And it
2 also takes replication, to see if what we are is a
3 happy accident, or if, in fact, we've discovered
4 something.

5 Thank you very much.

6 COMMISSIONER GANT: You have a minute.

7 COMMISSIONER CARR: Don't give a
8 politician more time.

9 COMMISSIONER TOULOUSE: He's not here as a
10 politician. He's here as a "general counsel." So
11 please don't cross the line, sir.

12 COMMISSIONER CARR: I'm sorry.

13 MR. IVEY-SOTO: That's why I stopped
14 talking.

15 THE CHAIR: Do we have anyone in the
16 audience who cares to speak?

17 I see no one.

18 So let's go to Commissioners' comments or
19 questions.

20 Commissioner Toulouse?

21 COMMISSIONER TOULOUSE: Madam Chair, I
22 don't want to become adversarial; but, Mr. Pahl, I
23 think your remarks about replicating are not
24 something this Commission can do.

25 We need -- and this is where you need to

1 take off one hat and put on the other -- it needs to
2 be a legislative change. It can't be something we
3 can allow.

4 And there is a history behind why the
5 Charter School Act is the way it is; so that would
6 need to be changed and corrected. Because when they
7 started -- my understanding, from Representative
8 Miera -- is that there was a charter chain of
9 for-profits who were ready to move in from Arizona.
10 So the intent was to stop any chain of schools
11 coming in from the outside and being able to take
12 over school after school, with outside boards and
13 whatever. The law hasn't changed as much as we
14 would like it to.

15 So I have a problem of approving any goal
16 that would make me break the law in doing that,
17 rather than having the law changed to allow that to
18 happen.

19 I have no problem at all with the quality
20 of your education, your school. I know some
21 students who graduated from there; I don't have, at
22 all. But I, being a lawyer's daughter, among other
23 things, don't want to put us in a position to break
24 the law, which is what I think you were asking us to
25 do, and I think they're asking us to do.

1 MR. PAHL: Madam Chair, if I may respond
2 to that quickly?

3 THE CHAIR: Please do.

4 MR. PAHL: The Charter School Act does
5 provide for replication within it. You're right,
6 when it was written, it was safeguarding against
7 privatized companies; and there is language in there
8 that prohibits the private management of charter
9 schools. But there is language that provides for
10 replication in statute.

11 COMMISSIONER TOULOUSE: The intent was to
12 have local boards for each school; so that they were
13 community schools. I mean, again, I had several
14 extensive conversations with Representative Miera,
15 who was one of the major ones who started this --
16 and with Senator Lopez, also, who was on the House
17 side. And the intent was always -- and, again, I
18 have no problem if the law gets changed. I don't
19 want to be in a position to vote to do something
20 that's also in court right now.

21 MR. IVEY-SOTO: Madam Chair, if I may. A
22 couple of things: First of all, the goal that we
23 have of replication does not talk about location of
24 the replication.

25 COMMISSIONER TOULOUSE: I realize that,

1 sir.

2 MR. IVEY-SOTO: Please recognize that.

3 The second thing is that -- that it's --
4 you know, it's -- people oftentimes like to be
5 selective when they draw a line in the sand.
6 Representative Miera is also very involved with
7 Gordon Bernell Charter School, that has a second
8 campus in another county. So we need to be careful
9 where we're comparing and make sure that we're being
10 consistent when we talk about this.

11 But the important thing about what you
12 were getting to, Madam Chair and Commissioner
13 Toulouse, is that -- is that, very specifically,
14 the -- the -- what the law says, with regard to
15 multiple campuses, is it says, 'With the approval of
16 the chartering authority, a single charter school
17 may maintain separate facilities at two or more
18 locations, within the same school district.' And
19 that's fine. Again, the goal doesn't say the
20 location.

21 But in terms of the ability to replicate
22 and have two or more locations -- which, by the way,
23 Gordon Bernell is in different districts -- but the
24 ability to do that is provided for explicitly in the
25 Charter School Act, to have more than one location

1 under the same board.

2 COMMISSIONER TOULOUSE: Madam Chair?

3 I understand that; you don't need to
4 educate me. My problem has to do with, okay, once
5 burned, twice shy. We granted a cap increase, when
6 I was brand new. And then we're -- all of us are in
7 trouble now, because that was interpreted to mean,
8 because in a discussion, there were several UNM
9 campuses discussed. And then that was run with, and
10 now we're all in court.

11 I would just like to make sure none of us
12 end up in court again. And Gordon Bernell is not
13 ours.

14 MR. IVEY-SOTO: I understand.

15 COMMISSIONER TOULOUSE: It's an APS. I
16 have no idea how it went around being replicated,
17 because it didn't come to us.

18 I don't know if the other county where
19 it's located approved it, you know. I have -- that
20 isn't my problem. And I'm not trying to argue; I'm
21 just bringing up a point that disturbs me, which is
22 the only point I have on this whole thing.

23 I'm ready to give you a five-year, no, you
24 know, conditions, charter renewal; but I do have a
25 problem on dealing with that goal, specifically.

1 MR. IVEY-SOTO: And, Madam Chair,
2 Commissioner Toulouse, if you'll notice, we are
3 still only located within the boundaries of APS.

4 COMMISSIONER TOULOUSE: Right. And I
5 would be very glad if you opened somewhere else
6 within APS.

7 MR. IVEY-SOTO: Right.

8 COMMISSIONER TOULOUSE: So that one -- I
9 was -- I wish you were over by CNM, as well as where
10 you are. So, again, that one isn't a problem. I
11 have no problem with two campuses, one board, in
12 that same district.

13 MR. IVEY-SOTO: And -- but to your
14 concern, I just want to make clear that as -- you
15 know, yes, there's a lawsuit pending right now. But
16 please note, we have not been so defiant as to go
17 ahead and locate out there.

18 COMMISSIONER TOULOUSE: Uh-huh.

19 MR. IVEY-SOTO: We have -- I mean, we
20 understand that there are processes and procedures
21 that need to be followed, and we will follow those.

22 MR. PAHL: Madam Chair?

23 THE CHAIR: Mr. Pahl?

24 MR. PAHL: Just one more thing about my
25 comments earlier -- and I think you're underlining

1 it right now, Commissioner Toulouse -- is this is an
2 important conversation that we need to have, and
3 that there are -- we need to move forward. And
4 they're bringing it forward as a goal.

5 But there's a lot of conversation that
6 needs to happen around this. So I appreciate the
7 comments, and I think it further underlines what
8 mine were initially, is that it's a conversation and
9 an important one to have.

10 THE CHAIR: Thank you.

11 COMMISSIONER TOULOUSE: Madam Chair, I'm
12 through with comments now. I will listen.

13 THE CHAIR: Let me just -- let me share
14 this with all the Commissioners, because I don't
15 think everybody knows this.

16 Commissioner Bergman and I and our
17 attorney met with Senator Ivey-Soto and
18 Mrs. Sandoval-Snider Tuesday afternoon at their
19 request, just to have a conversation about, "Let's
20 understand each other better and get to know each
21 other better."

22 And when we got to the area of school
23 replication, it became very clear, I think, to all
24 of us that nobody knows what a replicated school
25 looks like.

1 One of the things that was in
2 Ms. Sandoval-Snider's mind was to have a campus,
3 another school over here, over which she would be
4 the head administrator; and the same governance
5 council would be over that same school. That took
6 me aback, because that was not my thought about what
7 a replicated school would be, at all.

8 And I'll just ask our attorney. Can two
9 schools have the same governance council? Is that
10 even legal?

11 And he's looking for that right now.

12 So I think, as you have brought up,
13 Commissioner Toulouse, this goal of AIMS school to
14 replicate their school is one that, at this point in
15 time, I'm not at all comfortable with agreeing to,
16 because I don't know what a replicated school looks
17 like. I'm not sure legally, we know what a
18 replicated school looks like.

19 We are having a work session in January.
20 And I personally invited Senator Ivey-Soto and
21 Mrs. Sandoval-Snider to come to that work session,
22 and let's talk about what a replicated school looks
23 like. And then at that point, perhaps, we can make
24 a recommendation to the PED. Because, remember, we
25 have no rule-making authority; but perhaps PED would

1 take our recommendation of what a replicated school
2 looks like and perhaps come up with a rule that
3 would facilitate it.

4 But right now, we're dealing with
5 uncharted territory. And I would not be able to
6 support this, to -- to authorize replication of --
7 for them going forward with replication when we
8 don't know what it is. We don't know what it looks
9 like.

10 So -- Mr. Pahl?

11 MR. PAHL: Thank you, Madam Chair. Just a
12 point of clarification here. Is today's vote on any
13 of -- on any of the goals? I know -- I opened this
14 can of worms, I think. But, you know, today is
15 about authorization, in my head. And Josh, and the
16 Chair, you know -- and I think it's worthwhile to
17 discuss the goals that are on the table.

18 But I just want to make clear what we are
19 voting on today and what happens at another time.

20 THE CHAIR: I -- my point in bringing this
21 up is simply when we do vote on this application for
22 renewal, that if we cannot support a goal that they
23 are proposing for the future, that we need to say
24 so.

25 MR. PAHL: Okay.

1 THE CHAIR: Because tacit approval could
2 be our just approving the entire application, as
3 presented; and I don't want to get into that
4 situation.

5 MR. PAHL: Thank you for that.

6 THE CHAIR: Thank you.

7 Commissioner Bergman?

8 COMMISSIONER BERGMAN: In fact, I'm going
9 to take that a step further, because I also have
10 reservations about that, also, because as a
11 non-attorney, I view just the wording there, that
12 we're -- if I vote to approve this application, I'm
13 giving you blanket approval to replicate anywhere
14 you want to go, just to do it.

15 That's all. I just want to put on the
16 record, if I vote to approve your application -- and
17 I'm leaning that way; you're an excellent school --
18 if that wasn't in there, we wouldn't even be having
19 this conversation. I want it strictly in the record
20 that "Commissioner Bergman said," and if our
21 attorney agrees with what I'm about to say he may
22 jump in, and I may retract it -- but I firmly
23 believe that, as Senator Ivey-Soto said, that all
24 the laws need to be followed, that -- because I'm
25 really in favor of the good schools replicating

1 themselves.

2 I agree with the Chair. We need to define
3 perhaps what a replicated school is. But my vote
4 for approval will include the, at least, thought
5 that you, as the school, will follow all the legal
6 aspects -- and sometimes people disagree on that --
7 but that one of those legal aspects would be that
8 you would come to this Commission seeking approval
9 over any replication in advance of your actually
10 doing that.

11 That's why I said what I said about our
12 attorney. Maybe he says I can't say that. That's
13 what I say personally, and I'm saying that
14 personally, as much as I'm speaking as a
15 Commissioner.

16 But I wanted to put that on the record,
17 Madam Chair. And I'll give our attorney a chance,
18 if I'm out of line, and I'll withdraw the comment.

19 MR. IVEY-SOTO: And, Madam Chair, before
20 he weighs in, just a couple of things:

21 First of all, going back to an early
22 comment from Commissioner Toulouse, while I do
23 appreciate the -- the courtesy and respect to my
24 office, I am here as the attorney for the school and
25 not in my legislative capacity. And, thus, it is

1 probably appropriate to address me as
2 "Mr. Ivey-Soto" as opposed to "Senator Ivey-Soto."

3 COMMISSIONER BERGMAN: All right. Thank
4 you.

5 MR. IVEY-SOTO: And for that matter, while
6 we're out in the hallway, "Daniel" is just fine.

7 Actually, I will tell you, Commissioner,
8 that that very part of the Charter School Act that I
9 cited to Commissioner Toulouse starts with the
10 phrase, "With the approval of the chartering
11 authority... ." So replication has to happen in the
12 context of approval from the chartering authority.

13 Thank you.

14 THE CHAIR: Thank you. Josh?

15 MR. GRANATA: Sure. Madam Chair,
16 Commissioner Bergman, I just want to comment briefly
17 on what Commissioner Bergman has brought forward.
18 And the language that he used regarding the school
19 following the letter of the law, while the
20 Commission may disagree with the school as to
21 whether or not they've done that, I think, from the
22 school's perspective, they have followed the law in
23 terms of obtaining the waiver.

24 I think that there is a dispute between
25 this Commission and the school regarding the

1 substance of the waiver and whether or not that was
2 legal.

3 But from the school's perspective, I
4 believe that they believe that they have followed
5 the law; so I think that any conditions that the
6 Commission would like to add to the renewal of the
7 charter should not reflect that the school follows
8 the law, because from their perspective, they have
9 been following the law.

10 So if there are any conditions, that they
11 should be specific, such as that the school does
12 come before the Commission before any replication,
13 as just mentioned by Mr. Ivey-Soto.

14 COMMISSIONER BERGMAN: Thank you,
15 Mr. Granata.

16 Now I will ask you -- that was not my
17 intent to say that you weren't following the law.
18 Sometimes we -- that -- something comes one way, and
19 it comes out another way.

20 If you would rather I retract my
21 statement, as I've already stated twice, I would be
22 happy to retract that statement off the record.

23 MR. GRANATA: Madam Chair, Commissioner
24 Bergman, I don't believe you need to retract your
25 statement. I was just adding my legal analysis, for

1 clarity's sake.

2 MR. IVEY-SOTO: And, Commissioner Bergman,
3 once again, I would note that to the extent that
4 there is a question about that and that this is in
5 court, please note that we have not proceeded to
6 move, because we -- while -- while there may be a
7 question about it, there is one person who can give
8 a definitive answer; and that's a judge. And it's
9 in front of a judge.

10 And until we have a definitive answer,
11 we're not going to go based on, 'Well, this is how
12 we see it. We don't care how they see it.'

13 There is a process; we're going to follow
14 that process, and because -- because -- I mean,
15 that's how things are supposed to be done correctly.
16 And that's why we have judges.

17 I don't know how that is going to resolve
18 itself. I have no idea. But I will tell you, we
19 will -- we will follow what the judge says. And in
20 the meantime, we are not going to take an action
21 that, later on, we might have to create disruption
22 in children's education as a result of what a judge
23 may decide.

24 COMMISSIONER BERGMAN: Thank you for that,
25 also. And you're exactly right. The children are

1 what is important, not us adults.

2 MR. IVEY-SOTO: Exactly right.

3 COMMISSIONER BERGMAN: Thank you.

4 THE CHAIR: Thank you.

5 Commissioner Carr?

6 COMMISSIONER CARR: Madam Chair, I --
7 members of the Commission, I have -- you know, I --
8 my concern has always been never with AIMS, and has
9 been, like many other members of the Commission, the
10 fear of somebody coming in and just, carte blanche,
11 going through, and that we set some precedent.

12 I don't think we're going to do that. But
13 that is something I would like -- a fear I'd like to
14 state for the record. You know, to me, a replicated
15 school is something that the charter association --
16 at the leadership conference that I attended, they
17 had a whole seminar on replication, and some
18 chartering authorities actually promote.

19 It's not our scope here in New Mexico.
20 But some chartering authorities in other parts of
21 the country actually promote that type of thing.

22 Santa Fe Connections Academy is a -- is
23 technically a replicated school. They are a
24 completely separate school under the law, as they
25 have been approved. We didn't approve them. But as

1 they've been approved.

2 And that's the kind of thing that I have a
3 great fear of, a McDonald's coming in and -- type of
4 a -- you know. And it's fine if they serve great
5 food and all that type of thing. But that's, you
6 know, just a big worry of mine.

7 And in terms of accepting your application
8 and approving your application today, I think, also,
9 we -- in the law -- and Mr. Granata can correct me
10 if I'm wrong -- if by error or omission, we do
11 something that's in violation of the law, well, we
12 can't do that. That would have to be withdrawn.

13 We want to make every effort not to do
14 that. But sometimes we do things that are in
15 violation of the law, because we're not all
16 attorneys. And even as an attorney, you know that
17 if you have three attorneys in the room, they
18 typically don't agree.

19 MR. IVEY-SOTO: You have four opinions.

20 COMMISSIONER CARR: Which is why we need a
21 judge, as you said.

22 So I'm more than comfortable accepting
23 your application as it stands for the full five
24 years. You know, you're the type of school that I'm
25 not afraid of. You're the type of school that needs

1 to be replicated, but one at a time, in districts,
2 you know -- I don't know -- within districts, fine,
3 you know.

4 But, again, everything -- we have to
5 approve everything you do anyway. So I'm not
6 worried about you just going out there, carte
7 blanche, and doing whatever you want. So I don't --
8 I don't believe you're going to do that. So enough
9 said.

10 THE CHAIR: Commissioner Parker?

11 COMMISSIONER PARKER: Madam Chair,
12 Commissioners, Matt's comment said that adding this
13 as part of your goals is new and innovative. I'm
14 not sure if that's the right language. But it's not
15 typical. It's not something that we've seen in any
16 other renewal applications. And it's different than
17 the other goals that you've listed in here.

18 Can I just ask why you've included that in
19 there? I mean, do you have a specific intent of
20 having that goal as part of your renewal
21 application? And if you've already answered it in a
22 different answer, I apologize for re-asking it.
23 But...

24 MR. IVEY-SOTO: Not a problem,
25 Commissioner Parker. The reason why we placed that

1 in there is because having -- having gotten to the
2 top of a mountain and having decided we just don't
3 want to stay on that one mountain, we want to -- we
4 want to -- like I said, we want to see, are we onto
5 something, is this something that others can learn
6 from, we want to make that -- we want to make that
7 one of the elements for which we are accountable for
8 over these next five years, the fact that we are --
9 regardless of where the location is, the fact that
10 we are holding ourselves accountable for not just
11 sitting on our laurels, but for doing, frankly, the
12 really hard work of -- of seeing if we are as good
13 as we think we are. That's why.

14 COMMISSIONER PARKER: Madam Chair,
15 Commissioners.

16 It just seems likes it's an odd situation,
17 where -- and I don't think this would happen because
18 of the caliber of education that your kids are
19 getting. But it presents an opportunity for
20 something to come up as, "Well, you are not getting
21 renewed because you did not meet this goal."

22 "Well, we did not meet this goal because
23 you did not allow us to replicate."

24 So it's kind of a Catch-22 thing on there.
25 And I'm just curious if, you know, you're at the top

1 of the mountain, you want to replicate, you know, it
2 would be great if the successes that you were having
3 was -- you know, everyone was having successes of a
4 similar nature; but it seems like you can accomplish
5 that without it being, as part of it -- I'm not
6 trying to tell you how to do things at your school.
7 But it seems like you could do that without it being
8 as one of your goals. But I was just curious as to
9 why you specifically put that in there.

10 THE CHAIR: Mr. Pahl?

11 MR. PAHL: I realize this is a time for
12 Commissioners to ask questions. But Commissioner
13 Parker's last question brought one up for me.

14 THE CHAIR: He's pretty good at that.

15 MR. PAHL: And that is, we have the
16 administrator here and the counsel for the school.
17 That board -- I mean, I guess I'm wondering about
18 the governing council and their thoughts about
19 replication. I mean, is this something that is
20 coming from -- I don't want to say the two of you --
21 but the representatives that we have right now
22 before the school?

23 I guess I'm wondering what the involvement
24 of the governing council is in replication. Is this
25 something you guys talk about -- yeah.

1 MR. IVEY-SOTO: Madam Chair, Mr. Pahl, we
2 actually have the chair of our governing council,
3 who is also the chair of the chemistry department at
4 UNM. We have the vice chair of our governing
5 council, who is also here, who works at Albuquerque
6 Economic Development. And we have the secretary of
7 our governing council who is a professor in the
8 department of education at UNM.

9 And so if there is any question about the
10 impetus or the consensus --

11 DR. CABANISS: Madam Chair, I'm Steve
12 Cabaniss.

13 THE CHAIR: Please identify yourself for
14 the record. Come on down and use the microphone, if
15 you wouldn't mind.

16 DR. CABANISS: Madam Chair, I'm Steve
17 Cabaniss, chair of chemistry and chemical biology,
18 and also president of the governing board. And yes,
19 this is something the board feels strongly about.
20 As a chemist -- as an experimentalist, the way I
21 view our duty is a little bit different in some
22 respects than Kathy's obligation.

23 I understand as a teacher, as a principal,
24 as a parent, people are concerned about getting the
25 best education for their children as possible. And

1 if they are doing that job well, then I think a
2 teacher's obligation, you know, has been fulfilled.

3 As a board, we have to look out for the
4 interests not just of the school, but for the state
5 of New Mexico.

6 We believe that one of the reasons for
7 having charter schools is to raise not just the
8 educational level for these 350 kids, but the
9 educational level throughout the state by
10 experimentation.

11 Kathy's implemented a number of innovative
12 practices, some of which I think have been quite
13 successful. We have not, however, been especially
14 successful in getting other schools to adopt them.

15 And one of the issues that comes up
16 precisely how Daniel concluded his initial comments,
17 is people ask, "Is this just a happy accident?
18 You're close to the university; you've got a really
19 good principal; you lucked into some good faculty at
20 the very beginning. What makes you think that those
21 practices, whether they're innovative or just
22 well-carried-out, are responsible for the
23 extraordinary results?"

24 And we feel like, without some kind of
25 replication -- and I don't want to go into legal

1 matters here, because I'm a chemist and not a
2 lawyer -- but some kind of replication is going to
3 be necessary to show that it's the practices
4 themselves, we hope. We hypothesize that it is the
5 practices themselves that can improve education.
6 And once we do that, I hope that we will see them
7 replicated as practices, not as separate schools, at
8 other locations throughout the state.

9 MR. PAHL: Thank you.

10 DR. CABANISS: Thank you.

11 THE CHAIR: Thank you. Appreciate that.

12 Any other comments?

13 Commissioner Gant?

14 COMMISSIONER GANT: Madam Chair, members,
15 we've had a lot of discussion about what the statute
16 says for the Charter School Act, et cetera. And
17 there's a lot of discussion whether we should keep
18 the replication part of the mission in there or not,
19 as a goal.

20 If the Commission wants to consider it,
21 here's a couple of conditions that I would agree to.
22 And I would only agree to approve the application if
23 something similar is in there.

24 These are my thoughts of my own
25 conditions:

1 The AIMS leadership must come before the
2 Public Education Commission prior to taking any
3 action to replicate the current school in a
4 different location.

5 2. AIMS leadership must take all actions
6 necessary to satisfy the Public School Facilities
7 Authority statutory requirements prior to
8 replication of any -- of their charter school in any
9 location within the state.

10 THE CHAIR: And Commissioners, while
11 you're considering, or thinking about those -- that
12 information that Commissioner Gant put out, I just
13 want to ask the school one other question. And it
14 is not about replication.

15 MR. IVEY-SOTO: Amen.

16 THE CHAIR: In the section responding to
17 the school report card, you indicate that your
18 graduation rate was reduced, because you had -- due
19 to seniors being recruited and admitted by a
20 university if they would earn their GED, versus
21 continuing on with their cohort to graduate.

22 And we've had -- as a matter of fact,
23 there was another school that was in this same
24 situation, and we had this discussion earlier. We
25 also had a person from a school say that they really

1 discourage this, because a GED is apparently not as
2 valued in the marketplace, or the workplace.

3 I just ask if this is still going on in
4 your school; and, if so, how you're handling it,
5 encouraging your kids to really just graduate with
6 their diploma.

7 MS. SANDOVAL-SNIDER: Madam Chair,
8 Commissioners, thank you for the question, because
9 it's an important one, and it's an important
10 discussion we need to have.

11 I think the GED, Graduate Equivalency
12 Diploma, is a misnomer, and I think it leads some
13 children down the garden path. We do not have that
14 happening currently, mainly because my counseling
15 staff and my teaching staff work with parents and
16 children right away to kind of discuss this
17 enticement.

18 The children, in particular, came from a
19 class, had a very small class. I had 13 graduates
20 that year. Three of them went directly from --
21 during the middle of their senior semester, directly
22 from my school into another college, a very good
23 college.

24 MR. IVEY-SOTO: Tech.

25 MS. SANDOVAL-SNIDER: I didn't want to say

1 that.

2 And immediately, I got dinged because they
3 were considered to be a dropout, even though they
4 were going on and are still in a four-year college.
5 And we continue to have that impact as we finish up
6 our three years with that class.

7 I think probably our intervention has
8 been -- I think it's been a way of us intervening in
9 a way that isn't negative to the college that came
10 in and wanted our kids. I think that's appropriate.
11 I like that they want our kids. I just didn't want
12 them to like our kids so early.

13 THE CHAIR: Thank for you that response.
14 That's about what I thought it was going to be; but
15 I just wanted to get it on the record.

16 Is there any further discussion?

17 Commissioner Gant, are you prepared to
18 make the motion with conditions?

19 MR. IVEY-SOTO: Madam Chair, if I may,
20 before he makes a motion? And I don't --

21 THE CHAIR: I'm sorry?

22 MR. IVEY-SOTO: If I may, if it's
23 Commissioner Gant who's going to make the motion, if
24 I may, with regard to the conditions that he
25 suggested, first of all, the second condition, that

1 is law. I mean, you don't need to put that as a
2 condition. PSFA has to approve. And in fact, every
3 facility we've looked at, PSFA has approved.

4 Second of all, with regard to the first
5 one -- and I don't mean to be adversarial -- but
6 that's unacceptable to us.

7 THE CHAIR: I'm sorry?

8 MR. IVEY-SOTO: It is unacceptable to AIMS
9 to have that condition placed upon it for a renewed
10 charter.

11 THE CHAIR: Would you explain why? Maybe
12 I'm just being dense.

13 MR. IVEY-SOTO: Yeah, I will explain why.

14 Because AIMS at UNM has, first of all,
15 done some really incredible academic things. As I
16 expressed during our meeting on Tuesday, there are
17 days that we would just prefer that people say,
18 "Thank you."

19 We have not violated the law; and where
20 there's been a question about it, we have shown
21 restraint. We have been -- we have -- we have done
22 what has been asked of us, and we have gone through
23 every process that has been asked of us.

24 And I want to point out that over the last
25 six or eight months, that there have been questions

1 regarding the authority to move out to Rio Rancho,
2 this Commission has not asked us to do anything.
3 We've never refused to do anything that's been asked
4 of us. So to have a condition placed on this school
5 that is the equivalent of being told, "You've been
6 bad," is offensive, and it is unacceptable.

7 THE CHAIR: Let me just ask for
8 clarification. Did I not hear you say earlier, "We
9 would not replicate until we had the permission of
10 this -- of our authorizer that is required by law"?

11 Did I hear you say that?

12 MR. IVEY-SOTO: You did.

13 THE CHAIR: So, really, the condition is
14 really just stating what's already in law.

15 MR. IVEY-SOTO: Then you don't need to
16 state it.

17 THE CHAIR: I'm sorry?

18 MR. IVEY-SOTO: You do not need to state
19 it. If you're merely restating the law, you did not
20 need to restate it. Otherwise, you might as well
21 put in law that we will educate children. I mean,
22 you might as well put as a condition we will educate
23 children. You might as well put in there that we
24 will provide school lunch. You might as well put in
25 there that we will provide an IEP for children who

1 have -- if you're just simply going to restate the
2 law, then please restate every law.

3 THE CHAIR: Okay. First of all, I was
4 simply asking if I heard you correctly. So, okay --
5 well, that's been clarified.

6 Commissioner Carr?

7 COMMISSIONER CARR: I had concerns that
8 we're asking the school to do something that we
9 don't ask -- that we don't ask other schools to do.

10 I'm not sure we're not doing something
11 that's improper. And I tend -- I agree with
12 Mr. Ivey-Soto. I don't -- I don't believe it's -- I
13 understand why Commissioner Gant wants to do it,
14 because of the concerns and everything; I totally
15 understand that.

16 But I think we're going beyond the scope
17 of what we normally do. And we're not doing that
18 for every other school; because any school out there
19 could think that, Well, we want to -- we might
20 possibly want to replicate if we're doing a great
21 job, you know. That's -- that's normal. So I
22 really don't think we should put those conditions in
23 there.

24 THE CHAIR: Commissioner Toulouse?

25 COMMISSIONER TOULOUSE: Madam Chair, I

1 think my concerns still are, it's in the application
2 as a goal. If it wasn't there and would come up in
3 negotiation or later, again, to me, that's the place
4 for it, and not here, where somebody else could read
5 it as if we'd approved something that's only in
6 theory here.

7 I just -- you know, they're the only
8 school who's ever asked us to put this kind of goal
9 in; so we couldn't have possibly dealt with it
10 otherwise.

11 I don't want to have us have the kind of
12 disagreement this is breaking down to. We're still
13 a body that does have to make decisions, as a group.
14 We have to do the best of our ability to do that.
15 And I'm just concerned that this is the first time
16 we've faced a charter reapplication with a goal like
17 this in it, and we need to tread carefully.

18 And I would like to know what our attorney
19 thinks.

20 MR. GRANATA: Madam Chair, Commissioner
21 Toulouse, Commissioners, regarding the conditions
22 Commissioner Gant spoke of, it's my understanding
23 that it's the Commission's belief that the amendment
24 regarding moving to a facility in Rio Rancho has not
25 been approved by the Commission. So if this --

1 THE CHAIR: Are you talking about
2 replication now, the future goal that's in this --

3 MR. GRANATA: Let me address this first,
4 and then I'll get to that secondly.

5 THE CHAIR: Okay.

6 MR. GRANATA: So legally, the school is
7 obligated to come before the Commission and request
8 permission, certainly, to move to Rio Rancho, is my
9 understanding of what this Commission's belief is.

10 And so in the meeting that we had with the
11 school between Commissioner Bergman, the Chair, and
12 myself, I stated to the Commissioners that if the
13 school were to do that without the permission of the
14 PEC, it would essentially be a violation of their
15 charter, and the Commission, at that point, could
16 consider that a material violation and take the
17 steps that they would take. Obviously, those steps
18 are up to the Commission.

19 So if the school intends to move to
20 Rio Rancho, they're going to have to come before the
21 Commission, is basically the bottom line, as far as
22 I understand the law.

23 And I think that there may be a way to
24 address the idea of replication in terms of a
25 condition, perhaps, that prior to replication, as

1 Mr. Ivey-Soto indicated, that the parties will meet
2 and decide what this replication will be. I think
3 that the Commission is not going to be allowed to
4 authorize a school to replicate itself in a way
5 that's not in accordance with the law.

6 And so I think that the parties will try
7 to work towards trying to resolve these issues in
8 the future. They've been invited to the next work
9 session to discuss what this replication means. And
10 so I think there may be a way to address the
11 condition in terms of an understanding between the
12 parties that replication will be addressed in the
13 future, if that satisfies the Commission.

14 MR. PAHL: Madam Chair?

15 THE CHAIR: Mr. Pahl?

16 MR. PAHL: I'd just like to ask
17 Mr. Granata a question; and that is, it seems that
18 the two conditions are -- and I think, Madam Chair,
19 you brought it up about the first one -- that they
20 must go to the authorizer to gain approval for
21 having a second site. It seems that both of those
22 are parts of the Charter School Act right now.

23 And I'm just kind of -- I'm thinking about
24 what Commissioner Bergman had previously asked
25 about, you know, having a condition in there that --

1 or I don't know that you proposed it as a condition,
2 Commissioner Bergman -- but something on the record
3 that says that they will follow all aspects of the
4 law. And you said that wasn't needed.

5 So I guess I'm wondering why -- and I
6 don't know that we got the question answered of
7 whether those conditions are appropriate or not; but
8 I guess I'm just trying to -- I'm having a hard time
9 reconciling the comment made regarding Commissioner
10 Bergman's request to have that on the record, versus
11 two specific pieces of statute being mentioned, that
12 those be conditions.

13 So it just seems to me that if it's law --
14 if we say someone needs to follow the law, but we
15 didn't say that for everybody, does it mean that
16 everybody else doesn't have to follow the law?

17 I don't know. If I can get some
18 clarification, Mr. Granata, I'd appreciate it.

19 MR. GRANATA: Madam Chair, Matt -- Matt
20 Pahl -- I'll try to do my best.

21 I guess when I was speaking to
22 Commissioner Bergman's comments, I was just trying
23 to make it clear that if you -- if you're asking the
24 school to follow the law, that from their
25 perspective, they have, and that if you put a

1 condition on that they must follow the law, that
2 they're already meeting that condition.

3 The issue is really about the move to
4 Rio Rancho. And so that's why I was trying to
5 address the comments in that regard. So I'm not
6 sure if I can make myself any more clear than what
7 I've said.

8 MR. PAHL: If I can just ask a follow-up
9 question to that, is the re- -- and we have two
10 lawyers in here, and they probably know, and they're
11 okay. But, I mean, if this is about the Rio Rancho
12 decision, is that not in court right now? And, I
13 mean, should we be making decisions on something
14 that is technically, from what I understand -- and
15 I'm not in the courtroom -- but that has not been
16 decided as to what will happen there?

17 I hear it a lot from lawyers, that we
18 can't talk about it, because we're in the middle of
19 litigation. So I just want to bring that up. I
20 want to make sure we're careful about what we're
21 doing here and that we're moving forward.

22 COMMISSIONER TOULOUSE: Madam Chair?

23 THE CHAIR: Commissioner?

24 COMMISSIONER TOULOUSE: Again, I think
25 this is about replication. But I don't think we're

1 talking Rio Rancho here at all. UNM has lots of
2 other campuses. They have Taos; they have Gallup;
3 they have Valencia. You know, you could go all over
4 the state.

5 And I had other concerns that did not have
6 anything to do with the law, about one person
7 handling a far-flung thing. That isn't what we're
8 talking about. I'm talking about replication isn't
9 something we've done before, and it isn't something
10 that's specifically clear in any of the law.

11 But I also would like to ask, if anything
12 came up later about what we were approving, if we
13 didn't put the conditions on it but said they were
14 all understood, would this discussion here, in the
15 meeting, stand as indicating what all of us were
16 about, so we could refer to the transcript if there
17 was any question on what was happening, so that we
18 could have kind of a compromise with the situation
19 here?

20 MR. IVEY-SOTO: And Madam Chair, if I may,
21 first of all, believe me. People go back and read
22 these transcripts.

23 COMMISSIONER TOULOUSE: I understand that.
24 Our Chair wanted -- and our stenographer here will
25 tell you how well she reads them.

1 MR. IVEY-SOTO: Yes. The -- you know,
2 it's -- I mean, I think from the discussion that --
3 that has been held today, the position of the
4 Commission is very clear in terms of the sentiment.
5 And, you know -- and I don't think there's any
6 question about that.

7 And so I think the issue is the extent to
8 which it's appropriate to put a condition upon the
9 reauthorization. The condition upon the
10 reauthorization basically says, "You are not
11 approved, but for your agreeing to do this."

12 COMMISSIONER TOULOUSE: Madam Chair,
13 Commissioners.

14 And that's why I'm saying if we don't put
15 a condition on, but we are assuming that we all are
16 in the same position on this, if something came up,
17 and we had to look at it in a legal standpoint, and
18 you said, "Well, you didn't put a condition on,"
19 this transcript would show that we all had an
20 agreement here on what we were discussing.

21 MR. IVEY-SOTO: Madam Chair, I think it
22 certainly would indicate where the head of the
23 Commission was as this decision was being made, the
24 collective mind.

25 COMMISSIONER TOULOUSE: I was trying to

1 find a compromise here for all of us, because my
2 diabetes is saying I need to eat lunch, and we have
3 to see some other people at 1:00 -- so I would like.

4 THE CHAIR: Like to bring this to
5 resolution.

6 COMMISSIONER TOULOUSE: Yes.

7 THE CHAIR: Commissioner Bergman.

8 COMMISSIONER BERGMAN: We could spend the
9 rest of the day going around in circles like this.
10 My personal preference in this particular case is we
11 not have conditions. I understand where they're
12 coming from; but my preference is that we just
13 approve or deny.

14 THE CHAIR: But with the understanding
15 that the law says any replication must come before
16 the authorizers.

17 And I think that is what Commissioner
18 Toulouse is asking. Are we all in agreement that
19 that is what we're talking about, that it says so on
20 the record, and we don't need a condition that says
21 that, because it's already the law?

22 COMMISSIONER BERGMAN: That's my
23 understanding; because that's what I've heard them
24 say. They will come to us before they do anything.

25 MR. IVEY-SOTO: Madam Chair, we affirm the

1 clear language in 22-8B-4L, that begins, "With the
2 approval of the chartering authority, a single
3 school may maintain separate facilities....,"
4 et cetera.

5 THE CHAIR: Okay. If we have discussed
6 this to death, let's have a motion, if someone is
7 ready.

8 Commissioner Toulouse?

9 COMMISSIONER TOULOUSE: I would make the
10 motion.

11 I, Commissioner Toulouse, move that the
12 PEC approve the renewal of the charter school
13 application for the Albuquerque Institute for
14 Mathematics and Science, also known as "AIMS," for a
15 five-year period, with no conditions, pursuant to
16 the Charter School Act, Section 22-8B-6 and Section
17 22-8B-12.

18 COMMISSIONER POGNA: Second.

19 THE CHAIR: Thank you very much. Do we
20 have a second?

21 Commission Pogna seconds.

22 Is there any discussion? The motion has
23 been made by Commissioner Toulouse, seconded by
24 Commissioner Pogna, that we approve the Albuquerque
25 Institute of Math and Science's renewal application,

1 five years, with no conditions.

2 Commissioner Bergman, may we have a

3 roll-call vote, please?

4 COMMISSIONER BERGMAN: Commissioner

5 Parker?

6 COMMISSIONER PARKER: Yes.

7 COMMISSIONER BERGMAN: Commissioner

8 Peralta?

9 COMMISSIONER PERALTA: Yes.

10 COMMISSIONER BERGMAN: Commissioner Carr?

11 COMMISSIONER CARR: Yes.

12 COMMISSIONER BERGMAN: Commissioner Pogna?

13 COMMISSIONER POGNA: Yes.

14 COMMISSIONER BERGMAN: Commissioner

15 Toulouse?

16 COMMISSIONER TOULOUSE: 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 an 8-to-0 vote in

25 favor of that motion.

1 THE CHAIR: Thank you. The motion passes
2 unanimously to approve the renewal application of
3 AIMS, five years, no conditions.

4 Congratulations. Look forward to working
5 with you.

6 MR. IVEY-SOTO: Thank you, Madam Chair.
7 Thank you, members of the Commission. We do look
8 forward to coming back in January for the
9 discussion.

10 THE CHAIR: We're going to ask CSD -- once
11 we kind of get the agenda set up for that work
12 session, we'll let you know about what time we'll be
13 coming to that particular item, so that you don't
14 have to spend the whole day with us, unless you just
15 want to.

16 MR. IVEY-SOTO: We enjoy it.

17 THE CHAIR: Thank you.

18 Audience, let me remind everyone, at 1:00,
19 we will start with the Southwest schools, the three
20 Southwest schools, and then continue with our agenda
21 after that. I announced this earlier. Due to a
22 death in the family of their attorney, we have moved
23 them up to 1:00 to accommodate their situation.

24 (A recess was taken at 12:32 p.m., and
25 reconvened at 1:04 p.m., as follows:)

1 THE CHAIR: If everybody is ready, I call
2 this meeting back into session.

3 Mr. Pahl, whenever you're ready, we're
4 starting with Southwest Intermediate Learning
5 Center.

6 MR. PAHL: Madam Chair, members of the
7 Commission, sorry for the delay.

8 Southwest Intermediate Learning Center
9 serves grades seventh through eighth, through a
10 "blended learning" model.

11 The school is housed alongside Southwest
12 Primary and Secondary, allowing students to move --
13 to move to different portions of the building and
14 still be treated by the same curriculum.

15 The mission of Southwest Intermediate
16 Learning Center is to utilize blended learning,
17 traditional and community-based instruction, in an
18 accelerated academic curriculum to sustain a
19 high-performing learning community.

20 The Charter Schools Division, at the PED,
21 recommends a three-year renewal term for Southwest
22 Intermediate Learning Center. Financial
23 difficulties at the school are the primary reason
24 for a three-year term. The Federal Bureau of
25 Investigation recently began investigating the

1 school, and the PED has taken over as the school's
2 board of finance and is also conducting a forensic
3 audit. Results from the investigation and the PED's
4 forensic audit are not yet known.

5 These recent events present considerable
6 risk to the appropriate use of public school
7 funding, and any conditions of the three-year term
8 should focus on the school's financial difficulties.

9 The school has a history of success with
10 students; so it's -- there's a balance here between
11 some significant financial difficulties and risks,
12 and how the school has been serving students in the
13 past.

14 But with that said, a three-year renewal,
15 with conditions that include an improvement plan
16 focused on those financial elements, as well as
17 increased oversight from the PED from the financial
18 end, we think are appropriate conditions.

19 THE CHAIR: Thank you.

20 Gentlemen, welcome. We would ask that you
21 introduce yourselves, and you have five minutes to
22 make whatever presentation you care to.

23 MR. BAYSINGER: My name is Al Baysinger.
24 I'm the interim head administrator.

25 MR. SPINELLI: My name is Bobby Spinelli.

1 I'm the chief financial officer.

2 MR. BAKER: My name is Mark Baker. And,
3 again, thank you for the accommodation on
4 scheduling. I represent the schools.

5 THE CHAIR: Thank you very much.

6 MR. BAYSINGER: Madam Chair and
7 Commissioners, thank you for the opportunity to
8 address you concerning the renewal of the Southwest
9 Intermediate Learning Center.

10 The Southwest Intermediate Learning Center
11 is a unique middle school that provides a quality
12 program that truly addresses the developmental
13 levels of seventh- and eighth-graders through
14 personalizing community-based instruction, a blended
15 learning model of traditional and online courses,
16 Spanish, physical education, and a high-tech SMART
17 lab program.

18 Southwest Intermediate uses technology as
19 a tool for teaching, learning, and assessment.
20 Technology is integrated into the curriculum with
21 traditional classroom instruction to accelerate
22 learning and provide all students with a
23 well-rounded education. Emphasis is on personal
24 responsibility and academics and behavior to ensure
25 success in high school and post-secondary programs.

1 The intent and design of the school is
2 flexible enough to allow the teachers to implement a
3 wide range of teaching techniques to meet the
4 educational needs of the individual student, while
5 meeting the accountability and performance standards
6 of the State of New Mexico.

7 The faculty has embraced the new
8 Common Core standards and is earnestly preparing for
9 the introduction of the PARCC test this spring. The
10 teachers are active participants in the NMTEACH
11 educator effectiveness system, and the faculty does
12 administration work hand-in-hand to ensure
13 continuous school improvement.

14 Southwest Intermediate's most recent
15 school grade of C is not indicative of this effort
16 and was explained by the Charter School Division's
17 final recommendation this way:

18 The school results are a three-year
19 average of B. The school maintained an A for the
20 first two years and received a C last school year.
21 The school continues to maintain high levels of
22 student proficiency and recognizes that, in certain
23 report card measures, they are penalized because of
24 their 90th percentile ranking.

25 Southwest Intermediate Learning Center has

1 been a high-performing school since its inception,
2 and this past January, was recognized by Advanced Ed
3 for achieving and maintaining high achievement
4 scorings. The Advanced Ed team concluded their
5 evaluation with the following:

6 "Let there be no doubt that if the State
7 had many more schools like Southwest Intermediate
8 Learning Center, at least some of its educational
9 concerns would be addressed, and New Mexico would
10 significantly rise in the nationwide achievement
11 rankings of public schools. After a thorough review
12 of the accreditation report, the evidence provided
13 by the school, and the results of the extensive
14 visits to classrooms, the external review team has
15 recommended to the Advanced Ed accreditation
16 commission to grant Southwest Intermediate a
17 five-year term of accreditation."

18 I will now address the issues that have
19 come up in the wake of the State audit.

20 COMMISSIONER GANT: Two minutes.

21 MR. BAYSINGER: Address the issues in the
22 wake of the State Auditor's risk review of the
23 Southwest Secondary and SAMS Academy, and the PED's
24 assumption of control of the four boards of finance.

25 I would like to reiterate that Southwest

1 Intermediate and Southwest Primary are not the focus
2 of the State Auditor's risk review. We have
3 established positive work relationships with the
4 PED, FBI, and the State Auditor's Office. The
5 governing councils have remedied a problematic
6 business practice, in which the head administrator
7 also functioned as the chief financial officer. The
8 councils have hired a CFO and have segregated
9 financial responsibilities.

10 The council has also begun a comprehensive
11 process of policy and financial oversight review to
12 ensure the schools follow best practices into the
13 future.

14 The councils have received targeted
15 training on fraud detection, school financial, IPRA
16 guidelines, the Open Meetings Act, and the
17 Governmental Conduct Act.

18 COMMISSIONER GANT: One minute.

19 MR. BAYSINGER: The councils have
20 implemented policies regarding board selection,
21 financial and audit committees, quarterly meetings,
22 and council structure. The school's financial
23 office has implemented procedures regarding
24 procurement, accounts payable, and internal
25 controls, and strict adherence to State statutes.

1 The business office works hand-in-hand on
2 a daily business with the PED's oversight of our
3 finances.

4 Finally, we would like to acknowledge
5 publically the outstanding job our faculty, staff,
6 and students have done so far this year. While we
7 have tried to minimize the impact of the distraction
8 to our school our school has faced, it is a credit
9 to our parents, who are open and willing, and
10 continue to support and believe in our philosophy
11 and methodology. We recognize that progress takes
12 time and that we may yet learn more about the past
13 that requires additional course correction, and that
14 a lot of work still needs to be done.

15 Our entire school community has
16 demonstrated significant stability. This is
17 evidenced by minimal faculty turnover and student
18 attribution. We hope the decision on renewal will
19 focus on our academic accomplishments, community
20 support, and performance under difficult
21 circumstances.

22 THE CHAIR: Thank you very much for that
23 presentation.

24 We have five minutes set aside for anyone
25 in the audience who might like to speak.

1 Seeing no one, we'll go to Commissioners'
2 questions and comments.

3 Commissioners?

4 Commissioner Carr?

5 COMMISSIONER CARR: Is it possible that
6 there are no students or anybody here in the
7 audience to speak? Because we changed the time,
8 or --

9 MR. BAYSINGER: There could be. It was
10 short notice when we found out yesterday. And we
11 did not organize a group of students to come up.

12 THE CHAIR: Commissioner Carr, may I
13 interrupt you? I was supposed to say something, and
14 I forgot.

15 COMMISSIONER CARR: Oh, sure.

16 THE CHAIR: I've been asked by several
17 Commissioners to assure the school and whomever
18 might be here that the decision made by the PEC
19 today will not have anything to do with the
20 financial difficulties of the school at this point.
21 Until those reports and those investigations are
22 completed, this Commission has no data to work from.

23 So that's not part of our consideration
24 today. And I've been asked to make that statement
25 by several Commissioners.

1 Please excuse the interruption. Go ahead.

2 MR. BAKER: Madam Chair, Commissioner
3 Carr, if I could follow up on that? I believe that
4 the parental support came back somewhere in the
5 90-plus percent. And I believe that data was
6 submitted to the Commission in the renewal
7 documents.

8 Whether it was right or wrong, with things
9 shuffling around, I didn't want to try to cart a
10 boatload of kids up to fill the room. But if you
11 visit the school and talk to the kids, I think that
12 the Charter School Division got a -- had some
13 feedback regarding that in the reports. And it is
14 not a showing of flagging support for the schools
15 that the room is not full as we sit here right now.

16 COMMISSIONER CARR: As an -- we've
17 actually held a meeting in your school. It's been
18 some years back. But, you know, I had -- most of us
19 here, I think, have been to your school.

20 The -- I have a concern with the grades.
21 I notice you started out -- I note you started out
22 strong, but you're on a strong downward trend right
23 now. And what's your explanation for that?

24 MR. BAYSINGER: Well, I believe the
25 downward trend was the C being last year? We have

1 an average of B for the last three years. And in
2 the document, I think we make reference to a
3 changing population each year. I don't know to what
4 degree exactly the misalignment in the standardized
5 testing, how that affected the other schools; we
6 felt it affected ours, as we actively engage in
7 teaching -- switching over to the Common Core.

8 Our students perform well -- very well in
9 comparison to our surrounding schools. And I would
10 attribute much of it to -- it's the growth model,
11 that -- I think if you look at our proficient
12 advanced students, we're probably 20 percent higher
13 than average. And I believe that a lot of it is
14 attributed to the fact that we -- our expected
15 growth was not, and we were penalized for that.

16 COMMISSIONER CARR: Based on what
17 Madam Chair said, in regards to finance, it's the
18 opinion of Mr. Granata that we not address that?

19 MR. GRANATA: Madam Chair,
20 Commissioner Carr, that wasn't my opinion. That was
21 the Chair's statement.

22 COMMISSIONER CARR: Oh, okay.

23 THE CHAIR: That was -- that was a request
24 from some Commissioners.

25 COMMISSIONER CARR: Oh, okay. Okay.

1 COMMISSIONER TOULOUSE: Madam Chair, along
2 those lines, since they aren't responsible for their
3 own finances at the moment, it would have been
4 somewhat helpful from PED here who is overseeing
5 their finances to tell us what it looks like.

6 MR. BAKER: Madam Chair, Commissioner
7 Toulouse, what I would propose to do on that front
8 is talk to you about what the perception is from
9 working with the schools, but have Mr. Spinelli tell
10 you how things are running day-to-day. We're not
11 spending money without PED involvement. And I think
12 that that is a good thing. And I believe I said
13 that the last time I was in front of the Commission.
14 Because it's an opportunity for the schools to have
15 a good break from what happened that led us to where
16 we are right now, and make it clear to everyone,
17 before PED removes itself from the process, that
18 everything is under control and that everything is
19 accounted for.

20 And I think that that substantial
21 oversight, on a day-in and day-out basis, certainly
22 adds a layer of strain on the business office in the
23 day-in and day-out work that the folks are doing in
24 the schools. But I think everyone recognizes that
25 it's toward an important end goal, that once PED

1 transitions out, it's not going to be until they're
2 clear everything is in place to avoid future
3 problems that are akin to what we're looking into
4 now and sorting out.

5 I think Mr. Spinelli can describe how that
6 functions day-in and day-out. It is, by definition,
7 cumbersome. It's a burden on the PED; it's a burden
8 on the schools. But it's necessary and appropriate
9 for where things are right now, I believe.

10 MR. SPINELLI: Madam Chair and
11 Commissioners, to follow up with that, yes, it's a
12 day-to-day oversight that we have with PED. We
13 actually generate the purchase requisitions at the
14 schools. I give approval. They go to Public
15 Education Department. They have to approve them
16 before we can even issue a purchase order.

17 Obviously, anybody that's been in a school
18 system knows how that does slow down the purchasing
19 process. And maybe it's cumbersome. At the same
20 time, when it comes to paying bills, it's kind of
21 the same process. We submit all the documentation,
22 along with the invoices, to the Public Education
23 Department once a week. They review everything,
24 make final approval; then we go ahead and process
25 the invoices in the software system. They cut the

1 checks, and we pick them up here in Santa Fe and
2 then distribute them to the vendors.

3 One thing I would say, you know, there has
4 been a lot of catch-up. There's been some cleanup
5 in the finances. I can tell you that, at this point
6 in time, the school is on track to meeting budget.
7 We have a healthy cash balance at this time. So
8 there's no financial -- I wouldn't say -- I would
9 say there's no financial difficulties, as well, as
10 far as meeting our obligations.

11 THE CHAIR: Thank you.

12 Commissioner Carr?

13 COMMISSIONER CARR: Sorry. I didn't get
14 to finish.

15 I -- I don't have any more questions. But
16 what I do have -- and I will tread carefully -- is
17 that that we're faced with a decision today. And,
18 to me, we have a lot of options. One option is we
19 could just accept the Charter Division's position
20 and move forward for three years with conditions.

21 What I would prefer -- which I have a
22 difficult time doing that, based on the situation --
23 we could table it. We could add a lot of -- a lot
24 more conditions; for instance, I would like to
25 see -- make sure that there was a complete

1 changeover in the board and administration, not only
2 in regards to personnel, but also in regards to
3 anybody connected with the possible illegalities
4 that could have happened. Approve until the
5 forensic audit comes out and the FBI report is
6 finalized.

7 It's -- you know, we've never been faced
8 with this. I have done a lot of soul-searching over
9 this. And I've talked to a lot of people who have
10 been in some similar situations. But we've never
11 had to deal with this in New Mexico.

12 And although, you know, I -- my -- I also
13 have a concern with the children at your school. I
14 think you're -- I guess -- maybe some issues to work
15 out right now in regards to your grades and other --
16 other things that are going on; but I think you
17 pretty much operate academically on a high level.
18 And that's not my major concern.

19 So those are things that I'm throwing out
20 for the Commission, being as this is the only place
21 we can really talk about it in an open meeting.
22 And -- and I know it weighs heavy on everybody
23 else's mind.

24 So those are my thoughts, for what they're
25 worth. Thank you.

1 MR. BAKER: Madame Commissioner, would I
2 be permitted to respond to Commissioner Carr's
3 concerns?

4 THE CHAIR: Certainly.

5 MR. BAKER: I'll be brief. But just a
6 point of reference. This isn't the first time --
7 that may be the first time that there's been
8 similar-type issues related to a charter school in
9 New Mexico. But I have a point of reference from my
10 own experience with regard to how to deal in the
11 wake of troubling allegations in a public entity
12 that I've looked to, as a good example. And that's
13 when Doug Brown took over the State Treasurer's
14 Office, and when I stepped in and handled the
15 employment litigation that spun out from that.

16 And what I noticed about what Treasurer
17 Brown did in that role was that he was very
18 deliberate in what he did, and he operated when he
19 had the information necessary to take steps and
20 didn't try to do a cleaning of the house and
21 wholesale removal of people until he knew whether
22 there was information that indicated that they had
23 done anything wrong.

24 With fraud and embezzlement, the tighter
25 the circle is, the easier it is to control; and

1 obviously, there are outstanding allegations in that
2 vein. And I would just note that it's not
3 infrequent that it's maybe not one person; but it's
4 not 15 people, or all the teachers and
5 administrators at a school that would be involved in
6 something like that, or all the governing councils.

7 And the other thing that I would note is
8 that the response to the governing councils in the
9 wake of this has been unified and overwhelmingly in
10 support of self-reflection, learning what they need
11 to learn to make sure that they're not in a
12 circumstance where any question, even with this
13 flavor, is asked again in the future.

14 They brought in Rich Brody from the
15 Anderson School of Management to conduct a specific
16 fraud training. He's a Certified Fraud Examiner.
17 He's really well-regarded across the street. And
18 this is directly in his wheelhouse. And everybody
19 has just been trying to figure out what to do to
20 make sure that the schools are operating for the
21 kids and keeping the educational environment intact,
22 that they're stable.

23 And we haven't seen a lot of turnover in
24 terms of either teachers or students. And I didn't
25 know if people would head for the doors in the wake

1 of an FBI investigation. I think it's a testament
2 to the support that the schools have from the
3 families of those schools that enrollment rates are
4 steady. And the boards have looked at what they
5 need to do to improve their direct oversight of the
6 Intermediate and the schools that we're going to
7 talk about in a few moments. Each of the governing
8 councils has been consistent in that response.

9 And I didn't know whether that would be
10 true, either, because you didn't know if you're
11 going to have factions. Sometimes boards get along
12 well; sometimes they fight. I've had none of that
13 to deal with as I've stepped into this role of
14 helping these schools out of the thicket here.

15 It's not all smooth sailing; there are
16 choppy waters; but I think that the Commission can
17 know that if you grant a renewal, it's not going to
18 be with the idea that the schools walk out of this
19 room, and they just march on ahead for three years.
20 The oversight is going to continue. It's going to
21 continue directly from PED on the day-in and day-out
22 finances, and we'll welcome it from the Commission,
23 as well.

24 I've been in regular contact with
25 Mr. Granata to provide him updates and information.

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1 I have to be careful; but I don't want to step into
2 either the ongoing criminal investigation or related
3 matters. But I've been providing a steady update,
4 the good, the bad, and the ugly to Mr. Granata. And
5 I'm hopeful that you all are staying in the loop.

6 We'd be willing to come back and keep
7 providing updates; but for the school's benefit,
8 something short of a renewal, I think, would be more
9 likely to cause parents and families to question
10 their ongoing role and involvement with the schools,
11 because instead of thinking, "As long as things
12 continue to go well going forward, we have another
13 date looming over us in six months or three months."

14 And so I'm not saying five years with no
15 restrictions; but I would ask that you consider the
16 impact that a different requirement would have on --
17 on the stability within the school.

18 COMMISSIONER CARR: And, Madam Chair, if
19 you'll indulge me -- I did think of one other item
20 that really doesn't have anything to do with the
21 ongoing controversy.

22 It's the idea that you have three schools
23 in one building. And one thing that I would -- I
24 would like to see and like for you to consider is
25 merging those schools; I mean, providing we renew or

1 something. And -- 'cause I really don't understand
2 why they're separated.

3 And in light of the criticism, the ongoing
4 criticism before the current Legislative Session, as
5 well, in regards to the Small School funding formula
6 and things like that, there is a perception that
7 Southwest is gaming the system.

8 I'm not saying you are; I'm just saying
9 there is that perception out there. And certainly,
10 I've heard it, and you probably have, too.

11 And I think it would be to your benefit to
12 combine your schools into one school, provided --
13 you know, provided we renew, and barring other
14 unforeseen circumstances that we don't know about.

15 But just another suggestion that I'm going
16 to throw out there, and I'm sorry I forgot to do
17 that earlier.

18 THE CHAIR: Thank you.

19 If I might, I don't mean to be
20 argumentative, but I believe I heard you say there
21 has not been significant turnover among teachers in
22 the school.

23 I'm looking at Page 4 of the renewal
24 application. It's part of CSD's information on
25 their site visit.

1 It says, "Recent turnover in the school
2 was noted as a challenge, faculty considering
3 retention strategies to alleviate the challenges
4 presented by teacher turnover."

5 That says, to me, there have been
6 significant challenges in the school.

7 I just want to throw that out, because,
8 really, my -- my thought on this school is
9 completely different from what's been said here
10 today; so I'd like to put it out for everyone's
11 consideration.

12 This -- Southwest Intermediate is a
13 seventh- and eighth-grade school. Southwest
14 Secondary is a seventh-through-twelfth-grade school.
15 I find it incomprehensible. Not only do we have
16 three schools in one building; now we have two
17 schools that are duplicating the same grades. We
18 have a seventh- and eighth-grade school; then we
19 have a seventh-through-twelfth-grade school.

20 This is not good use of taxpayer dollars,
21 at all. How this situation ever happened, and was
22 allowed to happen, I can't imagine. We're paying
23 for seventh- and eighth-graders to be educated in
24 the same building with the same administrators, but
25 with funding separately. I don't understand that,

1 at all.

2 And my personal opinion is Southwest
3 Intermediate needs to close, and those seventh- and
4 eighth-grade students need to be incorporated, if
5 they so choose, into the Southwest Secondary School.
6 There's plenty of capacity in the Southwest
7 Secondary School.

8 Frankly, the grade report for Southwest
9 Secondary is better than it is for the Southwest
10 Intermediate School. Their grade report card is
11 higher. They seem to be having better results with
12 their students. And certainly, it would be a better
13 use of taxpayers' dollars.

14 I see no reasonable reason to continue a
15 school that's a duplicate of another one in the same
16 building. And who knows what else is being
17 duplicated? Do teachers teach in both schools? I
18 know administrators administer all the schools in
19 that building.

20 My recommendation to my fellow
21 Commissioners to seriously consider is not to renew
22 this school, at all. And I will leave that to
23 everyone's thoughts.

24 Commissioner Bergman?

25 COMMISSIONER BERGMAN: Excuse me. I have

1 a bad throat. While all the other Commissioners are
2 considering your thoughts, I thought I would throw
3 in here that Mr. Pahl, in his recommendation,
4 indicated that the FBI has begun an investigation
5 into the school. And I'm not sure -- I'm not privy
6 to what they're investigating, obviously; none of us
7 are. But I'm not sure -- that leaves the impression
8 that the school did something wrong; and I'm not
9 sure that the school did something wrong.

10 I think -- and that's something for the
11 FBI to determine, whether any individuals did
12 anything wrong. But I just wanted to make that
13 observation. I'm not chastising you or anything
14 else. If you'd like to respond, go ahead. You
15 know.

16 MR. PAHL: Please. And thank you,
17 Commissioner Bergman. Yes, there is the potential
18 that there is a difference between one individual
19 and a -- and a school, as an entirety, committing
20 some sort of crime, or justifying an investigation
21 from the FBI. I think our representative from
22 Southwest mentioned some good logic behind the fact
23 that there might be a small group or a few people
24 that are actually at -- that we have a problem with.

25 Regardless, though, that person, or those

1 people, did it as an employee of the school. And
2 so -- or we assume, at this point in time. That's
3 the information that we have. So our analysis: I
4 stand behind the school, with the recognition that
5 there may be some -- some nuance behind that.

6 But like you said, we don't know at this
7 point in time. And we would state that because the
8 FBI was on school premises pulling school files,
9 that it's an investigation of the school.

10 COMMISSIONER BERGMAN: Thanks for that
11 clarification. And I will note that I actually --
12 what the Chair just said had slipped by me. I
13 thought I saw everything. I guess I'm just human
14 like the rest of you folks.

15 COMMISSIONER CARR: Commissioner Bergman,
16 could I address that, too? That item? I don't want
17 to interrupt you, you know, and then the -- our
18 attorney can weigh in there, as well.

19 In this type of question, this type of
20 regard, our schools operate under a charter.
21 Corporations operate under a charter from individual
22 states. The courts have ruled that they are a
23 person under the law, whether you like that or not.

24 And so they are an entity into themselves
25 and are -- can be sued, can have legal action taken

1 against them, you know. So just a little
2 clarification on that.

3 Correct me if I'm wrong, Mr. Granata.

4 MR. GRANATA: Madam Chair,
5 Commissioner Carr, if your question was whether or
6 not charters are similar to corporations, in that
7 they're considered a person? Is that your question?

8 COMMISSIONER CARR: Well, that they're an
9 entity under the law, a separate entity -- well, and
10 it would be the same -- I guess so. Go ahead.

11 MR. GRANATA: Madam Chair,
12 Commissioner Carr, I'm not sure that I'm prepared to
13 answer that question at this point in time.

14 COMMISSIONER CARR: Okay.

15 MR. GRANATA: So I'd just have to look
16 into it some more. My inclination is that the
17 answer would be no. I think your question is
18 whether or not the school has liability independent
19 from the governing body; and I'm not sure that it
20 does; but --

21 COMMISSIONER CARR: Okay.

22 MR. GRANATA: -- I don't want to give a
23 definitive answer. I'd need to look into it some
24 more.

25 THE CHAIR: Commissioner Gant -- oh, I'm

1 sorry. You're not finished.

2 COMMISSIONER BERGMAN: I wasn't finished.
3 I had not noticed that grade duplication. For some
4 reason that slipped past me. And if -- that,
5 admittedly, does concern me a little bit. I'm not
6 sure why two different schools in the same premises
7 have the same grade. So I am thinking about what
8 you said already.

9 I was going to ask some specific academic
10 questions; but they become moot, depending on what
11 this Commission decides to do.

12 But you mentioned Advanced Ed and your
13 accreditation. The one thing I did notice in that,
14 because it was a part of your application, so I of
15 course read it -- I noticed one of the few things
16 that they graded you down on was, on Page 7 of their
17 report, that -- where they evaluated the leadership
18 and staff supervision, they noted that there is a
19 lack of lesson plans in the data provided to the
20 team.

21 That's -- they left it at that, period.

22 Was it a lack of lesson plans, or was it
23 that you just neglected to give the accreditation
24 team the lesson plans? And if there was a lack,
25 have you rectified that?

1 MR. BAYSINGER: I'm sorry, Commissioner
2 Bergman. Was the reference about the day that they
3 visited?

4 COMMISSIONER BERGMAN: This was just in
5 their report that they gave you after their
6 accreditation. This is where they graded you.

7 MR. BAYSINGER: The Advanced Ed team or
8 the Charter Division?

9 COMMISSIONER BERGMAN: The Advanced Ed,
10 coming from your accreditation report.

11 MR. BAYSINGER: I'll be honest. I don't
12 remember what the reference was to that day, or what
13 class they were in, or whether they were in -- I'm
14 not sure.

15 COMMISSIONER BERGMAN: Under Indicator 2.6
16 of whatever their protocol was, they made that
17 statement.

18 MR. BAYSINGER: Our teachers are prepared
19 every day. And I don't know what -- I don't
20 remember what that reference was to.

21 COMMISSIONER BERGMAN: It caught my eye,
22 because it was about the only thing that they graded
23 you down on. Everything else was 4.0 on most of the
24 stuff. So it just caught my eye.

25 MR. BAYSINGER: Madam Chair, I would

1 address your concerns on the duplication of
2 programs. And I hesitate, but I'm going to go ahead
3 and say this. And I say this with all due respect.

4 The schools haven't changed from our
5 initial renewal from you in 2010. The programs are
6 vastly different. The seventh- and eighth-grade
7 Intermediate School is a five-day program,
8 essentially a traditional school. Those kids, they
9 have a different model. The seventh- and
10 eighth-graders, which are fewer in number -- about a
11 third of the number in Intermediate -- there are
12 less than an average of 40 seventh- or
13 eighth-graders in the secondary school.

14 Those schools -- those students in seventh
15 and eighth grade at the secondary level are all
16 online courses. They are drastically different
17 programs. They're not -- they're not duplicate
18 programs.

19 THE CHAIR: You have an online school?

20 MR. BAYSINGER: I'm sorry.

21 THE CHAIR: You have an online school?

22 MR. BAYSINGER: Yes.

23 THE CHAIR: Totally online?

24 MR. BAYSINGER: No. Southwest Secondary
25 has -- its main curriculum is online courses.

1 Southwest Intermediate, those students have a
2 combination of traditional and online. Our
3 seventh-graders have one online course. Our
4 eighth-graders have two online courses. They attend
5 school five days a week in a modified block
6 schedule.

7 The few seventh- and eighth-graders that
8 we have in Secondary usually average less than
9 40 students. They attend the same model at
10 Southwest Secondary. It's four days a week; it's
11 really a modified block schedule. And it's all
12 online, except for PE and SMART Lab. They are
13 really two separate schools, two separate
14 methodologies.

15 MR. BAKER: Madam Chair, if I might follow
16 up? The schools hear the concerns about
17 consolidation, three schools under one roof, the
18 discussion of this. They understand it. I would
19 ask that the Commission consider what they have
20 dealt with just since July; and there's been a sense
21 of pushing the schools to the threshold.

22 And the idea of reordering and coming
23 before the Commission here in the middle of December
24 with a plan to consolidate and shift everything
25 around to that degree, in addition to absorbing

1 the -- what the schools have already absorbed, I
2 think would have pushed the schools beyond the
3 breaking point.

4 I think the schools have discussed with
5 me, and have been open in discussions, that they're
6 willing to consider options into the future and that
7 they recognize the concerns and want to address
8 them. But I would hate for this to be the chopping
9 block for Southwest Intermediate Learning Center, as
10 they've been coming out of the thicket on these
11 other issues and trying to work through those, to
12 have it just shuttered midstream, immediately, when
13 there's a road ahead under which we would consider
14 options on the table to look at this.

15 It's just how much can you take at one
16 point? And I would ask for some -- for the new
17 administration to have some time to -- to deal with
18 PED oversight and deal with these issues, and then
19 accurately assess where they are.

20 I mean, we have a forensic accounting
21 that's ongoing right now to sort out what happened
22 in the past. That's going to inform where we are
23 today and where we need to go. And I don't think
24 that the school could have pulled the trigger on a
25 decision that would have really required knowledge

1 such as that today, to have come before you and
2 said, "Okay, we're going to shift our charters and
3 set aside these pedological differences in the way
4 that we're teaching between the two, Intermediate
5 and Southwest Secondary, and adjust to being a
6 consolidated school, and deal with PED oversight,
7 and deal with the FBI investigation.

8 I think these people are working about as
9 hard as they can. And to add that in right now
10 would be -- would be pretty devastating -- not
11 pretty devastating -- would be devastating. I don't
12 mean to put too fine a point on it. I don't mean to
13 cry "Uncle." But it's been a challenge, and
14 everyone's been working around the clock.

15 I get calls from Mr. Baysinger at all
16 hours, on the weekends, and we're working hard. I
17 would appreciate considering that three years from
18 now, this larger debate that's been ongoing on these
19 issues would have had more time to work its way
20 through the system.

21 And the schools are willing participants
22 in that dialogue. But we would ask for time. And I
23 think a renewal along the lines of what the Charter
24 Schools Division recommended would provide a window
25 for that, with a commitment from the schools to

1 regularly be in front of the Commission to hear your
2 ongoing issues and respond to those and look towards
3 the future, recognizing the issues and dealing with
4 them.

5 THE CHAIR: Thank you.

6 Commissioner Toulouse?

7 COMMISSIONER TOULOUSE: Madam Chair.

8 Do you have any of your governance council
9 members here?

10 That's what I thought. Because I would
11 kind of like to hear from the governance council
12 about what they think about what's going on, because
13 they're the ones that have had to bear the brunt of
14 a lot of the decisions.

15 THE CHAIR: Yeah. If we can make it in
16 fairly short order, please?

17 Please introduce yourself.

18 MS. HARBAUGH: I'm Cheryle Harbaugh. And
19 I was a fifth-grade evidence teacher for the primary
20 school. And then I retired, and I have been on the
21 board for the Intermediate School since that
22 retirement.

23 I would like to share with you this thing
24 that you're confused about with having two different
25 kinds of seventh and eighth grades under two

1 different schools.

2 This school -- all of the schools -- are
3 very concerned about the student and what the
4 student needs. And the Intermediate School that is
5 just seventh and eighth is very concerned that those
6 children have more of a traditional-like school.
7 They have teachers for subjects. Yes, they have two
8 different classes that they take on the computer;
9 but if they need any help at all, they are given
10 that help immediately.

11 When they are in part of the Secondary
12 School, where it's seventh through twelfth, those
13 courses are all aligned, with the exception of SMART
14 Lab and PE.

15 THE CHAIR: I didn't know we had an online
16 school.

17 MS. HARBAUGH: If they need help with a
18 certain thing, they have a professor they can go to
19 for help; but as long as they're pulling the work
20 and doing all the work that's necessary in the four
21 days that they go, they go on their own pace.

22 I happen to have a daughter who would have
23 graduated from this school when she was 16 years
24 old, because she didn't need to sit in front of a
25 teacher having a teacher lecture at her.

1 I have other children in my family who
2 needed one-on-one attention all the time.

3 So these schools address that kind of
4 thing.

5 THE CHAIR: Commissioner Toulouse, does
6 that answer your concern?

7 COMMISSIONER TOULOUSE: Yes, it does. But
8 I do have an ongoing problem of why, if you have one
9 way of teaching, you have -- you've decided, over
10 time -- because I'm new on this Commission, but I've
11 heard a lot about the school over the years -- why
12 you don't have one style of education and let kids
13 who don't want that go to another school.

14 I also think, right now, I don't know what
15 to do. I'm not prepared, unless I absolutely have
16 to, to vote on any of these schools right now,
17 because we're all at an awkward point in what's
18 going on.

19 But I -- as I say, I still don't quite
20 understand the philosophy of having to set up the
21 two schools, rather than sending the kids who did
22 not want the online stuff, which, Madam Chair, I did
23 know about. And I do have concerns -- but that's
24 not here or there, for this school -- for all online
25 education.

1 But I do have a concern that you're trying
2 to do both -- you can't be everything for everybody.
3 So I'm not sure whether consolidating it is the
4 answer, or whether sending those kids to another
5 school and only dealing with your kids who are ready
6 for the online.

7 MR. BAYSINGER: That's interesting,
8 because that would be exactly what we would say. We
9 try not to be all things for all people. We're not
10 a comprehensive high school.

11 Those parents make a choice. And when
12 they come to our school and they ask advice about
13 which would be a better school to apply for, some
14 kids -- some of those seventh- and eighth-graders --
15 and again, I said we don't have many -- some of
16 those seventh- and eighth-graders choose Secondary,
17 because they have siblings, and they travel
18 together.

19 Some of those students -- I always counsel
20 those seventh- and eighth-graders in Secondary, "Be
21 careful about this. Be very disciplined."

22 They have to be very mature in order to do
23 this. It's not a traditional five-day, in school
24 all day. And what are you going to do with your
25 kids when they're not here at school?

1 So it is the parents who choose. And
2 that's where we're about; we're about options.

3 COMMISSIONER TOULOUSE: But Mr. Baysinger,
4 I still think that is trying to be all things, that
5 those parents should choose another school if you're
6 going to provide seventh- and eighth-grade online.
7 If you're not going to do the seventh and eighth
8 grade online, then I could see having this other
9 school.

10 Am I'm not trying to argue. I'm just
11 looking at this --

12 MR. BAYSINGER: I don't understand what
13 the issue would be. The parents -- they're keenly
14 aware, when they make a selection, about which
15 school to apply for. It's their choice.

16 COMMISSIONER TOULOUSE: Right. But their
17 choice should be a school that's all one way, rather
18 than having you have the two kinds of education. I
19 just think somebody is either gaming the system or
20 bit off more than they can chew, because those
21 parents have lots of other choices for their
22 seventh- and eighth-grade students. So to me,
23 either you don't do seventh and eighth in the
24 Secondary, and have them in the regular classrooms;
25 or you don't have both kinds of classrooms.

1 That's just my concern. But I don't think
2 we can answer any of this today. I honestly don't.

3 THE CHAIR: Before we go any further, I
4 think we need a legal opinion, if we can delay the
5 decision on these three schools. And I'm going to
6 ask Josh to weigh in on that.

7 MR. GRANATA: Madam Chair, I don't
8 believe, according to the law and the -- or the
9 regulations, that the Commission can delay. I
10 think, if anything, that the Commission can approve
11 with conditions, or make adjustments to the term of
12 the charter. But in my opinion, I think -- I don't
13 think that it would be wise to delay this matter. I
14 don't see any kind of resolution in a delay.

15 While I imagine that the FBI evaluation is
16 ongoing, I don't think it's going to wrap up, like,
17 in the next month or so. So that's my opinion.

18 THE CHAIR: Commissioner Carr?

19 COMMISSIONER CARR: A little bit, maybe a
20 different take on Commissioner Toulouse's point.
21 But what was described here is "differentiated
22 instruction," which individual classroom teachers do
23 every day. And I don't see why one school couldn't
24 accommodate that differentiated instruction. So I
25 don't see merit in your argument.

1 But -- just to make a point on that, it
2 would be quite easy to put us -- say, "Oh, hey, this
3 kid will do better in his core subjects on a
4 computer; this kid will do better in front of a
5 regular classroom teacher."

6 That could easily be done within the same
7 school, just with a little restructuring. A lot of
8 schools already do that. So that's my thought on
9 that.

10 THE CHAIR: Mr. Pahl?

11 MR. PAHL: Madam Chair, members of the
12 Commission, I think some of the concerns brought up
13 by Commissioner Toulouse lends some foundation
14 behind our recommendation of a three-year, where we
15 don't know a lot of things at this point in time.
16 We're at an awkward point, timing-wise.

17 And so -- and to Mr. Granata's point,
18 these things won't be hashed out in the very near
19 future.

20 So we decided on a shorter term, that if
21 everything turns out fine on the investigations and
22 the school continues to improve, then we sit down
23 here in two years, and we renew for five years,
24 potentially. And this takes out, you know, any talk
25 about, you know, the grade levels served.

1 So I just wanted to underline that, that
2 that's some of the thought behind this, that we
3 don't have a lot to work off of.

4 I do know you mentioned you're taking out
5 the financial aspect; but it's inherently kind of
6 playing a part here. So I just wanted to make that
7 statement.

8 MR. BAKER: Madam Chair, may I just follow
9 up briefly? I wanted to touch on a couple of
10 aspects of this.

11 With the investigation of the schools
12 piece, I can assure you I would be representing this
13 client very differently if they were the target of
14 an FBI investigation as a school. We have been
15 working with the FBI on a regular, daily basis and
16 weekly basis, and spending a lot of time on this.
17 And I suspect, at the end of this, the schools are
18 going to be identified as a victim of some of these
19 crimes and are already interacting with the
20 government, as such. There's a lot of money that
21 needs to be accounted for, and we're working on
22 that.

23 With regard to this broader question of
24 not having enough information that Commissioner
25 Toulouse raised, another point that I would add to

1 what Mr. Pahl said is the schools don't view this as
2 when we finish the vote today, the schools are
3 walking away from oversight from you, or from the
4 PED. If we fail at the efforts that we're under
5 right now, everyone recognizes that it's --
6 threatens the existence of the school.

7 So if we don't get this right, it's not
8 like, all of a sudden, we just coast along for three
9 years, and only then is there going to be action
10 taken. We've got things that need to be taken care
11 of immediately, and they are taken care of. But
12 with the PED looking at what we're doing, with the
13 PEC taking an ongoing role monitoring what's
14 happening at the schools, I don't view it as a
15 three-year pass if you were to renew. It would be
16 a, "I am giving you more time to do work that needs
17 to be done to straighten this out," and we'll be
18 seeing you on a regular basis as frequently as you
19 want us here.

20 But time -- really, I keep saying this.
21 Time is what we need. We need a little bit more
22 time. This all broke at the end of July, beginning
23 of August. The schools have made a ton of progress
24 in that time period, with PED's assistance. But
25 that's not enough to be judged and close the

1 schools.

2 THE CHAIR: Thank you very much.

3 Commissioner Gant?

4 COMMISSIONER GANT: Madam Chair and
5 members.

6 Gentlemen, ma'am, a couple of concerns
7 I've had. Some people will say this is unimportant.
8 But I do sit on the PSCOC, and we're the ones that
9 approve lease assistance. You're getting lease
10 assistance for three schools in the same building,
11 which seems very strange to many people. And also,
12 you're getting -- you're into the Small School
13 funding formula big-time, because you have
14 relatively small numbers of children -- or students.

15 And my next question -- this is a
16 question: Would you consider, as part of the
17 conditions, that you work towards consolidation of
18 the Secondary and the Intermediate schools?

19 MR. BAKER: Madam Chair,
20 Commissioner Gant, I -- I viewed this, part and
21 parcel with the earlier discussion about the three
22 schools under one roof. And it's been all part of
23 the dialogue that the school has been having
24 internally.

25 The schools would commit to working with

1 the PEC and the PED. And considering all the
2 options going forward, I don't think that -- because
3 we don't know so much still, that saying today that
4 we're going to consolidate makes sense. I think
5 that it's an assurance from the schools that that
6 conversation would be ongoing, and that it would be
7 closely considered and analyzed, based on the
8 information as it comes forward. But to tell you
9 today that the schools are going to have to
10 consolidate as a condition of renewal, I think would
11 be shortsighted of me, because there is -- there are
12 so many moving parts at this time.

13 COMMISSIONER GANT: Madam Chair, if I may,
14 members. What I said was "consider." I didn't say
15 "do." Okay. And that would have to be something
16 you work with the PED, with the PEC, CSD, et cetera,
17 and all your moving parts of the school, you know.

18 And in my opinion -- and I'm not an
19 attorney; Mr. Granata is our attorney -- and looking
20 at what I believe to be the statutes and rationale
21 for denial, or even closing at this point, I don't
22 think we have grounds, Madam Chair, to deny, based
23 upon the fact that they've got multiple class --
24 classes in two different schools.

25 It really -- I hear what you're saying. I

1 understand it. It bothered me when I read that. It
2 took me aback, because I don't remember doing it.
3 Again, old age, I guess, caught up with me.

4 But I think if they would at least
5 consider working with all the folks necessary to
6 consolidate, I would not have a problem. But just
7 to, flat, say, 'We're not going to do it,' then I
8 have a real problem.

9 THE CHAIR: Commissioner Parker?

10 COMMISSIONER PARKER: Madam Chair,
11 Commissioners, I'd like to concur with
12 Commissioner Gant's sentiments on this, and to the
13 point that if we do vote to deny this because there
14 is an overlap on there, I think that would be very
15 disruptive to all the family members involved at the
16 school; whereas, if we vote to approve for a set
17 period of time with -- contingent upon some
18 considerations on there, then the end can be
19 accomplished without that disruption.

20 So it seems to me there could be a way to
21 accomplish that.

22 THE CHAIR: Let me just play "Devil's
23 advocate" here for a minute.

24 I'm a taxpayer; we're all taxpayers. The
25 charter -- Southwest Intermediate Center's budget,

1 the 98 percent of the SEG funding that they get, is
2 \$850,000. The Small School Size Adjustment money
3 that they get is \$188,000. I don't know what their
4 lease assistance is. But that's -- we're talking
5 about a million dollars; a million dollars that I'm
6 paying the taxes, you're paying the taxes, we're all
7 paying the taxes to duplicate services in the same
8 building, with the same administrators, probably
9 with the same textbooks. I don't know.

10 But I agree with Commissioner Carr.
11 Schoolteachers teach differently to different needs
12 of students every single day in every school in this
13 state, public schools, charter schools, traditional.
14 Why do you all need a separate school to do what our
15 teachers do every single day in their classrooms,
16 for a million dollars?

17 I'm -- no, I really would like the school
18 people to answer that, please, from an educational
19 perspective.

20 MR. BAYSINGER: Well, is the issue of
21 discontinuing seventh- and eighth-graders in
22 Secondary, or disbanding seventh and eighth grade in
23 Southwest Intermediate? I mean, what are we --
24 you're asking -- you contend that there's a complete
25 duplication of services.

1 And, really, what I'm asking,
2 respectfully, is, would it be better if we didn't
3 have seventh- and eighth-graders in Secondary? Or
4 shall we disband and discontinue an Intermediate
5 program?

6 Advanced Ed is, worldwide, the most
7 recognized accrediting team. I'd ask you again to
8 look at their comments, that replication of this
9 school would be good for New Mexico.

10 THE CHAIR: I don't doubt that. I'm not
11 disagreeing with that, at all. I am simply saying,
12 you have duplication of seventh- and eighth-graders
13 in two schools, and it costs a lot of money to do
14 that.

15 MR. BAYSINGER: Then I would say that we
16 should just -- if it's an either/or, then I would
17 say we should discontinue having seventh- and
18 eighth-graders in Secondary; because this is a very
19 valuable program.

20 THE CHAIR: That certainly would be one
21 alternative. But I very, very much disagree with
22 the duplication. It -- as an educator for many,
23 many years, it doesn't make any sense to me.

24 Commissioner Gant?

25 COMMISSIONER GANT: Madam Chair, members,

1 that's what I go back to. My comment was "consider"
2 consolidation, taking the seventh- and
3 eighth-graders out of the -- of the Secondary and
4 putting them into the Intermediate as a
5 consolidation.

6 MR. BAYSINGER: Commissioner Carr --
7 Gant -- it's sort of two different issues. From the
8 day one that I became the head administrator and,
9 essentially, our team took over the school and began
10 working with the boards, we have addressed this
11 issue about consolidation. We're keenly aware of
12 the criticism and the perception surrounding that.

13 We've -- from our very first
14 administrative team meeting, we had on the agenda,
15 "What can we do about this?"

16 I've met with legislators, and every
17 conversation, this comes up.

18 So to answer your question, yes, we've
19 been considering that from day one.

20 What Mr. -- what Mark alludes to, at this
21 point, we don't know -- we know what impact this
22 would have on our entire budget, about 30 percent of
23 our budget. Could we afford the building we're in
24 now? I guess that would take care of the three
25 schools under one roof, if we couldn't afford it. I

1 don't know. We don't know about revenue streams.

2 We're just going to need time. But we're
3 keenly aware of it.

4 Even if we consolidated, I think we would
5 still offer seventh- and eighth-grade options,
6 because they're so different. And the parent --
7 again, I would say -- the parents choose. They
8 choose which of these two tracks to take; we simply
9 offer it.

10 If we had no seventh- and eighth-graders
11 apply to Southwest Secondary, then there would be
12 none there. But we've considered it from day one.
13 We're keenly aware of it.

14 Frankly, I don't know if we could -- I
15 don't know what we could afford.

16 THE CHAIR: Commissioner Gant?

17 COMMISSIONER GANT: Then I go back to my
18 question that I believe I asked: Would you consider
19 it, as a condition of approval for three years, to
20 consider consolidation, as we have discussed it
21 today, regardless of the -- I understand that. But
22 you also have to hear that several of us have said
23 in the LESC subcommittee meeting, and heard from
24 several legislators, that they're talking about
25 taking the Small School funding. So you have a lot

1 of things to play with. But "yes" or "no," would
2 you consider it?

3 MR. BAYSINGER: I'll answer. Commissioner
4 Gant, I am in untested water. I don't know if I
5 could make that decision for our board. And I don't
6 know that one board member can -- honestly, I don't
7 know.

8 I would refer to Mr. Baker and
9 Mr. Granata. I don't know that I could make that
10 decision. We've earnestly considered it, and what
11 would be the result if we found that we simply
12 couldn't afford it. After that consideration, that
13 would be part of it. What would the result be if we
14 decided we couldn't afford it, or the school
15 couldn't continue operating, or we would have to
16 discontinue the school because of finances? I would
17 ask you that.

18 COMMISSIONER GANT: Madam Chair, members,
19 that's a part of all decision processes in all
20 businesses. And this is a business. When
21 businesses find out that they cannot do what all the
22 things in the world they want to do, then they have
23 to consider downsizing, et cetera, et cetera. So
24 it's all part of the decision process for all the
25 players, which includes the PEC, CSD, PED, whatever,

1 and yourselves.

2 And that's what I'm saying. There has to
3 be a compromise somewhere, so we can all work
4 together. And I'm just saying -- "Well, I can't
5 make that decision."

6 Well, somebody's got to make a decision.

7 MR. BAKER: Madam Chair,
8 Commissioner Gant, I don't -- I think we'd be in hot
9 water with the Commission if we came back in six
10 months and said that the day after this hearing, we
11 stopped considering it, because the administration
12 has already committed, on the record, to considering
13 it.

14 Having it a condition, though, I don't
15 think adds much value. And that gets to the point
16 that Mr. Baysinger is making about his ability to
17 commit to you that the board is going to be on board
18 with that. I think you heard from the
19 administration that it's been a topic of discussion.
20 I know Mr. Spinelli has started running numbers and
21 analyzing what consolidation would look like.

22 But you've heard, loud and clear, from the
23 administrators that they will consider it and are
24 going to continue to consider it. And I would ask
25 that you take their word on good faith that that's

1 going to continue. You're still going to be PEC,
2 and we're still going to be answerable to you six
3 months from now, if you feel like we reneged on that
4 commitment, sitting here.

5 COMMISSIONER PERALTA: Madam Chair?

6 THE CHAIR: I'm sorry.

7 Commissioner Peralta?

8 COMMISSIONER PERALTA: Excuse me. Yeah.

9 My spin on the duplication Commissioner Shearman has
10 addressed, I personally find it hard in supporting
11 that Grade Seven-Eight traditional setup that you
12 have in your school. There is choice and options
13 for parents because there are hundreds of
14 traditional schools out there that they can take
15 their seventh- and eighth-graders to add that
16 particular delivery of instruction.

17 So I don't have a lot to go on, and I
18 don't seem to support the Intermediate school within
19 that building.

20 On the other hand, talking about the --
21 you, as a school, have a lot going on with the
22 circumstances, legally. And we don't have a lot --
23 because of that, there's not a lot of information
24 that we can go on. I just want to throw out there
25 that what's the harm in -- when we're talking about

1 the terms for the school, of renewal, that what's
2 the harm in us doing it on a yearly basis?

3 THE CHAIR: On what?

4 COMMISSIONER PERALTA: A yearly basis.

5 THE CHAIR: Yearly.

6 COMMISSIONER PERALTA: Because you never
7 know what might come up when it comes down with the
8 decision rendered by the courts or whatever.

9 I think we've monitored other schools on a
10 yearly basis. This might be something to think
11 about.

12 THE CHAIR: Commissioner Carr?

13 COMMISSIONER CARR: I heard a concern over
14 finances in this regard. And I thought maybe
15 you're -- I believe you're one of the -- I'm sure --
16 yeah, I know -- yeah, of course, I was involved in
17 accepting your initial application. And apparently,
18 I have faltered in my due diligence.

19 I think that I have -- I wasn't as -- on
20 the Commission as long then. I've learned a lot in
21 the last five -- four-and-a-half years.

22 But if it's a concern of money, I mean,
23 the child is the first concern, and the money is
24 secondary. If you're doing -- if you're motivated
25 to continue a program just for money, that's a

1 completely different thing.

2 I'm not asking a question. I think I know
3 what you're going to say. But I -- that actually
4 raises an additional concern of mine, that maybe --
5 and I'm not blaming -- you are part of it; I'm not
6 blaming you. I'm actually putting part of the blame
7 on myself for not looking into that more deeply at
8 the time, when you were actually first given your
9 charter.

10 So that being a factor -- and I don't know
11 why, and I can't ask Mr. Granata right now -- but
12 the -- I don't know why we can't mandate a
13 condition. We do it all the time.

14 Fellow Commissioners?

15 COMMISSIONER GANT: I hear you. Ask
16 Mr. Granata.

17 COMMISSIONER CARR: Mr. Granata?

18 THE CHAIR: I'm sorry. We were talking, I
19 apologize.

20 COMMISSIONER CARR: The question is, don't
21 we have the legal authority to mandate a condition?

22 MR. GRANATA: Madam Chair,
23 Commissioner Carr, yes, that's correct.

24 COMMISSIONER CARR: Okay.

25 MR. GRANATA: However, the condition needs

1 to be reasonable. I mean, obviously, this
2 Commission knows the ability of schools to appeal.

3 COMMISSIONER CARR: Of course.

4 MR. GRANATA: And that's a likelihood.
5 And if there was an appeal of a condition, then the
6 parties would be encouraged by the Secretary to
7 negotiate in between the decision and the appeal.

8 But, yes, this Commission does have the
9 ability to impose conditions upon the school.

10 THE CHAIR: And I apologize,
11 Commissioner Carr. What condition are you talking
12 about?

13 COMMISSIONER POGNA: Could you speak up
14 for the other side of the table, please?

15 MR. GRANATA: Madam Chair,
16 Commissioner Carr, let me address Commissioner
17 Pogna. She couldn't hear what I was saying.

18 Commissioner Pogna and other
19 Commissioners, if you couldn't hear what I was
20 saying, I was essentially just saying that the
21 Commission does have the authority to impose
22 conditions upon the school, and that these
23 conditions would have to be reasonable within the
24 law, and that the Commission understands that the
25 school would be able to appeal the conditions that

1 you imposed upon them, and that from the decision of
2 the PEC and the appeal, in between those times, the
3 Secretary would encourage the parties to negotiate
4 in between that time.

5 COMMISSIONER POGNA: Thank you.

6 THE CHAIR: Thank you.

7 COMMISSIONER CARR: Did that clarify -- a
8 condition, in particular, I was talking about was
9 what Commissioner Gant brought up in regards to
10 consolidation.

11 THE CHAIR: Okay. Not just considering
12 consolidation, but consolidation?

13 COMMISSIONER CARR: Not just consider it,
14 but do it.

15 THE CHAIR: Commissioner Bergman?

16 COMMISSIONER BERGMAN: Well, let me ask
17 this, then. We need to get this resolved. But can
18 we impose a condition -- when statute does not
19 mandate that a school has to consolidate, can we
20 then impose a condition that the Legislature hasn't
21 addressed?

22 MR. GRANATA: Madam Chair, Commissioner
23 Bergman, I would stick by what I said earlier and
24 reiterate that the Commission does have the ability
25 to impose this condition, if it so chooses.

1 COMMISSIONER BERGMAN: Okay. Then as long
2 as we understand that there's probably going to be
3 repercussions down the road, then, that was a part
4 of your answer.

5 MR. GRANATA: I understand.

6 MR. BAKER: Madam Chair, I know we've been
7 talking a long time, but this is an issue of
8 concern, if I might address it briefly?

9 THE CHAIR: Please, briefly.

10 MR. BAKER: My understanding of the
11 history here -- I'm sure some of you will correct me
12 if I'm wrong -- was when this issue came up before
13 the new administration came in, it was a concern
14 that was found to be a source of frustration, but
15 legal and permissible under the law. And I would
16 just say that in the spirit of the schools having
17 been told before that this was allowable, to have
18 them now under a condition that mandates
19 consolidation immediately, as a term of renewal,
20 would be a difficulty.

21 THE CHAIR: Would you define what was
22 allowable?

23 MR. BAKER: That the current structure of
24 the schools sharing space with three schools,
25 sharing common space, would be allowable.

1 THE CHAIR: Was there ever any decision
2 made on duplication of grades in that sharing of
3 space?

4 MR. BAKER: I'm not aware of that
5 particular issue being raised. And I would have --
6 it's a difficult position for us to be in now,
7 because in preparing for the hearing, we -- this
8 hadn't been raised as a concern. And so it's a new
9 issue for us.

10 But I would say that if we were given a
11 little bit of time and renewed, then there would be
12 a lot of different ways to come at this, one of
13 which Mr. Baysinger said, which would be for the
14 schools to decide, and the governing council, among
15 themselves, to decide if something's got to go in
16 the seventh-eighth age group, which model goes, and
17 which stays, and then would the alternative better
18 be because the governing councils firmly believe in
19 the way that they approach teaching, to move
20 themselves out of the current building and do
21 something about that.

22 But that's not something that could be
23 decided immediately, and that's different than
24 consolidation. And so I would go back to the idea
25 that if you would give us some time, if we're

1 recalcitrant, and you feel like we haven't listened
2 to you, at some point in the future, there would be
3 ample opportunities for you to make your presence
4 felt; but please don't do it today in this manner,
5 because a required consolidation is very different
6 than the schools, three months into a major shift in
7 the structure and management of the schools, to
8 absorb.

9 And giving us some time gives us the
10 opportunity to figure these things out with the
11 independence of the governing councils.

12 THE CHAIR: I have heard it discussed, a
13 three-year renewal with the condition of
14 consolidation. Three years. That's -- that's quite
15 a lot of time to get it done.

16 MR. BAKER: But the immediate issue would
17 be that we would be forced to decide the
18 acceptability of a mandated consolidation --

19 THE CHAIR: Within three years.

20 MR. BAKER: -- versus a dialogue with you
21 over that period of time. We would have an appeal
22 of 30 days to decide whether the schools could
23 commit, without knowing the results of a forensic
24 audit, that they would be in a position to speak
25 consolidation. And that's -- that's a shot in the

1 dark for us right now, without knowing more about
2 where the finances stand.

3 I think everybody is working hard on
4 answering those questions. But three months in the
5 world of a white collar investigation is a blink of
6 the eye. And we're straightening everything out as
7 quickly as we can. But we've got one of the best
8 forensic accountants in the state on board now, and
9 she's been working on this for a couple of weeks,
10 not months. And that's where we find ourselves.
11 And so the immediate question would be that.

12 THE CHAIR: Thank you.

13 Commissioner Toulouse?

14 COMMISSIONER TOULOUSE: Madam Chair, may I
15 ask Mr. Pahl a question?

16 THE CHAIR: Sure.

17 COMMISSIONER TOULOUSE: Mr. Pahl, I'd like
18 to know, do we have any other questions like this
19 where there are duplicate schools, duplicate grades
20 under the same roof anywhere? It looks to me like
21 today we're handling a lot of very unusual
22 situations. And being only two years into the
23 Commission, I don't know this. But do we have any
24 precedent for this?

25 MR. PAHL: Madam Chair, Commissioner

1 Toulouse, not that I know of. The idea of
2 cohabiting, you know, two separate schools, is not a
3 new one. It's also not one that's unique to
4 charters. We have public schools that are doing the
5 same. Cochiti, K-through-8, comes to mind. They
6 have a K-through-5 school and a 6-through-8 in the
7 same building, and they get funded as two separate
8 schools, which includes that Small School Size
9 Adjustment.

10 However, I do not -- my answer is that I
11 don't know; but I -- but from what I can recall, I
12 don't think this has happened.

13 COMMISSIONER TOULOUSE: Thank you. I just
14 wanted that in the record, so if we have any
15 questions later, because I'm wondering what will
16 happen to you with all of this, anyway, if the
17 Legislature does what they are threatening to do and
18 does away with the Small School adjustments.

19 I also, not having been here before, don't
20 understand how this all happened in the first place;
21 so it's hard for me to look at it.

22 But, again, I have -- I just have major
23 concerns over the whole operation of this. And the
24 only reason I would be willing to extend any of your
25 schools' contracts to recharter them would be

1 because of the children involved.

2 But as far as all the adults involved, as
3 far as the administration, as far as the money
4 problems and auditing and everything else, I don't
5 care.

6 I do care about those kids in your
7 classroom.

8 THE CHAIR: Commissioner Carr?

9 COMMISSIONER CARR: Well, I'm ready to
10 throw something out here, in -- agreeing with
11 Commissioner Peralta on one year, based on the
12 situation, the lack of data, and with the
13 stipulation that they work toward consolidation; not
14 to get it done in a year, but that they work toward
15 consolidation in a three-year time frame --

16 THE CHAIR: I don't think we can do two
17 different time frames.

18 COMMISSIONER CARR: No, no, no, probably
19 not. But we can just say that they're working
20 toward it, that they will be working toward it.
21 Seems like we could give some kind of mandate. But
22 I wouldn't want to -- I wouldn't want to force it on
23 them in a year. I -- well, of course, if we voted
24 to just close them, it wouldn't make any difference.

25 But the -- I would be -- I'm just saying

1 that I would be willing, with the conditions that
2 the PED -- the Charter Division has already put
3 forward, maybe with some stipulation toward looking
4 toward consolidation, that I would be willing to
5 vote for that. And I would still have reservations.

6 THE CHAIR: Commissioner Parker?

7 COMMISSIONER PARKER: Madam Chair,
8 Commissioners, it seems likes that makes the most
9 sense, if we did a one-year approval for this
10 charter renewal. They, I am fairly confident, have
11 a complete understanding that there is a desire to
12 consolidate those grades at the schools. That year
13 would give them time to come and have some answers
14 to questions that -- that the Commission might have
15 at the end of that one-year time; and then they'll
16 know if it's something they can pull off.

17 And at that point, potentially, you could
18 have the information from the investigation that's
19 currently underway, as well as, if not -- if they're
20 able to pursue that consolidation, at all.

21 THE CHAIR: Thank you.

22 Commissioner Gant?

23 COMMISSIONER GANT: Madam Chair, members,
24 I'm going to offer a compromise. I've lived
25 through, in Cruces, these one-year charters --

1 renewals, renewals, renewals, renewals. I would
2 suggest -- and I know this seems like a small one --
3 but a two-year; give them some time to get their
4 report from whomever they're going to get one --
5 from the gods -- and have time to work with it.

6 But if you just give them one year, and if
7 the decision from the investigators and the
8 forensics and all that doesn't come out for another
9 eight, ten months, they don't have time. I would
10 suggest a two-year, to give them time to adjust to
11 whatever happens, considering the consolidation.

12 I would pull back, myself. It's all up to
13 the rest of you, that you -- we've got it on the
14 record that you are considering it -- it's right
15 there -- that you're considering consolidation. So
16 we can go back and find it.

17 But I recommend to the Commission a
18 compromise of two years to give them time to get all
19 the investigation done and work out whatever has to
20 be worked out.

21 THE CHAIR: Commissioner Toulouse?

22 COMMISSIONER TOULOUSE: Madam Chair, I
23 could do two years. Logistically, one year isn't
24 going to work. By the time we get a contract
25 negotiated that's all in place, they just have to

1 start over with the renewal. And I don't think that
2 helps anybody. But I do think a two-year, I could
3 vote for.

4 THE CHAIR: Commissioner -- Mr. Pahl?

5 MR. PAHL: Thank you for elevating my
6 status.

7 I'd just like to note that I agree with a
8 longer term. One year, they would be submitting
9 renewal application in a matter of months. And we
10 are talking about a very -- and big -- big
11 conditions that we may be placing on the school. I
12 would even say two years is short, just given how
13 long federal investigations take. As a former
14 federal auditor, they take a very long time.

15 Three years -- and I'm throwing this out
16 there, just to show what the time line would look
17 like. If it was three years, and the Commission can
18 put whatever stipulations they'd like on there, we
19 would have -- it would be two -- just over two years
20 before we're here -- we're getting a new application
21 from the school again.

22 So if we think about the -- the
23 administrative time line, though it would be three
24 years, or if it was two years, we are looking at
25 still pretty tight time lines under two, and

1 something that with one would be very hard to get
2 real good data from, and probably unlikely that we
3 would get anything from the federal government in
4 that time.

5 THE CHAIR: Are we ready to bring this to
6 a close?

7 COMMISSIONER TOULOUSE: Madam Chair, I
8 would like to answer that. I think the two years,
9 regardless -- at this point, an investigation could
10 be ten years. But two years would let us see that
11 the school is back on its feet, that all of the
12 processes are working correctly; hopefully, their
13 money would be handed back to them, and we would
14 move forward with the investigation as something
15 separate and apart that we have no control over.

16 But the two years would let us see if the
17 good-faith efforts of these folks would be hopefully
18 succeeding.

19 THE CHAIR: Okay. Anything else? Is
20 someone ready with a motion?

21 COMMISSIONER GANT: Madam Chair, if I may?

22 THE CHAIR: Commissioner Gant?

23 COMMISSIONER GANT: Madam Chair, we've
24 heard from Commissioner Peralta on one year. We've
25 heard from, I believe, Commissioner Carr on a

1 one-year. So would you gentlemen care to put your
2 inputs whether we go one or two?

3 THE CHAIR: Commissioner Peralta?

4 COMMISSIONER PERALTA: Well, my one got it
5 down from three; so -- you know.

6 COMMISSIONER CARR: That's a compromise.

7 COMMISSIONER PERALTA: A compromise.

8 COMMISSIONER CARR: I will say -- I just
9 have -- the Chair on this -- maybe she's changed her
10 mind since the last time she talked. But I -- I
11 just have too many reservations. I don't feel
12 comfortable voting for this at all. So that's my --
13 that's my final wave length.

14 THE CHAIR: All right. Any other
15 comments?

16 I hear no other comments. The Chair would
17 entertain a motion.

18 I believe Commissioner Gant is working on
19 one. Whenever you're ready?

20 COMMISSIONER GANT: I don't know if I'm
21 ready. But I, Commissioner Eugene Gant, move that
22 the Public Education Commission approve, with
23 conditions, the renewal of the charter school
24 application for the Southwest Intermediate Learning
25 Center, Albuquerque, pursuant to Charter School Act

1 Section 22-8B-6 and Section 22-8B-12. The charter
2 is renewed for approval with the following
3 conditions:

4 A shortened contract of two years;
5 Completion of an improvement plan specific
6 to the school;

7 And two annual monitoring visits by the
8 Charter School Division.

9 THE CHAIR: Nothing about consolidation?

10 COMMISSIONER GANT: With the
11 understanding, per the record of the -- of this
12 meeting, that they will consider consolidation.

13 COMMISSIONER TOULOUSE: Madam Chair?

14 THE CHAIR: Commissioner Gant, would you
15 consider a friendly amendment to your motion,
16 substituting "pursue" consolidation instead of the
17 word "consider"?

18 COMMISSIONER GANT: I will take that as a
19 friendly amendment.

20 COMMISSIONER CARR: Nobody's seconded yet.

21 THE CHAIR: I'm sorry. Did you say you
22 seconded?

23 COMMISSIONER CARR: No, I didn't. I said
24 no one has seconded yet.

25 COMMISSIONER TOULOUSE: (Indicates.)

1 THE CHAIR: Are you seconding?

2 COMMISSIONER TOULOUSE: Yes. I was trying
3 to do it before you --

4 THE CHAIR: And with the word "pursue"?

5 COMMISSIONER TOULOUSE: That's acceptable
6 at this point; because that isn't mandating. That's
7 just saying, "You need to work on it."

8 COMMISSIONER POGNA: Madam Chair?

9 THE CHAIR: The motion by
10 Commissioner Gant, seconded by Commissioner
11 Toulouse, to approve the renewal application of
12 Southwest Intermediate Learning Center for two
13 years, with the conditions that they complete an
14 improvement plan specific to the school, that they
15 have at least two CSD site visits during the term of
16 the -- each year, and that they actively pursue
17 consolidation of the two schools, Southwest
18 Intermediate and Southwest Secondary.

19 Have I correctly stated your motion?

20 COMMISSIONER GANT: Yes.

21 THE CHAIR: Okay. Now, is there any
22 discussion? Commissioner Pogna?

23 COMMISSIONER POGNA: I think you stated
24 it. I needed to know, was it two years?

25 THE CHAIR: Two years.

1 COMMISSIONER POGNA: I don't like it.

2 Pardon me.

3 THE CHAIR: Commissioner Bergman?

4 COMMISSIONER BERGMAN: I'm not sure that I
5 agree with what Commissioner Toulouse said. Just
6 the change of that one word "pursue," to me, means
7 we're telling them they've got to do consolidation.

8 THE CHAIR: No. "Pursue." "Go ahead."

9 COMMISSIONER BERGMAN: That's my
10 interpretation of the word "pursue." I am not an
11 attorney. It puts me in a bind, because I support
12 voting "yes" to approve the renewal; but it also
13 puts -- if I say "yes," I guess I want it, here
14 again, on the record, that I'm not sure that I'm
15 comfortable with us telling them they must pursue
16 consolidation. That's -- I'm speaking personally
17 now. But thank you very much. I --

18 THE CHAIR: Let me ask. Is there a word
19 you would prefer rather than "pursue"?

20 COMMISSIONER BERGMAN: I liked the word
21 "consider" that was originally proposed. But I'm
22 not going to hang -- we've been on this for an hour
23 and a half already. I'm not going to -- I want what
24 I just said on the record.

25 THE CHAIR: Commissioner Gant?

1 COMMISSIONER GANT: Mr. Granata, the word
2 "pursue," does that make it a requirement?

3 MR. GRANATA: Madam Chair, Commissioner,
4 Gant, to me the word "pursue" does have stronger
5 connotations than the word "consider."

6 THE CHAIR: But --

7 MR. GRANATA: I mean, in law, you can
8 argue anything; and in law, we argue where a comma
9 is in a sentence. And I'm sure Mr. Baker and I can
10 argue the difference between "consider" and
11 "pursue." But to me, "pursue" does entail the
12 school reaching towards that as a goal, as opposed
13 to them considering the consolidation.

14 Regardless of the definition of those two
15 words, I think it's fairly clear that the Commission
16 wants the schools to consolidate.

17 COMMISSIONER GANT: Madam Chair, I request
18 that we leave the word "pursue."

19 THE CHAIR: Leave the word "pursue"?
20 Okay.

21 Any other comments? Any other comments?

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

24 MR. BAKER: Madam Chair -- I'm sorry. I'm
25 sorry. Hear me for one second, if you would.

1 Sorry. May I?

2 Could it just be that with regard to the
3 consolidation, that the schools consider
4 consolidation options among the four schools?

5 Because it may be that the schools don't want to
6 look at SSLC and SILC, but, instead, would want to
7 look at consolidating primary and intermediate or
8 some other concoction among them. And that would --
9 I think the schools could live with "pursue,"
10 perhaps -- I need to talk to the governing councils.
11 But if it was just to say that they'll consider
12 consolidation plans among the four schools, that
13 would take out the specificity of mandating that
14 they look at consolidating SSLC and SILC.

15 That would be the request I would make,
16 and I'll leave it at that.

17 THE CHAIR: My reaction to that,
18 Mr. Baker, though, is if the school should come back
19 and say, "We're going to consolidate primary and
20 SAMS" -- a ridiculous notion -- what we're trying to
21 do is get the duplication of grades looked at. So
22 if you should -- so if the school should come back
23 and say, "We want to consolidate the primary and the
24 secondary school," that would not fix the problem
25 that we're talking about here.

1 My thought would be the way we have it
2 worded now is strong enough. The schools always
3 have the option to come back to this Commission and
4 ask for an amendment to their charter to change
5 anything.

6 COMMISSIONER CARR: Madam Chair, point of
7 order. I think we have a motion that has been moved
8 and seconded, and I believe we should vote.

9 THE CHAIR: Do you call for the question?

10 COMMISSIONER CARR: Yes, I'm calling for
11 the question.

12 THE CHAIR: Then we must immediately, is
13 my understanding. Mr. Granata.

14 And I ask Mr. Bergman for a roll-call
15 vote, please.

16 COMMISSIONER BERGMAN: Commissioner
17 Peralta?

18 COMMISSIONER PERALTA: Yes.

19 COMMISSIONER BERGMAN: Commissioner Carr?

20 COMMISSIONER CARR: No.

21 COMMISSIONER BERGMAN: Commissioner Pogna?

22 COMMISSIONER POGNA: I vote "yes" with
23 reservations. I prefer the recommendation of three
24 years, for the record.

25 COMMISSIONER BERGMAN: Commissioner

1 Toulouse?

2 COMMISSIONER TOULOUSE: Yes.

3 COMMISSIONER BERGMAN: Commissioner

4 Parker?

5 COMMISSIONER PARKER: Yes.

6 COMMISSIONER BERGMAN: Commissioner Gant?

7 COMMISSIONER GANT: Yes.

8 COMMISSIONER BERGMAN: Commissioner

9 Shearman?

10 THE CHAIR: Yes.

11 COMMISSIONER BERGMAN: And Commissioner

12 Bergman votes "yes," with the comments I made
13 previously on the record.

14 Madam Chair, that is a 7-to-1 vote in
15 favor of that motion.

16 THE CHAIR: Thank you, Mr. Secretary. The
17 renewal application of Southwest Intermediate School
18 is renewed for a two-year term, with the conditions
19 as noted on the official record. Thank you very
20 much.

21 Commissioners, we're going to take a
22 ten-minute break. Thank you.

23 (Recess taken, 2:30 p.m. to 2:40 p.m.)

24 THE CHAIR: If you all are ready, let's
25 get started again, please.

1 Mr. Pahl, Southwest Primary, please.

2 COMMISSIONER BERGMAN: Madam Chair, are we
3 going without Commissioner Pogna.

4 THE CHAIR: Thank you. On the official
5 record, please note that Commissioner Pogna has left
6 the meeting. We still do have a full quorum.

7 (A discussion was held off the record.)

8 THE CHAIR: Okay. We're all here.
9 Mr. Pahl, would you please go ahead?

10 MR. PAHL: Madam Chair, members of the
11 Commission, the Southwest Primary Learning Center
12 was chartered by the State in December of 2009. The
13 school's mission is to sustain a high-performing
14 learning community. Southwest Primary Learning
15 Center, which I'll refer to as "SPLC," has
16 connections with a few other schools in -- that are
17 under the same name and have some similar academic
18 programming.

19 The Charter Schools Division at the PED
20 recommends a three-year renewal term for Southwest
21 Primary Learning Center. Financial difficulties at
22 the school are the primary reason for a three-year
23 term. The FBI recently began an investigation into
24 the school, and the PED has taken over the school's
25 board of finance and is conducting a forensic audit.

1 Results from the investigation and the PED's audit
2 are not yet known.

3 These recent events present considerable
4 risk to the appropriate use of public school
5 funding, and any conditions of the three-year term
6 should focus on the school's financial difficulties.

7 Academic performance at the school has
8 traditionally been excellent, but in recent years
9 has been declining. Southwest Primary Learning
10 Center's three-year record card average is a B, with
11 scores that range from a B in years 2012 and 2013,
12 to a C in 2014.

13 Their three-year trend in the growth of
14 their highest performing students goes from earning
15 a B in 2012 to earning an F in 2013 and '14; and,
16 finally, the three-year trend of growth amongst
17 their lowest performing students consistently has
18 earned an F. That said, the school outscored, or
19 equaled, its two neighboring schools in its report
20 card in the last two years, which means that it
21 represents a good option for students in that
22 community.

23 The Charter Schools Division is
24 recommending a three-year renewal term for
25 Southwest, with conditions: The shortened contract

1 term of three years; the completion of an
2 improvement plan specific to the school and the --
3 and some financial matters, which I think are
4 currently being -- being formulated, or have been
5 completed, between the PED and the school; and two
6 annual monitoring visits by CSD to assure that that
7 slipping performance is reversed and Southwest can
8 celebrate its academic achievement, like it has in
9 earlier years.

10 THE CHAIR: Thank you, Mr. Pahl.

11 Gentlemen, if you would -- do you need
12 their names again?

13 THE REPORTER: No, ma'am.

14 THE CHAIR: If you would like to go ahead,
15 five minutes, please.

16 MR. BAYSINGER: Madam Chair,
17 Commissioners, we would now like to address the
18 renewal for the Southwest Primary Learning Center.
19 The Southwest Primary Learning Center was originally
20 chartered with the Albuquerque Public Schools, and
21 opened in August of 2005, serving Grades 4, 5, and
22 6. It was renewed as a State-chartered charter
23 school in 2010.

24 The mission of the Southwest Primary is to
25 sustain a high learning community. Southwest

1 Primary met AYP each year and has a B average for
2 the most recent three years. Students consistently
3 perform well compared to local and State school
4 evaluations. Our most recent school grade of a C
5 is, in great part, a reflection of the model that
6 penalizes schools where student proficiency rates
7 are already high; and, in our case, 73 percent of
8 students this past year being advanced and
9 proficient.

10 There is the potential for greater
11 fluctuations in evaluations, given the size of the
12 school, as comparisons of data may not be as robust
13 as it is for larger schools, as has been noted in
14 discussions with the Assessment and Accountability
15 Department at PED.

16 Southwest Primary has proven to be
17 successful in narrowing the achievement gap between
18 Hispanic and Caucasian students and for economically
19 disadvantaged students. With this being said, we
20 are establishing the academic priorities to trend
21 higher standardized testing results, further
22 integration and alignment with Common Core
23 standards, and pursue professional development to
24 target Q1 students and those who have unique
25 learning needs.

1 The recent Advanced Ed exit review echos
2 the results of the Charter School Division's renewal
3 analysis. The Advanced Ed team just this past
4 January said, "The School's State and local data
5 demonstrated no achievement gaps in mathematics or
6 reading in all subgroups, including gender,
7 ethnicity, and poverty, as defined by
8 Free-and-Reduced Lunch and ELL status. The most
9 significant finding is in the area of special
10 education. Additionally, students with IEPs showed
11 no achievement gaps. These students are identified
12 and served through modifications and targeted
13 assistance in their classroom."

14 "The school's rigorous learning
15 expectations are the same for all students, while
16 individual needs are met. The school's data,
17 analysis, and, most importantly, its own
18 recommendations match those of the Accreditation
19 Team.

20 "The school strongly believes in
21 transparency as a way to improve all aspects of its
22 operations and to grow trust among its stakeholders;
23 for example, the team's required actions mirrored
24 those of the school, in both cases. The school
25 began working on those required actions before,

1 during, and immediately after the visit.

2 "The external team and the internal
3 stakeholders work together to sustain and improve an
4 exemplary learning community, focused on the
5 academic and social needs of its students."

6 COMMISSIONER GANT: Two minutes.

7 MR. BAYSINGER: "The external review team
8 recommends that Southwest Primary Learning Center
9 should be granted a new five-year term of
10 accreditation by the Advanced Ed Accreditation
11 Commission."

12 Thank you.

13 THE CHAIR: Thank you. Anything from
14 anyone else?

15 Thank you. We have five minutes set aside
16 for anyone in the audience who would care to speak.

17 Okay. Seeing no one, it's time for
18 Commissioners' comments.

19 Commissioners, before we get into
20 questions and so forth, might I ask, if you look on
21 the back side of the information from CSD, and it
22 says, "Proposed Conditions" -- I'm sure you may
23 already be looking at it -- please notice, it says,
24 "A shortened contract term of two or three years."

25 I know Mr. Pahl said three years; but two

1 years would be more consistent with -- with the
2 other schools -- the other Southwest school we've
3 already dealt with.

4 So I would ask your consideration of a
5 two-year contract, if we choose to renew this
6 school.

7 Now, any comments or questions?

8 Commissioner Peralta?

9 COMMISSIONER PERALTA: Commissioner
10 Shearman, point well-taken. I will concur with the
11 consideration.

12 THE CHAIR: I'm sorry?

13 COMMISSIONER PERALTA: I will concur with
14 the consideration of a two-year.

15 THE CHAIR: And with the other conditions,
16 as stated by Mr. Pahl?

17 COMMISSIONER PERALTA: Yes, same
18 conditions.

19 THE CHAIR: Any other discussion?

20 Hearing none, the Chair would entertain a
21 motion?

22 Commissioner Bergman?

23 COMMISSIONER BERGMAN: Let me get
24 everything organized here, where I can see it.

25 Madam Chair, I, Commissioner Bergman, move

1 that the Public Education Commission approve the
2 renewal of the Southwest Primary Learning Center for
3 a two-year term, subject to the following
4 conditions:

5 Completion of an improvement plan specific
6 to the school;

7 A minimum of at least two annual
8 monitoring visits by CSD.

9 And this would be done pursuant to the
10 Charter School Act, Section 22-8B-6 and Section
11 22-8B-12.

12 THE CHAIR: Thank you. We have a motion
13 by Commissioner Bergman. Do we have a second?

14 COMMISSIONER TOULOUSE: (Indicates.)

15 THE CHAIR: Commissioner Toulouse.

16 The motion is to approve a two-year
17 renewal for Southwest Primary Learning Center, with
18 conditions as stated on the official record.

19 Is there any discussion?

20 Hearing no discussion, Secretary Bergman,
21 may we have a roll-call vote, please?

22 COMMISSIONER BERGMAN: Commissioner Carr?

23 COMMISSIONER CARR: No.

24 COMMISSIONER BERGMAN: Commissioner
25 Toulouse?

1 COMMISSIONER TOULOUSE: Yes.
2 COMMISSIONER BERGMAN: Commissioner
3 Parker?
4 COMMISSIONER PARKER: Yes.
5 COMMISSIONER BERGMAN: Commissioner
6 Peralta?
7 COMMISSIONER PERALTA: 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 6-to-1 vote in
16 favor of that motion.
17 THE CHAIR: Thank you. The motion to
18 approve the two-year renewal of Southwest Primary
19 Learning Center, with conditions as stated on the
20 record, is approved.
21 Thank you, all.
22 Let's next go to the Southwest Secondary
23 Learning Center. Mr. Pahl?
24 MR. PAHL: Madam Chair, the Southwest
25 Secondary Learning Center was granted a charter by

1 the PEC July 1st of 2010, had previously operated
2 under a different name, chartered by the Albuquerque
3 Public Schools. The Charter School Division and PED
4 recommends a three-year renewal term for Southwest
5 Secondary Learning Center.

6 Financial difficulties at the school are
7 the primary reason for the three-year-term
8 recommendation. The FBI has recently begun an
9 investigation into the school, and the PED has taken
10 over the school's board of finance and is
11 constructing a forensic audit. Results from these
12 investigations are not yet known.

13 These recent events present considerable
14 risk to the appropriate use of public school
15 funding, and any conditions of the three-year term
16 should focus on the school's financial difficulties.

17 This is especially true for Southwest
18 Secondary Learning Center, as their academic
19 performance is very high. An analysis of the
20 school's State grade report card indicates a final
21 grade of a B in 2012 and an A in 2013 and 2014.

22 The current [inaudible] grade for the
23 school has been an A for all three years. What that
24 means is that the achievement of students --
25 the percent proficient is among the highest in the

1 state.

2 Student reading proficiency scores showed
3 75 percent of students scoring proficient or
4 advanced in 2012; 82 percent in 2013; and 80 percent
5 in 2014.

6 In math, 76 percent of students scored
7 proficient and advanced in 2012; 80 percent in 2013;
8 and 74 percent in 2014.

9 Madam Chair, just a point of
10 clarification. I can see why the back of the sheets
11 are misleading. But I just want to be clear that
12 the recommended term, from PED, is a three-year
13 term, while it does say a two- or a three- as part
14 of our template. But just to be clear, we do
15 recommend a three-year term, with conditions that
16 include completion of an improvement plan, focus on
17 their finances, and two annual monitoring visits by
18 CSD.

19 THE CHAIR: Thank you, Mr. Pahl.

20 Gentlemen?

21 MR. BAYSINGER: Thank you again for the
22 opportunity to address the concerns about Southwest
23 Secondary. I'd like to recognize that our counsel
24 president, Mr. Kit Turpen, is with us here today, if
25 you have questions later.

1 THE CHAIR: Good afternoon.

2 MR. BAYSINGER: In an effort to extol and
3 capitalize the accomplishments of Southwest
4 Secondary, with your indulgence, I'd like to
5 summarize the Advanced Ed's external report, again,
6 from this past January.

7 They said: "Southwest Secondary is an
8 exemplary model in utilizing technology to prepare
9 students for higher education opportunities in an
10 increasingly technologically-dependent society.
11 Feedback from all state quarters indicates that the
12 school is clearly achieving its mission in providing
13 a 21st Century educational experience.

14 "Secondary is highly effective at
15 documenting and communicating student performance
16 for students, parents, and all other stakeholders.

17 "Parents reported instantaneous access to
18 student progress and thoroughly appreciated the
19 dedication of sponsored teachers' methods of keeping
20 them informed. It is highly evident that the
21 school's curriculum provides challenging learning
22 experiences that ensure all students have sufficient
23 opportunities to develop learning, thinking, and
24 life skills, which lead to achievement at the next
25 level.

1 "This opportunity for success is
2 accomplished through an extensive and effective
3 process of dual-enrollment courses and classwork
4 existing in the school's SMART lab curriculum.

5 "The overall climate of Secondary as a
6 learning community is extremely positive and
7 welcoming.

8 "The school staff demonstrates a
9 commitment to revision in order to deliver improved
10 delivery of education. An example of this is SMART
11 Lab, which was implemented as they saw a need for
12 collaborative and creative experiences for student
13 learning. The main lab further exemplifies a 21st
14 Century model by having a strong emphasis on
15 independent learning of students through the use of
16 self-based and well-established academic curricular
17 software programs.

18 "The Southwest Learning Center learning
19 community has an impressive track record of success
20 and continual improvement from its inception. Upon
21 reviewing empirical data and conducting qualitative
22 observations and interviews, it is the team's
23 recommendation that Southwest Secondary Learning
24 Center be granted a five-year term of
25 accreditation."

1 Along with the accolades from Advanced Ed,
2 Southwest Secondary was rated by Newsweek in 2014 as
3 one of the top five high schools in New Mexico for
4 doing the absolute best job of preparing students
5 for college, including recognition for eliminating
6 the achievement gap for low-income students.

7 Secondary has received the College Readiness Award
8 from the New Mexico ACT Council for increasing the
9 number of students taking the ACT assessment over
10 the past five years, and significantly increasing
11 their level of achievement in college-readiness.

12 Our annual ACT average scores are 1 to
13 3 percent points higher than national averages in
14 all subject areas. The school's average graduation
15 rate for the past three years is 89.3 percent.

16 Finally, the average 2004 Southwest
17 Secondary graduate would have completed --
18 successfully completed -- 6.8 college classes
19 through the dual-enrollment program during their
20 high school tenure.

21 The Charter Division concluded their
22 evaluation as follows:

23 "Organizationally, the school is
24 high-functioning. The administrative team is very
25 knowledgeable of all facets of the operation.

1 Despite some staffing and governing board turnover
2 early in the year, things appear to be running
3 smoothly. Students, parents, and faculty members
4 interviewed expressed strong support for the school
5 and stated concerns that the school might be closed
6 even though they are performing at very high
7 academic levels.

8 "Teachers interviewed indicated they are
9 able to work with students individually, rather than
10 large groups, which leads to higher achievement for
11 all students. Students interviewed were very
12 knowledgeable about what they were learning and why.
13 The students also indicated the SMART Lab was an
14 incentive for them to be very creative and take
15 academic risks.

16 "All stakeholders expressed hope that
17 whatever financial issues the school faces could be
18 behind them so they can move forward."

19 And I might note, unless -- unless I
20 missed something, that's incorrect; we didn't have
21 any staff in Secondary. We had one staff position
22 in Intermediate that we had to fill after the
23 beginning of the year, and that's it. Thank you.

24 THE CHAIR: Thank you very much.

25 Hold on. At this time, we have time set

1 aside for anyone in the audience who would care to
2 speak.

3 Please come forward. And you'll need to
4 use the microphone, so everyone can hear you.
5 Please give us your name, and you have five minutes.

6 MR. FERNANDEZ: Okay. I don't think I'll
7 take five minutes. My name is Edwin Fernandez, and
8 I'm a proud parent of two students at Southwest
9 Secondary Learning Center. I have a senior, and I
10 also have a seventh-grader. My kids started out in
11 parochial school, and we've since moved them to
12 charter schools.

13 So I want to say, first of all, the
14 charter -- I'm a firm believer in charter schools
15 and a strong supporter of them. So what you guys
16 are doing, I think is really important.

17 My -- my senior, she's always done very,
18 very well academically. My seventh-grader, you
19 know, at times, she has struggled sometimes, and got
20 to the point where school was not important for her.

21 She attends Southwest Secondary Learning
22 Center. And it made me just really proud earlier
23 today that my wife was telling me that my daughter
24 is so excited about being able to get dual
25 college -- dual credits and the opportunity to be

1 able to graduate early through the program at
2 Southwest Secondary Learning Center.

3 So I'm a firm believer in the -- in the
4 school. I know a lot of the staff, and I think they
5 do an incredible job. And my -- I hope that you
6 guys renew their charter, not just for one year, two
7 years, three years; but really continue on for a
8 long period of time.

9 And with that, I want to thank you.

10 THE CHAIR: Thank you very much. We
11 appreciate that.

12 Commissioners, before -- before we have
13 any discussion, I think I should have said, on the
14 record earlier, when I suggested a two-year term,
15 perhaps for all three of these schools, that it's
16 because we're -- the PEC is awaiting results of the
17 forensic audit, as well as the FBI investigation, as
18 reasons for conditions. So I just want to be sure
19 my statement was correct. Okay.

20 So, again, I'm suggesting we look at a
21 two-year term for Southwest Secondary, as well.

22 Now, Commissioners, are there -- I believe
23 Commissioner Parker?

24 COMMISSIONER PARKER: Madam Chair,
25 Commissioners, at one of our -- I don't know if it

1 was the last one or the previous one -- you were
2 asked how the kids were doing over there, and you
3 stood up and said that you did not notice. But is
4 there, still, any fallout from the school being on
5 the news and all that?

6 MR. BAYSINGER: Our kids are doing great.

7 COMMISSIONER PARKER: Good.

8 MR. BAYSINGER: Really, they're just doing
9 great. You know, I guess Commissioner Carr asked
10 earlier about where our students were today.
11 They're finishing their classes. I mean, really,
12 they -- and if you come to the school and see them
13 in the last week or so -- because they want that two
14 weeks of Christmas without having to work at home.

15 And our kids, they have access to their
16 courses. There's always homework at our school.
17 They're never done, because they always have
18 courses. When they finish first semester, they can
19 then start second semester. Many of our students
20 already have started their second semester classes.

21 You walk in our school, and they're doing
22 fine. You wouldn't see -- from this year or five
23 years ago, they haven't missed a beat.

24 THE CHAIR: Anything else?

25 Commissioner Bergman?

1 COMMISSIONER BERGMAN: I would first like
2 to address the question to Mr. Pahl. Because you've
3 listed the same conditions. And there's boilerplate
4 conditions. But I'm looking at this grade report
5 for this particular school.

6 If we ask them to do an improvement plan,
7 what are we asking them to improve? What was your
8 thinking in that -- in that specific regard?

9 MR. PAHL: Madam Chair, Commissioner
10 Bergman, while the boilerplate language does state
11 an improvement plan, the improvement plan is
12 valuable for any school, based on their needs. And
13 as I mentioned earlier, that would be focused on the
14 financial.

15 COMMISSIONER BERGMAN: As I'm just looking
16 for this, I'm not sure I would -- if it's just
17 limited to the financial, I'm not sure I would ask
18 them to do something on the academic side. But then
19 there was something that jumped out at me in the
20 application. And I'll say I kind of -- just to be
21 consistent, I like the two-year idea, also.

22 But on Page -- at the top of Page 42, in
23 the organizational area of your application, there's
24 a question that's on everybody's application about
25 material terms. And it asks if you had violated any

1 material terms, and you checked the box "Yes." I
2 don't know if anybody else noticed that.

3 I'm not aware of any material violations
4 that this school has done. There is no explanation.
5 So is that just someone marked the wrong box,
6 perhaps?

7 MR. PAHL: It may be -- sorry.
8 Madam Chair, Commissioner Bergman, it may be. I'll
9 let the school speak to it. But I'm looking at
10 staff, and they're saying, "No, there weren't any
11 material terms," unless it was an in abundance of
12 caution, based on some of the recent events, that
13 they checked "Yes." But I'll defer to the school.

14 MR. BAYSINGER: Our box-checker says
15 "No --"

16 COMMISSIONER BERGMAN: I didn't know if
17 you were in a rush to report a violation to us or
18 you just wanted to do it to change things up a
19 little. That's kind of what I thought. Thank you
20 for that clarification.

21 COMMISSIONER TOULOUSE: Madam Chair, was
22 that an official job title?

23 MR. BAYSINGER: Yes. It's in his job
24 description.

25 COMMISSIONER CARR: "Master Box-Checker."

1 COMMISSIONER BERGMAN: Madam Chair, thank
2 you. I think that answers my questions.

3 THE CHAIR: Thank you. Any other
4 discussion?

5 Commissioner Toulouse?

6 COMMISSIONER TOULOUSE: Madam Chair, the
7 only other item I have; otherwise -- two years for
8 this school is fine -- is, again, the seventh-eighth
9 grade question, combined with the previous one, that
10 I don't know if we need to put a condition; but I
11 would hope they would also be looking at do they
12 move it over to the other school and keep that one,
13 or move it -- I'm just -- as you do this over the
14 next two years.

15 MR. BAYSINGER: Madam Chair, Commissioner
16 Toulouse, I -- I would -- I would invite you, if at
17 all -- come see our school. And, really, I could
18 explain to you. For me, the answer to the
19 question -- really, what I'm asking is, when I asked
20 the parents -- Mr. Fernandez, who just spoke, his
21 daughter is a seventh-grade Secondary student.
22 That's the question. "Well, Mr. Fernandez, would
23 you like to move your daughter to the other program,
24 or vice versa?"

25 I mean, he selected that program. I don't

1 know exactly what his reasons were. You heard how
2 happy he is with it. And I keep going back to that,
3 I know. But there really are two different
4 programs. They're two different schools. And the
5 parents' selection of that program could be as much
6 as deciding to go to Madison Middle School as going
7 to Southwest Secondary seventh grade or Southwest
8 Intermediate seventh grade. I would -- please come.
9 I'd like to give you a tour.

10 COMMISSIONER TOULOUSE: Send me an
11 official invite. I try to go to any school. But I
12 have tried very carefully -- although you are not
13 within my district -- you're a little out of it -- I
14 feel better if I get an official invite, and we set
15 up a time. But I would be very glad to come. And,
16 again, I'm not necessarily concerned about that.

17 I do have a concern -- and it's very
18 personal, and it's for some of the other schools,
19 too -- about kids who are in such a rush to leave
20 school early. I graduated at age 16 and had a
21 college semester under my belt before I was 17. I
22 didn't socially fit in for years. I was already in
23 high school at the age of 13, you know.

24 And there's plenty of time to be grown up.
25 And I would encourage people to encourage kids to

1 explore other areas of education, you know, to look
2 across the board -- some more electives -- before,
3 personally, I would send kids out in the world as
4 young as I went out. It took a while for me to
5 settle down and figure out where I was.

6 Thank you.

7 MR. BAYSINGER: I would reassure you that
8 I'm very cautious when I hand out parental advice to
9 other parents. But I do say just what I said
10 before. I really caution those folks that want to
11 do the Southwest Secondary program for seventh- and
12 eighth-graders, "Here's what you're looking at. Be
13 sure you consider all these options before you
14 enroll your student here."

15 THE CHAIR: Further comments and
16 questions, Commissioners?

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

19 Commissioner Bergman, you seem to have
20 this down pretty well. Would you like to give it
21 another shot?

22 COMMISSIONER BERGMAN: I don't want to hog
23 it; but if no one else wants to do it, I will do it.

24 Did I hear someone say they wanted to do
25 it?

1 All right. I've procrastinated enough, I
2 guess.

3 I, Commissioner Bergman, move that the
4 Public Education Commission approve the charter
5 renewal of the Southwest Secondary Learning Center
6 for two years, with the following conditions:

7 Completion of an improvement plan that
8 would be specific for the financial aspects that
9 have been perhaps called into question;

10 And at least two annual monitoring visits
11 from the Charter School Division.

12 And that would be pursuant to the Charter
13 School Act, Section 12-8B-6 and Section 22-8B-12.

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

16 COMMISSIONER GANT: Second.

17 THE CHAIR: Motion by Commissioner
18 Bergman, second by Commissioner Gant, to approve the
19 renewal application of the Southwest Secondary
20 Learning Center for a two-year period, with
21 conditions as noted on the official record.

22 Is there discussion?

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

25 COMMISSIONER BERGMAN: Commissioner

1 Toulouse?

2 COMMISSIONER TOULOUSE: Yes.

3 COMMISSIONER BERGMAN: Commissioner

4 Parker?

5 COMMISSIONER PARKER: Yes.

6 COMMISSIONER BERGMAN: Commissioner

7 Peralta?

8 COMMISSIONER PERALTA: Yes.

9 COMMISSIONER BERGMAN: Commissioner Carr?

10 COMMISSIONER CARR: No.

11 COMMISSIONER BERGMAN: Commissioner Gant?

12 COMMISSIONER GANT: Yes.

13 COMMISSIONER BERGMAN: Commissioner

14 Shearman?

15 THE CHAIR: Yes.

16 COMMISSIONER BERGMAN: Commissioner

17 Bergman votes "yes."

18 Madam Chair, that is a 6-to-1 vote in
19 favor of that motion.

20 THE CHAIR: Thank you. The motion passes
21 to renew Southwest Secondary Learning Center for a
22 two-year period, with conditions as noted on the
23 record. Thank you all very much.

24 MR. BAKER: Thank you, all.

25 THE CHAIR: Commissioners, I believe we go

1 back now to Item 11-L, which is Albuquerque School
2 of Excellence.

3 MR. PAHL: Madam Chair, members of the
4 Commission, before I get started on Albuquerque
5 School of Excellence, I just realized I haven't made
6 a comment to our schools in the room.

7 Thank you for all your work on the
8 applications, and thank you for your work that you
9 do in your schools every day, something I should
10 have said right from the beginning. But we have a
11 lot of them in here, and we realize that this
12 process is a lengthy one and one that needs a lot of
13 effort. And for all the right reasons, for making
14 big investments in schools and big investments in
15 kids. So thank you.

16 The Albuquerque School of Excellence was
17 chartered by the State in 2009. Their first year of
18 operation commenced in 2010. The school's mission
19 is to provide a safe and collaborative environment
20 which will cultivate the academic and social
21 development of its students by emphasizing math,
22 science, and technology for the purpose of students
23 setting and meeting higher education goals.

24 This is a STEM-based school with rich
25 diversity in cultures. The Charter School Division

1 recommends Albuquerque School of Excellence should
2 be approved, without conditions, for a term of five
3 years, due to the following factors:

4 The school has no record of material
5 violations.

6 The school's three-year grade average is a
7 C.

8 Financial matters seem to be in good order
9 at the school, and the school has not violated any
10 provision in law.

11 The school has analyzed its progress and
12 shortcomings and proposed future goals in SMART
13 format to assure continued growth in the next
14 charter term.

15 The Albuquerque School of Excellence's
16 three-year report card average is a C, with scores
17 ranging from, 2014, a grade of an A, which was up
18 from a grade of a C in 2013. The school received a
19 grade of a B in 2012.

20 Three-year school growth of highest
21 performing students has progressed consistently,
22 moving up to an A in 2014 from a D in 2012 and a C
23 in 2013.

24 The school outscored or equaled their six
25 neighborhood schools, meaning that the school is a

1 good option for students in its neighborhood.

2 Madam Chair, once again, the Charter
3 School Division recommends Albuquerque School of
4 Excellence for a five-year term with no conditions.

5 One last note on schools that have a C
6 grade average -- and I think Albuquerque School of
7 Excellence is a good example of this -- these are
8 schools that us, as a division, through our
9 technical assistance that we provide the school,
10 really want to focus on to help them excel. So we
11 look forward to working with the school in the
12 future, should they be renewed today.

13 Thank you.

14 THE CHAIR: Thank you, Mr. Pahl. Good
15 afternoon. We appreciate you all and your
16 supporters -- I think the number may have dwindled.
17 I thought I saw quite a few students here earlier.
18 But we appreciate you waiting so patiently.

19 Please introduce yourselves, and we'll get
20 it on the official record, and then you have five
21 minutes.

22 MR. AYKAC: Good afternoon, Madam Chair,
23 and members of the Commission --

24 THE CHAIR: Okay. Pardon me. You're
25 going to have to speak up a lot louder than that.

1 And push the button down. You may even want to get
2 that microphone right close to your mouth.

3 MR. AYKAC: Good afternoon, Madam Chair
4 members of the Commission. My name is Salih
5 Aykac -- S-A-L-I-H, A-Y-K-A-C -- principal of
6 Albuquerque School of Excellence.

7 MS. RENO: My name is Beverly Reno. And I
8 am secretary of the governing council.

9 MR. ANDEROGLU: My name is Osman
10 Anderoglu. I am with the governing council since
11 2010. Currently, I am serving as the president.

12 MR. AYKAC: On behalf of my school,
13 governing council, students, staff, and parents, I
14 would like to thank you for your commitment and
15 leadership as charter authorizer. I also would like
16 to thank Charter School Division, our former
17 liaisons, Ron and Rachel, and current liaisons,
18 Chris and Amy, for help during this process.

19 Our goal was to provide a STEM-focused
20 public education option for parents and students, an
21 educational choice selected for the students, a safe
22 and collaborative environment, which will cultivate
23 the academic and social environment we are
24 developing for our students --

25 THE CHAIR: Excuse me. She can't go that

1 fast, and my hearing is not that good. So maybe
2 it'll slow you down if you yell a little bit, so
3 that I can hear you. Thank you, please.

4 MR. AYKAC: By emphasizing math, science,
5 technology, and preparing our students for higher
6 education. As we come before you today, we are
7 pleased with our progress to date. We also know
8 that we have lots of things to do, and we will
9 continue to do that.

10 As you get the data in front of you
11 regarding our student achievement on the SBA, it's
12 very clear to see that our students made a huge
13 improvement in math, reading, and science. Our
14 school-wide reading scores are at least 13 percent
15 higher than the State average; whereas, our math
16 scores are 17 percent higher than the State average;
17 and our science scores are more than 20 percent
18 higher than the State average.

19 Even though our school-wide averages are
20 higher than the State, when we look deeper into each
21 grade level, we have some areas needing more
22 attention. We had a problem in third-grade reading
23 and math, sixth-grade reading, and eleventh-grade
24 science.

25 We had a problem in third grade due to a

1 teacher change in the middle of the school year. We
2 lost vital instructional time until we hired a new
3 teacher.

4 We also have a new teacher in sixth grade
5 and eleventh-grade science.

6 Another area we need to pay attention is
7 Q1, lowest performing students. We started
8 mandatory tutoring for those students right after
9 school started. We hired a math and reading
10 interventionist this year. Students are pulled out
11 from non-core subjects throughout the day, and they
12 get help.

13 We also purchased guided reading book sets
14 for each grade level to be used by reading
15 specialists. We also have the ALEKS program as a
16 supplement and math intervention program. We have a
17 "DEAR" time, "Drop Everything And Read." Every
18 student in our school reads thirty minutes in
19 school.

20 We have a strong parent-teacher
21 relationship. As you know, elementary parents are
22 good at visiting the school; but you don't see it in
23 middle and high school. But it's not like that in
24 our school. We have a home visit program.

25 COMMISSIONER GANT: Three minutes.

1 MR. AYKAC: We like to visit all of our
2 students, starting from upper grade to lower grade,
3 and establish better communication. During our
4 visit, we explain our expectations, getting feedback
5 from parents, and introduce the new programs going
6 on at school. The college counselor goes with the
7 homeroom teacher to talk about college readiness and
8 steps they need to take as a parent and as a student
9 toward their graduation.

10 As a part of college readiness, we want
11 our students to visit colleges and universities.
12 Our eighth-graders visit universities in
13 Albuquerque; freshmen visit nearby universities,
14 such as New Mexico Tech, Northern New Mexico.
15 Sophomores visit New Mexico State in Las Cruces,
16 UTEP in El Paso. Juniors attend [incomprehensible]
17 in Denver, the University of Denver and the
18 Air Force Academy, first semester; and they visit
19 Texas Universities in the spring semester. And,
20 finally, seniors get to visit either East Coast or
21 West Coast universities.

22 If a student stays at Albuquerque School
23 of Excellence for four years, they will have a
24 chance to visit several different universities
25 before they go to college, which will help to make

1 their choice wisely.

2 I also would like to mention our robotics
3 team. They have been competing at the New Mexico
4 championship, and we are the only charter school
5 getting first place three years in a row. We have
6 science fair going on, fourth- through twelfth-grade
7 students competing school-wide. We also have a
8 Science Olympiad team. At the very first year, we
9 got fourth place in region, and eighth place in
10 State.

11 So we are really proud what we have
12 accomplished in the last three years. We are not
13 satisfied, and we definitely have higher aspirations
14 than what we have accomplished. We want to continue
15 to provide better education for children of
16 New Mexico.

17 Therefore, we are asking PEC to grant us
18 five more years.

19 We are here to answer your questions.
20 Thank you.

21 THE CHAIR: Thank you very much. We have
22 time set aside for anyone in the audience who would
23 care to speak.

24 MS. TITUS: We know we only have five
25 minutes.

1 MS. PLUMMER: We've got it figured out.

2 THE CHAIR: You've been here for a while.

3 SPEAKER: Yes, we have.

4 THE CHAIR: Please give us your names.

5 MS. TITUS: Can you hear me if I speak
6 without the microphone? I think I've talked to you
7 before, because I came to talk about the apps [ph]
8 at ASE, when you met in Albuquerque.

9 My name is Liz Titus, and I'm
10 vice president of the PTO, and I have two children
11 at ASE. And I just want to let you know how
12 important, as a parent, it is that ASE has good
13 communications with the parents, and the parents are
14 so involved.

15 And Prince is on our PTO board, and he's
16 going to talk to you briefly about the elementary
17 education.

18 MR. THOMAS: So my name is Thomas Prince
19 [verbatim]. I'm the treasurer of the PTO, and my
20 daughter is in fourth grade. They have excellent
21 teachers at the school.

22 Previously, for the past three years, my
23 daughter was going to a private school. And I had
24 to take her out of private school to come to ASE,
25 because my neighbor used to -- her best friend used

1 to go to ASE, and my daughter used to go to private
2 school.

3 So I just gave them, when they come to my
4 house, a math exam to see where they are, charter
5 school versus private school. So to my surprise,
6 like, the charter school was scoring far higher than
7 the private school. So it made me think of my math,
8 science -- as being a physician, you know, math and
9 science is very important to me. So it made me
10 think of, like, this school must be good.

11 So I looked into the school. They had an
12 excellent math program, excellent science; and
13 technology is very good. Teachers go far and beyond
14 their means. And I love the home visit we have with
15 the -- the students. They come once a month to see
16 my daughter, how she's doing, how she's academically
17 progressing; and the home culture, too, how the kids
18 are interacting with their parents. I think that's
19 also fundamental for education. Home is where the
20 education starts. That's what my belief is.

21 THE CHAIR: Thank you.

22 MS. PLUMMER: My name is Denise Plummer,
23 and my son is a mid-school student at ASE. And so
24 I'd like to speak to the mid-school and high school
25 programs that they have.

1 My son has been in the gifted programs in
2 APS since he was in second grade. He wants
3 someplace that he can feel safe being smart. And a
4 lot of -- with the No Child Left Behind and things
5 like that, there's a lot of energy put into
6 non-performing students and less and less energy put
7 into students like my son.

8 COMMISSIONER GANT: Three minutes.

9 MS. PLUMMER: So we came to ASE. ASE
10 has -- they have robotics for him. He wants to be
11 an engineer -- or he thinks he wants to be an
12 engineer. He had an opportunity to explore
13 engineering through robotics. He's on the Math
14 Counts team, which helps with where he wants to go.
15 He thinks math is fun. He's doing the Science Bowl,
16 because he now has time for that because robotics is
17 over.

18 But most importantly, they have a unique
19 program called CRLP, College Readiness and
20 Leadership Program. This school is -- they don't
21 want to just get your child college-ready; they want
22 to see that your child can go to whatever college
23 they want to go to. They want to see that your
24 child can go to Stanford or Harvard, if that's as
25 high as their goals reach.

1 And to that end, the College Readiness
2 Leadership Program helps them begin to build the
3 college resume that Harvard wants to see, as
4 eighth-graders, so that they have a history of it,
5 so that when they look far back, they can see what
6 they need to do.

7 They have to do community service
8 projects. And the teachers at ASE give their time
9 on Saturdays. They spend four hours with my child
10 on Saturday. They spend an hour after school with
11 our children. They donate their time to see that my
12 son can go as far as his aspirations reach.

13 And they're just his aspirations. If he
14 doesn't have that kind of a goal, they don't push
15 it. It's voluntary.

16 They don't say, "You're smart; you have to
17 do this."

18 They say, "Gee, you're smart. Would you
19 like to do this?"

20 And then they stand behind my -- our
21 children, and they help them reach as far and as
22 wide as they can go. And that makes this school
23 unique, in my opinion. Thanks.

24 MS. TITUS: Thank you.

25 THE CHAIR: Thank you all very much.

1 Commissioners, do you have questions or
2 comments?

3 Could I -- I have a couple. Could I just
4 start while everybody else kind of mulls theirs?

5 I notice, in reading through your
6 application, you have three student academic goals,
7 none of which were met. I notice there were three
8 student performance goals, and those were met.

9 Student Performance Goal No. 3, however,
10 if you'll go down to where it says -- underneath the
11 goal, and then there's a table with data. And then
12 it says, "Provide a statement of progress and
13 additional information regarding the above data."

14 I'm on Page 24. But I'm not sure that I'm
15 on the latest edition of CSD's analysis, okay?

16 Student Performance Goal 3.

17 Are you with me?

18 MR. AYKAC: Yes.

19 THE CHAIR: Okay. Underneath where it
20 asks you to provide a statement of progress and
21 additional information, it says, "As of today, all
22 of the students in graduating class of 2015 have at
23 least 75 hours of community service in lieu of three
24 years at high school."

25 Could you explain that, please?

1 MR. AYKAC: Okay. Having these 100 hours
2 of community service is one of our graduation
3 requirements.

4 THE CHAIR: We're having some disconnect
5 here.

6 MR. AYKAC: We are expecting our students
7 to do at least 25 hours of community service each
8 year. And then by the end of the senior year, we
9 want them to have at least 100 hours of community
10 service.

11 THE CHAIR: But it says "in lieu of" three
12 years at high school. Does that mean they're not in
13 high school?

14 MR. AYKAC: No.

15 THE CHAIR: "In lieu of" means "instead
16 of."

17 MR. AYKAC: That was a typo, I guess.
18 Starting from ninth grade, we want them to have at
19 least 25 hours of community service each year.

20 THE CHAIR: Instead of going to high
21 school?

22 MR. AYKAC: No, no, no, no. I'm sorry.
23 This is a graduation requirement, not instead of
24 going to high school. In addition to graduation
25 requirements, we have a local graduation

1 requirement.

2 THE CHAIR: Is the wrong word there?

3 MR. AYKAC: Yes.

4 THE CHAIR: It should be "in addition"
5 rather than "in lieu"?

6 MR. AYKAC: Yes.

7 THE CHAIR: Okay, good. Thank you. Those
8 were my questions.

9 Commissioners, other questions?

10 Commissioner Bergman?

11 COMMISSIONER BERGMAN: Not a question. I
12 want to address your comment about your child being
13 in the gifted program and having some bullying
14 problems, because both of my kids were in the gifted
15 programs throughout their school years, and they
16 occasionally had that same problem. My wife and I,
17 of course, had to deal with those issues at those
18 same times.

19 Safety is always at the top of my list,
20 because I've experienced it firsthand. I don't know
21 why it's wrong in the schools if some kids happen to
22 be a little smarter than others. I know kids will
23 just be kids. So I identified with that when you
24 said that, because it is certainly a concern. And
25 it's one of the many reasons why charter schools

1 exist. They do offer some alternative in some
2 areas; and that's one of the areas.

3 And I just wanted to say that. So you
4 certainly -- it's something we deal with, as
5 parents, sometimes.

6 Thank you, Madam Chair.

7 THE CHAIR: Thank you. Other comments?

8 Commissioners, I just have to say, you
9 know, we make a big emphasis on goals and reaching
10 those goals. And I am concerned that their student
11 academic goals were not reached. They have a C on
12 their report card. I wonder if we might not be
13 better to consider a three-year renewal with
14 conditions of an improvement plan and the two annual
15 monitoring visits by CSD. I know this is a good
16 school in many ways. We hear wonderful things about
17 it. But, again, the data we're looking at gives
18 some pause here.

19 Your thoughts?

20 Commissioner Toulouse?

21 COMMISSIONER TOULOUSE: Madam Chair,
22 haven't we already done some schools with five
23 years, but with the condition of the improvement
24 plan, and maybe some additional monitoring? I would
25 prefer to go that route and have the improvement

1 plans brought back, because I think this school is
2 doing well and moving forward.

3 And once again, as I said on another
4 school, once we have them on the contract, we have
5 the yearly performance review that we go through
6 that it's time to look at those things, too.

7 THE CHAIR: Okay. Commissioner Gant?

8 COMMISSIONER GANT: Madam Chair, members,
9 I did note some of the goals they did make. They
10 did, for some grade levels; and other grade levels,
11 they did not make it. So maybe I'm getting soft,
12 but I could go with Commissioner -- I do
13 occasionally get that way -- Commissioner Toulouse,
14 but with a very strong performance --

15 THE CHAIR: Improvement plan.

16 COMMISSIONER GANT: -- improvement plan,
17 very strong; because I want all grades to make the
18 goals, not just -- because that's what they say
19 they're going to do.

20 THE CHAIR: I could agree with that.

21 Commissioner Bergman?

22 COMMISSIONER BERGMAN: I also would lean
23 more towards the five-year. But I see your concerns
24 about those goals; but you know where I stand on
25 that. And I believe that perhaps some improvement

1 plan might be called for; but we will negotiate with
2 this school sometime in the spring. And we would
3 certainly put them on notice that I am a negotiator;
4 I'm a strong negotiator. And we will, once you come
5 to that meeting prepared to talk about applying some
6 really rigorous -- not overly rigorous, but enough
7 of a challenging goal -- that we can work on those
8 areas that need to be worked on.

9 So that's where I would stand. I'm kind
10 of ambivalent on an actual improvement plan, because
11 I believe we could -- if we do it in a negotiation,
12 we can come up with a performance contract and a
13 performance framework that would address those
14 issues.

15 But here again, like I say, I prefer five
16 years; but I'll go with an improvement plan, if
17 that's what the rest of the Commissioners want to
18 do.

19 THE CHAIR: Okay. Any other comments?

20 Hearing none, the Chair would entertain a
21 motion.

22 Commissioner Gant?

23 COMMISSIONER GANT: Madam Chair, members,
24 I -- I, Commissioner Eugene Gant, move that the
25 Public Education Commission approve, with

1 conditions, the renewal of the charter school
2 application for Albuquerque School of Excellence in
3 Albuquerque, pursuant to the Charter Act,
4 Section 22-8B-6 and Section 22-8B-12, that the
5 charter is renewed for approval with the following
6 conditions:

7 Completion of an improvement plan specific
8 to the school;

9 And two annual monitoring visits by CSD.

10 THE CHAIR: You've heard the motion. Do I
11 have a second?

12 COMMISSIONER PERALTA: Second.

13 THE CHAIR: Motion by Commissioner Gant,
14 second by Commissioner Peralta, to approve the
15 application -- renewal application of Albuquerque
16 School of Excellence for five years, with conditions
17 as noted on the official record.

18 Cindy, can you tell us if he did say for a
19 term of five years in the motion.

20 (A discussion was held off the record.)

21 THE CHAIR: Would you amend your motion?

22 COMMISSIONER GANT: Madam Chair, members,
23 I amend the motion to include a five-year term,
24 approved.

25 THE CHAIR: And, Commissioner Peralta, do

1 you agree to the amendment to the motion?

2 COMMISSIONER PERALTA: I do.

3 THE CHAIR: All right. We have a motion
4 and a second to approve the renewal of Albuquerque
5 School of Excellence for five years, with the
6 conditions, as noted on the official record.

7 Are there -- are there -- is there
8 discussion?

9 Hearing none, Commissioner Bergman, may we
10 have a roll-call vote?

11 COMMISSIONER BERGMAN: Commissioner
12 Parker?

13 COMMISSIONER PARKER: Yes.

14 COMMISSIONER BERGMAN: Commissioner
15 Peralta?

16 COMMISSIONER PERALTA: Yes.

17 COMMISSIONER BERGMAN: Commissioner Carr?

18 COMMISSIONER CARR: Yes.

19 COMMISSIONER BERGMAN: Commissioner
20 Toulouse?

21 COMMISSIONER TOULOUSE: Yes.

22 COMMISSIONER BERGMAN: Commissioner Gant?

23 COMMISSIONER GANT: Yes.

24 COMMISSIONER BERGMAN: Commissioner
25 Shearman?

1 THE CHAIR: Yes.

2 COMMISSIONER BERGMAN: Commissioner

3 Bergman votes "yes."

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

6 THE CHAIR: The motion passes unanimously.
7 You are approved for five years. Thank you.

8 Next school is Albuquerque Sign Language
9 Academy. Whenever you're ready.

10 MS. LUCERO: Thank you, Madam Chair,
11 members of the Commission. The Albuquerque Sign
12 Language Academy was established due to the need for
13 a community school that serves students and families
14 of the deaf and hard-of-hearing community. This
15 school is not a traditional school for the deaf, as
16 it serves hearing students and deaf and
17 hard-of-hearing students alike. The school serves
18 the student population through a full inclusive
19 model.

20 The Charter School Division recommends the
21 Albuquerque Sign Language Academy for approval,
22 without conditions, for a term of five years. The
23 school has had no material violations during the
24 course of the current charter. CSD finds that the
25 school operates efficiently in terms of governance

1 procedures, its reporting duties, and organizational
2 stability.

3 The ASL Academy school report card grades
4 for years two through four have been suspended while
5 the school works with PED to develop an appropriate
6 evaluation formula that can more accurately capture
7 the performance of the student population.

8 The school community has worked diligently
9 to research, develop, and collaborate around this
10 initiative to ensure program rigor and accurate
11 measurements of growth.

12 Financial audits of ASL Academy show no
13 significant findings, material findings, or internal
14 control weaknesses. The school has not violated any
15 provision of the law, and CSD recognizes the
16 school's leadership and governance are sound.

17 The CSD recommends the school be renewed
18 for a five-year term with no conditions.

19 THE CHAIR: Thank you very much.

20 Good afternoon. Please introduce
21 yourselves, and let's hear what you have to say.

22 MR. MARTINEZ: Raphael Martinez. I'm the
23 executive director of the Albuquerque Sign Language
24 Academy. To my right is Kimberly Silva. She is the
25 governing board chair.

1 Before I get to the achievements of the
2 school, I want to begin by referencing some of the
3 comments made yesterday by exiting Commissioners
4 Parker and Gant, because they were -- I thought they
5 moved something in me. And I say that, because --
6 I'll start with Commissioner Parker. You started
7 speaking about the reason you're here working with
8 the PEC, and you started talking about your own
9 children.

10 And I identified with this, because I'm
11 sitting here, not because I have some -- some kind
12 of altruistic global need to research education.
13 What happened to me was I had a son who was born
14 deaf eleven years ago, and after being kicked around
15 a few systems -- not just one or two, but a few --
16 and either they didn't want him, or we weren't
17 satisfied with the service, I ended up here with a
18 bunch of big-hearted, smart educators that saw a
19 need and worked to fulfill that need.

20 Which brings me to Commissioner Gant's
21 comments on respect and service, which I
22 wholeheartedly agree with, and which basically has
23 become the daily driver for the Albuquerque Sign
24 Language Academy, in that we are looking to serve a
25 community that has traditionally been underserved,

1 and under-respected -- disrespected. And so we have
2 created something that exists only in New Mexico.

3 And I'm proud to say that. And beyond
4 just the educational pursuits, this has turned into
5 something more around social justice.

6 When you look at deaf education statistics
7 and how they lead into deaf social statistics,
8 specifically a 70 to 90 percent unemployment or
9 under-employment rate in the deaf community, it's
10 disturbing to me, as a parent of a deaf child, that
11 that's what my son could be facing. So we knew
12 something had to happen.

13 So what we've done, we've created a school
14 that exists -- we are the only State-certified
15 ASL-English, dual-language, school in the nation.
16 The operative words there are "State-certified."
17 Because we have that designation, we're working with
18 the Bilingual Department to develop the criteria to
19 stand as a State-certified bilingual school in
20 American Sign Language and English. We're working
21 with the Licensure Bureau so that teachers have that
22 bilingual certification.

23 In addition, we're working -- we're
24 partnering with various institutions of higher ed,
25 namely UNM, CNM, but also reaching out to Boston

1 University, about creating a teacher training
2 program that parallels, like, a medical residency
3 program, essentially turning our school into a lab
4 school about best practice for deaf,
5 hard-of-hearing, special ed, and hearing -- teaching
6 hearing kids.

7 We were named the 2013 Charter School of
8 the Year by the Coalition of Charter Schools. We're
9 looking to expand in partnership with Amy Biehl High
10 School.

11 We are full. We have 40 kids on our
12 waiting list. The latest news, we had a meeting --
13 we're in talks with Gallaudet University, the
14 premier deaf university in the nation, and they're
15 talking about giving us a national endorsement
16 around our program; reason being -- these are their
17 words -- "I don't know if you know what you've done,
18 but what you've done reflects the culmination of
19 50 years of research that is only happening in your
20 school."

21 And then, lastly, we are the only
22 elementary SAM school in the state. We don't fit
23 formulas. That's just how it is with us. But we
24 work well in partnership with everyone we can, PED,
25 Assessment, Bilingual; whoever will listen and work

1 with us, we reach out. And so we are, right now,
2 working with the Assessment Bureau and Priority
3 Schools to develop assessments that will be
4 validated -- normed and validated that will fairly
5 measure the progress of our students.

6 Thank you.

7 THE CHAIR: Thank you.

8 COMMISSIONER GANT: You've got 30 seconds.

9 MR. MARTINEZ: I hope we get renewed.

10 THE CHAIR: Thank you very much. We have
11 time for anyone in the audience who cares to speak.
12 I see no one.

13 Let's move on to Commissioners' questions
14 or comments.

15 COMMISSIONER BERGMAN: Madam Chair?

16 THE CHAIR: Commissioner Bergman?

17 COMMISSIONER BERGMAN: I would like to get
18 us started. I'll read from one of the pages in your
19 application, because I want to ask you -- explore
20 how it worked out. It was on Page 13, where you
21 said you had been sanctioned by the Public Education
22 Department to develop content assessments,
23 behavioral assessments, and language assessments to
24 be used statewide for students for whom the SBA and
25 PARCC is not an appropriate assessment. And you

1 were funded for this work through a school
2 improvement plan.

3 Then I notice, on Page 30, a page long,
4 where you talked about some of the work you've been
5 doing.

6 Where are you right now? Do you -- are
7 you to the point yet where you can assist your
8 students, where you can then furnish us some data,
9 so as an oversight authorizer, we can see how you're
10 succeeding, and, more importantly, how your students
11 are succeeding?

12 MR. MARTINEZ: Madam Chair, members of the
13 Commission, Commissioner Bergman, yes, in fact, it's
14 funny that you just said that. I just turned in our
15 final, kind of, draft today to -- to the people in
16 the Priority Schools, who are working with
17 Assessment -- we're working through those two
18 departments -- we have started using our
19 assessments. And what we're doing this year is
20 collecting baseline data to then validate and norm
21 the test and move forward from there.

22 So we're not sitting on our hands. We're
23 actually doing the work we've been assigned to do.

24 COMMISSIONER BERGMAN: Great. I'm glad to
25 hear that. And I'm guessing that because of what

1 you've told us about from Gallaudet and other
2 places, that what you've established is going to
3 spread nationwide. You may be the birth of a new
4 assessment system for kids that fit your mold.

5 MR. MARTINEZ: Commissioner Bergman, yes,
6 maybe I should clarify. The reason we are so
7 different is because we're not a deaf school. And I
8 think I need to be clear in saying that. We serve
9 all students, deaf, hard-of-hearing, whoever shows
10 up on our doorstep. We're doing it through
11 dual-language modalities.

12 It's not even that. It's actually a
13 dual -- it's dual modality, because a visual
14 language paired with a spoken language, and then a
15 written language on top. So it's something
16 that's -- I think people think about, but to do it
17 at our level isn't happening anywhere but with us.

18 COMMISSIONER BERGMAN: Great. And you
19 already touched briefly on something else I was
20 going to ask about, because I didn't see it in
21 either your application or Amy Biehl's. There was
22 no mention of what you've talked to us in the past
23 about.

24 Can you bring me up to date? You haven't
25 abandoned that, have you? Are you still working

1 with Amy Biehl to try and put it all together?

2 MR. MARTINEZ: Madam Chair and members of
3 the Commission -- and Frank from Amy Biehl is
4 sitting back there; he'll verify it -- no, we are
5 still working collaboratively. We're building the
6 program. As we go forward -- in fact, I'm glad you
7 said that, because we need to start talking about
8 next year's cohort that's going to Amy Biehl, and
9 then how that program continues to grow, be refined,
10 and do the things that we need it to do.

11 COMMISSIONER BERGMAN: We have some of the
12 same issues, because when we sit down with you,
13 assuming you are approved and get to that
14 negotiation phase for your performance contract and
15 performance framework, since you're establishing
16 some baseline, that that will at least give us
17 something to talk about with what kind of goals can
18 we work out between this Commission and your school
19 that, here again, will help us see how you're
20 progressing.

21 So there will be some effect in that area.
22 I thank you. And thank you, Madam Chair.

23 THE CHAIR: Thank you, Commissioner
24 Bergman.

25 Other comments?

1 Commissioner Toulouse?

2 COMMISSIONER TOULOUSE: Madam Chair, my
3 brain is getting tired, but my mouth is still
4 operating.

5 My question is, I'm a little concerned
6 about the size of your waiting list. How are you
7 progressing with trying to get some other property,
8 get money to build or find a facility similar to
9 what you have, but with more space?

10 MR. MARTINEZ: Madam Chair, members of the
11 Commission, Commissioner Toulouse, great question.
12 We just met two days ago with County Commissioner
13 O'Malley, in talking about how to expand; because,
14 right now, we lease from the County. And it's a
15 fantastic partnership, but we know -- we're confined
16 by our building. That is our cap.

17 And there are options on the table. We're
18 talking and being very aggressive about pursuing
19 those options. So we're hoping this next year, we
20 can put something together to get bigger. And it's
21 needed. There is a need for us in the community,
22 and I think what we represent is something pretty
23 special, so...

24 COMMISSIONER TOULOUSE: Thank you.

25 THE CHAIR: Thank you. Commissioner Gant?

1 COMMISSIONER GANT: Madam Chair, members,
2 I would be remiss -- and these Commissioners know --
3 make sure you are talking to PSFA. Make sure.
4 Because we've had charter schools take off on a
5 tangent. "We're moving."

6 No, that will not go down well with this
7 Commission.

8 Secondly -- and it's just a comment on my
9 part; the other Commissioners can pick it up or drop
10 it. I don't -- it's immaterial to me.

11 We went through a long discussion this
12 morning with another charter school about
13 replication. I live down in the south. There is a
14 south to this state, believe it or not. There is
15 life below 40.

16 But I would think that your -- what you're
17 doing with this school would be highly welcomed down
18 in Cruces and that part of the world, because there
19 are children down there that need your educational
20 services, your educational school. And I'm just
21 saying, as a person who lives down there, I would
22 look forward to a replication of your school down
23 there. But do -- it --

24 MR. MARTINEZ: The right way.

25 COMMISSIONER GANT: -- with these people.

1 MR. MARTINEZ: Madam Chair, members of the
2 Commission, Commissioner Gant, thank you for saying
3 that. So the first thing, I did -- in fact,
4 yesterday I scheduled a meeting with Martica to talk
5 about those things you just said about expansion.
6 So we're moving that direction. And, absolutely,
7 I'll pay attention.

8 The second thing is, I do believe we
9 represent the future of deaf and special education.
10 And it makes complete sense. And -- to look at
11 expanding -- or at least advising or consulting with
12 folks who want to do the same thing in different
13 parts of the state, it makes a lot of sense, given
14 the rural nature of New Mexico. And I would -- it
15 is evident definitely something I'd be interested in
16 doing later.

17 THE CHAIR: And I'm surprised that
18 Commissioner Gant didn't say this. But when you get
19 rather serious about moving, if you would come and
20 let us know, and then when you find your location,
21 then that's when you come in and ask for an
22 amendment to your charter. So it's kind of a
23 two-step process, if you would.

24 MR. MARTINEZ: Madam Chair, yes.

25 THE CHAIR: Can I just ask -- areas of

1 growth, I notice, it's lack of library and
2 increasing need for technology, but limited computer
3 supplies.

4 Now, your students, do they take -- will
5 they take the PARCC assessment?

6 MR. MARTINEZ: Madam Chair, members of the
7 Commission, that is -- yes, they will take the
8 PARCC; even though we've been granted this TBD
9 status, and it's been acknowledged that our kids are
10 not well-served by standardized tests, the PARCC,
11 especially, there -- it seems that it's a mandate we
12 can't get out of.

13 So we will -- our kids will take it.
14 It's -- it's excruciating to see them struggle with
15 it. But with some of these other pieces that we're
16 working on, we're hoping to maybe offset some of the
17 effect of the PARCC.

18 THE CHAIR: Okay. Thank for you that. I
19 believe that's all I have.

20 Commissioners -- thank you. I just want
21 to say, I support the CSD's recommendation for a
22 full five years with no conditions.

23 Commissioner Parker?

24 COMMISSIONER PARKER: Madam Chair,
25 Commissioners, I just want to say thank you for the

1 work you're doing.

2 COMMISSIONER TOULOUSE: Madam Chair, I'd
3 like to suggest anybody who goes through
4 Albuquerque, stop and visit. I was incredibly
5 impressed when I visited. My only problem with it
6 was your lack of a full-time nurse --

7 MR. MARTINEZ: Yes. Madam Chair?

8 COMMISSIONER TOULOUSE: -- which is no
9 fault of your own.

10 MR. MARTINEZ: Right. But we'll work on
11 that.

12 THE CHAIR: You're working on it. Okay.

13 Any other comments?

14 Commissioner Bergman?

15 COMMISSIONER BERGMAN: Just one thing. I
16 like Las Cruces; but, actually, I could also see, if
17 you reach a point where you want to start
18 replicating these schools, I agree with what
19 Commissioner Gant said. Think about Roswell. That
20 happens to be where I am. I know we have a
21 community down there, also. So don't just limit it
22 to Las Cruces. Thank you.

23 MR. MARTINEZ: We've been appropriately
24 advised.

25 THE CHAIR: Forget both of those, and come

1 to Artesia.

2 COMMISSIONER CARR: I'm not going to jump
3 on the bandwagon.

4 THE CHAIR: Any other comments?

5 Hearing none, the Chair would entertain a
6 motion.

7 Commissioner Toulouse?

8 COMMISSIONER TOULOUSE: Madam Chair, I,
9 Commisioner Carmie Toulouse, move that the Public
10 Education Commission approve the renewal of the
11 charter school application for the New Mexico -- for
12 the Albuquerque Sign Language Academy for a term of
13 five years, pursuant to the Charter School Act,
14 Section 22-8B-6 and Section 22-8B-12, with no
15 conditions.

16 THE CHAIR: Thank you.

17 COMMISSIONER BERGMAN: Second.

18 THE CHAIR: We have a motion by
19 Commissioner Toulouse, second by Commissioner
20 Bergman, to approve the application of Albuquerque
21 Sign Language Academy for renewal for a period of
22 five years with no conditions.

23 Any discussion?

24 Hearing none, Mr. Secretary, may we have a
25 roll-call vote?

1 COMMISSIONER BERGMAN: Commissioner
2 Peralta?
3 COMMISSIONER PERALTA: Yes.
4 COMMISSIONER BERGMAN: Commissioner Carr?
5 COMMISSIONER CARR: Yes.
6 COMMISSIONER BERGMAN: Commissioner
7 Toulouse?
8 COMMISSIONER TOULOUSE: Yes.
9 COMMISSIONER BERGMAN: Commissioner
10 Parker?
11 COMMISSIONER PARKER: Yes.
12 COMMISSIONER BERGMAN: Commissioner Gant?
13 COMMISSIONER GANT: Yes.
14 COMMISSIONER BERGMAN: Commissioner
15 Shearman?
16 THE CHAIR: Yes.
17 COMMISSIONER BERGMAN: Commissioner
18 Bergman votes "yes."
19 Madam Chair, that is a 7-to-0 vote in
20 favor of that motion.
21 THE CHAIR: Thank you. The motion passes
22 unanimously to approve the renewal for five years of
23 Albuquerque Sign Language Academy with no
24 conditions.
25 MR. MARTINEZ: Thank you very much.

1 THE CHAIR: Congratulations. Keep up the
2 good work.

3 MR. MARTINEZ: Thank you.

4 THE CHAIR: If the representatives from
5 Amy Biehl High School would like to come forward?
6 Please, go right ahead.

7 MS. LUCERO: Madam Chair, members of the
8 Commission, Amy Biehl High School is applying for
9 its third charter term. Over the years, it has
10 proven success in the challenges in developing in
11 alignment with the school mission.

12 The Charter School Division recommends
13 that Amy Biehl be approved without conditions for a
14 term of five years. The school has no material
15 violations, and the CSD finds that the school
16 operates efficiently in terms of governance
17 procedures, its reporting duties, and organizational
18 stability.

19 The school has maintained a State grade of
20 A for the last two years and shows consistently high
21 levels of student achievement, indicated by the
22 grade in bold. The school has received unqualified
23 audit opinions. The school has not violated any
24 provision of the law, and CSD is confident that this
25 school's leadership and governance are sound.

1 Students in Quartile 1 made tremendous
2 strides moving from a D to a B. Also in the school
3 grade report card, Amy Biehl outranks Cibola High
4 School in total points and student -- and also in
5 student growth of lowest performing students.

6 The CSD recommends a five-year renewal
7 with no conditions.

8 THE CHAIR: Thank you very much.

9 If you all would introduce yourselves,
10 please, and take all of that five minutes that you'd
11 like to.

12 MR. McCULLOCH: Thank you very much, Madam
13 Secretary [verbatim], members of the Commission. My
14 name is Frank McCulloch. I am the executive
15 director and principal of the Amy Biehl High School.
16 You spell that M-c-C-U-L-L-O-C-H.

17 MS. SEELEY: Good afternoon. My name is
18 Betty Seeley. The last name is spelled S-E-E-L-E-Y.
19 I am the finance director at Amy Biehl High School.

20 MR. McCULLOCH: And I would just briefly
21 like to apologize. We had governance board
22 attendance, but he was called away to a meeting this
23 afternoon, and he couldn't be here.

24 THE CHAIR: We appreciate that.

25 MR. McCULLOCH: Thank you very much. I

1 appreciate, Madam Secretary, members of the
2 Commission, to speak with you all this afternoon. I
3 just want to quote the last line of our mission
4 statement from Amy Biehl High School.

5 "Our graduates are civic-minded,
6 college-bound, and career-ready."

7 Our data fully supports our success in
8 these areas, particularly in the areas of
9 civic-mindedness and college-bound. We have spent
10 the last 15 years growing and refining these last
11 two areas of our mission.

12 A quick demographic breakdown of our
13 current student population: 52 percent of our
14 students are economically disadvantaged. 65 percent
15 are considered minorities. It depends on which
16 class you actually survey; but anywhere between 30
17 to 60 percent of any particular class is actually
18 first-generation college students.

19 I also want to reference 21 percent
20 special education population; and included in that
21 are two deaf boys this year from the Albuquerque
22 Sign Language Academy. And we're predicting we'll
23 have six more deaf and hard-of-hearing students that
24 will be coming to us from ASLA next year.

25 100 percent of our graduates complete a

1 100-hour senior service project, where they go out
2 into the community and work specifically with
3 mentors with different agencies. I believe this
4 last year, we had 45 different agencies that our
5 students worked with.

6 Now, our civic engagement program has
7 grown, actually grown backwards, in that it is now
8 fully a nine through twelfth-grade program. It is
9 not only just a hands-on, in the community
10 engagement; but it also is represented in curriculum
11 in our humanities and science classes, as well as in
12 some of our electives classes.

13 COMMISSIONER GANT: Three minutes, please.

14 MR. McCULLOCH: In addition to our
15 graduating class of 2014, 100 percent of our
16 graduates completed two post-secondary courses with
17 a C or better. 97 percent of this graduating class
18 were accepted into college. Over the last five
19 years, over 90 percent of our graduates have not
20 only been accepted into college, but have also
21 attended college. And in longitudinal data studies,
22 86 percent of our students are still enrolled in
23 college after two years.

24 I am very excited about our school's
25 passion to now embrace our third prong of our

1 mission, which is career-readiness. And the way
2 we're handling that is really in collaboration with
3 our previous two goals, civic engagement and college
4 preparation.

5 Just a word or two about our student
6 culture and a couple of foundational beliefs of our
7 school:

8 We highly believe in personalization and
9 intentional relationships and mentorship. Our
10 faculty is highly collaborative and fully understand
11 that in order for students to achieve high levels of
12 academic achievement, particularly when you deal
13 with under-served students, you have to match that
14 with equally high levels of social and emotional
15 support. And we have the structures in place to
16 provide that kind of support.

17 Again, thank you for allowing us to
18 present to you all.

19 THE CHAIR: Thank you very much. Did
20 you -- thank you.

21 MS. SEELEY: He said it all.

22 THE CHAIR: Again, we have time set aside
23 for anyone from the audience that would like to
24 speak to this school.

25 Seeing no one, Commissioners, I would ask

1 for your comments and questions about Amy Biehl High
2 School.

3 COMMISSIONER TOULOUSE: Madam Chair, it's
4 nice having some of the easier ones, when we get
5 tired.

6 THE CHAIR: It's time.

7 MR. McCULLOCH: Yeah.

8 THE CHAIR: I hear no comments or
9 questions.

10 Hearing none, the Chair would entertain a
11 motion.

12 COMMISSIONER PERALTA: I'll try that.

13 THE CHAIR: Commissioner Peralta?

14 COMMISSIONER PERALTA: I, Commissioner
15 Gilbert Peralta, move the PEC approve the renewal of
16 the charter school application for Amy Biehl High
17 School for the term of five years, pursuant to the
18 Charter School Act, Section 22-8B-6 and Section
19 22-8B-12, with no conditions.

20 THE CHAIR: Thank you very much.

21 Do I have a second?

22 COMMISSIONER PARKER: (Indicates.)

23 COMMISSIONER GANT: Second.

24 THE CHAIR: We got it. Motion by
25 Commissioner Peralta, second by Commissioner Parker,

1 to approve the renewal application of Amy Biehl High
2 School for a period of five years with no
3 conditions.

4 Any discussion?

5 Mr. Secretary, may we have a roll-call
6 vote?

7 COMMISSIONER BERGMAN: Commissioner Carr?

8 COMMISSIONER CARR: Yes.

9 COMMISSIONER BERGMAN: Commissioner
10 Toulouse?

11 COMMISSIONER TOULOUSE: Yes.

12 COMMISSIONER BERGMAN: Commissioner

13 Parker?

14 COMMISSIONER PARKER: Yes.

15 COMMISSIONER BERGMAN: Commissioner

16 Peralta?

17 COMMISSIONER PERALTA: Yes.

18 COMMISSIONER BERGMAN: Commissioner Gant?

19 COMMISSIONER GANT: Yes.

20 COMMISSIONER BERGMAN: Commissioner

21 Shearman?

22 THE CHAIR: Yes.

23 COMMISSIONER BERGMAN: Commissioner

24 Bergman votes "yes."

25 That is a 7-to-0 vote in favor of that

1 motion.

2 THE CHAIR: Thank you. The motion to
3 approve the renewal of Amy Biehl High School for
4 five years with no conditions is approved
5 unanimously. Congratulations.

6 MS. SEELEY: Thank you very much.

7 MR. McCULLOCH: Thank you very much. I
8 appreciate it.

9 (A discussion was held off the record.)

10 THE CHAIR: We would invite the
11 representatives from La Promesa Early Learning
12 Center to come forth, please.

13 Julie, whenever you're ready.

14 MS. LUCERO: Madam Chair, members of the
15 Commission.

16 La Promesa Early Learning Center is a
17 dual-language school that supports students in
18 developing high levels of proficiency in a first
19 language and second language. The school works to
20 support academic performance and develop a
21 cross-cultural competence for all students.

22 The Charter School Division recommends
23 that La Promesa be approved for a total of three
24 years, with conditions to be determined through the
25 development of an improvement plan.

1 While the school's overall score on school
2 grades has increased each of the last three years,
3 La Promesa has had inconsistent progress around
4 school grade measures with some strong areas of
5 growth and some declines. Additionally, they
6 struggle to present sufficient data around several
7 charter goals.

8 Due to the challenges this school faced in
9 tracking the goal, or measuring the entire goal, the
10 school has demonstrated the capacity for growth
11 around their challenges and is on an upward
12 trajectory of academic performance.

13 La Promesa school has no material
14 violations, and the CSD finds that the school
15 operates efficiently in terms of governance
16 procedures and organizational stability.

17 The financial audit showed that there were
18 no significant or material findings, and internal
19 control weaknesses have been rectified.

20 The school has not violated any provision
21 of the law, and the CSD notes the school's
22 leadership and governance are sound.

23 CSD recommends a three-year term, with
24 conditions.

25 COMMISSIONER TOULOUSE: Madam Chair?

1 THE CHAIR: Can I ask just one question
2 before we get away from Julie? I see they have a
3 new campus, as listed on Page 3 of their
4 application. Could you tell me when that was
5 approved by PEC?

6 MS. LUCERO: Madam Chair, let me look for
7 the exact date.

8 COMMISSIONER TOULOUSE: Before we move any
9 further, I am recusing myself from voting for this,
10 since I have a relative attending the school.

11 Thank you.

12 THE CHAIR: Mr. Secretary, make a note of
13 that.

14 I'm sorry?

15 MS. LUCERO: Madam Chair, I have one of my
16 liaisons looking for the exact date for that.

17 THE CHAIR: When you get that, give it to
18 us, then.

19 Please introduce yourselves, and five
20 whole minutes.

21 DR. MAESTAS: Thank you. I am Analee
22 Maestas. I am the executive director of La Promesa
23 Early Learning Center. And with me today, I have
24 the principal, Ms. Gloria Velasquez, and also
25 Dr. Abeyta, who is the instructional coach.

1 I would also like our students to please
2 stand up. And we also have parents represented
3 today. We have teachers. And we have our
4 governance council board represented, both our
5 current board, and also our ex-chairperson also
6 represented.

7 THE CHAIR: We welcome you all here today.
8 Thank you for coming and waiting so patiently.

9 DR. MAESTAS: Thank you, chairman
10 Shearman, members of the Commission, and Mr. Matt
11 Pahl and Ms. Julie.

12 I'd like to first thank you for allowing
13 us to speak before you today in support of the
14 renewal of La Promesa Charter School, and also in
15 consideration of a five-year renewal rather than a
16 three-year renewal.

17 La Promesa first was approved in 2004. We
18 have been implementing a dual-language program. It
19 has been highly accepted by our community,
20 requesting year after year that we increase the
21 grade levels.

22 Initially, we started the La Promesa with
23 a K-3 model, and currently, we have a K-8 model. We
24 also have been approved to implement a preschool
25 program; and so we do have 70 preschool students, as

1 well.

2 The school works to support the academic
3 performance and cultural competence for all
4 students. Our students are doing really well in
5 both languages.

6 The school has not violated any provisions
7 of the law. And we have a very strong school board
8 that is very knowledgeable in the academics and
9 overall performance of the school. Every cycle of a
10 short-cycle assessment is presented to the board, so
11 that they can see our beginning points and the
12 ending point at each school year.

13 We have consistently continued to grow.
14 We had an F three years ago; we did move to a low D.
15 And last year, we moved to a high D, only points
16 away from a C.

17 In regards to our school grade, in growth,
18 we did receive an A; and opportunity to learn, also
19 an A.

20 La Promesa also works towards improving
21 faculty collaboration. We utilize our data to
22 inform our practice; so we do have data meetings, in
23 which teachers review all of the information and use
24 that information for planning instruction, including
25 the weekly lesson plans that are turned into the

1 principal by Friday. They are aligned with
2 Common Core.

3 And so it -- La Promesa's school grade has
4 gone up. The school is 5.7. So we're 5.7 points
5 away from obtaining a C.

6 La Promesa's commitment to prepare
7 students for PARCC, we did administer the CBT Bridge
8 Pilot to fourth- through eighth-grade students last
9 year, and it has been acknowledged by PED that,
10 statewide, students who took the CBT did, in fact,
11 score a little lower. And we believe that is one of
12 the reasons why we did not meet that C grade; but we
13 are very confident that our students will be
14 prepared for PARCC this coming year.

15 La Promesa has grown from the initial
16 enrollment of 27 students to 375. Currently, we
17 have 147 students on waiting lists, waiting to get
18 into our program. We're already receiving calls
19 about this next lottery.

20 Advanced Ed has recommended La Promesa
21 for -- ready to apply for accreditation. We have
22 met the AMOA's 1 and 2 for the last five years,
23 being recognized last year by the PED during the
24 Legislative process.

25 La Promesa was .5 short of meeting the

1 target goal set by the Commission in order to
2 increase our enrollment this last year.

3 La Promesa was recognized by Secretary
4 Skandera and Governor Martinez for having the
5 highest third-grade SBA reading scores in 2012-'13.
6 We also, just recently, received the funding for the
7 Incentive Pay Pilot, rewarding our teachers for
8 their continued efforts to improve student
9 achievement.

10 Our instructional audit last week resulted
11 in commendations. And we received those on
12 Thursday. By Tuesday, our staff had developed an
13 action plan for the two findings.

14 COMMISSIONER GANT: Time.

15 THE CHAIR: Thank you very much. We
16 appreciate that.

17 DR. MAESTAS: Thank you.

18 THE CHAIR: We have five minutes set aside
19 for audience participation.

20 Is there anyone in the audience who would
21 care to speak? I see how many people coming
22 forward? Three?

23 All right. If you would come up to the
24 table and use the microphone, please.

25 Four people? Four people or three?

1 DR. MAESTAS: Four.

2 THE CHAIR: So you're going to have only
3 just a little bit over a minute each. Please
4 introduce yourself, and just speak real clearly so
5 that we can all hear you.

6 MS. MARQUEZ: Hi. My name is Chrislyn
7 Marquez. It's spelled C-H-R-I-S-L-Y-N. And I go to
8 La Promesa. I'm in eighth grade. And I've been at
9 the school for nine years.

10 And this school is a really great school.
11 And I really wanted to have five more years. So my
12 cousins can finish off like I am going to. And --
13 yeah.

14 MS. GONZALES: Hello my name is Darlene
15 Gonzales. And I'm a grandparent of six kids that go
16 to La Promesa, four of them of which are in the
17 audience. And I would really love for the school to
18 be recommended five more years.

19 La Promesa has been awesome. They have
20 wonderful teachers, two of which were my teachers,
21 my daughter's teachers, and now my grandkids'. So
22 it just makes a wonderful --

23 THE CHAIR: That makes teachers feel very
24 old.

25 MS. GONZALES: No, they're very young.

1 COMMISSIONER GANT: Four minutes.

2 MS. SEGURA: Hi. My name is Cindy Segura,
3 and I am one of the instructional coaches at
4 La Promesa Early Learning Center. I come to you
5 today to let you know that we have a very strong
6 leadership team at our school, and we are very aware
7 of our school grade, and we are very aware of where
8 we need to go from here.

9 We are fully committed to implementing our
10 action plan. We have formed partnerships with
11 Solution Tree, so that we can make the best out of
12 our professional development, as well as a
13 school-wide, online professional development for all
14 of our staff.

15 We also got recognized by Governor
16 Martinez with third grade outperforming all other
17 third-grade classes on the SBA. And we will soon be
18 implementing a robotics class that will align to
19 STEM academics.

20 We truly believe in our dual-language
21 vision, and we know that we can get our students to
22 where they need to be with your support. We would
23 like to ask for a five-year renewal, please.

24 THE CHAIR: Thank you.

25 MR. SIGALA: Thank you. Madam Chair,

1 members of the Commission. My name is Ralph Sigala.
2 I'm a retired university administrator and a former
3 chairman of the board of governors for La Promesa
4 Elementary.

5 I've been asked by the current president
6 of the board to read the following statement:

7 "As a parent of two second-grade students
8 at the La Promesa Early Learning Center, I would
9 like to express my gratitude to the school and staff
10 for their support. Not only have my children
11 learned in the dual-language program, they continue
12 to thrive with the support of their teachers and the
13 entire staff at the school.

14 "As the La Promesa Early Learning Center
15 board president, I have been presented data showing
16 the year-over-year scores in student testing, as
17 well as our overall upward trajectory. Not only is
18 the renewal itself important, but so is the length
19 of the renewal. A five-year renewal is important to
20 La Promesa in order to help secure our respective
21 bond investors.

22 "As our final negotiations approach, our
23 prospective investors are looking for the longest
24 charter renewal possible. The bond itself will help
25 with cash flow and will allow the school to expand

1 services to our students and community, furthering
2 our children's education and future.

3 "I respectfully request that the
4 La Promesa Early Learning Center be granted a
5 charter renewal in the longest term possible so that
6 our children can continue to learn in the
7 dual-language environment they have come to know and
8 love.

9 "Best regards, Danny Baca, La Promesa
10 Early Learning Center Parent and Board President."

11 Thank you.

12 THE CHAIR: Thank you very much. Did you
13 get a date? Do you know what that is?

14 MR. PAHL: Sure. April 26, 2013.

15 THE CHAIR: Thank you very much for that.

16 Commissioners, you've heard the
17 recommendation; you've heard comments from the
18 school.

19 Do you have questions or concerns or
20 comments?

21 Commissioner Carr?

22 COMMISSIONER CARR: I -- you know, I do
23 note your grade is -- is low; but it's been
24 improving. So I'd like to see the upward trend, and
25 that makes me feel better.

1 I did notice that you did not meet five of
2 your goals. And, you know, I know we're going to
3 have conditions that you'll be hopefully -- have an
4 action plan in place that will tell us how we can
5 get -- get there, get wherever you need to go.

6 But I just -- I just -- just wanted to
7 point that out. I can -- I'd like to go the five
8 years; but I just -- I think I'm going to stick with
9 the recommendation from the Charter Division.

10 THE CHAIR: Thank you. Mr. Pahl?

11 MR. PAHL: Thank you, Madam Chair, members
12 of the Commission. I just wanted to add something
13 to the CSD's analysis. I know Ms. Lucero was able
14 to share some.

15 Yes, the school has had three years of a D
16 grade. If we look at the schools in the community,
17 they also have D grades. Did she mention this, so I
18 can stop?

19 COMMISSIONER CARR: Yes.

20 MR. PAHL: Okay, great. And the upward
21 trajectory of the school?

22 So we have a unique position here, so we
23 feel that the school is a good engager in
24 volunteering for the right things to help itself get
25 better.

1 I think the improvement has been slow at
2 this point in time, but we anticipate it
3 accelerating in the near future, based on their
4 actions.

5 THE CHAIR: Thank you.

6 Further comments?

7 Commissioner Bergman?

8 COMMISSIONER BERGMAN: Well, maybe
9 Commissioner Gant is going to address this. But
10 you -- I've got several things. But you threw me a
11 curve. What bond? And what's the bond for?

12 DR. MAESTAS: Currently, we are in a
13 building that we are leasing. And we have been
14 working trying to secure a permanent facility. And
15 we have been able to secure this facility and try to
16 find a lease-purchase agreement so that we could
17 purchase the facility. It has been designed to meet
18 the needs of our program, including the
19 infrastructure for technology; so we will be ready
20 for the PARCC assessment and blended learning, as
21 well.

22 So the facility lends itself to allow us
23 to expand into the areas that we currently do not
24 have, such as a gym for our students, a computer
25 lab, biology lab. So it does lend itself to the

1 improvements that will be needed to complete the
2 entire program that we would like to implement.

3 Now, the bond, of course, is with a
4 nonprofit; it is not directly with the school.

5 COMMISSIONER BERGMAN: Thank you for that
6 explanation. Now, then, that leads me now to ask
7 had you come and told us this before, or is this the
8 first that we're hearing that you're going to move
9 to a new facility?

10 DR. MAESTAS: No. We did come to you a
11 year and a half ago, and we did go through PSFA. We
12 do have a ranking rating. And you should have
13 received that with your -- with the information that
14 you received. But we did come to you for approval
15 before we moved into this facility.

16 COMMISSIONER BERGMAN: Okay. Then I had
17 just forgotten. Thank you also for that.

18 One other -- I certainly wanted to mention
19 this. This is another school that had put -- well,
20 we're not necessarily calling it an amendment,
21 because it is a part of their application. But they
22 asked for a three different things. I hope that all
23 my fellow Commissioners saw it.

24 They want to change their mission
25 statement, and they wanted to change a couple of

1 other parts of their original charter. So here
2 again, if -- by voting to approve this, if that's
3 what this Commission does, we will be incorporating
4 these into their new charter and into their new
5 performance. I just wanted to call that to
6 everybody's attention.

7 THE CHAIR: Can I interrupt you just for a
8 moment?

9 COMMISSIONER BERGMAN: Certainly. I'm
10 done, Madam Chair. Thank you.

11 THE CHAIR: You know, three amendments in
12 one form, we don't do that. We don't do combined
13 amendments on one form, whether they are part of the
14 renewal or not.

15 I would recommend to the Commission that
16 we not include that amendment form in the
17 consideration of this renewal, and that those
18 amendments be brought to us separately. You know,
19 it's been a while since I've read that; but none of
20 those materially affect the possibility of renewal,
21 do they, Commissioner Gant? -- Bergman? I see you
22 have it printed. Can you just quickly scan through
23 that and tell me?

24 COMMISSIONER BERGMAN: They should be in
25 everybody's packet. It was just a part of my pack.

1 We had the discussion yesterday. They're not
2 really -- since they're a part of the application,
3 I'm not sure I'd consider them an amendment. I
4 consider them a request that they're just making a
5 part of their renewal.

6 But -- so I guess maybe we need legal
7 advice or something again.

8 THE CHAIR: Are they amendments?

9 MR. GRANATA: Madam Chair, Commissioners,
10 I really don't know what to say at this point in
11 time. I think either approach will work. As
12 Commissioner Bergman stated, that the Commission can
13 approve the charter with the inclusion of the
14 amendments; or I think the Commission can take them
15 out, as the Chair has suggested, and just consider
16 the application, and then consider the amendments
17 separately at a different point in time.

18 So it's up to the Commission.

19 COMMISSIONER BERGMAN: Madam Chair, let
20 me -- you asked me about -- two of them sound more
21 like goals than they do anything else. They're
22 talking about proficiency levels. So it's possible
23 that they might be better addressed as goals than
24 as -- but here again, we also asked for goals in the
25 application process.

1 So, here again, we can consider them as a
2 part of the goals; or we can do what you and the
3 legal advice said, not include this in, and go ahead
4 and ask them to do some -- ask them to change -- I
5 always am in favor of doing it -- instead of doing
6 multiple levels of paperwork and multiple
7 considerations, that if we can fold it into one
8 time, like we're doing now, that's always what I
9 would prefer.

10 That's personal. Thank you.

11 THE CHAIR: Let me just say, we've had
12 some difficulty with amendments that were presented
13 multiple on one form. And I don't want the
14 possibility of any kind of a problem coming up to us
15 again. I would prefer to deal with this renewal
16 application without that amendment form and ask that
17 you bring it to us at our next meeting for
18 consideration.

19 Mr. Pahl, did you have a comment?

20 MR. PAHL: Yeah. I was just going to note
21 that if the amendment form doesn't suit the
22 Commission now, those amendments wouldn't be valid
23 until July anyhow. So we'd be happy to work with
24 the -- with the school to make sure we get those
25 preferably documented and done in the next few

1 meetings, so you'll be ready to implement that in
2 the near future.

3 THE CHAIR: Whenever it's convenient for
4 the school; but I would prefer to deal with them
5 separately.

6 COMMISSIONER CARR: I agree.

7 COMMISSIONER BERGMAN: Let me say this,
8 then. We are going to do -- if they are approved,
9 and I say "if" -- there will be a negotiation. We
10 have changed mission statements in the negotiations
11 in the past. So, here again, instead of doing a
12 separate amendment request, that would be my next
13 suggestion is let's address it in the negotiation,
14 at which we have done with other schools.

15 THE CHAIR: As three separate --

16 COMMISSIONER BERGMAN: Well. Yeah,
17 obviously, two of those are goals. And we probably
18 would look at those as goals as a part of their
19 performance framework, anyway. But that way, they
20 would be separate. But the mission statement would
21 then be separate.

22 And then, as we have done after we did
23 that, then when we voted on the contract, we called
24 it to everyone's attention that we had changed this,
25 or we had changed that. And that was being a part

1 of our vote.

2 So I'm amenable to that, too. So, here
3 again, just trying to keep the paperwork down a
4 little bit.

5 THE CHAIR: Let's just ask that the school
6 work with CSD to get that worked out.

7 MR. PAHL: Yes, Madam Chair. It seems
8 that Commissioner Bergman is right. I think some of
9 this will be taken care of through the negotiation.
10 And anything that we identify that is not will be
11 submitted as an amendment separate.

12 Thank you.

13 THE CHAIR: Other comments, Commissioners?

14 DR. MAESTAS: We had -- I'm sorry. We had
15 one last comment in regards to the Commissioners' --

16 MS. MATTHEWS: Madam Chair, Mr. Bergman
17 and Mr. Gant, I would like to go back to the
18 facilities question, because I think it's worth
19 exploring, because I think the impact -- the
20 question and the context of the term of the charter
21 is really important.

22 If you look at what the Legislature is
23 asking charter schools to do, that is, to be in a
24 facility that meets these requirements by -- we'll
25 use loosely the 2015 deadline, the charter schools

1 are trying and using various ways to do that. And
2 one of the ways they do that is a nonprofit will go
3 out for bonding and then enter into a lease-purchase
4 agreement with the charter school.

5 What that does is it frees up operational
6 funds of the charter school, because now the charter
7 school can substitute a portion of the lease payment
8 with House Bill 33 dollars, which this school gets.
9 If they can do that, that frees up substantial money
10 for them to put back into their academic program.
11 And for this school, it's a lot.

12 And if you take away the five-year
13 charter, that impairs substantially the ability for
14 this transaction to happen.

15 Now, mind you, a charter can walk from
16 these transactions, because they're bound by the
17 Bateman Act, et cetera. And that's another story,
18 another lesson.

19 But the point is when you -- when there --
20 when you have a school in a situation who really
21 needs to address their facilities and the impact on
22 their budget of their facilities, but you're also
23 asking them to turn around their academics, I think
24 it's really important for you to -- for the
25 Commission to consider the impact of the legislation

1 that's looming and the obligations of the charter
2 schools in these facilities conundrums.

3 And, overall, I think the school would
4 implore you to look at a five-year charter, with the
5 conditions of academic improvement to come back
6 and/or -- you know, some of these goals, I think
7 you're going to want to renegotiate anyway during
8 the contracting process.

9 But, again, think long-term of the impact
10 of their program, if they're continuing to just --
11 they can only use State lease reimbursement on a
12 straight lease. They cannot use HB-33 until they're
13 in that lease-purchase agreement. And they can't do
14 a lease-purchase in the current situation they're
15 in.

16 And I think the school would like for the
17 Commission to consider that impact -- and it's a big
18 one -- on this school's ability to address its
19 academic needs.

20 THE CHAIR: Could I just ask for some
21 clarification? Excuse me, Mr. Bergman.

22 The school needs for its foundation or
23 nonprofit to pass a bond to help it purchase the
24 facility that it's already in?

25 MS. MATTHEWS: Essentially, they don't

1 pass a bond; it's a private bond acquisition.

2 THE CHAIR: Okay. Whatever.

3 MS. MATTHEWS: Right, right. That's
4 correct. A nonprofit would acquire the facility and
5 then lease it back to the charter school under a
6 lease-purchase arrangement.

7 THE CHAIR: But they are currently in that
8 facility.

9 MS. MATTHEWS: On a straight lease,
10 Madam Chair. So the cost of it is the added
11 operational, which is roughly \$200,000 a year for
12 this school. So if you can think about that going
13 back into their academics, that's exactly what HB-33
14 and SB-9 were designed to do for the charters, were
15 to give them that capital influx to acquire their
16 own facilities.

17 THE CHAIR: Thank you for that
18 clarification.

19 Commissioner?

20 COMMISSIONER BERGMAN: I wanted to add
21 this, because Patti triggered a memory. This is not
22 the first time we faced this situation. I believe
23 McCurdy came to us a couple of years ago, and they
24 brought a financial person with them. That's what
25 we were talking about. He was here to point out to

1 us that if we limited them to that three-year deal,
2 that that discouraged the bond people.

3 They want -- those people, they want
4 guarantees; they want this and that. So I'm looking
5 at this three-year versus five-year in a little
6 different light now, because now I remember, we've
7 had that conversation before. But if we were to do
8 five years, we're going to have to have some very
9 strict -- as Mr. Gant has said with some of the
10 others -- improvement plans or something in place so
11 we can protect ourselves, because you guys need to
12 improve those academics; you really do.

13 And I'm reluctant to give you five years.
14 Just from the academic side, I would prefer three.
15 But it's -- we don't want to hamstring this
16 lease-purchase deal, either. So there's -- like I
17 say, I kind of got a curve there. I didn't remember
18 your previous visit. So we need to give serious
19 thought before we make that decision, either three
20 or five years.

21 THE CHAIR: Mr. Pahl, would you care to
22 respond to that, the CSD? Were you aware of this
23 three- and five-year situation before you made your
24 recommendation?

25 MR. PAHL: Madam Chair, not to the extent

1 that we are right now. We understood that they were
2 going through a process in their facilities. But,
3 you know, we did our evaluation, much like we do
4 with anyone else, is looking at the academics, the
5 organization, and the financial. There's an
6 argument that this could be a -- an element of the
7 financial. But we didn't look specifically into it.
8 And I think it's a -- it's an outside, but
9 important, factor that was not considered in our
10 analysis.

11 THE CHAIR: Okay. Thank you very much.
12 Commissioner Carr?

13 COMMISSIONER CARR: I understand the
14 situation. I have a hard time making a decision to
15 go from three to five years for financial reasons.
16 And it concerns me that if we make that decision,
17 are we -- it's not arbitrary and capricious,
18 necessarily, but it's -- you know, we're -- I guess
19 the best thing I can think of to come up with an
20 analogy, I'd go up to my boss and say, "Hey, I need
21 a raise, because my house payment is more expensive
22 than so-and-so's; so I should have more money than
23 this guy."

24 Maybe that's not a great analogy. But
25 it -- I'm just having -- I'm not saying I won't vote

1 for that; but I have a difficult -- I have
2 difficulty with the rationale to do it that way.
3 And maybe somebody can help me out with that.

4 DR. MAESTAS: Well, you know, I would like
5 to say that we don't have an issue with a challenge
6 to improve our grade. And we have already begun to
7 implement those strategies, including, you know,
8 giving our teachers an eight-hour day, so they do
9 have time for planning. We have a half-hour that
10 student -- that teachers spend every day in RTI,
11 meeting the needs of those kids that need additional
12 tutoring.

13 We have implemented a school-wide
14 professional development online course, where they
15 can get credit or not; but it is around
16 instructional strategies.

17 So I think, you know, we make every effort
18 to -- to reach out as much as we can to ensure that
19 we can meet the needs of our students. We did apply
20 for the incentive pay for that very reason, to
21 really provide an incentive to our teachers to
22 continue to work as hard as they can. And they do
23 work very, very hard in the work that we do with our
24 students.

25 So we're not afraid of the challenge. And

1 I would invite the Commission -- I mean, the Charter
2 School Division to visit us monthly, if they wish,
3 because I know we're going to improve, and I know we
4 will have a strong plan that will meet the needs of
5 our students.

6 COMMISSIONER CARR: I should ask our
7 attorney. I mean, am I just -- is there any
8 rationale for my thinking? I guess part of it is
9 are we setting a precedent, you know, whereby
10 everybody says, "Well, you gave them five years; why
11 don't you give" -- you know -- so...

12 MR. GRANATA: Madam Chair, Commissioners,
13 Commissioner Carr, I think that your concerns are
14 valid. And I think they're important to get out on
15 the record for the issues to be discussed by the
16 Commission.

17 I mean, there's always the chance that the
18 Commission is setting precedent. But, I mean, it's
19 my understanding that the Commission looks at each
20 school as a school, and there's all kinds of factors
21 that go into it. But I think, most importantly,
22 it's important that it's brought out into the open
23 and that the Commission discuss the concern.

24 COMMISSIONER CARR: Okay.

25 THE CHAIR: Thank you.

1 Commissioner Gant?

2 COMMISSIONER GANT: Madam Chair, members,
3 as Ms. Matthews is probably aware, the Legislators
4 will probably drop that 2015 and go to 2020; so
5 that's a moot point every time that date comes up.
6 I mean, they've changed it over the years. So I
7 don't see that not changing.

8 But my -- correct me if I'm wrong, please,
9 ma'am. You're paid 400 -- no -- the lease itself is
10 \$480,000 and you're paying \$216,000? You get
11 \$216,000 of a lease assistance?

12 DR. MAESTAS: Yes, we do, because of our
13 enrollment. We have 375 students. So we still have
14 to put in some operational money in order to make
15 the lease.

16 COMMISSIONER GANT: That's one of the
17 highest leases we're paying for in the state right
18 now. So -- but you're going to do a lease? If you
19 get the opportunity to do a lease assistance, who is
20 going to pay the overhead?

21 DR. MAESTAS: It would be a lease-purchase
22 agreement.

23 COMMISSIONER GANT: All right.
24 Lease-purchase. I understand the process. But
25 who's going to pay all the utilities? The overhead?

1 DR. MAESTAS: The school does pay the
2 utilities right now, and we would continue to do
3 that.

4 COMMISSIONER BERGMAN: Okay. It's just
5 going to be -- all right.

6 THE CHAIR: If the bond is -- whatever
7 the -- word.

8 MS. MATTHEWS: Sold.

9 THE CHAIR: Sold. If the bond is sold,
10 and the lease-purchase agreement goes through and so
11 on and so forth, is your lease likely to be any less
12 than it is right now?

13 DR. MAESTAS: Yes, it would be less,
14 because it would be over a longer term. But it
15 would also allow us to have more cash flow for our
16 instructional program, because we would be using the
17 lease-purchase, as well as House Bill 33. So it
18 would pretty much --

19 THE CHAIR: But your investment in your
20 lease each month -- year -- would be less.

21 DR. MAESTAS: Yes.

22 THE CHAIR: Okay. Let me just ask a
23 couple of things before I forget it. Right now,
24 your cap -- your enrollment cap is 375. You have
25 375 students?

1 DR. MAESTAS: That is correct.

2 THE CHAIR: Ooh, that's cutting it close.

3 Please remember, this Commission takes it very
4 seriously if you go over that cap. If you'd like to
5 come to us with an enrollment cap increase, and your
6 building would support that, we'd be glad to
7 entertain that. So just something to think of.

8 DR. MAESTAS: Thank you.

9 THE CHAIR: I'm looking at your school
10 grade snapshot. Your highest performing students,
11 B -- pardon me, D-B-D; so it's kind of up and down;
12 down right now. Lowest performing students, C-F-D.

13 Those have got to come up. I'm sure I'm
14 not telling you anything you don't know.

15 Your reading proficiency and your math
16 proficiency, while they're not the worst numbers
17 we've seen, I'm sure they're not where you want them
18 to be. But if this Commission does grant your
19 renewal, please note that all of that really needs
20 serious work and needs to come up fairly quickly, as
21 quickly as possible. Okay?

22 Thank you very much.

23 DR. MAESTAS: Thank you.

24 THE CHAIR: Commissioner Gant?

25 COMMISSIONER GANT: Madam Chair, members,

1 ma'am, you say your cap is 275?

2 THE CHAIR: 375.

3 DR. MAESTAS: No, 375.

4 COMMISSIONER GANT: Okay. Not a problem.
5 Not a problem. I just -- one last question. And I
6 am concerned with your -- your goals that have not
7 been met. And you're going to have a plan to
8 correct all that. And if we give you five years,
9 and in five years, you don't meet the goals, and
10 this Commission decides that it's time to close the
11 school, who is going to assume payment for that
12 building?

13 MS. MATTHEWS: Madam Chair,
14 Commissioner Gant, under the provisions of a
15 lease-purchase agreement, if that were to happen, it
16 becomes the nonprofit.

17 Now, what the statute also provides for is
18 because of the mechanism of the lease-purchase, as
19 you know, the interest -- or the principal -- there
20 is a principal accumulation. And that building --
21 and this is well-suited for another school. It
22 could be assigned to the district; it could be
23 assigned to another charter school. But the State
24 could take over the lease, or not. They could just
25 leave the nonprofit with the facility.

1 That's how the statute is written, the
2 Lease-Purchase Act. So that's what happens when a
3 charter does close, because it's actually -- it is a
4 specific term of the lease that considers the
5 possibility of the charter would not be renewed or
6 be closed.

7 COMMISSIONER GANT: Madam Chair, members.

8 You mentioned that under the
9 lease-purchase agreement, there was a lot of things
10 you would like to do to the building: Gymnasium,
11 et cetera, et cetera. Where is that money coming
12 from? Is that part of the bond, or is that money
13 from somewhere else, et cetera?

14 DR. MAESTAS: No, it is not a part of the
15 bond. We have really looked at keeping that as low
16 as possible. But I have entered into some
17 conversations with our City Councilors, who are
18 willing to help, for instance, with the gym.
19 They're willing to look at a bond, as long as it is
20 open to the community, as well as a soccer field.

21 And so we are looking for other ways in
22 which to develop the facility. We would also look
23 to PSFA, if there is any opportunities for us to
24 request any other capital funding.

25 We also would work with our local

1 legislators to help us improve the facility.

2 But at this point, we really don't -- we
3 are trying to keep it as low as possible.

4 COMMISSIONER GANT: Madam Chair, members.

5 Just be advised that some of the things
6 you've talked about adding to your school, they are
7 not under adequacy. So you would end up paying for
8 them, not the PSCOC, PSFA.

9 THE CHAIR: Any other comments or
10 questions?

11 Commissioner Bergman?

12 COMMISSIONER BERGMAN: Help me with this,
13 since we have a couple of lawyers sitting here.
14 It's my understanding that a charter school cannot
15 take on long-term debt because they could -- if the
16 school is -- either goes out of business or is
17 revoked, the taxpayer can't be left holding the bag
18 on long-term debt.

19 So how is this going to be considered? Is
20 this long-term debt that the school is taking on?

21 THE CHAIR: The foundation. The
22 foundation, I believe.

23 MS. MATTHEWS: Does that satisfy you?

24 COMMISSIONER BERGMAN: As long as it's the
25 foundation left holding the bag and not the

1 New Mexico taxpayer.

2 MS. MATTHEWS: Your new attorney up there,
3 says that's exactly right. It's a debt of the
4 nonprofit.

5 COMMISSIONER GANT: Madam Chair?

6 THE CHAIR: Commissioner Gant?

7 COMMISSIONER GANT: Madam Chair.

8 I'm doing this reluctantly, Ms. Matthews.
9 But to come in the last minute and say this is what
10 you want, with no plans laid in front of us, saying,
11 "We want to do this five-year thing, because we're
12 going to do a bond issue for lease assistance -- for
13 lease-purchase and all that," you know, that's like,
14 "All right, we got you. We got you in a trap." And
15 we've got to do this.

16 I mean, I feel like I've been put up
17 against the wall, okay? I really do.

18 THE CHAIR: Further comments or questions?

19 I hear none. The Chair would entertain a
20 motion.

21 COMMISSIONER CARR: I'll do it.

22 MS. MATTHEWS: Ms. Shearman, I hate for
23 things like that just hanging out there. May I make
24 a comment?

25 Mr. Gant, this is -- these things move,

1 and they just kind of -- I will tell you, I had the
2 conversation with the invest- -- or the bond
3 broker -- we'll call him that -- last week. So I
4 don't mean to come before the Commission as a
5 surprise. I'm not; I'm on behalf of the school.
6 But, you know, these things start to unfold.

7 They went into that facility when they
8 came to you last time, with this as part of their
9 intention. If that's something that you feel like
10 you either -- I don't know if it was disclosed at
11 the time. I don't even remember that conversation,
12 as many of you don't remember that they came to you
13 before.

14 So please don't think that this was some
15 sort of last-second maneuver. I really would hate
16 for the Commission to hear that.

17 COMMISSIONER GANT: Well, Madam Chair,
18 members.

19 It's just -- there was another charter
20 school -- go unmentioned -- that we have just --
21 every time, it's a moving train. And it's kind of
22 put us behind -- put this Commission behind the
23 eightball. And it gets a little old; it really
24 does.

25 THE CHAIR: Commissioner Carr, if you'd go

1 ahead, please?

2 COMMISSIONER CARR: Okay. I, Commissioner
3 Jeff Carr, move the Public Education Commission
4 approve, with conditions, the renewal of the charter
5 school application for La Promesa Early Learning
6 Center, pursuant to the Charter School Act,
7 Section 22-8B-6 and Section 22-8B-12, the charter's
8 renewal approval, with the following conditions:

9 Completion of an improvement plan specific
10 to the school;

11 And two annual monitoring visits by CSD.

12 And I'll add that -- and it's agreed that
13 they have a five-year term.

14 THE CHAIR: You've heard the motion of
15 Commissioner Carr.

16 Do I have a second?

17 COMMISSIONER PARKER: (Indicates.)

18 THE CHAIR: Commissioner Parker? We have
19 a motion from Commissioner Carr, second by
20 Commissioner Parker, to approve the renewal
21 application of La Promesa Early Learning Center, for
22 five years, with conditions as noted on the official
23 record.

24 Is there any discussion?

25 Hearing none, Mr. Secretary, may we have a

1 roll-call vote?

2 COMMISSIONER BERGMAN: Commissioner

3 Parker?

4 COMMISSIONER PARKER: Yes.

5 COMMISSIONER BERGMAN: Commissioner

6 Peralta?

7 COMMISSIONER PERALTA: Yes.

8 COMMISSIONER BERGMAN: Commissioner Carr?

9 COMMISSIONER CARR: Yes.

10 COMMISSIONER BERGMAN: Commissioner

11 Toulouse abstains.

12 Commissioner Gant?

13 COMMISSIONER GANT: Yes.

14 COMMISSIONER BERGMAN: Commissioner

15 Shearman?

16 THE CHAIR: Yes.

17 COMMISSIONER BERGMAN: Commissioner

18 Bergman votes "yes."

19 I hesitated. You didn't hear it, but I

20 hesitated, also.

21 Madam Chair, that is a 6-to-0 vote in

22 favor of that motion, with one abstention.

23 THE CHAIR: Thank you. The motion passes

24 to renew La Promesa's charter for a five-year term,

25 with conditions as noted on the official record.

1 Thank you, all.

2 DR. MAESTAS: Thank you.

3 THE CHAIR: Ladies and gentlemen, while
4 some paperwork is signed, I think I'm going to ask
5 Commissioners if this is as far as we want to go
6 today? It's a quarter of 5:00.

7 Is that agreeable with everyone? I
8 believe we have four schools. We will start with
9 South Valley Preparatory at 9:00 a.m. in the
10 morning. Thank you all for being here.

11 We are in recess.

12 (Proceedings in recess at 4:45 p.m.)
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BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

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In testimony whereof, I have hereunto set my
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Cynthia Chapman

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