

BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

MEETING OF THE PUBLIC EDUCATION COMMISSION
TRANSCRIPT OF PROCEEDINGS
PEC MEETING, AGENDA ITEMS
June 27, 2012
9:32 a.m.
Mabry Hall
Jerry Apodaca Education Building
300 Don Gaspar
Santa Fe, New Mexico

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A P P E A R A N C E S

COMMISSIONERS:

MR. ANDREW GARRISON, Chair
 MS. CAROLINE SHEARMAN, Vice Chair
 MR. EUGENE GANT, Secretary
 MR. VINCE BERGMAN
 MS. MILLE POGNA
 MR. JEFF CARR
 MS. CARLA LOPEZ
 MR. GILBERT PERALTA
 MR. MICHAEL CANFIELD

ALSO PRESENT:

MR. PAUL AGUILAR, PED Deputy Secretary
 MS. BEVERLY FRIEDMAN, PED Liaison to PEC
 MS. KELLY CALLAHAN, Acting Director of CSD
 MR. RAMON VIGIL, Attorney for PEC

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1 CHAIR GARRISON: Good morning, everyone.
2 The New Mexico Public Education Commission meeting,
3 Wednesday, June 27, 2012, is hereby called to order.
4 We will begin with a roll call from Secretary Eugene
5 Gant.

6 SECRETARY GANT: Commissioner Lopez.

7 COMMISSIONER LOPEZ: Here.

8 SECRETARY GANT: Commissioner Carr.

9 COMMISSIONER CARR: Here.

10 SECRETARY GANT: Commissioner Pogna.

11 COMMISSIONER POGNA: Here.

12 SECRETARY GANT: Commissioner Bergman.

13 COMMISSIONER BERGMAN: Here.

14 SECRETARY GANT: Commissioner Peralta.

15 COMMISSIONER PERALTA: Here.

16 SECRETARY GANT: Commissioner Canfield.

17 COMMISSIONER CANFIELD: Here.

18 SECRETARY GANT: Commissioner Shearman.

19 VICE-CHAIR SHEARMAN: Here.

20 SECRETARY GANT: Commissioner Garrison.

21 CHAIR GARRISON: Here.

22 SECRETARY GANT: Commissioner Garrison,
23 you have a full quorum.

24 CHAIR GARRISON: We will now have the
25 Pledge of Allegiance. Carolyn Shearman, Vice Chair,

1 and then the salute to the New Mexico flag,
2 Commissioner Michael Canfield.

3 (The Pledge of Allegiance and the Pledge
4 to the New Mexico flag were led by Commissioners
5 Shearman and Canfield.)

6 CHAIR GARRISON: Our statement of
7 aspiration will be by Commissioner Millie Pogna, and
8 I will allow her a point of personal privilege after
9 that.

10 COMMISSIONER POGNA: Heavenly Father, we
11 thank Thee, Father, for the safe travel of the
12 commissioners, our staff, and visitors to the
13 meeting this morning and for their safe return home.
14 We ask your guidance to make the best decisions for
15 the children of New Mexico.

16 Father, bless our nation in these perilous
17 times and watch over our brave young men and women
18 in the service of our country. We ask for their
19 safe return home. We thank Thee. Amen.

20 Mr. Chairman, my point of personal
21 privilege, I know that the commissioners can hardly
22 wait to get this information, but today is my one
23 year date of being rushed to the hospital with a
24 horrible vicious attack of shingles. And so I want
25 you to know I am healing a little at a time, but

1 it's going to take several years. It takes a long
2 time. But I know that you wanted to know that.

3 CHAIR GARRISON: Thank you, Commissioner
4 Pogna.

5 For the record, Deputy Secretary Paul
6 Aguilar is in attendance.

7 Good morning, sir.

8 DEPUTY SECRETARY AGUILAR: Good morning.

9 CHAIR GARRISON: And welcome.

10 Item No. 4 is approval of the agenda. The
11 Chair will entertain a motion.

12 SECRETARY GANT: So moved.

13 COMMISSIONER CARR: Second.

14 CHAIR GARRISON: Moved by Commissioner
15 Gant, seconded by Commissioner Carr. All those in
16 favor say aye. Opposed no. The agenda is approved
17 unanimously.

18 Item No. 5 is approval of the minutes of
19 the March 9, 2012, and special meeting on June 8,
20 2012. Have all the commissioners had a chance to
21 review the minutes? If so, the Chair will entertain
22 a motion. Commissioner Canfield.

23 COMMISSIONER CANFIELD: So moved, Mr.
24 Chair.

25 CHAIR GARRISON: Moved by Commissioner

1 Canfield.

2 COMMISSIONER CARR: Second.

3 CHAIR GARRISON: Seconded by Commissioner
4 Carr. Is there any discussion at all?

5 All those in favor say aye. Opposed no.
6 The minutes are approved.

7 Item No. 6 is open forum. It's a timed
8 item for 9:45, so we're going to go ahead and move
9 and get as far as we can on item No. 7, which is the
10 PEC budget for fiscal year 2012-2013.

11 Paul Aguilar, New Mexico Public Education
12 Department Deputy Secretary of Finance and
13 Operations. Good morning, sir.

14 DEPUTY SECRETARY AGUILAR: Good morning,
15 Mr. Chairman, members of the commission. How you
16 doing this morning?

17 Beverly, do you have those --

18 MS. FRIEDMAN: It's in your book, No. 7.

19 DEPUTY SECRETARY AGUILAR: Mr. Chairman,
20 yesterday we visited briefly regarding the needs of
21 the commission for FY '13 which starts on Sunday at
22 12:01. So since I won't see you all before then,
23 happy new year.

24 The budget, the proposed budget before you
25 is approximately about \$20,000 greater than --

1 actually about \$15,000 greater than the budget that
2 the PEC had this year. This year the PEC expended
3 about \$55,000, and we know this was a tight year.

4 There are a couple of things for
5 consideration. The budget right now is set at
6 \$70,000 we are proposing for discussion today. The
7 one thing I wanted to let the commission know is
8 that the department continues to struggle a little
9 bit with filling positions. We are in the process
10 of posting about 30 positions this coming week, and
11 so we're hoping to get our staffing up, including
12 three positions for the Charter School Division. So
13 we're looking to increase that staffing.

14 But that being said, it takes a little bit
15 of time for positions to post, interview, be filled,
16 people give notices, and come here. So we do expect
17 that there will be some vacancy savings that will be
18 realized in the agency budget throughout the year.
19 And so I think the \$70,000 is a good starting point.

20 We do recognize that there are additional
21 expenses this year, because you have a number of new
22 applications as well as a number of renewals coming
23 before you. So we fully expect this number will
24 increase. Just for budget purposes as we start the
25 fiscal year, I am proposing this number here.

1 In the paperwork before you, it sets about
2 \$25,000 for PEC travel. That includes travel to the
3 meetings, community input hearings, and also you
4 have a number of folks that work as liaisons. As an
5 example, I work with Commissioner Gant on the Public
6 School Public Outlay Council. So we are proposing a
7 budget of about \$25,000 for travel. That's a bit
8 higher than this year and doesn't account for the
9 fact that we're missing one commissioner and
10 anticipating an appointment. We feel that would
11 budget your travel for your regular work.

12 Item No. 2, mailing printing business
13 cards and supplies. We removed that as a budget
14 item. We will cover those costs from the agency
15 general fund general supplies allocation. So if you
16 want a specific line item, we can discuss it, but I
17 think we have been pretty good in supporting Bev and
18 whatever she needs for you guys. So I think that we
19 can continue to do that.

20 Then because of the community input
21 hearings in August, the September approval and
22 denial meetings, the December renewal meetings, and
23 other things, we are proposing about \$15,000 for
24 professional transcription services, our court
25 reporters. We think that is a little bit light, but

1 we think that will serve for the first six months at
2 least of the fiscal year. And then we can evaluate
3 it right after the second quarter and determine if
4 we need to increase that funding a bit.

5 Then finally -- and I wanted this as a
6 discussion item for Mr. Chairman is we are
7 providing -- we have received a bill from NASBE for
8 \$12,000 roughly for your membership fees or
9 membership dues for the current fiscal year. This
10 last year we were able to negotiate with NASBE, and
11 we paid about \$6,500 plus the travel for, I think,
12 two members to travel to the national conference.

13 I do want to put out there that the
14 Charter School Division and the department are
15 members -- and I'm going to get this wrong, so
16 correct me, Kelly -- the National Association of
17 Charter School Authorizers -- did I get it right?

18 MS. CALLAHAN: Yes, sir.

19 DEPUTY SECRETARY AGUILAR: That's amazing.
20 That the department and the Charter School Division
21 belong to that, and by association so does the
22 Public Education Commission, so there would be no
23 fees to be paid for that. I know that the
24 commission, prior to the constitutional amendment,
25 was very closely aligned with the National School

1 Boards Association. And so we're asking if that's
2 your pleasure, but we're asking for consideration
3 that you might want to consider attending the --
4 what's the acronym? NACSA conferences, and
5 associated with them, as opposed to the NASBE, but I
6 want to leave that up for discussion for you and the
7 commissioners.

8 Then finally, Mr. Chairman, we are
9 proposing about an \$18,000 allocation for a PEC
10 attorney that will be on call for the Chair during
11 the August community input hearings and then would
12 be available during your approval and denial
13 hearings and renewal hearings coming up later.

14 So those being the allocations, Mr.
15 Chairman, we are proposing, as a starting point with
16 the agreement, that we would revisit it after the
17 second quarter, of about a \$70,000 budget to start
18 the fiscal year with. And with that, Mr. Chairman,
19 I would stand for questions.

20 CHAIR GARRISON: I would just recommend
21 that perhaps we revisit after the first quarter so
22 we can print up for the second half.

23 DEPUTY SECRETARY AGUILAR: Mr. Chairman,
24 that would be fine. So I'm to going suggest that we
25 consider visiting with the executive committee in --

1 the first quarter ends September 30th. I would
2 propose meeting November 1st. We need about 30 days
3 to get the books for the quarter in order, and then
4 if we meet November -- the first couple of weeks of
5 November to look at that, that would be fine.

6 CHAIR GARRISON: Any questions by
7 commissioners or comments? I just have one comment.
8 The budget numbers of 2010 from documentation that I
9 had received was \$335,000 for the PEC. So it seems
10 to me a bit of a shell game, and I think that's what
11 the Public Education Department has had to do just
12 to stay afloat with all the turnover and trying to
13 fill positions, and they had a reduction in force
14 last year, and so it continues. So we commend you
15 on your hard work to make ends meet really.

16 DEPUTY SECRETARY AGUILAR: Thank you, Mr.
17 Chairman.

18 I just want the commission to know, when
19 you talk about the 300,000, you are talking about
20 staff costs, and we are not reporting that. We
21 certainly can. The majority of staff, if not all of
22 the staff, other than the exempt position that's now
23 vacant -- still waiting to be filled -- are funded
24 out of the two percent money. So we are using the
25 money generated by the charter schools to operate

1 and oversee and manage the charter schools as well
2 as the commission so --

3 CHAIR GARRISON: You had mentioned in last
4 year's December meeting about that two percent, that
5 PEC was going to begin tracking that. What is the
6 total figure on that? If you don't have it now,
7 could you get that to us? I'm just curious.

8 DEPUTY SECRETARY AGUILAR: In round
9 numbers, I think it's about a million dollars that's
10 generated, and then I could give you the breakdown
11 for Charter School Division PEC costs. Bear in mind
12 that also we do support the work of the commission
13 and the Charter School Division through payroll and
14 through all these other things, so there are some
15 folks that are funded partially through that. But I
16 can provide a breakdown at your next meeting.

17 CHAIR GARRISON: I would like to see it.
18 Thank you.

19 DEPUTY SECRETARY AGUILAR: Thank you.

20 CHAIR GARRISON: I want to mention the
21 membership in NASBE, I have a question for Beverly
22 Friedman. Are we covered in our membership to
23 attend the national conference this year, or do we
24 need to pay this 12,000 to attend that national
25 conference in October?

1 MS. FRIEDMAN: Commissioner Garrison, your
2 dues for 2012 are covering any travel during this
3 year.

4 CHAIR GARRISON: Okay. So hypothetically
5 the Chair could attend the NASBE conference in
6 October, and then we could cease membership, or I
7 could try to negotiate with the new executive
8 director. I think it's John Kohlmoos. I don't know
9 how to pronounce his name.

10 MS. FRIEDMAN: Commissioner Garrison, the
11 dues are paid from January to December. That's the
12 calendar year for NASBE. And so membership does
13 cover that, and you can attend that meeting, their
14 national conference in October.

15 CHAIR GARRISON: Thank you. What I
16 would --

17 SECRETARY GANT: Mr. Chair, 9:45.

18 CHAIR GARRISON: Oh, timed item. I'll
19 just finish my sentence. What I would recommend is
20 perhaps the executive committee, with Gene Gant and
21 Carolyn Shearman, consider going to the NACSA
22 conference. I would like to attend the NASBE
23 conference, to consider going to that, and I think
24 that should be our priority, which won't be my call
25 in the future, to do the work of charter schools.

1 I will suspend item No. 7, and we will
2 move to our open forum.

3 Item No. 6 on the agenda is the open
4 forum. The executive summary states, "Public
5 comments and observations are limited to education
6 policy and governance issues, as well as the
7 strategic plan for education. And I see that
8 Beverly gave me the sign-in sheet, and we have no
9 one signed up for open forum.

10 Is there anyone that missed this that
11 wanted to speak before the commission? Seeing none,
12 we will move back to item No. 7, and open the floor
13 for discussion on the budget with Deputy Secretary
14 Aguilar.

15 SECRETARY GANT: Mr. Chair.

16 CHAIR GARRISON: Commissioner Gant.

17 SECRETARY GANT: Mr. Chair, members, I do
18 recommend that we go to the NACSA conference. I
19 have attended that once, and that was four years
20 ago, but it's very worthwhile. It really is. You
21 get to meet the people and hear a bunch of ideas
22 from across the United States on authorization. So
23 I would strongly recommend we do that, and get
24 involved and go along with the CSD when their staff
25 goes to that meeting so we can interchange ideas.

1 CHAIR GARRISON: I like it.

2 Any other comments from commissioners?

3 Deputy Aguilar.

4 DEPUTY SECRETARY AGUILAR: Mr. Chairman, I
5 will stand for questions.

6 CHAIR GARRISON: Any questions of the
7 deputy secretary?

8 Sir, we thank you for your time. We
9 appreciate it.

10 DEPUTY SECRETARY AGUILAR: Thank you.

11 CHAIR GARRISON: Moving on, item No. 8 is
12 discussion on Southwest Secondary Learning Center's
13 Extended Learning Program, and this again, is Paul
14 Aguilar, New Mexico Public Education Department
15 Deputy Secretary, Finance and Operations.

16 DEPUTY SECRETARY AGUILAR: Mr. Chairman,
17 thank you very much.

18 First of all, I apologize. We had
19 expected to have the final report done today, and it
20 is in final editing. We are hesitant to make
21 comment about the report in its entirety until we
22 have an opportunity to have an exit conference with
23 Southwest Secondary and also with Albuquerque Public
24 Schools, their authorizer.

25 So, Mr. Chairman, with that I would make a

1 couple of comments just about the circumstance, and
2 we are prepared to distribute, once we have our exit
3 conference with APS and with the charter school, we
4 will distribute copies of the audit -- not the
5 audit -- the review for the audit directly to each
6 commissioner, and we will then post it on our
7 website.

8 But, Mr. Chairman, with that, the issue at
9 hand, one of the issues at hand, I think, is the
10 challenge of that credit recovery for students, and
11 challenge of that credit recovery is not necessarily
12 isolated to Southwest Secondary. Many districts
13 around the state, including Bernalillo APS, Las
14 Cruces, and others, including charter schools and
15 private schools, offer credit recovery programs.

16 Online virtual or distance learning
17 options, as you know, are expanding rapidly, and one
18 of the issues that policy makers need to take a look
19 at is to look at the regulatory environment
20 applicable to these courses. The distance learning
21 rule that's -- I'm sorry. The distance learning
22 rule directly applies to this situation, and it
23 establishes certain requirements which are not
24 necessarily being met by Southwest Secondary or
25 other of the virtual charter schools.

1 The rule requires that schools that
2 provide distance learning courses statewide shall
3 enter into written agreements with students'
4 enrolling districts or charter schools prior to
5 providing distance learning courses. And among
6 other things, the rule provides generally the
7 following parameters: That if a school district or
8 charter school determines that a student fails to
9 comply with the provisions of this rule, the student
10 may be denied credit for that distance learning
11 course.

12 In order to participate in the distance
13 learning course, a student must have the written
14 permission of the student's enrolling district,
15 charter school, or state institution. And all local
16 school boards and charter school governing
17 authorities should have adopted written policies
18 providing for students access to distance learning
19 courses.

20 And so part of the investigation looked at
21 these pieces, Mr. Chairman, and identified a number
22 of findings, I believe, that will be part of the
23 final report. It's important to note that the
24 materials used by the Southwest Secondary are on the
25 PED's approved instruction materials list as of

1 2008, and at that time the department found that the
2 E 2020, which is utilized by a number of districts
3 statewide, is adequately rigorous and in line with
4 the state standards.

5 And so, Mr. Chairman, really those are all
6 the comments that I have. I, again, apologize that
7 we don't have the final edits done, but we have
8 committed to both publicly in meetings with the
9 Legislative Education Study Committee here and
10 others that we are trying to refine our audit
11 procedures to be very uniform. And part of that is
12 to show the schools and districts the courtesy of
13 having an entrance conference and an exit conference
14 on any of these audits.

15 So, as I mentioned, we are in final edits.
16 I would suspect that we would schedule the meetings
17 with the charter school within the next week or so,
18 and once we have those meetings, then we'll make the
19 report. So with that, Mr. Chairman, I stand for
20 questions.

21 CHAIR GARRISON: I'll begin. I just want
22 to mention the question submitted by the Public
23 Education Commission to Kelly Callahan with the CSD,
24 will those be integrated in the report and discussed
25 in the exit interview?

1 DEPUTY SECRETARY AGUILAR: Mr. Chairman,
2 we did take all of the questions that were
3 submitted, and they were part of the evaluation of
4 the specific situation with Southwest Secondary, and
5 we expect to have all those questions answered for
6 you.

7 CHAIR GARRISON: Excellent. And as you
8 know, that question stems from the Southwest
9 Secondary Learning Center. Their charter is a
10 contract with the PEC, and so it's imperative that
11 those questions are answered to make sure that that
12 contract is held to.

13 Any other questions from commissioners?
14 Comments?

15 Seeing none, Deputy Secretary, thank you
16 so much.

17 DEPUTY SECRETARY AGUILAR: Mr. Chairman,
18 thank you. I have a couple of meetings today. I
19 will be here for a while, I will be in and out, but
20 I will be in the building. Beverly can get ahold of
21 me at any time, so I'll be in and out.

22 CHAIR GARRISON: Thank you, sir.

23 DEPUTY SECRETARY AGUILAR: Thank you, Mr.
24 Chairman.

25 CHAIR GARRISON: Item No. 9, New Mexico

1 Public Schools Insurance Authority, NMPSIA,
2 presentation on school violence. Ms. Julie Garcia,
3 regional director of NMPSIA, Poms & Associates.

4 MS. GARCIA: Good morning.

5 CHAIR GARRISON: Good morning.

6 MS. GARCIA: Commissioner Pogna sits on
7 the NMPSIA board.

8 CHAIR GARRISON: Is that already pressed
9 down? Just scoot it towards you.

10 (A discussion was held off the record.)

11 CHAIR GARRISON: Mr. Brown, thank you.

12 MS. GARCIA: My name is Julie Garcia. I
13 work with the New Mexico Public School Insurance
14 Authority. As you all know, Commissioner Pogna sits
15 on the NMPSIA board and asked that I come and do a
16 presentation on school violence.

17 We provide risk management services for
18 all 89 districts and all of the charter schools, and
19 as a result, one of the issues that we have been
20 watching is the potential for school violence or the
21 potential for serious crises to happen in the
22 schools.

23 We sent a survey out about two months ago
24 to all the districts -- we did not send it to the
25 charter schools yet, have not -- and asked the

1 districts if they are complying with the statute
2 that requires that they do lockdown and evacuation
3 drills, which are really crisis response drills.
4 Our guesstimate right now is that only about
5 50 percent of the districts are doing those drills.
6 They are doing the fire drills, but they are not
7 doing the lockdown and other crisis response drills.
8 So as a result of that, we have gone out and we have
9 started talking to school districts and auditing
10 their crisis response.

11 And I can say that the schools that are
12 doing the drills are doing, for the most part, a
13 very good job. They are working with law
14 enforcement. They are working with the fire
15 department. The schools that are not doing the
16 drills have no communication mechanism at all with
17 law enforcement or the fire department in the event
18 that there is a crisis.

19 So the next question obviously is why are
20 we worried about that. There are several factors
21 that play into the potential for serious crisis in a
22 school. One of them is identification and response
23 to troubled kids. From my travels around the state,
24 I can tell you that there are some issues there.
25 The schools are doing an adequate job of identifying

1 troubled kids, but the community resources available
2 are lacking, if existent at all.

3 The second issue is gangs. We know that
4 we have gang issues in New Mexico, and we are seeing
5 an increase in some gang issues in parts of the
6 state that we had not seen before. We are seeing
7 gang issues in small communities that we had not
8 seen before.

9 Drugs and weapons. If you ask a kid in
10 any public school in the United States how quickly
11 can you get a weapon, the timeframe ranges from two
12 minutes to ten minutes. And again, depending on
13 where you live in the United States, that timeframe
14 is pretty small, and in New Mexico we know that
15 there are communities where that timeframe hits that
16 two minute mark.

17 The fourth factor is bullying. We know
18 that bullying is a huge issue with respect to school
19 violence. We can look at every case, and I'm going
20 to go way out on a limb, and say a hundred percent
21 of the cases of school violence where a kid has
22 brought or when a child has brought a weapon into
23 school, and all of those cases can be related back
24 to bullying in some form.

25 So we have been -- the New Mexico school

1 insurance authority, although we do not cover
2 student-to-student issues, we have been tracking it
3 so that we can get a handle on exactly what
4 percentage we have that might result in some kind of
5 assault or violence.

6 The hazing case in New Mexico was the
7 largest hazing case in the United States. So that
8 is also an issue that we are watching and also an
9 issue that will result in school violence.

10 So that, combined with that less than
11 40 percent of the schools are actually conducting
12 emergency drills, NMPSIA has decided to dedicate the
13 next 12 months to working with schools on their
14 crisis response and trying to get a handle on all of
15 the areas that we have mentioned that insurance
16 companies and insurance authorities all over the
17 country are worried about.

18 So I stand for any questions.

19 CHAIR GARRISON: Commissioner Shearman.

20 VICE-CHAIR SHEARMAN: My questions are in
21 a slightly different area, so I won't bring them up
22 yet if anyone has questions concerning about
23 specifically Ms. Garcia's presentation.

24 I would like to ask, if it's permissible,
25 some questions on leases that I know you all also

1 have quite a bit to do with.

2 COMMISSIONER LOPEZ: I have a question.

3 CHAIR GARRISON: Commissioner Lopez.

4 COMMISSIONER LOPEZ: Thank you for your
5 presentation.

6 Do you do training or anything with school
7 districts?

8 MS. GARCIA: Yes, Commissioner Lopez, we
9 do. We provide training on all of the areas that I
10 mentioned. It's all part of the premiums, so it's
11 free to the schools.

12 COMMISSIONER LOPEZ: So do you do any
13 training that has to do with spotting bullying,
14 because you talk to kids and they say it's going on
15 under their noses, and they don't see it.

16 MS. GARCIA: Yes, Commissioner, we do.
17 One of the issues I see with respect to bullying in
18 New Mexico is that we are kind of starting in the
19 middle of the process as opposed to starting at the
20 beginning of the process. There are very few school
21 districts that have actually surveyed the issue, and
22 that's a question I always ask is have you conducted
23 a survey. And included in the survey, of course,
24 are the students, and the students can give you the
25 best information about the level of bullying, how

1 it's happening, where it's happening.

2 School districts are kind of missing that,
3 and as a result, they are putting in programs that
4 are not necessarily effective, or they are trying to
5 buy off-the-shelf programs that don't fit in a
6 particular school or don't fit in a particular
7 district. So part of our training is if you're
8 going to put in a policy, do it right. Look for the
9 issues and address those issues specifically rather
10 than try to go in with some shotgun program that may
11 not work.

12 COMMISSIONER LOPEZ: And do you have all
13 the schools on a timeline or something so you try to
14 get to all of them?

15 MS. GARCIA: We are trying to get to all
16 of them, yes, but we are not on any kind of
17 timeline. There are some school districts that are
18 working really aggressively at bullying programs,
19 and we are working with those teams that they have
20 developed. But for the most part, most of the
21 schools are really struggling.

22 COMMISSIONER LOPEZ: Sure. Are there any
23 programs that you can recommend that are best
24 practices kinds of programs?

25 MS. GARCIA: Commissioner Lopez, in my

1 opinion, the best program that's out there is a
2 program that was developed by Dr. Dan Olweus. The
3 Olweus program statistically across the country has
4 been shown to be the most effective. It's a
5 combination of a curricular based program and a lot
6 of community information. It follows all the best
7 practices doing surveys, monitoring, watching the
8 effectiveness, evaluating the effectiveness, and
9 then correcting and changing.

10 CHAIR GARRISON: Can you repeat that name?

11 MS. GARCIA: It's Dr. Dan Olweus,
12 O-L-W-E-U-S.

13 COMMISSIONER LOPEZ: Thank you.

14 CHAIR GARRISON: And the name of his
15 program is? I know they are all called
16 anti-bullying, but let's get creative here.

17 MS. GARCIA: I believe it's just the
18 Olweus Bullying Program.

19 COMMISSIONER LOPEZ: Thank you.

20 CHAIR GARRISON: Before I get to
21 Commissioner Canfield, I want to mention another
22 best practice that came out of the public safety
23 field is Verbal Judo. Dr. George Thompson created
24 it in public safety, and they now have programs for
25 schools, for children, for corporations, and it is

1 solid. It is solid.

2 MS. GARCIA: If I can just give input in
3 that, Mr. Chairman?

4 CHAIR GARRISON: Absolutely.

5 MR. GARCIA: We also do Verbal Judo
6 training.

7 COMMISSIONER LOPEZ: Great.

8 CHAIR GARRISON: Commissioner Canfield.

9 COMMISSIONER CANFIELD: Thank you, Mr.
10 Chair.

11 Thank you for your report. I just need a
12 little clarification. You said earlier that some
13 schools are doing a great job and some are not. The
14 question I have is: Is there a public document that
15 depicts the schools that are doing well and maybe
16 the ones that aren't? And then another point of
17 clarification. You said that you haven't rolled out
18 to charter schools; is that correct? And are there
19 plans for you to address the charter school issue?

20 And then one more in the best practices,
21 is there a process for you to distribute those best
22 practices not only to other schools but as well as
23 charter schools? Thank you, Mr. Chair.

24 MS. GARCIA: Commissioner Canfield, let me
25 see if I can remember all your questions. First of

1 all, is there a report that shows the schools that
2 are doing a good job and the schools that are not,
3 not that I'm aware of. We just started the process
4 of evaluating the schools. Whether or not we
5 actually develop a report at the end of the year, we
6 haven't decided yet, because we're just trying to
7 get a feel for what's out there and what it's going
8 to take for us to put together an effective program.

9 COMMISSIONER CANFIELD: Need some help?

10 MS. GARCIA: Yes, please.

11 COMMISSIONER CANFIELD: The charter school
12 issue, you say you haven't rolled out the charter
13 schools. Do you plan on doing that?

14 MS. GARCIA: Yes. Our goal is to get
15 through all of the districts, all 89 districts, this
16 school year, and then next school year start into
17 the charter schools. However, if we get a request
18 from a charter school for help, then we're going to
19 divert resources and work with the charter school
20 closely. But the plan is to start looking at the
21 charter schools next year.

22 COMMISSIONER CANFIELD: One more, sorry.
23 I should have given it to you one at a time. The
24 process in which you share best practices, if there
25 is one or could you develop one to where everyone

1 could get best practices as quickly as possible?

2 MS. GARCIA: Commissioner Canfield, NMPSIA
3 puts out a quarterly newsletter and we do regional
4 meetings. In fact, we start the regional meetings
5 next week, and I'm going to add an article in the
6 quarterly newsletter about the Olweus program and
7 the practices that are included in that or the steps
8 that are included. And we will also bring it up as
9 a website issue that people can go to and get
10 information.

11 COMMISSIONER CANFIELD: Terrific. Thank
12 you.

13 Thank you, Mr. Chair.

14 CHAIR GARRISON: Thank you, sir.

15 Any other questions?

16 Commissioner Shearman.

17 VICE-CHAIR SHEARMAN: I apologize for
18 bringing up a separate issue. I appreciate your
19 report. It was very enlightening.

20 Recently I have been made aware by
21 Mr. Irving, who is on your board and is president of
22 the Artesia school board on which I serve, that
23 NMPSIA is encountering some difficulties with types
24 of leases or clauses that are in leases that some of
25 our charter schools are executing with landlords. I

1 have a letter that you provided to Mr. Irving. It's
2 very well done, but I have to admit, I don't
3 understand all of it. You have terms in here that I
4 just don't really understand at all.

5 The last one that you mentioned, though,
6 was one that certainly caught my attention. Lease
7 agreements include maintenance requirements which
8 under other agreements would be the responsibility
9 of the landlord, such as roof maintenance, so forth.

10 Could I ask, Mr. Chairman, that we ask Ms.
11 Garcia to come to our training session, tentatively
12 scheduled for August the 8th, and explain more of
13 these issues to us so that when we're looking at
14 these types of leases, or at least the language in
15 these leases concerning new applications, that we
16 have a little bit more information to work with.
17 There are some issues apparently here that are
18 causing NMPSIA some concern that could potentially
19 cost money.

20 CHAIR GARRISON: Thank you. I think we
21 are getting off topic of the presentation of
22 Ms. Garcia, so we will table that.

23 VICE-CHAIR SHEARMAN: Yes.

24 CHAIR GARRISON: Any other questions of
25 Ms. Garcia? I have one. It seems we have the world

1 at our fingertips, right? The Olweus program -- I
2 don't know if I'm pronouncing the name right -- but
3 it seems that they are teaching or training
4 administrators, parents, teachers, every adult
5 involved in the school system and people who would
6 actually implement an anti-bullying program. Is
7 there anything for the children, to have some
8 learning objectives for the children as far as the
9 way they carry themselves with dignity and respect,
10 kind of following the Verbal Judo?

11 I am an instructor in Verbal Judo for
12 public safety for the Bernalillo County Metropolitan
13 Detention Center, and it really does work wonders,
14 and I'm preaching to the choir in that regard, but
15 could you tell me a little bit more how that rolls
16 out at the school and how you're tracking that?

17 MS. GARCIA: Mr. Chairman, the Olweus
18 program, one of the critical components of any
19 effective bullying program is having a curriculum
20 integrated into each day or into each week that
21 works with the students on respect and dignity, so
22 that you're hitting the victim, you're hitting the
23 bully, and you're also hitting the bystanders or
24 talking to them. I guess hitting is the wrong word
25 when we talk about bullying. You are talking to all

1 three groups.

2 And you are giving them skills that they
3 can then use either to correct behavior if they're a
4 bully, or to defend themselves if they're a victim,
5 or to stand up if they're a bystander.

6 One of the pieces in the Olweus program
7 that I think is different and is a departure from
8 everything else that we do, Dan Olweus developed his
9 program. He is actually from Sweden, and he was the
10 first one in the world to actually look at bullying
11 in schools.

12 When he went out and did the survey, the
13 majority of bullying happens at elementary school
14 level. In the United States, if you look at the
15 surveys that we have done on bullying, we don't
16 start tracking bullying until sixth grade. I tell
17 people that's because in the United States, we don't
18 have little baby bullies. We only have sixth grade
19 and older bullies, which we know is not true.

20 So the Olweus program takes those concepts
21 and kind of changes them and puts them into what I
22 call "kid speak," and embeds them in curricula, so
23 kids at an early age, when they are developing
24 behaviors and developing positive behaviors, they
25 become integral parts of their lives, which is a

1 little different than other programs.

2 With respect to using some of the concepts
3 that we have got in Verbal Judo and teaching those
4 to little kids, I think that's very easy to do.
5 It's do you have somebody on staff or do you have a
6 commitment by the community and the educational
7 institution to buy into it and really do it well?
8 And my experience has been even the schools that are
9 very dedicated to bullying programs have issues with
10 that community commitment piece. Why are you
11 teaching my child this? Why are you -- why are you
12 labeling my child as a bully?

13 CHAIR GARRISON: What are the expected
14 outcomes of your services with the NMPSIA?

15 MS. GARCIA: Mr. Chairman, with NMPSIA in
16 respect to bullying, we are pushing for school
17 districts to have a program. Whether it's the
18 Olweus program or it's a different program, have a
19 program, be committed to it, and using the Nike
20 term, "Just do it." You have got to walk the talk.
21 You have got to have the curricula in place. You
22 have to have the staff that is committed to the
23 curricula. You have to have the community backing
24 to do the program. And then just do it. Go, find
25 out if it's effective, and if it's not effective,

1 then back up, relook at your program, say, what's
2 working? What's not working? Change what's not
3 working and start again.

4 There are a lot of school districts that
5 have put in various -- kind of put in respect
6 programs that have different names, depending on the
7 day of the week, and they get as far as maybe middle
8 school, and then it just drops off, and they don't
9 continue through high school. It's like, well, you
10 should know this stuff by now, so we're not going to
11 continue with the curricula, and it's got to be K
12 through 12.

13 So what we're trying to do is get
14 information out, get schools committed to some
15 program, and actually get involved in some program
16 and then to measure the effectiveness of those
17 programs.

18 CHAIR GARRISON: There have been a lot of
19 studies for K through 16, and I have expanded that
20 to K through grade. We'll see how everything rolls
21 out, right?

22 MS. GARCIA: Mr. Chairman, one of the
23 other pieces that we have added in is workplace
24 bullying.

25 CHAIR GARRISON: Oh, it's everywhere.

1 MS. GARCIA: It is. It's everywhere. And
2 workplace bullying in schools sets the standard for
3 the kids. If the kids see the staff bullying each
4 other, then why should they act any differently.

5 CHAIR GARRISON: Then it's almost like a
6 sexual harassment claim, that it depends on what the
7 receiver received, and so it really is a gray area.

8 I'll tell you a funny little story. I
9 went to visit South Valley Charter School. The head
10 of the school at the time, Mr. Marks, was a teacher
11 at Rio Grande High School where I attended. So
12 there was this classmate that I had that I have
13 always had the highest respect for. She was an
14 athlete. She was a top student. She had helped me
15 through biology, because I just thought those big
16 tables were for me to lay out and rest before
17 football practice.

18 And I hadn't seen her in years. I went up
19 to her and I said, Julie, how are you? Are you
20 going to go to the reunion? There's going to be our
21 20 year reunion.

22 She just looks at me. She says, No. She
23 says, Do you know what I remember about you?

24 I was, Oh, gosh.

25 She goes, You talked me into doing some

1 pullups on these low hanging bars in the back of the
2 gym, and I fell flat on my back and you just laughed
3 and ran off. And I was like, I have no recollection
4 of that.

5 In my view, in my feeling about our
6 relationship, so I thought, was just utmost respect
7 and reciprocal. And it wasn't. So you have a --
8 you're taking on quite the field there, but I
9 appreciate your presentation.

10 If there are any other questions from
11 commissioners, I welcome them.

12 Commissioner Pogna.

13 COMMISSIONER POGNA: Yes. I just wanted
14 to make a comment. Julie makes presentations to us
15 at the NMPSIA meetings, and they are excellent,
16 usually accompanied by PowerPoint or overheads, and
17 on issues taking place in the schools, in the
18 districts, and then compared nationwide. It's
19 always very interesting, and I wish we could invite
20 her more often to hear about what is going on in the
21 public schools. Some of it is pretty scary.

22 Thank you for coming, Julie.

23 MS. GARCIA: Thank you.

24 CHAIR GARRISON: If there are no other
25 questions, we want to thank Ms. Julie Garcia. Thank

1 you so much for the presentation. Very informative.

2 I'm going to call a five minute recess so
3 people can stuff the meter with dollars.

4 (A recess was taken.)

5 CHAIR GARRISON: Call the meeting back
6 into session. Item No. 10, annual report from the
7 New Mexico School for the Arts.

8 Ms. Cindy Montoya, principal, welcome.

9 MS. MONTOYA: Good morning, everybody.
10 Commissioners, Public Education Department, I would
11 like to introduce my staff. Starting with
12 Mr. Charles Galbraith, our business manager;
13 Ms. Adelma Hnasko, our director of artistic
14 programs; Mr. Riis Gonzales, our director of
15 institutional advancement; and Ms. Chole Phillips,
16 our interim administrative assistant.

17 CHAIR GARRISON: Good morning.

18 MS. MONTOYA: Now, we have concluded our
19 second year with students. As you can see in the
20 Art Spring, if you had the opportunity to look at
21 the Art Spring document -- it's this document --
22 those achievements were outlined.

23 As promised, this year the report was
24 smaller and the data more organized and in a format
25 that you could better read. So I'll entertain

1 questions that you might have had.

2 CHAIR GARRISON: Any questions from the
3 commissioners?

4 Do you have a presentation of the report?

5 MS. MONTOYA: I do not have a presentation
6 other than I can review it with you.

7 CHAIR GARRISON: Would you review it?

8 MS. MONTOYA: Sure.

9 CHAIR GARRISON: In my executive summary
10 it states that you would present an annual report on
11 the school. The report will contain demographic
12 information about applicants, admitted students, and
13 currently enrolled students, including the counties
14 and the congressional districts represented. Data
15 regarding socioeconomic status, gender, and
16 ethnicity is also included as well as art institute
17 residential and outreach information. We would love
18 to hear it all.

19 MS. MONTOYA: So it's all in that report
20 starting with our introduction. And what we note is
21 that while we have had many successes and the reason
22 that we welcome this opportunity to present is that
23 it gives us the opportunity to really focus on our
24 goals and make sure we are on the path to meeting
25 those goals.

1 So one of the most important areas that we
2 want to outline is that we want to improve our
3 representation from the congressional districts.
4 That is the goal set forth in the charter, and
5 that's the one area that, as we go through the
6 presentation, you might see that we need to focus
7 on.

8 So the first page after the introduction
9 was our mission and statement of purpose. That has
10 not changed. Last year you pointed out to us that
11 there was a discrepancy between what was on the web
12 page and what was in the charter, and that has been
13 corrected.

14 You'll see that first Schedule A is
15 congressional district representation. It includes
16 the current student body, applicants for the spring,
17 admitted students, and projected enrollment.
18 Congressional district three has the largest
19 enrollment, but we have increased in one and two,
20 and we have made a concerted effort in the
21 application and outreach programs to focus on
22 improved access for all students to the application
23 and inquiry process.

24 And we are going to be more data driven
25 monthly, looking at the number of inquiries from

1 each congressional district. If it's not high
2 enough in one and two, then we will make plans to
3 get to those areas so that we know that students
4 know how to access our school.

5 One other interesting thing that we found
6 that we had at least six students whose family
7 decided to relocate to Santa Fe or had their
8 students live with people that they know in the
9 Santa Fe area. So I think this year we're going to
10 start gathering data on where -- when they apply,
11 where they came from versus where they're living at
12 the time of enrollment. Because we did have six
13 students, one from Las Cruces, Taos, Abiquiu, and
14 two from Albuquerque and one from Socorro who moved
15 to Santa Fe, so it changes the congressional
16 district numbers just a little.

17 We looked at it by county. That's your
18 form B. We looked at it by county and, of course,
19 we're showing that Santa Fe has the largest
20 enrollment, and we're working on that as well.
21 Starting to focus our admissions and outreach by
22 county, breaking that down.

23 Yes, ma'am.

24 CHAIR GARRISON: Question from
25 Commissioner Shearman.

1 VICE-CHAIR SHEARMAN: I did notice that
2 not all counties are represented here or are listed
3 here. So I assume if a county is not listed, that
4 means there is no representation.

5 MS. MONTOYA: Correct.

6 VICE-CHAIR SHEARMAN: I also notice Chaves
7 County is listed and Roswell is listed. Why is it
8 handled in that way?

9 MS. MONTOYA: Okay. Let's see. I'm not
10 sure I can answer that question. This is the data
11 that we collected from the students reporting, but I
12 can find the answer for you.

13 VICE-CHAIR SHEARMAN: So if I'm reading
14 the chart correctly, Chaves County has one but
15 Roswell has two.

16 MS. MONTOYA: It's just an error in our
17 chart in the data. We will correct that.

18 VICE-CHAIR SHEARMAN: If I might make a
19 request in the future, it certainly would help me to
20 understand a little better if every county was
21 listed and perhaps even on a map.

22 MS. MONTOYA: Right. We did have that in
23 the form, but we decided to keep it consistent, but
24 we can provide you with that in the map form.

25 VICE-CHAIR SHEARMAN: That would be

1 helpful to me. Thank you.

2 CHAIR GARRISON: Commissioner Bergman.

3 COMMISSIONER BERGMAN: I have a question
4 related to your outreach program, because I am from
5 Roswell, and you have either one, based on that
6 information, either one or two students from Roswell
7 in your program. What exactly are you doing? I'm
8 not sure that the folks in Roswell know that this
9 school exists. I'm not sure that they know if they
10 can make the arrangements for either the live-in or
11 for those kind of arrangements. Not everybody can
12 do that, I understand.

13 So how are you trying to reach out to
14 these -- we're 200 miles away -- how are you trying
15 to reach out and make the citizens aware? Are you
16 using newspapers? I have seen nothing in the
17 newspaper. It's a suggestion I would make that an
18 article be run in the newspapers around the state
19 that tells about your program and who might benefit
20 from it, and give some of these aspiring singers and
21 dancers and artistic folks, at least give them the
22 opportunity to try out. That's how you do it, don't
23 you, tryouts?

24 MS. MONTTOYA: Yes. It's by audition and
25 portfolio reviews.

1 COMMISSIONER BERGMAN: So that's just a
2 suggestion I would make, because I suspect we have
3 other people in Roswell that would benefit from this
4 program.

5 MS. MONTTOYA: Just so you know, we have
6 had articles on some of our seniors in our local
7 newspapers. And Ms. Hnasko could speak to this
8 point better.

9 MS. ADELMA HNASKO: Chairman Garrison,
10 members of the committee, thank you for the
11 opportunity to be here. We do have an outreach plan
12 in place. We have had three students from Roswell
13 and two of those graduated. In fact, our
14 valedictorian was from Roswell this past year. We
15 have one student who will be with us from Roswell
16 next year.

17 Your point is an excellent one. We have
18 had press releases in newspapers. We do have
19 outreach plans in place. Roswell is one of the
20 sites we do hope to target more next year. We have
21 met with charter school representatives from the
22 middle schools and also arts organizations, the
23 museum, and other cultural representatives there.
24 And we have a plan to be back in the Roswell area in
25 autumn of this coming school year and look forward

1 to further marking the opportunity to students in
2 that area.

3 COMMISSIONER BERGMAN: Outstanding. Thank
4 you.

5 CHAIR GARRISON: Commissioner Shearman.

6 VICE-CHAIR SHEARMAN: If I might make a
7 clarification, my question earlier regarding Chaves
8 County and Roswell, since I am from that part of the
9 state, I understand that Roswell is in Chaves
10 County, but I'm not sure exactly what towns are in
11 every other county. So perhaps I should clarify
12 that I was asking about Roswell, because it is part
13 of Chaves County. Thank you.

14 CHAIR GARRISON: Thank you, Commissioner
15 Shearman.

16 Commissioner Gant.

17 SECRETARY GANT: Mr. Chair and members,
18 what is the biggest -- the numbers. You have a
19 large number from Santa Fe, understood -- what is
20 the biggest stumbling block besides the audition and
21 all that for students to come to this school?

22 MS. MONTOYA: Well, I think, first of all,
23 it's understanding we need to -- we have only been
24 there two years, and families need to become
25 comfortable with us, that this is a school that's

1 here and there students can leave home at the age of
2 14. We are working on our residential program to
3 improve it, to make sure it's student centered, that
4 it has the resources to keep a young 14-year-old boy
5 or 14-year-old girl, safe, engaged while away from
6 home. So I think as we have more successes, as we
7 are here for a longer period of time, families will
8 start feeling comfortable letting their teenagers
9 leave home. Let's see.

10 MS. HNASKO: Mr. Chairman, Commissioner
11 Gant, I notice in the final page of your packets,
12 there is a map of New Mexico that does show the 34
13 communities from which we have students currently
14 attending or who have attended school. And Cindy
15 Montoya's point is absolutely on target. We know
16 that we need to attract young people from all 33
17 counties, all three congressional districts. In
18 order to do that, we have to demonstrate that we
19 have a very strong residential program, as well as
20 our rigorous academic and arts program, so that
21 students can be living away from home.

22 I will note that we do have students
23 return to their home families on the weekends, and
24 for those students who travel from Las Cruces and
25 other areas far from Santa Fe, we have a host family

1 system in place so that they live with host families
2 in the Santa Fe and Albuquerque areas on the
3 weekends. But the residential program is an area
4 where we know we need to continue to invest
5 significant resources.

6 We currently are matching public funds
7 almost dollar for dollar with private support, and
8 that money does go to our residential program, to
9 our outreach, and to our arts programs. And we will
10 continue to generate that private support in order
11 to grow the arts and take really good care of these
12 incredibly creative young people from throughout New
13 Mexico. Thank you, Mr. Chairman.

14 MS. MONTTOYA: Commissioner Gant, I think
15 the other thing that we have been looking at is our
16 application process, and we are looking at making
17 sure that it's very accessible across all
18 demographics. We are looking at a Spanish version,
19 an English version, and making that inquiry more
20 just accessible to all students who might want to be
21 there.

22 Under the McKinney-Vento, we are making
23 sure our homeless families are finding ways to get
24 that into places, maybe a homeless shelter, public
25 places for those students to have access to the

1 school. I am trying to think of the other part of
2 the mission. We have increased our resources in
3 admissions and outreach in terms of staff and
4 nonmonetary resources, time, to just ensure we have
5 an admissions process that's very accessible.

6 SECRETARY GANT: Mr. Chair, the one piece
7 I don't get is many of our families across the state
8 are economically disadvantaged, and how can these
9 students that can come from families that don't even
10 meet the poverty level, federal or state poverty
11 level, even consider affording to come to this
12 school?

13 MS. MONTTOYA: We provide -- if that family
14 was in need, then the residential program would be
15 covered if they came from a distance outside of
16 Santa Fe. We look for resources to help provide
17 their -- cover the cost of travel on the weekends.
18 We look for resources, and we do provide those
19 resources for students, for meals or whatever other
20 expense they might need to have covered.

21 Also I can just tell you one student who
22 was in that situation who had, when he came to us,
23 had not had one lesson in music. After two years at
24 New Mexico School for the Arts, he was admitted to a
25 top program on a full scholarship for the academic

1 side of a music program.

2 So I know that we do have the ability to
3 provide those resources to that student, and we do
4 audition and take them based on promise, aptitude,
5 and passion. And so when we take a student in, we
6 spend our time, energy, and focus making sure they
7 are successful. And in that regard, we spent less
8 money on admissions last year, because we had this
9 group of students that we had already made a
10 commitment to, and we felt we had to give them our
11 resources and full attention.

12 In hindsight, we need to do both. We need
13 to have the funds available for a rigorous outreach
14 program, an admissions program that ensures access
15 to anybody who wants to, feels like they have that
16 passion and aptitude. We have a commitment to meet
17 that mission and the goals set forth in our charter.
18 And I think next year, you will see -- we're hoping
19 to see a difference in that representation from
20 across the state. It's taken us two years working
21 with students to really understand what we need to
22 have a vibrant and successful residential program
23 and a school for the arts as well as a high standard
24 for academic excellence.

25 SECRETARY GANT: Thank you, Mr. Chair.

1 CHAIR GARRISON: Thank you, Commissioner
2 Gant.

3 I am curious about the residence program.
4 What outreach did you do? What are those families,
5 do they already have children in the school or are
6 they recruited from philanthropic organizations?
7 How does that work? I'm sure you have a varied --

8 MS. HNASKO: Thank you, Mr. Chairman. And
9 just to clarify, are you asking about the families
10 that house students on the weekends?

11 CHAIR GARRISON: Those families.

12 MS. HNASKO: Those families thus far have
13 all come from the New Mexico School for the Arts
14 community itself, so they are the parents of
15 students from the school from the Santa Fe or
16 Albuquerque or Las Vegas, Española areas.

17 CHAIR GARRISON: Excellent.

18 MS. HNASKO: Thank you, Mr. Chairman.

19 CHAIR GARRISON: Just an aside, I was
20 thinking of Rotary. I am a Rotarian, and they take
21 students that are from other countries. Exchange
22 students is what they are. They visit different
23 homes for a certain amount of time while they are
24 here.

25 MS. HNASKO: Thank you, Mr. Chairman. I

1 also was a Rotary student and a Rotarian. I will
2 add that there is so much value embedded in the
3 exchange experience. Our students who live with
4 families on the weekends are required to write a
5 thank you note. They are required to learn about
6 what it is to live with another family. How you use
7 water, how you use resources, how you participate in
8 chores and shared work. So there is a powerful
9 opportunity there as well on weekends.

10 CHAIR GARRISON: Do you have a curriculum
11 for that or is it just kind of basic rules of
12 procedure?

13 MS. HNASKO: Mr. Chairman, we have basic
14 rules. We have handouts that we provide, and we do
15 teach all of our students about writing thank you
16 notes. We have learned that many of our students
17 have never written a note before. So we go through
18 where the address is, where the return address. The
19 stamp, in fact, many of our students didn't know
20 where that was placed, and we go through the
21 ingredients of what it is to write a thank you note.

22 We do that with our foundations, our
23 sponsors, all of our benefactors, as well as
24 families for the weekend, the host family program.

25 CHAIR GARRISON: Do you get any parental

1 involvement on suggestions for rules or just pretty
2 much house rules? It's a personal thing. You are
3 opening up your home to a stranger. I thought my
4 role in life was to pull weeds, but that's because
5 of my mom. But do they have any house rules that
6 they interject with your --

7 MS. HNASKO: Thank you, Mr. Chairman.
8 Yes. What we have seen historically in the past two
9 years is that students end up being paired with a
10 family for the year or, you know, they visit that
11 family often. And each family, as you state, does
12 define the rules of that household and those do
13 differ.

14 CHAIR GARRISON: I think that's wonderful.
15 Thank you.

16 Any other questions?

17 I want to thank you for your presentation,
18 and it was nice to meet the staff and continue your
19 wonderful work.

20 MS. MONTOYA: Thank you.

21 CHAIR GARRISON: Item No. 11, our reports
22 from Public Education Commission Committees. We
23 will start with letter A, charter schools,
24 Commissioner Vince Bergman.

25 COMMISSIONER BERGMAN: Thank you, Mr.

1 Chairman.

2 That's under tab 11, and I would suggest
3 that all commissioners turn to that tab. There is a
4 bunch of information that has been provided by CSD
5 in there, and I would suggest you keep it. It's
6 information we had requested in the past, and it's
7 now there for you.

8 I'm going to just run down our agenda
9 items as we discuss them.

10 Mr. Chairman and Commissioner Pogna, if I
11 happen to overlook something, at the end feel free
12 to cover whatever I did not cover.

13 You may remember that in the spring,
14 sometime in the spring, Acting Director Callahan
15 sent us an e-mail that the charter school start-up
16 federal grants were gone. That's the \$800,000 or so
17 that had been provided to the new charter schools we
18 had approved each year that allowed them to get
19 through their planning years. That money apparently
20 is gone. There have been changes made at the
21 federal Department of Education in the application
22 process for those grants, and money was cut. And
23 today Acting Director Callahan tells me there is no
24 money there for the charter schools that we approve
25 in this cycle. In September, the new applications

1 that we approve, they are not going to have start-up
2 grant money, and they are going to apparently have
3 to raise their own money. So that's an issue that
4 they are going to have to deal with that those in
5 the past have not had to deal with.

6 I know things like that at the federal
7 level are always subject to change, but apparently
8 that's going to be the way it is in the next year
9 for these new charter schools. That's something
10 they need to be aware of.

11 We then talked about the common core
12 transition, because questions have been raised about
13 that. What Director Callahan said to me, it sounds
14 like she and the PED are on top of that. K through
15 3 will be implemented, the common core stuff will be
16 implemented in this coming school year, in August,
17 for the K through 3 in this state. The following
18 year, the next year after that, it will then expand
19 to 4 through 12. So within 15 months, all the
20 schools in this state will be doing the common core
21 stuff. And I asked about the assessments.
22 Apparently the assessment part of it has kept up
23 with it, so the testing will be aligned with the new
24 common core issuing the standards and everything.
25 So that's where we stand on the common core right

1 now.

2 Director Callahan and the CSD have been
3 working on revising the renewal applications. We
4 have already seen the revised applications for the
5 new applicants, and those, by the way, are going to
6 be due Monday. We are going to know by Tuesday how
7 many applications we have to process this year, but
8 the renewal application, that's going to be on that
9 same kind of revision by CSD staff, and that is in a
10 preliminary state.

11 As I understand it, that application is
12 now in the legal department, and when they are done
13 with it, when they have gone over it to be sure it
14 fits all the standards and statutes and laws at both
15 the federal and state level, we will then have that
16 application process. I'm sure for Director Callahan
17 and her staff, that has been a prodigious feat of
18 work, and we greatly appreciate all the work they
19 have done on that. I have looked at it. It struck
20 me as a very good work. I thought it was concise,
21 easy to understand, and will also make our job
22 easier. If it's easier to understand for the
23 applicants, it's easier for us when we evaluate it
24 after the fact. So that's where we stand on the
25 renewal applications.

1 I had requested from Director Callahan
2 that she provide us with the new grading system, the
3 A to F grades on charter schools, and she has done
4 that. So that's in there. We have it now. This is
5 going to be superseded in a couple, three weeks
6 with -- these are preliminary grades. I understand
7 there is a new grading cycle coming out. And I have
8 asked Director Callahan when that is available and
9 she has it, if you will get an e-mail, then we will
10 have the new grades.

11 We also requested information -- you will
12 see in there there's a fairly large document that
13 lists all the charter schools and gives us a bunch
14 of information on those charter schools. That,
15 what's in your book, has already been superseded.

16 Director Callahan gave me the new one this
17 morning. They have revised that, and she has some
18 copies that she is going to pass around for those of
19 you that do not have that yet. I suggest you keep
20 that handy. That's going to come in very handy for
21 our future work down the road. It has virtually
22 everything that we have asked questions about in the
23 past in there, and there have been times in the past
24 when members of this commission have felt like
25 perhaps we weren't getting all the information that

1 we felt like we should have. And so I appreciate
2 Director Callahan and her staff making every effort
3 to give us this information when we request it, and
4 it's going to come in handy for our work down the
5 road.

6 And we also asked about some information
7 on the grad rates, and that's in this information
8 also. There is some grad rates in there and
9 enrollment cap stuff. So we are getting it done.
10 We are trying to provide information that everybody
11 needs, and in line with all these comments I just
12 made, we have on our calendar -- there's also a
13 calendar there, our application timeline -- we have
14 a PEC training scheduled for August the 8th. That
15 is a Wednesday. I know sometimes Wednesday meetings
16 are difficult for the commissioners, for those that
17 have to work particularly, but I strongly encourage
18 all my fellow commissioners to be at that training.

19 It's not noted. Is that going to be in
20 Santa Fe, because that's where the staff is,
21 Director Callahan?

22 DIRECTOR CALLAHAN: Mr. Chair,
23 Commissioner Bergman, I think that's yet to be
24 determined by the PEC commissioners.

25 COMMISSIONER BERGMAN: So it's up to us?

1 DIRECTOR CALLAHAN: Yes, sir. We will
2 entertain suggestions and make sure that it's
3 convenient. The date is also tentative as well. So
4 I just started with a target date working backwards.

5 COMMISSIONER BERGMAN: Thank you. But the
6 training will be on the application and the process.
7 Remember, that's just going to be a couple weeks
8 before we go out and do that statewide week-long
9 tour. So it's essential that we have that training,
10 but several questions have been raised, and there's
11 going to be a few other things that will be on the
12 agenda that day.

13 A question has been raised about when
14 these amendment requests come to this commission, as
15 we have a couple today, there are no recommendations
16 from CSD staff. We get recommendations on the new
17 applicants, we get recommendations on the renewal
18 applicants, but we get no input from the staff of
19 CSD when we do these amendment requests, and I think
20 sometimes we're flying in the dark. I'm not sure we
21 have all the information to make an informed
22 decision whether we approve or deny those kinds of
23 requests. So we are going to discuss that August
24 8th meeting, whether we should go ahead and ask PED
25 and CSD to start giving us recommendations, do the

1 work just like they do on the others, and give us
2 the information that we need to make an informed
3 decision when we look at this. Because questions
4 have been raised about large increases in this area
5 and that area, so we need to take a look at that.
6 That will be on that agenda.

7 And a question was raised about what
8 effects do these various amendment requests have on
9 the local school districts. I have asked that that
10 be placed on the agenda so we can discuss that. And
11 there was a question from a commissioner who asked
12 about site visits, whether PEC commissioners were
13 welcome at these site visits at all these various
14 charter schools. And Acting Director Callahan tells
15 me we are more than welcome to attend any site
16 visits that we want.

17 And then I noted that we, of course, have
18 to know when these site visits are taking place. So
19 she, of course, is going to start notifying us when
20 site visits for charter schools around the state are
21 scheduled. Then it's up to you as individual
22 commissioners whether you want to attend them or
23 not. You are welcome if you want to, but you have
24 to know the date. So we will have that information
25 forthcoming from down the road on that.

1 I think that's pretty much what we
2 discussed today. Did I forget anything?

3 CHAIR GARRISON: Commissioner Shearman.

4 VICE-CHAIR SHEARMAN: I know Chairman --
5 pardon me. I'm losing my voice. Commissioner
6 Bergman, you gave a fine report. I would just
7 recommend at this point that we request
8 commissioners if that August 8th date will work for
9 them, and I believe we do need to vote on the two
10 timelines. New applications and renewals, I believe
11 we need to vote on those frameworks today or make
12 changes or whatever, but get them set.

13 COMMISSIONER BERGMAN: Are they on our
14 action items in here somewhere?

15 VICE-CHAIR SHEARMAN: It's an action item.

16 COMMISSIONER BERGMAN: If they are already
17 in the book, then we'll come to them.

18 CHAIR GARRISON: Item No. 11 is an action
19 item, and I think in looking at that particular date
20 for training, we will get to that when we go down to
21 PEC comments.

22 COMMISSIONER BERGMAN: Well, if we wait
23 until the PEC comments to talk about the date, we
24 can't vote on the date now if it's not set in
25 concrete.

1 CHAIR GARRISON: Are they on that same
2 calendar?

3 VICE-CHAIR SHEARMAN: Yes, they are on the
4 new calendar.

5 COMMISSIONER BERGMAN: I didn't go through
6 all the material. I didn't see whether we had any
7 motions in there.

8 CHAIR GARRISON: Let's give everyone a few
9 moments to look at it then. Just that August date
10 is a recommendation as of now, so check your
11 calendars.

12 COMMISSIONER BERGMAN: While we are
13 looking at that, there are apparently a couple of
14 dates that are going to change. Director Callahan
15 has asked that some dates in this process be
16 changed, and I don't know whether you want to
17 discuss that now or she's going to discuss that
18 later.

19 CHAIR GARRISON: Let me peek at item 16
20 again to see what all we have there.

21 COMMISSIONER BERGMAN: I don't see any
22 action item in the material I have here.

23 CHAIR GARRISON: There are proposed
24 motions to move the September meeting, October
25 meeting, but that doesn't address the training.

1 VICE-CHAIR SHEARMAN: It does not address
2 the training?

3 CHAIR GARRISON: Correct.

4 VICE-CHAIR SHEARMAN: Okay.

5 CHAIR GARRISON: So which calendar --

6 VICE-CHAIR SHEARMAN: It's on --

7 CHAIR GARRISON: -- is the training?

8 VICE-CHAIR SHEARMAN: This one right here.

9 CHAIR GARRISON: The first one. So on the
10 new charter application timeline, you will see that
11 on August 8th, PEC training by CSD and NACSA. I
12 need to look at two phones so give me a second.

13 (Off the record.)

14 COMMISSIONER BERGMAN: While you guys are
15 looking at that, let me ask Director Callahan a
16 question that has come up on this timeline that I
17 noted.

18 Director Callahan, on August 10th you say
19 you are going to send an analysis and recommendation
20 drafts to us to review. You're not issuing the
21 recommendations for these schools before we have our
22 public hearings, are you?

23 DIRECTOR CALLAHAN: Mr. Chairman,
24 Commissioner Bergman, no, sir. The language on
25 that, the instrument is going to include an analysis

1 and a final recommendation. This will be the
2 preliminary review of the applications. No, the
3 recommendations will be after all the elements are
4 included, but it's going to be one basic document.

5 COMMISSIONER BERGMAN: I thought so, but I
6 thought I better ask.

7 CHAIR GARRISON: And the proposed date is
8 August 8th, and the location was on Kelly's dime we
9 are going to Reno, I believe.

10 DIRECTOR CALLAHAN: Mr. Chair, absolutely.

11 CHAIR GARRISON: How are folks on the
12 date?

13 COMMISSIONER BERGMAN: The date is fine
14 with me.

15 DIRECTOR CALLAHAN: Fine with me.

16 CHAIR GARRISON: The Chain -- wow -- the
17 Chain. The Chair will entertain a motion to approve
18 the calendar. Do we need to do one at a time,
19 Willie or Ramon?

20 MR. VIGIL: You can do them either way, I
21 think.

22 CHAIR GARRISON: Knock it out. So the
23 2012-2013 new charter school application timeline
24 and the 2012-2013 charter renewal application
25 timeline. If there is no more review, the Chair

1 will entertain that motion.

2 COMMISSIONER BERGMAN: Well, if we are
3 going to vote now, don't we have to talk about the
4 dates that are under No. 16, because that's a part
5 of these timelines, isn't it?

6 CHAIR GARRISON: That's what I was asking
7 earlier.

8 VICE-CHAIR SHEARMAN: Yes. These reflect
9 the dates that we are going to talk about.

10 CHAIR GARRISON: So I'm going to use a
11 point of privilege to look at item No. 16 with a
12 proposed motion -- let's all the commissioners look
13 at those date changes. We have been informed of
14 them, so this isn't new stuff dropping on you.
15 Moving the September meeting from the 12th and 13th
16 to September 19th and 20th in order to give more
17 time to the charter schools division to prepare
18 recommendations for the commission.

19 And then we were proposing that the
20 October meeting be moved from the 18th and 19th to
21 November 1st and 2nd to have more time to negotiate
22 final contracts. For example, this is regarding SB
23 446 for charter schools and coordinating with the
24 state charter school conference in Albuquerque.

25 Mr. Vigil, I would like to get your

1 recommendation on this. Do we do item No. 16 now
2 and then move to the calendar or will the calendar
3 cover everything?

4 MR. VIGIL: Well, I don't know whether
5 they have recommended that these be -- CSD has
6 recommended that the timelines be adopted or whether
7 they are an administrative matter for them. Your
8 meetings, of course, if you are going to change
9 those, you want to change them formally. But these
10 already include the change dates as if you had
11 approved them.

12 CHAIR GARRISON: Gotcha.

13 MR. VIGIL: The way I look at them, the
14 way I'm looking at them now. So is there a
15 recommendation from CSD to adopt the application
16 timeline and the renewal application timeline?

17 DIRECTOR CALLAHAN: Mr. Chairman, Mr.
18 Vigil, yes, there is a recommendation. It doesn't
19 show on the copy but it does say draft on it, and we
20 reviewed it during the charter school committee
21 meetings for adoption. So our recommendation is to
22 adopt these timelines so that we can make them
23 official and post them to candidates and applicants
24 as well as the commission.

25 CHAIR GARRISON: Now I just thought of

1 this. Commissioner Bergman, as the charter school
2 committee chair, perhaps if you bring that forth to
3 the commission, then we don't even need a second.
4 We just vote on it; is that correct?

5 COMMISSIONER BERGMAN: I am not a lawyer,
6 so I don't know if that's correct. I will be happy
7 to make the motion if that's what you're saying.

8 CHAIR GARRISON: I am saying if it's
9 coming through committee, then we would not need a
10 second to vote on it. Is that correct, Mr. Vigil?

11 MR. VIGIL: I'm not familiar with your
12 procedures. If your procedures say that then in
13 fact a second would not be needed, but belt and
14 suspenders, it wouldn't hurt to have a second
15 anyway.

16 CHAIR GARRISON: So we will go through
17 Commissioner Bergman on that.

18 COMMISSIONER BERGMAN: Are those date
19 changes going to cause any difficulty for everybody?

20 CHAIR GARRISON: I think everyone has
21 looked at them. If not, speak up now.

22 COMMISSIONER BERGMAN: This is your
23 chance. In a second those dates are going to become
24 concrete.

25 Mr. Chairman, I would so move that the

1 timeline as we see here, with the revisions that are
2 noted under item 16, that the dates be moved in
3 September to September 19th and 20th, and the
4 October meeting, scheduled for the 18th and 19th, be
5 rescheduled for November 1st and 2nd, that those
6 revisions be incorporated in this timeline, and that
7 that would be the recommendation of myself and my
8 committee, that we adopt this timeline.

9 CHAIR GARRISON: We have had a
10 presentation from the committee. Is there any
11 discussion on this? Let's take a roll call vote
12 with Secretary Gant again.

13 SECRETARY GANT: Commissioner Lopez.

14 COMMISSIONER LOPEZ: Yes.

15 SECRETARY GANT: Commissioner Carr.

16 COMMISSIONER CARR: Yes.

17 SECRETARY GANT: Commissioner Pogna.

18 COMMISSIONER POGNA: Yes.

19 SECRETARY GANT: Commissioner Bergman.

20 COMMISSIONER BERGMAN: Yes.

21 SECRETARY GANT: Commissioner Peralta.

22 COMMISSIONER PERALTA: Yes.

23 SECRETARY GANT: Commissioner Canfield.

24 COMMISSIONER CANFIELD: Yes.

25 SECRETARY GANT: Commissioner Shearman.

1 VICE-CHAIR SHEARMAN: Yes.

2 SECRETARY GANT: Commissioner Garrison.

3 CHAIR GARRISON: Yes.

4 SECRETARY GANT: Commissioner Gant votes
5 yes. It's 9-0 in favor.

6 CHAIR GARRISON: The motion passes
7 unanimously. The public education will change the
8 date of our September meeting to September 19th and
9 20th, and the October meeting to November 1st and
10 2nd, and we will follow the new charter school
11 application timeline and charter renewal application
12 timelines for 2012-2013. Thank you.

13 The August date is included in that
14 timeline, so that location is to be determined.

15 Commissioner Bergman, any other items?

16 COMMISSIONER BERGMAN: No, thank you, Mr.
17 Chairman.

18 CHAIR GARRISON: Thank you, sir.

19 Item b is career technical education. PEC
20 Secretary Eugene Gant.

21 SECRETARY GANT: Mr. Chair, members, good
22 morning. We had a very interesting meeting this
23 morning. It was short but very, very informative.
24 Just so that everyone on the commission knows that
25 Dr. Lomax is no longer head of the bureau which

1 included the CTE program. They are now going off on
2 bid, I believe. Would that be soon, our new bureau
3 chief?

4 DEPUTY SECRETARY AGUILAR: Mr. Chairman,
5 yes.

6 SECRETARY GANT: So right now they are
7 working hard to keep it going, and I will keep it
8 short. Apparently, of course, we know that tech
9 prep has been zero for the last couple years on the
10 CTE, but according to the notes here, we have had an
11 increase of about 65,000 for school year 2011/2012,
12 but the outlook in the future, we are not sure.
13 Carl Perkins still is up shortly for
14 reauthorization, and with the turmoil back in DC, an
15 election year, et cetera, et cetera, reauthorization
16 may take another couple years. So chances are maybe
17 we will remain flat in the budget and maybe not. It
18 depends on what they want to do back there on the
19 East Coast. We may be on a continuing resolution
20 for Carl Perkins, so we just have to stand by to see
21 what the federal government is going to give us for
22 Carl Perkins next year.

23 My comment during the meeting was if they
24 continue to cut, which they have over the last
25 couple years, then the funds will become very thin,

1 and personally, it's just my observation that some
2 of the school districts, we may have to reduce the
3 number of school districts we can support with Carl
4 Perkins and CTE education. So we have to be very
5 cognizant about what's going on with Carl Perkins,
6 the funding, et cetera.

7 I know that Deputy Aguilar, because he is
8 the finance director over here, is very aware of
9 what's going on with finances in Carl Perkins. It's
10 a very worthwhile program. New Mexico in the
11 operations and the success for Carl Perkins has been
12 a standout across the United States. We have many
13 states that have not done what they were supposed to
14 do.

15 So many naysayers back in DC are saying we
16 don't need Carl Perkins. So if that ever comes up
17 and you need to talk and we need to talk to
18 legislators, I would strongly encourage you all to
19 do it, because the loss of Carl Perkins is a loss to
20 our students, prepping them to go out into the work
21 world straight from high school to help them
22 graduate from high school as better students and
23 better citizens and go on to higher education. So
24 if you ever get any wind of some of the naysayers
25 back in DC wanting to cut Carl Perkins, I think we

1 should do all we can to stop that from happening.

2 Some people say it will never happen, but
3 you never know what's going to happen. Anyway,
4 reauthorization is supposed to come up, but we don't
5 see it happening any time soon. There was some
6 information provided in the packet. It's the latest
7 and it's worth your read.

8 And I stand for questions, Mr. Chair.

9 CHAIR GARRISON: Are there any questions
10 from Commissioner Gant? I should say for
11 Commissioner Gant. Thank you, sir.

12 SECRETARY GANT: You're welcome.

13 CHAIR GARRISON: Strategic Planning
14 Committee, Gilbert Peralta.

15 COMMISSIONER PERALTA: Mr. Chair and
16 fellow commissioners, this morning the Strategic
17 Planning Committee conducted its first meeting.
18 From what I understand, it's been a while since we
19 have had an established Strategic Planning Committee
20 for the PEC. We met with Mr. Larry Barons, who is
21 the representative from the public ed department,
22 and from what I understand, he is a temporary
23 representative for the PED. The chief of staff, who
24 now they are looking to find a replacement for, will
25 be the point of contact in the future for meetings

1 to come.

2 And so we sat down with Mr. Barons this
3 morning, and we had some very positive dialogue
4 about the future and what the working relationship
5 is going to be between the Public Education
6 Commission and PED.

7 When I first came on the commission, I
8 recall many conversations during the meetings that
9 in the previous administration there was concern
10 about how the PED really didn't involve the
11 Strategic Planning Committee for the PEC in the
12 development and implementation of the plan. So that
13 was one of the first things that I shared with Mr.
14 Barons, along with Mr. Canfield who was present at
15 the meeting, that we wanted to talk and basically
16 focus on two areas.

17 And that is, one, understanding our scope
18 as a commission on the development and
19 implementation of strategic planning in conjunction
20 with the public ed department; and two, what is the
21 role for the commission to have input in the
22 strategic planning in the future. And we had some
23 very, very positive discussions, as I said, about,
24 you know, the process and what's going to be in the
25 future and the working relationship between the two

1 entities.

2 I must say in confidence that Mr. Barons
3 assured us that the doors are going to be open for
4 the commission. For any suggestions, concerns that
5 they may have, PED will take them very seriously and
6 implement any changes possibly or any other policies
7 that the commission feels are necessary for
8 developing strategies and planning in the future.

9 At this time, I would like to ask Mr.
10 Canfield, who had some very great, great ideas in
11 getting the ball rolling, about what we want to do
12 with the working relationship with us and the PED.
13 So at this time, if it's okay, may I ask Mr.
14 Canfield to elaborate on those suggestions?

15 CHAIR GARRISON: Absolutely.

16 COMMISSIONER CANFIELD: Mr. Chairman and
17 commission members, thank you. We did have a good
18 meeting this morning, and I would call to your
19 attention a couple of documents. Inside your book
20 is the actual 2011 PED strategic plan. Also I have
21 asked Beverly to hand out a document that's on the
22 website that is actually kind of an alignment
23 document. It's not titled that, but it talks about
24 the Public Education Commission vision and mission
25 statement.

1 So this morning in our discussion, we
2 talked about is it necessary for the commission to
3 have its own strategic plan, or should we be able to
4 demonstrate some sort of alignment to the current
5 strategic plan that the PED has. And it was our
6 belief that we should probably look closer toward
7 the alignment of the existing plan. We understand
8 that a strategic plan, when it relates to education,
9 is for all of our kids in the state and not just
10 charter school or not just public school but for
11 all. So we need to make sure that we align with
12 that.

13 Inside the strategic plan that they have,
14 they, of course, have a vision and a mission
15 statement, kind of an environmental scan or a
16 current state and a future state, and then they have
17 broken it down into five strategic levers. And
18 inside those levers are the specific goals that have
19 been established in the achievement of their
20 strategic plan.

21 Many of those goals are directly related
22 to charter schools and some of the areas of
23 responsibility for this commission. We have asked
24 PED to go through the document and highlight for us
25 the goals that they think are really directly

1 related to the commission's responsibility. We also
2 need to prepare, I believe, a document that states
3 what our responsibilities are similar to this
4 document.

5 So our thought at this point is that we
6 recommend that we, the committee, look at this
7 document -- I'm calling it the alignment document --
8 and update that, and then come back to the
9 commission and present the strategic plan
10 highlighted with areas that we think the commission
11 are directly -- kind of directly related to. And
12 then make a report back to the commission as to how
13 we see this alignment or how we would put verbiage
14 in this document to align itself with the PED's
15 strategic plan.

16 So that's kind of what we came up with.

17 Did I miss anything, Chair?

18 COMMISSIONER PERALTA: No.

19 COMMISSIONER CANFIELD: So that's kind of
20 what we came up with this morning. We have
21 commitments from PED to get this document back to us
22 prior to our next meeting. So the next time we
23 report out, we will have kind of a report or a
24 recommendation of alignment for that.

25 Mr. Chairman, thank you.

1 CHAIR GARRISON: Are there any questions
2 from other commissioners?

3 Commissioner Gant.

4 SECRETARY GANT: Mr. Chair and members.

5 Correct me if I'm wrong, Ramon, did you
6 not give us in December a list of our
7 responsibilities when we met down at Southwest
8 Learning? Is that not what was somewhat presented
9 last --

10 MR. VIGIL: That is exactly what was
11 presented.

12 SECRETARY GANT: So that document is
13 already available for us?

14 MR. VIGIL: It should be, yes. I
15 presented that --

16 SECRETARY GANT: Thank you.

17 MR. VIGIL: -- to the committee for the
18 commission.

19 CHAIR GARRISON: Thank you, Commissioner
20 Gant, Mr. Vigil.

21 COMMISSIONER CARR: Mr. Chair.

22 CHAIR GARRISON: Commissioner Carr.

23 COMMISSIONER CARR: Based on what we have
24 talked about in the past and our years of experience
25 so far with this, I would support working on an

1 alignment only if we actually have a working role in
2 developing the strategic plan, where our input is
3 actually taking into account and added to it.
4 Otherwise I would strongly support us doing our own
5 plan.

6 It's not, again, I always say it's not
7 current administration. It's past administration as
8 well. I think there is a lot of politics that go on
9 with strategic plans, and I see our committee as
10 being really separate from that in our work. And I
11 think that I don't have a lot of hope for the kind
12 of input taking place and actually becoming part of
13 the plan where we work together with the PED, but
14 that doesn't mean it can't happen. So I would like
15 to see, really I would like to see our own plan, and
16 I think that that's probably how it's going to end
17 up with past experience.

18 So I don't know. You know, I don't know
19 how this is going to work out. It hasn't worked out
20 well in the past, and, you know, we'll see. I would
21 like to see an outline and input and us go over time
22 and actually -- I really think we really need to
23 probably come up with our own, because we have a
24 specific vision.

25 And the other thing that I think about is,

1 you know, I look at a time when we are not so
2 specifically focused on charter schools. That
3 charter school is a part of what we do with
4 education and what the Public Education Commission
5 does. With all the talk that we do, it seems
6 that's -- well, and because that's one of the powers
7 we have left, that that's the thing we focus on.
8 But we need to focus on the totality of education.

9 And for what it's worth, I think that's
10 probably where we are going to end up anyway. We'll
11 see, you know. And I always continue to work toward
12 cooperation. Whether or not that happens or not --
13 Democrat, Republican, doesn't matter -- it's up for
14 question.

15 CHAIR GARRISON: Commissioner Bergman.

16 COMMISSIONER BERGMAN: Mr. Chair, I would
17 note too that in this report that I issued to this
18 commission in December, I found a description in the
19 state statutes about commission duties, PEC
20 commission duties, and I'll just read the first
21 sentence here. It says, "The commission shall work
22 with the department to develop the five year
23 strategic plan for public elementary and secondary
24 education in the state." That's state statute.
25 This committee should be involved with PED in

1 formulation of any future strategic plan of this
2 state by statute unless it has been superseded by
3 another statute.

4 CHAIR GARRISON: And that's one of the
5 sticking points with the way the law is written.
6 Because that word "shall" is very powerful. The
7 word "may" isn't. So if we "shall" but the PED
8 "may," that's just the way it rolls out.

9 And not to just be throwing humor out
10 there, I want to commend Commissioner Peralta and
11 Commissioner Canfield on making huge inroads that we
12 have not made in several years. So I want to thank
13 Mr. Larry Barons for his attendance in that
14 committee meeting. And to speak to Commissioner
15 Carr's point, is that we have a specific purpose,
16 and that specific purpose is a unified purpose that
17 the PED holds also, that we are trying to give a
18 world class education to all children in New Mexico.

19 So I will respectfully disagree with us
20 developing our own plan. I think we have to work
21 with the Public Education Department, and they have
22 to -- not statutorily -- but have to work with us.
23 We are all involved with children. Because as
24 former Public Education Commission Catherine Smith
25 said, as we pontificate up here and discuss things

1 and go through this cycle and calendars, little
2 Johnny just went from second to third grade and he's
3 never going to get it back. So it's that important
4 that we all do that work and we do it together and
5 we do it now.

6 Commissioner Peralta.

7 COMMISSIONER PERALTA: Mr. Chair and
8 fellow commissioners, I must also say I have gotten
9 some confirmation from Deputy Secretary Mr. Aguilar
10 that he is more than willing to meet with me to see
11 what kind of support he can give us, the PED, in
12 helping the PEC become a part of this plan.

13 CHAIR GARRISON: Okay. And thank you,
14 Deputy Secretary. I really think that us working
15 with versus going -- the statute already has us kind
16 of on the side here. If we just continue that path
17 and make our own plan and do our own thing, I think
18 we are weakening the commission more. We are
19 strengthening by working together.

20 Any other comments?

21 Thank you for a fine presentation and
22 thank you for your great work, gentlemen.

23 COMMISSIONER PERALTA: Thank you.

24 COMMISSIONER CANFIELD: Thank you.

25 CHAIR GARRISON: Item No. 11, report from

1 Public Education Commission committees. We are now
2 moving to the Legislative Committee. Public
3 Education Commission Vice-Chair, Carolyn Shearman.

4 VICE-CHAIR SHEARMAN: Thank you, Mr.
5 Chairman.

6 We met at 7:30 this morning. In
7 attendance were Commissioner Gant -- and I'm losing
8 it -- Chair Garrison was there and Commissioner
9 Bergman was there. I know. It's been a long day or
10 maybe it's been a short day. I'm not sure which.
11 Anyway, pardon me.

12 Anyway we had a short meeting at 7:30 this
13 morning, and of course highlighted one of the issues
14 that we have been dealing with the last several
15 months that we have tried to schedule all these
16 committee meetings prior to the regular PEC meeting.
17 So we have discussed the idea of having our
18 committee meetings the day before our regular
19 meeting, and would like for the other committees to
20 consider that and let us know your feedback, and
21 perhaps that would be the way we could schedule it,
22 at least try it in the future and give us more time.

23 We also talked about a work session,
24 perhaps the day following our committee meetings,
25 where all of the commission could be in attendance

1 and could really fully understand what the
2 committees dealt with, what the issues were, and
3 have a full commission discussion. Because I think
4 we are starting to intertwine with our thought
5 processes, what the duties of the commission are and
6 how, through the legislative process or legislative
7 action, we might enhance those duties or clarify in
8 some cases those duties.

9 So I see that we are beginning to really
10 make progress in bringing the PEC to the level that
11 we would like for it to be. So please consider that
12 issue of meeting the day before, perhaps the
13 afternoon before, individual committees the day
14 before our PEC meeting. And essentially that was
15 what we discussed this morning. I don't have
16 further reports.

17 CHAIR GARRISON: Thank you, Commissioner
18 Shearman. I stand for questions for Commissioner
19 Shearman. Any commissioners have questions or
20 comments? Seeing none, thank you very much.

21 Item No. 12 is vote on charter school
22 amendment requests to change capped enrollment.
23 Ms. Kelly Callahan, acting director of the Charter
24 Schools Division. Take your time.

25 DIRECTOR CALLAHAN: Mr. Chairman,

1 commissioners, we have two amendment requests on the
2 docket. The first is for Cottonwood Classical.

3 And I am asking is anybody from Cottonwood
4 Classical available if the commission has questions?
5 Please come down.

6 CHAIR GARRISON: Come on up and join us at
7 the front table.

8 MS. LYNN BARR: Mr. Chairman,
9 commissioners, thank you.

10 CHAIR GARRISON: If you would, please
11 introduce yourself.

12 MS. BARR: I am Lynn Barr, co-founder of
13 Cottonwood Classical.

14 CHAIR GARRISON: Good morning.

15 MS. BARR: Thank you.

16 DIRECTOR CALLAHAN: Mr. Chair and
17 commissioners, included in your packet is the form
18 that was submitted by Cottonwood Classical. They
19 proposed a change in their charter. With their
20 current charter statement reading a capped number
21 regarding enrollment, a total of 500. The proposed
22 change is that Cottonwood Classical preparatory
23 school enrollment will not exceed 600 students. The
24 rationale for this change is because of the need
25 expressed through the enrollment process and the

1 fact that Cottonwood currently and historically has
2 a waiting list that exceeds 200 students. We are
3 requesting to increase our enrollment cap to 600
4 students.

5 Attached is the projected enrollment
6 growth for the next two years. I don't think that
7 was included in the packet. They provided that
8 late, and I apologize. I don't have copies. But I
9 can certainly pass it to you, commissioners.

10 We will get copies made. I apologize. I
11 thought it was in the packet, and I noticed that it
12 was not this morning.

13 While that's being passed around and
14 reviewed, the packet also includes the Cottonwood
15 Classical preparatory school governing council
16 minutes that indicate approval by their governing
17 board. That took place December 13, 2011.

18 Mr. Chair, commissioners, are you going to
19 vote individually on each one or do you want me to
20 do both presentations?

21 CHAIR GARRISON: Individually.

22 DIRECTOR CALLAHAN: Yes, sir.

23 SECRETARY GANT: Mr. Chair.

24 CHAIR GARRISON: Mr. Gant.

25 SECRETARY GANT: If I may start with some

1 questions, at least one.

2 CHAIR GARRISON: Absolutely. The floor is
3 yours.

4 SECRETARY GANT: Which was handed out this
5 morning by Ms. Callahan. This shows Cottonwood
6 Classical at 90 percent for school year '11 and '12.
7 So my question -- and I haven't seen this other
8 sheet over here -- do you have a waiting list of 200
9 or more that you have spaces to be filled? So I
10 don't understand the reason to even be asking for an
11 increase when you haven't even filled the spaces
12 allocated.

13 MS. BARR: Commissioner Gant and
14 Mr. Chairman, right now for this year in our
15 lottery, we have 430 applications. And what we had
16 done is we did not expect the 125 students in
17 seventh and eighth grade. We expected more students
18 to drop off as they were going to high school, a
19 traditional high school which did not happen. We
20 had 48 siblings that were coming in at the sixth
21 grade, so that was leaving us with basically no
22 spots for any students to come in from the area.

23 SECRETARY GANT: All right. Mr. Chair and
24 members, let me get this straight. You list 450
25 students, according to this. That's all I have to

1 go by.

2 MS. BARR: Correct.

3 SECRETARY GANT: 450 students for school
4 year 2011/12.

5 MS. BARR: Right.

6 SECRETARY GANT: That's at 90 percent of
7 your cap. So now you are asking for an increase to
8 your cap, and say why again, because I see space
9 that you need to fill.

10 MS. BARR: Well, because we want to enroll
11 90 at sixth grade, which would take us over that
12 cap, because that would be for the 2012/2013. So we
13 had 48 siblings, so that would open up 55 spots for
14 students coming in on the 400 applicants.

15 SECRETARY GANT: Well, my last question,
16 Mr. Chair, based upon your facilities, if you add 90
17 students, which is a lot of chairs, a lot of bodies,
18 do you have the room for that, and you have
19 facilities that meet the statewide capacity
20 standards for that number of students?

21 MS. BARR: We do. And as we are speaking
22 right now, they are actually moving offices out and
23 we are creating that extra space right now. We
24 actually have three different buildings that have
25 all met the standards.

1 SECRETARY GANT: Thank you, Mr. Chair.

2 CHAIR GARRISON: Other questions?

3 Commissioner Shearman.

4 VICE-CHAIR SHEARMAN: Good morning.

5 MS. BARR: Good morning.

6 VICE-CHAIR SHEARMAN: I am looking at your
7 school grade.

8 Thank you, Ms. Callahan, for that
9 information.

10 And you do have -- your school has done
11 very well in the school grading process. I'm not
12 from Albuquerque, so I'm not familiar with the area.
13 Where is your school located?

14 MS. BARR: Our school is located at 1776
15 Montano at the Unser Educational Complex and it's in
16 the North Valley.

17 VICE-CHAIR SHEARMAN: And how many schools
18 that serve the same grades that your school serves
19 are in, let me say the immediate vicinity? And I
20 don't know what that is. Can we say a mile; is that
21 reasonable?

22 MS. BARR: Within a mile I would say
23 probably just one which is Valley High School.

24 VICE-CHAIR SHEARMAN: Okay. If we expand
25 the area out -- again, I'm not familiar with the

1 area. I am just trying to get a feel for what kind
2 of choices people in that area have as far as
3 schools.

4 MS. BARR: If you expand it, then you are
5 going to go on to the West Mesa which would be
6 Cibola High School, I believe, would be the next
7 high school. And a lot of our students come from
8 the surrounding area, not from in our vicinity. We
9 have a large population that comes from the East
10 Mountains. We have students that come from Socorro,
11 from Placitas.

12 VICE-CHAIR SHEARMAN: So your school does
13 not provide transportation for students?

14 MS. BARR: Actually we have not provided
15 it in the past, but we were just approved for a
16 grant for next year to provide transportation for
17 students. And so we are working on putting that all
18 together and the logistics of that all now, so we
19 will be providing transportation in the fall.

20 VICE-CHAIR SHEARMAN: Is that a change to
21 your charter?

22 MS. BARR: Yes.

23 VICE-CHAIR SHEARMAN: Okay. We haven't
24 seen that yet.

25 MS. BARR: I'm not sure.

1 DIRECTOR CALLAHAN: Mr. Chair,
2 Commissioner Shearman, again, is that a material
3 change? You know, those are questions that need to
4 be answered as far as the terms of the amendment and
5 the terms of the contract. We haven't seen an
6 amendment in the CSD regarding the transportation as
7 yet.

8 VICE-CHAIR SHEARMAN: Thank you.

9 I'm really just trying to get a feel for
10 what impact increasing your student enrollment or
11 your capacity by a hundred students would have on
12 the surrounding area and the surrounding schools.
13 Do you have any feel for that or where your students
14 would be coming from, those 100 additional students?

15 MS. BARR: The students would be coming
16 from the entire surrounding area, Albuquerque. We
17 are really not concentrated in the North Valley.
18 Our students truly come from all over the city and
19 then from several outlying areas. So what we had
20 done, since we are going into our fifth year, our
21 second graduating class, we really expected these
22 students -- there to be more drop off. So what we
23 have projected now is approximately 50 over where we
24 will take approximately 90 students, including the
25 siblings coming in at the sixth grade, and then that

1 would keep us around that mid range, about 550
2 students through our graduating class, our senior
3 class.

4 VICE-CHAIR SHEARMAN: Thank you.

5 MS. BARR: Thank you.

6 CHAIR GARRISON: Comment by Deputy
7 Secretary Aguilar.

8 DEPUTY SECRETARY AGUILAR: Mr. Chairman, I
9 don't want to weigh in on it. I haven't reviewed
10 the specifics of it. I just want to note that an
11 additional 100 students would create an impact to
12 the state funding formula of about \$711,000.

13 Then secondly, Mr. Chairman, the
14 transportation bureau here at the department has
15 identified an anomaly in the transportation funding
16 formula that treats charter schools as districts,
17 and it actually distributes more money than they
18 need to transport those folks. And so we want to
19 have that discussion with the charter schools and
20 try to figure out how we can work with that anomaly
21 as well. So I just want to bring that to the
22 commission's attention.

23 CHAIR GARRISON: Thank you.

24 COMMISSIONER CARR: Mr. Chair.

25 CHAIR GARRISON: Commissioner Carr.

1 COMMISSIONER CARR: What's the additional
2 cost or the building cost in taking over the new
3 offices and who owns the building that you're in?

4 MS. BARR: The Al and Susan Unser own the
5 building that we are in, and then the high school
6 building is owned by Robert Sanchez. It's about 700
7 yards apart from each other, and the additional
8 classroom space is included in our lease right now,
9 so there is not going to be additional cost, because
10 we are just rearranging offices and so forth. So we
11 are not taking over more space. We had enough space
12 to accommodate these extra students.

13 COMMISSIONER CARR: Who was in the
14 offices? Who was in the offices that are being
15 moved around?

16 MS. BARR: Mr. Obenshine is in one office
17 on the Unser campus and then he also had an office
18 at the Rio campus, the one up the street. So he is
19 just vacating that so he will just have one office.
20 The business manager, who was in the other office,
21 will be combining with the special ed director into
22 her office. And so we have actually combined
23 offices and we are rearranging offices like that.
24 We had a conference room that is now going to be a
25 classroom.

1 COMMISSIONER CARR: Thank you.

2 MS. BARR: Thank you.

3 CHAIR GARRISON: A question by Deputy
4 Aguilar. Mr. Secretary, excuse me.

5 DEPUTY SECRETARY AGUILAR: Mr. Chairman, I
6 don't know that they are prepared to answer right
7 now, but Mr. Gorrell and Ms. Casias are in the
8 audience. Would this building continue to meet the
9 occupancy with these modifications as far as you
10 know, or would that have to be reevaluated?

11 Martica, can you come up to the
12 microphone, please?

13 CHAIR GARRISON: After you speak if you
14 would write down your name for the transcriber. It
15 would be a great help.

16 MS. CASIAS: Secretary Aguilar and members
17 of the PEC commission, if the building is currently
18 occupied by students, it's currently at E occupancy.
19 If they are adding more students, it won't change
20 the classification of an E occupancy.

21 DEPUTY SECRETARY AGUILAR: Thank you, Mr.
22 Chairman.

23 CHAIR GARRISON: Commissioner Gant.

24 SECRETARY GANT: Mr. Chair and members,
25 did I hear you say you got students from Socorro?

1 MS. BARR: We have two families that come
2 from Socorro.

3 SECRETARY GANT: Every day, two hours?

4 MS. BARR: What they have been doing is
5 they come in during the week and stay with an aunt
6 and relatives and then go home on weekends.

7 SECRETARY GANT: Mr. Chair, Deputy
8 Aguilar, that's an interesting one when it comes to
9 which school district they are counted and all that.
10 It's interesting. I thought this was a charter
11 school for the APS district, but I guess I was
12 misinformed. Thank you.

13 CHAIR GARRISON: Kelly Callahan, does the
14 Charter Schools Division have a recommendation?

15 DIRECTOR CALLAHAN: Mr. Chair, if the
16 information is correct and current, we haven't
17 recommended in the past. We present the
18 information, because we don't have a lot of
19 information that is readily available to dig deep.
20 We are asking you guys to make a determination on
21 that. The discussion today at the committee meeting
22 was that we need to review this process for
23 requesting an amendment to have a deeper analysis.
24 We have not previously done any deeper analysis than
25 presenting information as presented from the school.

1 And so I don't feel competent in just recommending,
2 because I have the same information you have, and so
3 I have heard those things.

4 The one thing I do know is the school is
5 high performing and they have provided all the
6 reports and compliance that the school is required
7 to have. They are up for renewal this coming year.
8 They are a renewal school and have properly
9 committed all the work they are supposed to do. So
10 they are a strong school and, you know, at this
11 point, I am hearing what you are hearing, and so I
12 will have to defer to the PEC on that.

13 CHAIR GARRISON: Did the Charter Schools
14 Division get that waiting list? Have they reviewed
15 it? That is how many folks?

16 MS. BARR: This year we had 438
17 applications, but an average of 200 on the wait list
18 from year one.

19 DIRECTOR CALLAHAN: Mr. Chair,
20 commissioners, we don't require a review of a
21 waiting list.

22 CHAIR GARRISON: We should do that if
23 there is a request to change the enrollment of the
24 school. I would highly recommend that in the
25 future.

1 DIRECTOR CALLAHAN: Mr. Chairman, I
2 absolutely agree with that, and Deputy Secretary
3 Aguilar was at the committee meeting, and we have
4 had discussions about this. I agree. We need a
5 more thoughtful vetting of what's going on in
6 looking at a deeper recommendation, but that process
7 has not been put in place yet. We are asking maybe
8 a review at the August committee meeting to review
9 almost more of an application.

10 And also just as an additional comment, SB
11 446 and the contracts are going to have a stronger
12 material identification of what schools can do and
13 can't do and what the amendment process will look
14 like. So we will be able to adjust accordingly for
15 those new contracts. This is the previous way that
16 the amendments have been done. You know, again we
17 are just receiving the information and passing it on
18 to the PEC. And so that perfect timing on the
19 conversation that we had at the committee meeting is
20 that we would definitely review that.

21 So I have been asked by the committee to
22 put together proposed documentation that would maybe
23 look at a little deeper analysis of what the school
24 is asking, and absolutely reviewing a member's
25 waiting list would be one of those requirements.

1 CHAIR GARRISON: So it's my understanding
2 that our votes on charter school amendment requests
3 can happen any time throughout the year as they
4 come, or do we just do that annually in the
5 summertime? I know that's the natural way --

6 DIRECTOR CALLAHAN: Mr. Chair,
7 commissioners, that was also brought up at the
8 committee meeting. Today Commissioner Shearman
9 asked that, you know, maybe reviewing a timing of
10 when those amendments would be asked for, having it
11 once a year rather than having it throughout. Right
12 now it is an open process. When a school submits an
13 amendment, it is put on the agenda and reviewed at
14 the next meeting that is coming forth.

15 CHAIR GARRISON: Okay.
16 Commissioner Canfield.

17 COMMISSIONER CANFIELD: Thank you, Mr.
18 Chair. I would like to commend the school for
19 following the proper process. I think in one of our
20 last meetings, there were a couple of schools that
21 had already gone over without even checking with us,
22 and so I would support approval of this amendment
23 today. Even though the process may change in the
24 future, I think this will help the school plan
25 better and it sounds like they have got their ducks

1 in a row and have followed everything that they need
2 to do. So I would move to approve the amendment as
3 presented, Mr. Chair.

4 CHAIR GARRISON: You're speaking to a
5 dilemma that I'm feeling right now is that that
6 school that went over enrollment and then came to us
7 for a requested change, that's cart before the
8 horse. And in retrospect, my hindsight is 20/20
9 like most of ours is, we shouldn't have approved
10 that in my view now and we did. Mistake, but did we
11 set precedent, that's what we are asked. We need to
12 develop things on our end, and if we continue, well,
13 we haven't developed them yet, so between now and
14 August 8th, let's just go ahead and keep approving
15 blindly, and then we'll get information that we can
16 make a decision based on.

17 And so on the other side of that is
18 Cottonwood is in my district, and when I see a
19 charter school that has an A grade and I know that
20 they are high performing and there is a waiting
21 list -- although I haven't seen it -- and more
22 children want to go to an A school, let's get them
23 in there. But at the same time, in principle to
24 follow what we have not yet developed, that's just
25 killing me right now.

1 Commissioner Lopez.

2 COMMISSIONER LOPEZ: I would like to get
3 more kids into high performing schools, and I want
4 to second Commissioner Canfield's motion.

5 CHAIR GARRISON: There are proposed
6 motions to be read on item No. 12. It's in blue,
7 but it's not elaborate. So if you want to reword
8 that, Commissioner Canfield, just slightly.

9 COMMISSIONER CANFIELD: Sure. Mr. Chair,
10 thank you.

11 I move to approve the amendment presented
12 by Cottonwood Classical Preparatory School.

13 COMMISSIONER LOPEZ: Second.

14 CHAIR GARRISON: We have a motion by
15 Commissioner Canfield, seconded by Commissioner
16 Lopez. Is there any discussion?

17 VICE-CHAIR SHEARMAN: Yes.

18 CHAIR GARRISON: Commissioner Shearman and
19 then Commissioner Carr.

20 VICE-CHAIR SHEARMAN: Did I hear you
21 correctly when you said your waiting list was from
22 year one?

23 MS. BARR: An average of the wait list
24 from year one was approximately 200, and this year
25 we had 438. I believe we have it on my computer if

1 you want to verify any of those numbers.

2 VICE-CHAIR SHEARMAN: Could you give me
3 your best guess of what your active waiting list is
4 for this year.

5 MS. BARR: 438 are applicants and then 48
6 of those students are siblings. So those 48
7 students are automatically enrolled into the school.
8 So the active wait list would be the 48 minus the --
9 so it's close to 400.

10 VICE-CHAIR SHEARMAN: Okay. But as far as
11 asking people to sign up on a list that's called a
12 waiting list, does that document exist?

13 MS. BARR: Yes.

14 VICE-CHAIR SHEARMAN: Okay. How many do
15 you have on hand?

16 MS. BARR: That's the 438. Those are the
17 students that applied through the lottery and that
18 we pulled their names and then we went on to a wait
19 list. And then the siblings are also included on
20 that, though they are really not part of the wait
21 list.

22 VICE-CHAIR SHEARMAN: Okay. Thank you.

23 COMMISSIONER CARR: Mr. Chair, I have a
24 question, too, on the amendment. You have a waiting
25 list, and so why aren't you at full enrollment now?

1 MS. BARR: What we had tried to do,
2 because we are offering the international
3 baccalaureate, Commissioner Carr, was we tried to
4 phase everything in slowly, and we had written the
5 charter to phase it in slowly. So then if you
6 look -- I'm sorry. Did you say they don't have a
7 copy of the enrollment?

8 DIRECTOR CALLAHAN: It's going around.

9 MS. BARR: So then what we had originally
10 anticipated was that the 125 students in seventh and
11 eighth grade would drop off as students could attend
12 a traditional high school, but that did not happen.
13 And so we didn't want to take so many students,
14 because you have to hire IB certified teachers, and
15 so we were trying to slow it down a little bit. But
16 then we got ourselves into a pickle, because some of
17 the students did not drop off like we anticipated.
18 So if we only let the siblings in, we would not be
19 opening it up to any students at all. So then in
20 looking over everything, if we let in approximately
21 90 students in sixth grade, we would stay right
22 around the 500, 550 mark here on out.

23 But this year is somewhat of an anomaly,
24 because we have those two bumps years and so many
25 siblings. So it was hard to predict that so many

1 siblings would be coming in.

2 COMMISSIONER CARR: Well, I commend you on
3 the success of your school, and I guess you're doing
4 well.

5 MS. BARR: Thank you.

6 COMMISSIONER CARR: I would like to have
7 more information with the schools up for renewal
8 this year. Before I want to vote in the
9 affirmative, I would like to actually have all the
10 documentation, and this is up for renewal. And you
11 do have some room right now, I guess, you know, to
12 go up to full enrollment. I'm going to say I want
13 to look at this again at renewal, maybe before if we
14 get more documentation, but there are some questions
15 in my mind that I would like to see answered along
16 procedural lines and in documentation before I'll
17 vote in the affirmative.

18 CHAIR GARRISON: Any other comments from
19 commissioners?

20 Commissioner Gant.

21 SECRETARY GANT: Somewhere on this
22 computer I do have your application, and what we
23 blessed in 2008 when you first opened. So, please,
24 is it in your charter that siblings have first
25 choice over the waiting list?

1 MS. BARR: Yes.

2 SECRETARY GANT: Interesting. Okay.

3 Thank you.

4 CHAIR GARRISON: Commissioner Bergman.

5 COMMISSIONER BERGMAN: Well, that's also
6 state law, isn't it? Don't siblings under the
7 lottery aspect of the law get preference anyway? Is
8 it not? For some reason I thought it was.

9 COMMISSIONER LOPEZ: It's federal law.

10 DIRECTOR CALLAHAN: Mr. Chair,
11 Commissioner Bergman, it's federal. It falls under
12 the federal lottery process.

13 CHAIR GARRISON: So there is a motion on
14 the floor from Commissioner Canfield. It was
15 seconded by Commissioner Lopez. And I just have one
16 final comment. I'm going to vote for this
17 amendment, and the reasoning is because this is a
18 high performing school. I will echo Commissioner
19 Canfield's comment that they are following the
20 rules. If we have not done our job in solidifying
21 what the process is, then that's our fault. It's
22 not theirs. So the Chair will move to vote with a
23 roll call by Commissioner Gant.

24 SECRETARY GANT: Commissioner Lopez.

25 COMMISSIONER LOPEZ: Yes.

1 SECRETARY GANT: Commissioner Carr.

2 COMMISSIONER CARR: No.

3 SECRETARY GANT: Commissioner Pogna.

4 COMMISSIONER POGNA: Yes.

5 SECRETARY GANT: Commissioner Bergman.

6 COMMISSIONER BERGMAN: Before I vote, I
7 would note for the record that that is why we are
8 going to look at trying to revise this process and
9 make it more ironclad and make it more transparent,
10 so we don't have these dilemmas in the future, but
11 today I'm going to vote yes.

12 SECRETARY GANT: Commissioner Peralta.

13 COMMISSIONER PERALTA: Yes.

14 SECRETARY GANT: Commissioner Canfield.

15 COMMISSIONER CANFIELD: Yes.

16 SECRETARY GANT: Commissioner Shearman.

17 VICE-CHAIR SHEARMAN: Yes.

18 SECRETARY GANT: Commissioner Garrison.

19 CHAIR GARRISON: Yes.

20 SECRETARY GANT: Commissioner Gant votes
21 no. It's seven to two in favor.

22 CHAIR GARRISON: The motion passes.

23 MS. BARR: Thank you, commissioners.

24 CHAIR GARRISON: Item b on agenda item No.
25 12, vote on charter school amendment request to

1 change capped enrollment, Montessori Elementary.

2 Ms. Kelly Callahan.

3 DIRECTOR CALLAHAN: Mr. Chair,
4 commissioners, is there a representative from
5 Montessori Elementary School?

6 CHAIR GARRISON: Please come up and
7 introduce yourself.

8 MS. MARY JANE BESANTE: Good morning, my
9 name is Mary Jane Besante and I am the principal of
10 the Montessori Elementary School.

11 CHAIR GARRISON: Good morning, Mary Jane.

12 DIRECTOR CALLAHAN: Mr. Chair,
13 commissioners, the Montessori Elementary School has
14 submitted an amendment request. Their current
15 charter statement reads the number of students at
16 full enrollment. The enrollment cap is 400. Their
17 revised amendment statement is the number of
18 students at full enrollment not to exceed 600.
19 Their rationale revision for their amendment reads,
20 "Due to the success of our middle school, more
21 students are staying with us. We may reach 400 by
22 2012/2013." It is noted that their minutes from
23 their governance council meeting dated April 17,
24 2012, indicate that the amendment was approved by
25 their governing board and signed by their governing

1 council president, and they have submitted the
2 paperwork as noted in your books.

3 CHAIR GARRISON: Ms. Callahan, in looking
4 at school grading 2010/2011, I see that there are
5 two classifications, just elementary and high
6 school. So elementary and middle school would be
7 classified under elementary school?

8 DIRECTOR CALLAHAN: Mr. Chair,
9 commissioners, that's correct.

10 CHAIR GARRISON: Thank you.
11 Any questions from commissioners?
12 Commissioner Shearman.

13 VICE-CHAIR SHEARMAN: Good morning.

14 MS. BESANTE: Good morning.

15 VICE-CHAIR SHEARMAN: Again, I am not
16 familiar with where your school is located. Could
17 you give me the location of your school and the
18 surrounding area schools?

19 MS. BESANTE: Can you hear me if I speak
20 from here? How's that? We are at 3831 Midway
21 Place, and that's in Albuquerque right off Jefferson
22 and I-25.

23 VICE-CHAIR SHEARMAN: And surrounding
24 schools say in a couple of mile radius?

25 MS. BESANTE: In a couple mile radius,

1 there's three other elementary schools.

2 VICE-CHAIR SHEARMAN: Do you pull students
3 from those schools?

4 MS. BESANTE: We pull from all over
5 Albuquerque and surrounding areas -- Placitas, Los
6 Lunas, Belen, the East Mountains. I believe we have
7 a couple of students that come from Jemez. I'm not
8 sure if they're still with us.

9 VICE-CHAIR SHEARMAN: And do you provide
10 transportation for students?

11 MS. BESANTE: We do not.

12 VICE-CHAIR SHEARMAN: I notice on your
13 school grading, overall your grade is a B. However,
14 in your lowest 25 percent of students, you have an
15 F. Could you speak to that?

16 MS. BESANTE: That's a hard one to speak
17 to. We were trying to figure out how it was
18 calculated. We have made AYP every year. We are a
19 very strong school. That's a very few students, and
20 we are focusing on that this year.

21 VICE-CHAIR SHEARMAN: Thank you for that
22 information. I have to say my initial reaction to
23 this request is you're not quite at your cap of 400,
24 and you're asking for a cap of 600. I would have a
25 hard time supporting 600. I really would. I could

1 look more favorably on 500, but I cannot go that
2 large an increase all the way up to 600. My
3 personal feelings. Thank you.

4 CHAIR GARRISON: Thank you, Commissioner
5 Shearman.

6 Other commissioners? The floor is open.
7 Commissioner Bergman.

8 COMMISSIONER BERGMAN: I would just share
9 that. That's a 50 percent increase in just one big
10 jump. One, do you have the facilities, if an extra
11 200 just showed up that you weren't expecting in new
12 applications, would you have room to accommodate
13 600?

14 MS. BESANTE: I believe our facility would
15 accommodate them. We are looking at really more of
16 a slow growth. We are at 90 percent of our
17 enrollment cap right now. And next year we have 389
18 enrolled, so we are at 97 percent of our cap. We
19 are concerned about going over it. We pulled for
20 our lottery for kindergarten, and a lot of them come
21 from families that have multiple children, and we
22 don't have any space to offer to the other siblings.
23 That's where the growth is really coming from.

24 In addition to that, we added seventh and
25 eighth grade two years ago when we rechartered, and

1 it's been very successful and students are staying.
2 That's where the growth is coming from, but it is a
3 slow growth.

4 COMMISSIONER BERGMAN: We may want to
5 consider, when we make the option there are several
6 options on the motion. One may be that we reduce
7 that number a little bit. I just throw that out,
8 but thank you.

9 MS. BESANTE: Thank you.

10 CHAIR GARRISON: The floor is still open
11 for questions. Seeing none, the Chair will
12 entertain a motion. There are three options on the
13 motions on item No. 12, the blue page.

14 VICE-CHAIR SHEARMAN: Mr. Chair.

15 CHAIR GARRISON: Commissioner Shearman.

16 VICE-CHAIR SHEARMAN: I would like to move
17 that we approve an enrollment cap of 500 for this
18 school, but I don't see that particular wording.

19 Mr. Vigil, could you help with that?

20 MR. VIGIL: You can approve it with a
21 condition that it only go up to 500.

22 VICE-CHAIR SHEARMAN: That would be a
23 condition, okay.

24 Then, Mr. Chairman, I move for approval of
25 the amendment presented by the Montessori Elementary

1 School with the following conditions, that their
2 enrollment not exceed 500 students.

3 COMMISSIONER BERGMAN: I would second
4 that.

5 CHAIR GARRISON: We have a motion by
6 Commissioner Shearman, a second by Commissioner
7 Bergman. I would like to quickly ask the public
8 school facilities authority folks, do you have any
9 comments on the facilities as far as the occupancy
10 and what these numbers would look like if they
11 changed by a hundred?

12 MR. GORRELL: We believe that probably as
13 far as the E occupancy, that code requirement, that
14 would not be affected. As far as capacity goes, we
15 have not been asked to look at either school, so we
16 can't comment whether it meets adequacy or not. The
17 law says a new charter or a relocated charter or at
18 the renewal of a charter that we would investigate.
19 It would be the commission or the Public Education
20 Department's decision to ask us to look at it at
21 that time.

22 THE REPORTER: Your name, please?

23 CHAIR GARRISON: My name is Bob Gorrell,
24 G-O-R-R-E-L-L, Director of Public School Facilities
25 Authority.

1 CHAIR GARRISON: Any other discussion?

2 Deputy Aguilar.

3 DEPUTY SECRETARY AGUILAR: Mr. Chairman, I
4 would just -- not commenting on this motion, but I
5 just think in the future I'm going to ask Ms.
6 Callahan to include questions directed at the PSFA
7 in advance regarding capacity, occupancy, and those
8 sorts of things. The PSFA is involved now in
9 determining the adequacy of facilities for new
10 charters, so I think it might be worthwhile to have
11 this information for these folks going forward in
12 the future.

13 CHAIR GARRISON: Thank you, sir.

14 Mr. Vigil.

15 MR. VIGIL: Mr. Chair, members of the
16 commission, something else that I believe would be
17 very helpful to the commission, as you're reviewing
18 those, is have the finance department take a look to
19 see how the enrollment change might affect the
20 funding for that particular school. Sometimes they
21 would move out from a small school factor, for
22 example, or are no longer qualified for a small
23 school factor, and, in fact, may lose some funding
24 in that process. In some cases, they may move into
25 some other category that, in fact, increases

1 disproportionately the money that they might receive.

2 CHAIR GARRISON: Thank you, sir. And that
3 speaks to that weak spot also that was mentioned in
4 the media as of late.

5 Commissioner Bergman.

6 COMMISSIONER BERGMAN: I would like to add
7 what we have just stated here, here again into our
8 August 8th discussion and your proposal, please.

9 DIRECTOR CALLAHAN: Mr. Chair,
10 Commissioner Bergman, yes. I think when we are
11 looking at expanding the rigor of an amendment
12 request evaluating all of the facility, finance
13 would be part of that process. And, you know, if
14 you are looking at something that's going to be more
15 of an approval, such as an application or renewal,
16 that it may not be on the same scale, but it will be
17 similar in rigor and robustness.

18 DEPUTY SECRETARY AGUILAR: Mr. Chairman.

19 CHAIR GARRISON: Deputy Secretary.

20 DEPUTY SECRETARY AGUILAR: I'm sorry, Mr.
21 Chairman, for extending the conversation. In regard
22 to Mr. Vigil's comments, I would just note that when
23 this school exceeds the 400 capacity, they will lose
24 the small school size.

25 SECRETARY GANT: Mr. Chair.

1 CHAIR GARRISON: Commissioner Gant.

2 SECRETARY GANT: Are you aware of that?

3 MS. BESANTE: Yes.

4 SECRETARY GANT: Are you aware of the
5 impacts of losing small?

6 MS. BESANTE: I don't believe we qualify
7 for small school as it stands right now, because we
8 are elementary, right, Kelly? So we don't receive
9 that now.

10 SECRETARY GANT: Thank you.

11 CHAIR GARRISON: Any other discussion?
12 And I forget already by now who made the motion and
13 who seconded the motion.

14 VICE-CHAIR SHEARMAN: Motion.

15 COMMISSIONER BERGMAN: And I seconded.

16 CHAIR GARRISON: Could you restate the
17 motion, please, just for the record.

18 VICE-CHAIR SHEARMAN: Wait, wait. Let me
19 get back to it. The motion, move to approve the
20 amendment presented by the Montessori Elementary
21 School with the following conditions, that their
22 total enrollment not exceed 500 students.

23 COMMISSIONER BERGMAN: And I seconded.

24 CHAIR GARRISON: And we had a second by
25 Commissioner Bergman, and we just had discussion.

1 If there is no other discussion, we will proceed
2 with a roll call vote with Secretary Eugene Gant.

3 SECRETARY GANT: Commissioner Lopez.

4 COMMISSIONER LOPEZ: Yes.

5 SECRETARY GANT: Commissioner Carr.

6 COMMISSIONER CARR: Yes.

7 SECRETARY GANT: Commissioner Pogna.

8 COMMISSIONER POGNA: Yes.

9 SECRETARY GANT: Commissioner Bergman.

10 COMMISSIONER BERGMAN: Yes.

11 SECRETARY GANT: Commissioner Peralta.

12 COMMISSIONER PERALTA: Yes.

13 SECRETARY GANT: Commissioner Canfield.

14 COMMISSIONER CANFIELD: Yes.

15 SECRETARY GANT: Commissioner Shearman.

16 VICE-CHAIR SHEARMAN: Yes.

17 SECRETARY GANT: Commissioner Garrison.

18 CHAIR GARRISON: No.

19 SECRETARY GANT: Commissioner Gant votes
20 no. It's seven two in favor.

21 CHAIR GARRISON: The motion passes.
22 Congratulations.

23 MS. BESANTE: Thank you very much.

24 CHAIR GARRISON: Item No. 14 -- I'm sorry.
25 Item No. 13, vote on charter school board of

1 finance, the Walatowa High Charter School. Kelly
2 Callahan, Acting Director of the Charter Schools
3 Division.

4 DIRECTOR CALLAHAN: Mr. Chair,
5 commissioners, these are representatives from
6 Walatowa. Please identify yourselves and write your
7 names on the piece of paper for the record and what
8 your role is at the school.

9 MR. ARRON WILKINSON: Good morning. My
10 name is Arron Wilkinson. I am the principal of the
11 Walatowa High Charter School.

12 MR. TONY ARCHULETA: Good morning. I am
13 Tony Archuleta. I am the former principal at
14 Walatowa, served there for six years. I was part of
15 the renewal, charter renewal.

16 DIRECTOR CALLAHAN: Mr. Chair,
17 commissioners, part of the process for schools
18 becoming PEC chartered schools is that they are
19 required to become a board of finance. And the
20 Walatowa High Charter School was approved in
21 December as a renewal charter, so they were added to
22 our state charter school list.

23 When the board of finance application is
24 submitted, they have to include an affidavit that a
25 business manager holds a license. They must sign a

1 statement by their governing board members that they
2 agree to consult with the PED on financial matters.
3 They must submit an affidavit from every governing
4 body member that he or she is not currently a member
5 of another governing body or that they have never
6 been a member of a governing body of a charter
7 school that was suspended or failed. They also must
8 provide a certificate of insurance that they are
9 adequately bonded and insured.

10 At this time, all the documents that are
11 required by law have been submitted and verified by
12 the Charter Schools Division staff.

13 CHAIR GARRISON: Thank you. A comment by
14 Deputy Secretary.

15 DEPUTY SECRETARY AGUILAR: Mr. Chairman, I
16 have spoken with our analysts in the school budget
17 and financial analysis unit regarding Walatowa
18 Charter. They have a high quality business manager
19 in place. Their audits are on time, and they have
20 demonstrated the capacity to manage their finances
21 appropriately.

22 CHAIR GARRISON: Thank you, sir.

23 The floor is open for questions from
24 commissioners. Seeing none, the Chair will
25 entertain a motion.

1 COMMISSIONER CANFIELD: Mr. Chair.

2 CHAIR GARRISON: Commissioner Canfield.

3 COMMISSIONER CANFIELD: I would so move,
4 and I think it looks like we need to move as far as
5 creating a resolution. If that's correct, I can
6 read the resolution into the record.

7 CHAIR GARRISON: Yes, sir.

8 COMMISSIONER CANFIELD: I hereby move
9 adoption of the following resolution: Whereas the
10 governing body of Walatowa High Charter School had
11 submitted an application to be designated as a board
12 of finance that included an affidavit of a business
13 manager who holds a license as a certified school
14 business official for the State of New Mexico,
15 including a copy of the business manager's license,
16 a statement signed by all the governing body
17 members, that they agree to consult with the Public
18 Education Department on any matter not covered by
19 the manual of accounting and budgeting before taking
20 any action related to funds held as a board of
21 finance, an affidavit from each governing body
22 member that she or he is not currently a member of
23 any governing body of any other charter school and
24 has never been a member of any governing body of any
25 other charter school that was suspended or failed to

1 receive or maintain their board of finance
2 designation, a certificate of insurance that
3 indicates that Walatowa High Charter School is
4 adequately bonded and insured. Now, therefore, be
5 it resolved that Walatowa High Charter School's
6 governing body be designated as a board of finance.

7 CHAIR GARRISON: Second. Seconded by
8 Commissioner Pogna. Is there any discussion?

9 We will proceed with a roll call vote by
10 Secretary Eugene Gant.

11 SECRETARY GANT: Mr. Lopez.

12 COMMISSIONER LOPEZ: Yes.

13 SECRETARY GANT: Commissioner Carr.

14 COMMISSIONER CARR: Yes.

15 SECRETARY GANT: Commissioner Pogna.

16 COMMISSIONER POGNA: Yes.

17 SECRETARY GANT: Commissioner Bergman.

18 COMMISSIONER BERGMAN: Yes.

19 SECRETARY GANT: Commissioner Peralta.

20 COMMISSIONER PERALTA: Yes.

21 SECRETARY GANT: Commissioner Canfield.

22 COMMISSIONER CANFIELD: Yes.

23 SECRETARY GANT: Commissioner Shearman.

24 VICE-CHAIR SHEARMAN: Yes.

25 SECRETARY GANT: Commissioner Garrison.

1 CHAIR GARRISON: Yes. Commissioner Gant
2 votes yes. It's 9-0 in favor.

3 CHAIR GARRISON: The motion passes
4 unanimously. Congratulations.

5 MR. WILKINSON: Thank you.

6 CHAIR GARRISON: Item No. 14 is report
7 from the Public Schools Facilities Authority on
8 visits to new charter schools approved since
9 September 2011. Bob Gorrell, the PSFA director.

10 MR. GORRELL: Thank you, Commissioner
11 Garrison, members. Martica will provide the report.
12 This is a good learning experience for us. We put
13 together, I think, pretty clear templates to help
14 the charters. We have advertised it well to be able
15 to make ourselves available to the charters. I
16 believe that it is a positive experience for the
17 most part for charters to be able to understand what
18 their facility needs are so they can be as
19 functional as they intend.

20 I think it's very frustrating -- and
21 you'll see from the report -- that it's hard to find
22 appropriate facilities. So it is one that we are
23 urging the charters to please start considering
24 their needs earlier. We do assist them and advise
25 them in creating their educational specifications so

1 that they understand what their needs are to
2 properly support their program.

3 We spend as staff, through the Public
4 School Capital Outlay Council -- and I want to
5 recognize the two council members: Mr. Aguilar,
6 Deputy Secretary Aguilar and Mr. Gant are members of
7 the Public School Capital Outlay Council. We spend
8 10 to 40 hours per site in the analysis. It's a
9 thorough analysis and feedback process to the
10 charters.

11 Some sites we have visited or some
12 charters we have visited up to four different sites,
13 so it is pretty labor intensive we are finding, and
14 we are trying to strategically understand what our
15 needs are within the agency to fully support this
16 program as it moves forward.

17 Again, it is all renewed charters at their
18 renewal, any new or relocated. And on the previous
19 comment, possibly considering that relocation
20 language whenever a charter is changing occupancy
21 could be a fair way to approach that.

22 Thank you, Mr. Commissioner. Mr. Chair,
23 Martica will read the report.

24 MS. CASIAS: Members of the commission,
25 Ms. Friedman has passed you out an update. You

1 previously had this in your books, but as late as
2 last night, we had some updates. For your benefit,
3 the updates are highlighted in gray.

4 Before I go over --

5 VICE-CHAIR SHEARMAN: We don't have red.

6 MS. CASIAS: Gray. I'm sorry, ma'am.

7 I'll summarize it first, members, and then
8 perhaps you might want me to go through one by one.
9 But of all the charters that we have gone to see,
10 one has E occupancy. One is close to E occupancy
11 per their building plans, but they are waiting for
12 final inspection from CID. Two have an 18 month
13 plan of correction. McCurdy has submitted theirs,
14 and the William W. & Josephine Dorn Charter
15 Community School has the intent to submit their 18
16 month plan of correction, and, council members, does
17 anybody need me to define the 18 month plan of
18 correction or would you like me to go through it one
19 by one, or I stand for questions.

20 VICE-CHAIR SHEARMAN: I would prefer we
21 went through each one individually.

22 MS. CASIAS: Okay. Mr. Chair, members of
23 the commission, the first one is Coral Community
24 School located in Albuquerque. They contacted us
25 back in February, but we have not had any further

1 contact with them. The facility that they were in
2 at the time did not have an E occupancy.

3 Part of our job is we are available, but
4 if they don't recontact us, we don't extend the arm
5 out and say you haven't contacted us since February.

6 The second one on the list is Estancia
7 Valley Classical Academy located in Estancia. And
8 that one, you'll see, we had an update last night.
9 We were contacted with a plan that they have, but we
10 have not seen it. They are telling us that the
11 modulars, the E occupancy modulars will be
12 transferred. They expect them to be in place by the
13 start of school, but they have not yet given us
14 those plans nor have we seen a draft of their ed
15 spec/FMP submission. So this is what we have been
16 told, but we have not seen confirmation.

17 DEPUTY SECRETARY AGUILAR: Mr. Chairman.

18 CHAIR GARRISON: Deputy Secretary.

19 DEPUTY SECRETARY AGUILAR: Martica, would
20 you explain FMP?

21 MS. CASIAS: Each of the charters are
22 required, the applicant charters or the charters
23 that are moving are expected to submit to PSFA and
24 ed spec/FMP. An ed spec is a document that lets us
25 know how they intend to deliver their education, and

1 it's combined with a facilities master plan which
2 tells us what financing they expect, what their road
3 map is for their facilities for five years out. So
4 we combine their educational needs, their space
5 needs, how they're going to deliver their education
6 with the facility that they're going to be in.

7 So you don't need to have a facility when
8 you create your ed spec/FMP. It's telling you what
9 you need when you get into a facility. So ideally
10 you create this FMP ed spec, and then you go
11 shopping with it to look for a facility that meets
12 your needs.

13 Mr. Chair, I stand for questions on that
14 if there are any.

15 CHAIR GARRISON: Please continue.

16 MS. CASIAS: The next one on our list is
17 La Jicarita Community School located in Penasco.
18 They are working on purchasing their modulars that
19 are E occupancy, and the E occupancy means that
20 everything that the code requires for children to be
21 in a building is met. Like health and safety,
22 classroom sizes, restrooms, you cannot occupy a
23 building for a school unless it has an E occupancy.

24 If you turn the page, the other one is La
25 Tierra Montessori School of the Arts and Sciences.

1 This one is very interesting. If you read the
2 second to the last column, this school doesn't have
3 an E occupancy either. Their weighted NMCI is
4 sufficient for the first year enrollment, but not
5 for the full cap that they have planned. They
6 intend to have 180 student cap with 70 children in
7 the first year. If they moved into the facility
8 that we looked at today, it would be acceptable for
9 the 70 children, but it would not be acceptable for
10 the 180 kids.

11 So what we have said to them is if they
12 write down what they plan to do in writing, that
13 they are going to have 70 kids the first year and
14 find a new facility before the second year -- not
15 just tell us but write it down -- that weighted NMCI
16 would work. But, of course, it's not a PS based
17 division. It's up to the PED and the PEC, and we
18 recommended that to the charter.

19 COMMISSIONER CARR: Mr. Chair.

20 CHAIR GARRISON: Commissioner Carr.

21 COMMISSIONER CARR: I just found it. It's
22 a National Guard facility, it's a National Guard
23 facility that's currently being used or an old one?

24 MS. CASIAS: Mr. Chair and Commissioner
25 Carr, they looked at that National Guard facility,

1 and portions of it were empty at that time. And
2 since then, since the update, they are no longer
3 going to use that facility.

4 COMMISSIONER CARR: The entire facility is
5 no longer going to be used, the National Guard; is
6 that what you're saying?

7 MS. CASIAS: I am saying at the time back
8 in May, they were looking at the National Guard
9 facility, and they were going to use a portion of it
10 for the school. And that portion would have to be
11 converted to an E occupancy, and they found that
12 that would just be too much trouble, so we kept
13 looking.

14 So they called us up and they said, well,
15 the guard facility is not going to work for us, and
16 we went to another site for them.

17 COMMISSIONER CARR: All right.

18 MS. CASIAS: And as Mr. Gorrell spoke,
19 this particular charter school we went to three or
20 four sites for them, because they keep shopping. If
21 it doesn't work, the weighted NMCI is not there, the
22 E classification is too hard to obtain, they want to
23 find something else.

24 COMMISSIONER CARR: Okay. Thank you.

25 CHAIR GARRISON: Commissioner Bergman and

1 then Commissioner Shearman.

2 COMMISSIONER BERGMAN: I am just curious.
3 I don't know if you can answer this. I am seeing a
4 term Alcalde here. Are they looking at a building
5 in a city outside Española?

6 MS. CASIAS: Mr. Chair, Commissioner
7 Bergman, Alcalde is located in Española. It's just
8 a portion of --

9 COMMISSIONER BERGMAN: I thought my
10 question was generated because we approve an
11 applicant for Española, and then they're going to be
12 in another city somewhere. It would point to me
13 that there is a flaw somewhere in the system, but
14 thank you.

15 CHAIR GARRISON: All of northern New
16 Mexico is pretty much the same city.

17 A comment by Deputy Secretary, and then we
18 will get to you, Commissioner Shearman, if that's
19 okay.

20 DEPUTY SECRETARY AGUILAR: Mr. Chairman, I
21 spoke, when we did the budget hearing for this
22 school, we spoke with the head of school, and they
23 are having difficulty locating. So I haven't spoken
24 with them since then, but the National Guard
25 facility in Española was used prior to house the

1 military, Española military charter. That's no
2 longer there. So it has been used in the past.
3 They have a request into the governor's office for
4 the use of that, and I don't know what the current
5 status is, but I think they are still entertaining
6 that as an option for this first year until they can
7 get some more permanent facility.

8 The Española school district does have a
9 couple of buildings that they may entertain allowing
10 them to use, but we are concerned about the capacity
11 and, as Martica talks about, the NMCI, the condition
12 index of those facilities is relatively high and
13 probably would not be appropriate for that school.

14 Thank you, Mr. Chairman.

15 CHAIR GARRISON: Thank you, Deputy
16 Secretary.

17 Commissioner Shearman.

18 VICE-CHAIR SHEARMAN: I don't see mention
19 here -- or if it's here I'm missing it -- have you
20 looked at the Alcalde center and checked it out as
21 far as the educational setting? Would it work?
22 Does it need tons of remodeling to bring it up to
23 standard to be used?

24 MS. CASIAS: Mr. Chair, Council Lady
25 Shearman, the Alcalde site, we did look at that and

1 it was not a site they chose to stay at. I don't
2 have the details on that in front of me. I can take
3 a minute to look at my notes.

4 DEPUTY SECRETARY AGUILAR: Mr. Chairman.

5 CHAIR GARRISON: Deputy Secretary.

6 DEPUTY SECRETARY AGUILAR: I believe that
7 site -- I may be wrong, but I believe that site is
8 owned by the county. It's an old community center.
9 It's not acceptable for classroom space.

10 VICE-CHAIR SHEARMAN: Thank you.

11 CHAIR GARRISON: Commissioner Gant.

12 SECRETARY GANT: Mr. Chair and members,
13 just for my information, maybe Deputy Aguilar can
14 answer this or you all. They move in for one year,
15 and then they move -- they're talking about moving.
16 Who pays for that second move, the second set up?
17 Where does all that money come from? It's not
18 cheap.

19 DEPUTY SECRETARY AGUILAR: Mr. Chairman
20 and Commissioner, the school, I mean, it's not
21 cheap. Think of it, this isn't a particularly large
22 school in its first year. We are hoping that with
23 70 kids, that it wouldn't be too expensive. They
24 are having difficulty locating. The head of schools
25 is here if you have questions for them.

1 CHAIR GARRISON: We'll ask the questions
2 of each individual school as the school comes up.
3 Thank you for rushing up here. Sorry about that.
4 That was your exercise bout for the day.

5 Commissioner Shearman.

6 VICE-CHAIR SHEARMAN: So now I'm
7 thoroughly confused. They are considering using the
8 National Guard facility? No, no. What facility are
9 they proposing to use for even the first year?

10 MS. CASIAS: Commissioner, I do not have
11 the address of that facility, but it is not the
12 National Guard. I am assuming that he could answer
13 that question, he being the leader of the school,
14 but I don't have the address in front of me, but it
15 is not the National Guard facility.

16 VICE-CHAIR SHEARMAN: And it's not the
17 Alcalde center?

18 MS. CASIAS: Yes, it is.

19 VICE-CHAIR SHEARMAN: And Deputy Secretary
20 Aguilar says that is an unacceptable site.

21 DEPUTY SECRETARY AGUILAR: Commissioner,
22 it's not an E occupancy site.

23 VICE-CHAIR SHEARMAN: I didn't mean to put
24 words in your mouth.

25 DEPUTY SECRETARY AGUILAR: It's not an E

1 occupancy site, so they would have to make
2 modifications to it to bring it up to E occupancy.

3 VICE-CHAIR SHEARMAN: Okay. Thank you.

4 CHAIR GARRISON: Other questions from
5 commissioners.

6 COMMISSIONER CANFIELD: Mr. Chair.

7 CHAIR GARRISON: Commissioner Canfield.

8 COMMISSIONER CANFIELD: Thank you, Mr.
9 Chair.

10 I need some help. I am kind of new at
11 this. So as I understand it, these schools are
12 coming to us requesting the ability to start school
13 in the fall, and you are reporting to us on their
14 progress with finding a location. Is it normal for
15 schools to be battling with this issue this late in
16 the game in trying to find a location before school
17 starts in August or September?

18 MS. CASIAS: Mr. Chair, Commissioner
19 Canfield, this is PSFA's first year in being
20 involved per the House Bill 283, but perhaps other
21 members of the charter school commission or perhaps
22 Deputy Secretary Aguilar can answer that question.
23 It's my understanding that this may be common, but
24 PSFA, this is our first year being legally involved.

25 CHAIR GARRISON: Commissioner Gant and

1 then we will go back to Commissioner Canfield.

2 COMMISSIONER CANFIELD: So again, the
3 rating, does that -- what I am trying to figure out
4 is the school on track to do okay. Are the plans in
5 place that it's all going to come together before
6 the school year, and is there some sort of
7 indication or score that helps determine that?

8 MS. CASIAS: Mr. Chair and Commissioner,
9 if you look at the last column where it says meets E
10 occupancy and the average weighted NMCI, if there is
11 a yes in that column, that means they have met the
12 score, they are okay with the score, and they are
13 also in an E occupancy. We added this column at the
14 request of the PEC commission.

15 COMMISSIONER CANFIELD: Mr. Chair, if I
16 could follow along with that.

17 So if they are not in an E occupancy rated
18 building now, does the score indicate that they will
19 be?

20 MR. GORRELL: There are two items that we
21 measure. The E occupancy refers to building code.
22 Building code manages life, safety, and health. The
23 weighted New Mexico Condition Index is a score given
24 to the building itself on how well it supports the
25 function that's going to be within it. In other

1 words, is the classroom of adequate size and
2 configuration of attributes that it would support a
3 general classroom or a science classroom or whatever
4 the program is that's intended for that space. That
5 score measures that.

6 It also does look at life, safety, and
7 health issues if they are mission critical, if they
8 don't have a heating and air conditioning system,
9 for instance, to keep the children within the range
10 of the adequacy standard. So we measure all of
11 those kinds of things and give it a score. Charters
12 are required to be at least average as traditional
13 schools or better.

14 COMMISSIONER CANFIELD: One more follow
15 on, Mr. Chair.

16 The scenario of a school that's being
17 built or under construction, you are unable to issue
18 the E occupancy rating because the school is not
19 done, I would hate to, because there is a no in that
20 column, vote that they are not able to start school
21 in the fall when their plans dictate that it will be
22 done in time. Is there something to help them with
23 that?

24 MR. GORRELL: Yes. There are two answers
25 to that, and thank you for the question. First, if

1 they have a permit and they are building the school,
2 it says what they are going to do and they will have
3 an E occupancy. We look at that permit set to see
4 that it was designed and approved with an E
5 occupancy, so that one is an easy one.

6 We have a couple of instances where the
7 schools are going to move into a space that -- it
8 has to meet an E occupancy. That's the bottom line
9 for safety. But if it doesn't meet the weighted
10 NMCI requirement, if they have a plan to be able to
11 achieve that within 18 months, we review that plan
12 to see that it makes sense, the location generally,
13 who they are going to work with, whether they have a
14 funding source. We don't go into detail on that.
15 We review it for sufficiency and generally.

16 It then goes from us to Public Education
17 Department. They can see our comments, and the
18 Public Education Department would look at the
19 finances and that in more detail.

20 COMMISSIONER CANFIELD: Thank you.

21 Mr. Chair, one more thing.

22 CHAIR GARRISON: Yes, sir.

23 COMMISSIONER CANFIELD: Thanks for taking
24 time to educate me. I appreciate it. So when we
25 get to the point where we are going to be asked to

1 vote on this, am I to understand that PED will have
2 a recommendation and will have examined all those
3 things to give us a feeling for the readiness of the
4 school? Is that fair?

5 MR. GORRELL: Mr. Chair, commissioners, I
6 guess I wasn't aware that you would be voting on
7 that. Of course that would be your business. I
8 understood this was just a report of the current
9 progress. From us, once we make a recommendation,
10 it goes to Public Education Department who review it
11 and pass it on to the Public Education Commission
12 that then later you would act on these individually.

13 DEPUTY SECRETARY AGUILAR: Mr. Chairman.

14 CHAIR GARRISON: Deputy Secretary.

15 DEPUTY SECRETARY AGUILAR: I think we do
16 have recommendations. We have received this
17 information and recommendations are forthcoming when
18 we get to that item.

19 COMMISSIONER CANFIELD: Thank you.

20 CHAIR GARRISON: Commissioner Bergman.

21 COMMISSIONER BERGMAN: I do have a
22 question. We just discussed that La Tierra doesn't
23 have a place yet. How can they have an NMCI score
24 if they don't have a place?

25 MS. CASIAS: What we do is, they haven't

1 signed a lease yet with this particular place, but
2 if they move forward and if they are approved, they
3 have a weighted NMCI. So we go to the facility, we
4 look at it and we assess it. They haven't
5 necessarily moved in.

6 COMMISSIONER BERGMAN: Thank you.

7 MR. GORRELL: Mr. Chair, so this is the
8 score they would get if they move into the building
9 that we have looked at. If they, as they have
10 several times before, decided they don't want that
11 building, maybe it's going to be too expensive, they
12 go to a different site, we would adjust our report.

13 COMMISSIONER BERGMAN: So this number is
14 based on this potential Alcalde site; is that
15 correct?

16 MR. GORRELL: That is correct.

17 COMMISSIONER BERGMAN: Thank you.

18 CHAIR GARRISON: Any other questions for
19 commissioners?

20 Please continue.

21 MS. CASIAS: The next school on the list
22 is the Mission Achievement and Success Charter
23 School located in Albuquerque, and this one does
24 meet both of the criteria. It meets the average
25 weighted NMCI and it does have an E occupancy.

1 The next school on our list is McCurdy
2 Charter School located in Santa Cruz which is in the
3 Española vicinity. This is the one school that has
4 given us an 18 month plan of correction for our
5 review. We have reviewed it. We have not yet
6 issued an approval letter, but it seems to have all
7 the pieces that we have asked for. We have had a
8 preliminary meeting with the school and everything
9 is in place.

10 I stand for questions on this one.

11 CHAIR GARRISON: I remember when you all
12 presented last time and we talked about the 18 month
13 plan of correction. Is that in statute or rule? I
14 don't recall.

15 MS. CASIAS: Mr. Chairman, it's in
16 statute.

17 CHAIR GARRISON: So you "shall" grant them
18 that.

19 MR. GORRELL: Mr. Chair, I don't know. I
20 would defer to legal. It could say "may" approve.
21 Typically I would say it would, but I am just
22 guessing. And I say typically, because most of the
23 statutes around school facilities use the word "may"
24 more than "shall."

25 DIRECTOR CALLAHAN: Mr. Chair, may I just

1 read the sentence?

2 CHAIR GARRISON: Kelly, go ahead.

3 DIRECTOR CALLAHAN: It says on or after
4 July 1st, 2011, a new charter school shall not open
5 and an existing charter school shall not relocate
6 unless the facilities of the new or relocated
7 charter school, as measured by the New Mexico
8 Condition Index, receive a condition rating equal to
9 or better than the average condition for all New
10 Mexico public schools for that year, or the charter
11 school demonstrates, within 18 months of occupancy
12 or relocation of the charter, the way in which the
13 facilities will achieve a rating equal to or better
14 than the average New Mexico Condition Index.

15 CHAIR GARRISON: That's a "shall." I have
16 a solution. So Bob, just make Norteños Virtual
17 Charter School. Then you have it all.

18 Any other questions? Please continue.

19 MS. CASIAS: The next school on our list
20 is the New America School of Las Cruces, and this
21 school has a yes for the weighted NMCI and a yes for
22 the E occupancy, but it has a slightly different
23 nuance. This school submitted a set of building
24 plans approved by CID, so we know what the E
25 occupancy is and we know what the weighted NMCI is.

1 The caveat is it is not yet finished, nor have
2 students moved in, nor does it have its final
3 inspection done by CID.

4 I stand for questions on this school.

5 CHAIR GARRISON: Any questions?

6 Commissioner Shearman.

7 VICE-CHAIR SHEARMAN: When is it slated
8 for completion?

9 MS. CASIAS: Mr. Chair, Commissioner, in
10 discussion with the architect, it would be
11 August 15th, and they plan to open the doors, I
12 believe it was September 1.

13 VICE-CHAIR SHEARMAN: Oh, they are
14 optimistic.

15 CHAIR GARRISON: Hold on. Please come
16 forward and identify yourself.

17 MR. CRAIG COOK: My name is Craig Cook. I
18 am the chief business operations for the New America
19 School network, also one of the founders. This
20 question came up about three weeks ago, and we
21 thought we had clarified it with Richard Romero of
22 PSFA. The contract for completion is 1 August. The
23 August 15th date is the penalties for the contractor
24 if we are not in by 1 August. The school opening
25 date is 20 August, because we are supposed to be in

1 on 1 August. And our alternative plan as submitted
2 to PED is 27 August. We would slip it a week. So
3 the construction contract is to be completed by 1
4 August. That's when we expect our CO and final
5 inspections.

6 CHAIR GARRISON: Thank you, sir.

7 Please continue with the presentation.

8 MR. GORRELL: Mr. Chair, I need to also
9 qualify that. We often do have schools that have
10 contract completion dates, and if they don't meet
11 the substantial completion or certificate of
12 occupancy, rather, then they can't be occupied, and
13 we have them that have done that. So it certainly
14 is one that requires minding, and we would not
15 finalize our recommendation until we knew that we
16 had their certificate of occupancy before we send it
17 to PED. Thank you.

18 CHAIR GARRISON: Thank you.

19 Mr. Gant.

20 SECRETARY GANT: Mr. Chair and members, I
21 will have numerous questions. I live there, drive
22 by it every day, so I will have a lot of questions.
23 Thank you.

24 MS. CASIAS: Mr. Chair, members of the
25 commission, the next school on our list is the Sage

1 Montessori Charter School, and that does not have E
2 occupancy nor the weighted NMCI.

3 Next school is the Southwest Aeronautics,
4 Mathematics and Science Academy. They do meet the
5 weighted NMCI, but they do not have an E occupancy
6 at this time nor an 18 month plan of correction on
7 file.

8 The other school, the next school is the
9 Uplift Community School located in Gallup, and this
10 one we have an update. On the 26th, we have a new
11 score generated which is the 12.47, which meets the
12 average weighted NMCI. And they plan to buy modular
13 classrooms that have an E occupancy, but we don't
14 have the floor plans. We don't have the copy of the
15 lease. If they don't move on the modular
16 classrooms, they do not meet the average weighted
17 NMCI, so they couldn't be in that facility.

18 I stand for questions on this school if
19 there are any.

20 CHAIR GARRISON: Seeing none, please
21 continue.

22 MS. CASIAS: The last school on our list
23 is the William W. & Josephine Dorn Charter Community
24 School. This school currently does not meet the
25 average weighted NMCI nor have an E occupancy. They

1 have verbally told us that they plan to submit an 18
2 month plan of correction, but we have not seen it
3 yet.

4 CHAIR GARRISON: We have a comment by
5 Deputy Secretary.

6 DEPUTY SECRETARY AGUILAR: Mr. Chairman,
7 one thing regarding the statute that the commission
8 might want to think about, the average weighted NMCI
9 for New Mexico right now is about 30.

10 MR. GORRELL: Mr. Deputy Secretary, that
11 would be the facility condition index.

12 MS. CASIAS: Yes. The facility index is
13 33.52 and the average weighted NMCI is 22.51, I
14 believe.

15 SECRETARY GANT: Mr. Chairman, what that
16 means is that 22 percent of the school has something
17 that, you know, that needs to be done. It could be
18 a heating system, a cooling system, it could be
19 paint, new tile needed, whatever. This statute that
20 requires that these buildings be equal to that
21 weighted NMCI means that these schools are almost
22 looking for pristine educational spaces, which I'm
23 not saying they don't deserve, but I'm saying to
24 meet that test is pretty significant and it may not
25 be achievable for some of these schools over the

1 long period.

2 And so it's just for maybe the August
3 meeting to add that as a discussion point to think
4 about and maybe get a presentation on, on the
5 weighted NMCI and what exactly that looks like in a
6 building. So the commissioners are aware of what's
7 going on as we do that. I see Bob frowning, so he
8 is obviously disagreeing with me on something. I
9 just want to make it a point that obviously charter
10 schools need to be in as pristine as any other
11 schools. I'm not arguing that point at all, but
12 this test may be a little significant, and we may
13 want to discuss that.

14 CHAIR GARRISON: Commissioner Gant.

15 SECRETARY GANT: Mr. Chair and members, I
16 understand the 22.51 and that it could be called
17 pristine, but sitting on the PSCOC and hearing the
18 districts coming up and saying we need to replace
19 this school. If we don't give them a good place to
20 start, then later down the road in five years, they
21 are going to be coming to the PSFA PSCOC process,
22 looking to do major improvements on what they
23 already have. We need to give them or require them
24 to start with the best they can so that later down
25 the road, it's not costing the taxpayers more than

1 it should be costing them. That's just my position.

2 I mean, yeah, we could let them have
3 anything they want, but they are going to come back
4 in a few years and say, help, I need this replaced.
5 I need it built, rebuilt, whatever. Okay. That's
6 my position. Thank you.

7 CHAIR GARRISON: Maybe that's why Mr.
8 Gorrell was frowning.

9 MR. GORRELL: Mr. Chair.

10 CHAIR GARRISON: It's a lot. It's a lot.

11 VICE-CHAIR SHEARMAN: It's hard to say.

12 MR. GORRELL: Mr. Chair, if that's a
13 question, I was in all the deliberations by the
14 legislature when it was considered, and, you know,
15 there was a pretty strong consensus that it wasn't
16 fair to the charter students if they moved into
17 something less than average that every other
18 traditional school child would be in.

19 The 33 percent as a facility condition
20 index means that if you have a new home or you were
21 in a home that was worth \$100,000, it needs 33,000
22 of repairs. So it's far less than pristine, and
23 that is the average facility condition. The
24 weighted NMCI which accompanies that includes all of
25 the other condition space. You can see it's a

1 little smaller number, but that is the average of
2 school conditions as far as the functionality within
3 the State of New Mexico.

4 CHAIR GARRISON: Thank you, sir.

5 Deputy Secretary.

6 DEPUTY SECRETARY AGUILAR: Just a comment.
7 I don't disagree with Mr. Gant at all. I am
8 supportive. The students do need the great spaces.
9 But when you are looking -- there shouldn't be a but
10 in there, but when you're looking at the struggles,
11 for example, that the school in Española is having,
12 I mean, they may not -- if they don't meet this
13 occupancy, they are not able to offer that quality
14 program that their students deserve.

15 So I'm not suggesting that those students
16 deserve any less of a quality facility. I am only
17 suggesting that in some areas, it may be difficult
18 for them to find that facility, and they don't have
19 the capacity to yet, because they don't exist yet
20 really until this year, to come to PSCOC and say
21 help us with assistance in building the facility.
22 They have to wait that first five years before they
23 are eligible for PSCOC assistance.

24 It's sort of a catch-22, and I certainly
25 would love to see them all in schools like Sue

1 Cleveland High School, but I think there are some
2 struggles that some of these communities have in
3 finding that. And I would just bring it forward as
4 a discussion item, maybe in August when we start
5 thinking about the legislative package and things of
6 that nature.

7 Mr. Chairman, thank you.

8 VICE-CHAIR SHEARMAN: I have a question.

9 CHAIR GARRISON: Commissioner Shearman.

10 VICE-CHAIR SHEARMAN: According to the
11 bill that's driving all of this, we really don't
12 have a choice, do we? If they don't meet the
13 requirements, then what are our options? Just say
14 go ahead into a crummy facility. I have been beaten
15 up in the last few years talking about charter
16 schools that were held in chicken coops. I never
17 was aware of that, but I have had people tell me
18 that. I certainly don't want a child in a terrible
19 facility. But if we go ahead and approve commencing
20 operation for a school that does not have a facility
21 that meets the requirement, aren't we in violation
22 of the statute?

23 MR. VIGIL: I think they would be.
24 However, they have the 18 month plan that they can
25 submit. If they have submitted their 18 month plan,

1 then you can approve them.

2 VICE-CHAIR SHEARMAN: However, if they
3 have not submitted that plan --

4 MR. VIGIL: If there is no plan and the
5 building doesn't meet it, then it says "shall," and
6 we heard her read the statute.

7 VICE-CHAIR SHEARMAN: Is there a deadline
8 for submitting that 18 month plan?

9 DIRECTOR CALLAHAN: Mr. Chair, may I
10 comment just on that?

11 CHAIR GARRISON: Kelly Callahan, yes,
12 ma'am.

13 DIRECTOR CALLAHAN: Mr. Chair,
14 Commissioner Shearman, the previous years the only
15 condition was that they had to meet E occupancy, and
16 so the schools were approved with -- obviously they
17 had to have E occupancy to even have students. So
18 they had to present that to the PED before they
19 could open their doors. So it was a conditioned
20 approval, if you will, because the schools, it's a
21 very fluid process. They are in the middle of
22 building. They are in the middle. They are not
23 going to get E occupancy until they are finished
24 with construction and they are finished with the
25 things that need to happen.

1 So to approve here, in order for them to
2 receive their SEG, you know, again, as Deputy
3 Secretary Aguilar stated, they are not really a
4 school yet, but, you know, in order for them to
5 start, they need to have this approval. And so in
6 the past, it's just been E occupancy.

7 I would submit that what we need to do is
8 look at a condition, that they have their condition
9 index or their 18 month plan prior to opening in
10 addition to this E occupancy, so that there would be
11 a condition placed on this commencement of
12 operations that would require them to have these
13 steps in place to open their doors in August or
14 September. And so I am putting that out there,
15 because historically there was the approval to
16 commence operations based on completion of the
17 requirements for the planning year, but knowing that
18 schools are going to be in renovation, under
19 construction, and are still in that process, they
20 are not finished June 1st. They are going to be
21 finished August 1st or thereabouts. So I just put
22 that out there just as a historical perspective.

23 DEPUTY SECRETARY AGUILAR: Mr. Chairman.

24 CHAIR GARRISON: Deputy Secretary.

25 DEPUTY SECRETARY AGUILAR: Mr. Chairman, I

1 would like to ask Bob. I know you have it on your
2 website, but could you make a copy of the weighted
3 NMCI worksheet, the explanation, and e-mail it to
4 each of the commissioners? That way they have a
5 chance to go see what goes into developing that
6 index or the weighted index.

7 MR. GORRELL: Yes, Deputy Secretary, we
8 will do that.

9 CHAIR GARRISON: Commissioner Canfield.

10 COMMISSIONER CANFIELD: Thank you, Mr.
11 Chair.

12 So I want to just make sure I am clear on
13 what Kelly stated. So in a hypothetical situation,
14 if a school is under construction now, they don't
15 have the E rated certification yet, we vote to have
16 them enter into operations, we can be assured that
17 they will not be allowed to enter into operations
18 until that building has been adequately certified.
19 So if it wasn't, for some reason if the construction
20 didn't get completed or they ran out of money or
21 stopped or whatever, they would not go into
22 operation. Is that correct?

23 DIRECTOR CALLAHAN: Mr. Chair,
24 Commissioner Canfield, that is correct. They do
25 have to produce that documentation before anything

1 can happen. And, again, this is a brand new
2 process. We are probably going to have to work very
3 closely with the PSFA in order to, you know, make
4 sure we have all of the proper documentation as
5 necessary for the compliance with the statute.

6 CHAIR GARRISON: Mr. Gorrell.

7 MR. GORRELL: Mr. Chair, on that point,
8 the Construction Industries Division, the CID that
9 we keep talking about, will issue a certificate of
10 occupancy for E, if that's what's been applied, and
11 yes, they won't be allowed to occupy the building.

12 As far as having a plan or the building
13 meeting the weighted Condition Index average, as I
14 said when we began, it's a process. It takes us --
15 we would need a couple of weeks at least, and this
16 isn't the only business that we have to provide
17 statutorily.

18 So just a head's up, if we get caught
19 with, say, something that the council has us working
20 on, that it will probably be in front of this, but
21 we'll do the best we can. Two weeks probably would
22 be the absolute minimum.

23 CHAIR GARRISON: Commissioner Canfield.

24 COMMISSIONER CANFIELD: Just one more
25 follow-up. So maybe for a safeguard, a conditional

1 approval might be best. Even though our
2 understanding is they can't move in, I would feel
3 more comfortable approving them with a condition
4 stated in our minutes that they had to have the
5 rating and the E occupancy before they were allowed
6 to commence operation.

7 Thank you, Mr. Chair.

8 CHAIR GARRISON: Thank you.

9 Commissioner Shearman.

10 VICE-CHAIR SHEARMAN: But their SEG
11 funding starts the 1st of July?

12 DIRECTOR CALLAHAN: Mr. Chair,
13 Commissioner Shearman, that's correct.

14 VICE-CHAIR SHEARMAN: So worst case
15 scenario, a school begins receiving their SEG
16 funding -- and I don't know how that's all doled
17 out, if you get a huge lump sum at first or if it's
18 monthly or whatever -- but the school begins
19 receiving their SEG funding. And then the 1st of
20 September or whatever it is, their building is still
21 not ready to go. What happens if it's six months
22 later before they can start school? What happens to
23 all that money in the meantime, or what if they
24 never get started? What happens?

25 CHAIR GARRISON: I will defer to Deputy

1 Secretary Aguilar. You're having a good time. I
2 can tell.

3 VICE-CHAIR SHEARMAN: Aren't you glad you
4 came.

5 DEPUTY SECRETARY AGUILAR: Mr. Chairman
6 and Commissioner, absolutely. It's the world we
7 live in. We would have to claw that money back.

8 The other consideration, there is a lot of
9 implications to this vote today. Not only the SEG,
10 but folks will have signed contracts. That's a
11 legal document. I mean, Mr. Vigil can talk to that,
12 but that's a legal document that some folks consider
13 a property right. So how do you terminate contracts
14 even if you don't have kids? How do you terminate
15 leases? How do you do any number of things? It's a
16 conundrum.

17 For those that have a building and they
18 have provided an 18 month plan and there are things
19 to do or they already meet that, no problem. But if
20 they don't, it's a conundrum because they are not
21 entitled to that money, because there are no kids.
22 And then you have got to claw it back, and they are
23 paying salaries, and who is going to claw it back,
24 and then we end up in a mess. There are a lot of
25 implications to this. I would defer to Mr. Vigil

1 for comment as well. There are a lot of
2 implications to not meeting conditions.

3 CHAIR GARRISON: Mr. Vigil, do you have
4 any comments at this time?

5 MR. VIGIL: Yes. The only thing that I
6 could add -- and he is absolutely correct -- if you
7 have teacher contracts out and the school doesn't go
8 for whatever reason, you would have to discharge
9 those individuals and go through the discharge
10 process using the reduction in force procedures,
11 that might be in place for that school, in order to
12 be able to break that contract.

13 In your leases that you are out there, you
14 would have to take a look at the actual lease itself
15 and the language in the lease to see what the
16 termination provisions in those leases might state.
17 And those are all the types of things that charter
18 schools really have to be aware of as they are going
19 into this process.

20 And as the commission reviews these today,
21 it is very important, because anybody that is in the
22 education business in New Mexico will tell you that
23 the facilities portion of charter schools is the
24 most difficult thing to figure out. People can put
25 together elaborate, good educational plans, but it's

1 difficult to go out and find a built school that's
2 ready for that plan. And in most cases, they are
3 just not available.

4 And up until just recently before the
5 legislation was added, people were holding classes
6 in substandard facilities. And I think the intent
7 of that legislation is to try to raise the standards
8 of the facilities that are being used for charter
9 students.

10 CHAIR GARRISON: Thank you, sir.

11 Other comments?

12 Mr. Vigil, do you know, I have never even
13 thought of this process in regard to the facilities
14 with respect to the one year planning year. Is that
15 statute or rule? Why not a two year planning year?
16 What I am getting at and I think you all know, that
17 we slow this thing down to get it right or make sure
18 children aren't in chicken coops, to paraphrase
19 Commissioner Shearman.

20 MR. VIGIL: I don't know, and Kelly might
21 know to put her finger on that exactly. But it
22 makes sense to give them at least one year to put
23 things together, start hiring, and having everything
24 in place to move forward. You can see from the
25 material that you're going to be reviewing later on,

1 everybody has check marks and everybody did
2 everything fine with regard to the policies and
3 adopting whatever needed to be adopted and putting
4 together whatever needed to be put together. It's
5 the facilities portion that is a problem for those
6 new charter schools.

7 CHAIR GARRISON: Thank you.
8 Commissioner Gant.

9 SECRETARY GANT: Mr. Chair and members, I
10 believe it states -- and correct me, Ms. Callahan --
11 once we say yes, it's six years total. Back when we
12 did it in September, the first year's planning.
13 After that it's operations, five years of
14 operations.

15 CHAIR GARRISON: I know it's that. I am
16 wondering why it's that.

17 SECRETARY GANT: It's in statute.

18 CHAIR GARRISON: So that was my question,
19 statute or rule?

20 VICE-CHAIR SHEARMAN: It's in statute.

21 DIRECTOR CALLAHAN: Mr. Chair,
22 Commissioner Gant, it is in regulation and statute
23 that they have to have a planning year. It doesn't
24 limit that. And again, historical perspective,
25 there have been schools that have been granted a

1 second planning year for varying purposes. And so
2 it says they must have a planning year that they
3 can't do anything but plan, but it doesn't limit
4 that, and we have in the past granted an additional
5 year.

6 CHAIR GARRISON: And that was my point.
7 In looking at that, I am just trying to stop my
8 brain here and figure out how those came about. So
9 we approved a charter. Then they were not ready. I
10 know one school declared that, We are not ready.
11 Can we have some more time, and we granted it.

12 But if we state at this June 27th meeting
13 that we do not allow them to commence operations,
14 that doesn't mean their charter application is
15 denied. That just means that they are not allowed
16 to commence operations, correct, and they would have
17 time?

18 DIRECTOR CALLAHAN: And I'm going to have
19 to defer to Mr. Vigil on that, because, you know, it
20 says in the regulation that the planning year is
21 there, and it doesn't allow for an extra operational
22 year. They still only get the six total years. So
23 instead of having five years, it would be four
24 years. But in terms of what happens after today,
25 this is uncharted territory.

1 CHAIR GARRISON: Mr. Vigil.

2 MR. VIGIL: Mr. Chairman, commissioners,
3 the way I understand this is when you approved their
4 charters last year, it was on the condition that
5 they met certain conditions before they started.
6 You'll recall when you approved those, every
7 resolution that you read off had a condition,
8 conditioned that they meet the following items.

9 So the approvals were conditioned upon
10 those, and now they have to meet those, and that's
11 why they are coming back to let you know whether
12 they have met those or not this time.

13 CHAIR GARRISON: And so if they have not,
14 is their approval revoked? It seems like, because
15 we have already done it, that we set precedence,
16 that they can have another year even though their
17 operation decreases by one year.

18 MR. VIGIL: Again, you have the
19 opportunity to approve them with conditions again.
20 You'll notice the resolutions that are presented in
21 the modeled resolutions that are available for you,
22 you can add another condition. Condition that by
23 date such and such, you accomplish whatever, or that
24 we will grant you on the condition that you use an
25 additional year to continue your planning process.

1 It wouldn't be funded during that time, though.

2 CHAIR GARRISON: Thank you.

3 COMMISSIONER CARR: Mr. Chair, to me --

4 CHAIR GARRISON: Commissioner Carr.

5 COMMISSIONER CARR: You know, if they
6 don't meet the conditions within the allotted time,
7 then they are not approved. That's simple. That
8 seems quite simple to me. Unless, you know, unless
9 we grant them more time maybe. You know, that's not
10 really stipulated either, but if we say, well,
11 you're approved with conditions, and if you meet
12 these conditions within eight months, six months, or
13 before school starts, then they haven't met the
14 conditions, so therefore, there's no approval.

15 VICE-CHAIR SHEARMAN: If the funding
16 starts, the money --

17 COMMISSIONER CARR: Yes, the money. But
18 then the funding starts, but if they are no longer
19 approved, the funding can end. You can ask and ask
20 for the money back and do whatever you need, but at
21 least the funding would stop if they are not meeting
22 the conditions.

23 DEPUTY SECRETARY AGUILAR: Mr. Chairman.

24 CHAIR GARRISON: Deputy Secretary.

25 DEPUTY SECRETARY AGUILAR: Mr. Chairman

1 and Commissioner Carr, that's an important
2 component. One of the reasons I am here -- because
3 I love being here. Hope springs eternal to get one
4 of your comments out earlier.

5 Go ahead, Mr. Garrison.

6 One of the reasons I am here, I have a
7 statutory responsibility to approve every operating
8 budget of every district and every charter school in
9 the state, and I have until Friday to do it. And so
10 if there are implications here, I believe one of
11 these schools is coming forward asking for a 2nd
12 planning year. I don't know if that's acceptable or
13 not. I am just making the point.

14 So before I can sign that budget, I need
15 to know what the final action is on it. So I am
16 interested to see what action the commission takes
17 regarding all of this, and it's an important
18 discussion.

19 Thank you, Mr. Chairman.

20 CHAIR GARRISON: Now, the implications for
21 your department with regard to an extra planning
22 year would be what?

23 DEPUTY SECRETARY AGUILAR: Mr. Chairman, I
24 don't know that I am prepared to answer that
25 question in its entirety. I would have concerns

1 with, if schools were granted an extra planning
2 year, there are folks involved in doing that work,
3 the head of school, the curriculum people, whatever
4 they believe they are going to get done during that
5 planning year. And with the limited amount of
6 federal assistance that was provided last year and
7 no general fund assistance for a second planning
8 year, my question would be how do they intend to
9 operate? How do they intend to pay salaries?

10 And also that planning money that was
11 appropriated last year, the federal planning grant,
12 a lot of those folks used that money to pay for
13 rent, to pay for, you know, those sort of first year
14 operating costs while they are getting the planning.
15 My question would be what the capacity is of the
16 school to sustain those costs over a second year.
17 That's one of my concerns, because there is no
18 provision for state general fund to be advanced or
19 distributed if a school is not in operation.

20 Mr. Chairman, thank you.

21 CHAIR GARRISON: Thank you.

22 Other questions? Concerns? Comments?

23 I'm sorry. Commissioner Bergman.

24 COMMISSIONER BERGMAN: Listening to the
25 comment, what I was going to do, and I think I will

1 anyway, right here in our executive summary, I'm
2 going to read this into the record. It says -- and
3 it come out of NMSA 1978 Section 22-8B-12 A 2011.
4 It says a charter school may be approved for an
5 initial term of six years, provided that the first
6 year is used exclusively for planning. The Public
7 Education Commission's practice is to approve
8 charters subject to the condition that prior to the
9 end of the planning year and before the PEC shall
10 issue the authorization to commence full operation,
11 the charter school must comply with the requirements
12 of the planning year checklist developed by the
13 Charter Schools Division, period.

14 CHAIR GARRISON: Thank you.

15 Other comments? Questions?

16 Martica Casias, right?

17 MS. CASIAS: Casias, thank you.

18 Mr. Chair, I have a correction to my
19 information. On page four for the southwest air
20 Southwest Aeronautics, Mathematics, and Science
21 Academy, they do have an E occupancy.

22 VICE-CHAIR SHEARMAN: Say it again,
23 please.

24 MS. CASIAS: The Southwest Aeronautics,
25 Mathematics, and Science Academy does indeed have an

1 E occupancy. I had an error on my chart.

2 CHAIR GARRISON: Thank you for that
3 correction.

4 Any conclusion to your presentation? I
5 know we drug it out with a lot of questions, but
6 that was valuable information and it was good to
7 have this discussion, this being the first year of
8 that house bill.

9 MR. GORRELL: So they just need to make a
10 note that they meet all requirements at that
11 particular school.

12 CHAIR GARRISON: Yes, sir.

13 Any other questions or comments from the
14 commissioners?

15 Commissioner Gorrell, Ms. Casias, I really
16 appreciate it. This presentation is very valuable.
17 Thank you so much.

18 MS. CASIAS: Thank you.

19 MR. GORRELL: Thank you.

20 CHAIR GARRISON: We are at a breaking
21 point, not just a break point. Lunch, what do the
22 commissioners want to do? I will take some
23 suggestions. Does anyone from the PED know if that
24 cafeteria is open?

25 DEPUTY SECRETARY AGUILAR: Mr. Chairman,

1 it's open until 2:00.

2 CHAIR GARRISON: Well, I'm sure the people
3 in the audience would like to eat also. Maybe take
4 a half hour to get our lunch and get back here and
5 finish this thing off. We are on a half hour lunch
6 break until 1:30.

7 (A lunch recess was taken between 1:01
8 p.m. and 1:34 p.m.)

9 CHAIR GARRISON: Call this meeting to the
10 Public Education Commission back into session. Item
11 No. 15 on our agenda is a vote on authorization to
12 commence operation and give certificates of
13 completion.

14 As a condition of being granted a charter,
15 new schools are required to complete specific
16 requirements during the planning year before they
17 are given authorization to commence full operations
18 for the remainder of their charter term. The
19 following items were the conditions imposed on all
20 schools. No. 1, planning year checklist. A charter
21 school may be approved for an initial term of six
22 years provided that the first year is used
23 exclusively for planning. NMSA 1978 Section
24 22-8B-12-A 2011.

25 The Public Education Commission's practice

1 is to approve charters subject to the condition that
2 prior to the end of the planning year and before the
3 PEC shall issue the authorization to commence full
4 operation, the charter school must comply with the
5 requirements of the planning year checklist
6 developed by the Charter Schools Division. The
7 planning year checklist is a compilation of the
8 legally mandated Public Education Department
9 compliance requirements.

10 During the planning year, each school is
11 responsible for submitting evidence which
12 demonstrates that their implementation progress is
13 consistent with the conditions, standards, and
14 procedures within its approved charter. NMSA 1978
15 Section 22-8B-12B 2011. Substantial compliance with
16 the planning year checklist is the criterion that
17 the division uses to determine if the school is
18 operationally ready to commence full operation. The
19 charter schools, as part of their planning year
20 activities with the CSD, will have, a, participated
21 in nine planning year workshops provided by the
22 Charter Schools Division throughout the year; b,
23 uploaded on the New Mexico Public Education
24 Department web EPSS platform, or provided physical
25 evidence validating the completion of planning year

1 checklist items; c, had an on-site visit by CSD
2 staff; and d, completed individual conditions
3 specific to each school imposed by the Public
4 Education Commission which formed part of that
5 school's planning year checklist.

6 No. 2, board of finance designation. The
7 governing body of the charter school must submit an
8 application to the Public Education Commission to be
9 designated as a board of finance pursuant to
10 6.80.4.16 NMAC on or before the end of its planning
11 year, June 30, 2012.

12 Under No. 2 is A. There is no B. But all
13 of the schools listed on page one were approved as
14 boards of finance on October 21, 2011.

15 No. 3, facility. A, the charter school
16 shall meet educational occupancy standards required
17 by applicable New Mexico construction codes, NMSA
18 1978 Section 22-8B-4.2A 2011; b, the charter school
19 will demonstrate to the CSD that, prior to
20 commencing operations, that it has sought and
21 obtained certification from the New Mexico Public
22 School Facilities Authority, that the facility the
23 charter school intends to occupy will receive a
24 condition rating wNMCI, equal to or better than the
25 average condition for all New Mexico public schools

1 for the year the charter intends to occupy the
2 facility or the charter school can demonstrate that
3 within 18 months of occupancy, that it has a plan
4 for achieving the wNMCI, NMSA 1978, Section
5 22-8B-4.2C 2011.

6 And letter c, included in the PEC notebook
7 are the supporting documents regarding facilities,
8 which includes the PSFA information as well as any
9 contingency plans.

10 Five, included in the PEC document
11 notebooks are files for each new school which
12 contain, No. 1, resolution motion for the school;
13 No. 2, planning year checklist; No. 3, facility
14 documentation. Letter a under facility
15 documentation is letter a, lease; b, PSFA
16 documentation; c, supporting documentation; d,
17 contingency plan and timeline; and e, any other
18 pertinent documentation from the school.

19 Six, motion overview. No. 1, the PEC may
20 approve a resolution for the school to receive
21 authorization for full commencement of operations.
22 The school begin receiving SEG funding as of July 1.
23 No. 2, the PEC may approve the school for
24 commencement of operations with conditions to be
25 completed prior to the opening of the school. The

1 school will receive SEG funding as of July 1.

2 No. 3, the PEC may deny the school
3 approval for commencement of operations. The school
4 will not receive SEG funding. If the commission
5 refuses to issue the authorization to commence full
6 operation, it shall provide its reasons in writing
7 which shall be limited to the reasons set forth in
8 subsection d of 6.80.4.11 NMAC, subsection e of
9 6.80.4.11 NMAC. The reasons for denial from
10 subsection d of 6.80.4.11 NMAC are not qualifying as
11 a board of finance or not satisfying any of the
12 conditions imposed by the PEC.

13 We have a list of schools here. First is
14 Coral Community Charter School, and Kelly Callahan,
15 you may proceed. I'm looking for my glasses. You
16 may proceed.

17 DIRECTOR CALLAHAN: Mr. Chair and
18 commissioners, before I start I just would like to,
19 if I may, outline a little bit about what happened
20 during this planning year and put some context
21 around the discussion from earlier.

22 CHAIR GARRISON: Absolutely. We welcome
23 it.

24 DIRECTOR CALLAHAN: Thank you.

25 Mr. Chair, commissioners, the planning

1 year began after the school was approved as a board
2 of finance in October of 2011, and we, as the
3 Charter Schools Division, created trainings that the
4 schools were required to attend once a month
5 throughout that planning year to discuss protocols
6 and procedures, to outline the requirements that
7 need to happen for the school to begin operations,
8 what it is they need to know from the various
9 divisions and bureaus from the Public Education
10 Department, a comprehensive curriculum, if you will,
11 for the planning year so schools would have some
12 information that they could use to open their
13 school.

14 Included in this curricula that we had
15 developed were presentations by the PSFA regarding
16 the House Bill 283 and the information that's been
17 outlined in the previous presentation by Mr. Gorrell
18 and Ms. Casias.

19 And Mr. Gorrell pointed out that this is a
20 brand new process. Working with the schools, it
21 wasn't until January that we had a really solid
22 handle on what it is that the schools are required
23 to do. We did multiple presentations at that point.
24 We did an introduction in November, and then did the
25 actual nuts and bolts planning in January to prepare

1 the schools. And as was alluded to in the
2 presentation in the past, the only requirement was
3 that E occupancy. And so this was a very different
4 process for the schools to follow. And we feel that
5 the schools did their best to do the things that
6 were asked of them. We worked with them on a
7 constant basis.

8 The historical perspective, just again to
9 reiterate, in the past, the approvals to commence
10 operations were set forth by the PEC with the
11 condition that the schools meet the building
12 criteria, which was E occupancy at that time, and
13 for this particular year, we have the two conditions
14 now that the schools have to do the NMCI weighted
15 index and in addition to that the E occupancy. If
16 they don't meet the NMCI index, then they have to
17 have a plan for an 18 month implementation to
18 improve that index.

19 So the schools have really worked very
20 hard. I have to say that the report that the PSFA
21 put out there, there is some inconsistencies as to
22 information that we have received that you have in
23 your packets. You may have copies of letters and
24 things that have happened. Again, this was a year
25 that we were developing the process, and we really

1 in my mind learned a lot to really coordinate the
2 efforts of the CSD and the PSFA to ensure that the
3 schools are getting adequate information and that
4 there's a very clear expectation of what it is that
5 has to happen for the schools to commence
6 operations.

7 And, you know, in a learning process,
8 there are things that I would do differently, and I
9 realize that we have some things that we need to
10 implement and discuss with the charter school
11 committee, again, looking at that process of the
12 contract. So I really wanted to emphasize that the
13 schools have been working very hard to fulfill the
14 obligations by statute and by regulation to become
15 ready to operate.

16 So I thank you for letting me sort of
17 outline that process, because they have been
18 working, many of them, without any kind of
19 compensation and spent a considerable amount of time
20 and effort and a lot of work that has gone into
21 preparation for this.

22 So the information that you have in your
23 books is the planning year checklist which outlines
24 what it is they had to do for compliance according
25 to the public ed department, and you also have all

1 of the documentation that we have to date, and this
2 was as of June 15th, of the documentation for what
3 they have for the facilities.

4 So I hope that kind of contextualizes a
5 little bit about what we have been doing this past
6 year, and that be assured that this process is going
7 to be evolving, and we'll make this as tight as we
8 possibly can. And so I just have to say that the
9 schools have done their best efforts and have really
10 put forth the time and energy to do the best work.

11 So thank you, Mr. Chair, I appreciate that
12 allowance for comment.

13 CHAIR GARRISON: Thank you. Is there a
14 CSD recommendation in here?

15 DIRECTOR CALLAHAN: Mr. Chair,
16 commissioners, at the bottom of the resolution page.

17 CHAIR GARRISON: Oh, there it is. Got it.
18 Thank you. I was fishing through and it's on the
19 first white page behind the yellow is the CSD
20 recommendation.

21 DIRECTOR CALLAHAN: Mr. Chair and
22 commissioners, I am wondering what you would like to
23 do in terms of the process for working with the
24 schools individually. Would you like them to come
25 up?

1 CHAIR GARRISON: I would like each school
2 to come up, and I would like you to summarize and
3 then state the CSD's recommendation for the record,
4 and then we can proceed with a discussion and final
5 vote.

6 So come on up, Coral.

7 DIRECTOR CALLAHAN: Would you guys go
8 ahead and state for the record your name and role
9 that you serve at the school.

10 MR. REID NUNN: Reid Nunn, one of the
11 founders of Coral Community.

12 MS. DONNA ELDREDGE: Donna Eldredge. I'm
13 also one of the founders and the head administrator
14 for Coral Community Charter.

15 DIRECTOR CALLAHAN: Mr. Chair,
16 commissioners, Coral Community School motion
17 resolution, the Charter Schools Division recommends
18 approval for Coral Community School to commence full
19 operations based on their completion of the planning
20 year requirements outlined in statute and rule. The
21 recommendation for approval is pending documentation
22 of facility E occupancy approval and PSFA's weighted
23 New Mexico Condition Index rating or 18 month plan
24 prior to the opening of the school.

25 CHAIR GARRISON: Thank you. Discussion by

1 commissioners or questions?

2 Commissioner Gant.

3 SECRETARY GANT: Mr. Chair and members,
4 Ms. Callahan, item 2.5 on the checklist, which is
5 the operating budget, I think, for each one of the
6 charter schools, it was supposed to have been
7 blessed by the 22nd of the month. Has the operating
8 budget for the first year been approved for Coral?

9 DIRECTOR CALLAHAN: Mr. Chair, I guess I'm
10 going to refer to Mr. Aguilar for that. My
11 understanding is that all the schools have been
12 approved.

13 DEPUTY SECRETARY AGUILAR: Mr. Chairman,
14 with only a few exceptions -- actually, no. I
15 believe all of the charter schools that are pending
16 approval as of today have been approved by the
17 school budget and Finance Analysis Bureau and their
18 technical reviews have taken place. They are
19 sitting on my desk pending my review and signature.
20 Again, I am waiting to sign those until I see what
21 the action of the commission is.

22 SECRETARY GANT: Mr. Chair, item No. 3.8,
23 Ms. Callahan, which is the draft policies in there
24 that need to be approved, and I believe it says they
25 are going to be approved by the 29th of June. I

1 thought all of the policies had to be approved
2 before we came before the commission.

3 DIRECTOR CALLAHAN: Mr. Chair and
4 Commissioner Gant, the policies, it varies when they
5 can be approved. The policies can go all the way
6 until December 31st. It just depends on the type of
7 policy and what's going on. The drafts have been
8 included in the uploads to the web apps, and so the
9 school is making progress. The mention on here is
10 their governance council approval on June 29th.

11 SECRETARY GANT: Do you have a signed
12 lease? Mr. Chair, do you have a signed lease?

13 MS. ELDREDGE: We have a proposed lease
14 that has been signed with our foundation, and our
15 governance council is working to purchase the
16 facility for us, so all of that information is
17 included in the packet. We are concerned that the
18 building won't be ready for occupancy immediately,
19 so we do have an occupancy facility in the
20 location -- very close to the location that we are
21 proposing that we will be leasing until the building
22 is available.

23 VICE-CHAIR SHEARMAN: Would you mind
24 moving the microphone a little closer, please.

25 SECRETARY GANT: Please explain that

1 again. You are going to occupy one building. Does
2 it have E occupancy?

3 MS. ELDREDGE: It does not have E
4 occupancy at this time, but the plan, all of our
5 architectural plans and the PSFA rating, it will
6 have E occupancy when it's been remodeled.

7 SECRETARY GANT: And when is that remodel
8 to be completed?

9 MS. ELDREDGE: In October.

10 SECRETARY GANT: Thank you.

11 CHAIR GARRISON: Commissioner Shearman.

12 VICE-CHAIR SHEARMAN: Thank you. So where
13 are you going to hold school until October or is
14 school not going to start until October?

15 MS. ELDREDGE: No. We are going to start.
16 We are going to be holding our classes at a facility
17 located just blocks from our proposed facility.
18 They do have an E occupancy. They have classrooms
19 that meet our needs. So we will be holding our
20 classes there until our building is available.

21 VICE-CHAIR SHEARMAN: Then why on the E
22 occupancy column of this report we just got does it
23 say no?

24 MS. ELDREDGE: Well, we weren't sure about
25 that, so we spoke to Mr. Gorrell during the recess

1 about that.

2 VICE-CHAIR SHEARMAN: He is behind you.

3 MS. ELDREDGE: Well, I'm going to defer to
4 Ms. Triolo, who is our governance council chairman,
5 and she is going to explain.

6 CHAIR GARRISON: Stay speaking into the
7 microphone, please. We are transcribing it. It's
8 very, very hard to hear, so I didn't catch her name
9 and I know the transcriber didn't.

10 MS. ELDREDGE: It's Tania Triolo. She is
11 our governance council chairperson, and she has been
12 working with the PSFA. So we did have some
13 questions, and I know she spoke to Mr. Gorrell at
14 the intermission.

15 MS. TANIA TRIOLO: So what we have done is
16 we have a building that we are purchasing or we
17 would like to purchase through our council, and PSFA
18 came, inspected it, before we are in this due
19 diligence period to make sure it would pass, that we
20 could turn it into an E occupancy building, which
21 they gave us a conditional rating that, yes, if you
22 do these things it will pass. We have the
23 architects on board.

24 We did meet with PSFA just on Thursday.
25 Although they had documented they hadn't had any

1 contact with us, we did have a meeting at their
2 office on this Thursday with our architects in tow,
3 trying to make sure we are all on the same page.

4 We have a short construction -- we were
5 thinking short construction fuse. We'll be, you
6 know, through this whole process by August, but
7 there's a chance, being construction as it is and
8 approval is what it is, that we won't. So
9 therefore, we secured facilities this week that are
10 at a church that has E occupancy. And we have not
11 gotten PSFA over there yet, because we have just
12 come through this week since we haven't submitted
13 this new round of documents since the 15th. But we
14 do have an E occupancy space, so that if our
15 facility is not complete, we have a space that we
16 can temporarily locate in that is close to our space
17 that would provide us that E occupancy.

18 VICE-CHAIR SHEARMAN: Tell me again, has
19 PSFA seen this alternative site you're talking
20 about?

21 MS. TRIOLO: No, they have not. Because
22 after our meeting on Thursday with PSFA and them
23 going over the plans with the architects, saying
24 that the City of Albuquerque, who is the one who
25 issues the E occupancy permit -- you're dealing with

1 two different departments. Them saying they really
2 don't have any impetus on what the City of
3 Albuquerque does and what they do with their
4 permits, that it could be possible that maybe we
5 don't have an E occupancy certificate by the time we
6 open. And this was, you know, Thursday, at
7 Thursday's meeting. It made us realize we better
8 line up another E occupancy facility just in case we
9 can't open in ours.

10 So since then, we have found another E
11 occupancy facility, but PSFA has not been out to
12 that facility yet to see it. That's where we are
13 at.

14 CHAIR GARRISON: Let me have an
15 interjection by Deputy Secretary.

16 DEPUTY SECRETARY AGUILAR: Thank you, Mr.
17 Chairman.

18 I don't know that -- PSFA doesn't certify
19 E occupancy. The city does. So if a building has
20 an E occupancy certificate, it should be hanging on
21 the wall of that building. I mean, all you have got
22 to do is pull it off the wall and make a copy of it.

23 MS. ELDREDGE: Yes.

24 DEPUTY SECRETARY AGUILAR: So why --

25 MS. TRIOLO: Why don't we have a copy of

1 that?

2 DEPUTY SECRETARY AGUILAR: Right.

3 MS. TRIOLO: Obviously it's because I did
4 not realize that that would be needed. We submitted
5 our documents by the 15th, and this has just been a
6 scramble, and I did not have that document.

7 CHAIR GARRISON: Any questions?

8 COMMISSIONER CARR: Mr. Chair.

9 CHAIR GARRISON: Commissioner Carr.

10 COMMISSIONER CARR: This, I guess, is a
11 comment. I hope that -- I don't know how everyone
12 is going to vote, but I hope that you -- and I'm
13 sure you are making every effort going to the
14 building you plan to stay in. When students are
15 disrupted at the beginning of the year, especially
16 at the beginning of the year, but any time in the
17 middle that consistency, you know, is broken up, I
18 hate to see students start somewhere, go there for
19 several weeks or a month, and then pick up and then
20 start somewhere else. And, I mean, in the meantime,
21 the teachers are having to deal with it and get
22 organized, and so the teachers aren't at their
23 optimal either.

24 So it's not something, I don't believe --
25 you know, it's not one of the reasons maybe for

1 saying no or something, but for future reference,
2 maybe that should be something that's part of the
3 rules. Shifting kids from one facility to another
4 at the beginning of the school year, I think, should
5 be frowned on, in the least, and maybe shouldn't be
6 allowed at all.

7 CHAIR GARRISON: Your point is taken.
8 Commissioner Gant.

9 SECRETARY GANT: Mr. Chair and members,
10 are you going to have two leases? Is that what I'm
11 hearing? Do you have a lease at that church?

12 MS. TRIOLO: We do not have a lease at the
13 church. The church wanted to make sure, before they
14 entered into any lease talk, that we truly were
15 approved as a school.

16 SECRETARY GANT: And you are going to sign
17 a lease for this building you are going to renovate?

18 MS. TRIOLO: Correct. The building we are
19 renovating is being purchased by our foundation, the
20 school foundation, and we have a lease that we will
21 sign with the school foundation.

22 SECRETARY GANT: My question is -- I
23 thought a minute ago -- does the foundation have the
24 financial means at this point to buy that building?

25 MS. TRIOLO: Yes. The owner of the

1 building is carrying financing and also putting
2 money upfront for renovation.

3 SECRETARY GANT: All right. You are going
4 to go into that church, assuming that PSFA or
5 somebody blesses it, the city or whoever. You
6 understand that wherever you have children, you have
7 to have insurance, purchased insurance through
8 NMPSIA. So are you going to have insurance on both
9 of them?

10 MS. TRIOLO: We will have -- in speaking
11 with NMPSIA, because also we submitted -- one of the
12 reasons we don't have a -- you know, also with the
13 lease process, we submitted our lease to NMPSIA for
14 their recommendations as to, you know, what
15 corrections and such we needed and also our
16 insurance, and what they said is they would be able
17 to write policies -- be able to have policies for
18 the school covering which area we are in.

19 SECRETARY GANT: All right. Mr. Chair, I
20 notice in the item 3.3, which is transportation, I
21 can't figure out, are you furnishing transportation
22 or not?

23 MS. TRIOLO: No, sir.

24 SECRETARY GANT: It doesn't say that
25 either way. It wasn't clear to me what you were

1 doing.

2 Thank you, Mr. Chair.

3 CHAIR GARRISON: Commissioner Bergman.

4 COMMISSIONER BERGMAN: Well, I was just
5 going to suggest -- but then I revised what I was
6 going to suggest based on what you just said. But
7 depending on what happens here in the very near
8 future, in a few minutes, should you end up with
9 that lease at this church, then it might be
10 appropriate that then you take a picture of that E
11 occupancy, because it's not really your E occupancy
12 certificate until you have signed a lease. And then
13 you send that copy to Acting Director Callahan and
14 that will satisfy some of these other concerns
15 perhaps.

16 CHAIR GARRISON: Thank you, Commissioner
17 Bergman.

18 Other comments?

19 COMMISSIONER CANFIELD: Mr. Chair.

20 CHAIR GARRISON: We will go with
21 Commissioner Canfield and then Commissioner Gant.

22 COMMISSIONER CANFIELD: Thank you, Mr.
23 Chair.

24 So the building is being renovated now, so
25 no work has begun on the building that you are

1 looking at now?

2 MS. TRIOLO: We are still in the
3 discovery, in the -- we were hoping to close by the
4 end of this week, but we still needed to get more
5 information architecturally; hence the meeting with
6 PSFA. So we have not closed on that until we have
7 this other due diligence information. So we will
8 not close on that building until we have all our due
9 diligence, and then be able to close on it. We are
10 hoping to close within the next week or two but --

11 COMMISSIONER CANFIELD: So renovation
12 funds are available once you have closed that you
13 can begin immediately?

14 MS. TRIOLO: Yes, yes. And we had planned
15 on, you know, in our timeline we had planned on
16 closing by June 30th. Unfortunately with
17 inspections and such, that did not occur, and so
18 that means that our timeline is going to be off.
19 And hence, we decided to come up with a plan B in
20 case renovations were not complete.

21 COMMISSIONER CANFIELD: Mr. Chair, one
22 follow on.

23 So let's do a hypothetical that renovation
24 or the building purchase doesn't work out and for
25 some reason the church doesn't work out. If this

1 commission approves you to go forward today, you
2 start receiving funds in July. Are you prepared to
3 pay those funds back if your school doesn't start at
4 the date you're talking about?

5 MS. TRIOLO: Yes. We have discussed -- as
6 far as our funding goes, we have not spent upfront
7 all our grant money just in case we ran into any
8 issues. And so I don't think we would be spending
9 that money until we hire -- we will not hire until
10 we are sure we have everything in place.

11 CHAIR GARRISON: Commissioner Gant.

12 SECRETARY GANT: Mr. Chair and members,
13 how old is this building you are going to renovate?

14 MS. TRIOLO: The building was built in
15 1988.

16 SECRETARY GANT: Okay. So I can almost
17 assume we won't worry about Hazmat in that building?

18 MS. TRIOLO: No. There has been what is
19 the level one inspection that checks for hazardous,
20 anything like that. It does have that inspection
21 done and that was okay.

22 SECRETARY GANT: So when you go into the
23 church, if that's where you go, and you get approved
24 for that, again, when do you plan to open school?

25 MS. TRIOLO: We plan on opening September

1 4th, although we want to have one day that is a --

2 MS. ELDREDGE: What we planned for was the
3 possibility that we may have to open later. So in
4 August, when the large district attends -- they
5 start school, we have a date that same date. We
6 have a day with our students that we call a jump
7 start day, just to make sure that, you know, they
8 are not feeling left out when all the other students
9 go to school. But we had planned initially to start
10 September 4th, which is the day after Labor Day, in
11 order to give us some leeway with the renovations.

12 SECRETARY GANT: This may seem like a
13 funny question to ask, because we are talking
14 facilities, et cetera. Most of your stuff on the
15 checklist is done, okay. What about furniture and
16 equipment and computers and all this other stuff
17 that has to be placed in the church and, I assume,
18 moved again? Have you made any purchases at all in
19 preparation?

20 MS. TRIOLO: Yes.

21 MS. ELDREDGE: Yes. We actually have,
22 very close to the facility, I believe it's 11
23 storage units with everything we need to start
24 school.

25 SECRETARY GANT: Thank you.

1 CHAIR GARRISON: Thank you, Commissioner
2 Gant.

3 Other questions by commissioners?

4 A comment by Deputy Secretary.

5 DEPUTY SECRETARY AGUILAR: Mr. Chairman, I
6 have a question.

7 Do you have a schedule that's been
8 approved in your budget? Does that calendar begin
9 September 4th?

10 MS. ELDREDGE: The calendar does state our
11 jump start date and, yes, it does state
12 September 4th.

13 DEPUTY SECRETARY AGUILAR: So you are not
14 planning to not have school on days you move? I am
15 assuming you are going to move on the weekend or
16 something --

17 MS. ELDREDGE: Yes.

18 DEPUTY SECRETARY AGUILAR: -- when you
19 back into your regular facility?

20 Thank you, Mr. Chairman.

21 CHAIR GARRISON: Thank you, Deputy
22 Secretary.

23 Any other questions or comments? Seeing
24 none, the Chair will entertain a motion.

25 Commissioner Bergman.

1 COMMISSIONER BERGMAN: I hereby move
2 adoption of the following resolution: Whereas Coral
3 Community School was granted a charter with the
4 provision that before the commission shall issue the
5 authorization to commence full operation, the
6 charter school must comply with the requirements of
7 the planning year checklist developed by the Charter
8 Schools Division; and whereas, the Charter Schools
9 Division has assured the commission that the charter
10 school has substantially complied with the
11 requirements of planning year checklist, has met the
12 conditions put forth by the commission upon charter
13 approval, and has demonstrated that it has sought
14 and obtained certification from the New Mexico
15 Public School Facilities Authority, that the
16 facility will receive a condition rating equal to or
17 better than the average condition for all New Mexico
18 public schools or can demonstrate that within 18
19 months of occupancy that it has a plan for achieving
20 the wNMCI; therefore, be it resolved that Coral
21 Community School is granted authorization to
22 commence full operations as a state chartered
23 charter school.

24 However, the school cannot occupy a
25 facility with students until the Charter Schools

1 Division receives written notification that the
2 school building has been approved for E occupancy
3 under NMSA 1978, Section 22-8B-4.2 A 2011.

4 CHAIR GARRISON: Do we have a second?

5 COMMISSIONER POGNA: Second.

6 CHAIR GARRISON: Seconded by Commissioner
7 Pogna. Is there any discussion?

8 SECRETARY GANT: Yes, Mr. Chair.

9 CHAIR GARRISON: Commissioner Gant.

10 SECRETARY GANT: Mr. Chair and members, I
11 think there are certain conditions we can add
12 besides the E occupancy. Those draft policies in
13 item 3.8 need to be shown to have been approved. We
14 need a copy -- I don't know what words you want to
15 use. I'm not sure. We need a copy of the lease
16 agreement between the school and the church that
17 specifies all requirements for a lease.

18 I believe we also need -- I had another
19 one. Old age just caught up with me. Oh, the last
20 one, we need proof of insurance through NMPSIA for
21 the church. If they are going to occupy that
22 church, we need whatever insurance policy or written
23 policy that NMPSIA is going to produce for this
24 arrangement they have. Thank you.

25 CHAIR GARRISON: Any discussion?

1 Ms. Shearman.

2 VICE-CHAIR SHEARMAN: I just have a
3 question. I agree with your conditions,
4 Commissioner Gant, but the first one, that all the
5 policies, we need those as a condition. And I think
6 Ms. Callahan gave us a date that all of those
7 policies in final form are due. If we included that
8 specific date, then it would clarify that they are
9 due right now. That there is a timeline on those.

10 SECRETARY GANT: Mr. Chair and members,
11 the due date shown on the chart is the 29th of June
12 of this year. I just want to make sure these are
13 operational, the basic policies and procedures for
14 the governance body and they need to be in place.

15 CHAIR GARRISON: May I have clarification
16 on that, Kelly?

17 DIRECTOR CALLAHAN: Mr. Chair,
18 Commissioner Gant, the checklist has the various
19 policies, and I just want to clarify, Commissioner
20 Gant, that the ones that you are talking about are
21 the ones that are noted that say June 29th. Because
22 some of the policies are later in the year. They
23 need to come through the fall, in December, but the
24 ones that are up for approval on June 29th, to get
25 verification of those approvals. Am I understanding

1 that correctly?

2 SECRETARY GANT: Mr. Chair and Ms.
3 Callahan, they are listed under item 3.8. That's
4 the only ones I am dealing with. The other ones you
5 are dealing with special education aren't due until
6 the 31st of December, et cetera. Those specifically
7 state they will be done on the 29th of June. They
8 are from the governance body. For the governance
9 body to operate properly, they must be approved in
10 an open meeting.

11 DIRECTOR CALLAHAN: Mr. Chair,
12 Commissioner Gant, yes. I will definitely make that
13 documentation that we can follow-up with.

14 MS. ELDREDGE: I just want to mention
15 something. The 29th was stipulated in our timeline,
16 because that was when the governance council meeting
17 was scheduled to be approved. A draft of the
18 employee handbook -- and I believe that's the one
19 that we are speaking of -- a draft of the employee
20 handbook has been submitted to the governance
21 council, and they are having an attorney look it
22 over. So it will be approved as soon as the
23 governance council -- it's been tabled, and it will
24 be approved by the governance council upon this
25 review by our council -- excuse me -- the attorney.

1 I shouldn't say council -- by the attorney.

2 SECRETARY GANT: Mr. Chair and members,
3 what I am reading in front of me, it states basic
4 policies and procedures have been developed and
5 approved by the governing body. These are the only
6 policies I am talking about. I'm not talking about
7 the handbook. I am talking about the policies for
8 your governance body.

9 MS. ELDREDGE: All of those policies have
10 been approved.

11 SECRETARY GANT: Not according to this
12 document I am looking at right here which we
13 received from CSD.

14 DIRECTOR CALLAHAN: Mr. Chair,
15 Commissioner Gant, again, this was all as of
16 June 15th. And so what I would like to suggest is
17 that we go through this list of policies, get
18 documentation of the approval with the board minutes
19 to ensure that the things that are stipulated here
20 as June 29th are the ones that are, indeed,
21 approved, and to make sure that that is clearly
22 identified for you, Commissioner Gant, and the rest
23 of the commissioners.

24 SECRETARY GANT: I still want it as a
25 condition, to remain as a condition. We are basing

1 our decisions on what we see in front of us.

2 CHAIR GARRISON: So we do have a motion on
3 the floor that was seconded, and so I ask
4 Commissioner Bergman if you would accept
5 Commissioner Gant's friendly amendment to your
6 motion.

7 COMMISSIONER BERGMAN: I would assume we
8 could just add that as he has stated it. How can we
9 word that?

10 MR. VIGIL: You can accept his request for
11 amendment to your motion, or you can rescind your
12 motion and reintroduce a new motion with those
13 conditions. Either way.

14 COMMISSIONER BERGMAN: No. I will just
15 request the acceptance of Mr. Gant's conditions.

16 CHAIR GARRISON: Mr. Vigil, does
17 Commissioner Bergman need to recite the full motion
18 again with the conditions?

19 MR. VIGIL: No, he does not. He did get a
20 second, and whoever seconded needs to agree to it as
21 well.

22 CHAIR GARRISON: Commissioner Pogna.

23 COMMISSIONER POGNA: Yes.

24 CHAIR GARRISON: Commissioner Bergman has
25 accepted my amendments. Commissioner Pogna needs to

1 agree yes or no.

2 CHAIR GARRISON: She did. She did
3 already. That's why I was looking back at you,
4 because I just wanted for the record that we have
5 everything solid as far as the motion.

6 COMMISSIONER BERGMAN: And what Mr. Gant
7 has requested, I assume, is in the record.

8 CHAIR GARRISON: So Commissioner Gant, we
9 will proceed with the roll call vote.

10 DIRECTOR CALLAHAN: Excuse me, Mr. Chair.
11 May I just make sure that I have the conditions
12 correct since we are going to have to gather the
13 documentation?

14 CHAIR GARRISON: Yes.

15 DIRECTOR CALLAHAN: So, Commissioner Gant,
16 the policies under 3.8 need to have documentation of
17 approval from their board, the lease agreement with
18 the church needs to be included in the
19 documentation, and insurance from NMPSIA for the
20 church included in the documentation?

21 SECRETARY GANT: Yes.

22 DIRECTOR CALLAHAN: Thank you,
23 Commissioner Gant and Mr. Chair.

24 CHAIR GARRISON: We will proceed with the
25 roll call vote on the motion.

1 SECRETARY GANT: Just a minute.
2 Commissioner Lopez.
3 COMMISSIONER LOPEZ: Yes.
4 SECRETARY GANT: Commissioner Carr.
5 COMMISSIONER CARR: Yes.
6 SECRETARY GANT: Commissioner Pogna.
7 COMMISSIONER POGNA: Yes.
8 SECRETARY GANT: Commissioner Bergman.
9 COMMISSIONER BERGMAN: Yes.
10 SECRETARY GANT: Commissioner Peralta.
11 COMMISSIONER PERALTA: Yes.
12 SECRETARY GANT: Commissioner Canfield.
13 COMMISSIONER CANFIELD: Yes.
14 SECRETARY GANT: Commissioner Shearman.
15 VICE-CHAIR SHEARMAN: Yes.
16 SECRETARY GANT: Commissioner Garrison.
17 CHAIR GARRISON: Yes.
18 SECRETARY GANT: Commissioner Gant votes
19 yes. It's 9-0 in favor.
20 CHAIR GARRISON: It passed unanimously.
21 Congratulations, Dan.
22 MS. ELDREDGE: Thank you very much.
23 CHAIR GARRISON: Ms. Callahan, are there
24 things we need to sign today, certificates?
25 DIRECTOR CALLAHAN: Mr. Chair, the

1 certificates and everything we are going to put
2 together in the next meeting, because we figured
3 there was going to be commence operation conditions
4 on that.

5 CHAIR GARRISON: Excellent, thank you.

6 DIRECTOR CALLAHAN: So we wanted to make
7 sure everything was fulfilled before we give the
8 certificates. So we will have those ready for that
9 August meeting.

10 CHAIR GARRISON: Like to ask Estancia
11 Valley Classical Academy to come to the front table
12 and introduce yourselves and please sign in for
13 transcription.

14 CHAIR GARRISON: Point of privilege for
15 Deputy Secretary. He has a question for Mr. Vigil.

16 DEPUTY SECRETARY AGUILAR: Mr. Vigil, so
17 our staff will work with the charter school to make
18 sure they meet the terms and conditions by Friday,
19 which is two days from now. What happens if they
20 don't meet the terms and conditions from a legal
21 perspective? I mean, it's important because I have
22 got to certify the flow of SEG money to those
23 districts. And so I just heard a motion that was
24 passed with conditions, and what if those conditions
25 aren't met?

1 MR. VIGIL: Well, the conditions don't
2 necessarily have to be met by the end of this month,
3 or was that part of the motion? One of them, the
4 policies.

5 SECRETARY GANT: The insurance could
6 probably come -- Mr. Chair, the insurance can
7 come --

8 MR. VIGIL: It can't come until after they
9 enter into their lease, and they may not be able to
10 enter into a lease -- I think they are approved,
11 from my interpretation of the law. You would then
12 authorize the funding, and if at some point, and
13 maybe your motion should state a specific date.
14 And, of course, in the motion, it does say that they
15 have to comply with certain conditions prior to the
16 opening of school. So the money would flow, and
17 then if they don't meet the conditions by the date
18 specified, then we are back to nonapproval.

19 DEPUTY SECRETARY AGUILAR: Thank you.

20 MR. VIGIL: It either becomes a
21 nonapproval, a denial of the charter, or a
22 revocation of an approved charter, one or the other.
23 The end result is the same.

24 CHAIR GARRISON: Thank you, Mr. Vigil.

25 Ms. Callahan.

1 DIRECTOR CALLAHAN: Mr. Chair and
2 commissioners, the next school that is up for
3 approval is Estancia Valley Classical Academy. And
4 the Charter Schools Division recommends approval for
5 Estancia Valley Classical Academy to commence full
6 operations based on their completion of the planning
7 year requirements outlined in statute and rule. The
8 recommendation for approval is pending documentation
9 of the facility E occupancy approval and PSFA's
10 weighted New Mexico Condition Index rating or 18
11 month plan prior to the opening of school.

12 CHAIR GARRISON: And I don't think we
13 received introductions of staff yet.

14 MR. LARRY MILLER: My name is Larry
15 Miller. I am the interim principal of the charter
16 school.

17 MR. KENNETH ADAMS: My name is Kenneth
18 Adams, one of the founders and secretary on the
19 governing council and a parent.

20 MR. MILLER: Mr. Chairman, I also have
21 members of our team with me and there may be
22 questions that they are going to answer. Shall I go
23 ahead and have them introduced now?

24 CHAIR GARRISON: Yes, sir.

25 MR. ROGER LENARD: Roger Lenard, president

1 of the governing council.

2 MR. TERRY NUNNILY: Terry Nunnily, member
3 of the governing council.

4 MS. TERRY ELKINS: Terry Elkins, founder
5 and consultant for curriculum.

6 MS. JOANNE JOHNSON: Joanne Johnson,
7 member of the governing council.

8 CHAIR GARRISON: Thank you. I will open
9 up the floor for questions from commissioners.

10 Commissioner Canfield.

11 COMMISSIONER CANFIELD: Thank you, Mr.
12 Chair.

13 Welcome, folks. I was looking at your
14 project plan here. I think I was looking at the
15 right one. You are moving portables in. Did I read
16 that correctly?

17 MR. MILLER: Yes, that is our plan right
18 now.

19 COMMISSIONER CANFIELD: And are you on
20 track with your project plan to have school opening
21 at the end of August?

22 MR. MILLER: Commissioner Canfield and
23 Chairman Garrison, I'm going to let Kenny Adams also
24 answer that question so that we are clear on it. He
25 is the one who has facilitated the coordination of

1 all of our facilities, and I think he would have a
2 good answer for that.

3 MR. ADAMS: Commissioner Canfield and
4 other commissioners, just to give a little bit of
5 history there, the answer is yes. We started with a
6 developer back in October after we received our
7 award in November. Everything looked really good
8 with the developer to be able to come into a school,
9 into an area that has absolutely no facilities that
10 would be suitable without significant improvements
11 to get E occupancy or PSFA approval. Churches were
12 not available, and there are no big box stores in
13 our area that we could move into readily at all.

14 The developer we looked at had a special
15 kind of deal with us, based on our mission, our
16 curriculum, and our governing council, no money
17 would be required upfront. Everything would be met,
18 and we would be able to move forward. It sounded
19 really good, and somewhere along the way, through
20 legal review and several levels of lease documents
21 that fell through in about March.

22 So we picked back up in April timeframe,
23 looked at multiple alternatives, and in May found a
24 school that was very suitable in the Ohio area that
25 was coming off of a lease. We were able to work a

1 plan where we can get their modulars, have them
2 brought here on the timeline that we talked about to
3 get the school open by mid to late August, and that
4 is the timeline that we are on right now.

5 There has been a significant effort of
6 trying to coordinate all of the financing that
7 needed to happen to make that happen, the plans and
8 specifications, as well as just the general question
9 can these units be brought into New Mexico. And at
10 this point, we feel we have all of those pretty well
11 ready to go. The plans will be submitted next week
12 to PSFA, to CID, and those discussions are already
13 taking place as Mr. Gorrell spoke about earlier.

14 CHAIR GARRISON: Other questions?

15 Commissioner Gant.

16 SECRETARY GANT: You have these modulars
17 coming from Ohio. First of all, has anybody seen
18 them, physically seen them?

19 MR. ADAMS: Just in pictures, Commissioner
20 Gant. Now I am kind of banking this on the fact
21 that these modulars are two years old. They were
22 built to international building code for 2009, and
23 will be in New Mexico codes for CID requirements,
24 and that is on the burden of manufacturer to get
25 them or the modular dealer to get them to that

1 level. They feel very confident they will have no
2 problem doing so, because they are so new. The
3 pictures we have seen, they will more than
4 adequately meet our needs.

5 SECRETARY GANT: Okay. Does your school
6 or foundation, if you have one, own the property or
7 is it leasing the property on which they are going
8 to sit?

9 MR. ADAMS: Commissioner Gant, the way
10 that works, the school will be leasing the
11 facilities from the Estancia Valley Academy
12 Foundation. That lease document has been signed
13 this week, and that has all been in place. I have
14 been also a part of the agreements with those, with
15 the landowner, as well as the modular dealer. So I
16 am familiar with those, and they will be executed
17 now that this has been executed.

18 We know the dollar amounts that go with
19 them and the timelines associated, as well as the
20 zoning requirements and the needs that will need to
21 be met by the city, and we have everyone on board.

22 SECRETARY GANT: Do you have the finances
23 in place to put all the infrastructure that's
24 required to change that property into something, the
25 sewer, lights, et cetera?

1 MR. ADAMS: Yes, sir. The property that
2 we are looking at is four, one acre lots that are
3 zoned commercial right now. They already have
4 utilities on the lot lines, so that facilitates
5 that. There is a parking area that will be
6 provided. With it there is a cul-de-sac, driving
7 lanes to it, as well as acceleration deceleration
8 lane off of the main highway through that area which
9 is something we were looking at for our area.

10 As far as the financing of all that, it's
11 been a very interesting combination of SEG money
12 that we are counting on coming in in July,
13 fundraising, private donations, as well as planning
14 and grant money.

15 SECRETARY GANT: Thank you.

16 CHAIR GARRISON: Other questions?

17 Commissioner Shearman.

18 VICE-CHAIR SHEARMAN: For your modular
19 units that are coming in, is the site work already
20 done to accept those? The foundations, the
21 plumbing, has all that already been done?

22 MR. ADAMS: No. No, ma'am. No,
23 Commissioner Shearman. That would be as soon as we
24 get the lease documents all signed, and that is on
25 the timeline to be able to get those done and turn

1 them around very quickly once we have approval.

2 VICE-CHAIR SHEARMAN: Give me an idea of
3 what the timeline is.

4 MR. ADAMS: To mid August, basically
5 August 20th, once we get started here first of July.
6 To reiterate, we had to kind of know for sure what
7 this vote was today before we could really say yes
8 to get all that in place, because of how the money
9 would work. It's kind of a chicken and the egg. I
10 have jokingly said to several on the governing
11 council, I thought church was supposed to build my
12 faith. It's been charter schools.

13 VICE-CHAIR SHEARMAN: Being on this
14 commission has done the same for me.

15 On 3.8 on your basic policies and
16 procedures, I see where some have been adopted,
17 others have been drafted and will be adopted, but
18 they are not apparently complete according to this.
19 Now, is there a deadline on these items, Ms.
20 Callahan, 3.8?

21 DIRECTOR CALLAHAN: Mr. Chair,
22 Commissioner Shearman, the policies for this
23 particular section will need to be completed before
24 the commencement of school. They have to have it
25 before school starts. So there isn't a specific

1 date on there. The ones that have been approved are
2 May, and so we are going to probably say before
3 August 1st.

4 VICE-CHAIR SHEARMAN: Thank you. It
5 grieves me or it unnerves me, I guess I should say,
6 to take a vote with no pieces of paper on your
7 facilities in my hand. You know, I know you say you
8 have got the lease there. For the permanent
9 facility or for the place where you are going to put
10 the modulars?

11 MR. ADAMS: For the modulars.

12 VICE-CHAIR SHEARMAN: For the modulars?

13 MR. ADAMS: That would you be a five year
14 lease that has been signed.

15 VICE-CHAIR SHEARMAN: Is that the same
16 place where you are going to build?

17 MR. ADAMS: The building is off the table
18 at this point for discussion. Because of the
19 modular cost, we had to spread that out over
20 multiple years to get them here, so we went in and
21 signed a longer term lease on the modulars.

22 I brought with me the plot plans, the
23 preliminary sets of engineering drawings, the lease
24 documents for the modular company, the letter of
25 intent from the landowner, and a preliminary inspect

1 to go with that. We had hoped to be able to upload
2 that and have it for your review, but at this time
3 we cannot. I see that happening within the next
4 week to ten days.

5 CHAIR GARRISON: Commissioner Lopez and
6 then Commissioner Gant.

7 COMMISSIONER LOPEZ: What is your start
8 date?

9 MR. MILLER: It's August 27th,
10 Commissioner Lopez.

11 COMMISSIONER LOPEZ: And you are going to
12 have your facility ready August 20th?

13 MR. MILLER: That's our proposal.

14 COMMISSIONER LOPEZ: Okay. Thank you.

15 CHAIR GARRISON: Commissioner Gant.

16 SECRETARY GANT: Mr. Chair.

17 Say that schedule again, please. When are
18 you going to get the modulars in place and when are
19 you going to start school?

20 MR. MILLER: We are starting school the
21 27th, and the modulars should be in place by the
22 20th.

23 SECRETARY GANT: Seven days to get all
24 that put together?

25 MR. ADAMS: Connected and in place is what

1 he means. They will begin shipping them in July.
2 Then over the course of that three weeks to ship
3 them, another couple weeks to get set up and have
4 everything in place, so we can do the reviews and
5 the walk-throughs with CID to get the E occupancy
6 and with PSFA to make sure we have met the criteria
7 for the index. Because this is an existing school
8 building, I feel it will score very highly.

9 SECRETARY GANT: Mr. Chair, one thing I
10 would like to recommend as a condition, whoever
11 reads the resolution, is that the documents the
12 gentleman has laid on the table there be provided to
13 PSFA for their review and CSD receive a report on
14 yes or no, whether acceptable or not, as a
15 condition.

16 CHAIR GARRISON: Other comments from
17 commissioners?

18 Commissioner Bergman.

19 COMMISSIONER BERGMAN: Have the documents
20 already gone to PSFA or are you still waiting on
21 that too?

22 MR. ADAMS: A preliminary set of them were
23 submitted through the web EPS for the CSD end of it.
24 My understanding -- and I missed this somewhere, I
25 guess -- I needed to have the plan prepared before I

1 went to PSFA to pitch it, rather than have them come
2 out and look at three or four alternatives that fell
3 through and try to make better use of their time.
4 So that's been the mode of operation I have been
5 under. We have had occasional conversations as well
6 as our architect with PSFA, but now we are down to
7 the actual plan and we are ready to meet with them
8 in earnest now.

9 COMMISSIONER BERGMAN: Okay. Thank you.

10 CHAIR GARRISON: I have a question for
11 Kelly Callahan. All these charter schools that we
12 are supposed to vote on commencement of operations,
13 when were documents due to you, to the CSD, to prep
14 for this meeting? Was that June 15th? Is that
15 correct?

16 DIRECTOR CALLAHAN: Mr. Chair, yes, that's
17 correct.

18 CHAIR GARRISON: Thank you.

19 I feel that we are in a conundrum here,
20 that things fell through. You folks are working
21 hard on it, you have new faith, but you are waiting
22 on us to vote for you so then you can do what was
23 supposed to already be done. That does not sit well
24 with me in the responsibility that we have as
25 commissioners.

1 Any other comments?

2 Go ahead, sir.

3 MR. MILLER: Mr. Chairman, I would like
4 you to consider the fact that all of the work that
5 has been done on this for the last two years has
6 been volunteer. It's been a team of people who have
7 prepared different documents for several months, and
8 all of them have jobs. We meet on a volunteer
9 basis. We meet consistently. A lot of times there
10 has been more than one meeting each week just to
11 prepare and to settle another one of the issues.
12 And this team of people has just worked so hard to
13 assemble this information and prepare the planning
14 checklist for the division, and I would like to say
15 they have been very, very helpful. It has just
16 been -- just the staff has just been tremendous with
17 us.

18 It does take time, and we have worked
19 diligently to prepare as much as possible. There
20 are a lot of things with the facilities that require
21 a lot of time, and there are a lot of deadlines, as
22 well as meeting people. We certainly have -- it's
23 been our desire to meet all of those deadlines. We
24 have accomplished some things since the 15th.

25 CHAIR GARRISON: And I wish I were judging

1 your resilience today, and I understand the trials
2 that you have undergone, but that does not change
3 the statute nor my responsibility as a commissioner.

4 COMMISSIONER CARR: Mr. Chair.

5 CHAIR GARRISON: Commissioner Carr.

6 COMMISSIONER CARR: I think your start
7 date is -- what's the word I'm looking for? I'm not
8 thinking very well today either. It's laudable.
9 It's achievable. I was a platoon leader in the Army
10 Corps of Engineers with a platoon of 60 soldiers. I
11 don't know if I could do that in a week with all of
12 the red tape and paperwork that is involved that
13 you're going to have to go through. You might be
14 able to get the work done, but there's a lot of
15 things that can go wrong in between. So I hope you
16 have contingency plans to start after Labor Day for
17 a while.

18 If we vote to approve this, I want to see
19 you do it. I want to see if you can do that. That
20 would be great if you could. It's going to be a
21 difficult goal.

22 CHAIR GARRISON: Any other comments by
23 commissioners?

24 Please, sir.

25 MR. MILLER: I would just like to make one

1 clarification that happened early on in the
2 discussion. Our school is located just outside of
3 Moriarty instead of Estancia. We are part of the
4 Estancia Valley, and we are between Edgewood and
5 Moriarty. We have 333 students that are already
6 enrolled, and with them come parents who are as
7 excited as I have ever seen in 31 years of public
8 education experience. It's really refreshing to see
9 how parents have responded to our school, and I just
10 really do appreciate that. I wanted you to know
11 that.

12 CHAIR GARRISON: Thank you. So are you
13 pulling from more than one school district?

14 MR. MILLER: It's going to be primarily
15 from the Moriarty Edgewood school district. We
16 suspect there will be about two-thirds of our
17 students that will come from them. The rest of them
18 are homeschoolers in the area.

19 CHAIR GARRISON: What other school
20 district would that cover?

21 MR. MILLER: Well, there may be an
22 occasional one from Estancia. There are some from
23 East Mountain Charter School, and they are
24 scattered. It's mainly the Moriarty Edgewood school
25 district.

1 CHAIR GARRISON: Thank you.

2 Commissioner Gant.

3 SECRETARY GANT: How many people are on
4 your board of governance or board of directors?

5 MR. MILLER: I have to count them. Let's
6 see. We have got four right now. We have four
7 members on our governing council.

8 SECRETARY GANT: Four.

9 MR. MILLER: There is one vacancy right
10 now.

11 SECRETARY GANT: How many are here today?

12 MR. ADAMS: All of them.

13 SECRETARY GANT: I sure hope you did a
14 public notice.

15 MR. MILLER: We surely did. Yes, sir.
16 Yes, sir. Every time there has been -- excuse me --
17 Commissioner Gant and Chairman, we have been very
18 diligent on posting our meetings, and every time
19 that there has been anything, we have made a
20 conscientious effort of having that done.

21 SECRETARY GANT: Thank you.

22 CHAIR GARRISON: Any comments?

23 The Chair will entertain a motion.

24 COMMISSIONER BERGMAN: Did anybody have a
25 motion in their packet? My packet doesn't have a

1 motion.

2 CHAIR GARRISON: Just misplaced a little
3 bit I think. There is the Estancia Valley Classical
4 Academy yellow sheet.

5 COMMISSIONER BERGMAN: All I have is the
6 checklist. I have five pages here.

7 COMMISSIONER CANFIELD: Mr. Chairman, I
8 will make the motion.

9 CHAIR GARRISON: Commissioner Canfield.

10 COMMISSIONER CANFIELD: I hereby move
11 adoption of the following resolution: Whereas,
12 Estancia Valley Classical Academy was granted a
13 charter with the provision that before the
14 commission shall issue the authorization to commence
15 full operation, the charter school must comply with
16 the requirements of the planning year checklist
17 developed by the Charter Schools Division; and
18 whereas, the Charter Schools Division has assured
19 the commission that the charter school has
20 substantially complied with the requirements of the
21 planning year checklist, has met the conditions put
22 forth by the commission upon charter school
23 approval, and has demonstrated that it has sought
24 and obtained certification from the New Mexico
25 Public Schools Facility Authority, that the facility

1 will receive the condition rating equal to or better
2 than the average condition for all New Mexico public
3 schools, or can demonstrate that within 18 months of
4 occupancy, that it has a plan of achieving the
5 wNMCI.

6 Now, therefore, be it resolved that
7 Estancia Valley Classical Academy is granted
8 authorization to commence full operations as a state
9 chartered school. However, the school cannot occupy
10 a facility with students until the Charter Schools
11 Division receives written notification that the
12 school building has been approved for E occupancy,
13 NMSA 1978 Section 22-8B-4.2A 2011.

14 I would also include in there the
15 conditions that the lease for the property be
16 forwarded over to PSFA --

17 SECRETARY GANT: PSFA.

18 COMMISSIONER CANFIELD: -- PSFA prior to
19 the opening of the school? Yes?

20 SECRETARY GANT: They need the lease and
21 all the drawings that he has there sent to PSFA for
22 their approval prior to, I guess, receiving the E
23 occupancy and approval of the building or putting
24 the modular buildings out there on the property.
25 All that documentation needs to go to PSFA for

1 approval.

2 COMMISSIONER CANFIELD: What he said.

3 VICE-CHAIR SHEARMAN: Second.

4 CHAIR GARRISON: There is a second by
5 Commissioner Shearman.

6 Is there a discussion? We'll proceed with
7 the roll call vote from Commissioner Gant.

8 SECRETARY GANT: Commissioner Lopez.

9 COMMISSIONER LOPEZ: No.

10 SECRETARY GANT: Commissioner Carr.

11 COMMISSIONER CARR: Yes.

12 SECRETARY GANT: Commissioner Pogna.

13 COMMISSIONER POGNA: Yes.

14 SECRETARY GANT: Commissioner Bergman.

15 COMMISSIONER BERGMAN: Yes.

16 SECRETARY GANT: Commissioner Peralta.

17 COMMISSIONER PERALTA: Yes.

18 SECRETARY GANT: Commissioner Canfield.

19 COMMISSIONER CANFIELD: Yes.

20 SECRETARY GANT: Commissioner Shearman.

21 VICE-CHAIR SHEARMAN: No.

22 SECRETARY GANT: Commissioner Garrison.

23 CHAIR GARRISON: Yes.

24 SECRETARY GANT: Commissioner Gant votes

25 no. It's six to three in favor.

1 CHAIR GARRISON: You all better make a
2 reality showing now. The motion passes.
3 Congratulations.

4 MR. MILLER: Thank you.

5 CHAIR GARRISON: We continue with item No.
6 15, vote on authorization to commence operation with
7 letter c, La Jicarita Community School. Welcome.
8 Please introduce yourselves.

9 MS. GLADYS GURULE: My name is Gladys
10 Gurule and I am school director. Gladys Gurule.

11 MR. ERIC MACK: My name is Eric Mack, one
12 of the school cofounders and president of the
13 nonprofit foundation supporting the school.

14 CHAIR GARRISON: Welcome.

15 Ms. Callahan, you may proceed with the
16 presentation.

17 DIRECTOR CALLAHAN: Mr. Chairman, we have
18 a couple more.

19 CHAIR GARRISON: I'm sorry.

20 MR. JOHANNA DeBIASE: I am Johanna DeBiase
21 and I am president of the governing council.

22 CHAIR GARRISON: Thank you. You might
23 want to sign in. Did you sign in? It will help.

24 MR. MACK: This is Edwin Fernandez, the
25 school business manager.

1 CHAIR GARRISON: Good day.

2 DIRECTOR CALLAHAN: Mr. Chair,
3 commissioners, La Jicarita Community School
4 participated in the planning year activities as all
5 the other schools did and worked diligently to get a
6 facility and a building available for their school
7 start. As we approached the June deadlines, what
8 was happening, La Jicarita came before us and is
9 requesting an additional planning year due to the
10 building issues that came about.

11 They can, of course, answer specific
12 questions. Excuse me. The CSD recommends approval
13 of La Jicarita Community School's request of an
14 additional planning year. Again, this has been
15 granted in previous cohort groups for an additional
16 planning year, so it is our recommendation to
17 approve that.

18 CHAIR GARRISON: What does La Jicarita
19 mean again? I know you told us.

20 MR. MACK: It means little bowl. It's
21 named for the mountain. If you go to Penasco,
22 there's a flat top mountain with a little bowl.

23 CHAIR GARRISON: Thank you.

24 Comments? Questions by commissioners?

25 Commissioner Bergman.

1 COMMISSIONER BERGMAN: Are you confident
2 that in an additional planning year, you'll be able
3 to find a facility and be able to fund it? Do you
4 think you have to build a facility or do you think
5 you are going to be able to find one?

6 MR. MACK: Everything is lined up for the
7 facility. We pretty much simply have run out of
8 time, and the main time constraint is going to be
9 getting all the permits in place from Taos County.
10 We are going to be required to have a special use
11 permit which can be a lengthy process, and given the
12 fact that things have not always gone exactly as
13 planned, we thought it would be wise not to try and
14 rush the process.

15 I actually have a piece of paper here that
16 wasn't included in the packet, but we have money in
17 escrow to close on a piece of raw land tomorrow.
18 The only caveat is the approval of the second
19 planning year from this commission. We have
20 financing in place to construct the facility once
21 the land is purchased and the permit is in place
22 with Taos County.

23 COMMISSIONER BERGMAN: You don't
24 anticipate problems with funding, then? New
25 construction even on a smaller building can be quite

1 expensive.

2 MR. MACK: No. We have a couple of
3 contingency plans. We have two different designs
4 which I believe are in your packet. One is for a
5 modular custom built facility, and then a backup for
6 that is also a campus made up of portables.

7 COMMISSIONER BERGMAN: Thank you.

8 CHAIR GARRISON: And the state of Ohio is
9 shipping modulars out.

10 MR. MACK: There is some in Albuquerque
11 too.

12 COMMISSIONER BERGMAN: Thank you, Mr.
13 Chair.

14 CHAIR GARRISON: You're welcome.
15 Commissioner Canfield.

16 COMMISSIONER CANFIELD: I just would like
17 to commend you all for taking the time to do it
18 right instead of trying to cram something through.
19 We wish you luck. I will support this, Mr. Chair.
20 Thank you.

21 CHAIR GARRISON: Thank you.
22 Commissioner Canfield. Commissioner
23 Lopez.

24 COMMISSIONER LOPEZ: I'm still not clear
25 on what this means in terms of their whole charter

1 that we talked about earlier. Do they get any more
2 money for this planning year? No. Does it --

3 CHAIR GARRISON: They do not, but it will
4 essentially be a four year term as far as
5 operational.

6 COMMISSIONER LOPEZ: Instead of five?

7 CHAIR GARRISON: Yes. Which I actually
8 like better, because half of a decade goes by and --

9 COMMISSIONER LOPEZ: It's a long time.

10 CHAIR GARRISON: Yes. Just annual reports
11 that have been coming in, and we are working on that
12 too.

13 Commissioner Bergman.

14 COMMISSIONER BERGMAN: Well, I'm just
15 looking at the resolution, the resolution of the
16 draft. It says the five year term of the charter
17 remains the same. That's going to be in a
18 resolution someone will read.

19 DIRECTOR CALLAHAN: Mr. Chair,
20 Commissioner Bergman, if you look at the next
21 sentence, the number of operational years will
22 decrease is the next -- the five year term.

23 COMMISSIONER BERGMAN: Oh, okay. So there
24 will be four, okay.

25 DIRECTOR CALLAHAN: Correct.

1 COMMISSIONER BERGMAN: Sorry.

2 CHAIR GARRISON: Any other comments from
3 commissioners or questions?

4 The Chair will entertain a motion.

5 COMMISSIONER PERALTA: Mr. Chair.

6 CHAIR GARRISON: Commissioner Peralta.

7 COMMISSIONER PERALTA: I hereby move
8 adoption of the following resolution: Whereas La
9 Jicarita Community School was granted a charter with
10 the provision that before the commission shall issue
11 the authorization to commence full operation, the
12 charter school must comply with the requirements of
13 the planning year checklist developed by the Charter
14 Schools Division; and whereas, La Jicarita Community
15 School governance board has requested an additional
16 planning year due to the facility not being ready in
17 time for school to start in 2012/2013.

18 Therefore, be it resolved that La Jicarita
19 Community School is granted authorization to have an
20 additional planning year. However, the five year
21 term of the charter remains the same. The number of
22 operational years will decrease. In addition, the
23 school will have to apply in spring of 2013 to the
24 Public Education Commission for authorization to
25 commence operation.

1 COMMISSIONER BERGMAN: Second.

2 CHAIR GARRISON: Seconded by Commissioner
3 Bergman. Any discussion?

4 COMMISSIONER LOPEZ: No. I was going to
5 second it but he beat me.

6 CHAIR GARRISON: By a hair.
7 We will proceed with the roll call vote
8 from Secretary Gant.

9 SECRETARY GANT: Commissioner Lopez.

10 COMMISSIONER LOPEZ: Yes.

11 SECRETARY GANT: Commissioner Carr.

12 COMMISSIONER CARR: Yes.

13 SECRETARY GANT: Commissioner Pogna.

14 COMMISSIONER POGNA: Yes.

15 SECRETARY GANT: Commissioner Bergman.

16 COMMISSIONER BERGMAN: Yes.

17 SECRETARY GANT: Commissioner Peralta.

18 COMMISSIONER PERALTA: Yes.

19 SECRETARY GANT: Commissioner Canfield.

20 COMMISSIONER CANFIELD: Yes.

21 SECRETARY GANT: Commissioner Shearman.

22 VICE-CHAIR SHEARMAN: Yes.

23 SECRETARY GANT: Commissioner Garrison.

24 CHAIR GARRISON: Yes.

25 SECRETARY GANT: Commissioner Gant votes

1 yes. It's 9-0 in favor.

2 CHAIR GARRISON: The motion passes
3 unanimously, and we wish you well.

4 The next school, La Tierra Montessori
5 School of the Arts and Sciences. If you all can
6 make your way to the front table and introduce
7 yourselves and please sign in.

8 MS. SANDY BEERY: Would you like us to
9 start introducing ourselves as we are signing in?

10 CHAIR GARRISON: Yes, that was my request.

11 MS. BEERY: Sorry.

12 CHAIR GARRISON: That's okay. You were in
13 a transition.

14 MS. BEERY: Mr. Chairperson, I am Sandy
15 Beery. I am the director of La Tierra Montessori
16 School.

17 MR. ROGER MONTOYA: Chairman Garrison and
18 commissioners, my name is Roger Montoya, cofounder
19 of La Tierra.

20 MR. RON MARTINEZ: Good afternoon. My
21 name is Ron Martinez and I am the chairman of the
22 governing council.

23 CHAIR GARRISON: And he doesn't need a
24 microphone.

25 MR. MARTINEZ: No.

1 CHAIR GARRISON: Ms. Callahan, can you
2 give us a presentation and recommendations.

3 DIRECTOR CALLAHAN: Mr. Chairman,
4 commissioners, the Charter Schools Division
5 recommends approval for La Tierra Montessori School
6 of the Arts and Sciences to commence full operations
7 based on their completion of the planning year
8 requirements outlined in statute and rule. The
9 recommendation for approval is pending documentation
10 of facility E occupancy approval and PSFA's weighted
11 New Mexico Condition Index rating or 18 month plan
12 prior to the opening the school.

13 CHAIR GARRISON: Thank you, Ms. Callahan.
14 The floor is open for comments and
15 questions.

16 CHAIR GARRISON: Commissioner Gant.

17 SECRETARY GANT: Mr. Chair and members, I
18 think I need an explanation about what you plan for
19 your facilities. I read this from the PSFA. There
20 is a lot of information there about moving in with
21 70 students and then moving again, and all the data
22 or documentation. Please explain this again.

23 MR. MONTTOYA: Commissioner Gant, I will do
24 my best to describe this rather challenging
25 situation, but we feel confident that we are making

1 really good progress. The name of the facility is
2 the Onate Visitor's and Monument Center. It is in
3 Alcalde, New Mexico. We plan to be there for one
4 year only.

5 The site is currently in assembly usage
6 categorically, and we are in the process of getting
7 an E occupancy completely transferred over. Our
8 architects and his engineer were at the site
9 yesterday and finished their documentation, and PSFA
10 is in the process of finishing their full index
11 weighted code. The lease is moments away.

12 Actually, I got a text about an hour ago that the
13 county has finally put together the language that
14 they are comfortable with. Our lawyer, Susan Fox,
15 will be reviewing that in the next few days, and we
16 expect to have the lease signed in one week, I would
17 imagine.

18 SECRETARY GANT: Mr. Chair, you are not
19 moving? This will be it? This is going to be the
20 building you stay in?

21 MR. MONTROYA: For one year.

22 SECRETARY GANT: That's what I asked
23 about. Talk about moving, why, and all this other.

24 MR. MONTROYA: Over the course of a year
25 and two months, we vetted carefully 45 properties in

1 the Española area. This is county, city, private.
2 It's not news to anyone. It is a major challenge,
3 and we have learned a lot. It's been very, very
4 interesting. We feel that we have a facility that
5 is more than adequate for the first year. We have a
6 long-range plan which is very exciting, with a
7 gentleman named John Rodriguez who has come forth
8 with a really wonderful idea and a plan to help us
9 actually build a facility within the city limits.

10 The Onate Center sits about seven miles
11 outside. It is, however, in the Española district.
12 It is not our first choice to be that far out, but
13 the parents that have come on to our lottery are
14 very enthused, excited to have this actually great
15 facility that was built in '92 through an act of
16 congress actually. This building was rarely used
17 over the last 22 years. You might remember it
18 through newspaper articles. The foot was cut off of
19 the statue of Juan De Onate, the great conquistador.
20 It's that facility.

21 The county has not been able to find, for
22 a variety of reasons, a really strong use of that
23 building. It's sat empty for almost two years. It
24 is in excellent condition. And those are not my
25 words. Those are the words of Annette Montoya from

1 PSFA.

2 We could not really stay in this building
3 because it doesn't have sufficient space, but the
4 plan to build a 20,000 square foot building, with
5 the support financially of this landowner, we feel
6 is quite viable. We are putting together a master
7 plan that will be completed, I would think, in about
8 one month, for the short-term, the midterm, and the
9 long-term goals of having a facility that suits the
10 ed plan, ed spec.

11 You know, entering into this process of
12 opening a school has opened my eyes and my heart.
13 We have done an incredible job. We have a board and
14 a student body that just is spectacular. Sandy has
15 come on as our head learner, administrator, more
16 than capable, and we are planning to open on
17 September 4th.

18 SECRETARY GANT: Mr. Chair and members,
19 the person that's going to help you build this new
20 building, will that individual own the facility or
21 lease it to you or what's the arrangement?

22 MR. MONTOYA: Yes.

23 SECRETARY GANT: And your lease will be
24 for how long?

25 MR. MONTOYA: One year at a time.

1 SECRETARY GANT: One year at a time.
2 Thank you.

3 MR. MONTTOYA: He plans to work very
4 closely with PSFA, CID, and every level to ensure
5 that the E occupancy and all of those ABA issues are
6 from the ground up, not only suitable to those codes
7 but to our needs which are quite unusual and quite
8 beautiful in our ed plan. So we have the luxury of
9 creating exactly what we need.

10 CHAIR GARRISON: Commissioner Bergman.

11 COMMISSIONER BERGMAN: Based on that
12 assertion that you're going to lease from year to
13 year one at a time, you are basing that on his
14 goodwill. What if you lose his goodwill? Let's say
15 you are in there a year in your new building, and
16 then he says, you know, I don't want to lease to
17 these guys any more.

18 MR. MONTTOYA: Considering what we have
19 pulled off in the last month, I wouldn't think we
20 would have any problem. We are pretty crafty.

21 COMMISSIONER BERGMAN: I will grant you
22 that. So you are fairly comfortable that even
23 though it's a one year lease --

24 MR. MONTTOYA: More than that. He's an
25 incredible colleague that we have known, some of us

1 on our board for more than 30 years. He is a
2 stable, avid supporter and just an incredible angel
3 really who stepped forward.

4 COMMISSIONER BERGMAN: I hope it works
5 out.

6 MR. MONTOKYA: Thank you.

7 CHAIR GARRISON: Commissioner Shearman.

8 VICE-CHAIR SHEARMAN: Okay. We are
9 talking about too many problems here. I'm getting
10 behind. The Onate Center you are going to lease for
11 one year?

12 MR. MONTOKYA: Yes.

13 VICE-CHAIR SHEARMAN: And then during that
14 year, you are going to build a facility on the
15 property of your benefactor?

16 MR. MONTOKYA: That is our plan.

17 VICE-CHAIR SHEARMAN: That property, it is
18 leased?

19 MR. MONTOKYA: It will be leased from us --
20 I mean from him -- sorry -- by us.

21 VICE-CHAIR SHEARMAN: So you are going to
22 build a building that you own on property that he
23 leased?

24 MR. MONTOKYA: He's going to build a
25 building, and he is going to lease it to us.

1 VICE-CHAIR SHEARMAN: Oh, okay. I told
2 you I was confused.

3 How much renovation or whatever will need
4 to be done to the Onate Center to accommodate a
5 school?

6 MR. MONTTOYA: Very, very little. It
7 really amounts to three parking spaces having
8 concrete underneath them, and that's already in
9 process. We have the bids and the quotes. \$7,200
10 for that. We have the switching of two toilets that
11 have to be lowered, one urinal and two sinks.

12 As per the visit by the architects through
13 CID and the electrical engineer, the only thing that
14 really needs to be done is some lightbulbs have to
15 be changed in one area to be brighter, and the
16 receptacles have to be made childproof. I think
17 there are about 32 of those. That's the extent of
18 the changes.

19 This building, as I said, was built with
20 an act of congress in '92 for, I think, close to \$3
21 million, and it was rarely used. It's in excellent
22 condition. I think when Sandy entered, she said, my
23 goodness. When Annette entered about eight and a
24 half months ago, it took that long to get the county
25 to finally put an RFP out. She said, Roger, just

1 unofficially, there is not going to be much of a
2 problem if you go with this building, because it's
3 in great shape. So there is so little to do. It's
4 really under \$10,000 in modifications.

5 VICE-CHAIR SHEARMAN: Okay. I think you
6 touched on this earlier, but this lease agreement
7 that we have in our books here is a draft, so noted,
8 and there are areas that are incomplete. Now, did
9 you say that this complete lease is --

10 MR. MONTTOYA: The county over the last 48
11 hours has been looking and revising, and I got a
12 text from the county lawyers about an hour and a
13 half ago that they have a document that they feel
14 comfortable with now finally. That was based on a
15 document that we had from Susan Fox from a couple of
16 years ago. So the language is in pretty good shape.

17 Now our lawyer is going to have to go back
18 and look at all of that language to make sure
19 everything feels good, and then we can go to
20 signage.

21 VICE-CHAIR SHEARMAN: And the lease
22 payment is \$6,000 per month?

23 MR. MONTTOYA: Roughly. It's going to be
24 based finally on the 40th day count.

25 VICE-CHAIR SHEARMAN: Is the lease going

1 to be dependent on the number of students?

2 MS. BEERY: Actually that's part of what
3 was happening with the revising of the lease was
4 also negotiating the final cost per month for that
5 lease. So it will be between 5,400 and 6,000 a
6 month.

7 VICE-CHAIR SHEARMAN: Based on?

8 MS. BEERY: Based on our student
9 enrollment.

10 VICE-CHAIR SHEARMAN: It is totally based
11 on student enrollment.

12 MS. BEERY: It's based on what we budgeted
13 for student enrollment, yes, ma'am.

14 VICE-CHAIR SHEARMAN: You are basing it on
15 the lease reimbursement from the state?

16 MS. BEERY: Yes, ma'am. But we will not
17 be basing it on our 40 day count. It's based on
18 what we budgeted for when we built our budget.

19 CHAIR GARRISON: Commissioner Gant and
20 then Commissioner Bergman.

21 SECRETARY GANT: Mr. Chair and members,
22 the lease payment, there are two options. It's
23 based on the number of students or how much the
24 owner is charging.

25 MS. BEERY: So Chairman Garrison and

1 Commissioner Gant, initially the lease payment is
2 based on when we build our budget, we build our
3 budget based on a certain number of students. Based
4 on that, we know how much money we will generate
5 through the lease reimbursement. And so when we go
6 into a lease negotiation with an owner, we know
7 what's the maximum that we can pay. And so when we
8 opened this conversation with them, we started with
9 a range with them. So part of this negotiation is
10 around them.

11 As the owners of the building, they are
12 required to do this work that needs to happen for
13 the E occupancy. So they are having to get the
14 quotes and figure out how much that's going to cost
15 them, and then we will negotiate with them. But the
16 maximum lease payment would be \$6,000, which is why
17 we put that in the draft that we provided to you, so
18 you would know what the maximum would be that we
19 would be paying.

20 SECRETARY GANT: Okay.

21 MS. BEERY: Does that help?

22 SECRETARY GANT: You do know the lease
23 payment per member, i.e. student, changes each year?

24 MS. BEERY: Yes, sir. And we have based
25 that on what it is for this current year, 2012/13.

1 SECRETARY GANT: Which is what?

2 MS. BEERY: \$750 per student. This year
3 it went up slightly.

4 SECRETARY GANT: It went up slightly, but
5 there is always the chance that it goes back down.

6 MS. BEERY: My understanding is not during
7 a fiscal year.

8 SECRETARY GANT: All right. As long as
9 you and your owner are squared with that.

10 CHAIR GARRISON: Commissioner Bergman and
11 then Commissioner Shearman.

12 COMMISSIONER BERGMAN: Well, I thought I
13 had seen a couple of different numbers for your
14 first year enrollment. On your checklist, it says
15 80.

16 MS. BEERY: So what we are going with,
17 sir, is 85. We have 80 currently enrolled.

18 COMMISSIONER BERGMAN: Thank you.

19 MS. BEERY: And we had just done a
20 resolution with the board about the 85 is the
21 maximum for that particular facility.

22 COMMISSIONER BERGMAN: Okay. Thank you.

23 CHAIR GARRISON: Commissioner Shearman.

24 VICE-CHAIR SHEARMAN: Are you only leasing
25 the building for nine months?

1 MS. BEERY: We are leasing it for a 12
2 month period. It allows us to move in before school
3 starts and move out after school is out.

4 VICE-CHAIR SHEARMAN: My cell phone
5 doesn't do great math, but are you going to get
6 enough on lease reimbursement to cover the full 12
7 months --

8 MS. BEERY: Yes, ma'am.

9 VICE-CHAIR SHEARMAN: -- or are you going
10 to have to use operational funds for some of it?

11 MS. BEERY: I am looking at our business
12 manager who did the specifics. Yes, ma'am. There
13 will be some operational which was in the original
14 budget.

15 VICE-CHAIR SHEARMAN: Okay. Thank you.

16 COMMISSIONER LOPEZ: Mr. Chairman, I would
17 like to make a motion.

18 CHAIR GARRISON: Any other discussion or
19 questions from commissioners?

20 Yes, ma'am.

21 COMMISSIONER LOPEZ: Okay. I hereby move
22 adoption of the following resolution: Whereas, La
23 Tierra Montessori School of the Arts and Sciences
24 was granted a charter with the provision that before
25 the commission shall issue the authorization to

1 commence full operation, the charter school must
2 comply with the requirements of the planning year
3 checklist developed by the Charter Schools Division;
4 and whereas, the Charter Schools Division has
5 assured the commission that the charter school has
6 substantially complied with the requirements of the
7 planning year checklist, has met the conditions put
8 forth by the commission upon charter approval, and
9 has demonstrated that it has sought and obtained
10 certification from the New Mexico Public School
11 Facility Authority, that the facility will receive a
12 condition rating equal to or better than the average
13 condition for all New Mexico public schools, or can
14 demonstrate that within 18 months of occupancy, that
15 it has a plan for achieving the wNMCI.

16 Therefore, be it resolved that La Tierra
17 Montessori School of the Arts and Sciences is
18 granted authorization to commence full operation as
19 a state chartered charter school. However, the
20 school cannot occupy a facility with students until
21 the Charter Schools Division receives written
22 notification that the school building has been
23 approved for E occupancy. NMSA 1978, Section
24 22-8B-4.2A 2011.

25 COMMISSIONER CARR: Second.

1 CHAIR GARRISON: Seconded by Commissioner
2 Carr. The motion was made by Commissioner Lopez. I
3 did not announce that.

4 Any discussion?

5 Commissioner Shearman.

6 VICE-CHAIR SHEARMAN: If I might go to the
7 planning year checklist 3.8, I asked this question
8 of the previous school, and you said all of these --
9 Ms. Callahan -- all of these policies would be
10 completed prior to the beginning of school. That is
11 not necessarily what it says here, and 3.88,
12 learning policy will be developed prior to year two
13 with phase in of middle school students. Special
14 education due December 31st. Perhaps that's one of
15 those you said had their own date, but I am
16 questioning the others, the due date on them.

17 DIRECTOR CALLAHAN: Mr. Chair,
18 Commissioner Shearman, commissioners, the CSD will
19 work with the school. We do have the draft
20 policies. We are waiting for final approval from
21 the governing boards to put those in place prior to
22 the school opening. Are you asking if we need to
23 add that as a condition, because absolutely we can
24 get documentation on that.

25 VICE-CHAIR SHEARMAN: Particularly 3.8.8,

1 the distance learning, because it says to be
2 developed prior to year two with phase in of middle
3 school students. So that sounds like their plan is
4 not to do that until after school starts the second
5 year.

6 DIRECTOR CALLAHAN: Mr. Chair,
7 Commissioner Shearman, one of the monitoring
8 provisions that we do is a first year site visit.
9 And so we will use this planning year document
10 during that site visit. So if there is anything
11 that has to do with follow through such as that, we
12 will make sure that the school is in compliance.

13 VICE-CHAIR SHEARMAN: I would like to
14 suggest that as an amendment to the motion, the
15 completion of all 3.8 policies in the planning year
16 checklist.

17 COMMISSIONER LOPEZ: I will accept that.

18 CHAIR GARRISON: We have a motion.

19 COMMISSIONER CARR: Yes.

20 CHAIR GARRISON: We have a friendly
21 amendment. Did we have a second?

22 COMMISSIONER CARR: I agree.

23 CHAIR GARRISON: You agree?

24 COMMISSIONER CARR: Yes.

25 CHAIR GARRISON: Commissioner Carr agrees

1 with the friendly amendment. Is there any
2 discussion? We will proceed with the roll call vote
3 with Secretary Eugene Gant.

4 SECRETARY GANT: Commissioner Lopez.

5 COMMISSIONER LOPEZ: Yes.

6 SECRETARY GANT: Commissioner Carr.

7 COMMISSIONER CARR: Yes.

8 SECRETARY GANT: Commissioner Pogna.

9 COMMISSIONER POGNA: Yes.

10 SECRETARY GANT: Commissioner Bergman.

11 COMMISSIONER BERGMAN: Yes.

12 SECRETARY GANT: Commissioner Peralta.

13 COMMISSIONER PERALTA: Yes.

14 SECRETARY GANT: Commissioner Canfield.

15 COMMISSIONER CANFIELD: Yes.

16 SECRETARY GANT: Commissioner Shearman.

17 VICE-CHAIR SHEARMAN: Yes.

18 SECRETARY GANT: Commissioner Garrison.

19 CHAIR GARRISON: Yes.

20 SECRETARY GANT: Commissioner Gant votes

21 yes. It's 9-0 in favor.

22 CHAIR GARRISON: The motion passes

23 unanimously. Congratulations.

24 Do any commissioners need a quick break or
25 are you okay?

1 VICE-CHAIR SHEARMAN: One of us took a
2 break.

3 CHAIR GARRISON: We still have a quorum.
4 What do you want to do? Keep going?

5 DIRECTOR CALLAHAN: Mr. Chairman,
6 commissioners, the next school we will review is
7 McCurdy Charter School.

8 CHAIR GARRISON: Let's have McCurdy come
9 up and introduce yourselves and sign in, please.

10 MS. JANETTE ARCHULETA: I am Janette
11 Archuleta, and I will be the director commencing
12 July 1.

13 CHAIR GARRISON: Good afternoon.

14 MS. ARCHULETA: Good afternoon.

15 MS. DEBORAH BENNETT ANDERSON: I am
16 Deborah Bennett Anderson. Again, I am the
17 chairperson of the governance board.

18 CHAIR GARRISON: Good afternoon.

19 Ms. Callahan, you may proceed.

20 DIRECTOR CALLAHAN: Mr. Chair,
21 commissioners, in the matter of McCurdy Charter
22 School, the Charter Schools Division recommends
23 approval for McCurdy Charter School to commence full
24 operations based on their completion of the planning
25 year requirements outlined in statute and rule. The

1 recommendation for approval is pending documentation
2 of facility E occupancy approval and PSFA's weighted
3 New Mexico Condition Index rating or 18 month plan
4 prior to the opening of school.

5 CHAIR GARRISON: The floor is open for
6 questions from commissioners.

7 Commissioner Shearman.

8 VICE-CHAIR SHEARMAN: You all had quite a
9 struggle with facilities, to say the least.

10 MS. ANDERSON: We have had our road.

11 VICE-CHAIR SHEARMAN: According to the
12 report that we had earlier from PSFA, you are still
13 struggling with facilities, but you're working on an
14 18 month plan of correction to be submitted to PSFA
15 on 6/22/2012.

16 MS. ANDERSON: It was submitted on 6/22,
17 which was last week, to PSFA. So it is in their
18 hands.

19 VICE-CHAIR SHEARMAN: So we do have a
20 valid 18 month plan that takes the place of E
21 occupancy at this point?

22 MS. ANDERSON: Yes, ma'am.

23 MS. CASIAS: Mr. Chair, commissioners, we
24 have received the plan, and it is a very complete,
25 very full plan. We have had a preliminary review,

1 and we are ready to give an approval letter, but we
2 got it on the 22nd, and it was very lengthy, very
3 well done, and we haven't had the opportunity to
4 approve it yet.

5 CHAIR GARRISON: Thank you, Ms. Casias.
6 Other questions by commissioners?
7 Commissioner Gant.

8 SECRETARY GANT: Mr. Chair and members, I
9 need a clarification. I have read it and reread it.
10 You have the financing to do this, to do the
11 building, the 18 month plan?

12 MS. ANDERSON: Yes, sir. The 18 month
13 plan has really got two thrusts in it. It's, one,
14 how do we get into the existing buildings that are
15 currently on the McCurdy campus in August of this
16 year, and within basically a year, 12 months, we
17 have a developer coming in who provides a hundred
18 percent financing for the building. They own the
19 building. They lease it to the foundation. The
20 foundation subleases it to us.

21 The other aspect of that is that the land
22 is owned by the General Board of Global Ministries
23 of the United Methodist Church. For the first time
24 that I have ever known of, the general board has
25 issued a resolution that it is willing to go into a

1 long-term ground lease with the foundation, with the
2 board of trustees of the foundation, so that the
3 developer as such is secure in building the building
4 and owning the building.

5 Now within approximately five years, we
6 will look for cheaper financing. The foundation
7 will look for cheaper financing than with the
8 developer, and we will be looking at taking over the
9 building. The foundation will look at taking over
10 the building. This is kind of -- the school wrote
11 the 18 month plan on behalf of the foundation. So
12 it's been totally in concert with both sides, but
13 that's basically what's intended to happen.

14 SECRETARY GANT: This developer, from what
15 I think I have read, is a national developer that
16 does this for charter schools?

17 MS. ANDERSON: Yes, sir. It is HighMark
18 Schools. The partnership, this particular
19 partnership is housed out of Midvale, Utah, and they
20 have several partners. One of them, their
21 construction arm, is a company referred to as Bowma
22 [phonetic]. They have already built somewhere on
23 the order of 300 charter schools across the United
24 States. There are schools built with this
25 methodology in Utah, Colorado, Texas, Arizona that

1 are currently in this particular area.

2 Part of the discussion that happened with
3 Estancia Valley, they too were talking with
4 HighMark, but we were spending a lot of time in the
5 spring trying to decide whether or not HighMark
6 really wanted to do business in New Mexico, because
7 it was a new market for them. And their financial
8 arm has since come around and said they had gotten
9 some legal opinion about whether or not the
10 structure that they are proposing is a viable
11 structure in the state of New Mexico, and so they
12 have chosen to make New Mexico a new market. And it
13 looks like at this point in time, that we will be
14 their first school in New Mexico.

15 SECRETARY GANT: So the lease assistance
16 you will receive from the state, your school and
17 your foundation is just a pass through to the
18 HighMark?

19 MS. ANDERSON: Basically. Basically it's
20 the payment on the building, and then we will
21 purchase the building out from underneath HighMark
22 hopefully within five years. Well, at five years,
23 because there is a lease agreement for the first
24 five years that we do that, that we stay with
25 HighMark as such. But at that time, we will get out

1 of that particular arrangement.

2 Then what also happens is that the General
3 Board of Global Ministries, again, who owns the
4 property, has agreed in this same resolution to sell
5 us all or part of the property and buildings for \$1.
6 So that the board of trustees of the foundation own
7 the land and everything. So it goes away from the
8 long-term ground lease with HighMark, but then, we,
9 basically the foundation will basically own the land
10 and the buildings.

11 I should also say that the 18 month plan,
12 why we are building a new school, we are also
13 utilizing existing structures on the McCurdy campus
14 to the extent practical that we can.

15 The elementary school, which is referred
16 to as Hovermale, is in pretty good shape. It will
17 need, you know, some renovations soon enough. But
18 it will be re-purposed and used as an annex with the
19 new building, as will the existing student center
20 which has got a cafeteria and the memorial gym. So
21 we have a full size gymnasium. We have all the
22 athletic fields necessary. It will make a very,
23 very good campus.

24 And to be quite honest, we want to make a
25 statement to the Española Valley that excellent

1 education has been provided for the past 100 years,
2 and there is going to be excellent education
3 provided in the next 100 years.

4 SECRETARY GANT: You spoke of the gym and
5 the auxiliary building and the student union, I
6 believe it was.

7 MS. ANDERSON: Yes, sir.

8 SECRETARY GANT: Have those all been
9 vetted past the PSFA to get their blessing as E
10 occupancy?

11 MS. ANDERSON: Yes, sir. All of the
12 buildings that we are proposing to use -- well, here
13 we go back again to this idea of phase one is like
14 getting this in this year. All of the buildings
15 that we are proposing to use have gone through PSFA
16 evaluation, because we are talking about using the
17 high school building, the memorial gym, the student
18 center, the two portables, and the elementary school
19 building while the new building is being built.
20 That will also entail tearing down four smaller
21 buildings to clear a location for the new building.

22 So those six buildings will be utilized to
23 house the students and offices. We have gone
24 through, and while it's not an optimum
25 configuration, it's a workable configuration until

1 the spring when the new building is available. At
2 that time we will vacate the memorial -- or excuse
3 me -- the high school building and McCracken gym.
4 Also we will use McCracken gym in August. We will
5 vacate McCracken and we will vacate the high school
6 building, and those will be used for purposes with
7 the foundation to provide before and after school
8 care, project Carino [phonetic] several different
9 activities of that variety working to help involve
10 the community. Did I answer your question?

11 SECRETARY GANT: Yes. Thank you.

12 MS. ANDERSON: Thank you, sir.

13 CHAIR GARRISON: Thank you.

14 Any other questions from commissioners?

15 Commissioner Canfield.

16 COMMISSIONER CANFIELD: Thank you, Mr.

17 Chair.

18 So the buildings that you are occupying on
19 an interim basis are not in very good shape? The
20 score is not very high?

21 MS. ANDERSON: The McCurdy campus -- did
22 you want to speak to that or I can, either one.

23 MS. CASIAS: Chair and commissioners, when
24 we did an evaluation of the school, we looked at
25 each and every building, but the 18 month plan of

1 correction, they have chosen the buildings that, you
2 know, they are not perfect but they will have the
3 life, health, and safety requirements met. So the
4 children will be in a safe environment although not
5 perfect.

6 COMMISSIONER CANFIELD: Thank you.

7 Thank you, Mr. Chair.

8 CHAIR GARRISON: Thank you, Commissioner
9 Canfield.

10 Are there any other questions?

11 Mr. Gant.

12 SECRETARY GANT: Mr. Chair, just a note
13 for whoever reads the resolution. Paragraph or item
14 paragraph, whatever you want to call it, 3.8 and the
15 subparagraphs, Ms. Callahan, are in the same
16 condition as the others. They need to be included
17 in the resolution and need a date as to when they
18 are going to be completed.

19 MS. ANDERSON: If I may, all of those
20 policies have been signed as of the 25th of this
21 month, two days ago. So we are complete in that
22 regard. Thank you.

23 DIRECTOR CALLAHAN: Mr. Chair,
24 Commissioner Gant, because this was done on the
25 15th, we can get the documentation that you require

1 to validate that.

2 SECRETARY GANT: Mr. Chair, we should
3 discuss changing that so that everything is done on
4 time next year. Just a comment.

5 DIRECTOR CALLAHAN: Mr. Chair, already
6 noted.

7 CHAIR GARRISON: Commissioner Bergman.

8 COMMISSIONER BERGMAN: Director Callahan,
9 we are throwing so much stuff in August 8th, we are
10 going to need two days to take care of business.

11 CHAIR GARRISON: That was actually my
12 serious concern.

13 COMMISSIONER BERGMAN: Let's think about
14 that too, because we may need it. We are adding
15 stuff right and left on our agenda.

16 DIRECTOR CALLAHAN: Mr. Chair and
17 Commissioner Bergman, you are increasing my lesson
18 plan for the day for sure.

19 CHAIR GARRISON: I was thinking more of
20 your budget for Reno, so that's doubled.

21 Other questions from commissioners?

22 Seeing none, the Chair will entertain a
23 motion.

24 Commissioner Bergman.

25 COMMISSIONER BERGMAN: I hereby move

1 adoption of the following resolution: Whereas
2 McCurdy Charter School was granted a charter with
3 the provision that before the commission shall issue
4 the authorization to commence full operation, the
5 charter school must comply with the requirements of
6 the planning year checklist developed by the Charter
7 Schools Division; and whereas, the Charter Schools
8 Division has assured the commission that the charter
9 school has substantially complied with the
10 requirements of the planning year checklist, has met
11 the conditions put forth by the commission upon
12 charter approval, and has demonstrated they have
13 sought and obtained certification from the New
14 Mexico Public School Facilities Authority that the
15 facility will receive a condition rating equal to or
16 better than the average condition for all New Mexico
17 public schools, or can demonstrate within 18 months
18 of occupancy, that it has a plan for achieving the
19 wNMCI.

20 Therefore, be it resolved that McCurdy
21 Charter School is granted authorization to commence
22 full operations of a state chartered charter school.
23 However, the school cannot occupy a facility with
24 students until the Charter Schools Division receives
25 written notification that the school building has

1 been approved for E occupancy, NMSA 1978, Section
2 22-8B-4.2A 2011.

3 COMMISSIONER PERALTA: Second.

4 CHAIR GARRISON: A motion by Commissioner
5 Bergman, seconded by Commissioner Peralta.

6 Any discussion?

7 Commissioner Shearman.

8 VICE-CHAIR SHEARMAN: Do we want to add
9 the condition of all items in 3.8?

10 COMMISSIONER BERGMAN: She said they had
11 already been signed.

12 VICE-CHAIR SHEARMAN: Well, I still
13 think --

14 COMMISSIONER BERGMAN: Do we want to add
15 the condition that they be sent to -- we can do
16 that.

17 CHAIR GARRISON: The second agrees with
18 that friendly amendment?

19 COMMISSIONER PERALTA: Yes.

20 CHAIR GARRISON: Okay. Any other
21 discussion? We will proceed with the roll call vote
22 with Secretary Eugene Gant.

23 SECRETARY GANT: Commissioner Lopez.

24 COMMISSIONER LOPEZ: Yes.

25 SECRETARY GANT: Commissioner Carr.

1 COMMISSIONER CARR: Yes.
2 SECRETARY GANT: Commissioner Pogna.
3 COMMISSIONER POGNA: Yes.
4 SECRETARY GANT: Commissioner Bergman.
5 COMMISSIONER BERGMAN: Yes.
6 SECRETARY GANT: Commissioner Peralta.
7 COMMISSIONER PERALTA: Yes.
8 SECRETARY GANT: Commissioner Canfield.
9 COMMISSIONER CANFIELD: Yes.
10 SECRETARY GANT: Commissioner Shearman.
11 VICE-CHAIR SHEARMAN: Yes.
12 SECRETARY GANT: Commissioner Garrison.
13 CHAIR GARRISON: Yes.
14 SECRETARY GANT: Commissioner Gant votes
15 yes. 9-0 in favor.
16 CHAIR GARRISON: Passes unanimously.
17 Congratulations.
18 MS. ANDERSON: Thank you very much.
19 CHAIR GARRISON: Item f is Mission
20 Achievement and Success, come forward and introduce
21 yourselves.
22 MS. JOANN MYERS: My name is JoAnn Myers.
23 I am the founder of Mission Achievement and Success.
24 CHAIR GARRISON: Thank you.
25 Ms. Callahan.

1 DIRECTOR CALLAHAN: Mr. Chair,
2 commissioners, the next school that we are going to
3 address is Mission Achievement and Success. The
4 Charter Schools Division recommends approval for
5 Mission Achievement and Success to commence full
6 operations based on their completion of the planning
7 year requirements outlined in statute and rule. The
8 recommendation for approval is pending documentation
9 of facility E occupancy approval and PSFA's weighted
10 New Mexico Condition Index rating or 18 month plan
11 prior to the opening of school.

12 CHAIR GARRISON: Questions from
13 commissioners?

14 Commissioner Bergman.

15 COMMISSIONER BERGMAN: I was looking at
16 your map of your facility, and I see some parking is
17 on Ross Street.

18 MS. MYERS: Right.

19 COMMISSIONER BERGMAN: But I see some
20 parking is across the street on Yale. Is this
21 school going to be north of Gibson or south of
22 Gibson?

23 MS. MYERS: It's going to be north of
24 Gibson or south of Gibson?

25 COMMISSIONER BERGMAN: I ask that

1 question, because Gibson is a road that runs past
2 the airport, and I know the south part is a highly
3 trafficked area. Are students going to be walking
4 across through that traffic?

5 MS. MYERS: It's north. Where we have
6 designated the drop off point like for arrival and
7 dismissal, for staff and stuff, but it's not like
8 where they are crossing the streets. They won't be
9 there. The drop off point will be right directly in
10 front of the building.

11 COMMISSIONER BERGMAN: Thank you. That
12 was my concern how busy Yale is.

13 CHAIR GARRISON: Are you offering
14 transportation for the school?

15 MS. MYERS: Unfortunately, no.

16 CHAIR GARRISON: So I remember when we
17 approved the application, there was the 87121,
18 87105, the ZIP codes that most popularly feed into
19 the detention centers, and that was the population
20 you were looking at, and you were proposing that you
21 were going to be in the South Valley or the west
22 side. What has changed?

23 MS. MYERS: Some of it was facility
24 availability. That's actually where we really
25 wanted to be, but we struggled to find facilities in

1 those locations that were viable, that would be able
2 to be opened in time. But as far as recruitment
3 efforts, we have actually branched out, and I still
4 have had -- one of the gentlemen who spoke, Chris
5 Sanchez for the Bernalillo County Detention Center
6 in the southeast, and we have been in contact.

7 The one thing that we have discovered with
8 recruitment efforts, while we kind of thought we
9 would be restricted with recruitment to the
10 geographic location of the school, we have actually
11 drawn a large population of our students from the
12 South Valley. We have kids coming from all the way
13 over on the west side, and so we have spread our
14 recruitment and stopped trying to just recruit in
15 the geographic area of the school, because we have
16 found that parents are driving their kids from any
17 point in Albuquerque. We have even asked students
18 from Rio Rancho to apply.

19 CHAIR GARRISON: So how many sign ups do
20 you have?

21 MS. MYERS: At this point in time, we are
22 pushing 85 right now. You might be, well, that's
23 concerning, but as of three weeks ago, we were only
24 at like 30, so we have increased over 50 in the last
25 three weeks. Then we have a mailing of 4,000

1 letters that are targeted to certain APS schools,
2 like middle schools and elementary schools. They
3 are fifth and sixth graders from the 120th day
4 count.

5 We will be at a Mother Sundance at a rec
6 center on Friday night. We will be at a church
7 barbecue in the neighborhood on Saturday. Our
8 information is going to be in a church bulletin on
9 Sunday. We have -- I could go on and on, but we
10 have three swim meets that we are at where there are
11 over 1,500 swimmers that are middle school, high
12 school age. We are at Walmart at San Mateo and Zuni
13 on the 1st, 2nd, and 3rd of July. There is a
14 variety.

15 I mean, that's honestly been the bigger
16 challenge with the school is the recruitment. I
17 think a lot of it comes down to exactly what you
18 just asked me about the transportation. As I
19 mentioned when we were doing, I guess, the
20 application review, if we could have afforded to put
21 transportation in, that was an easier option for us.
22 We would have liked to, because that usually is the
23 biggest challenge for parents, getting their kids to
24 school. So we have tried to even just network with
25 folks and let parents know. Like parents who have

1 said, I am really interested. Do you have anybody
2 in the geographic neighborhood that's driving there?
3 Maybe I could do carpool. So we have been trying to
4 support whatever ways we can to make sure there is
5 transportation for kids, but unfortunately we cannot
6 budgetarily provide transportation at this point in
7 time.

8 CHAIR GARRISON: Are there other charter
9 schools in that area?

10 MS. MYERS: There are in the physical
11 building that we are in. Cien Aguas is in there,
12 and they are a bilingual program. They have a
13 pretty small enrollment and they are moving out
14 after this year. And then La Resolana is in there
15 as well.

16 CHAIR GARRISON: Commissioner Bergman.

17 COMMISSIONER BERGMAN: I was going to ask
18 about that. You are sharing. You say one is moving
19 out.

20 MS. MYERS: Correct.

21 COMMISSIONER BERGMAN: Are you going to be
22 in separate facilities or are you sharing classrooms
23 with La Resolana?

24 MS. MYERS: No, we are not sharing
25 classrooms. The way it's laid out physically -- and

1 this is a common question parents in particular ask
2 when they are first submitting their applications.
3 The building is segregated, I mean, pretty
4 segregated as far as there are like wings where
5 there is really no interaction. We don't share
6 cafeteria space, PE space, and they don't cross in
7 the hallways because of the way the building is laid
8 out. So there are completely different wings of the
9 building if you will.

10 COMMISSIONER BERGMAN: So any possible
11 interaction would probably be outside?

12 MS. MYERS: It would. And we have already
13 met with the building administration from the other
14 two schools just to have collaborative
15 conversations. As I shared before, I had been
16 involved in opening schools in New York City, and
17 one of the things -- we shared space. In one school
18 in Harlem I was at, we had three schools in one
19 building. So it's not uncommon to me per se, but we
20 have already began to meet with the principals, just
21 more for proactive type issues.

22 COMMISSIONER BERGMAN: Thank you.

23 MS. MYERS: You're welcome.

24 CHAIR GARRISON: Senator Jerry Ortiz y
25 Pino was an advocate for you all at the onset.

1 MS. MYERS: Correct.

2 CHAIR GARRISON: So did you utilize him to
3 look for facilities in the South Valley or west
4 side?

5 MS. MYERS: We have utilized everybody
6 that could help us. One of the biggest things we
7 ran into when we were looking for buildings in
8 general is something, as you all have heard for the
9 last however many hours from the schools, like
10 that's been one of the biggest issues for folks is
11 the facilities. So one of the things that we ran
12 into, even with another facility we considered prior
13 to this, is we had to walk away from that option
14 around March, because it was not going to be viable
15 and we would have been sitting up here defending how
16 are we going to open in two weeks or three weeks or
17 whatever when the construction is not done.

18 That's why we really were aggressive in
19 trying to find buildings, but because we struggled
20 with it. When we did find one that looked like a
21 very viable option, the minute we really started
22 hitting those roadblocks and saw that there was a
23 strong likelihood that we would be delayed in our
24 opening or we would be so under crunched that we
25 decided we needed to walk away from that.

1 CHAIR GARRISON: Are you holding a
2 position with the school after it is running?

3 MS. MYERS: I'm sorry?

4 CHAIR GARRISON: Will you be at school
5 once it is running?

6 MS. MYERS: I will.

7 CHAIR GARRISON: As what?

8 MS. MYERS: As the principal of the
9 school.

10 CHAIR GARRISON: Other questions from
11 commissioners?

12 A comment from me is that this was
13 broadcast as something that was going to be in my
14 district. I thought that 90/90/90 would be
15 something for that district, because those two ZIP
16 codes where I have lived all my life, it's what
17 feeds the Metropolitan Detention Center, that city
18 of 2,700 human beings, and none of those citizens
19 want to be there, and it also feeds the juvenile
20 detention center too. That is where this school
21 needed to be.

22 This is different than looking at a
23 Moriarty and all of a sudden the school is in
24 Estancia. It's Albuquerque, and it's still the
25 Albuquerque school district. So I don't think that

1 they were being shady. They were just looking for a
2 place. But from my perspective, it is a totally
3 different community. It's absolutely a totally
4 different community once you cross that river, and
5 that concerns me.

6 Other questions by commissioners?

7 Commissioner Gant and then Commissioner
8 Shearman.

9 SECRETARY GANT: Ms. Callahan, you might
10 check items 3.8.5 and 3.9. The first one was a
11 wellness policy. I can't tell if there is a policy
12 written or not, because it's blank, as well as the
13 special education plan, it's also blank. So I don't
14 know if those items have been completed or not.

15 MS. MYERS: They have been.

16 DIRECTOR CALLAHAN: We will definitely
17 verify that. If they are checked, they are
18 complete. I'm not sure why there is not a comment
19 in there. If they are checked they have been
20 verified.

21 CHAIR GARRISON: Other comments or
22 questions by commissioners?

23 Commissioner Shearman.

24 VICE-CHAIR SHEARMAN: I know it's been a
25 long day and I don't want to belabor this point, but

1 three charter schools in one building sort of fly
2 against my view of what charter schools are. I
3 think they are for choice. They are where they need
4 to be. They are convenient to the students who are
5 going to utilize that school.

6 And I realize you said students have
7 expressed interest from across town, but not that
8 many students. I really -- I can't like three
9 charter schools in one building. That doesn't meet
10 my vision of what a charter school is. I know there
11 is no regulation against it. There is probably no
12 statute against it. I just don't like it. It
13 doesn't sound like what a charter school should be
14 doing.

15 So I'll just put that out there for what
16 it's worth, but it really bothers me, not for the
17 same reason it bothers you, but it bothers me.

18 MS. MYERS: And I might point out, in case
19 it's not apparent -- I don't know what you all have
20 in front of you -- but that's a temporary facility
21 for us. We will be there for up to two years, and
22 then we have another facility that we are pursuing
23 as a permanent location for us. So even though I
24 understand your concern. It isn't our ideal
25 situation either to be co-located, more just for

1 some of it for just competitive type reasons, and
2 then also being able to spread the opportunities to
3 other locations.

4 But again, because as I shared, when we
5 ran into facility issues in March, we had to look
6 for an alternative plan that was going to be viable
7 for us to be able to open and offer services.

8 VICE-CHAIR SHEARMAN: Thank you.

9 MS. MYERS: You're welcome.

10 COMMISSIONER LOPEZ: Mr. Chair.

11 CHAIR GARRISON: Commissioner Lopez.

12 COMMISSIONER LOPEZ: I share your concerns
13 about the population that you are going to be
14 drawing from, but where is your new facility in two
15 years going to be located?

16 MS. MYERS: The current location that we
17 have pursued up until March and we are still looking
18 at is 8100 Mountain which is right off of I-40 and
19 Wyoming.

20 COMMISSIONER LOPEZ: It's still not in the
21 South Valley.

22 MS. MYERS: Again, really what we ran into
23 when we were searching for properties -- and it's
24 not that that can't change. But that's what is
25 there right now when we put together our facility

1 plan, so we could show -- it wasn't just for the
2 purpose of showing we had a viable plan, but that is
3 the building that would house us right up to the
4 12th grade so that we could be in one building, not
5 have to move, and that's why we had started to
6 aggressively pursue that, because that was one of
7 the other things that we had talked about when I
8 defended the application or, whatever, at the public
9 hearing.

10 When I talked about that, I was talking
11 about the inconvenience for families of moving. So
12 we really tried very hard to find a building where
13 we would be able to grow, grow into it, not have to
14 split our campuses, not have to move. That's one of
15 the reasons we selected that building to begin with.
16 As you heard from all the other schools, we ran into
17 some facility issues. We just went a different
18 route in how we handled it and stuff. We decided to
19 look for at least a short term solution that would
20 provide us a one or two year option that we would be
21 able to remain in, and then we would move.

22 So while the 8100 Mountain is still a
23 hundred percent on the table, a very viable option
24 would allow us to move into it and be able to expand
25 all the way to the 12th grade and never have to

1 relocate again. It does provide us the opportunity
2 to look at different locations and stuff in the
3 immediate future.

4 CHAIR GARRISON: Commissioner Gant.

5 SECRETARY GANT: Mr. Chair and members,
6 that concerns me, because I read through this stuff
7 and I didn't see it. Maybe I'm getting old, but I
8 didn't see anything mentioned about moving in two
9 years. Did I miss something, Ms. Callahan?

10 DIRECTOR CALLAHAN: Mr. Chairman,
11 Commissioner Gant, everything that the school
12 provided is included in your packets.

13 MS. MYERS: There should be information
14 within our PSFA report, and all of this was
15 submitted to PSFA as well. This was the plan.
16 There is a two year facility plan with our years
17 three, four, and five at 8100 Mountain address.

18 MS. CASIAS: Mr. Chair, Commissioner Gant,
19 PSFA hasn't done an assessment of the proposed
20 facility two years from now.

21 SECRETARY GANT: So were you aware of the
22 possible move?

23 MS. CASIAS: Mr. Chair, Commissioner Gant,
24 I have to read through my notes. It doesn't come to
25 the top of my mind that I was aware of it.

1 SECRETARY GANT: Okay. Thank you. I just
2 wish you had been more forthcoming and let us know.

3 CHAIR GARRISON: Are there any other
4 questions from commissioners? Going to call a five
5 minute recess.

6 (A recess was taken.)

7 CHAIR GARRISON: I am going to call this
8 meeting back to order. I have Cien Aguas, but what
9 was the second school that you are sharing the
10 building with?

11 MS. MYERS: La Roselana.

12 CHAIR GARRISON: My concern is the
13 philosophy that was brought forth that we approved.
14 I really liked the 90/90/90 concept to share a
15 facility with a C and a D school, which is the grade
16 that they receive by the Public Education
17 Department. It concerns me just because of the
18 positive environment that must be created by your
19 personnel. And so I just wanted to make that as a
20 comment. I don't have any questions.

21 Were there any other questions by
22 commissioners?

23 And I do want to make this point that we
24 are judging today on the facilities and board of
25 finance only. And so I just want to put that

1 forward.

2 MS. MYERS: Can I comment on your comment
3 or no?

4 CHAIR GARRISON: No.

5 MS. MYERS: Okay.

6 CHAIR GARRISON: Ms. Shearman, are you
7 going to be gone long?

8 VICE-CHAIR SHEARMAN: Please excuse me
9 just a minute. I have a family situation here.

10 CHAIR GARRISON: Then you might as well
11 comment.

12 MS. MYERS: Thank you. The 90/90/90, I
13 wanted to comment, just give a couple comments. I
14 will talk as long as you let me talk.

15 CHAIR GARRISON: Be careful with that one.

16 MS. MYERS: So as far as the 90/90/90
17 goes, I can tell you so far from the demographic
18 that we have received, we are still getting the same
19 demographic as far as having 90 percent, 90 percent
20 free, reduced luncheon. You might say, well, how do
21 you know that when you haven't filled out lunch
22 applications? That's one of the No. 1 questions we
23 have been asked is are you all having a lunch
24 program, so we are still drawing that same
25 demographic.

1 CHAIR GARRISON: That wasn't my concern.

2 MS. MYERS: You are talking about the
3 culture and stuff. And I can tell you, honestly
4 without physically being in the building and seeing
5 the layout, they really are completely separate.
6 It's almost like being in, I guess, a New York City
7 type apartment complex where you all have your own
8 apartments. There is no interaction unless you
9 happen to be walking down the stairwell together,
10 but that doesn't even happen, because you don't
11 cross the corridors.

12 The way the building is laid out, it's
13 literally one school is in this wing and it's
14 completely on its own. Another school is in the
15 back wing, and it's completely on its own. And then
16 we are on the whole back side of it. Again, without
17 physically seeing it, it's hard to conceptualize it
18 a bit, but it really is completely separate.

19 CHAIR GARRISON: I have seen it, and I
20 just compare that to bullying. Oh, it's not
21 happening with my child, but teenagers will find a
22 way, and so my concern was that culture. It will
23 find a way. I hope that you work through it and
24 make it happen.

25 MS. MYERS: We will. Thank you.

1 CHAIR GARRISON: We are a quorum. The
2 Chair will entertain a motion.

3 COMMISSIONER CANFIELD: Mr. Chair, I'll
4 make the motion.

5 CHAIR GARRISON: Commissioner Canfield.

6 COMMISSIONER CANFIELD: I understand there
7 are some questions here, but before I do make the
8 motion, I would like to say that based on what we
9 are looking at, as you mentioned, it sounds like you
10 found a plan B with a building that meets the
11 requirements. So that's what I feel I am basing
12 this motion on.

13 I hereby move adoption of the following
14 resolution: Whereas Mission Achievement and Success
15 was granted a charter with a provision that before
16 the commission shall issue an authorization to
17 commence full operation, the charter school must
18 comply with the requirements of the planning year
19 checklist developed by the Charter Schools Division;
20 and whereas, the Charter Schools Division has
21 assured the commission that the charter school has
22 substantially complied with the requirements of the
23 planning year checklist, has met the conditions put
24 forth by the commission upon charter approval, and
25 has demonstrated it has sought and obtained

1 certification from the New Mexico Public School
2 Facility Authority, and the facility will receive a
3 condition rating equal to or better than the average
4 condition for all New Mexico public schools or can
5 demonstrate within 18 months of occupancy that it
6 has a plan for achieving wNMCI.

7 Therefore, be it resolved that Mission
8 Achievement and Success is granted authorization to
9 commence full authorization as a state chartered
10 charter school. However, the charter school cannot
11 occupy a facility with students until the Charter
12 Schools Division receives written notification that
13 the school building has been approved for E
14 occupancy. NMSA 1978 Section 22-8B-4.2A 2011.

15 COMMISSIONER BERGMAN: I would second with
16 the added condition that Commissioner Gant has
17 brought forward, that those two blank boxes be taken
18 care of under 3.8.

19 CHAIR GARRISON: We need to be specific
20 for the motion.

21 COMMISSIONER BERGMAN: All right. 3.8.5
22 and then down under, 3.9, the top line there by the
23 copy of special education plan is left blank.

24 COMMISSIONER CANFIELD: I approve that
25 amendment.

1 CHAIR GARRISON: There is a motion by
2 Commissioner Canfield and a second by Commissioner
3 Bergman. Is there any discussion?

4 We will then proceed with a roll call vote
5 with Secretary Eugene Gant.

6 SECRETARY GANT: Commissioner Lopez.

7 COMMISSIONER LOPEZ: Yes.

8 SECRETARY GANT: Commissioner Carr.

9 COMMISSIONER CARR: Yes.

10 SECRETARY GANT: Commissioner Pogna.

11 COMMISSIONER POGNA: Yes.

12 SECRETARY GANT: Commissioner Bergman.

13 COMMISSIONER BERGMAN: Yes.

14 SECRETARY GANT: Commissioner Peralta.

15 COMMISSIONER PERALTA: Yes.

16 SECRETARY GANT: Commissioner Canfield.

17 COMMISSIONER CANFIELD: Yes.

18 SECRETARY GANT: Commissioner Shearman.

19 VICE-CHAIR SHEARMAN: No.

20 SECRETARY GANT: Commissioner Garrison.

21 CHAIR GARRISON: Yes.

22 SECRETARY GANT: Commissioner Gant votes
23 no. It's seven to two in favor.

24 CHAIR GARRISON: The motion passes.
25 Congratulations.

1 MS. MYERS: Thank you.

2 CHAIR GARRISON: New America School in Las
3 Cruces, welcome. When you get settled in there,
4 sign in and introduce yourselves.

5 MR. CRAIG COOK: My name is Craig Cook,
6 one of the founders. I am also the chief of
7 business operations for the New America School
8 network.

9 CHAIR GARRISON: Thank you.

10 MR. DOMINIC SILVA: Mr. Chairman, members
11 of the committee, my name is Dominic Silva. I am a
12 governing council member and I am also a member of
13 the New America School's National Board of Directors
14 which encompasses Nevada, Colorado, and New Mexico.
15 Thank you.

16 CHAIR GARRISON: Welcome.

17 MR. BEN DOMINGUEZ: My name is Ben
18 Dominguez. I am the president of the governing
19 council.

20 CHAIR GARRISON: Good to have you.

21 Ms. Callahan.

22 DIRECTOR CALLAHAN: Mr. Chair and
23 commissioners, the next school under review is the
24 New America School for Las Cruces. The Charter
25 Schools Division recommends approval for New America

1 School Las Cruces to commence full operations based
2 on their completion of the planning year
3 requirements outlined in statute and rule. The
4 recommendation for approval is pending documentation
5 of facility E occupancy approval and PSFA's weighted
6 New Mexico Condition Index rating or 18 month plan
7 prior to the opening of the school.

8 CHAIR GARRISON: The floor is open for
9 comments or questions by commissioners.

10 SECRETARY GANT: Mr. Chair, I would like
11 them to explain, again, their timelines and their
12 completion of that building, please.

13 MR. COOK: Again, my name is Craig Cook.
14 The timeline, and I have received confirmation
15 within the last hour and a half from our architect
16 and from our general contractor, they expect to be
17 at least a TCO if not the CO by 1 August of this
18 year. The TCO or CO will give us E occupancy
19 status.

20 We have also received confirmation again
21 from Richard Romero that our index was 1.8, well
22 within the parameters. So we will begin school on
23 the 20th of August. If for some reason we don't get
24 our full CO, which we'll want to have before we have
25 students until the 15th of August, we have an

1 alternative plan to delay school opening one week
2 and file that with the Charter Schools Division on
3 the 27th of August.

4 CHAIR GARRISON: Thank you, sir.

5 Other questions?

6 Mr. Gant, continue.

7 SECRETARY GANT: Mr. Chair, I got to tell
8 you, though, I was by there yesterday. I got
9 pictures of it here with me if anybody wants to see
10 it. The east face of the building is not going to
11 be finished. There's doors missing, there's windows
12 missing on the east face. The south face was just
13 starting to get finished. I can look inside the
14 building. I can see steel. The steel studs for the
15 walls, and all that, they had not been completed. I
16 wish them luck to be done by 1 August.

17 Based upon what I have seen in my
18 experience with builders, I realize the contractor
19 has got a requirement to meet a certain day or there
20 is a penalty on that. I have also been through that
21 with schools. I have been on the board down there
22 in Cruces for eight years. We had to hold up on a
23 middle school because it wasn't completed. They
24 didn't make the timeline because of the contractor.
25 We had another school where they were supposed to go

1 in and get substantial completion on one day. They
2 looked at it the next day and it wasn't. Another
3 school, they went in there for substantial
4 completion. The toilets didn't work, nothing
5 worked.

6 So cramming stuff into the last minute,
7 and I know when this school started. I know when
8 the demolition started, and how long it was, and
9 that building has been sitting empty for years.
10 Being that I lived in Cruces for 32 years, I know.
11 So I wish you luck to get it done, and I don't care
12 about the penalties. If they owe it to you, they
13 pay it to you.

14 But I am worried about the kids and this
15 last minute of starting school with a week to put
16 the furniture in and get the teachers all set up in
17 their classrooms, et cetera. It doesn't work. We
18 had a school that opened up last year, and the same
19 thing happened. They were still hauling portables
20 into the property one week before school was
21 supposed to start. I am just making these comments.
22 I just wish you luck. I don't think it's going to
23 happen. Thank you.

24 CHAIR GARRISON: Are there any other
25 questions from commissioners?

1 Seeing none, the Chair will entertain a
2 motion.

3 SECRETARY GANT: Mr. Chair, one comment.
4 The items of 3.8 are still in draft, and there is no
5 date on there as to when they are to be completed.

6 MR. DOMINGUEZ: The policies that were
7 pointed out -- sorry -- Commissioner Gant,
8 commissioners, they were approved at our June 14th
9 GC meeting.

10 MR. COOK: Since the PED and the Charter
11 Schools Division had to have your documents ready
12 the 15th, we acted on the 14th. They have
13 subsequently been posted to the web. They were all
14 acted on, those remaining were acted on on the 14th.
15 They were on the agenda for the 14th and approved.

16 CHAIR GARRISON: Other questions? Seeing
17 none, the Chair will entertain a motion.

18 Commissioner Shearman.

19 VICE-CHAIR SHEARMAN: I hereby move
20 adoption of the following resolution: Whereas, New
21 America School Las Cruces was granted a charter with
22 the provision that before the commission shall issue
23 the authorization to commence full operation, the
24 charter school must comply with the requirements of
25 the planning year checklist developed by the Charter

1 Schools Division; and whereas, the Charter Schools
2 Division has assured the commission that the charter
3 school has substantially complied with the
4 requirements of the planning year checklist, has met
5 the conditions put forth by the commission upon
6 charter approval, and has demonstrated that it has
7 sought and obtained certification from the New
8 Mexico Public School Facility Authority, that the
9 facility will receive a condition rating equal to or
10 better than the average condition for all New Mexico
11 public schools, or can demonstrate that within 18
12 months of occupancy, that it has a plan for
13 achieving the wNMCI.

14 Therefore, be it resolved that the New
15 America School Las Cruces is granted authorization
16 to commence full operation as a state chartered
17 charter school. However, the school cannot occupy a
18 facility with students until the Charter Schools
19 Division receives written notification that the
20 school building has been approved for E occupancy,
21 NMSA 1978 Section 22-8B-4.2A 2011.

22 Approved with conditions. I move that the
23 Public Education Commission approve authorization of
24 the New America School Las Cruces with the following
25 conditions to be completed and documented with the

1 Charter Schools Division prior to the opening of
2 school: That all provisions in Section 3.8 of the
3 planning year checklist be completed prior to the
4 beginning of school.

5 COMMISSIONER PERALTA: Second.

6 CHAIR GARRISON: Seconded by Commissioner
7 Peralta. Is there any discussion?

8 Seeing none, we will proceed with a roll
9 call vote with Secretary Eugene Gant.

10 SECRETARY GANT: Commissioner Lopez.

11 COMMISSIONER LOPEZ: Yes.

12 SECRETARY GANT: Commissioner Carr.

13 COMMISSIONER CARR: Yes.

14 SECRETARY GANT: Commissioner Pogna.

15 COMMISSIONER POGNA: Yes.

16 SECRETARY GANT: Commissioner Bergman.

17 COMMISSIONER BERGMAN: Yes.

18 SECRETARY GANT: Commissioner Peralta.

19 COMMISSIONER PERALTA: Yes.

20 SECRETARY GANT: Commissioner Canfield.

21 COMMISSIONER CANFIELD: Yes.

22 SECRETARY GANT: Commissioner Shearman.

23 VICE-CHAIR SHEARMAN: Yes.

24 SECRETARY GANT: Commissioner Garrison.

25 CHAIR GARRISON: Yes.

1 SECRETARY GANT: Commissioner Gant votes
2 no. Eight to one.

3 CHAIR GARRISON: The motion passes. I
4 wish you all luck.

5 And remember the state of Ohio as a last
6 resort, gentlemen.

7 I would like to invite up Sage Montessori
8 School of the Arts and Science, and look at them.
9 They are on the ball.

10 MS. JEANNE MEIHAUS: We are Sage
11 Montessori Charter School.

12 CHAIR GARRISON: What did I say?

13 MS. MEIHAUS: You confused us with La
14 Tierra School.

15 CHAIR GARRISON: I did confuse you. Sage
16 Montessori Charter School. Please, after you sign
17 in, introduce yourselves, and we will proceed.
18 Thank you for that correction.

19 MS. MEIHAUS: I am secretary of the
20 governing board and my name is Jeanne Meihaus.

21 CHAIR GARRISON: After you sign in,
22 everyone, use the mike, please.

23 MS. MEIHAUS: My name is Jeanne Meihaus
24 and I am the secretary for the governing board for
25 Sage Montessori. Thank you.

1 CHAIR GARRISON: You're welcome.

2 MS. MARGARET CASSIDY-BACA: My name is
3 Margaret Cassidy-Baca. I am a community volunteer.
4 I have been working closely with Sage Montessori
5 Charter School these last very long nine months.
6 Delivering a child was easier than this. I'm very
7 happy to be here today.

8 CHAIR GARRISON: Welcome.

9 MS. ALGENE HERRICK: My name is Algene
10 Herrick. I am a founder and acting administrator of
11 the Sage charter school.

12 CHAIR GARRISON: Welcome.

13 Ms. Callahan.

14 DIRECTOR CALLAHAN: Good afternoon. Mr.
15 Chairman, commissioners, the school for review at
16 this time is Sage Montessori. At this time, the
17 Charter Schools Division recommends approval for
18 Sage Montessori to commence full operations based on
19 their completion of the planning year requirements
20 outlined in statute and rule. The recommendation
21 for approval is pending documentation of the
22 facility E occupancy approval and PSFA's weighted
23 Condition Index rating or 18 month plan prior to the
24 opening of school.

25 CHAIR GARRISON: Thank you, Ms. Callahan.

1 The floor is open for commissioner
2 questions. Commissioner Shearman.

3 VICE-CHAIR SHEARMAN: So PSFA, has that E
4 occupancy been issued? Has anything changed since
5 that report that Ms. Callahan just read?

6 MS. CASSIDY-BACA: We have received a
7 weighted index score of 6.86, I believe. Our E
8 occupancy is pending. The landlord is responsible
9 for obtaining the occupancy and the tenant
10 improvements. His contractor has already gone
11 through the architectural and engineering process.
12 It's being submitted to the City of Albuquerque,
13 city building's department for E occupancy approval
14 next Wednesday.

15 MS. CASIAS: Mr. Chair, Commissioner
16 Shearman, that's correct. I have nothing to add.

17 VICE-CHAIR SHEARMAN: Okay. So there are
18 renovations still to be done?

19 MS. CASIAS: Mr. Chair, Ms. Shearman, they
20 currently do not have an E occupancy at this time
21 but they are working on it.

22 VICE-CHAIR SHEARMAN: Thank you. I
23 thought I heard something about renovations.

24 MS. HERRICK: That is minimal. At this
25 time another company was in the building. They have

1 moved out. They have taken their furnishings. The
2 building is basically a shell right at this point.
3 They are going to add four walls and four toilets
4 and a water fountain.

5 MS. CASSIDY-BACA: Essentially our layout
6 of our classroom structure is a double open
7 structure. We required them to remove interior
8 walls as opposed to building things out, which
9 frankly from the contractor's standpoint was much
10 faster and simpler than trying to build something up
11 as opposed to tearing something down. So we needed
12 to add a few lavatories, a few toilets, a water
13 fountain, and put walls where we needed them for
14 large, open classroom spaces. They are going to
15 install a fire alarm system that meets the E code
16 for fire marshal purposes and add two exterior
17 doors. That is why the plans now are sitting on the
18 engineer's desk to verify that that is all that will
19 be needed to get that E occupancy. It's expected to
20 be delivered to the city next Wednesday.

21 VICE-CHAIR SHEARMAN: When was the lease
22 signed?

23 MS. CASSIDY-BACA: We conducted a series
24 of regular meetings, special meetings, and emergency
25 meetings. And I believe -- let me ask the realtor.

1 Our realtor is here.

2 VICE-CHAIR SHEARMAN: Thank you. I found
3 it. It's on page 17. Eighth of June, is that
4 correct?

5 MS. CASSIDY-BACA: That sounds correct,
6 ma'am.

7 VICE-CHAIR SHEARMAN: Can I ask why this
8 all is happening so late?

9 MS. CASSIDY-BACA: We can explain that.
10 We had secured a lease at a different location
11 facility. PSFA had been to that facility, gave it a
12 very high rating as well. The landlord offered us a
13 lease. We were going to accept it. Twenty-four
14 hours before our governing body meeting, the
15 landlord withdrew the offer. We had worked very
16 closely with this landlord for four months. Left us
17 on the street. Within 24 hours, our realtor and our
18 acting administrator were able to secure another
19 facility and execute a lease in a timely fashion.

20 VICE-CHAIR SHEARMAN: Thank you.

21 CHAIR GARRISON: Other questions?

22 Commissioner Bergman.

23 COMMISSIONER BERGMAN: Just something
24 about the fire suppression system. I notice it says
25 here you don't need one if you have an outside door.

1 Do you have an outside door?

2 MS. CASSIDY-BACA: We have quite a few
3 outside doors, but they want us to add two more.
4 That will not be an issue because of the way the
5 building is constructed. If you look at these grids
6 here in this area, if you can imagine these grids
7 being, the upper half is a window and the lower half
8 is a large window, they simply remove one window and
9 put a door there instead with a breakaway bar on it.

10 COMMISSIONER BERGMAN: So you are going to
11 be putting in fire alarm pulls but no fire
12 suppression?

13 MS. CASSIDY-BACA: There will no water
14 sprinkler system for fire suppression if that is the
15 question.

16 COMMISSIONER BERGMAN: Thank you.

17 CHAIR GARRISON: Commissioner Gant.

18 SECRETARY GANT: Commissioner Chair,
19 members, how many students are you going to have in
20 this school?

21 MS. CASSIDY-BACA: In the first year, 318.

22 SECRETARY GANT: That calculation in my
23 mind says that you don't meet your lease with lease
24 assistance.

25 MS. CASSIDY-BACA: We have already been

1 through that with our business manager, Michael
2 Vigil, and he has run the numbers with our finance
3 committee and the executive committee, and according
4 to the advice we are getting from our business
5 manager, we will be able to meet this lease based on
6 reimbursement.

7 SECRETARY GANT: Do you think you are
8 going to get all the lease assistance to cover that
9 from the state?

10 MS. CASSIDY-BACA: If you wish, I can have
11 Mr. Vigil answer that question more specifically.

12 SECRETARY GANT: No. If you think you're
13 going to get it, but if you don't, where are you
14 going to get it? You know, it's based on either
15 the --

16 CHAIR GARRISON: Commissioner, use your
17 microphone, please.

18 SECRETARY GANT: I apologize. It's either
19 based upon the number of students you have or the
20 lease, whichever is less. So if the lease is more
21 than what you receive by the number of students, you
22 have to make up the difference. So where would you
23 come up with that difference?

24 MS. CASSIDY-BACA: Commissioner Gant,
25 Chair Garrison, we understand that those are the

1 criteria, and we are confident that all will come
2 from lease reimbursement. And if not, we have made
3 arrangements within our operating budget to move
4 funds as needed to cover the rent.

5 SECRETARY GANT: Mr. Chair, I just got to
6 tell you, I have seen a couple of charter schools
7 that did that and they got into financial tricks,
8 really bad, almost had to close, because they were
9 paying so much more for their lease than what they
10 were receiving from lease assistance. And I hate to
11 see a school close. You're going to have to take it
12 out on operational, and I am always asking the
13 question: What program are you willing to give up
14 to cover a lease?

15 MS. HERRICK: Well, the best thing about
16 the place we are in, we are not hiring yet, but many
17 are waiting for a job and we are dying to hire them,
18 that so many of them are dual certified. And
19 myself, I am a Montessori teacher, I am a classroom
20 teacher, and I am a music teacher. I can do many
21 things. I would say more than half the employees
22 are dually certified in areas that we really need,
23 besides being New Mexico State teachers. We are
24 very fortunate.

25 SECRETARY GANT: Okay. That's your

1 business.

2 CHAIR GARRISON: Other questions?

3 Seeing none, the Chair will enter a
4 motion -- where's Starbucks? The Chair will
5 entertain a motion.

6 COMMISSIONER LOPEZ: I will read it, Mr.
7 Chair.

8 CHAIR GARRISON: Commissioner Lopez, thank
9 you.

10 COMMISSIONER LOPEZ: I hereby move
11 adoption of the following resolution: Whereas Sage
12 Montessori was granted a charter, with the provision
13 that before the commission shall issue the
14 authorization to commence full operation, the
15 charter school must comply with the requirements of
16 the planning year checklist developed by the Charter
17 Schools Division; and whereas, the Charter Schools
18 Division has assured the commission that the charter
19 school has substantially complied with the
20 requirements of the planning year checklist, has met
21 the conditions put forth by the commission upon
22 charter approval, and has demonstrated that it has
23 sought and obtained certification from the New
24 Mexico Public School Facilities Authority, that the
25 facility will receive a conditioned rating equal to

1 or better than the average condition for all New
2 Mexico public schools, or can demonstrate that
3 within 18 months of occupancy, that it has a plan
4 for achieving the wNMCI.

5 Therefore, be it resolved that Sage
6 Montessori is granted authorization to commence full
7 operations as a state chartered charter school.
8 However, the school cannot occupy a facility with
9 students until the Charter Schools Division receives
10 written notification that the school building has
11 been approved for E occupancy. NMSA 1978 Section
12 22-8B-4.2A 2011.

13 COMMISSIONER CARR: Second.

14 CHAIR GARRISON: Seconded by Commissioner
15 Carr.

16 Discussion?

17 Commissioner Shearman.

18 VICE-CHAIR SHEARMAN: I just see one item
19 in 3.8 that hasn't been completed, so I would like
20 to ask that a condition be that all items in 3.8 on
21 the planning year checklist be completed prior to
22 the beginning of school.

23 COMMISSIONER LOPEZ: Second.

24 COMMISSIONER CARR: I agree.

25 CHAIR GARRISON: Accepted by Commissioners

1 Lopez and Carr.

2 Any other discussion? We will proceed
3 with the roll call vote with Secretary Eugene Gant.

4 SECRETARY GANT: Commissioner Lopez.

5 COMMISSIONER LOPEZ: Yes.

6 SECRETARY GANT: Commissioner Carr.

7 COMMISSIONER CARR: Yes.

8 SECRETARY GANT: Commissioner Pogna.

9 COMMISSIONER POGNA: Yes.

10 SECRETARY GANT: Commissioner Bergman.

11 COMMISSIONER BERGMAN: Yes.

12 SECRETARY GANT: Commissioner Peralta.

13 COMMISSIONER PERALTA: Yes.

14 SECRETARY GANT: Commissioner Canfield.

15 COMMISSIONER CANFIELD: Yes.

16 SECRETARY GANT: Commissioner Shearman.

17 VICE-CHAIR SHEARMAN: Yes.

18 SECRETARY GANT: Commissioner Garrison.

19 CHAIR GARRISON: Yes.

20 SECRETARY GANT: Commissioner Gant votes
21 yes. Nine, zip, zero, in favor.

22 CHAIR GARRISON: Unanimous.

23 Congratulations.

24 MS. HERRICK: Thank you very much.

25 CHAIR GARRISON: Southwest Aeronautics,

1 Mathematics, and Science Academy. Welcome.

2 MR. ROBERT PASZTOR: Thank you. My name
3 is Robert Pasztor. I am cofounder and the principal
4 of SAMS Academy.

5 CHAIR GARRISON: Welcome.

6 Ms. Callahan.

7 DIRECTOR CALLAHAN: Mr. Chair and
8 commissioners, the next school for review is the
9 Southwest Aeronautics, Mathematics, and Science
10 Academy. The Charter Schools Division recommends
11 approval for the Southwest Aeronautics, Mathematics,
12 and Science Academy to commence full operations
13 based on their completion of the planning year
14 requirements outlined in statute and rule. The
15 recommendation for approval is pending documentation
16 of facility E occupancy approval and PSFA's weighted
17 New Mexico Condition Index rating or 18 month plan
18 prior to the opening of school.

19 CHAIR GARRISON: The floor is open for
20 commissioner questions.

21 Commissioner Gant.

22 SECRETARY GANT: This is for PSFA. The
23 occupancy, E occupancy, does that still stand?

24 MS. CASIAS: Mr. Chair, Commissioner Gant,
25 that is the correction I had to make at my

1 presentation. They do have an E occupancy.

2 SECRETARY GANT: Do they have a weighted
3 index?

4 MS. CASIAS: Chair, Commissioner Gant,
5 yes, they do. It's 1.14 and it's very good.

6 SECRETARY GANT: Thank you.

7 CHAIR GARRISON: Other questions?

8 Seeing none, the Chair will entertain a
9 motion.

10 Mr. Peralta.

11 COMMISSIONER PERALTA: I hereby move
12 adoption of the following resolution: Whereas,
13 Southwest Aeronautics, Mathematics, and Science
14 Academy was granted a charter with the provision
15 that before the commission shall issue the
16 authorization to commence full operation, the
17 charter school must comply with the requirements of
18 the planning year checklist developed by the Charter
19 Schools Division; and whereas, the Charter Schools
20 Division has assured the commission the charter
21 school has substantially complied with the
22 requirements of the planning year checklist, has met
23 the conditions put forth by the commission upon
24 charter approval, and has demonstrated that it has
25 sought and obtained certification from the New

1 Mexico Public School Facilities Authority, that the
2 facility will receive a conditioned rating equal to
3 or better than the average condition for all New
4 Mexico public schools, or can demonstrate that
5 within 18 months of occupancy, that it has a plan
6 for achieving the wNMCI.

7 Therefore, be it resolved that Southwest
8 Aeronautics, Mathematics, and Science Academy is
9 granted authorization to commence full operation as
10 a state chartered charter school. However, the
11 school cannot occupy a facility with students until
12 the Charter Schools Division receives written
13 notification that the school building has been
14 approved for E occupancy. NMSA 1978, Section
15 22-8B-4.2A 2011.

16 COMMISSIONER BERGMAN: Second.

17 CHAIR GARRISON: Seconded by Commissioner
18 Bergman.

19 Is there any discussion? Seeing none --

20 COMMISSIONER BERGMAN: I would note that
21 their 3.8 section is entirely done.

22 CHAIR GARRISON: And their facility is
23 beautiful. I was there for the grand opening. It's
24 beautiful.

25 We will proceed with the roll call vote

1 with Secretary Eugene Gant.

2 SECRETARY GANT: Commissioner Lopez.

3 COMMISSIONER LOPEZ: Yes.

4 SECRETARY GANT: Commissioner Carr.

5 COMMISSIONER LOPEZ: He left.

6 CHAIR GARRISON: I'm sorry. For the
7 record, Commissioner Carr has left for the day.

8 SECRETARY GANT: Commissioner Pogna.

9 COMMISSIONER POGNA: Yes.

10 SECRETARY GANT: Commissioner Bergman.

11 COMMISSIONER BERGMAN: Yes.

12 SECRETARY GANT: Commissioner Peralta.

13 COMMISSIONER PERALTA: Yes.

14 SECRETARY GANT: Commissioner Canfield.

15 COMMISSIONER CANFIELD: Yes.

16 SECRETARY GANT: Commissioner Shearman.

17 VICE-CHAIR SHEARMAN: Yes.

18 SECRETARY GANT: Commissioner Garrison.

19 CHAIR GARRISON: Yes.

20 SECRETARY GANT: Commissioner Gant votes
21 yes. It's an eight to zero in favor.

22 CHAIR GARRISON: Unanimously the motion is
23 passed. Congratulations.

24 Let's have Uplift Community School come on
25 up or come on down, I guess I should say. It's kind

1 of a slope.

2 Welcome and please introduce yourselves.

3 MS. LINDA KAYE: Good afternoon. My name
4 is Linda Kaye, and I am one of the founders of
5 Uplift Community School, and I am presently the
6 chair of governing council.

7 MS. JENNIFER MERCER: Mr. Chairman and
8 commissioners, good afternoon. My name is Jennifer
9 Mercer, and I am the director of Uplift Community
10 School.

11 CHAIR GARRISON: Welcome.

12 Ms. Callahan.

13 DIRECTOR CALLAHAN: The next school for
14 review is Uplift Community School. The Charter
15 Schools Division recommends approval for Uplift
16 Community School to commence full operations based
17 on their completion of the planning year
18 requirements outlined in statute and rule. The
19 recommendation for approval is pending documentation
20 of facility E occupancy approval and PSFA's weighted
21 New Mexico Condition Index rating for 18 month plan
22 prior to the opening of school.

23 CHAIR GARRISON: The floor is open for
24 questions by commissioners.

25 Commissioner Lopez.

1 COMMISSIONER LOPEZ: It's not clear to me
2 what your building situation is.

3 MS. MERCER: Yes, commissioner. As of
4 yesterday, we received our PSFA report back with an
5 index of 12.47 on the facility and the site plan. I
6 did bring the site plan also which we had submitted
7 to Annette from PSFA last week when she came out to
8 the facility. We have a situation that is a
9 warehouse building that's going to be renovated, and
10 portables will be brought in as the classrooms on
11 that site.

12 COMMISSIONER LOPEZ: What is the timeline
13 on that renovation?

14 MS. MERCER: Our original plan submitted
15 with the budget was to start on August 13th.

16 COMMISSIONER LOPEZ: Start school?

17 MS. MERCER: To start school on
18 August 13th with a construction completion date of
19 August 8th. We have submitted a request to PED to
20 extend the start date to September 4th, and the
21 construction completion date would be August 24th.

22 COMMISSIONER LOPEZ: So it's still really
23 tight.

24 MS. MERCER: It's still tight, but they
25 have assured us from the builder's standpoint that

1 he would be able to make it within that timeline.

2 COMMISSIONER LOPEZ: How many portables
3 are you going to have?

4 MS. MERCER: We will have three portables.

5 COMMISSIONER LOPEZ: And when are they
6 going to be running?

7 MS. MERCER: The estimate from the
8 portable company was July 18th or a little bit later
9 in July.

10 COMMISSIONER LOPEZ: What kind of
11 renovation is going to go on in the building?

12 MS. MERCER: The building has two parts to
13 it. There is an office area, and for the most part
14 we are leaving that piece alone. So the other part
15 that was more warehouse is going to be renovated to
16 include a serving kitchen, bathroom facilities, and
17 then a main area like a cafeteria sort of auditorium
18 area. But the classrooms for the children are all E
19 rated and they are going to be ones that are put in
20 the portables right outside the building.

21 COMMISSIONER LOPEZ: Say that last part
22 again, what about E rated?

23 MS. MERCER: Well, the portables are E
24 rated.

25 COMMISSIONER LOPEZ: Okay. Thank you.

1 CHAIR GARRISON: Thank you, Commissioner
2 Lopez.

3 Commissioner Bergman.

4 COMMISSIONER BERGMAN: Just curious. I
5 see the lease. Is this your actual address 408
6 State Highway? That's where you are going to be?

7 MS. MERCER: It actually is, but there was
8 a correction on the lease. It's 406 Highway 564.

9 COMMISSIONER BERGMAN: That's not the main
10 highway that runs through town, is it?

11 MS. MERCER: No, it is not.

12 COMMISSIONER BERGMAN: So where is it
13 exactly?

14 MS. MERCER: I will let Linda describe
15 that.

16 MS. KAYE: It's the route that goes around
17 the side of Gallup that connects the old 66 on the
18 east side of Gallup, and then goes around the town
19 and ends up going to the highway to Zuni, which used
20 to be 666 and now it's 181 or something.

21 COMMISSIONER BERGMAN: Is it more rural or
22 is it a real built-up area?

23 MS. KAYE: Well, one of the reasons the
24 number on it is wrong is because there's just lots
25 of land around. But they really haven't decided

1 what numbers are there, so that's why the number on
2 the street had to change.

3 COMMISSIONER BERGMAN: So initially, you
4 remember from last summer, this commission was
5 concerned about you being on the main drag there,
6 but you are not doing transportation, right?

7 MS. KAYE: Yes, we are.

8 COMMISSIONER BERGMAN: So you are doing
9 transportation?

10 MS. KAYE: Uh-huh.

11 COMMISSIONER BERGMAN: So you will be
12 responsible for getting the kids out to wherever
13 this is?

14 MS. KAYE: It's not really very far. From
15 downtown, it's about three miles. It's not in the
16 country.

17 COMMISSIONER BERGMAN: Okay. I know how
18 much trouble you had finding it, so I am glad you
19 found something. Thank you.

20 CHAIR GARRISON: Thank you, Commissioner
21 Bergman.

22 Commissioner Gant.

23 SECRETARY GANT: Ms. Callahan, I note in
24 here that 3.2, the FERPA policy, has been drafted,
25 but there is no date as to when it's going to be

1 finalized or approved? It's 3.2. 3.3 is the
2 transportation which Commissioner Bergman just
3 alluded to. It's got a paragraph that says
4 something about a June 20th deadline has been, and
5 then it quits. What's all the verbiage? Do you
6 have a contract with the bus company or not?

7 MS. MERCER: Commissioner, may I speak to
8 that? It was the RFP that had to go out by June
9 20th, so we are still in communication at this point
10 with two different organizations, both the local
11 school district and a busing company that's been
12 state approved to determine which one we are going
13 to have a contract with for transportation.

14 SECRETARY GANT: Mr. Chair, that's two
15 items, the FERPA 3.2 and the 3.3 transportation
16 needs to be included for finalization when we talk
17 about the resolution.

18 CHAIR GARRISON: Thank you, Commissioner
19 Gant.

20 Any other questions from commissioners?
21 Commissioner Shearman.

22 VICE-CHAIR SHEARMAN: Were you satisfied
23 with 3.8 or did you look at it?

24 SECRETARY GANT: There is something
25 missing. Go ahead.

1 VICE-CHAIR SHEARMAN: I believe 3.8 is yet
2 to be completed, so that would need to be part of
3 the conditions.

4 CHAIR GARRISON: Other questions?
5 Seeing none, the Chair will entertain a
6 motion.

7 VICE-CHAIR SHEARMAN: I will read it.

8 CHAIR GARRISON: Commissioner Shearman.

9 VICE-CHAIR SHEARMAN: I hereby move
10 adoption of the following resolution: Whereas,
11 Uplift Community School was granted a charter with a
12 provision that before the commission shall issue the
13 authorization to commence full operations, the
14 charter school must comply with the requirements of
15 the planning year checklist develop by the Charter
16 Schools Division; and whereas, the Charter Schools
17 Division has assured the commission that the charter
18 school has substantially complied with the
19 requirements of the planning year checklist, has met
20 the conditions put forth by the commission upon
21 charter approval, and has demonstrated that it has
22 sought and obtained certification from the New
23 Mexico Public Schools Facility Authority, that the
24 facility will receive a condition rating equal to or
25 better than the average condition for all New Mexico

1 public schools or can demonstrate that within 18
2 months occupancy, that it has a plan for achieving
3 the wNMCI.

4 Therefore, be it resolved that Uplift
5 Community School is granted authorization to
6 commence full operations as a state chartered
7 charter school. However, the school cannot occupy a
8 facility with students until the Charter Schools
9 Division receives written notification that the
10 school building has been approved for E occupancy,
11 NMSA 1978 Section 22-8B-4.2A 2011.

12 Approved with conditions, I move that the
13 Public Education Commission approve authorization of
14 Uplift Community School with the following
15 conditions to be completed and documented with the
16 Charter Schools Division prior to the opening of the
17 school, and that all items in 3.2, 3.3 and 3.5 in
18 the planning list -- pardon me -- planning year
19 checklist be completed prior to the opening of
20 school.

21 SECRETARY GANT: Excuse me. Did you mean
22 3.5 or 3.8?

23 CHAIR GARRISON: Commissioner Shearman,
24 there is a question by Commissioner Gant.

25 VICE-CHAIR SHEARMAN: I'm sorry?

1 SECRETARY GANT: Did you mean 3.5 or 3.8?

2 VICE-CHAIR SHEARMAN: What did I say?

3 SECRETARY GANT: 3.5.

4 VICE-CHAIR SHEARMAN: I'm sorry. I meant
5 3.8.

6 CHAIR GARRISON: Do we have a second?

7 COMMISSIONER LOPEZ: Second.

8 CHAIR GARRISON: Seconded by Commissioner
9 Lopez.

10 Is there discussion?

11 Commissioner Bergman.

12 COMMISSIONER BERGMAN: Not discussion. I
13 just salute your tenacity. This is one of the
14 applications that was turned down the first time
15 they came. They went back and redid their
16 application and got approved. Now, we are at this
17 stage. So I salute your tenacity.

18 MS. KAYE: Thank you.

19 CHAIR GARRISON: We will proceed with a
20 roll call vote with Secretary Eugene Gant.

21 SECRETARY GANT: Commissioner Lopez.

22 COMMISSIONER LOPEZ: Yes.

23 SECRETARY GANT: Commissioner Pogna.

24 COMMISSIONER POGNA: Yes.

25 SECRETARY GANT: Commissioner Bergman.

1 COMMISSIONER BERGMAN: Yes.

2 SECRETARY GANT: Commissioner Peralta.

3 COMMISSIONER PERALTA: Yes.

4 SECRETARY GANT: Commissioner Canfield.

5 COMMISSIONER CANFIELD: Yes.

6 SECRETARY GANT: Commissioner Shearman.

7 VICE-CHAIR SHEARMAN: Yes.

8 SECRETARY GANT: Commissioner Garrison.

9 CHAIR GARRISON: Yes.

10 SECRETARY GANT: Commissioner Gant votes

11 yes. Eight to zero in favor.

12 CHAIR GARRISON: It's unanimous.

13 Congratulations.

14 MS. MERCER: Thank you.

15 CHAIR GARRISON: The next item is letter

16 k, William W. & Josephine Dorn Charter Community

17 School. Please come on up, sign in, and introduce

18 yourselves.

19 MS. DIANA DORN-JONES: Good afternoon. My

20 name is Diana Dorn-Jones. I am the executive

21 director of United South Broadway which is the

22 founding organization for the charter school.

23 CHAIR GARRISON: Good afternoon.

24 MS. CHRISTINA CHAVEZ: Good afternoon. My

25 name is Christina Chavez, and I am on the governance

1 council, and I can't think because I'm hungry. I am
2 the chair of the governance council. If you hear
3 this growling, I'm sorry.

4 MS. DORN-JONES: We would like to change
5 our name to ACME. We will get up here sooner.

6 MS. SANDY BEERY: My name is Sandy Beery,
7 and I am the interim director for this charter
8 school.

9 CHAIR GARRISON: Thank you.

10 Ms. Callahan.

11 DIRECTOR CALLAHAN: Mr. Chair,
12 commissioners, the final school that we will be
13 reviewing is William W. & Josephine Dorn Charter
14 Community School. The Charter Schools Division
15 recommends approval for William W. & Josephine Dorn
16 Charter Community School to commence full operations
17 based on their completion of the planning year
18 requirements outlined in statute and rule. The
19 recommendation for approval is pending documentation
20 of the facility E occupancy approval and PSFA's
21 weighted New Mexico Condition Index rating or 18
22 month plan prior to the opening of school.

23 CHAIR GARRISON: Thank you, Ms. Callahan.

24 I will open up the floor for questions
25 from commissioners.

1 Commissioner Gant.

2 SECRETARY GANT: Mr. Chair and members,
3 please explain what's going on with your facilities,
4 please. I know you had a discussion with Mr.
5 Gorrell back there. Can you explain what's going
6 on?

7 MS. DORN-JONES: I'll try and I have some
8 help here with me as well. Just so you know, United
9 South Broadway purchased that building back in 2006,
10 and when we purchased it, it was about a 14,000
11 square foot space. We hired an architect who did
12 the design work for renovation. They did it in two
13 phases, phase one and phase two. The part that we
14 are talking about using now for the school is phase
15 one, the renovated space.

16 We hired Britain construction when we
17 first purchased it to do about \$319,000 of work in
18 terms of renovating the space. It's full, it has a
19 fire alarm and is fully sprinkled. Even the phase
20 two has a sprinkler system as well.

21 This is an old building. One of the
22 things that we had to do, when they looked at the
23 weighted score, it was lower than it should be -- it
24 was higher.

25 MS. BEERY: It wasn't where it should be.

1 MS. DORN-JONES: It wasn't where it should
2 be. The primary reason for that had to do with the
3 plumbing. That plumbing, that building was born
4 when I was born, in 1950, so it's over 60 years old.
5 And, of course, there would be some concern about
6 that.

7 We brought a plumber in. They dropped the
8 camera. They looked at the plumbing. They have now
9 sent -- we now have a letter with PSFA, with Richard
10 Romero, saying that the plumbing is in good
11 condition. And so I believe that he is looking at
12 that to refactor our score and see if we can get
13 that score into the right place. That's the
14 plumbing issue.

15 And I think the only other thing we have
16 right now in terms of our E occupancy is we have
17 done all the work that we need to do with the City
18 of Albuquerque. The last thing that was done was
19 the strobes. The fire department came in and they
20 wanted to see more strobes. And it made sense,
21 because the strobes that we had in there, we didn't
22 have them in the bathrooms. They should be there.
23 So they have added some extra strobe lighting for
24 warning, and that work is done. And we believe that
25 we will have the fire department in for their final

1 approval on Friday.

2 Now, it was to supposed to have been done
3 on another Friday and they changed it, so we are
4 waiting for the City of Albuquerque Fire Department
5 to come in and do that last piece, and then we can
6 actually get our occupancy permit.

7 MS. BEERY: And hang it on the wall and
8 take a picture and send it to you.

9 MS. DORN-JONES: The other thing that we
10 are waiting for in terms of this property is we have
11 a letter on file, a resolution from the board
12 stating that, when we get ready to expand beyond the
13 90 students, we have to be going into that phase two
14 part of the building, and we are going to have to go
15 through this process all over again. We are going
16 to have to get E occupancy for that phase two. We
17 are going to have to go back and get a weighted
18 score, because that part is unrenovated.

19 CHAIR GARRISON: Ms. Shearman.

20 VICE-CHAIR SHEARMAN: Okay. I am reading
21 from the report that PSFA gave us today. A wNMCI
22 score has not been generated because PSFA has not
23 received plans for renovations of the facility and
24 the use of space within the building. And then it
25 goes on to say they are working on the 18 month plan

1 of correction. Could you bring us up to date if
2 anything is different?

3 MS. CASIAS: Mr. Chair, Commissioner
4 Shearman, in fact, we have generated a score of 69
5 percent, which does not meet the average weighted
6 NMCI, and her 18 month plan of correction has not
7 been submitted to us. But if what she has stated
8 verbally she puts in writing and submits to us, and
9 then we have a chance to review it, then we would
10 have an 18 month plan of correction. At this time
11 there is not an E occupancy and it does not meet the
12 weighted NMCI.

13 MS. BEERY: Excuse me. Since the time
14 that we turned in these documents, we have since
15 been able to give the plans and the work that needed
16 to be done for the city to issue the E occupancy for
17 the space we will be occupying for this coming year.

18 And one of the issues about the 18 month
19 plan had to do with the plumbing, and since we have
20 had that investigated and we have been given the
21 green light -- the plumbing is fine. It doesn't
22 need any major renovation -- we, along with Richard
23 Romero, are anticipating that the score for this
24 part of the building that we are going to be
25 occupying in August will meet the NMCI index number.

1 And then the 18 month plan is what we are working on
2 with the architects about the rest of the space.

3 CHAIR GARRISON: Commissioner Canfield.

4 COMMISSIONER CANFIELD: Thank, you Mr.
5 Chair.

6 So if I understand this, if you get your E
7 rating and they accept the plumbing issue, we won't
8 need an 18 month plan; is that correct?

9 MS. BEERY: Yes. For the space that we
10 will be occupying this year, yes.

11 COMMISSIONER CANFIELD: Phase one.

12 MS. BEERY: Phase one, yes.

13 COMMISSIONER CANFIELD: Thank you, Mr.
14 Chair.

15 So if those two things are done, those
16 will need to be done before you can bring students
17 in, so you are anticipating getting that done well
18 before your opening date?

19 MS. BEERY: Yes, sir. As long as the City
20 of Albuquerque Fire Department comes soon, yes.

21 CHAIR GARRISON: Ms. Casias.

22 MS. CASIAS: Mr. Chair, Commissioner
23 Canfield, if the plumbing repairs are done and we
24 have to go back and reassess it and see what the
25 weighted NMCI is, at this point we can't say that we

1 know what it is.

2 CHAIR GARRISON: Any other questions?

3 Commissioner Gant.

4 SECRETARY GANT: Mr. Chair, just a couple
5 comments. Again, Ms. Callahan, 3.2, that policy,
6 that FERPA policy is still in draft according to
7 this document, and 3.8 is to be finalized, all the
8 subs in there. And my only comment would be for the
9 charter school folks, reading your lease is 66,000 a
10 year; is that correct? You're paying \$5,500 a
11 month?

12 MS. DORN-JONES: Yes, \$5,100.

13 SECRETARY GANT: Multiply it times 12 I
14 get 66,000.

15 MS. BEERY: For the year, yes. I thought
16 you were saying per month. I'm sorry.

17 SECRETARY GANT: Based upon a student loan
18 of 180, you will receive short of lease assistance
19 from the state. Just letting you know.

20 MS. BEERY: Yes. In the building of the
21 budget in March, that was already planned for.

22 SECRETARY GANT: All right. I just hate
23 to see charters get in the trick that I have seen a
24 couple of them that almost had to close because of
25 their lease.

1 MS. BEERY: Yes.

2 MS. DORN-JONES: Chairman Garrison,
3 Commissioner Gant, one of the things that we can
4 take into consideration is this building belongs to
5 the non-profit that's the founder. If we have to
6 change the rate so that the school stays in place,
7 we will do that.

8 SECRETARY GANT: Okay. Thank you.

9 CHAIR GARRISON: Thank you, Commissioner
10 Gant.

11 Commissioner Lopez.

12 COMMISSIONER LOPEZ: I'm sorry. It's been
13 a long day, but I just want to be clear. You don't
14 need any work done for phase one? You just need the
15 inspection from the city?

16 MS. DORN-JONES: Yes, ma'am.

17 MS. BEERY: Yes, ma'am.

18 COMMISSIONER LOPEZ: I just wanted to make
19 sure I was getting that right.

20 CHAIR GARRISON: Are there any other
21 questions? Seeing none, the Chair will entertain a
22 motion. Don't jump up and down.

23 Commissioner Bergman.

24 COMMISSIONER BERGMAN: Now, when we get to
25 the end and we do the conditions, you all are going

1 to have to remind me of all the 3.2s and that kind
2 of thing.

3 I hereby move adoption of the following
4 resolution: Whereas, William W. & Josephine Dorn
5 Charter Community School was granted a charter with
6 the provision that before the commission shall issue
7 the authorization to commence full operation, the
8 charter school must comply with the requirements of
9 the planning year checklist developed by the Charter
10 Schools Division; and whereas, the Charter Schools
11 Division has assured the commission that the charter
12 school has substantially complied with the
13 requirements of the planning year checklist, has met
14 the conditions put forth by the commission upon
15 charter approval, and has demonstrated that it has
16 sought and obtained certification from the New
17 Mexico Public School Facilities Authority, that the
18 facility will receive a condition rating equal to or
19 better than the average condition for all New Mexico
20 public schools, or can demonstrate that within the
21 18 months of occupancy, that it has a plan for
22 achieving the wNMCI.

23 Therefore, be it resolved that William W.
24 & Josephine Dorn Charter Community School is granted
25 authorization to commence full operations as a state

1 chartered charter school. However, the school
2 cannot occupy a facility with students until the
3 Charter Schools Division receives written
4 notification that the school building has been
5 approved for E occupancy. NMSA 1978, Section
6 22-8B-4.2A 2011.

7 And I would further move that the Public
8 Education Commission approve authorization of
9 William W. & Josephine Dorn Charter Community School
10 with the following commissions to be completed and
11 documented with the Charter Schools Division prior
12 to opening of the school, and if someone would care
13 to elucidate what those are.

14 SECRETARY GANT: Item 3.2 of the checklist
15 and 3.8 from the checklist.

16 VICE-CHAIR SHEARMAN: Second.

17 CHAIR GARRISON: Seconded by Commissioner
18 Shearman.

19 Is there any discussion?

20 Commissioner Lopez.

21 COMMISSIONER LOPEZ: There's just a little
22 discrepancy in the title here. On the planning year
23 checklist, it's called William W. & Josephine Dorn
24 Community Charter School, and on the resolution it's
25 Charter Community School.

1 MS. DORN-JONES: It should be Charter
2 Community School.

3 COMMISSIONER LOPEZ: Charter Community
4 School is the right one. Okay. Thank you.

5 CHAIR GARRISON: Thanks for that
6 correction.

7 Seeing no discussion, we will proceed with
8 the roll call vote with Secretary Eugene Gant.

9 SECRETARY GANT: Commissioner Lopez.

10 COMMISSIONER LOPEZ: Yes.

11 SECRETARY GANT: Commissioner Pogna.

12 COMMISSIONER POGNA: Yes.

13 SECRETARY GANT: Commissioner Bergman.

14 COMMISSIONER BERGMAN: Yes.

15 SECRETARY GANT: Commissioner Peralta.

16 COMMISSIONER PERALTA: Yes.

17 SECRETARY GANT: Commissioner Canfield.

18 COMMISSIONER CANFIELD: Yes.

19 SECRETARY GANT: Commissioner Shearman.

20 VICE-CHAIR SHEARMAN: Yes.

21 SECRETARY GANT: Commissioner Garrison.

22 CHAIR GARRISON: Yes.

23 SECRETARY GANT: Commissioner Gant votes
24 yes. Eight-zero in favor.

25 CHAIR GARRISON: It is unanimous.

1 Congratulations.

2 DIRECTOR CALLAHAN: Mr. Chair.

3 CHAIR GARRISON: Ms. Callahan.

4 DIRECTOR CALLAHAN: Mr. Chair,
5 commissioners, if you indulge me just a moment, I
6 would like to take the time to thank the Charter
7 Schools Division staff who worked with these schools
8 the entire year and served as liaisons and coaches,
9 worked with them on the web EPS review and how to
10 upload, how to download. They did the training,
11 they facilitated the training. Did site visits.
12 They very much were involved in creating the
13 documentation that was required for the school, and
14 I felt like they did an outstanding job. I would
15 like to recognize them as they are sitting here if I
16 may.

17 CHAIR GARRISON: Absolutely.

18 DIRECTOR CALLAHAN: Karen Ehlert,
19 educational administrator; Brad Richardson,
20 occupational administration; Cordelia Chavez, our
21 federal grant business operations specialist; Rachel
22 Stofocik, our educational administrator; Susan
23 Coates, our newest member, as an education
24 administrator; and Rochelle Cherrin, our last
25 educational administrator. She is getting ready for

1 training for the schools' implementation of 446.

2 Sorry but she had to leave.

3 But these are the folks that did the work,
4 and I am very proud, and the schools were very
5 cooperative. I felt like it was a really positive
6 process. We have room to improve, which we will.

7 And I just want to thank the commission
8 for their support, and we will keep working with
9 these schools to ensure that the conditions are met
10 and also to ensure that the quality of the schools
11 as they open and begin operations during their site
12 visits will be reviewed and monitored.

13 CHAIR GARRISON: Ms. Callahan, thank you
14 very much. And CSD staff, we so appreciate your
15 hard work, absolutely. I'm just the MC and I'm
16 dying over here, so thank you for what you went
17 through. Seriously, thank you from the bottom of
18 our hearts.

19 Item No. 16 is PEC comments and we will
20 start with Commissioner Pogna.

21 COMMISSIONER POGNA: I wanted to thank
22 Kelly for the tremendous job she has done and was so
23 knowledgeable about everything.

24 I thank you very much. You have been
25 great.

1 DIRECTOR CALLAHAN: Thank you very much,
2 commissioners.

3 CHAIR GARRISON: We will start on this
4 side, continue on this side, I should say.

5 Commissioner Lopez, any comment?

6 COMMISSIONER LOPEZ: Nothing.

7 CHAIR GARRISON: Commissioner Pogna, any
8 other comments?

9 Commissioner Shearman.

10 VICE-CHAIR SHEARMAN: No, thank you.

11 CHAIR GARRISON: Commissioner Gant.

12 SECRETARY GANT: Sure.

13 CHAIR GARRISON: I knew he drank too much
14 coffee.

15 SECRETARY GANT: Just a couple of comments
16 that came out of this. First of all, I would like
17 to recognize Dr. David Harrell from the LASC staff
18 sitting back there taking massive notes to our
19 legislators. You learn something, you carry
20 something back. You sat through this whole thing
21 like everybody else. It's amazing that you are
22 here. Thank you for coming.

23 CHAIR GARRISON: Thank you, Dr. Harrell.

24 SECRETARY GANT: A couple of items that we
25 need to discuss and think about in the future for

1 all of us to think about. Hopefully you read all
2 the leases for these charter schools, these 11 of
3 them that we went through today. You will note,
4 they are all different, every one of them. So there
5 is discussion. Deputy Aguilar, myself, the PSFA,
6 the PSCOC, et cetera, about coming up with some kind
7 of standardized charter that we can all live with.

8 If you look at some of these charters, and
9 my warning to some of the charter folks here about
10 how much they are paying, et cetera, the fact that
11 in the leases, which I guess is standard and legal,
12 the charters are picking up all the expenses for
13 internal and external maintenance and repairs. It's
14 all coming out of their operational budgets, but
15 they are not getting any money for it.

16 The leases, I know there is one that's
17 going to pay over \$64,000 a year that they won't get
18 reimbursed for from the lease assistance program
19 from the state. That's got to hurt.

20 The virtual schools are coming down on us,
21 and we really need to think about that. We need to
22 think about establishing boundaries, because they
23 are all going to want to go statewide. I have heard
24 from people from the charter movement, and they are
25 not too happy with that. They are not happy with

1 the idea of these out of state companies coming in
2 claiming to be nonprofit -- maybe they are -- coming
3 in with virtual schools, going out there and
4 spreading their tentacles across the state of New
5 Mexico and getting into where they should be as the
6 individual charter schools. So we are supporting
7 communities that need their support, their type of
8 support that they can give.

9 We have to establish -- there is nothing
10 in code that establishes what type of school or
11 classroom is required for virtual charter schools.
12 They are going to get a building out in Farmington
13 for 45 kids. It's just a building. That's all
14 there is.

15 My last one is we talked about this a
16 little bit. We need to do something about three
17 charter schools being in one building. I mean, come
18 on. I agree with your comments. I mean, we need to
19 really think about that. A lot of this stuff, we
20 need to talk about it in the legislative committee,
21 about taking stuff forward to like the LESC, to the
22 PSCOC, to their task force to see if we can get some
23 changes that will better support the children of our
24 state. Thank you.

25 CHAIR GARRISON: Thank you, Commissioner

1 Gant.

2 Commissioner Canfield.

3 COMMISSIONER CANFIELD: I am good. Thank
4 you.

5 CHAIR GARRISON: Commissioner Peralta.

6 COMMISSIONER PERALTA: No.

7 CHAIR GARRISON: Commissioner Bergman.

8 COMMISSIONER BERGMAN: I apologize for
9 that. I just encourage all of my fellow
10 commissioners to come prepared for that August 8th
11 meeting, and with all of the things that we have
12 added to the agenda, there is going to be a great
13 deal to discuss there. Come prepared to weigh in on
14 it and give us your insight on how you want to do
15 these things.

16 COMMISSIONER POGNA: Mr. Chairman.

17 CHAIR GARRISON: Commissioner Gant,
18 comment on that.

19 SECRETARY GANT: Not on that, but real
20 quickly, look at this thing. Go down the list about
21 enrollment as per city per charter cap, you are
22 going to see some of these charter schools are down
23 in the 40 percent. One is at 22 percent. They are
24 all claiming that we have people standing in line to
25 get in the schools so we need more charter schools.

1 No.

2 CHAIR GARRISON: Commissioner Pogna.

3 COMMISSIONER POGNA: One quick one. One
4 more thank you. I want to thank Beverly for getting
5 us a mound of materials timely, and when my computer
6 died, she would send me material. I really
7 appreciate it. Thank you very much.

8 CHAIR GARRISON: Thank you, Beverly.

9 Any other comments?

10 DIRECTOR CALLAHAN: Mr. Chair.

11 CHAIR GARRISON: Kelly and then Beverly.

12 DIRECTOR CALLAHAN: I just wanted to ask
13 you, is there a possibility of looking at a two day
14 training in August? Sorry. I take it back.

15 CHAIR GARRISON: No, it wasn't thunder or
16 anything that you're stealing.

17 DIRECTOR CALLAHAN: I will save that for
18 later.

19 Commissioners, if we want to look at a two
20 day, is it a Wednesday, Thursday, just for planning
21 purposes? If that is, indeed, what the commission's
22 pleasure is, then we will, you know, have to make
23 arrangements accordingly.

24 CHAIR GARRISON: Let's start building out
25 the agenda and see what that starts looking like.

1 But I have a feeling, if we are going to do our due
2 diligence and do this justice, then I would
3 recommend it.

4 COMMISSIONER BERGMAN: I agree with that,
5 because I think it's going to take us two days to do
6 it right.

7 CHAIR GARRISON: Do you want to peek at
8 your August 9th? I do.

9 VICE-CHAIR SHEARMAN: I realize it's
10 Tuesday.

11 SECRETARY GANT: I can change. I just
12 need a lot of forewarning to do some things.

13 (A discussion was held off the record.)

14 CHAIR GARRISON: Beverly.

15 MS. FRIEDMAN: Mr. Chair, my question is
16 on those two days now, I don't know if you would
17 want to take a vote on that. It is an action item
18 under comments. But if you do want to vote on that,
19 are you going to have two days of training or did
20 you want an actual meeting? If it's an actual
21 meeting, if there are any loose ends with things
22 that you would want to tie up, we can have a
23 meeting, and then a day and a half of training,
24 something along those lines. Or would you like the
25 executive committee to discuss that?

1 CHAIR GARRISON: I would like us to build
2 it out and see what that looks like, but you make a
3 great point. If we are going to do some business,
4 then it would be open meetings.

5 COMMISSIONER BERGMAN: Initially how much
6 time did you think we were going to spend on
7 training, Kelly? Was it going to be half a day?

8 DIRECTOR CALLAHAN: Mr. Chair,
9 Commissioner Bergman, the training, it's hard to say
10 because it's a completely new process. And so, you
11 know, I had tentatively put a day aside, you know,
12 hopefully a shorter day, a five and a half hour kind
13 of training with lunch and everything built in. You
14 know, it may take less. Again, once the frameworks
15 are completed and, you know, to go through those
16 documents -- because those will have to be approved
17 by the commission, the actual framework forms and
18 the contract language is going to have to be
19 approved in September. So this would be an ideal
20 time to review and go over that.

21 So I'm going to say a day's worth of
22 training at least, and then with the other items,
23 it's looking at an entire change of process, of
24 amendments, the contracts. All of that is going to
25 tie together. I would say at least a day and a half

1 and then build two days and hope that we get done
2 early.

3 COMMISSIONER BERGMAN: Well, the training,
4 then I would suggest, when you start setting up your
5 agenda, if it takes six hours, then we could move
6 directly into the other process. If it takes eight,
7 then we would put the other stuff on the second day.
8 How does that sound?

9 COMMISSIONER LOPEZ: I agree.

10 VICE-CHAIR SHEARMAN: Peachy.

11 DIRECTOR CALLAHAN: Mr. Chair,
12 Commissioner Bergman, winner.

13 CHAIR GARRISON: That will work.

14 SECRETARY GANT: We still need a motion on
15 the table.

16 COMMISSIONER BERGMAN: Do we need to vote
17 on the days?

18 CHAIR GARRISON: We can take an executive,
19 just plan that out.

20 SECRETARY GANT: How could we word that,
21 Mr. Vigil, so we have covered all the bases?

22 MR. VIGIL: You could call for a meeting.
23 It doesn't have to be done by a vote of this group
24 here. You have other procedures to call a meeting
25 through either your executive group, or the Chair

1 sometimes has authority to do that, and then give
2 notice to the rest of the members.

3 CHAIR GARRISON: We will do that through
4 executive.

5 COMMISSIONER BERGMAN: Sounds good.

6 CHAIR GARRISON: Item 17 is adjourn. The
7 Chair will entertain a motion.

8 COMMISSIONER BERGMAN: I move we adjourn.

9 CHAIR GARRISON: It is moved by
10 Commissioner Bergman and seconded by Commissioner
11 Shearman. All those in favor, say aye. Adjourned.

12 (The meeting concluded at 5:04 p.m.)6.

13 (Exhibits 1 and 2 marked.)
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1 STATE OF NEW MEXICO)
2 COUNTY OF BERNALILLO)
3

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5 I, Sally Peters, RPR, CCR #57, Certified
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11 In testimony whereof, I have hereunto set
12 my hand on December 28, 2010.
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