

1 BEFORE THE PUBLIC EDUCATION COMMISSION

2 STATE OF NEW MEXICO

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9 TRANSCRIPT OF PROCEEDINGS

10 PUBLIC INPUT MEETING

November 14, 2014

9:00 a.m.

11 Jerry Apodaca Education Building, Mabry Hall

12 300 Don Gaspar

13 Santa Fe, New Mexico

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A P P E A R A N C E S

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

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1 THE CHAIR: If everybody's ready, let's
2 get started please, a couple of minutes late.

3 If everyone is ready, I will announce that
4 Commissioner Conyers and Commissioner Peralta will
5 not be here today. They have both let us know
6 they're under -- a bit under the weather.

7 COMMISSIONER POGNA: I'm sorry; but I get
8 their chair. That's good.

9 THE CHAIR: Secretary Bergman, may we have
10 roll call, please?

11 COMMISSIONER BERGMAN: Commissioner Pogna.

12 COMMISSIONER POGNA: Here.

13 COMMISSIONER BERGMAN: Commissioner
14 Toulouse?

15 COMMISSIONER TOULOUSE: Present.

16 COMMISSIONER BERGMAN: Commissioner
17 Parker.

18 COMMISSIONER PARKER: Yes.

19 COMMISSIONER BERGMAN: Commissioner Carr.

20 COMMISSIONER CARR: Here.

21 COMMISSIONER BERGMAN: Commissioner Gant.

22 COMMISSIONER GANT: Here.

23 COMMISSIONER BERGMAN: Commissioner
24 Shearman.

25 THE CHAIR: Here.

1 COMMISSIONER BERGMAN: Commissioner
2 Bergman is here.

3 Madam Chair, you have seven members
4 present. You do have a quorum.

5 THE CHAIR: Thank you, Mr. Secretary. I
6 do declare we have an official quorum, and we may do
7 business this morning -- well, all day, as a matter
8 of fact.

9 I'll ask Commissioner Parker and
10 Commissioner Toulouse to lead us in the Pledge and
11 the Salute to the New Mexico Flag.

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

14 THE CHAIR: Thank you. I see one of our
15 new Commissioner-Elect -- Commissioners-Elect -- is
16 here today. Karyl Armbruster; correct?

17 MS. ARMBRUSTER: Karryl Ann Armbruster.

18 THE CHAIR: You know, your and my name are
19 so alike, you'd think I could get it right.

20 We know you were here yesterday, too. And
21 we appreciate you coming. Thank you so much. We're
22 going to welcome you in January, officially, swear
23 you in.

24 Let's go to Item No. 2 on the agenda,
25 which is approval of the agenda. As you know, we

1 may move things around or make corrections to the
2 agenda; but we may not add anything. Does anyone
3 have any changes to the agenda?

4 I do have one. Under Item 18, Executive
5 Session, I asked that Item A, Personnel, be added;
6 and I was mistaken. We do not need that item. So I
7 would ask that that be deleted from Item No. 18.

8 Is there anything else?

9 Hearing no other changes or corrections,
10 the Chair would entertain a motion to approve the
11 agenda as changed.

12 COMMISSIONER GANT: So move.

13 COMMISSIONER PARKER: Second.

14 THE CHAIR: I have a motion to approve
15 from Commissioner Parker, a second from
16 Commissioner Gant. [Verbatim.]

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

19 (Commissioners so indicate.)

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

21 (No response.)

22 THE CHAIR: The agenda is approved.

23 Item No. 3 is approval of the minutes;
24 first, the work session on October 16, 2014. Those
25 are under Tab No. 3.

1 Are there any corrections or changes to
2 the Work Session minutes for October 16?

3 I hear no changes. I have no changes.

4 May we have a motion to approve the work
5 session minutes for October 16?

6 COMMISSIONER TOULOUSE: Madam Chair?

7 THE CHAIR: Commissioner Toulouse?

8 COMMISSIONER TOULOUSE: I move we approve
9 the minutes of yesterday's work session.

10 COMMISSIONER CARR: Second.

11 COMMISSIONER TOULOUSE: I'm sorry.
12 October.

13 THE CHAIR: Do you see how slow I am this
14 morning?

15 COMMISSIONER TOULOUSE: So am I. I'm
16 sorry; I really should not do any of this until it's
17 10:00 or later. I'm still an hour early.

18 THE CHAIR: So October 16th?

19 COMMISSIONER TOULOUSE: October 16th.

20 COMMISSIONER CARR: I second.

21 THE CHAIR: Motion and second by
22 Commissioner Toulouse and Commissioner Carr to
23 approve the work session minutes from October 16,
24 2014.

25 Any discussion?

1 All those -- Commissioner Parker?

2 COMMISSIONER PARKER: Madam Chair,
3 Commissioners, I was looking through here. And they
4 did a roll call on it, and I don't see my name on
5 there, and I thought I was at the work session.

6 THE CHAIR: You were or were not?

7 COMMISSIONER PARKER: Were. The October
8 16th work session?

9 THE CHAIR: I see your name on Page 2 of
10 the work session.

11 COMMISSIONER PARKER: I was looking at
12 Page 4.

13 THE REPORTER: He was late.

14 COMMISSIONER PARKER: Ah. I apologize. I
15 was tardy once again.

16 THE CHAIR: I see your name as appearing.
17 So any other questions or concerns?

18 All right. All those in favor of
19 approving the October 16 work session minutes,
20 please say "Aye."

21 (Commissioners so indicate.)

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

23 (No response.)

24 THE CHAIR: The minutes of the October 16
25 meeting are approved, as presented.

1 Next is the October 17 meeting. I'll give
2 you a minute to find those minutes. In my book,
3 they're behind a yellow piece of paper.

4 Has everybody found them? Are there any
5 corrections or changes to the minutes?

6 I have none, as well. Cynthia is on a
7 roll here.

8 COMMISSIONER CARR: I notice we don't have
9 the -- the minutes in electronic form.

10 MS. FRIEDMAN: No. They're on the
11 website.

12 COMMISSIONER CARR: That's what I'm
13 looking at.

14 MS. FRIEDMAN: They're the same as they
15 are on the website.

16 COMMISSIONER CARR: And -- oh, I just
17 found it. Never mind.

18 THE CHAIR: Yeah. I thought I had seen
19 them.

20 COMMISSIONER GANT: Madam Chair?

21 THE CHAIR: Commissioner Gant?

22 COMMISSIONER GANT: Maybe we all should
23 take a break and wake up.

24 THE CHAIR: That may be necessary.

25 Hearing no corrections to the minutes of

1 October 17, the Chair would entertain a motion.

2 COMMISSIONER GANT: I move we accept the
3 minutes of September 17th.

4 COMMISSIONER CARR: Second.

5 COMMISSIONER GANT: October 17th.

6 COMMISSIONER CARR: It's a lot easier just
7 to second.

8 THE CHAIR: Motion by Commissioner Gant,
9 second by Commissioner Carr, to approve the minutes
10 of the October 17, 2014, meeting.

11 Is there any further discussion?

12 Hearing none, all those in favor, please
13 say "Aye."

14 (Commissioners so indicate.)

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

16 (No response.)

17 THE CHAIR: The minutes are approved as
18 distributed.

19 Item No. 4 is Report from PED Leadership.

20 Mr. Pahl?

21 MR. PAHL: Madam Chair, members of the
22 Commission, there are no pertinent updates at this
23 time. But we anticipate at the December meeting to
24 have a few new news items to share with you. We're
25 excited about that, including announcements for

1 awards for the Incentive Pay Pilot, where
2 \$7.2 million will be distributed to districts to run
3 their own performance pay systems.

4 In addition to that, we'll have new
5 teacher preparation and new school leader
6 preparation programs that will be established in
7 this fiscal year, and we'll be ready to announce
8 those at that time. So thank you.

9 THE CHAIR: Thank you. I -- a question
10 just occurs to me. How is that money going to be
11 apportioned to the district? Is it a dollar --
12 based on students? Based on number of teachers?
13 What?

14 MR. PAHL: Madam Chair, the program is
15 based on -- it's locally designed. So it depends
16 how the school district or the charter school
17 designs the program. And so the rewards that would
18 be distributed to teachers are based on that local
19 design. So it -- it's not uniform, necessarily.

20 They needed to meet certain requirements,
21 which were outlined in the application. And as long
22 as they met those requirements, there was a lot of
23 leeway for the districts and charters when they
24 applied.

25 So we'll have a full list of those,

1 including the charters who are awarded those funds.

2 THE CHAIR: Okay. Thank you very much.

3 Any other questions?

4 COMMISSIONER CARR: I just wanted to --

5 THE CHAIR: Commissioner Carr?

6 COMMISSIONER CARR: All right.

7 Madam Chair, members of the Commission, I just
8 wanted to bring up the fact that you're going to
9 release the -- not recommendations -- but your
10 preliminary analysis at the end of the day today;
11 right?

12 MR. PAHL: That is correct,
13 Commissioner Carr.

14 THE CHAIR: I believe you said yesterday
15 it would be e-mailed to us today?

16 MR. PAHL: Yes, Madam Chair.

17 THE CHAIR: Sometime today?

18 MR. PAHL: Yes, by the close of business,
19 yes.

20 THE CHAIR: Anything else? Any other
21 questions?

22 All right. Let's move on to item No. 5,
23 La Promesa Settlement Agreement.

24 I think you all will remember, last year,
25 La Promesa came to us and wanted to increase their

1 enrollment cap. And we had quite a discussion. And
2 it came down to this agreement that we would -- if
3 you'll look on the second page of the agreement,
4 under Item A, I think, probably, is where the meat
5 of it starts -- we would, for every year that they
6 increased their -- their points on their school
7 report card, if they increased 5 points, then we
8 would give them permission to increase their
9 enrollment cap by 50 students.

10 The first year, last year, we said, "Let's
11 just start off with an increase of 75 students.
12 We'll just make that the baseline."

13 So you'll see that in Item A. They
14 increased by 75; so that made their enrollment cap
15 375. Then for each year thereafter, as I've just
16 said, they shall increase by 50 points --
17 50 students -- as long as they increase their
18 student -- their report card score by 5 points,
19 okay?

20 If you'll look on in there -- and Patti
21 Matthews, their attorney, wrote a good deal of this
22 in connection -- in conjunction with the rest of us.

23 So it says, "Thus, to increase its
24 enrollment from 375 to 425 for the 2014-'15 school
25 year, the school must earn no less than 44.85 total

1 points on its 2013-'14 school report card."

2 Mr. Pahl, do you have their current record
3 card?

4 MR. PAHL: Madam Chair, I'm pulling it up
5 right now.

6 THE CHAIR: All right. I have it, as
7 well.

8 MR. PAHL: Madam Chair, the total amount
9 of points that the school received in their '13-'14
10 school grade was 44.3 points.

11 THE CHAIR: 44.3 what?

12 MR. PAHL: Points. 44.3.

13 THE CHAIR: 44.3. So they did not make
14 the full 5 points; so they may not increase their
15 enrollment this year -- their enrollment cap this,
16 the '14-'15, school year; right?

17 MR. PAHL: (Indicates.)

18 THE CHAIR: And you've just given me a
19 piece of paper that says their 40-day count right
20 now is still 375 --

21 MR. PAHL: Yes, members of the Commission.
22 That number is not yet finalized. It's still going
23 through School Budget. But I was told by our IT
24 Division that that number should -- we don't
25 anticipate that number to change. So it's pretty

1 close to final, and 375 is right at their enrollment
2 cap --

3 THE CHAIR: So if you will look at Item C
4 on that agreement, on the second page, it says, "For
5 any year for which the school's total points does
6 not increase by 5 points, the enrollment cap shall
7 not increase; however, two or more years' total
8 points may be added together to reach the required
9 points."

10 So this tells me that this year, the
11 school may not increase their enrollment, the
12 '14-'15 school year. But the '15-'16 school year,
13 if, even combined for the two years, they increase
14 by 5 points, then they will be allowed to increase
15 by 50 students.

16 Have I made that worse or better?

17 Commissioner Carr?

18 COMMISSIONER CARR: Madam Chair, you know,
19 as we had talked -- discussed in the work session
20 yesterday, if you've got a D or an F school, why are
21 we talking about increasing enrollment at all? We
22 should be talking about maybe some other things.
23 That's my point.

24 THE CHAIR: Okay.

25 COMMISSIONER TOULOUSE: Madam Chair?

1 THE CHAIR: Yes.

2 COMMISSIONER TOULOUSE: This is another
3 one of those special needs schools where the
4 majority of students are non-English speaking when
5 they arrive.

6 COMMISSIONER CARR: Okay. And I would
7 make an exception for that; but that's something to
8 think about for other schools as they come in.

9 THE CHAIR: I think that was probably part
10 of the discussion when they came to us to ask for an
11 enrollment cap increase, is that we were aware of
12 the low performing scores. And rather than just let
13 them increase by a large number, we thought an
14 incremental increase that they earned by bringing up
15 their score would be beneficial there.

16 COMMISSIONER CARR: That sounds good.

17 THE CHAIR: Commissioner Bergman?

18 COMMISSIONER BERGMAN: Madam Chair, there
19 is, I believe, a typo there, where you were
20 discussing this. Under paragraph B there on the
21 second page, next-to-the-last line, there's a number
22 there that says "44895." I believe there's an
23 extra -- that "9" does not belong in there. And I
24 just want to avoid future confusion if somebody
25 looks at this document. Do you see what I'm talking

1 about?

2 THE CHAIR: Yes, I do. So your
3 recommendation would be the "9" be dropped, be
4 deleted?

5 COMMISSIONER BERGMAN: The "9" doesn't
6 belong there.

7 THE CHAIR: Mr. Pahl, if you would take
8 care of that on the official document, please?

9 MR. PAHL: Yes, Madam Chair.

10 THE CHAIR: I don't think this requires a
11 vote. I think this is an information item,
12 unless -- okay?

13 Okay. All right.

14 COMMISSIONER BERGMAN: We don't have to
15 vote. Since this is a settlement of an appeal, we
16 don't -- don't we have to vote?

17 MR. GRANATA: Madam Chair, Commissioner
18 Bergman, correct me if I'm wrong. It's my
19 understanding that this was voted upon previously;
20 and so, no, the Commissioners will not have to vote
21 again.

22 The one thing that I would add, though, is
23 that the line after D needs to be filled in
24 regarding the resolution was voted in favor, and
25 then the number against, or abstain, or whatnot

1 needs to be filled in.

2 THE CHAIR: Matt, can we ask you to take
3 care of that?

4 MR. PAHL: Absolutely.

5 THE CHAIR: Okay. Thank you.
6 Commissioner Gant?

7 COMMISSIONER GANT: Madam Chair, members,
8 Josh, just for clarity, if the school wants to
9 increase based upon the resolution, I would suggest
10 they need to come to CSD, get it on the agenda and
11 come before us and ask for the increase. It
12 shouldn't be an automatic increase, should it?

13 MR. GRANATA: Madam Chair,
14 Commissioner Gant, I would, I guess, suggest that
15 the school at least give the Commission a heads-up
16 as to what they're doing. Just by looking at this
17 agreement, though, it does seem that if they meet
18 the requirements of the agreement, they are entitled
19 to increase the enrollment.

20 However, if there are other concerns that
21 the Commission has, it's probably in the best
22 interests for the school to come before the
23 Commission prior to getting its increase in
24 enrollment.

25 COMMISSIONER GANT: Madam Chair, in that

1 point, if there is a concern, it would be like
2 facilities, budget, et cetera. And I think they
3 need to say, "Yes, we can handle it," through all
4 those different concerns that we've had with every
5 other charter school that increases their
6 population.

7 THE CHAIR: Okay. Matt, can we ask that
8 you flag this school, this agreement, so that if --
9 when the day comes that they are -- they have gained
10 the 5 points so that they could increase enrollment,
11 we just ask that they come to a meeting and talk
12 with us about it, make us aware of it, and let's
13 make sure everything is the way it should be?

14 MR. PAHL: Madam Chair, we could do that.
15 I'd also like to add that this agreement is an
16 interesting one, that we're basing it off of an
17 increase in the school grade. And if you look at
18 La Promesa's report card and the trend, the movement
19 that they have had, it's a school that desires to
20 serve many children in the community that it's in.
21 And because we've attached that to their school
22 grade, you'll see that -- that increase.

23 Every year, they've gotten better. So I
24 just want to point out that that -- it's shown on
25 the report card that when we offer that incentive to

1 get better on the metrics that are associated with
2 the report card -- they fell short a little bit this
3 time -- but you can see that trajectory. You can
4 see that they're moving upward.

5 So I just wanted to point that out for the
6 whole Commission.

7 THE CHAIR: I think that was the
8 Commission's hope when we did this.

9 All right. If everyone's ready, let's
10 move on to Item No. 6, which is the Carl Perkins
11 Update.

12 Mr. Spencer, good morning. Nice to see
13 you again.

14 MR. SPENCER: Good morning. Thank you.
15 It's a pleasure to be here, as well.

16 So, Madam Chair, members of the
17 Commission, Item No. 6 on your agenda is the Carl D.
18 Perkins Update to the State Plan.

19 In your packet of information prior to the
20 meeting, you would have received the very brief
21 Executive Summary with regard to Perkins
22 implementation, specifically around funding,
23 performance measures, corrective action plans, the
24 Consolidated Annual Report, and an upcoming federal
25 monitoring visit.

1 And so beginning with the funding
2 component, I've included the front pages, the
3 pertinent pages, of the federal award for your
4 review.

5 The first document that you would have
6 seen under your grant award notification would have
7 shown that the State received an amount of
8 \$2,374,505 on July 1. And this is approximately
9 30 percent of the State's eligible amount. And then
10 also recall that these amounts are based upon census
11 information with regard to 5-to-17-year-olds and
12 those in poverty, as a proportion in comparison to
13 other states.

14 So that particular award was provided to
15 the State on July 1 of 2014.

16 The following award notification that you
17 would have seen in your packet is the final award
18 letter that the State receives on October 1st of
19 2014, which is the beginning of the federal fiscal
20 year. The amount of that award is \$8,024,064. And
21 it is a little short of what the State was expecting
22 when you all had approved the State plan to be
23 submitted into the -- to the fed back in the spring.
24 And, in fact, the amount of the reduction was
25 \$4,615.

1 On an \$8 million grant, it's really not
2 that significant. But just keep in mind that it was
3 a result of a .0554 percent decrease across the
4 board in federal education programs; and, of course,
5 Perkins is part of that education program system.

6 And so what we've had to do is revise the
7 federal budget and submit that budget to the fed.
8 And in your board packet, you have what was called a
9 "Perkins Budget Calculator," which was pretty large
10 print of an Excel spreadsheet that essentially shows
11 you how the \$8,024,064 award was broken out. This
12 is consistent with the breakout of the percentages
13 that were approved in the State plan in the spring,
14 just taking into consideration that reduction that I
15 just spoke of.

16 In your packet, as well, you would have
17 found a distribution list. And it was pretty small
18 print, but I wanted to provide you a single document
19 that indicates the awards that the local entities
20 are receiving, keeping in mind that based on the
21 State plan that is approved for the State of New
22 Mexico, 50 percent of the flow-through dollars go to
23 secondary institutions, and 50 percent of the
24 flow-through dollars go to post-secondary
25 institutions.

1 And so, as a result, you would be able to
2 see, in this allocation table, those secondary
3 institutions that applied for the grant back on
4 January -- we released an application January of
5 2014; it was due in April of 2014. Those eval --
6 those grant applications were evaluated against a
7 rubric to be sure they were compliant to the federal
8 law and the State plan. And then final award
9 letters were issued after the State had received the
10 final notification in October.

11 So you can take a look at those districts
12 and those post-secondary institutions and the
13 geographic boundaries for which you represent and
14 see those particular award allocations. If you have
15 any questions about those, please feel free to let
16 me know. I'd be more than happy to respond to those
17 questions.

18 Keep in mind that these particular
19 allocations to schools are supposed to support
20 program implementation with regard to career
21 technical education activities and the integration
22 of academic and career technical education. They
23 must align to a program of study of sufficient size,
24 scope, and quality, and meet the industry and labor
25 market needs that lead students to employment in

1 above-entry-level positions and above minimum wage.

2 And as a requirement of the local
3 application, we require that the institutions
4 develop a program of study that they are able to
5 implement, share with their constituents, share with
6 the parents, share with the students what the
7 sequence of courses would be and what that sequence
8 of courses leads to, as an outcome, with regard to
9 career readiness and career preparation.

10 At the secondary level, over 50 percent of
11 the programs of study that we received focus on
12 STEM-related initiatives, hospitality and tourism,
13 architecture and construction, and arts. And one
14 would find that those particular programs do align
15 to the industry sectors of need in the State of New
16 Mexico.

17 With regard to the post-secondary
18 institution program implementation, over 60 percent
19 of the programs of study that were submitted in that
20 particular grant application were in the areas of
21 STEM, manufacturing, information technology, and
22 health care; and, again, aligning those programs of
23 study to the industry sectors of New Mexico that are
24 of priority.

25 The next segment of your packet is that of

1 performance measures. And we had a conversation
2 back in the spring about the performance measures
3 and how the State has to set those targets in a
4 negotiated manner with the fed. And we had some
5 risk factors at the time, because we did have some
6 indicators at the secondary level that the State was
7 not meeting; and then, also, we had some factors at
8 the post-secondary level that we didn't meet as a
9 State, either.

10 But what you have in your document is,
11 again, a single printout of indicators that start
12 with, like, a 1P1 in the first row -- or a 1S1 in
13 the first row of those spreadsheets. Anything you
14 see with an "S" is a secondary indicator, which is
15 applicable to grades 9 through 12. Anything that
16 you see with a "P" in that indicator -- for example,
17 "1P1" is an indicator related to post-secondary
18 institutions.

19 And we provided for you the measurement
20 definition of the numerator and the denominators,
21 that you can see what's actually being measured with
22 regard to outcomes' performance as these dollars are
23 being expended and invested at the local level.

24 The federal government requires that we
25 submit proposed levels of performance in the spring,

1 at the time that the State submits the State plan on
2 an annual basis, the revision to the State plan.
3 And we had taken a look at some of the -- the math
4 and the algorithms, if you will, behind these
5 performance measures to more adequately determine
6 the level of performance that the State could
7 propose that would be realistic as targets of
8 performance of schools at the secondary and
9 post-secondary level.

10 You will see in your summary, the
11 executive summary of your board packet, that at the
12 secondary level of the eight proposed performance
13 measures that you all approved, the fed accepted all
14 but one; and at the post-secondary level, the fed
15 accepted, again, all but one.

16 The two indicators at the secondary level,
17 you have one that is related to the student
18 graduation rate; and at the post-secondary level,
19 there was an indicator related to the student
20 retention or transfer rate.

21 And what we found was that the fed
22 countered our proposal, in a small way. They were
23 asking for a little bit more -- a higher level of
24 performance in terms of the target, based on their
25 analysis of how the State has been performing in the

1 past. And so their counteroffer on the two
2 proposals was certainly within a range of what our
3 institutions would be able to achieve through the
4 utilization of these particular grants.

5 And so we're comfortable with where we
6 settled with, the performance targets in those
7 negotiations. Keep in mind that there was also some
8 discussion about the fact that some of those
9 performance targets were lower targets than the
10 prior year. But we also know that we had a shift in
11 the data collection methodology in our IT department
12 as a result of the vacant position that essentially
13 put us in a position to reestablish a baseline, if
14 you will, in how we were interpreting the numerator
15 and the denominator of those particular definitions.

16 Specific to the post-secondary set-aside,
17 you're going to see another section in your packet
18 that talked about a corrective action plan. As a
19 result of the State not meeting its level of
20 performance in the core indicator of 2P1 at the
21 post-secondary level, which really deals with the
22 number of students that are graduating with a
23 credential certificate or a diploma, we didn't meet
24 that level of performance for three consecutive
25 years at a post-secondary level. And as a result,

1 the federal government, in addition to requiring
2 corrective action plans be placed in the December's
3 Consolidated Annual Report, required that the State
4 establish a corrective action plan in updates to the
5 fed on a quarterly basis about how we're moving
6 forward in being able to achieve that level of
7 performance.

8 There were a number of activities that
9 occurred with regard to convening the institutional
10 researchers of the community colleges that are
11 receiving these Perkins dollars, and really circling
12 around common definitions and ensuring that the
13 methodology in how one institution collects and
14 reports their data is exactly the same as how
15 another institution would do it in another
16 geographic section of the state.

17 And as a result, we were able to see,
18 through those efforts of getting everybody on the
19 same page, if you will, how it improved the data
20 quality and improved the performance across the
21 state.

22 So while last year, and the three
23 preceding years, we didn't meet the level of
24 performance in 3P1, I'm happy to report that the
25 preliminary analysis of the data that we were using

1 to report to the fed for this consolidated annual
2 report period, come December of 2014, is that the
3 State is meeting its level of performance, and it's
4 nearly 10 percentage points above the negotiated
5 target; and so that is definitely a significant win
6 at the post-secondary level, and much gratitude to
7 their focused efforts around looking at what they
8 can do to ensure that they're implementing programs
9 in a meaningful way for students, and then
10 appropriately reporting those.

11 Moving forward, the preliminary analysis
12 is also revealing that we do have a risk factor with
13 regard to the 5P1 and the 5P2 performance targets.
14 That means -- 5P1 is the participation in a
15 non-traditional program; so, for example, a male
16 engaging in a program of study, participation in a
17 health occupations industry; it's an industry
18 dominated by female population. There may be a
19 female participating in, let's say, a welding
20 program, which is typically dominated in the
21 workplace by the male population.

22 Those two particular performance measures,
23 where we've established new levels of performance or
24 targets with the fed, still showed that
25 post-secondary institutions are struggling to meet

1 that performance target. We're still digging
2 through the data, and I hope to have that final data
3 to you for the post-secondary level in the December
4 meeting for reporting in the 2014 CAR.

5 I've included a copy of that action plan
6 for your review. The next action plan due to the
7 fed is November 19th. We're in the final stages of
8 producing that particular document.

9 And, then, lastly, on your Executive
10 Summary, you note that the -- the fed has identified
11 New Mexico for a compliance monitoring visit,
12 keeping in mind that the last Perkins monitoring
13 visit occurred back in 2007, in the month of
14 October. But in October -- October 20th of this
15 year, had an office hour, if you will, with
16 representatives of the Office of Career and
17 Technical Education in Washington, D.C., who
18 implements monitoring and whatnot for the Perkins
19 Grant. And they indicated that New Mexico was
20 slated for a monitoring visit come April 6th through
21 the 10th.

22 It's unfortunate that that week coincides
23 with the Spring Budget Workshop that also takes
24 place in 2015, with regard to the dates that they
25 have set. And we're going to be asking the federal

1 government if we can renegotiate that date, so that
2 we can ensure that those individuals that they need
3 to meet with, with regard to, you know, looking at
4 the financial ledgers, et cetera, that they're going
5 to be here to be able to provide the information to
6 them in a meaningful way.

7 And so that, Madam Chair, members of the
8 Commission, concludes my report, and I'll stand for
9 questions.

10 THE CHAIR: Thank you, Mr. Spencer.
11 Commissioners, do you have questions?
12 Commissioner Carr?

13 COMMISSIONER CARR: Madam Chair, members
14 of the Commission. Sir, thank you for your service
15 and your -- you are indicative of the kind of
16 professionals that we need to rely on, 'cause I
17 would have had a very difficult time digging through
18 all that data, like you did, before my eyes glazed
19 over.

20 This is a very important program. I guess
21 that -- it may have been in here, and maybe I missed
22 it -- what -- what was our funding last year
23 compared to this year?

24 MR. SPENCER: The funding from last year
25 compared to this year is about the same. I don't

1 have that actual number in front of me; but it's
2 right, the same.

3 COMMISSIONER CARR: Okay. That's fine.
4 Okay. And I'll just make a quick statement, that I
5 think that the numbers are indicative of the fact
6 that we're failing our children, overall.

7 I -- I think that we have some really
8 serious issues. And this is an outstanding program
9 that helps our -- our at-risk children, our Native
10 Americans, our Hispanics, every -- you know, it's a
11 very important program, and I hope we can continue
12 to get it. Thank you so much.

13 MR. SPENCER: Thank you.

14 THE CHAIR: Thank you. Commissioner Gant,
15 did you have a comment?

16 COMMISSIONER GANT: Just -- Madam Chair
17 and members, just a couple of comments, maybe a
18 question. First question, before I forget it, I
19 made a note. The visit that is currently scheduled
20 for April of next year, do you think the visitors
21 will be wanting to talk to any of the Commissioners,
22 since we do have some play in this?

23 MR. SPENCER: Being part of the monitoring
24 visit of 2007, I know that they reviewed the
25 transcriptions of the -- of the meetings. And I

1 know that they'll probably be asking for that
2 documentation.

3 But I can clarify that in my follow-up
4 conversations to ensure that we would have you all
5 notified of that request.

6 COMMISSIONER GANT: Thank you.

7 Madam Chair? On the quarterly basis, if
8 it continues into next year -- I'm not sure it is --
9 but maybe it would be nice if the Commissioners got
10 a copy of each one of the quarterlies in the future,
11 okay? I mean, it's up to the Commission, but --

12 COMMISSIONER CARR: I agree.

13 COMMISSIONER GANT: Next, I find it
14 interesting, the Native American -- Native Hawaiians
15 and other Pacific Islanders, although a small number
16 of 23, I guess it is, in the state; therefore, if
17 you have one or two that fail, of course, the
18 percentage points are going to be high. I mean --
19 so putting a lot -- that was a first emphasis, I
20 guess. To me, that's kind of out there.

21 I realize we, as a state, need to provide
22 a good education for all students. But, I mean,
23 that's getting a little picky. But that's just my
24 comment.

25 And the next paragraph down -- and this is

1 on Page 21 of the report -- "two or more races"
2 category, "moderate disparity."

3 Can you explain what that means? It's
4 about -- paragraph down -- I'm looking -- what I
5 have is on Page -- it's right after the start of the
6 improvement plan, okay? And you go down a couple of
7 paragraphs. "A moderate disparity exists in the
8 performance of two or more race categories."

9 Could you explain that, please?

10 MR. SPENCER: Yes. What the -- what the
11 State has to do when it's taking a look at this
12 particular data is that it's disaggregated by race
13 and ethnicity, special populations, and gender.

14 And when we take a look at all of the
15 disaggregated subgroups, if you will, and their
16 level of performance, how do those subgroups compare
17 to the aggregated level of performance? So if, in
18 the aggregate, we had, you know, two students in the
19 numerator, four students in the denominator, you're
20 going to have a 50 percent level of performance.

21 And so how is it that male-female compare
22 to that 50 percent? So are we having higher
23 performance by one gender or another, or lesser
24 performance from one gender or another? And we're
25 digging through the data in the race ethnicity,

1 special pop subgroups, as well. And then we're
2 required to identify where those outliers -- where
3 do we see a particular subgroup kind of performing
4 outside of the normal boundary of the whole group of
5 population.

6 And you're absolutely right in terms of
7 pointing out the Pacific Islander and the Hawaiian,
8 is that it's really not -- it's such a small
9 population that, you know, you miss a couple of
10 kids, and you've got a huge disparity in
11 performance. And we do adjust for that, knowing
12 that that's going to be a small handful of kids?

13 We would want to know where they are in
14 regard to which LEA is serving them and working with
15 an LEA to ensure that perhaps the student that
16 special -- extra-help strategies, if you will, to
17 assist those students to ensure that they're able
18 to -- to meet the gains and participate in the
19 program in an effective way.

20 But it's also taking a look at where do we
21 have the largest number of students that might be
22 the outlier, and then how do we implement, let's
23 say, a program improvement plan or activity to move
24 a larger portion of the population to higher level
25 of performance.

1 COMMISSIONER GANT: Madam Chair -- thank
2 you.

3 Madam Chair, members, you've given some
4 percentages, like, for that particular paragraph,
5 5.26, or the next paragraph, 3.53. What is the
6 cutoff when they really start digging down? Is
7 there -- can they go clear down to 1 percent and say
8 you've failed something? See what I'm saying?

9 MR. SPENCER: Well, in a disaggregated
10 way, there's not any real guidance as to what the
11 cutoff would be, or the threshold, for a score.
12 What we were using as a rule of thumb was that if
13 there happens to be -- if, for example, let's say
14 that the largest disparity of performance was
15 8 percent, then we would report that that's the
16 largest percentage of disparity. And we would also
17 note as to whether we're meeting the performance
18 target or not. And if we're not, we know that
19 there's still activity that needs to occur in order
20 to move performance for all students, regardless of
21 whether or not they're the 8 percent or the
22 2 percent in the subcategory.

23 In other indicators, we might have
24 outliers that are at 20 percent. And, of course,
25 we're looking at that particular data in the same

1 manner. Unfortunately, what happens is when the fed
2 takes a look at the State's level of performance --
3 and sometimes we get pretty close -- that, you know,
4 if they set a target of 45 percent that the State
5 must achieve, and if we perform as a State at a
6 44.98 percent, we did not meet the performance
7 target, and we fall into a corrective action plan.

8 THE CHAIR: It sounds like our school
9 grading. Excuse me for saying that, but I do.

10 I appreciate your information. And I find
11 it interesting now they're talking about displaced
12 homemakers, single parents, getting really down in
13 the weeds on all that -- on all this stuff.

14 And I do -- as Commissioner Carr said --
15 appreciate what you do and your staff does. And we
16 need to remember, we need to get the word out. This
17 is one program that's keeping kids in school.

18 COMMISSIONER CARR: Right.

19 COMMISSIONER GANT: And helping them
20 graduate, actually, to higher standards than a lot
21 of students that graduate, just barely. Thank you.

22 THE CHAIR: Commissioner Toulouse?

23 COMMISSIONER TOULOUSE: Madam Chair, I
24 first really got acquainted with Carl Perkins when I
25 got on the CNM Governing Board in 1999, and I have

1 seen no movement on the bureaucrats doing anything
2 in any way but these little columns and numbers.

3 So I think it probably behooves us to do
4 what you try to do and explain beyond the columns
5 who we are; because people, still, in D.C. -- in any
6 area, whether -- but this is a particularly
7 bureaucratic one, it seems to me -- don't understand
8 what New Mexico's composition is; and, for instance,
9 the dual ethnicity of many of our people, who are
10 now, since the census started doing more than one,
11 are now much more identifying themselves that way.

12 So I just want to commend you and
13 encourage you to continue your narrative
14 explanations with your data. And maybe, you know --
15 I mean -- and this has only been, you know, 14,
16 15 years, I've had to deal with it. Now, maybe by
17 my grandchildren's time, some of those bureaucrats
18 will have figured out that numbers don't tell the
19 whole story, that percentages when you have large
20 percentages or large ones, don't tell the story.

21 So I do commend you for what you have to
22 put up with for all of this. Thank you. Thank you.

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

25 I would just like to make a quick comment

1 on my part.

2 I do have to disagree with
3 Commissioner Carr. I don't think we're failing our
4 students. I taught for many years on a college
5 campus. And we made great use of Carl Perkins
6 funding. We had programs that would not have
7 existed without Carl Perkins funding. Particularly
8 what we called "vocational programs" are very
9 expensive. The equipment to put in a computer lab,
10 the equipment to put in a welding shop, so forth, is
11 very expensive. And most schools can't afford that
12 without the Carl Perkins funding.

13 Of course, we want students always to
14 complete their programs, to complete their degrees.
15 But I was always at least made somewhat more
16 comfortable when a student left before they
17 completed their program by the knowledge that they
18 had some job skills when they left that they didn't
19 walk in the door with.

20 And it was due simply, completely, to the
21 Carl Perkins funding that we were able to give
22 them -- or help them gain those job skills. It
23 might not have been as much as we wanted them to
24 have. Certainly, they weren't going to walk out and
25 get the job we'd like for them to have. But they

1 were able to get a job. And before they walked in,
2 most of them weren't able to get a job.

3 I commend you for what you're doing. I
4 know it's not always easy, because students don't
5 always complete, and that comes back and hits us
6 upside the head. But we just keep trying. But Carl
7 Perkins is so vital to this State. So we all
8 appreciate what you do.

9 COMMISSIONER CARR: Madam Chair?

10 THE CHAIR: Commissioner Carr?

11 COMMISSIONER CARR: I think you
12 misunderstood what we're saying. I'm not saying
13 that the Carl Perkins Grant failed our children.
14 We, in general, as a State, are failing our
15 children.

16 THE CHAIR: Mr. Pahl?

17 MR. PAHL: Madam Chair, members of the
18 Commission, it's not often that we get to praise our
19 colleagues in a public forum. So I just want to
20 echo what many of us have said here, that Eric
21 Spencer does a fabulous job with his work here at
22 PED. And another program that he drives from the
23 State level is the Advanced Placement exams. And
24 that's something we've had incredible success in in
25 the state.

1 Our Hispanic students are number one in
2 the country for the percentage that take the AP exam
3 and the percentage that pass the AP exam. So Eric's
4 excellent work touches students in many different
5 ways.

6 THE CHAIR: Terrific. Thank you so much.

7 MR. SPENCER: Thank you.

8 THE CHAIR: Other comments?

9 Commissioners, we do need to approve this
10 report. So if you're ready, the Chair would
11 entertain a motion to approve that report.

12 Commissioner Carr?

13 COMMISSIONER CARR: I make the motion that
14 we approve the Carl Perkins report.

15 THE CHAIR: Thank you very much. Do we
16 have a second?

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

19 THE CHAIR: We have a motion by
20 Commissioner Carr, second by Commissioner Toulouse,
21 to approve the Carl Perkins report, as presented by
22 Mr. Spencer.

23 Is there any discussion?

24 Mr. Secretary, may we have a roll-call
25 vote, please?

1 COMMISSIONER BERGMAN: Commissioner
2 Toulouse?
3 COMMISSIONER TOULOUSE: Yes.
4 COMMISSIONER BERGMAN: Commissioner
5 Parker?
6 COMMISSIONER PARKER: Yes.
7 COMMISSIONER BERGMAN: Commissioner Carr?
8 COMMISSIONER CARR: Yes.
9 COMMISSIONER BERGMAN: Commissioner Pogna?
10 COMMISSIONER POGNA: Yes.
11 COMMISSIONER BERGMAN: Commissioner Gant?
12 COMMISSIONER GANT: Yes.
13 COMMISSIONER BERGMAN: Commissioner
14 Shearman?
15 THE CHAIR: Yes.
16 COMMISSIONER BERGMAN: Commissioner
17 Bergman votes "yes."
18 Madam Chair, that is a 7-to-0 vote in
19 favor of that motion.
20 THE CHAIR: Thank you very much. The
21 motion passes unanimously.
22 Thank you, as always, Mr. Spencer. We
23 look forward to seeing you again.
24 MR. SPENCER: Thank you. I appreciate
25 your time.

1 THE CHAIR: Thank you.

2 Item No. 7, Discussion and Possible Action
3 on Revision of the New Charter Applications.

4 Mr. Pahl, I'm going to ask you to give us
5 the information on this one, please.

6 MR. PAHL: Sure, Madam Chair, members of
7 the Commission. There are two documents that,
8 through the work session yesterday, we are -- we
9 arrived in a finalized place to approve them. Wow,
10 that's a sentence.

11 And what we will do, if you do approve
12 these, is we'll note on the bottom of the document
13 the date that they were approved, and they will be
14 posted on the PED -- PEC's -- website. Excuse me.

15 The first document I'd like to -- I think
16 it probably makes sense to go over -- do a separate
17 approval for both documents. The first one I'll
18 point out is the Notice of Intent to Submit a
19 Charter Application. This is the shorter document
20 that was handed out earlier, a staple in the corner.

21 I'll leave it to you, Madam Chair, to lead
22 any discussion on this item and approve it. And
23 then we can come back to me for -- for the
24 Performance Framework, if that suits you.

25 THE CHAIR: That's fine.

1 Commissioners, you have before you the
2 Notice of Intent. I believe we went all through
3 these changes yesterday. Are there any other
4 questions or comments on the Notice of Intent and
5 the changes? I believe the changes were confined to
6 the first page.

7 Any discussion?

8 Hearing none, the Chair would entertain a
9 motion to approve the Notice of Intent to Submit a
10 Charter Application, and as it has been revised.

11 Commissioner Bergman?

12 COMMISSIONER BERGMAN: Madam Chair, I
13 would move that the Public Education Commission
14 approve this new, revised version of the Notice of
15 Intent, which is a part of the Charter Application
16 package.

17 COMMISSIONER POGNA: Second.

18 THE CHAIR: We have a second by
19 Commissioner Pogna to approve the revised Notice of
20 Intent.

21 Is there any further discussion?

22 Hearing none, Commissioner Bergman, may we
23 have a roll-call vote, please?

24 COMMISSIONER BERGMAN: Commissioner
25 Parker?

1 COMMISSIONER PARKER: Yes.
2 COMMISSIONER BERGMAN: Commissioner Carr?
3 COMMISSIONER CARR: Yes.
4 COMMISSIONER BERGMAN: Commissioner Pogna?
5 COMMISSIONER POGNA: Yes.
6 COMMISSIONER BERGMAN: Commissioner
7 Toulouse?
8 COMMISSIONER TOULOUSE: Yes.
9 COMMISSIONER BERGMAN: Commissioner Gant?
10 COMMISSIONER GANT: Yes.
11 COMMISSIONER BERGMAN: Commissioner
12 Shearman?
13 THE CHAIR: Yes.
14 COMMISSIONER BERGMAN: Commissioner
15 Bergman votes "yes."
16 Madam Chair, that is a 7-to-0 vote in
17 favor of that motion.
18 THE CHAIR: Thank you. The motion passes
19 unanimously to approve the revised Notice of Intent.
20 Mr. Pahl?
21 MR. PAHL: Madam Chair, the second
22 document we will be considering for approval is the
23 Performance Framework. We made some small
24 adjustments to that yesterday, in addition to the
25 adjustments we made in October's work session. I'll

1 point those out now.

2 Most of them are on Page 2 of the
3 document. And there, we see the adjustments. And
4 one extra edit I did to -- which you'll see in red,
5 to just clarify that statement a little more, I left
6 it in red for your consideration just to highlight
7 that that was something additional.

8 I was reading over the document and just
9 felt like that wording was a little more assertive
10 for the Commission, that that was an expectation.

11 We decided on 40 calendar days from the
12 release of school grades that an improvement plan
13 must be submitted for PEC approval. That wording,
14 you'll find on each of the right-hand columns for a
15 school that receives a grade of C, D, or F.

16 THE CHAIR: Mr. Pahl, if you will look on
17 Page 3, please, I think we made a correction
18 yesterday, and it isn't noted on here. If you'll
19 look under "Falls Far Below Standard, the school
20 received a D or F," it should be "F" only, I
21 believe.

22 MR. PAHL: We can make that change. That
23 was a mistake on our behalf.

24 If we're okay moving forward with the --
25 if -- you know, this and any other smaller edits, if

1 we can approve them and make those small
2 adjustments, we'd appreciate that, so we can have
3 this be our finalized document when we go into the
4 negotiations.

5 THE CHAIR: Absolutely.

6 MR. PAHL: On Page 3, underneath "Mission
7 Specific Indicators," you'll also note that asterisk
8 at the bottom of No. 2. It reads, "Please note the
9 above percentages may change and will be negotiated
10 with the PEC."

11 That is in regard to the "Does Not Meet"
12 and "Falls Far Below" standard.

13 THE CHAIR: Oh, I'm sorry. Commissioner
14 Parker?

15 COMMISSIONER PARKER: Madam Chair,
16 Commissioners, this is a question for Josh. Do we
17 need to say that that will occur at the contract
18 negotiations?

19 THE CHAIR: I'm going to defer to
20 Commissioner Bergman on that, as he's sort of our
21 guru of negotiations here. What would your thought
22 on that one be?

23 COMMISSIONER BERGMAN: Well, that's --
24 that is probably when the numbers would be compiled,
25 when we put them together. I don't know that we

1 necessarily specifically have to state in the
2 document. But, here, again, back to our attorney
3 again, probably.

4 THE CHAIR: Let's see what Josh has to
5 say.

6 MR. GRANATA: Madam Chair and
7 Commissioners, I agree with Commissioner Bergman.
8 It doesn't necessarily have to be there. If the
9 Commissioners choose, it adds a little bit of
10 clarity; but it doesn't have to be there.

11 COMMISSIONER BERGMAN: Well, in that
12 regard, if our attorney believes it provides
13 clarity, I see no reason -- could it come back and
14 bite us if we put something specifically in there?
15 In other words, could there be a time where we might
16 have to do it before we get to the negotiation?

17 MR. GRANATA: Madam Chair and Commissioner
18 Bergman, I think that's a question the Commission
19 could answer better than I could, whether or not
20 this could occur in a separate setting than the
21 negotiations for the performance framework.

22 THE CHAIR: I can't imagine that.

23 COMMISSIONER BERGMAN: I suspect, then --
24 if we could add some wording to what Commissioner
25 Parker said that says, "Unless otherwise" -- you

1 wordsmiths can help me out, just to qualify it --
2 "Unless it needs to be done earlier," or something
3 along those lines, you know.

4 COMMISSIONER TOULOUSE: Madam Chair, if we
5 get too specific, aren't we indicating to people,
6 "Oh, we'll negotiate with you anytime you want us to
7 change something?"

8 So I think the -- the fewer words we have,
9 probably the better; because then we can interpret
10 and say, "No, not until your negotiations," rather
11 than if we start adding words, and then they say,
12 "Yeah, but you say... ."

13 COMMISSIONER BERGMAN: That's a valid
14 point, also; so whatever the Commission wants to do,
15 put the words in there or not, or leave them out.

16 COMMISSIONER CARR: Madam Chair, I agree
17 with Commissioner Toulouse on this. I think we
18 should keep it the way it is.

19 THE CHAIR: Keep it the way it is? Other
20 thoughts on the issue? Seems to be the consensus,
21 let's leave it the way it is.

22 Let's see how it works this year. We come
23 back and look at these things every year, anyway; so
24 that may be one of our projects for next year.

25 MR. PAHL: Madam Chair, the last change

1 I'd like to share with the Commission is on Page 19.
2 We made a few adjustments to the signature sheet.
3 And I'll just explain to you what I came away with
4 from the meeting yesterday, is that this document,
5 the Performance Framework, would be signed by both
6 parties after being approved.

7 So the first party that would sign would
8 be the charter school, after it's approved by their
9 board. Can you see they have a signature line, a
10 date of approval, and the title of the -- the person
11 representing the charter school? That would then go
12 and be approved by the PEC, at which point it would
13 be signed -- we'd have both parties sign, having
14 signed this document after it's been finalized and
15 approved.

16 We will also be creating a sheet for the
17 contract negotiation itself that will articulate the
18 participants of that negotiation, as well as a
19 signature line that says, "We have left this
20 agreeing to these basic terms," something to that
21 effect.

22 So just -- I just want to note that this
23 is the second step in this process, and this is
24 after approval, both by the governing council and by
25 the PEC, in which we would have signatures on this

1 document.

2 THE CHAIR: Thank you.

3 Commissioner Bergman, yesterday, during
4 the work session, didn't you say you already have
5 a -- a draft of that sign-in sheet for the
6 negotiation -- the day of the negotiation? Or were
7 you just talking about what you thought it should
8 look like?

9 COMMISSIONER BERGMAN: No, I have no
10 draft. Just like anybody's sign-in sheet, like we
11 have out in our lobby here; just, we'll ask the CSD,
12 just something that's appropriate, and make sure
13 when they bring all the other materials to the
14 negotiations, that they bring a sign-in sheet.

15 THE CHAIR: Okay. Okay.

16 COMMISSIONER BERGMAN: I just wanted a
17 basic sign-in sheet.

18 THE CHAIR: Okay. Just wanted to clarify
19 that.

20 Is everybody satisfied with this Item
21 No. 6 on Page 19? Does it convey what we want --
22 does it do what we wanted done?

23 Commissioner Bergman?

24 COMMISSIONER BERGMAN: I hope I'm not
25 nitpicking. But I notice the Commission is listed

1 as the top signature. Will that be confusing? Does
2 that imply that we sign it first? I just don't want
3 someone to look at that and say, "Well, that must
4 mean the Commission signs it first, and then we sign
5 it."

6 It could be nitpicking.

7 Thank you, Madam Chair.

8 THE CHAIR: Why don't we leave that to CSD
9 and make sure the signatures are done in a timely
10 manner?

11 MR. PAHL: That sounds good. Thank you,
12 Madam Chair.

13 THE CHAIR: Is that all right with you?

14 MR. GRANATA: (Indicates.)

15 THE CHAIR: All right. Any other
16 comments? We do need to approve this Performance
17 Framework, as presented, with the changes that --
18 the change or changes? Did we only make one change
19 today?

20 COMMISSIONER TOULOUSE: Two.

21 THE CHAIR: As corrected today. Why don't
22 we just say that, okay?

23 Commissioner Carr.

24 COMMISSIONER CARR: I move we approve the
25 New Mexico Public Education Commission Charter

1 School Performance Framework, as amended or
2 corrected.

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

5 Commissioner Toulouse?

6 COMMISSIONER TOULOUSE: Madam Chair, I
7 will second.

8 THE CHAIR: Thank you.

9 We have a motion by Commissioner Carr,
10 seconded by Commissioner Toulouse, to approve the
11 Public Education Commission Charter School
12 Performance Framework, as presented and corrected.

13 Is there any further discussion?

14 Hearing none, Secretary Bergman, may we
15 have a roll-call vote, please?

16 COMMISSIONER BERGMAN: Commissioner Carr?

17 COMMISSIONER CARR: Yes.

18 COMMISSIONER BERGMAN: Commissioner Pogna?

19 COMMISSIONER POGNA: Yes.

20 COMMISSIONER BERGMAN: Commissioner
21 Toulouse?

22 COMMISSIONER TOULOUSE: Yes.

23 COMMISSIONER BERGMAN: Commissioner
24 Parker?

25 COMMISSIONER PARKER: Yes.

1 COMMISSIONER BERGMAN: Commissioner Gant?

2 COMMISSIONER GANT: Yes.

3 COMMISSIONER BERGMAN: Commissioner

4 Shearman?

5 THE CHAIR: Yes.

6 COMMISSIONER BERGMAN: Commissioner

7 Bergman votes "yes."

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

10 THE CHAIR: Thank you. The motion passes
11 unanimously. The Performance Framework, as
12 presented and corrected, is approved.

13 Thank you, Mr. Pahl.

14 Let's move -- are we ready for a break, or
15 is it a little early?

16 COMMISSIONER GANT: Let's continue.

17 THE CHAIR: Item No. 8, Three-Year
18 Planning Year Reports to the PEC.

19 Mr. Pahl?

20 MR. PAHL: Madam Chair, members of the
21 Commission, on Item No. 8 of our binders, you'll
22 find the three-year planning reports to the PEC.
23 And I think this is -- I'm reading that a little
24 wrong.

25 We're proposing three different touch

1 points for the Commission during the planning year,
2 so they can see the progress of our newly approved
3 charters. We have three of them this year.

4 What we're preparing is that the January,
5 March, and May meeting of the PEC, that the
6 Commission receives an update on the progress of the
7 planning year reports.

8 I think this works out well, especially in
9 light of where we've placed the negotiations for the
10 new charter schools, as well, which are in April.
11 So we're really providing four touch points for us
12 to have those new schools in front of us, get an
13 update on how that planning year is going, and just
14 get an opportunity to ask any question of those
15 charters as they prepare to establish themselves as
16 schools in the State.

17 THE CHAIR: Okay, very good.

18 Do we need to vote on this, or is this
19 just an information item?

20 MR. GRANATA: Information.

21 THE CHAIR: Okay. Josh recommends that
22 this is just an information item; so we don't need
23 to vote on it.

24 Matt, let me ask you one thing. In all of
25 our work sessions, where we're going back through

1 our documents and refining and making sure how they
2 work, when do you have in mind to bring the Planning
3 Year Checklist to a work session?

4 MR. PAHL: Madam Chair, members of the
5 Commission, at this point in time, it hasn't been
6 contemplated to bring it forth. We have talked
7 about one change at October's work -- work -- work
8 session that we've incorporated that change. We
9 didn't have it on our -- on our plan; but if the
10 Commission wishes, we can address that.

11 THE CHAIR: I think it might be a good
12 idea. I've heard some -- just, discussion about a
13 thing or two that might be good to have on that, or
14 let's be sure it's on there. So let's put that on
15 the October work session, please.

16 MR. PAHL: Absolutely.

17 THE CHAIR: Okay. Thank you. We are down
18 to Item No. 9, Discussion and Possible Action on
19 Charter School Amendments.

20 I will ask, if there are representatives
21 from Tierra Adentro, for them to come on down to the
22 table, please.

23 COMMISSIONER TOULOUSE: Madam Chair, I
24 will be recusing myself from this one, because my
25 daughter has had an association with the

1 International Flamenco Institute, which is so
2 tightly bound up with this school that I feel
3 better -- she's just finished a contract with them
4 and is negotiating additional ones. So I'm --

5 THE CHAIR: Thank you for that heads-up.
6 Commissioner Bergman, if you'll make a
7 note of that, please?

8 COMMISSIONER TOULOUSE: So to you people,
9 no conflict of interest here.

10 THE CHAIR: Mr. Pahl, would you give us
11 CSD's recommendation, please?

12 MR. PAHL: Madam Chair, members of the
13 Commission, Tierra Adentro came to us last month
14 notifying -- and I think asking permission from the
15 Commission to look into a new site that was across
16 the street from their current site location.

17 They are now asking for approval to -- to
18 expand to that additional site in order to meet the
19 needs of the school's current growth rate. The CSD
20 recommends approval of this amendment, with the
21 condition that the approval is contingent on
22 obtaining E-Occupancy for the new facility.

23 THE CHAIR: Okay. Say that last sentence
24 again, please?

25 MR. PAHL: CSD recommends approval with

1 one contingency, that the building receives
2 E-Occupancy certification.

3 THE CHAIR: Okay. I see Martica is in the
4 audience, and I'm going to ask her to speak on this
5 as soon as she gets a minute, because I think that
6 was the question we had.

7 Martica, would you mind pulling a chair up
8 to this table?

9 MR. PAHL: If you wouldn't mind coming up
10 here, please, I think that was our question from
11 last time, was it not?

12 MS. TORRES: Yes, Madam Chair.

13 THE CHAIR: Before we get too far, please
14 identify yourselves to the reporter.

15 MS. TORRES: I am Veronica Torres,
16 Executive Director of Tierra Adentro Charter School.

17 MS. MAGALLANES: I am Marisa Magallanes.
18 I am on the facilities committee for Tierra Adentro
19 Charter School.

20 THE CHAIR: Thank you very much. Our
21 question was for E-Occupancy for the proposed dance
22 studio across the street.

23 Martica, if you could give us an update on
24 that, please?

25 MS. CASIAS: Madam Chair, members, the

1 current facility has an E-Occupancy, and the
2 proposed one across the street, we have looked at,
3 and met with the City of Albuquerque. And if I
4 believe, we are -- they do have an E-Occupancy.

5 But I need to verify that, because I was
6 prepared to talk about the current facility. But if
7 I could just send an e-mail back to my office real
8 quickly and confirm that, if Madam Chair would allow
9 me that -- a few moments?

10 THE CHAIR: Please do. We would
11 appreciate that.

12 MS. CASIAS: Thank you.

13 MS. MAGALLANES: I'm sorry. May we make a
14 note on that update? In our initial walk-through
15 with PSFA on October 9th, we have addressed all
16 items necessary for the E-Occupancy certificate.

17 That certificate is currently still in
18 process with the City of Albuquerque Buildings
19 Department. So it has not been issued at this
20 point, and, unfortunately, was not ready prior to
21 this meeting today.

22 MS. CASIAS: Madam Chair, I'll just take a
23 moment. I'm not saying that you're not being
24 factual; but we might have an update.

25 A gentleman in our office has been calling

1 the City of Albuquerque on a regular basis to verify
2 that information.

3 THE CHAIR: If you would, please?
4 Appreciate that.

5 MS. CASIAS: Madam Chair, yes.

6 THE CHAIR: While you're doing that, let
7 me just ask a question, because I noticed, as I was
8 reading through this, you're talking about, I
9 believe, remodeling or expanding the current
10 facility?

11 MS. TORRES: Yes, Madam Chair, members of
12 the Commission. We put in two amendments, I
13 believe -- Matt? -- one stating that we wished to
14 remodel our current facility, and then add on the
15 1620 Central Dance Annex facility. And you should
16 have received both those amendments prior to this
17 meeting, I believe.

18 MR. PAHL: Madam Chair, the remodel is
19 noted as 9B on the agenda. If you'd like, we can
20 address that while -- while Ms. Casias --

21 THE CHAIR: Well, what I'm looking for is
22 a separate amendment request; and I'm not seeing it.
23 But, then, my other question is, I don't ever
24 remember that we have had remodel of a building
25 brought to this Commission before. And maybe we

1 need to discuss that, because if it -- if the
2 remodel is so extensive that it might impact their
3 E-Occupancy, perhaps we do need to be involved in
4 it.

5 But I -- Commissioner Gant, you're more
6 involved in facilities than I am. Could we hear
7 from you on this?

8 COMMISSIONER GANT: Madam Chair,
9 Commissioners, there's -- when they want to remodel
10 something -- and we recently went through this,
11 where a principal did not bother to do so -- they,
12 the school, the charter school, needed to come up
13 with plans for the remodel. They need to go to the
14 PSFA. And these plans need to be architecturally
15 signed and dated, approved, et cetera.

16 They come to the PSFA, and they approve
17 them. At the present time, really, I don't believe,
18 in my view -- someone else may have -- and Josh may
19 have a different point of view -- it's really not
20 necessary for them to come to the PEC for approval
21 of a remodel, as long as the Authority -- the
22 PSFA -- has looked at it. Maybe they'll have to
23 have CID also look at the plans, because --
24 depending on how large the remodel is, et cetera.

25 So if they take those proper steps, then I

1 think they have the clearance to go ahead and do the
2 remodels. Now, to move is a different issue.

3 MS. CASIAS: Madam Chair, may I add to
4 that?

5 THE CHAIR: Please do.

6 MS. CASIAS: Madam Chair,
7 Commissioner Gant, Commissioner Gant is correct. We
8 receive the set of plans; we verify E-Occupancy.
9 And normally, we just record that they've met the
10 weighted NMCI and that they have an E-Occupancy, and
11 then we have that information until the time that we
12 may come before you.

13 But we work with the -- each charter as
14 they do it, unless they choose not to follow the
15 process.

16 COMMISSIONER GANT: Madam Chair?

17 THE CHAIR: Commissioner Gant.

18 COMMISSIONER GANT: Correct me if I'm
19 wrong, Martica. But once PSFA and/or the CID have
20 looked at the plans, as proposed by the charter
21 school, once they are approved by you all, then they
22 need to go back to the city to get the proper
23 permits before any work is done. And that -- we
24 have no play in that at all.

25 MS. CASIAS: Madam Chair,

1 Commissioner Gant, you are correct. We review the
2 plans for E-Occupancy. We let the local
3 jurisdiction have an authority to issue the permit
4 itself. And after -- at that point, we are out of
5 the picture.

6 THE CHAIR: So what I'm hearing is, no,
7 the Commission does not need to approve a remodel.
8 We appreciate you letting us know, however.

9 Mr. Pahl?

10 MR. PAHL: I just want to -- I think
11 this -- if -- we were operating in an abundance of
12 caution, and knowing that Tierra Adentro was up here
13 for another amendment that we knew needed to be up
14 here, thank you for being part of this learning
15 experience.

16 THE CHAIR: So now what we're looking
17 for -- or looking at -- is the amendment request to
18 utilize the new facility across the street. Okay.

19 I don't see it. Does anybody see
20 something that I -- oh, wait. Maybe it's --

21 MR. PAHL: It should be --

22 THE CHAIR: Maybe it's this single sheet.

23 Okay. And these two sheets are for the
24 remodel, okay? All right. I'm going to put those
25 aside.

1 So this sheet, requesting approval to add
2 an additional site at 1620 Central Boulevard,
3 Northeast, a dance annex, in order to meet the needs
4 of the school's current growth rate, that's the one
5 we're looking at. Does everybody have that sheet of
6 paper? I was getting them mixed together.

7 Okay. And do we have your board's
8 approval?

9 MS. TORRES: Yes, Madam Chair. I believe
10 you should have that board approval, dated
11 October 9th.

12 COMMISSIONER GANT: We do.

13 THE CHAIR: Gene, have you looked at this?
14 Okay. I believe I see it on the next-to-the-last
15 page.

16 Okay. Commissioners, you have the request
17 to -- for Tierra Adentro to utilize the space across
18 the street from their current location as a dance
19 studio. Any discussion?

20 COMMISSIONER GANT: Madam Chair? Martica.

21 THE CHAIR: Oh, yes.

22 MS. CASIAS: Madam Chair, members, thank
23 you for allowing me that moment. I did confirm with
24 our office that the school has been working
25 diligently with the City of Albuquerque. The

1 E-Occupancy is not in place yet; but it should be
2 soon, a couple of weeks.

3 THE CHAIR: Okay.

4 MS. CASIAS: Thank you, Madam Chair.

5 THE CHAIR: We appreciate that, and the
6 school is aware that, of course, you cannot utilize
7 that facility until you do have that in hand.

8 MS. TORRES: Yes, of course. Thank you.

9 THE CHAIR: Okay, thank you. Thank you.
10 Any other comments?

11 Hearing none, the Chair would entertain a
12 motion.

13 COMMISSIONER GANT: Madam Chair?

14 THE CHAIR: Commissioner Gant?

15 COMMISSIONER GANT: Madam Chair, I
16 recommend -- I move that we grant the -- the
17 motion -- the request for site expansion for
18 Tierra -- I'll never say it right --

19 THE CHAIR: Adentro.

20 COMMISSIONER GANT: -- Adentro, with the
21 understanding that before any child or student can
22 enter that building, they must have an E-Occupancy,
23 and it must be on file with the PSFA and the Charter
24 School Division.

25 THE CHAIR: We have a motion. Do we have

1 a second?

2 COMMISSIONER CARR: I second.

3 THE CHAIR: Commissioner Carr?

4 Motion to approve the amendment request of
5 Tierra Adentro for the additional facility at
6 1620 Central Avenue, not to be utilized until the
7 E-Occupancy is in hand.

8 Any further discussion among the
9 Commission?

10 Secretary Bergman, may we have a roll-call
11 vote, please?

12 COMMISSIONER BERGMAN: Commissioner Pogna?

13 COMMISSIONER POGNA: Yes.

14 COMMISSIONER BERGMAN: Commissioner
15 Toulouse abstains.

16 Commissioner Parker?

17 COMMISSIONER PARKER: Yes.

18 COMMISSIONER BERGMAN: Commissioner Carr?

19 COMMISSIONER CARR: Yes.

20 COMMISSIONER BERGMAN: Commissioner Gant?

21 COMMISSIONER GANT: Yes.

22 COMMISSIONER BERGMAN: Commissioner
23 Shearman?

24 THE CHAIR: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Bergman votes "Yes."

2 Madam Chair, that is a 6-to-0 vote, with
3 one abstention, in favor of the motion.

4 THE CHAIR: Thank you very much. The
5 motion passes unanimously. Your amendment is
6 granted.

7 We do thank you so much for being so
8 understanding and coming back to us again and the
9 overabundance of caution in bringing additional
10 information; we certainly appreciate that, too, and
11 look forward to seeing you again whenever you have
12 something else to run through us.

13 MS. TORRES: Thank you, Madam Chair,
14 members of the Commission. Have a good day.

15 MS. MAGALLANES: Thank you.

16 THE CHAIR: Thank you so much.

17 Next school with an amendment request is
18 The GREAT Academy, if they would like to come
19 forward.

20 And Mr. Matthews had asked me earlier --
21 they have additional information, just one page,
22 that they would like to share with us as part of
23 their presentation today, and ask him if he would
24 distribute that, so that we could consider it as we
25 consider their amendment request.

1 As soon as Mr. Pahl gets to where he can
2 give CSD's recommendation, we'll get started here.

3 MR. PAHL: Madam Chair, members of the
4 Commission, I think a little bit of context is
5 appropriate for The GREAT Academy.

6 The GREAT Academy submitted an application
7 to start a middle school this summer as a new
8 charter school. At that time, they recognized that
9 perhaps the better way to move forward would be to
10 submit a request like they are today, which is to
11 expand their grade levels to serve more students.

12 You'll notice, in their rationale, that
13 they are concerned about students who arrive to
14 their campus for high school so far behind that they
15 are -- that they are -- their -- their academic
16 framework and model may not be able to get them to
17 the place where they want students to be.

18 As a result, they are requesting to expand
19 their grade levels to serve students in Grades 6
20 through 12. This would be a graduated expansion
21 plan, with sixth-graders starting next school year,
22 seventh-graders the following year, and
23 eighth-graders, finally, in school year '17 to '18.

24 The CSD recommends approval of that
25 amendment.

1 THE CHAIR: Thank you, Mr. Pahl.

2 Mr. Matthews or Ms. Matthews, whichever?

3 MR. MATTHEWS: Yes, Madam Chair and
4 Commissioners. Thank you, Mr. Pahl, for that
5 recommendation. We are very excited about the
6 possibility of adding middle school. We get a lot
7 of requests for middle-school grades. And I think
8 at this point, going into our fourth year, you know,
9 the time is -- is right to -- to do that, so that we
10 can accommodate some of our current families, plus
11 additional families.

12 And, additionally, Martica joined us,
13 because we just got our Facilities Master Plan
14 approved in May of 2014, and it did include the
15 possibility of a middle school being housed in the
16 same building. And so the plan verifies that the
17 building can accommodate the additional students.
18 And Martica did the index -- did the index.

19 So if there are any questions for her,
20 she's prepared to answer those.

21 THE CHAIR: Martica, could you just go
22 ahead and give us a perspective from your office?

23 MS. CASIAS: Madam Chair, members, the
24 school does have an E-Occupancy. If they have these
25 additional children, we did an assessment as if they

1 had expanded, just a what-if. And if they expand,
2 the weighted NMCI is 10.20 percent, which is way
3 above the average; so the building can accommodate
4 these additional children.

5 THE CHAIR: Okay. Thank you.

6 Would you care to just quickly go through
7 your handout here and --

8 MS. MATTHEWS: Madam Chairman and
9 Commissioners, good morning. My name is Keisha
10 Matthews. I'm the principal at The GREAT Academy.
11 We felt it necessary, because of our recent "C"
12 letter grade, to give you a breakdown and a
13 comparison of that letter grade. We did just miss a
14 B by .48 points. I believe it should be noted in
15 the previous year, we missed an A by just .38
16 points.

17 So you'll see in the breakdown -- and we
18 did just try to keep this to one page, and, you
19 know, for ease of analyzing the information -- where
20 our performance fell was in the Current Standing
21 indicator. And we did receive 8.05 points out of
22 the 30 possible points. That fell from the previous
23 year.

24 In the previous years, we've beat these
25 State standard, and local -- I'm sorry -- and the

1 local standings in every indicator.

2 So in our analysis of the information,
3 what we determined to be the cause of this was
4 the -- there was guidance that came out from the
5 Assessment Bureau about the "H" classifications in
6 the last school year. And so because we do serve
7 students that are non-traditional -- they're over
8 18 -- that means we do have students that have come
9 back to school after being out of school for more
10 than two years.

11 So in that guidance, students that would
12 have been, say, an H-6 or an H-7, meaning that was
13 their seventh year of high school, in previous
14 years, those students would have taken either the
15 HSGA or the NM -- NM -- why is it escaping me? --
16 the --

17 MR. MATTHEWS: New Mexico High School
18 Competency?

19 MS. MATTHEWS: Yeah, the New Mexico High
20 School Competency test, the NMHSE. There are way
21 too many acronyms.

22 So, of course, those tests, the students
23 took for graduation requirements; but those tests
24 were not a part of the letter-grade calculation.

25 And so with that new guidance, the

1 students being reclassified; so that student that
2 might have been an H-7, out of school for two to
3 three years, was now an H-1. And so that student,
4 as an H-2, would have taken the SBA under that new
5 guidance.

6 So having -- just to the point that we
7 serve students that have come back to us to attempt
8 to get their graduation requirements and receive a
9 high school graduation diploma, it does take some
10 time to get those students back into the rigor of
11 academics and -- and school, basically.

12 So Mr. Matthews is going to also address a
13 point.

14 MR. MATTHEWS: So in a nutshell, what I
15 want to point out is that even though we are -- we
16 are classified as a "C" school, the -- and this is a
17 three-year comparison. So compared to the State
18 average, The GREAT Academy -- and these are the four
19 bullet points at the bottom -- The GREAT Academy
20 scored higher in five out of the six categories.

21 As Ms. Matthews noted, current standing
22 was the only one that we did not score higher than
23 the -- the State average.

24 As far as local charter high schools with
25 the same grade range, 9 through 12, there are

1 16 total. Out of those 16, we scored higher out of
2 three out of the six categories. And out of the
3 16 local charter high schools that have the 9-12
4 configuration, we have the third highest three-year
5 letter-grade average.

6 And even -- you know, even though that
7 we're the same school, and we serve -- about
8 42 percent of our students are adult,
9 non-traditional students, we still compete very well
10 with the local high schools that many of them -- I
11 think there's only three -- maybe three SAM schools
12 in the mix; but we still, I think, compete very well
13 with -- with the traditional 9-12 configurations.

14 THE CHAIR: Thank you very much for that.

15 Commissioners, do you have questions?
16 Commissioner Parker?

17 COMMISSIONER PARKER: Madam Chair,
18 Commissioners. Mr. Matthews and Mrs. Matthews, can
19 you just enlighten me on the separation that we
20 kept -- you said your students are -- some of your
21 students, anyway, are over 18; so you're going to
22 have adults at this school, and now you're going to
23 have 12-year-olds at the school.

24 Can you talk a little bit about that?

25 MR. MATTHEWS: Yes, Commissioner Parker,

1 that's a very good question. Our program is divided
2 up into two programs. So we have a day program,
3 which is our business school model, which you see us
4 dressed in, and all the students and the staff. And
5 then our night program is the adult reengagement
6 program, which we call the Bridge to Success
7 program. And that program has different hours.

8 So we don't let the adults and the high
9 school students cohabitate.

10 The students in the night program have to
11 be 16 years or older to be in the night program,
12 which we do have very few 16, 17, 18 -- but most of
13 them are 19 and older. So we definitely segregate
14 those two populations.

15 COMMISSIONER PARKER: Thank you.

16 THE CHAIR: Commissioner Gant?

17 COMMISSIONER GANT: Madam Chair, members,
18 I do note on -- on the current standing, you were a
19 B last year, you dropped clear down to an F this
20 year.

21 And you talk about your night students --
22 primarily, that's been your discussion. So what are
23 you saying to us, that your night students are
24 dragging down your grade? Or are you saying that,
25 overall, you're not performing for all the students

1 across?

2 MS. MATTHEWS: Good morning,
3 Commissioner Gant.

4 COMMISSIONER GANT: Good morning.

5 MS. MATTHEWS: If you'll look at the
6 growth of the lowest performing students indicator,
7 this is an indicator for which we've continuously,
8 every year, done very well. Our lowest performing
9 students oftentimes are our night students, because
10 they are reengaging into academics. So, you know,
11 as you stated, our conversation has been largely
12 geared towards that issue.

13 I would argue that our receiving 9.72
14 points for the growth of the lowest performing
15 students is not incongruous [verbatim] to our current
16 standing, but it just -- it makes the point that, in
17 prior years, we had to test one group of students;
18 and now, in this last year, we had a new influx of
19 students who are just, by and large, lower
20 performing.

21 But the -- the points that we received
22 show that we are growing those students. They're
23 not where we would like them to be; but we are
24 continuously growing them to try to get them where
25 they need to be. And that's across the board.

1 COMMISSIONER GANT: Madam Chair -- but to
2 go from a B to an F, that is a tremendous drop, from
3 14.32 to 8.05? I mean, that is a tremendous drop
4 any way you look at it.

5 MS. MATTHEWS: Yes, sir, it certainly is.
6 And, you know, we -- we -- this is the data that
7 we're dealing with. We have the students that we --
8 that we have.

9 But I would like to make the point that
10 current standing only identifies the students who
11 are scoring at "Proficient" or higher. And so, you
12 know, we tested more students that were just not
13 where they needed to be.

14 But, again, I would argue that our growth
15 of the lowest performing students continuing to be
16 high is showing that we're moving those students
17 towards proficiency.

18 COMMISSIONER GANT: Madam Chair -- moving
19 on to another subject on your grades, how long
20 having you been operating, again, please?

21 MR. MATTHEWS: This is our fourth year.

22 COMMISSIONER GANT: I note in the 2013 --
23 and I notice on the 2014 -- no grade for graduation
24 and college and career readiness. Can you explain
25 that, please?

1 MR. MATTHEWS: Yes. We don't qualify for
2 the four-year cohort graduation rate or the college
3 readiness points, because we don't have a four-year
4 cohort graduation -- graduating class.

5 So if you recall, when we first were
6 chartered, it was a 10-12 school. And we had tenth
7 grade the first year -- tenth and eleventh the first
8 year. Then we went back and added ninth grade the
9 second year.

10 Now, we had our first graduating class
11 last year; but it wasn't a four-year cohort. We
12 won't have our first four-year cohort until the
13 2015-'16 graduating class.

14 So as you see on our letter grade, we
15 consistently don't qualify for -- I think we qualify
16 for 73 out of the 100 points; but -- and we made the
17 argument that because we are a transition school --
18 we teach four college classes on campus -- one of
19 our graduates last year graduated with 31 college
20 credits. The others consistently average about
21 20-plus college credits.

22 And so a student coming in with us from
23 tenth, eleventh, and twelfth will typically graduate
24 high school as a sophomore in college.

25 So we wish we did get some college

1 readiness points, even though we don't have a
2 four-year cohort; but because of the way that the
3 letter grade is structured, it's an argument that we
4 have not been able to get around.

5 COMMISSIONER GANT: Madam Chair, in your
6 discussion, the reason you want to add the grades --
7 lower grades -- is so they are ready to come in to
8 your curriculum the way you're teaching; correct?

9 MR. MATTHEWS: Yes, partially. The --
10 what the data has shown us over the three years is
11 when we get high school students, sometimes they'll
12 come in thinking that we are very typical. Compared
13 to some other schools -- for instance, the uniform
14 alone is sometimes a hard pill for some kids to
15 swallow, having to wear professional dress every
16 day.

17 So we will get some students that will
18 come in, and then they'll stay with us for a year or
19 so, and then they will go back to a traditional
20 school so they can participate in -- for some of
21 them, some of the more traditional pep rallies. We
22 never had a pep rally; we have no reason to have a
23 pep rally.

24 So we feel if we are able to start kids in
25 the sixth grade, by the time they graduate eighth

1 grade, they'll have a pretty good understanding of
2 whether or not the high school program is a program
3 that's suitable for them and their needs.

4 And so we feel like it will help our
5 return rate by matriculating kids through the system
6 at a much earlier age.

7 And another point that I think Mr. Pahl
8 made is we do get some students that will attempt to
9 come to us to do credit recovery with the intent to
10 go back to their home school. Now, we, of course,
11 discourage that. And that's never brought to our
12 attention beforehand. We don't want to be used as a
13 credit recovery school. But because of our unique
14 curriculum, the kids can earn a lot of credits in a
15 short period of time.

16 So we talked to some counselors in some of
17 the surrounding schools about not telling students
18 that we're a credit recovery school, that you can
19 come to us for a semester or two and then return and
20 graduate with your friends, you know. So we -- we
21 fight that -- that all the time; so...

22 COMMISSIONER GANT: Madam Chair, my last
23 question.

24 Then you want to lower -- have lower
25 grades so you can matriculate more kids into your

1 high school program. But how does that fix your
2 night program, which is dragging your scores down?

3 MR. MATTHEWS: Well, as Ms. Matthews said,
4 when we missed the B -- when we missed the A by .38
5 points during the '12-'13 year, we tested the H-2s
6 and H-3s. And these were traditional H-2s and H-3s.
7 Now, when the guidance came down for last year's
8 testing cycle, if a student was out of school for
9 more than two years, they were automatically
10 reclassified as an H-1.

11 And so now, we go from maybe 30 or 40 kids
12 testing to 80 or 90 kids testing; and then most --
13 about half of those have been out of high school
14 sometimes seven or eight years.

15 So because the current standing is based
16 on, to my understanding -- and maybe Matt can help
17 me with this -- it's based on the number of students
18 that you have that are testing proficient. So our
19 night students that have been out of school for --
20 you know, 'cause we have -- if you just look at the
21 pure "H" designation, we have H-10s; we have H-12s;
22 we have 35-, 40-year-olds that are returning to
23 school to get their diploma; so they've been
24 disconnected from academics for sometimes a decade.
25 And so we expect for them to maybe not be

1 proficient.

2 But with two or three years of work, we
3 feel that we can -- we can get them there.

4 So, yeah, I -- I agree with you, just as a
5 short answer, yes, the night students tend to drag
6 our letter grade down; but because of the amount of
7 demand and the service that we feel that the program
8 does for the community, it's just something that
9 we -- we -- we just accept the challenge and
10 continue to work with that population.

11 COMMISSIONER GANT: Thank you.

12 THE CHAIR: Thank you, Commissioner. Any
13 other questions?

14 Commissioner Carr?

15 COMMISSIONER CARR: Madam Chair, members
16 of the Commission, I don't have a question; but I do
17 have some comments in regard to this.

18 I had the same comment with another school
19 who wanted to do the same thing.

20 To think of an analogy for this, if I'm a
21 chef in a restaurant, and somebody comes up in my --
22 and the owner says, "Hey, the people are complaining
23 about your food," and I would say, "Well, it's not
24 my fault; it's the ingredients that I'm getting; and
25 if I could pick my own ingredients or, even more --

1 further, grow the food myself, I could make the food
2 better," the public schools don't get that option,
3 you know.

4 We have to -- we have to work with the
5 kids we get and do the best we can with them. I
6 don't see that as a -- a viable option. And then,
7 further, based on the grade going down rather than
8 up, and significantly down in the adult education
9 area, I would like to see a movement upward before
10 I'm willing to -- to vote "yes" on approving adding
11 more grades.

12 THE CHAIR: Thank you. Other comments,
13 Commissioners? Commissioner Toulouse?

14 COMMISSIONER TOULOUSE: Madam Chair, I
15 guess this is me fighting the bureaucracy again and
16 saying, "They really have two schools here."

17 And I think what they're trying to do is
18 add to one, while they're trying, commendably, to
19 work with this other group down below. And I think
20 we have to -- they've explained it. We need to look
21 at making allowances. And they've pretty well
22 showed where their other old -- younger kids are
23 going.

24 And I just -- I don't think that a letter
25 grade -- again, this letter-grade business -- tell

1 me how they got it; come on, you know, tell me how
2 they work it out -- is going to deal with this
3 two-part school, which really is completely
4 separate.

5 So it's a comment; it's not a question.
6 But it -- I just don't see how the formula can work
7 for a school that has these two separate parts, and
8 be fair, at least, to the larger part of the school.

9 MR. MATTHEWS: Thank you for that comment.
10 May I respond to both comments?

11 THE CHAIR: Please do.

12 MR. MATTHEWS: See, we have a SAMS
13 designation, because we have such a large percentage
14 of our students that are over the age of 18; but we
15 don't get the benefit of the SAMS designation until
16 we have a four-year cohort graduation rate.

17 So when our first letter grade came out,
18 it was 1.12 points below a B. So we appealed,
19 because they forgot that we were a SAMS-designated
20 school. And even with the appeal, it only gave us
21 about a half a point. It didn't even give us a
22 whole point.

23 And it was explained to us by Dr. Cindy
24 Gregory that because we don't have the four-year
25 cohort, that having the SAMS designation is really

1 not a big benefit at this point, even though we
2 still serve the population.

3 THE CHAIR: All right. Commissioner?

4 COMMISSIONER PARKER: Madam Chair,
5 Commissioners. Mr. Matthews, Mrs. Matthews, so just
6 so I'm clear on what you were saying about your
7 current standing and the growth of the lowest
8 performing students, you're saying that your current
9 standing is because a lot of the students that are
10 now required to be tested are falling into that
11 lowest performing category; and what you would like
12 to point out is that the -- the capabilities of your
13 school is that you are outshining the State and
14 local schools in terms of how you treat those lowest
15 performing students?

16 MR. MATTHEWS: Yes, for the most part.
17 And let me make sure I'm understanding. So if you
18 look at our lowest quartile -- now, last year, I
19 believe, our letter grade, we scored 10 out of 10.
20 This past -- and that's '12-'13, if I remember
21 correctly. I don't have that report card in front
22 of me.

23 So this past year, we still, even though
24 we tested twice as many students, and even though
25 most of those students were adult reengagement

1 students, we still scored 9.79 out of 10 points.
2 Now, if you see the local average was 7.7 -- the
3 local average was 8.48, and then the State average
4 was 7.7.

5 So what I'm trying to say -- and I
6 definitely don't want to make any excuses. You
7 know, we want to provide the best possible education
8 that we can for all of our students. But if you
9 look at this from the perspective that we are a SAMS
10 school, but not being graded like a SAMS school, and
11 we still are competing at the top quartile of all of
12 the local charter schools in the area, and then
13 we're competing very competitively against the State
14 traditional high schools.

15 THE CHAIR: Thank you. I just have a
16 couple of questions.

17 One that occurs to me, in hindsight, if
18 you were setting up your grades to phase in, knowing
19 what you know now, would you phase in the grades
20 differently?

21 MR. MATTHEWS: Yes. That's the short
22 answer. I think we -- you know, really being such
23 a -- you know, the mission is so heavily focused on
24 transition, we looked at the last three years of
25 transition. And what we learned over the last three

1 years is you may not get to that last three years if
2 you don't deal with the first three years; so...

3 THE CHAIR: Okay. What is your enrollment
4 cap?

5 MR. MATTHEWS: 360.

6 THE CHAIR: 360? And what is your current
7 enrollment?

8 MS. MATTHEWS: Our 40-day was 171.

9 THE CHAIR: Okay. And I -- I cannot find
10 anywhere in this documentation -- perhaps I'm just
11 not seeing it -- how many students do you propose to
12 have in each of these new grade levels?

13 MR. MATTHEWS: The way we structured that
14 is bringing in 30 students per grade level per year
15 and leaving a -- a slot of 30 for homebound,
16 medically fragile students; so 90 physical, and then
17 30 possible homebound.

18 THE CHAIR: Okay. So how long is it going
19 to be -- because you're phasing in one grade per
20 year for three years, plus 30 for homebound, 120 --
21 that's 290; am I right?

22 MR. MATTHEWS: Yeah. The way that we
23 structured it, and the way that we did it with the
24 Facilities Master Plan is looking at the middle
25 school program as 120 cap, the high school program

1 with 120 cap, and the night program with 120 cap;
2 and that would give us the 360, if we max out all
3 three of those programs.

4 THE CHAIR: So that gives you a little
5 cushion there, so you don't --

6 MR. MATTHEWS: Yes.

7 THE CHAIR: -- don't go over.

8 MR. MATTHEWS: Yes.

9 THE CHAIR: But you're well aware of your
10 enrollment cap.

11 MR. MATTHEWS: Yeah.

12 THE CHAIR: Okay. How much of your
13 instruction is delivered computer-based?

14 MR. MATTHEWS: Roughly half. Our four
15 core courses are delivered through e2020 Edgenuity.
16 And then the other half of the day is project-based,
17 service learning, leadership, communication,
18 transition courses, Success 101, outdoor credit
19 courses.

20 THE CHAIR: Okay. Is it complete
21 computer-based, or is more of a blended? E- -- is
22 there a teacher right there to assist, or how is
23 that done?

24 MS. MATTHEWS: The core courses are
25 delivered through a blended model; so in the labs,

1 the students are working one-on-one with the
2 curriculum that's an online curriculum, but we do
3 have two teachers in the classroom to work with
4 students, small groups, one-on-one, provide
5 interventions, and those types of things.

6 THE CHAIR: Okay. And other than your
7 homebound students, are your students required to
8 come to school to do their online or computer-based
9 work, or may they do it at home?

10 MS. MATTHEWS: Yes. The students -- of
11 course, you said outside of the homebound
12 students -- all of the students come to the facility
13 to do the work, yes.

14 THE CHAIR: Okay. My last question has to
15 do with a newspaper article I read a couple of
16 months ago. You're smiling; you already know what
17 I'm going to ask. It said that The GREAT Academy
18 had one of the highest dropout rates in the state.

19 Is that more to do with your night
20 program?

21 MS. MATTHEWS: So, yes. The thing that --
22 the difficulty that we deal with is because we do
23 serve a non-traditional population, when we get a
24 student -- going back to my H-7 example -- that's
25 been out of school, let's say, for two years, they

1 come back to us; oftentimes, these students are
2 adults. They have families; they have kids, kids
3 that might be in school.

4 We have several of our night students that
5 are caring for elderly parents and all of the
6 situations that us adults have to deal with; right?

7 So the student comes to us. They work,
8 work, work, and they put their all into it, and then
9 a family situation happens, and they have to then
10 withdraw from school.

11 When those students don't show up on
12 anyone else's -- what's the word? -- membership
13 count -- or reporting -- then they are counted as a
14 true dropout; whereas, when the traditional student
15 leaves the school, it's more likely that they go to
16 another school or another program to attempt to
17 complete.

18 So, you know, that's another one of
19 those -- you know, it's what we deal with in dealing
20 with that population.

21 THE CHAIR: Okay.

22 MR. MATTHEWS: And if I can add, I smiled
23 because the reporter actually called me before he
24 published the story and asked me some questions
25 regarding that. And I explained to him what a SAMS

1 school is, what -- the kind of population that we
2 serve, as far as, you know, half of our population
3 is adult reengagement students. And I thought that
4 I explained it to him in a way where his article
5 would have reflected what he asked.

6 I mean, he might as well not have called
7 me for what he published. But I guess that's the
8 media, so...

9 THE CHAIR: It happens.

10 All right. Thank you for that. Any other
11 questions? Comments? Commissioner Gant?

12 COMMISSIONER GANT: Madam Chair, members,
13 I do have a problem with this. But I can go along
14 with the increase, 'cause it supports the
15 non-traditional students.

16 I still have a problem with the
17 after-school program, or whatever you want -- the
18 adult program. I think, in some ways, the
19 younger -- the traditional charter school down
20 there, the younger grades, are carrying that other
21 one. And that's bothering me.

22 But to help the kids get through and get
23 into high school and not drop out and go somewhere
24 else or return or whatever, if they're getting a
25 good education, I can go along with it.

1 Secondly, I think we need the -- the
2 Commission needs to watch real close H-1s through
3 H-4s and how they're doing in that school. That
4 needs to be something watched in the future years.
5 Thank you.

6 THE CHAIR: Thank you. Other comments?
7 Commissioner Bergman?

8 COMMISSIONER BERGMAN: Thank you,
9 Madam Chair. I would just like to note, I concur,
10 certainly, wholeheartedly with Commissioner Gant's
11 comments. But I've just seen two newspaper
12 articles, for instance, in the last week or two,
13 bemoaning the dropout rate we have in this state and
14 those kids -- those students getting lost.

15 So at least with these kind of nighttime
16 programs, an effort is being made to reengage those
17 dropouts. And even if it's -- even if they get that
18 diploma when they're 25, that is a plus for them,
19 and it's a plus for this community, and it's a plus
20 for people of this state.

21 So I -- I know we have to watch those
22 things very closely. And -- but they are dragging
23 you down. And so we may have to revisit that in the
24 future.

25 And I agree with your comments about the

1 media, too. They don't let facts get in the way
2 with a good story. So, thank you, Madam Chair.

3 MR. MATTHEWS: Madam Chair, may I add one
4 other thing, and I don't want to take up too much of
5 the Commission's time.

6 And what Mr. Gant said is -- we
7 wholeheartedly agree. Some things that may be
8 helpful for the Commission to understand what we do
9 to approach that problem:

10 We have a partnership with the City called
11 the Running Start to Careers program that we
12 implemented. So we have students that are in
13 welding programs and construction programs.

14 What we learned from the first couple of
15 years of the night program, versus what we know now,
16 is that if a diploma is the end of the road, those
17 students tend to not finish the program. But if
18 they're involved in career-readiness type programs,
19 like we have with the Running Start to Careers
20 program, which is a partnership through the City of
21 Albuquerque and CNM, we have students that are in
22 nursing programs or in construction, welding, those
23 students tend to stay more engaged, because they
24 understand that a high school diploma is not enough.

25 So we have made some -- some major

1 overhauls and adjustments to offer those students
2 more support and more wraparound services than when
3 we first started off, because we saw the need for
4 that.

5 Now, for -- Commissioner -- Commissioner
6 Bergman, now, for us, we do separate the data. But
7 we've made a decision not to ever separate it when
8 we're talking about the school. We just feel like
9 we have to own that night program, since we chose to
10 take that challenge on; so -- but, you know, I guess
11 when we get home sometimes, we'll look at the
12 different data and say, "Hey, we're doing a great
13 job," and look at all of that and say, "Hey, we need
14 to continue to improve." So...

15 COMMISSIONER BERGMAN: Thank you. I
16 appreciate those comments.

17 THE CHAIR: Other comments. Commissioner
18 Toulouse?

19 COMMISSIONER TOULOUSE: May I ask Mr. and
20 Mrs. Matthews, if you could, over time, give us your
21 data separated, as you do, so that we can -- as an
22 information item to us, so that we can see the
23 difference, rather than have to look at these
24 combined numbers?

25 MR. MATTHEWS: Yes, we can do that, and we

1 can work with Mr. Pahl to do that. We've done that
2 for our board at least once or twice; but that's
3 something that we can do for sure.

4 THE CHAIR: Mr. Pahl?

5 MR. PAHL: Madam Chair, members of the
6 Commission, just a note on the report that The GREAT
7 Academy submitted to us today, I think that really
8 shows ownership of the data for the school, when
9 they really take that next-step look at it and
10 disaggregate it and see where they stand amongst
11 different subsections of that.

12 So I just want to -- want to say thank you
13 to the school for taking that next step with your
14 data. I think it's a best practice for other
15 schools to follow; so...

16 THE CHAIR: Thank you. Thank you all for
17 that.

18 I hear no other -- I see no other hands
19 going up. I think we're ready for a motion.

20 Commissioners, can I ask you to -- to look
21 at our summary sheet for 9B, and there is a -- there
22 are a couple of suggested motions there. I just
23 wish you'd look at the wording of the motion. And
24 perhaps we might want to change that a little bit,
25 since this is an amendment; because right now, it

1 says one of the possible choices is move to approve
2 the amendment presented by The GREAT Academy to
3 serve students in Grades 6 through 12.

4 Since this is an amendment, and to be
5 clear what's going on here, I would suggest that we
6 change that to The GREAT Academy to add Grades 6
7 through 8.

8 It just seems like, to me -- Mr. Pahl, am
9 I being too -- Mr. -- see? I'll call him "Josh."
10 Never mind.

11 Josh, am I being too picky here? Or
12 what's your opinion?

13 MR. GRANATA: Madam Chair, I agree with
14 you. I think that the amendment needs to reflect
15 the specific amendment adding those grades as a
16 better way to word the amendment, than as presented
17 in the books here.

18 THE CHAIR: Okay. Thank you very much.
19 So with that said, the Chair would entertain a
20 motion.

21 Commissioner Toulouse?

22 COMMISSIONER TOULOUSE: Madam Chair, I
23 move to approve the amendment presented by The GREAT
24 Academy to add students in Grades 6 through 8.

25 THE CHAIR: Thank you very much. Can we

1 have a second?

2 COMMISSIONER PARKER: Second.

3 THE CHAIR: Commissioner Parker?

4 Motion and a second to approve the
5 amendment by The GREAT Academy to add grades 6
6 through 8.

7 Any discussion?

8 Mr. Secretary, may we have a roll-call
9 vote?

10 COMMISSIONER BERGMAN: Commissioner
11 Toulouse?

12 COMMISSIONER TOULOUSE: Yes.

13 COMMISSIONER BERGMAN: Commissioner
14 Parker?

15 COMMISSIONER PARKER: Yes.

16 COMMISSIONER BERGMAN: Commissioner Carr?

17 COMMISSIONER CARR: Yes.

18 COMMISSIONER BERGMAN: Commissioner Pogna?

19 COMMISSIONER POGNA: Yes.

20 COMMISSIONER BERGMAN: Commissioner Gant?

21 COMMISSIONER GANT: Yes.

22 COMMISSIONER BERGMAN: Commissioner
23 Shearman?

24 THE CHAIR: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Bergman votes "Yes."

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

4 THE CHAIR: Thank you very much. The
5 motion for the amendment presented by The GREAT
6 Academy is approved. Thank you all very much.

7 MR. MATTHEWS: Thank you all very much.

8 THE CHAIR: Thank you. Thank you.

9 Commissioners, I suggest we take a short
10 break here. Let's come back at about five after
11 11:00. Is that sufficient?

12 (Recess taken, 10:55 a.m. to 11:08 a.m.)

13 THE CHAIR: Let's call the next school on
14 the agenda, the International School at Mesa Del
15 Sol. If there are school reps who would like to
16 come down, please? And, Mr. Pahl, if you would like
17 to go ahead?

18 MR. PAHL: Madam Chair, members of the
19 Commission, the International School at Mesa Del Sol
20 is requesting to expand their services to students
21 in Grades 7 through 12, to mirror the last
22 anticipated request. We have the recommended
23 language as covering their entire school population;
24 so it says K through 12. But the appropriate
25 language would then be 7 through 12, for any

1 amendment language. So I just want to clarify on
2 that.

3 And we'll take that forward for any future
4 grade expansion amendments in the future.

5 THE CHAIR: Okay. Thank you.

6 MR. PAHL: The CSD recommends denial of
7 this amendment. And that's for two primary reasons:

8 The first is slipping student performance
9 at International School at Mesa Del Sol. In looking
10 at the last three years, student achievement, their
11 reading proficiency has declined from 63 percent in
12 2012 to 54 percent in 2013 and 47 percent in 2014.

13 Their math had a similar decline, but, in
14 this last year, did increase. Those rates were, in
15 2012, 57 percent; in 2013, 40 percent; and in 2014,
16 42 percent.

17 The second reason why we are recommending
18 denial of this amendment is the rationale for
19 increasing the grades served: If you look in the
20 rationale of the amendment request, it is mostly
21 focused on the financial aspects of the school,
22 which we don't think should be a driving factor for
23 expanding grade levels in this state.

24 That is all, Madam Chair.

25 THE CHAIR: Thank you, Mr. Pahl. If you

1 would introduce yourself, please, and let us hear
2 from you?

3 MR. JOYCE: Good morning, Madam Chair,
4 members of the Commission. My name is Sean Joyce.
5 S-E-A-N. I am the Head of School at the
6 International School at Mesa Del Sol.

7 I'm going to start with what will probably
8 be the opening questions -- because it's only been
9 four months since I was in front of the
10 Commission -- with a single answer to a much larger,
11 more complex solution that has a very short time
12 frame for us to solve.

13 The International School at Mesa Del Sol
14 is currently in complete compliance with the PEC's
15 and the PED's requirements with respect to our last
16 charter reauthorization in the spring. We do have
17 all governing council members; we have seven
18 governing council members on our board. We have met
19 all the special education compliance issues with
20 respect to IEPs, with personnel, ancillary staff,
21 meeting all of our compliance hours.

22 We have settled any and all -- any and all
23 concerns with respect to the Special Education
24 Bureau of the Public Education Department.

25 We are serving -- we are better servicing

1 its underperforming students in our lowest quartile
2 through the services of a reading specialist. We
3 were able to obtain a Read to Learn grant, and with
4 that, we were able to acquire a highly qualified and
5 very experienced reading specialist, who has already
6 begun working with our students.

7 We have all of our special education
8 teachers this year and our educational assistants;
9 whereas, last spring, we were still searching for
10 those personnel to meet the needs.

11 So while Director Pahl has highlighted the
12 fact that our performance with especially the lowest
13 quartile has continued, we have been able to meet
14 those requirements, and we finally have people --
15 personnel -- in place who are qualified to address
16 those needs of our lowest performing students.

17 We have our early performance assessments
18 with NWEA, MAP's assessments and the DIBELS for K-3,
19 which is provided through the Read to Learn grant.
20 And our ongoing assessments have shown that our
21 lowest performing students have increased their
22 reading in the first quartile in the first --
23 sorry -- in the first six weeks of school.

24 So we feel very optimistic and very
25 encouraged by the progress that we have been able to

1 make to address the concerns that the Public
2 Education Commission set forth last spring.

3 We are in a far better place to address
4 our special needs students and all of our
5 low-performing students, as well as moving forward
6 with a complex solution of sustainability for our
7 "little school on the mesa."

8 The International School has developed a
9 strategic plan to overcome the financial challenges,
10 and, yes, this amendment does appear, on blush, that
11 it is a financial request; but it is, in fact, far
12 more complex than that.

13 We have a community which has raised, over
14 the last two months, \$15,000 going directly to
15 funding for additional grant applications. We have
16 hired a lobbyist to seek legislative funding in both
17 the Senate and the House. We have families in our
18 school with over 230 students that reside in
19 17 Senate districts and 27 House districts.

20 So we're looking at trying to find
21 additional ways to provide funding for our diverse
22 population, speaking specifically through the
23 Legislature.

24 We have a grant-writing committee that
25 identified both immediate and long-range funding

1 sources; and as you well know, that takes time.
2 We've only had four months to get this up and going.

3 Mesa Del Sol has built -- that's the
4 large, residential, master-plan developer and the
5 22,000-acre development in which we reside. Mesa
6 Del Sol has built and occupied more than 140 homes
7 on the mesa, and has begun their second phase of 148
8 homes. To this day, we have all the students
9 residing on the mesa in our school, with the
10 exception of one middle-school, two high-school and
11 three primary-grade students; all the rest of them
12 do occupy our school. They make that large commute
13 across the open field.

14 We are now a BEMP -- which is the Bosque
15 Environmental Management Program -- school. We are
16 in collaboration with the University of New Mexico
17 and the State Land Office, providing additional
18 science programs and hands-on experience of learning
19 for our students.

20 Our current proposed amendment here is
21 part of a strategic plan for school sustainability.
22 A high-school program of 9-12 does solve -- does not
23 solve all of our problems in the long-term, but it
24 does give us a short-term option that will lead to
25 long-term sustainability.

1 We are using the term transitional, or
2 bridge, strategy to allow our school the options
3 that will lead to long-term sustainability. One of
4 them is the continued partnership with Mesa Del Sol
5 in our current project beginning in January of 2015.
6 Mesa Del Sol will break ground in our northeast
7 playground, a concrete multi-sport court, which has
8 been five years in the wait, providing a play
9 structure and equipment for our upper grades and our
10 middle-school program, which we have not had.

11 We are also using this in conjunction with
12 our gymnasium project, which is a community-based
13 proposed gymnasium building campaign, that includes,
14 coincidentally, with the Mesa Del Sol playground
15 expansion, as well as our Legislative funding
16 sources.

17 These types of facility upgrades and
18 expansions are designed to meet the current and
19 future needs of our student body, as well as to
20 serve as a marketing agent to attract more students
21 to our school, which, again, is under-enrolled.

22 We are in final negotiations with
23 Fraunhofer Center for Sustainable Energy Systems,
24 and the Bernalillo County office and State Land
25 Office, to bring a solar array, which was initially

1 designated for a different spot on the mesa -- to
2 bring it to our school. With that, would enhance
3 our science program, as well as be able to provide
4 sustainable energy resources and cut our utility
5 bills.

6 We have the current facilities and the
7 accommodations to acquire the additional grades of
8 9-12. We have an existing building, which is
9 off-site, waiting to be put onto our site, should we
10 need it in the future. And with the gymnasium
11 expansion, we would be able to bring two more
12 classrooms out of our multipurpose.

13 I could make additional comments; but I
14 think what I'll do now is conclude my opening
15 comments and take direct comments or questions from
16 the Commission. Madam Chair?

17 THE CHAIR: Thank you, Mr. Joyce. Let
18 me -- I just need to clarify a couple of things.
19 Earlier in your statement, you said all students in
20 your school live on the mesa, with the exception
21 of -- could you repeat that -- "the exception of"?

22 MR. JOYCE: All of the students who reside
23 on the mesa in those 140 homes attend our school,
24 with the exception of a middle school, high school
25 and three primary grades. They do ride the bus into

1 Albuquerque Public Schools; but the rest of them do
2 make the walk across.

3 So we do have -- the majority of students
4 who live on the mesa there, more than 60 percent of
5 our students actually come out of the South Valley.

6 THE CHAIR: And currently, your grade
7 levels served is what?

8 MR. JOYCE: Our charter serves
9 kindergarten through eighth grade. We are in the
10 second year with our eighth-grade program. And we
11 are looking to increase our program all the way
12 through twelfth grade, because the International
13 Baccalaureate Program is a tri-fold continuum of Age
14 3 all the way to twelfth grade. They have three
15 programs: The primary year program is age 3 to
16 fifth grade; middle-school program is the sixth
17 grade through tenth grade; and the diploma program
18 is the eleventh through twelfth grade.

19 THE CHAIR: Your school report card says
20 grades served are kindergarten through six. Are you
21 serving other grades?

22 MR. JOYCE: Yes, we have been for the last
23 three years.

24 THE CHAIR: What grades are those?

25 MR. JOYCE: We -- this past year, we

1 served kindergarten through eighth grade. It was
2 the first year with our eighth-grade class. We
3 opened in 2009 with kindergarten through fourth
4 grade, added a grade level each year since 2009.
5 And the 2013-'14 school year, we finally had an
6 eighth-grade class, and that was the full build-out.
7 We are in the second year with the
8 kindergarten-through-eighth-grade program.

9 THE CHAIR: Then may I ask, if you're
10 serving kindergarten through grade eight, and
11 according to your application for amendment,
12 that's -- your current charter is K-8, how can you
13 have a high-school student?

14 MR. JOYCE: Madam Chair, we are serving
15 only K-8. We don't have a high-school student. We
16 have a high-school student who resides on the mesa
17 in the development where we are the local
18 neighboring school. But that student attends a high
19 school in Albuquerque. They are bussed off the
20 mesa.

21 THE CHAIR: I misunderstood you.

22 MR. JOYCE: I'm sorry. My point in that
23 was that we do have -- of the residents on the mesa,
24 most of those do come to our school; they do not
25 take the bus out.

1 THE CHAIR: Thank you very much. What is
2 your current enrollment cap?

3 MR. JOYCE: By our original charter that
4 was reauthorized, our current -- that enrollment cap
5 was 450 students. Our current capacity is 408.

6 THE CHAIR: Okay. So currently, it's 450.
7 Are you asking for an enrollment cap increase on
8 this amendment form?

9 MR. JOYCE: Madam Chair, with the addition
10 of Grades 9 through 12, yes. Our enrollment cap
11 would go to, I believe, something like 500-and --
12 I'm sorry -- 845, total. We would actually have a
13 reduction in the total number of students from
14 Grades K through --

15 THE CHAIR: You have a combined amendment
16 here. You're asking for an increase in your
17 enrollment cap, and you're asking for an increase in
18 the grades served.

19 MR. JOYCE: Yes, Madam Chair. In order to
20 add the 9 through 12, we would have to exceed the
21 450 cap.

22 THE CHAIR: And we don't do combined
23 amendments. We don't --

24 COMMISSIONER TOULOUSE: Madam Chair?

25 MR. PAHL: Madam Chair, I would suggest

1 that the Commission treat this as an amendment for a
2 grade expansion. And because there would be several
3 months between a grade expansion and actually having
4 students in grades, that Dr. Joyce could come back
5 and ask for an enrollment cap increase.

6 THE CHAIR: Commissioner Toulouse?

7 COMMISSIONER TOULOUSE: Madam Chair, I
8 find very confusing, to begin with, their board
9 minutes on their charter amendment that they voted
10 on. I don't know what they approved. When you look
11 at these four separate paragraphs -- and there is no
12 request to -- their board approved to do a cap
13 increase. It also says, "Charter authorization
14 change from a K-8 to a pre-K-12."

15 And then it talks about their
16 rationalization on this form here on the different
17 ones.

18 And then it -- you know, I mean, it
19 just -- it doesn't make sense to me that it ties in
20 with this request we're getting now on what your
21 governance council passed. So am I the only one
22 confused by this, or -- at least, to me, it's in
23 here; but it doesn't say what we're being asked to
24 do, basically.

25 And just as an aside, as the person I am,

1 I notice your governance council has all men on it.
2 I do, as a mother and grandmother, have a problem
3 with men making policy decisions totally as a group
4 with no women included on -- this is just separate,
5 from just me, personally -- on decisions, especially
6 handling younger children and their education.

7 But that aside, I don't know what we can
8 vote on, based on what they asked here and what
9 you're asking here.

10 THE CHAIR: Thank you. Commissioner Gant?

11 COMMISSIONER GANT: Madam Chair, members,
12 I'll get to the minutes in a minute. But you want
13 to grow to 845 per your amendment request. And I've
14 been around your school, driven around it a couple
15 of times; in fact, I was in there one time for a
16 lawyer meeting; but -- on a weekend, as you know.

17 But how do you plan to double your -- your
18 facility?

19 MR. JOYCE: Madam Chair,
20 Commissioner Gant, we're not looking at doubling our
21 facility. Our facility currently has a capacity of
22 408 students. We are not looking to grow out to
23 800 students in the next five years. We are looking
24 at, as I say, a short-term solution for our
25 sustainability.

1 Within two years, I will be in front of
2 you asking for reauthorization. We are moving
3 strategically to be able to seek, effectively, that
4 reauthorization, one of which would be because we're
5 a sustainable school; two, because we have
6 academically met the performance requirements of the
7 Public Education Commission.

8 We have no plans of moving into a
9 permanent building until we are reauthorized for a
10 much longer period of time. This amendment is
11 intended to allow us the flexibility and options to
12 provide the programs to meet sustainability,
13 primarily focused on increasing enrollment up to our
14 20-to-1 standards.

15 COMMISSIONER GANT: Madam Chair, members.
16 What do you expect your growth to be over the next
17 year, the next two years, before reauthorization;
18 therefore, do you have room in your current facility
19 for expansion to what you say you're going to do?

20 MR. JOYCE: Madam Chair,
21 Commissioner Gant, yes, absolutely. Our expansion
22 or grade-level growth over the next two years is
23 between 100 and 120 students. That would --
24 currently, with our current enrollments, that would
25 keep us under the 450 cap. Our understanding,

1 working with the Charter School Division, is we had
2 to address both the increase of 9-to-12, and because
3 those grades would have exceeded our original
4 charter enrollment of 450, we had to address that,
5 as well. Apparently, we needed further guidance in
6 that.

7 THE CHAIR: Two pieces of paper.

8 COMMISSIONER GANT: Madam Chair, members.
9 I believe in your presentation, you say you have a
10 capacity of 408; is that correct?

11 MR. JOYCE: Madam Chair,
12 Commissioner Gant, that's correct. Our current
13 capacity is 408. The facilities we currently are
14 housed within is 408.

15 COMMISSIONER GANT: Martica, do you have
16 any comments to this, please?

17 MS. CASIAS: Madam Chair,
18 Commissioner Gant, what the PSFA has on file concurs
19 that they do have room for approximately 400-410
20 students, and not the capacity for anymore.

21 COMMISSIONER GANT: So I go back,
22 Madam Chair, to my other question.

23 What do you plan for your expansion? Will
24 it exceed the 408?

25 MR. JOYCE: Madam Chair,

1 Commissioner Gant, if our enrollments exceeded 400,
2 we have a building within a quarter of a mile of our
3 school, sitting in wait, has two classrooms,
4 restroom facilities, an E-Occupancy; it's a building
5 that we moved off-site when we received five
6 buildings from PSFA two years ago. We can add that
7 building back on and increase our capacity with
8 that.

9 With our expansion with our gymnasium, we
10 would free up a current building -- again, it's two
11 classrooms and restrooms -- for a multipurpose
12 classroom. That would provide two more classrooms,
13 and give us another 80- to 100-students occupancy,
14 which exceeds far above what we expect our growth to
15 be, even in the next three years.

16 COMMISSIONER GANT: Madam Chair, members.
17 As Mr. Pahl and yourself basically have said, this
18 is an amendment -- actually, two amendments -- as a
19 financial fix for your school; is that not correct?

20 MR. JOYCE: Madam Chair,
21 Commissioner Gant, I'm not sure I understand the
22 question, being that by adding grades 9 through 12,
23 that, in itself, is not a financial fix. We are
24 looking to expand program, which would encourage our
25 expansion of enrollment. Our enrollment, especially

1 in the middle school, sixth through eighth, is
2 jeopardized by the fact that when our students
3 matriculate in the IB world -- except to Cottonwood
4 Classical, which has waiting lists in double and
5 triple digits in every grade level -- and our
6 families, because we have multiple siblings from
7 families, when they move from the eighth grade into
8 a high school, they typically will take the younger
9 students with them, just as they will move their
10 younger siblings into their school as their older
11 siblings move out.

12 We continue to struggle with enrollment,
13 and this is an attempt on our part in a transition
14 strategy to maintain enrollment, to increase the
15 stability of our enrollment, so that we can move
16 forward with all of our programs, academic programs,
17 meet the success requirements that the Public
18 Education Commission has for us, and be able to be
19 viable and sustainable when we're up for
20 reauthorization in two years.

21 We are not seeking this for enrollment
22 dollars. We are looking at seeking this for
23 program; so that when we have a class of 17
24 seventh-graders, for instance, we would like to be
25 able to fill that class with three more students;

1 same thing with our eighth grade.

2 We have openings in almost all of our
3 grades. We are looking at ways to market our school
4 to provide program that is attractive that would
5 put -- would make us more viable and attractive for
6 parents to move their students to our school.

7 THE CHAIR: Commissioners, before we go
8 any further in this discussion, I think we need to
9 decide if we're going to go any further in this
10 discussion. We truly have two amendment requests on
11 one amendment form.

12 We also have, as Commissioner Toulouse has
13 pointed out, governance council minutes that are not
14 very clear. We have a building that will not
15 accommodate the number of students that the
16 enrollment cap is asking for.

17 Mr. Pahl advises me that we could consider
18 just the one amendment, marking off the enrollment
19 cap increase, making that not part of this request,
20 and just look at the grade expansion; but, again,
21 it's not clear from what's on the form whether the
22 grade expansion is for pre-K or if it's going to
23 stay just at kindergarten.

24 But the recommendation from CSD, I
25 believe, if I'm quoting you correctly, Mr. Pahl, is

1 to deny this amendment for the grade expansion, just
2 the grade expansion. We'll deal with the other
3 later.

4 So, Commissioners, what is your pleasure?
5 Do we ask that this school correct these
6 deficiencies and come back to us after that? Or do
7 we want to try to deal with it -- I -- we know we've
8 gotten in a mess dealing with something that was not
9 clear before. I truly would recommend against it.
10 But it's whatever the Commission chooses to do.

11 Commissioner Bergman?

12 COMMISSIONER BERGMAN: Well, I do think we
13 need a clarification on what you picked up on there.
14 Their minutes uses the term "pre-K." Nowhere else
15 in this amendment do I see you say -- that you were
16 having pre-K, also.

17 Are we talking about Grades 9 through 12,
18 or are you also wanting to add a pre-K program under
19 this same amendment?

20 MR. JOYCE: Madam Chair, Commissioner
21 Bergman, no, we are not looking at a pre-K. We are
22 only looking at a 9-through-12 grade.

23 COMMISSIONER BERGMAN: Thank you,
24 Madam Chair.

25 COMMISSIONER CARR: Madam Chair?

1 THE CHAIR: Commissioner Carr?

2 COMMISSIONER CARR: I think we should
3 vote -- the vote may render the other issues moot --
4 and then move on from there. If we vote to agree,
5 or go ahead and pass this, then -- then we can deal
6 with the other issues at a later meeting.

7 THE CHAIR: Let's be clear,
8 Commissioner Carr. Vote on what?

9 COMMISSIONER CARR: Vote -- vote the
10 amendment up or down.

11 THE CHAIR: Which part of the amendment?
12 Because there's two things on this form. Are we
13 just talking about grade expansion?

14 COMMISSIONER CARR: Yes, I'm talking about
15 grade expansion, to be clear.

16 THE CHAIR: All right. Commissioner
17 Parker?

18 COMMISSIONER PARKER: Madam Chair,
19 Commissioners, if memory serves -- and, please,
20 someone correct me -- but it seems in the past, we
21 set a precedent, if there's a combined amendment, we
22 said, "No, we cannot carry this any further."

23 If I'm wrong, someone please correct me.

24 THE CHAIR: Thank you, Commissioner.
25 That's my recollection, as well.

1 Commissioner Gant?

2 COMMISSIONER GANT: Madam Chair, members.

3 I do agree with Commissioner Parker and Commissioner
4 Shearman that, in the past, we had -- we have
5 denied -- or we've asked, also, if the school would
6 consider just withdraw and come back -- withdrawal
7 of the application -- of the amendment -- and come
8 back to us on another date.

9 But I must say, on the minutes, you know,
10 it says, "By delivering a high-quality education at
11 a lower cost." They're talking money here.

12 And what is this, "fish might bite" thing?
13 I mean, in the second paragraph, it says, "Strategic
14 plan to put out the scenario and see which fish
15 bite. If this fails we recommend a 6-12. However,
16 the earliest this school would open is in August."

17 I mean, like -- Commissioner Toulouse
18 said -- like Commissioner Toulouse said, it's very
19 jumbled. I'm not sure what your board is saying.

20 So that's my comment. I just -- I'd
21 recommend we ask the school to either withdraw the
22 change at this time, or we vote it up and down.

23 THE CHAIR: And I would add to that, there
24 are several clarifications I need here. I need
25 clarifications to know what are the grade levels

1 currently served; because, again, the school report
2 card says kindergarten through six. We need -- if
3 you are actually going to ask for a grade expansion,
4 that needs to be one amendment request.

5 If you're going to ask for an enrollment
6 cap increase, that needs to be also a second
7 amendment request.

8 But it is my understanding that PSFA says
9 you can't have a grade -- an enrollment cap that is
10 larger than what your facility will accommodate; is
11 that correct?

12 MS. CASIAS: Madam Chair, members, if they
13 had -- if the school has an enrollment cap larger
14 than the school would accommodate, it would cause
15 their weighted NMCI to be below the average. And
16 currently, in order for a school to be in a
17 facility, you have to meet the average weighted
18 NMCI. So it wouldn't meet the average weighted NMCI
19 if they don't current- -- if it exceeded the
20 410 students.

21 THE CHAIR: So that's another issue you're
22 going to need to resolve. And then the governance
23 council minutes are unclear.

24 So we ask -- we ask, would you withdraw
25 your amendments today, or the Commission can vote to

1 deny? I'd ask.

2 MR. JOYCE: Madam Chair, members of the
3 Commission, I would gladly withdraw the application
4 amendment, take your comments and concerns back to
5 my governing council. I would like to make one
6 closing comment with respect to our governing
7 council. Of the seven members, Dr. Kim Eichhorst is
8 a female, and Ms. Anne Lacy is a female. We do have
9 two of our seven members who are females. I
10 apologize if our minutes did not disclose that.

11 COMMISSIONER TOULOUSE: It says "Mr."

12 MR. JOYCE: I, again, will carry that
13 back.

14 THE CHAIR: But thank you for that
15 clarification. We look forward to seeing you in the
16 future.

17 Okay.

18 COMMISSIONER TOULOUSE: And, Madam Chair,
19 I will say, they have some typos in their minutes.

20 THE CHAIR: Next item on the agenda, Item
21 No. 10, Report from Options for Parents and the
22 Charter School Division.

23 Mr. Pahl?

24 MR. PAHL: Thank you, Madam Chair.

25 Madam Chair, members of the Commission, I'll start

1 off with our Schools of Concern.

2 The first School of Concern is Southwest
3 Learning Centers. In the last month, since the last
4 PEC meeting, there are no substantial updates to
5 Southwest and what we found out. I think the
6 investigations are ongoing between the FBI
7 investigation, the forensic audit that is being
8 established by PED -- those are all in process right
9 now; so no updates at this time.

10 But until the conclusion of those
11 investigations, Southwest remains -- and the schools
12 within Southwest remain a School of Concern.

13 Al Baysinger is here. If -- if there are
14 any questions, he -- we spoke last night. And he
15 just said, you know, "I'll be here in case there are
16 questions."

17 So I wanted to let you know that he's here
18 and give you an opportunity to ask any -- if you
19 feel that that's necessary.

20 THE CHAIR: I just have one clarification
21 question, myself, and then see if anyone else does.

22 We received a copy of a letter that the
23 State Auditor's Office sent to PED about the
24 forensic audit and some other items, as well. They
25 were very concerned that that forensic audit has not

1 begun. And they even went so far as to set a
2 deadline of November the 5th for that to be
3 completed. I got the letter on November the 5th; so
4 I assume that it hadn't been done.

5 You know, I got a lot more information out
6 of that letter, quite frankly, than I do from PED.
7 They were very open in what they had to say. But is
8 that forensic audit now in the works? Has the
9 contract been let? Where are we with that?

10 MR. PAHL: I'm unsure at this time.
11 Deputy Secretary Paul Aguilar from the Finance and
12 Operations side of the house here at PED is in
13 charge of that; and he's been out this week. But
14 I'd be happy to e-mail the Commission with a status
15 update of where we are, both in procuring a vendor
16 to do that work, and whether they've started that
17 work or not.

18 THE CHAIR: I would appreciate that
19 audit -- that update.

20 Commissioners, other questions?

21 Commissioner Bergman?

22 COMMISSIONER BERGMAN: I just want to note
23 that the State Auditor continues to tie us to PED
24 with this deal. When they mention PED, they mention
25 us, too. We have done all the oversight we can do,

1 unfortunately. So we're -- I wish they'd quit
2 mentioning us and leave it to PED, since that's
3 who's in the driver's seat right now.

4 And they're saying we cannot control on
5 this Commission. We have no control of the FBI
6 investigation and all that, and they're not talking
7 to us. I'm sure they're not talking to PED; I don't
8 know who they're talking to.

9 But we have done, I believe, all we can do
10 other than keep on top of it and do -- and be sure
11 that the things are done. Unfortunately, we don't
12 have any leverage to do anything else, I'm afraid.

13 Thank you, Madam Chair.

14 THE CHAIR: Thank you. Matt -- Josh has
15 reminded me, we sent you a letter sometime ago with
16 some very specific questions about Southwest. Are
17 you prepared to give us an update on those?

18 MR. PAHL: I've been providing updates
19 through the School of Concern narrative during the
20 Director's Report, answering any questions that I
21 can as we move forward. I'll continue to do that.

22 There were several requests in the letter.
23 I've been marking them off. Once I've been able to
24 answer all of those questions, you'll receive
25 something in written form.

1 THE CHAIR: Okay. I don't have a copy of
2 that in front of me.

3 Do you, Josh, in front of you? Do we need
4 to, or is that sufficient?

5 (Mr. Granata consults with The Chair.)

6 THE CHAIR: All right. Thank you.

7 Commissioner Carr?

8 COMMISSIONER CARR: I probably don't need
9 to say this, but just want, I guess, to say it for
10 the record. And this is an issue that requires
11 extreme care and due diligence.

12 And it's -- you know, in the atmosphere of
13 the Legislature that I've seen so far, before the
14 Legislature has even started, you know, Southwest
15 comes up continuously. And it will be a point of
16 contention for quite some time. And how we handle
17 this is -- is very important. And I know you know
18 that. I just wanted to say that for the record.

19 THE CHAIR: Okay. Thank you.

20 Commissioner Toulouse?

21 COMMISSIONER TOULOUSE: Madam Chair, I'd
22 like to agree with that and say that's a question I
23 get asked all the time. And it's very hard to keep
24 explaining how limited we are until that final
25 investigation report comes in.

1 And all people don't understand that.
2 They think that we're the ones who should have been
3 able to go in; and it's actually -- at this point,
4 PED, who's done the financial -- which we really
5 should have a report on the financial oversight, I
6 think, that's being done.

7 Especially in regard to that letter, which
8 I assume you saw from Mr. Balderas, concerning what
9 has not been done, I'd at least like to know that
10 the financial oversight is being done correctly, and
11 for all those students that are there, because
12 they're facing the same thing, I'm sure.

13 I would like to ask Mr. Baysinger, are
14 your students handling this okay, still, or has it
15 been a problem?

16 MR. BAYSINGER: No, they're doing fine.
17 We've done all we can to minimize them from any
18 effects of this. And, no, our students and faculty,
19 parents -- it's quite amazing that there's --
20 there's really been no concerns brought to me. So I
21 would say they're doing just fine.

22 COMMISSIONER TOULOUSE: Thank you. I'm
23 glad to hear that, because I do have a concern for
24 the students. They're the reason all of us are
25 here.

1 COMMISSIONER CARR: Right.

2 COMMISSIONER TOULOUSE: And so I do have
3 concerns when it's like this. So thank you very
4 much.

5 THE CHAIR: Other comments or questions?
6 Mr. Pahl?

7 MR. PAHL: Our next School of Concern is
8 Health Sciences Academy. As was the case at the
9 last PEC meeting, and a couple of prior, HSA was
10 identified as a School of Concern due to significant
11 staffing changes, immediately prior to and
12 throughout the beginning of the school's opening.
13 The acting administrator and another teacher
14 resigned just days before the school was scheduled
15 to begin. The school opened, as scheduled, on
16 August 4th, with approximately 180 students.

17 CSD has received assurances -- or had
18 received assurances -- from Michael Vigil, the
19 school's business manager, and Tony Archuleta, that
20 he -- the school could operate under all the
21 provisions of law.

22 The school has severed that contract with
23 Mr. Archuleta and has a new administrator, Dr. Jim
24 Holloway, who is now the interim director. He will
25 be succeeded by Jacob Montaña, who will take over as

1 the director in January. These are the fourth and
2 fifth administrators, respectively, the school has
3 had since August 1st of this year.

4 HSA minutes have not always mentioned
5 these personnel resignations or hirings, which
6 brings another concern to the table. Instability
7 has also impacted the school's board, as it has
8 added three new members in October. In addition to
9 the instability that was marked earlier this year,
10 new issues have recently arisen.

11 The school has been cited by the health
12 department for food safety violations. The CSD has
13 been informed by the Attorney General's Office of an
14 investigation into potential conflicts of interest
15 regarding contracts that the school is engaged in.

16 Lastly, there have been reports and
17 evidence of inappropriate involvement of their
18 founder and board member, Raphael Nevins.

19 The CSD is in collaboration with other
20 state agencies to determine the extent of this
21 involvement and will report any appropriate action
22 that may need to be taken to the PEC.

23 THE CHAIR: Mr. Pahl, you mentioned they
24 have new board members. Have they qualified as a
25 Board of Finance? Have they turned in that

1 paperwork?

2 MR. PAHL: I am unsure at this time and
3 will need to get back to you on that one.

4 THE CHAIR: Because if they have a
5 five-member board -- and I don't remember what the
6 composition the number is -- if they have a
7 five-member board, and three of them are not
8 qualified as a Board of Finance, they don't have a
9 Board of Finance.

10 COMMISSIONER TOULOUSE: They had either
11 seven or nine.

12 MR. PAHL: So, Madam Chair, right now, for
13 us, it's unclear whether they lost board members and
14 added, or whether they just added board members.
15 And that's part of what we'll be looking into, if
16 whether they are within the -- whether they are
17 within the boundaries of their charter contract, and
18 then, subsequently, whether they meet the
19 requirements of the Board of Finance and other
20 designations.

21 This was information we got two days ago.
22 So, you know, we always put these -- the Director's
23 Report in pretty much right before the meeting so we
24 can have the freshest information. We will be
25 looking into that and can again respond to the

1 Commission electronically on what we're finding
2 there for Health Sciences Academy.

3 THE CHAIR: Now, you did a site visit on
4 this school also, just recently?

5 MR. PAHL: Yes.

6 THE CHAIR: Do you have any information
7 from that site visit to share with us right now?

8 MR. PAHL: Only that there was evidence
9 during the site visit that -- that the board member
10 identified earlier was -- was crossing the line of
11 what's appropriate for a governing council member.
12 At that point in time, we had recognized that there
13 was another agency, the Attorney General's Office,
14 looking into some of the board's behaviors; so we
15 are looking at collaborating with them.

16 We've been helping them with their
17 investigation to -- to the extent that we are able
18 to and that we're helpful; but we want to make sure
19 we're collaborating with other agencies that are
20 looking into that governing body.

21 THE CHAIR: Commissioner Carr?

22 COMMISSIONER CARR: You just invoked a
23 question. How were they crossing the line?

24 MR. PAHL: When a board is involved in --
25 directly in personnel decisions that are not at the

1 director's level, that would be -- that would be one
2 example, uh-huh.

3 COMMISSIONER CARR: Thank you.

4 COMMISSIONER BERGMAN: Madam Chair?

5 THE CHAIR: Commissioner Bergman?

6 COMMISSIONER BERGMAN: Actually,
7 Director Pahl and yourself have raised another
8 question in my mind just for us to think about for
9 future. We, of course, approve a Board of Finance.
10 That's the first thing we do before we start
11 operation.

12 I just wonder, if there's a major turnover
13 in the board, should not -- actually, it's something
14 we need to discuss -- should not they have to come
15 back and ask us to reapprove their Board of Finance
16 again? Then we would get all this information.

17 So I just throw that out for you to think
18 about, our attorneys to think about, and us to think
19 about, for a possible change in our protocols down
20 the road in that area.

21 THE CHAIR: That's a very good idea. Very
22 good idea.

23 Other questions?

24 Commissioner Toulouse?

25 COMMISSIONER TOULOUSE: Madam Chair, I

1 would also like to ask if we need to get ahead of
2 this and ask PED to take over the finances until we
3 do know.

4 THE CHAIR: Does it rise to the level?
5 Mr. Pahl, what would be your thoughts on that?

6 MR. PAHL: I guess I'll respond with a
7 question and then answer. When -- Commissioner
8 Toulouse, when you say "until we do know," what are
9 you asking? Until we know what?

10 COMMISSIONER TOULOUSE: Until we know if
11 they've qualified as a Board of Finance. Plus, we
12 also know that there hasn't been -- as I've heard
13 rumors on the outside -- of some fiscal misconduct
14 here.

15 MR. PAHL: Madam Chair, Commissioner
16 Toulouse, I think the term -- the phrase that comes
17 to mind is "innocent until proven guilty." And so
18 until we know that there's misdoings there, I don't
19 think we can do anything but note that we are
20 watching them through notifying them as a School of
21 Concern, following up appropriately ourselves, and
22 also coordinating with the other agencies that are
23 looking into these matters.

24 COMMISSIONER TOULOUSE: Well, I just --
25 I'm not sure, when it's State finances that are

1 concerned, that it always -- the "innocent until
2 proven guilty" always works. But right now, I'm
3 worried about do we have these people even knowing
4 what they're supposed to be doing? And until we do
5 know that, then I have a -- a real concern of how
6 bills are getting paid, if they're getting paid,
7 where the money is going, is it being approved
8 appropriately, those things, without those people
9 knowing what the process is.

10 MR. PAHL: Madam Chair, Commissioner
11 Toulouse, if I may respond to that, I think -- I
12 think that's right, and that these financial issues
13 are new. The reason why they've been on our School
14 of Concern was for staffing instability in the
15 previous PEC meetings; so we will follow up with our
16 School Budget Bureau to just ask those extra
17 questions, give some more detailed information about
18 what we're seeing there, whether it's reported or
19 whether it's been substantiated there.

20 THE CHAIR: Thank you. And we would
21 appreciate that information being shared with us, as
22 soon as you get it.

23 Mr. Vigil, if you would like to come
24 forward, do you have some information for us?

25 MR. VIGIL: I can discuss the financial --

1 what Mr. Pahl -- my name is Michael Vigil. I'm the
2 owner of the Vigil Group. We're the contracted
3 business manager for HSA.

4 What Mr. Pahl has reported to you is
5 very -- what Mr. Pahl has reported to you is very
6 true, with regards to the turnover of the board, the
7 administrators, and everything else.

8 Bud I want to assure the Commission of one
9 thing: We have a -- a procedural manual. And we're
10 very strict on how we follow it. And the manual has
11 been modeled off -- after Supplement 3, which is
12 prepared by the Public Education Department for
13 school districts.

14 We are not accepting requests from board
15 members to issue purchase orders. We're not
16 allowing bills to be paid that didn't follow the
17 procurement process. We have a number of controls
18 in place and have -- we're trying to teach the
19 school many of the protocols, to be honest with you.

20 But I can assure you we're watching their
21 cash balance. We're watching their payments of
22 invoices, their issuing of purchase orders. We're
23 making sure that we're in compliance with State
24 rules and regulations regarding their finances.

25 The change in administration, as has

1 occurred, you know, we did not allow. And I am
2 personally the one that sent the e-mail to the
3 school. We will not allow a board member to sign
4 off on an authorization for purchases. A board
5 member -- a governing council member is one vote on
6 that council. I need the administrator that's
7 leading the direction of the school to come forward.

8 Mr. Haugen, who was originally -- is back
9 and we're beginning to work with them. I'm
10 encouraging the school to use his expertise, because
11 he does know the process, as a former school
12 superintendent. And so we're pushing from our side
13 and not -- we're trying to prevent them from doing
14 anything that's -- you know, we would not let them
15 do anything that's illegal that we're knowledgeable
16 of.

17 So I want to assure you they do have
18 current cash balances. Their books are clean, ready
19 to be audited. We have backup on invoices and
20 everything they've purchased. From that standpoint,
21 it's all allowable. Whether or not it's the right
22 decision is another issue; but it's a correct
23 reporting. So we're watching that, and we're making
24 sure that everything is appropriate.

25 THE CHAIR: Mr. Vigil, at what point was

1 your group hired by this school? Have they -- have
2 you been on board since the school opened?

3 MR. VIGIL: Madam Chair, yes, we have;
4 we've been on since the school opened. And we have
5 been pushing hard on them -- on their compliance.
6 You know, we do have e-mails going back and forth.
7 We've put it in writing what we're going to expect
8 of all the schools we work for. They must follow
9 the procedures. They don't have a choice either
10 way.

11 So, you know, we have -- like I say, I've
12 been there, seen the board members come, their board
13 members go, new ones being added on, new
14 administrators. And so we've been working to assure
15 that they stay in compliance.

16 We made Mr. Archuleta, who was the
17 administrator until a couple of days ago -- he had
18 to approve and sign off on everything. No one
19 else's sign-off was authority for us.

20 THE CHAIR: Thank you for that
21 information, and thank you for being willing to talk
22 with us.

23 Any other questions?

24 Commissioner Bergman?

25 COMMISSIONER BERGMAN: I'm just happy to

1 hear that Mr. Haugen is back, for however long it
2 was, because it was his 30 or 35 years of teaching
3 and administrative experience that made me a little
4 more comfortable than I was at the time with this --
5 at the beginning of this school; because I know he
6 has the experience and the knowledge to look into
7 some of those things. So I'm glad to hear he's
8 back. Thank you.

9 THE CHAIR: All right. Anything else,
10 Commissioners?

11 Thank you.

12 Mr. Pahl?

13 MR. PAHL: Our third School of Concern is
14 Anthony Charter School. Behind the Executive
15 Summary in your -- in your binders, you'll see the
16 Improvement Plan. You'll note that the checks that
17 were requested are there; they're handwritten. I
18 will -- we will find a way to do that electronically
19 for the next meeting.

20 Not a lot of updates, according to the
21 improvement plan, at this point in time.

22 You'll see I've noted Items 1, 2, 3, 4,
23 and 5 with check marks, those having been completed.

24 THE CHAIR: Mr. Pahl?

25 MR. PAHL: Yes.

1 THE CHAIR: One of those was late.

2 MR. PAHL: Which one?

3 THE CHAIR: It's the September -- if
4 you'll recall, we were in a meeting last month --
5 was it September? I'm sorry. I'm losing it.

6 MR. PAHL: Probably, October.

7 THE CHAIR: But I said at the time, "Do
8 you have this item?"

9 You said, "No, we will get it next week
10 when we do the site visit."

11 MR. PAHL: I think that was the Social and
12 Emotional Assessments, Item No. 3. And at the site
13 visit, we did see that that those were completed.

14 THE CHAIR: But it was late.

15 MR. PAHL: But, yes, it was late.

16 THE CHAIR: But it's not noted on here
17 that it was late.

18 MR. PAHL: We can note that that -- we can
19 note that for the next time.

20 THE CHAIR: Please do. It's very
21 important -- I think it's important to all of us.
22 Certainly, it's important to me. A deadline is a
23 deadline, and if you don't make it, that's a real
24 black mark.

25 So I want to be very clear that if they're

1 late -- if anybody is late on a deadline, we need to
2 be made aware of that, okay?

3 MR. PAHL: Thank you, Madam Chair.

4 Item No. 7, you'll see with a circle and a
5 cross through it. That was not completed. But that
6 wasn't the school's fault. The instructional audit
7 was rescheduled for December. And they are working
8 with the school's new administrator, which has just
9 been recently hired.

10 As of November 12th, the governing council
11 discharged Colleen Adolph as the director and hired
12 Dr. Abe Armendariz as their new director. So the
13 Priority Schools Bureau is working with that new
14 director to set up an instructional audit. So we
15 put dates in there as far as when that instructional
16 audit would occur. That date is no longer -- no
17 longer valid. We said the month of October; that
18 should be the month of December.

19 And we will report on the progress at the
20 following PEC meeting in January.

21 THE CHAIR: And you're talking about
22 No. 7?

23 MR. PAHL: No. 7, yes.

24 THE CHAIR: Is Dr. Abe Armendariz the
25 gentleman that was working with --

1 COMMISSIONER BERGMAN: Columbus, wasn't
2 it?

3 THE CHAIR: -- Columbus, Columbus School?
4 And now he's been hired by Anthony? Okay.

5 Okay. Is Ms. Adolph still with the
6 school --

7 MR. PAHL: No.

8 THE CHAIR: -- in any capacity?

9 MR. PAHL: Not to our knowledge. She was
10 relieved of her duties.

11 THE CHAIR: Okay. Because the renewal
12 application lists her as the S.T.A.R.S. coordinator;
13 not director, S.T.A.R.S. coordinator.

14 MR. PAHL: I think any role that she has
15 in the renewal application would be -- would be
16 nullified.

17 THE CHAIR: So it wasn't the director who
18 wrote the application?

19 MR. PAHL: Potentially, not. I don't know
20 that we require the director to write the
21 application.

22 THE CHAIR: I don't suppose so. But it's
23 pretty unusual.

24 Okay. Please go on.

25 MR. PAHL: Madam Chair, members of the

1 Commission, our fourth school, La Academia Dolores
2 Huerta, was put on your School of Concern list for
3 two reasons: They conducted school construction
4 activities without proper approvals, and three of
5 five board members left the board and were replaced,
6 marking a significant amount of instability in
7 school leadership.

8 The school's leader began tearing down a
9 wall as part of a remodel without proper permissions
10 or permits from PSFA or CID. And as mentioned
11 earlier, that significant board turnover represents
12 instability in school leadership.

13 The Charter School Division conducted a
14 site visit to the school, and the Division's
15 director, myself, conducted a separate site visit on
16 the week of October 19th.

17 Both visits inquired about these issues
18 and included interviews with governing council and
19 staff, both past and present. Appropriate permits
20 were obtained by the school, albeit late; and the
21 school director, Octavio Casillas, knows the process
22 he must follow to make future building improvements.

23 Mr. Casillas is exercising an abundance of
24 caution and is asking us for even permission or
25 guidance -- and he knows he doesn't ask us for

1 permission; I misspoke there -- he's asking us for
2 guidance on even small things now.

3 So he's understanding that it's better
4 safe than sorry regarding any changes to his
5 facility.

6 Further, the board has stabilized. They
7 do have a plan to train that board as they move
8 forward with their new board members.

9 So the concerns that we had earlier -- and
10 they were significant concerns -- seem to have been
11 addressed by the school at this time.

12 THE CHAIR: I guess my standard question
13 on all these is going to be what about the Board of
14 Finance with these new board members?

15 MR. PAHL: We'll follow up on that one, as
16 well. That wasn't a question we had asked
17 ourselves; so we'll be sure to follow up on that,
18 Madam Chair.

19 COMMISSIONER BERGMAN: Madam Chair?

20 THE CHAIR: Commissioner Bergman?

21 COMMISSIONER BERGMAN: Since I don't see
22 it here in your notes, did you actually go on the
23 visit, or did someone else go?

24 MR. PAHL: We conducted two separate
25 visits. On the first visit, it was our General

1 Manager, Julie Lucero, and our liaison, Ed Woodd.

2 Ed, you were on that; right?

3 MR. WOODD: Yeah.

4 MR. PAHL: And then the -- two days later,
5 I personally visited the school to investigate and
6 have those interviews with both current employees
7 and board members, and past employees and board
8 members.

9 COMMISSIONER BERGMAN: Thank you for that.
10 So the ongoing construction that started
11 inappropriately, none of you felt that it was a
12 safety issue for the kids? They're taking steps to
13 ensure the safety?

14 MR. PAHL: By the time we had gotten there
15 they had gotten their permits, and the construction
16 had been completed. And so at the time, we had
17 heard reports that it was not safe; and so they
18 rapidly went through the process and got their --
19 got their permit, so they could complete the
20 construction, to make the environment safe for the
21 students.

22 COMMISSIONER BERGMAN: So the answer is it
23 is safe now?

24 MR. PAHL: Yes.

25 COMMISSIONER BERGMAN: Thank you.

1 THE CHAIR: Now, Commissioner Gant?

2 COMMISSIONER GANT: Madam Chair, members.

3 Mr. Pahl, one of the questions I asked -- because I
4 have been told by one past member of that governance
5 council -- that there were teachers that were not
6 certified in that school. Did you find that, or did
7 you ask that? Or what's the status?

8 MR. PAHL: We did not find that. However,
9 we're doing a more in-depth records search on past
10 teachers who had been at the school. We're looking
11 through our licensure database and just making sure
12 there's a one-to-one correlation of how many
13 teachers were there and how many licensed teachers
14 were supported there. That's our first step.

15 COMMISSIONER GANT: Thank you.

16 THE CHAIR: Any other questions? Hearing
17 none, Mr. Pahl?

18 MR. PAHL: Madam Chair, members of the
19 Commission, Dream Diné is our next School of
20 Concern. Much of the language you see in your
21 Executive Summary mimics what has been there in the
22 past.

23 Ms. Casias from the Public Schools
24 Facilities Authority is here to provide us an update
25 on their facility. I will note that just some

1 important context here is that we've seen this
2 facility be delayed several times.

3 And what we've been told by Dream Diné is
4 that that Hogback Chapter House lease that they
5 have, the facility that they're currently in,
6 earlier, they said they had that lease until
7 December. As it is November, we are getting in a
8 tight time space to get this completed. Ms. Casias
9 will give you an update on that.

10 But we will -- we will make sure we -- we
11 inquire about the status of that lease agreement at
12 Hogback and whether that's being extended or whether
13 we're in a situation where we're going to be coming
14 pretty close to whether that -- whether there will
15 be some overlap between the lease at Hogback and
16 their new facility.

17 But at this point, I'll turn it over to
18 Ms. Casias.

19 MS. CASIAS: Madam Chair, members of the
20 Commission, I was in contact with CID, the
21 Construction Industries Division, who is the agency
22 that does the permitting and inspections for this --
23 for constructions.

24 They failed their foundation inspection
25 back on October 21st. I contacted --

1 THE CHAIR: I'm sorry, Martica. Would you
2 say that again? They failed --

3 MS. CASIAS: They failed a foundation
4 inspection on October 22nd, 2014, meaning that it
5 wasn't properly constructed. So they still do not
6 have approved -- they needed to redraft their
7 foundation construction drawings. They had to be
8 redrafted and stamped by an architect.

9 To date, they have not submitted those new
10 drawings to CID; so there's not a new inspection
11 planned.

12 So, first, the construction drawings need
13 to come; then the CID needs to come and reinspect
14 the foundation.

15 They're also waiting for an electrical
16 meter enclosure and hardware for the electrical
17 prior to moving forward.

18 So it's the foundation and some issues
19 with the electrical.

20 They hope to have the construction
21 drawings by the 24th of this month.

22 And with that said, I stand for questions.

23 THE CHAIR: Let me ask something that
24 jumps to my mind. They don't have a foundation for
25 the portable buildings they're bringing in; correct?

1 MS. CASIAS: Madam Chair, members, they --
2 the foundation that they poured was done
3 incorrectly; so they are having to repour it, yes,
4 ma'am.

5 THE CHAIR: Where are the portable
6 buildings?

7 MS. CASIAS: Madam Chair, I'm not sure. I
8 believe they're on-site. But I didn't verify that.
9 But I believe they're on-site. But the issue was
10 that the foundation -- they had a temporary -- like,
11 the axles -- waiting for the foundation to be
12 mended.

13 THE CHAIR: And this electrical is just
14 the electrical to the site; so it hasn't been
15 connected to the building -- to the portable
16 buildings?

17 MS. CASIAS: Madam Chair, that is correct.
18 It is the electrical meter, the enclosure, and the
19 hardware. So the electricity is on the site, but
20 not connected.

21 THE CHAIR: Okay. Thank you.

22 Commissioner Gant?

23 COMMISSIONER GANT: Madam Chair and
24 others. All right. The way I think about this, the
25 drawings are not going to be ready until the 24th of

1 November. Then they've got to get a contract to
2 pour the concrete, lay the forms, and then pour it
3 and let it cure.

4 Now we're talking two weeks, at a minimum,
5 in my mind. School is out mid-December, right
6 before Christmas. They haven't moved anything on
7 top of a foundation. They haven't hooked up the
8 utilities, the plumbing, whatever.

9 So I don't see this -- this lease they
10 have with Hogback -- or whatever it's called -- they
11 better extend it now, because they're not going to
12 be moving into that facility until February or
13 March. And that's just my take on it, because it
14 takes a while for -- if they don't properly cure
15 that foundation, then you're going to go back and
16 somebody's going to have to fix it. And that's
17 going to take time and money, which they -- I'd like
18 to know where they're getting all this money. But
19 that's their issue; not mine right now, okay?

20 So somebody better be talking to them
21 about that lease. And, frankly, this is very
22 disruptive to the kids, the students, this constant
23 moving around, not knowing where you're going to be.
24 I would imagine it's not good for teachers. I'm not
25 one; Mr. Carr is one, and he might better speak to

1 this. But never knowing where you're going to go to
2 school in the next month or so, it has to be
3 disruptive.

4 Thank you, Madam Chair.

5 THE CHAIR: What is their current
6 enrollment?

7 MR. PAHL: Madam Chair, I don't know
8 offhand. I believe it was reported at -- I believe
9 it was 30 students.

10 THE CHAIR: It was 15 the last time I
11 asked.

12 MR. PAHL: Fifteen, okay.

13 THE CHAIR: Julie, do you have a database
14 you can look that up?

15 MS. LUCERO: I will look into that.

16 MR. PAHL: Madam Chair, we are just
17 finalizing the data, so we should have the numbers
18 for you in the next day or so.

19 THE CHAIR: Fifteen, though?

20 MR. PAHL: That does sound correct.

21 THE CHAIR: So whose job is it to stay on
22 top of whether or not they have a place to be after
23 December 15th?

24 MR. PAHL: Madam Chair, that would lie on
25 us, the Charter School Division, and we'll do that

1 in close collaboration with Ms. Casias.

2 THE CHAIR: Okay. Any other questions?

3 Okay. Then let's see. Let's move on.

4 MR. PAHL: Our final School of Concern is
5 New Mexico International School. The school
6 presented at the October meeting of the PEC to
7 request an increase to the class size limits that
8 were articulated in the school's charter. I believe
9 they wanted to increase those limits by two students
10 for each classroom.

11 The request was tabled or denied. After
12 the meeting, it was shared with CSD staff that the
13 school had already enrolled the additional students
14 in each class. The PED will confirm this through
15 the 40th-day data for the school, take appropriate
16 action, and share with the PEC as a result of those
17 actions.

18 THE CHAIR: What appropriate action are
19 you talking about?

20 MR. PAHL: We have a few -- we are
21 exploring some. We don't necessarily have a
22 mechanism that we normally follow here, because it
23 doesn't happen very often. Ideally, what I'm
24 exploring with Deputy Secretary Aguilar is that they
25 don't receive funding for the extra students that

1 are above their cap.

2 THE CHAIR: Does the PEC wish to take any
3 action on this issue? I think we contemplated
4 action on another school that went over their cap
5 and then told us about it later on. I don't
6 remember all the particulars.

7 But Commissioner Carr?

8 COMMISSIONER CARR: Madam Chair. Well,
9 Madam Chair, I guess we need to ask our attorney
10 what appropriate actions we may take.

11 MR. GRANATA: Madam Chair and
12 Commissioner Carr, I think the statute outlines all
13 the appropriate actions that the Commission can
14 take. My one hesitation for this meeting, however,
15 is that it's not necessarily an action item on the
16 agenda; and as such, it would need to be put on the
17 agenda for the next meeting.

18 COMMISSIONER CARR: Okay.

19 MR. GRANATA: So between now and then, I
20 can do the necessary research and see what action
21 the Commission can take.

22 THE CHAIR: Thank you.

23 Commissioner Bergman?

24 COMMISSIONER BERGMAN: I'm starting to get
25 the feeling that we've fallen down the rabbit hole

1 here. But I think whatever action this Commission
2 contemplates and wants to take, we've got kids in
3 those schools now. If this Commission passes a
4 motion that says those kids need to be told they've
5 got to get out of that school because of whatever
6 appropriate terminology you want to use, is that
7 what this school is going to do? And I would hope
8 we never came to that point.

9 So you've got to remember that -- here
10 again, students are involved. I don't know how we
11 would rectify that. I wanted to specifically make
12 that point.

13 Thank you, Madam Chair.

14 THE CHAIR: I don't believe that was ever
15 spoken about; but there were other options that were
16 kind of kicked around. How many students just, in
17 general, do you think we're talking about?

18 MR. PAHL: I'm actually not sure how many
19 students. And I have some news for you on the
20 staffing update for some of this information I'm
21 looking right now. But I believe the class
22 enrollments caps were 20, and they were requesting
23 22. And I believe that's what they now are
24 enrolling. But we do have representation from the
25 school, if we want to ask them questions directly.

1 THE CHAIR: Okay. Let's do that.

2 Hi. If you would introduce yourselves,
3 please, so we get it on the record?

4 MR. KNOUSE: Thank you, Madam Chair. My
5 name is Todd Knouse. I'm the school director for
6 the New Mexico International School. I spoke with
7 you last month. I also brought with me my business
8 manager, Michael Vigil.

9 THE CHAIR: Okay.

10 MR. VIGIL: Madam Chair, I think the
11 question that you're asking is, you know, the total
12 cap of the school is 140 students. So they did
13 not -- the school did not exceed the total cap. The
14 question that's always come about -- and it's an
15 issue that, initially, I actually have called
16 Mr. Pahl and his office; and I also talked to --
17 started off by talking to the budget analyst who's
18 in the back, Mary Lou Martinez, with the School
19 Budget Planning and Financial Analysis Bureau.

20 And the question was put out, what -- we
21 have this -- a number of waiting lists there. We
22 are -- what cap are we required to follow? And that
23 was the initial conversation that we had with CSD.

24 At that time, Mr. Pahl suggested that we
25 put an amendment in, just to be sure and do it

1 correctly. We kind of pushed to get that amendment
2 together for the PEC, because it was -- it hit
3 relatively fast.

4 In the interim, we had these students,
5 children, wanting to do -- you know, register. The
6 governing council made a strategic decision to allow
7 seven kids in. And it's -- I don't know -- per
8 class -- I think it's one student per class, not
9 knowing if we were going to be held to the total cap
10 which we're under, or the classroom cap that's in
11 the charter. And that was the issue.

12 And so then when Mr. Knouse came, it was
13 determined there was actually two amendments, and
14 the whole thing -- and now we are where we are.

15 MR. KNOUSE: If I can add a few points
16 there, Commissioners. There's been three issues
17 that we've been looking at. And one of them has to
18 do with our just natural attrition as a school.
19 People move; they leave the state. And as a
20 one-way, dual-language immersion school, the vast
21 majority of the interest in our school are in
22 kindergarteners; kindergarteners and first grade. I
23 would say they account for approximately 95 percent
24 of our wait list.

25 So we have families that leave our school.

1 And I've -- when they leave the school, they -- you
2 know, we lose funding for those students. And to
3 replace them, we were looking at replacing them with
4 viable students, who could come to our school at
5 this age and be successful academically in the
6 language environment that we provide.

7 THE CHAIR: So we're talking about a class
8 size limit, as mandated by PED --

9 MR. KNOUSE: That is correct.

10 THE CHAIR: -- and is in your charter, not
11 an enrollment cap.

12 MR. KNOUSE: That is correct; we've never
13 been at our enrollment cap. It's always been
14 heading towards the bottom. As I said -- when I say
15 "bottom," I mean the lower grade levels; that's
16 where the interest has been, as people move around
17 from the upper grades.

18 THE CHAIR: And your amendment request was
19 denied, because it was a multiple request?

20 MR. KNOUSE: No, ma'am. I -- if you
21 recall -- I know you have a lot on your -- stuff
22 that goes on. I actually withdrew the request
23 because of that. I didn't want a vote taken on it.

24 THE CHAIR: I'm sorry. Say that again,
25 please.

1 MR. VIGIL: Say it again.

2 MR. KNOUSE: Say it again. So we actually
3 had two amendment requests that I had submitted, one
4 in regards to the class size, one in regards to
5 language in our charter that said we wouldn't want
6 to explore waiver options, that was related, but
7 separate, that we're -- waivers that are allowed for
8 a class size, per statute.

9 I was never looking for an amendment to --
10 Madam Chair, I was never looking for an amendment to
11 increase our class -- our school cap.

12 THE CHAIR: And that amendment was denied,
13 because it was a combined amendment; right?

14 COMMISSIONER CARR: They withdrew.

15 THE CHAIR: Oh, it was withdrawn.

16 MR. KNOUSE: It wasn't a combined one; but
17 because of some logistical problems, only one ended
18 up being presented at the meeting. You really
19 couldn't entertain one without the other it
20 submitted them as two separate amendments; but only
21 one ended up being presented to the Commission.

22 THE CHAIR: Had you thought about bringing
23 them back?

24 MR. KNOUSE: I have. But -- this is
25 really an awkward height for me. I'm sorry.

1 I have, but I'm actually in communication
2 with our governing council president, Ed Reyes, Jr,
3 who's actually with us here today, in looking really
4 at a more strategic way to address that. This is --
5 as I mentioned, there's several issues here, one of
6 them being attrition, people leave the school.

7 I have to plan for that. I can't just
8 think that people aren't going to leave. And
9 they're leaving, by the way, our great state and
10 going to other states. I'm trying to have to plan
11 on how to replace those students when they come.
12 And the level of interest isn't in the grade level
13 from whence they're leaving.

14 Do you understand what I'm saying? All my
15 students -- so just to give you a number, for
16 example. When we do our lottery and fill our, at
17 the time, 40 kindergarten wait list, 40 kindergarten
18 slots, I have a wait list in excess of 80. I could
19 meet our enrollment cap by just adding all these
20 kindergarten classes.

21 That's just not a sustainable option,
22 because then next year, what do I do? If I'm going
23 to first grade, do I have no kindergarteners come
24 in?

25 So it was -- this is just really sort of

1 something to do to help address several different
2 options -- or several different concerns.

3 THE CHAIR: Mr. Pahl?

4 MR. PAHL: Madam Chair, just some more
5 information here.

6 The CSD -- our position is that if there's
7 an enrollment cap of any sort, whether it's in a
8 class or school-wide, that if it's articulated in
9 the charter, it's an enrollment cap. And so to
10 answer Mr. Vigil's question, that's our
11 interpretation. And that was gotten from that
12 conversation with -- with Mr. Vigil, and a
13 conversation with yourself, Madam Chair, when -- you
14 know, I had a question, if there was past practice
15 that the overall cap supersedes that.

16 So what we would do in the future is I
17 think articulating classroom size caps is probably
18 not what we want to do, unless it's directly aligned
19 with the mission of the charter, which in this case,
20 it may be; but -- so just some thoughts there and
21 some more contextual information there.

22 MR. KNOUSE: I could echo your comments
23 there, Mr. Pahl. It really isn't a major part of
24 the charter; but it has been something that was
25 tying my hands in how to meet the needs of the kids

1 as other students left and had so many people
2 interested. It was --

3 THE CHAIR: But if it's part of the
4 charter, if it's written in that charter, you cannot
5 change it without approval; so -- Commissioner Gant?

6 COMMISSIONER GANT: Madam Chair, members.
7 A couple of things come to mind. How long have you
8 known that you need to get a change to your
9 classroom cap to take care of the children that are
10 leaving?

11 MR. KNOUSE: I don't know that there's a
12 date that I would say that that's something that
13 I've been aware of. But it's been something that --
14 so last year, when -- when we opened our doors, we
15 had eight students withdraw before the 40th day that
16 I was unable to replace.

17 I'm kind of, I guess, a terminal optimist,
18 thinking that I would be able to replace them. But
19 in the truth, in that particular cohort, that those
20 were never replaced to the point to where that --
21 that was in the third grade last year. I had two
22 third-grade classes I actually ended up rolling them
23 into a single fourth-grade class this year.

24 COMMISSIONER GANT: So this has been going
25 on for several years; is that correct, sir?

1 MR. KNOUSE: No, I'm talking about -- this
2 was last year.

3 COMMISSIONER GANT: Has this happened in
4 the past, besides last year?

5 MR. KNOUSE: Has what happened in the
6 past? I'm sorry.

7 COMMISSIONER GANT: Losing students and
8 not being able to replace them in the upper grades.

9 MR. KNOUSE: I have had upper grade
10 waiting list students that I have been able to plug
11 them in with, but not very frequently.

12 MR. VIGIL: Madam Chair,
13 Commissioner Gant, let me interject. So the school
14 is -- this is its fourth year.

15 MR. KNOUSE: Fourth year.

16 MR. VIGIL: So when we started the school,
17 it was a K-1-6, wasn't it?

18 MR. KNOUSE: We were authorized as a K-5,
19 but when we opened our doors we opened to K-2.

20 MR. VIGIL: So we've been phasing in the
21 grade levels. So what has happened is, as their
22 business manager, I look at their enrollments, and I
23 see what's happening, matching teachers, classrooms,
24 so we can make sure we be strategic on what we do.
25 We phased in, I think, with the phase-in of year

1 three, is when we started to recognize there was an
2 issue with a dual-language International
3 Baccalaureate program.

4 And so as we grow, now we've identified
5 this problem, we've brought it to the governing
6 council and are trying to be very strategic as to
7 what's the real solution to addressing what's going
8 on. And so I believe with last year's enrollment is
9 when we started seeing this issue come up.

10 COMMISSIONER GANT: Madam Chair?

11 So if there was a question whether the cap
12 is their total enrollment or the classroom cap, why
13 didn't someone in the governance board, who
14 apparently made this decision, ask the questions,
15 ask the proper questions before making a decision?

16 Or was this, "We'll do it, and then we'll
17 ask forgiveness later"? Is that how it works?

18 MR. VIGIL: Madam Chair, Mr. Gant, as I
19 indicated earlier, we did ask. We asked before. We
20 called Mr. -- we called the School Budget office,
21 and we called the Charter School office. And we
22 asked them, "What is the requirement?"

23 Now, what we've been told -- and this
24 is -- I understand it. Matt's been -- is our latest
25 director. But in the past, we were told school --

1 class waivers were an automatic -- and some of the
2 charters have automatically approved with those
3 class waivers in place. That's what we've been
4 told, that it's part of statute, that you're granted
5 those waivers automatically as part of the statute
6 and when schools come forward.

7 So we approached and we said, "We want to
8 make sure we're not doing it wrong." That's why the
9 call was made originally.

10 However, you just don't stop; you continue
11 rolling forward. You're making decisions while
12 you're waiting for answers.

13 COMMISSIONER GANT: That's it. I've had
14 enough.

15 THE CHAIR: Mr. Pahl?

16 MR. PAHL: To clarify, the question of
17 that was asked of us, it was whether the greater --
18 whether they could break the enrollment cap, per
19 class, that was in their charter.

20 They were told, "No."

21 They were told -- and any conversation
22 about waiver was subsequent -- we don't have a
23 waiver from them. So while, yes, a class size
24 waiver -- a class load waiver -- is an automatically
25 approved waiver, it's not a discretionary waiver for

1 the Secretary; none have been submitted or approved
2 by the Secretary.

3 So I just want to clarify what the answer
4 that we did give to Mr. Vigil was.

5 MR. VIGIL: Madam Chair -- and Mary Lou
6 Martinez was on the call with us. So the call that
7 was made -- and Mr. Pahl did state to me, in the
8 past, he thought the overall cap was the cap that we
9 would be going with. Then -- but he was not sure on
10 the classroom cap; but he would contact you, as the
11 chairman of the PEC, to give us -- to give us
12 direction whether or not we needed an amendment.

13 And so we waited for Mr. Pahl to get back
14 to us after contacting you as to whether or not a
15 classroom cap needed to come.

16 There was never a definite "no" given in
17 that first phone call. And we had to wait for
18 Mr. Pahl to respond to us.

19 MR. PAHL: Madam Chair, if I may just
20 round that out?

21 THE CHAIR: Yes.

22 MR. PAHL: So that was on a Friday. You
23 and I spoke at the end of that business day. And
24 Brad Richardson, the liaison for the school,
25 communicated that on a Monday, the "no."

1 THE CHAIR: Are you under -- have we done
2 a performance contract with you all? You're still
3 under the older system, where you're under your
4 charter.

5 MR. KNOUSE: That's correct, Madam Chair,
6 yes.

7 THE CHAIR: Okay. I -- you know, anytime
8 you violate anything that's written in your charter,
9 it's a material violation of the charter. Now, if
10 you had just said, "We're going to keep our
11 classroom small," in your charter, that would be one
12 thing. If you had said, "We're going to stick with
13 the State-mandated limits on classroom size," that
14 would have been one thing.

15 But when you actually say it in the
16 charter, then I'm not even sure you can get a waiver
17 from that, because it's not -- it's not in that --
18 in that area of waivers; it's over in the material
19 terms of the contract.

20 I think we've got a real mess on our
21 hands. I potentially think we have material
22 violation of your charter. I think our attorney
23 needs to check into this and see what's going on.

24 I hear your -- your comments about
25 students moving in and out; but there's got to be a

1 way to handle it. Every school has students moving
2 in and out. I don't know what it is. I never
3 handled it. I just taught.

4 So I'm not convinced that the issue is as
5 clear as we're trying to make it be. I'm going to
6 ask Josh to look into this and work with Matt and
7 perhaps get further clarification from you guys.

8 But I would say, at this moment, if you
9 have added students to your classrooms that are
10 above the enrollment cap that you put in your
11 charter, don't add any more. And I would hope that
12 you would see if you can find a way to move those
13 children to another classroom; not saying move them
14 out of the school. But if there's room in another
15 classroom or some way to handle that issue, that
16 perhaps you want to do that. And let's put this
17 issue on the December agenda that's already a week
18 long; but we must.

19 MR. KNOUSE: Thank you, Madam Chair. If I
20 may just make a comment? I just -- I do want the
21 Commissioners to realize, there's -- I hear what
22 you're saying, and I hear some frustration. And I
23 want you to please be aware, there's no malice or
24 intent to, like, befuddle anybody on my part or, I
25 think, anyone on the school's part here.

1 We just had a situation of -- and trying
2 to find a way to answer that in a timely way. So I
3 just want that clarified to the Commission.

4 COMMISSIONER CARR: Madam Chair?

5 THE CHAIR: Commissioner Carr?

6 COMMISSIONER CARR: I'll be quick. I
7 think it's quite clear, if you come and ask this
8 Commission to raise your class limits, that you know
9 you're supposed to ask us; so I -- I think that's
10 quite clear that you already knew the answer to it
11 before -- before you did it.

12 And I think, at the very least, Mr. Pahl,
13 your idea of not providing funding for those
14 students should certainly be -- be done in the
15 meantime and until we figure something else out.

16 THE CHAIR: And that's not in our purview
17 to say "yes" or "no."

18 MR. PAHL: And, Madam Chair, we don't know
19 if we can do that yet. It's just something we're
20 exploring. We also know that that consequence
21 wouldn't be served until a year after -- we always
22 look a year back. But it's something we're looking
23 at.

24 THE CHAIR: Commissioner Toulouse?

25 COMMISSIONER TOULOUSE: Madam Chair, I

1 think we're also looking at a learning curve for
2 everybody. And I think the governance council made
3 the decision that's been implemented. And so I
4 think everybody has a piece in having to learn what
5 you can do and what you can't do.

6 And I think, with the third year of the
7 school, when this would have occurred, you know,
8 they were learning last year and tried something
9 this year. I think the message to take from this
10 is, you know, "Keep communicating with us, as well
11 as with Staff, because we're learning, too."

12 I mean, I'm ending my second year, and I'm
13 learning, you know. It takes a whole year to learn
14 this job to begin with, and the second year to begin
15 to find your place in it.

16 And so I think we have to also look at
17 that piece of all of this in requesting additional
18 input from now on.

19 THE CHAIR: All right. Commissioners, are
20 you satisfied with -- with the suggestion I made?
21 They come back in December; you all work with Josh
22 to get us some clarity here?

23 Okay. We'll see you all in December.

24 MR. KNOUSE: Thank you, Commissioners.

25 THE CHAIR: Commissioners, it's 12:30. I

1 know we're tired. Let's take a lunch break now, and
2 we'll come back and finish up.

3 MR. PAHL: Madam Chair, can I just add one
4 comment to this issue? We did call New Mexico
5 International School to ask them if they wanted to
6 submit their -- resubmit their amendment at this --
7 at this meeting, and they did decline for the reason
8 Mr. Knouse stated, that they want to -- rather than
9 kind of the Band-Aid fix, I think they are kind of
10 thinking about this in a more long-term way.

11 So violation aside, I just want to note
12 that we did reach out to engage them to, "Let's try
13 this again."

14 THE CHAIR: So in the meantime, we've got
15 a violation going while you're looking at a
16 long-term fix. Kind of like Band-Aids. Oh, yes,
17 Commissioner Gant?

18 COMMISSIONER GANT: Whatever the
19 Commission wants to do, Item 11 -- and we have the
20 right to move stuff around -- Martica is sitting
21 here only waiting for those items.

22 Would it be possible to have the answers
23 to your questions on Item 11, so that she can go
24 back to her office, and hopefully --

25 THE CHAIR: Is that all right with

1 everybody? Let's move up 11.

2 COMMISSIONER BERGMAN: Madam Chair, I'd
3 like to make one very brief comment. Yes, we
4 should -- based on what he said about they want to
5 do a strategic plan, I would suggest we tell them,
6 "Get your ducks in a row and finish that strategic
7 plan or whatever, and then bring all this stuff. We
8 can worry about everything else."

9 THE CHAIR: In December.

10 COMMISSIONER BERGMAN: But I do agree with
11 what you said about getting it all put together
12 first.

13 MR. KNOUSE: Thank you, Commissioner
14 Bergman. To be honest, I have been working on this.
15 I haven't presented it all to the governing council
16 because it is something that would belong in the
17 sandbox of the renewal process, and that's why I
18 hadn't done it -- brought it to you today.

19 But at your request, I will be prepared
20 for that next month.

21 THE CHAIR: Thank you very much. We'll
22 see you in December.

23 MR. KNOUSE: See you again.

24 THE CHAIR: Martica, if you would come up,
25 please?

1 COMMISSIONER TOULOUSE: Do we need a
2 motion to move the agenda around?

3 MR. GRANATA: Yeah, we do.

4 COMMISSIONER TOULOUSE: I thought we did.

5 COMMISSIONER GANT: Madam Chair, I move
6 that we move Item 11 up to this point.

7 THE CHAIR: Move it up to 10B?

8 COMMISSIONER GANT: Item 10B.

9 THE CHAIR: Or above 10B?

10 COMMISSIONER GANT: Above 10B.

11 THE CHAIR: Do we have a second?

12 COMMISSIONER CARR: Second.

13 THE CHAIR: Motion made to move Item --
14 Agenda Item 11 to just above Item 10B.

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

16 (Commissioners so indicate.)

17 THE CHAIR: Any opposed?

18 (No response.)

19 THE CHAIR: Motion carries.

20 Thank you, Martica. Let's hear what you
21 have to tell us.

22 MS. CASIAS: Madam Chair, members of the
23 Commission, thank you for the adjustment to the
24 agenda. I appreciate that.

25 So on my agenda, the first item is

1 McCurdy, followed by Taos.

2 So we -- the last time that we -- that I
3 was here in September, we had met with McCurdy,
4 looked at their proposed plans and agreed that it
5 would be adequate. We haven't had any contact with
6 the school since that time.

7 One of the things that we did, as an
8 exercise, is if the school didn't move forward with
9 the construction plans, what would happen to the
10 degradation of that particular school? And the
11 current average weighted NMCI statewide is
12 18.95 percent. McCurdy currently is 83.96.

13 As you all will remember, they have an
14 18-month plan of correction that was extended for
15 another two years.

16 So we ran the numbers out to 2016 to see
17 what would happen, just to give you some knowledge.
18 If it would continue, it would go from 83.96
19 currently, to 2015, it would be 84.50; and 2016, it
20 would be 85.05.

21 So with that said, we -- our last meeting
22 was September with the school. And this is what --
23 what the continuous degradation would be. With that
24 said, I stand for questions related to McCurdy.

25 COMMISSIONER GANT: Madam Chair?

1 THE CHAIR: Commissioner Gant?

2 COMMISSIONER GANT: Madam Chair, Martica,
3 understanding the numbers. But the next issue, I
4 guess, the next question is, would those buildings,
5 as they stand now and they -- we all know school
6 buildings deteriorate over time -- to the point
7 where they could not have an E-Occupancy?

8 MS. CASIAS: Madam Chair, members, the
9 E-Occupancy, which is issued per the building code,
10 doesn't take in degradation of facilities. What
11 does come into play is weighted NMCI continually
12 getting worse.

13 Madam Chair, members, we do have schools,
14 such as Cariños Charter School, which was asked to
15 close based on the condition of their school. I'm
16 not saying that's where we're at with McCurdy.

17 But with the question about E-Occupancy
18 closing a building due to degradation, that's not
19 something that occurs.

20 COMMISSIONER GANT: But, Madam Chair, the
21 number changes; the weighted NMCI changes. Is there
22 a possibility that those buildings could get to the
23 point that they're unusable?

24 MS. CASIAS: Madam Chair, members, if
25 there was no maintenance done and it continued in

1 this manner, it's a possibility.

2 COMMISSIONER GANT: Madam Chair?

3 What actions, do you know from what you
4 know of statutes, that the State -- it would not
5 necessarily be the Commission -- could take on
6 facilities occupied by students as it is now?

7 MS. CASIAS: Madam Chair, members, if I
8 just take a hypothetical building -- not necessarily
9 McCurdy, because I couldn't speak to each incident
10 specifically -- but when a facility degrades, the
11 electrical, the foundation, the roof, the -- the
12 agencies that have the authority to ask students to
13 be removed are the Fire Marshal, based on exiting
14 and fire alarm systems not functioning, or not --
15 the proper distance not being met.

16 The other agency that comes into play is
17 the Construction Industries Division. And they can
18 base their closure on improper electrical,
19 mechanical, structural, and all of those sorts of
20 things.

21 COMMISSIONER GANT: Madam Chair, members,
22 I would recommend -- and I know there's going to be
23 some other questions here on McCurdy -- but somehow
24 put this on a calendar as a facilities watch,
25 because we just can't allow students to be in

1 facilities that are not adequate.

2 So I would suggest that the Commission put
3 this on some kind of calendar watch -- six months, a
4 year, whatever -- until they complete what they say
5 they're going to do with their facility; because if
6 we wait for them to come back or go to the PSFA or
7 CID or the Fire Marshal for evaluation, in all
8 likelihood, it won't happen.

9 So I think the Commission needs to be
10 the -- have this on a list and say, "PSFA, go out
11 and look at it" -- or whoever. You know, Martica
12 and her staff have the right to go out and look at
13 any building, actually. PSFA can go out and look at
14 any building they want to. They can do it when they
15 go out to check maintenance. They can go out and
16 look at it when they're in the town.

17 So I would suggest this be put on your
18 calendar for future evaluations.

19 COMMISSIONER CARR: That's a good idea.

20 THE CHAIR: Thank you.

21 COMMISSIONER BERGMAN: Madam Chair?

22 THE CHAIR: Commissioner?

23 COMMISSIONER BERGMAN: Thank you,
24 Madam Chair.

25 Martica, something you said there

1 triggered a thought in my mind. Right what -- if I
2 followed you correctly there, you stated that even
3 if an NMCI gets too high, you don't have a mechanism
4 for moving them out of those buildings; but other --
5 like Fire Marshals or the electrical, could trigger
6 that. Did I understand that correctly?

7 MS. CASIAS: Madam Chair, Commissioner,
8 PSFA doesn't have the authority to cause children to
9 move out of a facility. We can only report to the
10 agencies that do have that authority.

11 COMMISSIONER BERGMAN: Thank you for that.

12 THE CHAIR: Thank you.

13 Any other questions?

14 Thank you for that. Martica.

15 Go ahead, please.

16 MS. CASIAS: Madam Chair, the next school
17 is the Taos Integrated School of the Arts. And what
18 comes into question here is the E-Occupancy. Last
19 November 13th, 2013, actually, they asked us to come
20 and look at the facility they wanted to move into.
21 The weighted NMCI generated was decent -- I do have
22 the exact number here -- but it was above the
23 average; it was 5.30. So it was a really good
24 facility.

25 Our letter to them advised that it was

1 a -- currently, a B-Occupancy, and they would need
2 to work, get an architect, get plans drawn, and come
3 up to code to meet the E-Occupancy.

4 So we've been working with them. And
5 currently, they do not have an E-Occupancy in this
6 facility. They're working with the Town of Taos in
7 trying to obtain an E-Occupancy; but at this time,
8 they do not have one.

9 THE CHAIR: Are they in the facility?

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

11 COMMISSIONER CARR: Madam Chair, I don't
12 know if I know -- because I'm right there, I know
13 they -- I also thought they were operating out of
14 both buildings for a while. I don't know if they --
15 and I know that they completely -- I don't know
16 if -- so they completely moved into the new building
17 already? I mean, there --

18 MS. CASIAS: Madam Chair,
19 Commissioner Carr, I was only -- we're only involved
20 in the facility. I couldn't say. I can get with
21 the school and find out if they're in both
22 facilities. But our concern was with the
23 E-Occupancy.

24 COMMISSIONER CARR: Okay. Thank you.

25 THE CHAIR: Matt, what's your

1 recommendation?

2 MR. PAHL: Madam Chair, we were just
3 engaging in a side conversation over here about
4 that. At this point in time, it's unclear who has
5 the teeth in this situation, when we're moving to a
6 new facility. If the Charter School Division, we
7 rely on PSFA for many of the facilities-based items.
8 The PEC has the authority to take significant
9 measures against a charter if they find violations
10 to be at a magnitude of which they would do
11 something there.

12 In this case, Martica, are they pursuing
13 their E-Occupancy?

14 MS. CASIAS: Madam Chair, members, they
15 are working with the Town of Taos and their
16 architect to pursue the E-Occupancy.

17 MR. PAHL: So, Madam Chair, in conclusion,
18 I don't know. I don't think we have a
19 recommendation at this point in time. And I think
20 it's a worthy discussion to have about what we want
21 to do, CSD and PEC, when we find out these items.

22 We had known about this. And we knew that
23 Martica would be here today to discuss it. We're
24 unsure, from our end, what we can do -- well, we
25 know what we can do from the PED side of things.

1 And that's not a lot, regarding facilities, that
2 isn't drastic. I'm unsure of where to go from here.

3 THE CHAIR: Why did they move out of their
4 former facility; do you know?

5 MS. CASIAS: Madam Chair, members, I can't
6 remember the details. But they asked us to come do
7 an inspection. I don't know if it was because of
8 expense, relocation -- I'm uncertain, Madam Chair.

9 THE CHAIR: They knew when they moved,
10 they did not have an E-Occupancy.

11 MS. CASIAS: Madam Chair, after we wrote
12 the letter -- I have a copy of it. After we did the
13 inspection, we advised they could not be in that
14 facility unless they had an E-Occupancy.

15 THE CHAIR: Commissioner Toulouse?

16 COMMISSIONER TOULOUSE: Madam Chair, I
17 remember -- you know, it's a year ago; I'm getting
18 fuzzy. But I don't remember them coming to us to
19 request the move.

20 THE CHAIR: The move? That may be the
21 next thing.

22 COMMISSIONER TOULOUSE: So I am concerned
23 that we have people -- you know, I've known over
24 time -- one of them, I'm intimately familiar with,
25 but can't vote on -- where people make all their

1 arrangements before they come to us; at least, don't
2 move in until they come to us. And so I'm
3 concerned, if this group went ahead and moved
4 without us, what else are they doing without
5 requesting permission?

6 THE CHAIR: Commissioner Gant?

7 COMMISSIONER GANT: Madam Chair, members,
8 a couple of things, if we may -- if I may.

9 Beverly, Commissioner Toulouse brings up
10 an issue -- an interesting point. Would it be
11 possible for you to do a quick review in the last
12 year or so -- it would have been before November of
13 last year -- to see if they, in fact, came to us --
14 my memory doesn't have that in the memory banks.

15 Two, I would ask Josh over there, by
16 statute, what can the -- the PEC, the CSD, do at
17 this point? I do know that it appears to me that
18 there's a number of violations. And part of it has
19 to do with administrators doing what they should
20 know they shouldn't be doing. And they have an
21 administrator license, and they should know what
22 they're doing.

23 We have a board of governors that has
24 gotten a letter from Martica, the PSFA, telling them
25 what they need to do. So that's a violation, on and

1 on and on. So we need to get a list of violations
2 with the help of Martica and others.

3 As a side point -- and I think Martica may
4 be bringing this up, or I might be bringing it up in
5 the December PSCOC AMS meeting -- but they have been
6 in violation of receiving lease assistance from the
7 State of New Mexico; because you have to have an
8 E-Occupancy to do that.

9 Now, I don't know how they did that
10 without an E-Occupancy; but that's something I
11 believe Martica is going to be looking into. And
12 I'll get back with you in December on that.

13 But right now, I think there's some real
14 serious issues that have to be addressed, and I hope
15 Josh and Beverly can help us.

16 THE CHAIR: Matt, do you know if they came
17 to us requesting approval for the move?

18 MR. PAHL: Not since I've been in this
19 chair.

20 THE CHAIR: Okay.

21 COMMISSIONER CARR: Madam Chair, members
22 of the Commission, one thing I will -- I mean, you
23 know, I can do a walk-through of the facility, you
24 know, for what it's worth, to give you an -- I know
25 you already have, too.

1 THE CHAIR: Well, I --

2 COMMISSIONER CARR: And I would -- you
3 know, this is a renewal school, and -- beginning of
4 December; so we're going to be looking at everything
5 very closely -- well, you already have -- and we'll
6 get a report on that, as well. So this is just
7 something to -- to add to that list for December.

8 I know that there are other issues, and --
9 that come to me. And so there's a lot there. So --
10 and I -- oh, here was the other question I was --

11 THE CHAIR: Should we even do it today?

12 (The Chair consults with Counsel.)

13 COMMISSIONER CARR: And then, I guess, the
14 last thing I wanted to ask is, is this a material
15 violation, the violation of the contract to move
16 into a building without asking? I think so, but --

17 COMMISSIONER GANT: Part of the checklist.

18 THE CHAIR: Commissioner Parker?

19 COMMISSIONER PARKER: Madam Chair,
20 Commissioners?

21 Martica, what does CID say about a
22 B-Occupancy having a school in it?

23 MS. CASIAS: Madam Chair, members, in
24 other cases, there is a school up in West Las Vegas,
25 Rio Gallinas, that was in a B-Occupancy. And CID --

1 the -- it wasn't CID, it was the jurisdiction of the
2 City of Las Vegas -- evicted them, because they did
3 not have an E-Occupancy.

4 COMMISSIONER PARKER: Okay. My
5 understanding is I think you can have a school in
6 there, but it's over Grade 12, or if it's a training
7 facility, not associated with a school, because I
8 don't think you can have a -- but I could be wrong.

9 MS. CASIAS: Madam Chair, Commissioner
10 Parker, if you -- a B-Occupancy applies to all grade
11 levels above 12.

12 COMMISSIONER PARKER: Yeah.

13 MS. CASIAS: In this particular building,
14 before the charter school moved in there, it was,
15 like, a day care center. And the weighted NMCI of
16 5.30, the facility is safe and in good condition.
17 But there are certain code requirements that need to
18 be met for an E-Occupancy.

19 THE CHAIR: Matt?

20 MR. PAHL: Madam Chair, Julie did just
21 inform me that she found an amendment request for
22 the March meeting from TISA asking to move. We'll
23 confirm looking, though, through the minutes what
24 happened at that meeting. So just a little more
25 information.

1 COMMISSIONER GANT: What year?

2 THE CHAIR: Was it March of this year?

3 MR. PAHL: Of '14, yeah.

4 THE CHAIR: Could we just leave this
5 discussion, like, right here and go have lunch?
6 You'll investigate that a little more?

7 MR. PAHL: Yeah.

8 THE CHAIR: Josh, if there's anything else
9 you can look at legally, we'll come back, and we'll
10 talk about it.

11 Okay. 1:30?

12 COMMISSIONER GANT: One more. Martica is
13 free to leave?

14 THE CHAIR: Yes. We do very much
15 appreciate you being here.

16 COMMISSIONER BERGMAN: Thank you, as
17 always, yeah.

18 THE CHAIR: I think Commissioner Gant has
19 your phone number. If something burning comes up,
20 he can give you a call.

21 MS. CASIAS: Madam Chair, yes.

22 THE CHAIR: Thank you very much. We will
23 be back at 1:30.

24 (A recess was taken at 12:50 p.m., and
25 reconvened at 1:33 p.m., as follows:)

1 THE CHAIR: We are back in session. We
2 are at Item 10B.

3 Mr. Pahl?

4 MR. PAHL: Madam Chair, members of the
5 Commission, the only update on the renewal
6 application -- well, I suppose there are a few.

7 Today, the first pass at previewing the
8 renewal applications will be going out to the
9 Commission and the renewal applicants themselves.
10 So the application has been submitted. We've
11 provided our first review, and now the charters have
12 two weeks to submit their response to any of our
13 comments in the boxes that are provided on the
14 application.

15 We are on schedule, which is a -- which is
16 a huge testament to the hard work that's going on at
17 CSD, a lot of road-tripping. I think -- Julie
18 didn't keep track of her miles; but there were a lot
19 of them over the last couple of weeks. So big --
20 big -- they did a great job.

21 So those will be going out today by the
22 close of business.

23 THE CHAIR: Okay. Thank you very much.

24 Let's go on to Item C.

25 MR. PAHL: Madam Chair, members of the

1 Commission, we have just hired a new administrative
2 support position. It's -- it's an education
3 administrator at the operational level. So this
4 person won't be involved in much with the schools,
5 specifically, but will be working at the Division to
6 make sure we have those -- those "snapshot"
7 checklists, things like that, up-to-date.

8 They -- her name is Juliana Montoya.
9 She'll be starting on the 24th, that week of
10 Thanksgiving. And she has experience in database
11 management, as well as writing and articulating
12 programs for an online higher education institution.
13 So she has a unique skill set that we think will be
14 transferable to what we're doing here. And we're
15 really excited to have her on board and expand our
16 staff's capacity again.

17 THE CHAIR: Good, great. And I would like
18 to commend the Staff on the snapshots. They're very
19 helpful. I wouldn't mind having a snapshot on every
20 school we talk about; but that might be a little
21 overkill, a lot of work. But they really are very
22 helpful.

23 MR. PAHL: And we're looking forward to
24 having that information updated, so we have good
25 info in there, and we are all on the same page as

1 what's most current.

2 THE CHAIR: How about the Facilitator
3 Contract?

4 MR. PAHL: Sorry. We have engaged with
5 the preferred PEC contractor, and are working with
6 her to potentially start a contract. I think the
7 question will be the amount of that contract and
8 what the mechanism we will need to go to --
9 establish that contract.

10 But I actually talked to the preferred
11 contractor last night.

12 THE CHAIR: Do you have any anticipated
13 closure date on this?

14 MR. PAHL: It depends what mechanism we go
15 through to procure the individual. And so it could
16 be as soon as the middle of December; but it might
17 be running right up to when we start doing the --
18 the negotiations.

19 THE CHAIR: Okay.

20 COMMISSIONER BERGMAN: But I assume you
21 are hopeful that this preferred contractor will be
22 on board by that first negotiation, if at all
23 possible?

24 MR. PAHL: Yes. Our preference is that
25 they're on board as soon as possible, so they can

1 start on the pre-work that would be necessary for
2 those.

3 COMMISSIONER BERGMAN: And thank you for
4 your efforts in that area.

5 THE CHAIR: That's terrific. Thank you.

6 MR. PAHL: Uh-huh.

7 THE CHAIR: Where are we? Improvement
8 plans?

9 MR. PAHL: Yes. In your notebooks, you
10 will see a series of improvement plans.

11 We had several schools -- and I actually
12 don't have the sheet in mine. If you'll give me one
13 second -- Madam Chair, I'm sorry. Members of the
14 Commission, Julie's going to grab that information
15 for us. Can we revisit that item under the
16 Director's Report in just a moment and allow me to
17 move on to the next item, so we can review?

18 THE CHAIR: That's fine. But tell me what
19 information you're getting.

20 MR. PAHL: Yeah, I'm sorry. With the
21 schools that submitted an improvement plan, versus
22 the schools that were contacted to submit an
23 improvement plan and did not submit an improvement
24 plan.

25 THE CHAIR: We've got that list.

1 MR. PAHL: I do not. Would you mind
2 sharing it with us? Or I would -- yes. Thank you.
3 They're supposed to be in everyone's --

4 COMMISSIONER BERGMAN: Where did you find
5 it, Madam Chair? Was it in the back?

6 COMMISSIONER CARR: Right before --

7 THE CHAIR: It's in the book. Item 10.

8 COMMISSIONER CARR: It's right before the
9 actual improvement plans.

10 COMMISSIONER BERGMAN: I have all the
11 improvement plans right here; so I'm in Item 10.

12 THE CHAIR: Do you have the list, though?

13 COMMISSIONER BERGMAN: I don't have the
14 list, no.

15 That's fine. Let's go forward. I don't
16 need the list.

17 MR. PAHL: Madam Chair, members of the
18 Commission, in front of you now, we have a list of
19 schools that responded to the CSD's request to
20 submit an improvement plan.

21 Now, this wasn't merely a request from the
22 Charter Schools Division. This was a tenet of their
23 performance framework.

24 So we have School of Dreams; New America
25 School New Mexico; CEPI, Creative Education Prep

1 Institute; La Tierra Montessori; and La Resolana,
2 that did submit improvement plans.

3 Underneath that, you'll see four schools
4 that did not submit improvement plans. One of
5 those, Cesar Chavez Charter School, is waiting on
6 their accreditation, which, under their performance
7 framework, which hadn't been changed, has that as an
8 option for them as -- whether they do an improvement
9 plan or get accredited from an outside agency.

10 So we did recently approve a form that
11 eliminated that option; and, regardless, they don't
12 have that accreditation right now, so should have
13 submitted an improvement plan.

14 COMMISSIONER TOULOUSE: Madam Chair, they
15 had their accreditation visit last week for three
16 days.

17 THE CHAIR: And I'm really thrilled about
18 that, but --

19 COMMISSIONER TOULOUSE: No. I'm just
20 saying they are in that process of doing it.

21 THE CHAIR: They owed us an improvement
22 plan last month.

23 MR. PAHL: And so behind the sheet, you'll
24 find the improvement plans that were submitted. As
25 far as what happens next with those that have not

1 submitted improvement plans, I think we need to
2 address that through the performance framework and
3 how they're rated at the end of the year.

4 THE CHAIR: Have you heard from any one of
5 these four schools, other than Cesar Chavez, as to
6 why they didn't?

7 MR. PAHL: I would have to defer to Julie
8 Lucero on that. She's running up to grab some
9 information. So if we can hold that question for
10 when she returns, I'd appreciate it.

11 MR. GRANATA: I think we know why New
12 Mexico International School didn't. They've been
13 sitting here -- they've got all kinds -- they're one
14 of those four schools.

15 MR. PAHL: Different "International
16 School" than the one that was here today.

17 COMMISSIONER TOULOUSE: Mesa Del Sol was
18 here today.

19 THE CHAIR: Mesa Del Sol, yeah.

20 COMMISSIONER CARR: Well, that's what it
21 says here. Mesa Del Sol.

22 THE CHAIR: And Connections.

23 MR. PAHL: And Connections.

24 THE CHAIR: Are there sanctions that can
25 be applied in a situation like this?

1 MR. GRANATA: It depends. So the
2 improvement plan -- Commissioners, correct me if I'm
3 wrong; I'm trying to understand all these
4 procedures, the way these statutes dovetail with
5 each other. So the improvement plan would fall
6 under the performance framework. Yesterday, we were
7 having a conversation as to whether or not the
8 performance framework is a material term or not, and
9 that kind of affects my analysis about whether -- I
10 guess whether it's a material term, and then what
11 the PEC can do for violating a condition of a
12 material term.

13 So...

14 COMMISSIONER BERGMAN: Well, what would be
15 your opinion, as our attorney? Can you revoke a
16 school for just one solitary, single item, or does
17 there have to be a body of evidence; in your
18 immediate opinion, without researching?

19 MR. GRANATA: Obviously, if it's appealed,
20 I think the PEC would be better off with more
21 evidence than just not submitting an improvement
22 plan, for example. So -- let's see.

23 COMMISSIONER BERGMAN: Madam Chair, why
24 don't we do the ones we have, instead of the ones we
25 don't, and get those out of the way?

1 THE CHAIR: Matt, do you want to just
2 quickly go through each one of these improvement
3 plans we did receive? I don't, by any means, need
4 to read the whole thing. Give us kind of a
5 snapshot, and we'll move on.

6 MR. PAHL: Sure. You'll note that most of
7 the schools are referring to using data in -- with
8 their interim assessments. So School of Dreams is
9 the one I'm looking at right now. And they are
10 mentioning specific dates in which they will review
11 their MAP's scores, which is one of those interim
12 assessments. So it's really about being more
13 data-driven is what most schools are saying that
14 they'd like to be doing to help improve their
15 practice in the classroom, and, hopefully, getting
16 that greater return on the school grades at the end.

17 For School of Dreams, again -- and this
18 is -- that is similar for most of the improvement
19 plans -- you'll see some of their specific
20 assessments or interest inventories that are aligned
21 with their charter that they've also incorporated
22 into the plan. Speaking about these in broad terms,
23 because -- because those are some of the bigger
24 themes that we see -- but generally speaking, that's
25 what we're looking at, that they will follow the

1 actions that are -- that are mostly aligned with
2 their mission; but also, just those interim
3 assessments.

4 And that -- as teachers in the
5 classroom -- and, Commissioner Carr, correct me, or
6 do what you will to this statement -- but it's one
7 of the better tools that we have, as a whole school
8 and as a teacher, is looking at that interim
9 assessment data and understanding, "Where are the
10 shortfalls for students," and having that reflective
11 practice occur in the classroom based off of that
12 assessment data, and by filling in those holes and
13 those -- I call them "holes" -- but deficits in
14 learning that students have, or giving them another
15 opportunity to show that they're proficient in a
16 certain skill, that's how we move forward and try
17 and elevate performance in the school.

18 THE CHAIR: Do they have copies of the
19 Anthony Charter School improvement plan?

20 MR. PAHL: They did, Madam Chair. And
21 you'll see some of them took liberties with what
22 they wanted to do. And we'll have to look at
23 whether our e-mail was forceful or not in using
24 that.

25 THE CHAIR: No. 1 was the same on all of

1 them. That just sort of caught my eye. It may be
2 something that's important to all of them.

3 MR. PAHL: Uh-huh.

4 THE CHAIR: Okay.

5 MR. PAHL: And another thing I'll mention
6 as a common theme is keeping up-to-date on that EPSS
7 plan. And that gives us -- that's that living
8 document between a school and the Public Education
9 Department that helps us get a snapshot of what's
10 happening at School of Dreams or at the Montessori
11 school, without actually visiting.

12 Those plans change; it's a living
13 document. And so we can see the new activities that
14 they're planning to use to help boost student
15 achievement through that document, as well.

16 THE CHAIR: And you'll be giving us
17 updates?

18 MR. PAHL: Yeah.

19 COMMISSIONER BERGMAN: Madam Chair?

20 THE CHAIR: Commissioner?

21 COMMISSIONER BERGMAN: Thank you, Madam --
22 yeah, I was just going to ask the Commission, do we
23 want to follow up on these monthly, or do we want to
24 do something similar to what we just agreed to a
25 while ago to the Planning Year Checklist, just

1 periodic -- have them keep track of all these
2 deadlines and have them just giving us periodic
3 reports?

4 THE CHAIR: Like that checklist we got
5 today.

6 COMMISSIONER BERGMAN: So we don't
7 overburden them. Our meetings are getting busier
8 all the time. We don't want to be overburdened; but
9 we want to be up-to-date if somebody is particularly
10 out of compliance.

11 MR. PAHL: So, Commissioner Bergman, are
12 you suggesting that we just supply you with the
13 information?

14 COMMISSIONER BERGMAN: Yeah. I'm getting
15 a sense -- because nobody else has spoken up -- that
16 we don't necessarily need, every month, you give us
17 a whole list of all this stuff. Just up here --
18 like, on the Planning Year Checklist, what did we
19 ask you? Bimonthly?

20 MR. PAHL: I see, yes.

21 COMMISSIONER BERGMAN: At your discretion.

22 MR. PAHL: Okay, thanks for that.

23 THE CHAIR: I think that checklist that
24 you gave us today, this, printed off with checks,
25 what's done and what isn't, would be fine.

1 MR. PAHL: Okay. Sounds good.

2 THE CHAIR: So we have the four schools
3 with improvement plans.

4 MR. PAHL: Five.

5 THE CHAIR: Or five. I'm sorry.

6 Now, what -- the next item in my notebook
7 is La Resolana with a corrective action plan?

8 COMMISSIONER BERGMAN: Yeah, I have it
9 here. Yeah.

10 MR. PAHL: I do not have that. Oh, I'm
11 sorry. Yeah. They just called their improvement
12 plan a "corrective action plan." So maybe
13 they're -- they are treating it with a higher level
14 of severity. But that was what they submitted as
15 their improvement plan.

16 You'll see the steps in there are
17 congruent with what our expectations are. It's
18 just --

19 THE CHAIR: And a one-page one, too.

20 MR. PAHL: Uh-huh.

21 COMMISSIONER BERGMAN: Oh, I got a whole
22 bunch of pages here.

23 THE CHAIR: Yeah, it's supposed to be one
24 page. All of these are supposed to be one page.

25 COMMISSIONER BERGMAN: I don't know that

1 you can do them in one page, can you?

2 THE CHAIR: Of course they can do them in
3 one page.

4 COMMISSIONER BERGMAN: Think so? Okay.

5 COMMISSIONER CARR: You can use a No. 8
6 font.

7 THE CHAIR: Okay. Thank you, Mr. Pahl.

8 Are we ready to move on to the four
9 schools from whom we did not receive the improvement
10 plan?

11 Okay. I think I asked you, did you hear
12 from these schools?

13 MR. PAHL: Yes. And I just asked
14 Ms. Lucero. She said that we did not hear back.
15 And so in the way that we mentioned what -- why
16 Cesar Chavez hadn't submitted one, we did not
17 receive a similar response from the other three
18 schools that did not turn in a plan.

19 THE CHAIR: We've never encountered this
20 situation before; so I'm not relying on past
21 practices. But I wonder if a letter of censure or
22 reprimand or some such word, to each one of these
23 schools telling them they have missed the deadline
24 to turn in their improvement plan, and that we feel
25 this improvement plan, as required, is a material

1 term of their contract or their performance
2 framework, and this will be -- become part of their
3 evaluation when they come up for renewal? I'm just
4 talking off the top of my head.

5 Commissioner Toulouse?

6 COMMISSIONER TOULOUSE: Madam Chair, I
7 think they ought to go on list of Schools of Concern
8 and have to come before us until we get that.

9 THE CHAIR: Still --

10 COMMISSIONER TOULOUSE: Yeah. We didn't
11 get it. We need to have -- we are concerned. We
12 need to know what's going on with them. Make them
13 come up here. Then they can tell us why they didn't
14 do it. If they still don't do it, they can come
15 every month.

16 THE CHAIR: They can get sick of us, huh?
17 Commissioner Carr?

18 COMMISSIONER CARR: And, I mean, if you
19 want to use stronger words, we have the power to
20 revoke their charter, you know. If you tell them,
21 "You're in danger of getting your charter revoked,"
22 I think that would get the fire under them pretty
23 quickly. It would me.

24 COMMISSIONER TOULOUSE: Madam Chair? I
25 think that could go, along with the request to

1 appear as a School of Concern, you know, to come and
2 explain to us why we shouldn't be concerned.

3 COMMISSIONER BERGMAN: Are we asking our
4 attorney, Josh, to draft us a letter, maybe working
5 with Mr. Pahl? We have to be on solid statutory
6 ground, you know.

7 COMMISSIONER CARR: Madam Chair?

8 You know, in a court of law, if somebody
9 doesn't appear, the judge sends a letter out telling
10 them to show cause why they didn't appear, you know.
11 And then if they don't appear for that, then the
12 Sheriff comes and picks them up, you know, depending
13 on the seriousness of the crime. But, you know,
14 it's not exactly --

15 THE CHAIR: Josh, do you want to go pick
16 them up?

17 COMMISSIONER BERGMAN: We don't have a
18 sheriff or a police department.

19 COMMISSIONER CARR: Well, the revocation
20 would be the sheriff, in this case.

21 THE CHAIR: So, Josh, you've heard what's
22 been said. What's your reaction?

23 MR. GRANATA: Commissioners, the statute
24 does allow for the PEC to revoke a charter for
25 violating a material term, which we've discussed --

1 this looks like a material term. Additionally, if
2 the school fails to meet or make substantial
3 progress toward achievement of the Department's
4 minimal education standards for student
5 performance -- which is, essentially, from my
6 understanding what this improvement plan is directed
7 towards; so not only are they not complying with the
8 PEC in not writing the improvement plan; but they're
9 also failing to make the substantial progress by not
10 providing the improvement plan.

11 So I think along the lines of what other
12 Commissioners have said, a strongly worded letter to
13 these schools demanding that they come to the next
14 meeting and explain themselves, I think would be
15 sufficient to get their attention.

16 MR. PAHL: And, Madam Chair, I'd be happy
17 to work with Mr. Granata on that. One thing I will
18 note is that the focus of the letter, I think,
19 should be that we are -- that they did not turn in
20 the plan, and we are requesting them for the
21 meeting.

22 And the reason why I state that is I don't
23 want to send out a letter for every School of
24 Concern and set a precedent for that. So I just
25 want to make sure -- clear -- that even though I

1 think that's probably the appropriate space for
2 them, or maybe a separate item on the agenda, we can
3 decide that later; but focusing on this and asking
4 them to come to the meeting, rather than saying,
5 "You're a School of Concern," and potentially
6 setting up that precedent for sending out a letter
7 every month.

8 THE CHAIR: That's a good option.

9 COMMISSIONER BERGMAN: Madam Chair,
10 another suggestion. Is it appropriate to put in
11 this letter, "It would be in your best interest to
12 go ahead and bring that improvement plan with you at
13 this next meeting," something worded along those
14 lines? And then we will have resolved it. It'll be
15 late, but they'll be sitting there with an
16 improvement plan.

17 THE CHAIR: In this case, we want a
18 three-page improvement plan.

19 COMMISSIONER CARR: Spoken like a teacher.

20 THE CHAIR: I think we said about a
21 one-page improvement plan. "Just tell us what
22 you're going to do to get your school back on track,
23 to get your grade pulled up," okay? I think that
24 was simple enough.

25 COMMISSIONER BERGMAN: I actually remember

1 you saying that, yeah.

2 THE CHAIR: Do what?

3 COMMISSIONER BERGMAN: I believe I
4 remember you saying that. It's not brain surgery.
5 We just --

6 THE CHAIR: Just tell us what -- I figured
7 they were going to do it, anyway. So, "Just tell us
8 what you're going to do."

9 We've got four schools here. So it brings
10 to my mind, were they not planning on doing anything
11 to correct the problem, or are they just being --

12 COMMISSIONER GANT: Obnoxious.

13 THE CHAIR: Well, I don't know. I just --

14 COMMISSIONER CARR: Obstinate.

15 THE CHAIR: Obstinate? I don't know. But
16 were I in their shoes, I would have written that
17 letter first, I think, or written the improvement
18 plan first and gotten it here.

19 So I really am vexed. That's a good word;
20 that's "vexed."

21 Josh, is that all right with you to get
22 together with Matt and you guys write this letter?

23 MR. GRANATA: Yes.

24 THE CHAIR: I think it would be nice if,
25 before it goes out, we could see it.

1 MR. PAHL: Sure.

2 THE CHAIR: Okay. But I think the sooner,
3 the better. And it -- as Commissioner Bergman said,
4 a strongly worded letter. And they are not invited
5 to our December meeting. They are expected at our
6 December meeting, with their improvement plan in
7 hand.

8 And I was kind of joking when I said a
9 three-pager. But what is everybody else's reaction
10 to that? Do they need to work harder on it, because
11 they missed the deadline, or is it just the same --

12 COMMISSIONER PARKER: Just the same.

13 COMMISSIONER BERGMAN: I don't know about
14 that. But I'm thinking this must be the appropriate
15 time to say this. We discussed it briefly
16 yesterday.

17 I think we better add that third day to
18 our December meeting, or we're not going to get
19 done.

20 THE CHAIR: No, we're not.

21 COMMISSIONER BERGMAN: We'd better decide
22 that right now. We need three whole days in
23 December.

24 THE CHAIR: We'll get to it. Maybe what
25 we need to do is direct them, in this letter of

1 censure or whatever we're calling it, to add some
2 planning for time management skills. Maybe that's
3 where they got in trouble; they just ran out of
4 time.

5 Anyway, okay. You guys are going to
6 handle that?

7 COMMISSIONER TOULOUSE: Madam Chair, we
8 may want to tell them to be prepared to answer
9 questions in detail; specifically, "in detail."

10 THE CHAIR: I think every one of these
11 schools knows that.

12 COMMISSIONER TOULOUSE: But it might not
13 hurt to --

14 THE CHAIR: That's fine. That's fine.

15 COMMISSIONER TOULOUSE: I'm just
16 suggesting that's the kind of wording that gets
17 people's attention, too.

18 THE CHAIR: All right. Are we finished
19 with this, then?

20 COMMISSIONER CARR: Sure.

21 THE CHAIR: Okay, thank you.

22 Matt, please go ahead.

23 MR. PAHL: Madam Chair, the last item in
24 the Director's Report, at the last PEC meeting, the
25 October meeting, the Commission requested a list of

1 audit findings from the charter schools. And that's
2 what you'll see here. There's a summary document up
3 front. And we have the listing of findings in the
4 two categories that they're presented to us.

5 And there were 22 findings that were
6 repeated and/or modified, and 27 findings that were
7 repeated. And I may ask our friends from the Budget
8 Bureau in the back to tell us what the difference
9 are between those findings, if we don't know
10 already.

11 But Mr. Wolfe, do you mind if I ask you
12 that question? We have two different findings here,
13 categories of findings.

14 THE CHAIR: Let's please have them come
15 down to the table. That way, we'll be able to hear
16 better.

17 Would the other ladies like to come down,
18 too?

19 MR. PAHL: Only if --

20 MR. WOLFE: Thank you. Hello,
21 Madam Chair.

22 THE CHAIR: Please give us your name for
23 the record.

24 MR. WOLFE: John Wolfe. And I am the
25 Director of School Budget and Finance.

1 THE CHAIR: Okay. Thank you.

2 MR. PAHL: Mr. Wolfe, I just wanted to ask
3 the question. We separated the findings here from
4 the -- the audits that were part of the PED audit as
5 a component unit of the Department. The charters
6 had different findings. And it either said
7 "Repeated" or "Repeated," slash, "Modified."

8 Could you inform us of any difference,
9 that you know of, of those two categories for the
10 findings?

11 MR. WOLFE: Madam Chair, members of the
12 Commission, Mr. Pahl. Normally, when you see that
13 written that way in an audit, obviously, if it's
14 pretty straightforward, and it says "Repeat," it
15 means, obviously, it's -- it's, in fact, a
16 duplication of what you saw in a previous year's
17 audit, for example. And the other way that they
18 express it, normally, there is a slight modification
19 in regards to the finding, that the way the auditors
20 wrote that up from what they had seen previously, it
21 may not be exactly the same, but it is very similar.

22 MR. PAHL: Thank you for that, John.

23 MR. WOLFE: Is that sufficient?

24 THE CHAIR: No. Nobody gets off that
25 easy.

1 There are levels of severity of the
2 findings in an audit. Could you tell us what those
3 are, from the most severe to the least severe?

4 MR. WOLFE: All audits -- and I'm trying
5 to go -- trying to go from -- a little bit from
6 memory here, because it's been a while since I've
7 looked at an audit. So if -- and bear with me,
8 Madam Chair. But normally, the -- there is an
9 incidental -- and I'm sorry, Matt. Do you have
10 the --

11 MR. PAHL: Yeah.

12 MR. WOLFE: It might be helpful if I could
13 refer to that. Sorry.

14 (Mr. Wolfe consults with Mr. Pahl.)

15 THE CHAIR: I can't even think of the
16 words. And I know I've seen them, but I can't --

17 MR. WOLFE: Madam Chair, you're absolutely
18 right. I am blanking on those, as well. I
19 apologize. I can get that for the Commission. I'm
20 not --

21 THE CHAIR: Just in the -- you know, you
22 could send it to us, if that would be simpler.

23 MR. WOLFE: It would be. And, actually,
24 it's the State Auditor, in effect, that defines
25 those, based on accounting standards that are

1 established across the nation. So if I could --
2 instead of trying to give you something that may not
3 be 100-percent correct -- I don't want to misstate
4 it, if that would be okay, Madam Chair.

5 COMMISSIONER GANT: She's got it.

6 MR. WOLFE: Have you got them with you,
7 Corey [ph].

8 COREY: No, I just Googled it, so...

9 THE CHAIR: If you would move that
10 microphone over and hold the button down -- or the
11 lever down, please?

12 MR. WOLFE: Well, it's not just --
13 Madam Chair, you're not just asking for the types of
14 opinions; you're asking in regards to the findings.
15 Did I understand that question correctly?

16 THE CHAIR: When you read the findings, it
17 tells you -- it's -- we were using material terms up
18 here a while ago. That's not one of them. But I
19 noted there are words.

20 MR. WOLFE: No, you are correct,
21 Madam Chair. And, again, I apologize, because I'm
22 blanking on the exact terms. This is the type of
23 opinion that can be issued. But in regards to the
24 opinion there -- as you say, you are correct. In
25 regards to the findings, there are levels of the

1 findings.

2 THE CHAIR: Just send that to us. If you
3 will just send that to us, I'm sure -- I think it
4 would be helpful.

5 MR. WOLFE: Now may I be excused, or is
6 there anything else, Madam --

7 THE CHAIR: No, thank you very much.
8 Unless anybody else has questions? No, thank you
9 very much.

10 MR. WOLFE: Okay.

11 THE CHAIR: And then, Mr. Pahl, I see we
12 have it by school?

13 MR. PAHL: Yeah.

14 THE CHAIR: Terrific.

15 COMMISSIONER BERGMAN: You'll also note
16 that, as you look at your list by school, you'll see
17 certain names keep appearing in a lot of these
18 lists.

19 THE CHAIR: And some lists longer than
20 others, too.

21 COMMISSIONER TOULOUSE: Madam Chair, I
22 want to thank Mr. Pahl for this. This is the kind
23 of thing I've wanted to see for a long time,
24 especially this individual list, and, you know,
25 seeing which years and what the findings were and

1 whatever. So...

2 MR. PAHL: Just one note that I didn't
3 mention. This is the year ending June 30th, 2013.
4 It says it there. But just know that that's a
5 couple of years back.

6 COMMISSIONER TOULOUSE: Well, but
7 that's --

8 MR. PAHL: Normal.

9 COMMISSIONER TOULOUSE: -- that's the
10 current date for audits that have gone all the way
11 through the process and back to here. I thought
12 that was very current, considering. Thank you.

13 THE CHAIR: Thank you. I don't believe
14 we've ever been provided with this information
15 before. And I do thank you for it.

16 MR. PAHL: Absolutely.

17 THE CHAIR: Would you like to move on, or
18 is that the end of you?

19 COMMISSIONER GANT: I've got a question.

20 MR. PAHL: That is the end of me,
21 Madam Chair.

22 THE CHAIR: A question.
23 Commissioner Gant?

24 COMMISSIONER GANT: There's only 26 of
25 these, and we have 56 State-chartered charter

1 schools?

2 COMMISSIONER CARR: Well, did we, in 2013?

3 MR. PAHL: If they weren't on the list,
4 they had no findings.

5 COMMISSIONER GANT: Really?

6 MR. PAHL: Yes.

7 THE CHAIR: I didn't hear what you said.

8 COMMISSIONER CARR: Well, we didn't have
9 that many schools in 2013, either.

10 COMMISSIONER GANT: He said if they're not
11 on the list, there were no findings.

12 THE CHAIR: Well, Artesia wouldn't be on
13 here, either. So they're right.

14 Do you get that huge big list that shows
15 every school and all the findings in detail? I've
16 gotten those in the past.

17 MR. PAHL: I haven't seen those. Julie,
18 can I ask -- Julie compiled this for us.

19 And, first of all, thank you, Julie. Do
20 you have any detail on that? Did you see a document
21 that looks like that?

22 MS. LUCERO: Madam Chair, yes, it is
23 available under Administrative Services on the PED
24 website. And you'll look -- and there's, like, six
25 volumes. And if you look at Volume One, it'll break

1 it down by a table of contents, and it'll tell you
2 where to look.

3 This volume for State charters was
4 Volume Two. But it breaks it down by districts, as
5 well.

6 MR. PAHL: And we can send a link out that
7 refers to the document that Julie is mentioning now,
8 if you'd like.

9 COMMISSIONER TOULOUSE: Madam Chair, there
10 are 54 schools on this -- on this list; not on the
11 charter -- but on the list.

12 THE CHAIR: Would you give me that
13 location again? It's on the PED website?

14 MS. LUCERO: Administrative Services.

15 THE CHAIR: Administrative Services.

16 MS. LUCERO: It's on the top right-hand
17 corner, and it says "Financial Statements." And
18 it'll give you two years, 2013 and 2012.

19 THE CHAIR: "Financial Services"?

20 MS. LUCERO: "Financial Statements." And
21 it's in the top right-hand corner. There's not a
22 lot on that page, so it's pretty easy to find.
23 It'll list them from Volume One to Volume Six for
24 the last year, and State charters.

25 THE CHAIR: And this is in Volume Two?

1 MS. LUCERO: Yes, State charters is in
2 Volume Two.

3 THE CHAIR: Good. Thank you very much.

4 COMMISSIONER BERGMAN: Madam Chair?

5 THE CHAIR: Commissioner?

6 COMMISSIONER BERGMAN: Thank you,
7 Madam Chair.

8 I think, if you'll note on the list here
9 that we do have, all the headings say, "Repeat
10 Findings."

11 Maybe this is a list of those schools that
12 had repeat findings, and the other schools didn't
13 have any repeat findings. And the repeat findings,
14 of course, kind of wave a red flag. Why does a
15 school not correct something that was in an audit,
16 and why is it still there the next year? That would
17 be -- at least raises a red flag for me. Why didn't
18 you correct -- just what we've discussed with other
19 things: Why aren't those being corrected?

20 THE CHAIR: Right, absolutely. Well, now,
21 we can go to this location and get more detail if we
22 want it.

23 COMMISSIONER BERGMAN: Good, yeah.

24 THE CHAIR: Okay. So I think we are to
25 Item 12, which is the '13 -- pardon me -- the

1 '14-'15 PEC meeting calendar, which Beverly handed
2 out, along with the new and renewing schools
3 negotiation schedule. Everybody got that?

4 COMMISSIONER BERGMAN: Matt, did you get
5 one of those? This is what you and I discussed?
6 This is essentially what we used in the spring.
7 This is what I had in mind.

8 MR. PAHL: Great.

9 THE CHAIR: So I think everyone here was
10 at the work session yesterday; so none of this is
11 new. Has anyone come up with a concern overnight?

12 Are we all okay, so far? Okay.

13 And the only thing -- okay. Beverly, you
14 have noted which of these meetings will be held in
15 Albuquerque and which are in Santa Fe. Great. I
16 think it looks great. Anything else?

17 MR. PAHL: Madam Chair, Commissioner
18 Bergman, you know, we have PEC members here. And I
19 just want to go back to a comment from the work
20 session last time. After we get this filled out
21 with schools, I wonder if it would be appropriate to
22 make the commitment from each of the members who
23 plan on being there, just so we have a plan ahead of
24 time.

25 COMMISSIONER BERGMAN: That's what we did

1 before.

2 MR. PAHL: Okay. You did that before?

3 COMMISSIONER BERGMAN: We will do that.
4 That'll be a part of the process. And we actually,
5 I believe, have voted on -- as we have voted on just
6 about everything, once we get that put together and
7 satisfactory, we'll actually accept it, as we have
8 done with other documents. That's what we did in
9 the spring, right in one of these meetings when
10 everyone was here, was say, "Who wants to go here,
11 who wants to go there?"

12 THE CHAIR: And, of course, we need to
13 have our new members --

14 COMMISSIONER BERGMAN: You'll note that
15 Beverly didn't put the work sessions on here. We
16 haven't forgotten the work sessions; those are
17 always an option. They can be picked up at any
18 time.

19 THE CHAIR: So, Commissioner Bergman, are
20 you recommending that we vote on the negotiation
21 schedule and accept it, or do you still have some
22 more work to do?

23 COMMISSIONER BERGMAN: Do you think we
24 have to do the calendar and the negotiation thing
25 separately, or can we just do it in one motion?

1 MR. GRANATA: I'm not sure you necessarily
2 have to vote for it, in particular.

3 COMMISSIONER BERGMAN: It is just a
4 working document. It's not a contract or anything.

5 MR. GRANATA: So it's up to the
6 Commission, really.

7 THE CHAIR: Can we just -- we just want
8 buy-in on it, I guess.

9 COMMISSIONER BERGMAN: Well, I think we
10 have voted on our calendars before, with the
11 caveat -- since we used that word yesterday, I'll
12 use it again today -- that we state that subject
13 to -- we've always reserved the right to change a
14 date, if some unforeseen circumstance came up.

15 THE CHAIR: Well, Commissioner Bergman, if
16 you feel comfortable, why don't you make that motion
17 that includes the negotiation schedule?

18 COMMISSIONER BERGMAN: We'll just go ahead
19 and include -- because it will be fleshed out. That
20 can't be done overnight. He's got to arrange
21 venues; he's got to take it to all the charter
22 schools, find out, put the whole package together.
23 We certainly need January and probably February done
24 maybe by our December meeting.

25 And then in January -- or -- we want to

1 have it fleshed out as quickly as we can, anyway;
2 because, like I say, everybody's going to need to do
3 their personal schedules, anyway.

4 THE CHAIR: If you want to put that in the
5 form of a motion to approve the calendar and the
6 negotiation schedule?

7 COMMISSIONER BERGMAN: Thank you
8 Madam Chair.

9 Madam Chair, I will move that the Public
10 Education Commission accept our 2015 meeting
11 calendar, as currently formulated, with the
12 understanding that if an unforeseen circumstance
13 arises, we can change a meeting date; and also, that
14 we accept the same schedule for our negotiation
15 schedule this spring, here, again, with the
16 understanding that at some point, there might have
17 to be some changes due to unforeseen circumstances.

18 THE CHAIR: Do I hear a second?

19 COMMISSIONER POGNA: Second.

20 THE CHAIR: Commissioner Pogna?

21 Motion and second by Commissioner Bergman,
22 second by Commissioner Pogna, to approve the 2015
23 PEC meeting calendar and negotiation schedule, as
24 presented with the caveat they both can be changed
25 and modified, as needed.

1 Any discussion?

2 All those in favor, please say Aye.

3 (Commissioners so indicate.)

4 THE CHAIR: Any opposed?

5 (No response.)

6 THE CHAIR: Motion carries. Thank you
7 very much.

8 COMMISSIONER TOULOUSE: Madam Chair?

9 THE CHAIR: Yes.

10 COMMISSIONER TOULOUSE: May I make, on the
11 record, the suggestion that these calendars be sent
12 now to our newly elected members; and also, that
13 they be sent to the LESC Staff and members of the
14 LESC Committee, to show how much time we have
15 committed to doing this job, before they come down
16 to the final votes?

17 THE CHAIR: Who can we ask to do that?

18 COMMISSIONER TOULOUSE: I would suggest we
19 ask Beverly to.

20 THE CHAIR: Beverly, could you handle that
21 for us, please?

22 COMMISSIONER BERGMAN: And I would like to
23 thank Beverly for her diligence in getting this done
24 in the short amount of time since we met yesterday
25 and today.

1 THE CHAIR: You're fast.

2 Okay. Thank you.

3 MS. FRIEDMAN: Madam Chair?

4 THE CHAIR: Let's move on to Item 13,
5 which is report on LESC Subcommittee Meeting.

6 COMMISSIONER BERGMAN: Madam Chair?

7 THE CHAIR: I'm sorry.

8 MS. FRIEDMAN: I'm sorry. I'd just like
9 to mention that I talked to Mr. Tolley from APS this
10 morning, and we have the -- he said "a room" at APS
11 for the January, February, and March meetings. I'm
12 not exactly sure that it's the board room, but I'm
13 hoping it is. He's checking on that now.

14 THE CHAIR: Great. Thank you. That will
15 be a nice, convenient place to meet.

16 MS. FRIEDMAN: But I will need to know if
17 there is going to be a work session the day before
18 each of those meetings in Albuquerque, because that
19 would mean reserving the room for another day.

20 COMMISSIONER TOULOUSE: And, Madam Chair,
21 they have a nice big board room behind their -- you
22 know, executive kind of meeting room -- behind --
23 well, they use it as their break room; but that's
24 where they hold their committee meetings and
25 whatever, too. That would probably be available to

1 us for that, and you could still have the public, if
2 they wanted, to come sit around it. It's a great
3 big room.

4 THE CHAIR: Okay. Thank you.

5 Vince, can I ask that you work closely
6 with Beverly on those work sessions, and let's
7 get -- if it begin- -- and, Matt, if it looks like
8 we're going to need a work session, let's know that
9 as far ahead as possible, and you guys get it on the
10 calendar, and Beverly can see about getting a place
11 reserved?

12 COMMISSIONER BERGMAN: Yes. So Matt and I
13 and Beverly can work on that. As I say, we'll
14 figure it out.

15 THE CHAIR: All right. Next item is the
16 Report on the LESC Subcommittee Meeting. I was not
17 able to be there. Commissioner Gant was the
18 official representative for PEC.

19 I know Commissioner Toulouse --
20 Commissioner Carr was there; Commissioner Pogna was
21 there.

22 So let's start with Commissioner Gant with
23 an update. And if you all have something else you
24 want to add, please do it after -- after that.

25 COMMISSIONER GANT: The meeting started --

1 Madam Chair, members, the meeting started with the
2 Subcommittee members finishing up their touches to
3 the -- what would -- I guess I would call the PEC
4 bill, strictly dealing with the PEC.

5 The next thing they went to is what they
6 called the "cleanup bill," which they made a lot of
7 changes -- well, not a lot of changes -- but they
8 went through and made changes to the cleanup bill.

9 Then they went through bills for
10 transportation. They went through -- I don't have
11 the whole list in my brain, but there was a -- the
12 biggest one of discussion was small school funding.
13 And this one was -- the majority of the people that
14 were there, that's why they were there.

15 COMMISSIONER CARR: Right.

16 COMMISSIONER GANT: They were there to put
17 their two cents in to the Subcommittee members,
18 Legislators, on how they felt about the small school
19 funding and the losing of the small school funding,
20 or reducing small school funding.

21 And the Legislators there, to a person,
22 tried to explain that first of all, basically, they
23 were claiming they were their friends, because
24 they're trying to do what is right by the charter
25 schools in this area. But as Representative Hall

1 kept pointing out -- pointing out -- that there are
2 other Legislative committees that are fixing to --
3 he says, "The feeling out there is we're going to
4 take that money. We are going to somehow take that
5 money away from the charter schools."

6 And that was the big discussion of a lot
7 of the -- a lot of the afternoon.

8 But there were many other smaller bills
9 that they made some changes to, you know. And so
10 I -- the others can speak up.

11 THE CHAIR: Commissioner Pogna?

12 COMMISSIONER POGNA: Basically, that's --
13 Gene has told it. But I was told -- and the same
14 thing he said. It was a vast room, filled with
15 people. And they were there for the small schools
16 funding, very concerned about it, that they are
17 going to lose these funds. And they are trying to
18 put up a fight over this, because they need those
19 funds. And this is basically what it was about,
20 yeah.

21 THE CHAIR: Okay. Thank you.

22 Commissioner Toulouse?

23 COMMISSIONER TOULOUSE: Madam Chair, I
24 don't really think I have a whole lot to add, other
25 than there was a follow-up in the Albuquerque

1 Journal the next day that talked almost entirely
2 about the small school adjustment. And I'm not
3 sure -- I didn't realize there was a reporter there,
4 because the name on it wasn't one that I recognized.

5 But clearly, that reporter was present,
6 because there were direct quotes -- I know it was a
7 woman -- there were direct quotes from -- by the
8 Legislator. So I know they had to be there,
9 'cause -- and then it was followed up by an
10 editorial that was very clearly -- the charter
11 school association had made sure the editorial was
12 written.

13 And I did talk to one or two of them later
14 and said, "The editorial was fine, as far as it
15 went; but the LESC isn't your major enemy. The LFC
16 is your major enemy," and they should both have been
17 in the editorial, and that's where their fight needs
18 to go, as well. Because at least the LESC is trying
19 for a phase-out and some help in ways that could be
20 changed later.

21 And the LFC are the ones -- the reporter
22 didn't pick that up. Clearly, the charter folks
23 there weren't as knowledgeable about how the
24 Legislature works as a lot of us are. And they did
25 not understand that it really was the LFC they deal

1 with, even before they deal with the LESC.

2 So it will be an interesting time in the
3 finance committees, as well as the education
4 committees, in both houses this year.

5 THE CHAIR: Okay. Thank you.

6 Commissioner Carr?

7 COMMISSIONER CARR: Yeah. I -- I probably
8 should have written down a list, but I think I can
9 remember everything.

10 I was really shocked at the -- the
11 attitude of the Legislators. And I -- instead of
12 getting up and -- well, I got up and spoke a couple
13 of times on a couple of issues, but -- having to do
14 with the PEC bill, as Gene called it.

15 But I talked to them individually. And a
16 lot of them were -- they were talking about the LFC.
17 But they were -- Dennis Roch is on there. He's a
18 superintendent at Texico, and one of their --

19 COMMISSIONER TOULOUSE: He's a
20 superintendent at Logan.

21 COMMISSIONER CARR: Logan, yeah. He was
22 the assistant superintendent. He moved around -- he
23 moved around a lot, you know.

24 And what they're looking at is if they get
25 rid of the small school funding formula, they're

1 actually going to increase the -- oh, gosh -- the
2 SEG, and -- for everybody, which is just a pretty
3 minuscule amount. I think the total amount of money
4 is \$22 million, which seems like a lot to us, since
5 our budget is pretty small. But some of the charter
6 school people threw out a percentage that 75 percent
7 of their schools would close, which I think is most
8 likely an exaggeration. I'm sure some of them will.

9 The transportation issue would be --
10 definitely be a problem.

11 I -- I think when it comes time -- and
12 maybe I'm getting into the next item a little bit.
13 But when it comes time to us looking at supporting
14 or not supporting what comes out of the LESC, there
15 may be some things in there we don't like, and we
16 will -- you know, of course, and things will change
17 as the session moves on, because people will add
18 amendments, and people will take things off. That
19 will be something that we'll just have to continue
20 to follow.

21 The -- trying to think. Oh, there was
22 somebody from a charter school -- not a
23 State-chartered charter school -- that got up and
24 blasted the PEC for us accepting all these
25 schools -- it was all our fault because we accepted

1 all these schools. And Abby Lewis was there, was
2 actually very helpful in the meeting. And she
3 wasn't there representing us; but she was very
4 helpful in the meeting.

5 And she actually went and had a
6 conversation with them and straightened them out,
7 you know, that you don't understand how the PEC
8 works. You need to come to a PEC meeting and see
9 how it works, which shows you we still need to get
10 people educated on what we do, somehow. And before
11 people make statements -- of course, people do it
12 all the time -- they need to make these statements
13 out of knowledge, not ignorance.

14 And it's something we need to continue to
15 do. I think we've done a really good job in the
16 last couple of years of at least letting the
17 Legislature know what we do, you know. So, I'll
18 stop, because I've got some more things to say in
19 the next item.

20 THE CHAIR: Okay. Thank you.

21 COMMISSIONER TOULOUSE: Madam Chair, I
22 would like to add to that, though, in the June
23 Subcommittee meeting, the Subcommittee didn't know
24 what we do, either. You know, with the two people
25 on there who were on this at the very beginning,

1 they assumed they just -- oh, we just met every now
2 and then and got told what to do by PED, and we did
3 it, and there weren't many schools, and they didn't
4 understand what it was we did.

5 So it's been -- thank God for Abby, who
6 has been assigned, at their request, to work with
7 the LESC after we lost her, in order to see that the
8 people who are writing the laws -- I mean, she's
9 involved in the drafting.

10 So that's why I have a concern about us
11 choosing not to support some of the Legislation,
12 because, trust me. She's putting us into every bit
13 of that writing, as well as several of the LESC
14 Staff members who were not necessarily thinking we
15 were doing much, either. And they've been educated.

16 So I just think it's -- certainly, for me,
17 it's been an experience, because I've been to every
18 one of those Subcommittees, except the one in Hobbs.
19 And a lot of the members didn't go to the one in
20 Hobbs, either.

21 But it's been a learning experience for me
22 in just how little some people knew.

23 THE CHAIR: As always.

24 COMMISSIONER TOULOUSE: So...

25 THE CHAIR: Thank for you that.

1 Let me ask those of you who were at this
2 last meeting -- the last Subcommittee meeting I
3 attended, they -- the Subcommittee talked about if
4 they did take the small school supplement money away
5 from the charter schools, they were thinking about
6 including them in the at-risk student funding. Was
7 that still talked about?

8 COMMISSIONER GANT: Yes. Yes.

9 COMMISSIONER CARR: Right. That's right.

10 THE CHAIR: And that's a significant
11 amount of money.

12 They were also talking about no longer
13 withholding the 2 percent SEG from the charter
14 schools. Is that still in the mix?

15 COMMISSIONER TOULOUSE: Yes.

16 THE CHAIR: Okay. So really, for charter
17 schools -- I don't know how, dollar-for-dollar, that
18 might work out. But there's some exchange of money
19 going on there.

20 COMMISSIONER CARR: Yeah.

21 THE CHAIR: Mr. Pahl?

22 MR. PAHL: Madam Chair, just a couple of
23 notes on some of the proposed bills, as they showed
24 up at the Subcommittee, and even after changes.
25 You're right that the -- the proposed trade-off for

1 small schools size adjustment is to include at-risk
2 factor for charters.

3 Charter schools already receive at-risk
4 funds. What -- the difference that they're
5 proposing there is allowing local charters to
6 generate their own at-risk number, which is then
7 multiplied to get some money. We're talking
8 pineapples-to-peanuts here, when we're talking about
9 the difference between those funds.

10 The amount of funding that the small
11 school size adjustment is in most school budgets for
12 charters is between 20 and 30 percent of their
13 revenue; it's a huge piece of what they -- so
14 while --

15 THE CHAIR: Mr. Pahl, have any of the
16 charter schools, just in talking with you -- I mean,
17 we all know some people in charter schools that we
18 visit with and this and that -- have any of them
19 said, "You know, if we lose the small school
20 funding, we're not going to close our doors; we're
21 going to recruit more students and we're going to
22 come to you to increase our enrollment cap"?

23 MR. PAHL: So, Madam Chair, they're --
24 they're -- they're not thinking that step ahead. I
25 will say that I think -- you know, the small school

1 size adjustment is a troubling adjustment. We have
2 great charter schools that potentially stay small,
3 when they could impact the likes of 200 more
4 students with their excellent practices and keep
5 that quality up. So the incentive isn't great.

6 But we have to find a new -- if we're
7 going to take away an incentive, we have to provide
8 a new incentive that doesn't take away a fifth of
9 your funding or more, that incentivizes you to be
10 good and incentivizes you to serve more students
11 when you are good.

12 THE CHAIR: Survival might be the
13 incentive.

14 MR. PAHL: Say it again. Sorry.

15 THE CHAIR: Survival. I mean, really, if
16 they would close without that small school funding,
17 then survival says, "Get bigger."

18 MR. PAHL: Now, how that impacts us and
19 what I've been trying to start getting some buzz
20 around is if anything was passed to adjust small
21 school size adjustments, we would need to be
22 acting -- "we," meaning the PEC -- I'm getting too
23 close to you guys. The PEC would need to
24 potentially have a meeting where any and every
25 charter that wants to increase their enrollment cap

1 has the opportunity to do that at one meeting and
2 just say, "Hey, let's get it done."

3 We know many have kept them low, because
4 it works out best financially to have their
5 programs. But if you talk to some charter school
6 administrators, they say to be on the same financial
7 grounds, you need to be at about 500 students. Now,
8 that's big.

9 THE CHAIR: Well -- and then you get into
10 the facilities issue and all of that; so it's a big
11 deal. But I think -- yeah, we need to be
12 forward-thinking on it. We really do.

13 MR. PAHL: Right.

14 THE CHAIR: But was there any more talk
15 about not withholding the 2 percent SEG from
16 charters anymore? That's still in there?

17 COMMISSIONER TOULOUSE: Yeah.
18 Madam Chair, what's in the mix is providing us our
19 own line item budget and returning the 2 percent.
20 But that 2 percent of a budget isn't going to make
21 up for a 30 percent in the budget. So it's another
22 one of those that may sound good, but it isn't going
23 to do anything.

24 And I know what I heard -- Doug Wine is
25 doing it; I realize his job is also to go to the

1 extreme -- is that if schools didn't close, they
2 were going to have to -- like a dual-language school
3 was going to have to stop being dual-language, those
4 kinds of things, to eliminate those teachers,
5 increase the class sizes. That's what I heard
6 him --

7 THE CHAIR: It's always going to be the
8 very worst.

9 COMMISSIONER TOULOUSE: Right. So if I
10 was in his position, I would do the same thing. I
11 mean, you -- you always want to do the worst case,
12 so then you can negotiate down to, you know,
13 something better.

14 But I do think that this is going to be
15 something that is going to be huge from that
16 particular population. And they will be at the
17 Legislature defending their territory, too.

18 So it should be very interesting to see
19 how that falls out, especially considering that a
20 lot of the charter school movement has come out of
21 the more conservative Republican side of government
22 than it has necessarily -- although in this State, I
23 think it's been different, from the more progressive
24 and Democratic side. So when it breaks down to
25 party vote, I think it should be very interesting to

1 see how it really and truly comes out, if it looks
2 like that we are going to close a large majority of
3 them.

4 Again, you know, that's one of these --
5 the Chinese curse: "We live in interesting times."

6 And I think that's where we are right now.

7 THE CHAIR: I'm afraid we are.

8 Commissioner Gant?

9 COMMISSIONER GANT: Madam Chair, members,
10 the lady that spoke that was referred to about PEC
11 should not open so many schools, well, one of them
12 came over -- we were having a discussion; so we
13 stepped outside. And her point was -- and she's a
14 charter school -- she's from a charter school which
15 I won't name.

16 She said, "We've got to quit opening so
17 many schools..." -- "we," the State. And you've got
18 to consider, you know, the little -- two words in
19 there -- or three words -- is it in the best
20 interest of the community?

21 You know, that's in there as part of our
22 judge [verbatim]. We've been shot down with that
23 puppy before.

24 And she says, "That is where you should
25 hang your hat, is it really in the best interests of

1 the community to open another charter school?"

2 And she said, "As far as facilities,
3 something needs to be done, to allow these charter
4 schools to go into places where they don't belong."

5 And this is a lady -- then the lady that
6 made the comment about the PEC, she came up to me
7 afterwards and apologized. She said, "I said it
8 wrong. I didn't mean -- we know you work hard. But
9 it came out wrong."

10 And she did apologize. So I got -- and
11 they're both from the same school; so -- but the
12 ones from those schools said, "The State has to slow
13 down or stop, because we're opening charter schools
14 that don't need to be opened."

15 THE CHAIR: Yes, sir.

16 MR. PAHL: Just one addition to that. I
17 think Commissioner Carr mentioned that the --
18 there's some education that needs -- that still
19 needs to be going on, whether it's about the PEC's
20 role or what charters are doing in the State.

21 One of the key ones that I think would be
22 important to press upon is the importance of the
23 performance frameworks and what the consequences are
24 for charters. I think there is a perception out
25 there that, you know, we just watch poor-performing

1 charters perform poorly and don't do anything about
2 it.

3 And I think we've shown, since the
4 performance frameworks have been established, and
5 even a little bit before, that we've really turned
6 the corner on that, and, "If you're not up to snuff,
7 then you're out."

8 THE CHAIR: We're probably too rough.

9 Friends, I missed, on the Item 12 on the
10 calendar, we were going to talk about the December
11 meeting.

12 COMMISSIONER CARR: Oh, right.

13 THE CHAIR: Right now, it's scheduled for
14 two days.

15 MS. FRIEDMAN: No, three.

16 THE CHAIR: I think Commissioner Bergman
17 as talking about three days. I said, "What are we
18 going to do? Two-and-a-half or three days?" I
19 think we're looking at three, myself.

20 COMMISSIONER BERGMAN: Oh, I think we need
21 to schedule three. If we're done early, we walk
22 out.

23 COMMISSIONER CARR: That's a good point.
24 When talking about negotiations that last day
25 hopefully being a half-day, and then we can all go

1 home and then -- but then -- so if we schedule these
2 schools, and we've got them on an ongoing basis, if
3 we don't get to a school that day, and it's on -- I
4 mean, are we going to be able to fix that schedule
5 so that --

6 COMMISSIONER BERGMAN: That's one of those
7 unforeseen circumstances we're talking about.

8 COMMISSIONER CARR: Remember, we got in
9 trouble one time because we --

10 COMMISSIONER BERGMAN: We can't move them
11 up, because we did one time.

12 COMMISSIONER CARR: Right. So I --

13 THE CHAIR: You mean on -- in December.

14 COMMISSIONER CARR: Yes, in December.

15 THE CHAIR: I thought you were talking
16 about negotiations.

17 COMMISSIONER CARR: Well, I -- I --

18 COMMISSIONER BERGMAN: He is.

19 COMMISSIONER CARR: I referred to it, but
20 I wasn't talking about them. So that was a concern;
21 so it would be nice to leave early on that last day.

22 THE CHAIR: It would be nice.

23 Okay. Are we ready for Item 14?

24 COMMISSIONER BERGMAN: You keep ignoring
25 me, Madam Chair.

1 THE CHAIR: Oh, I'm sorry.

2 COMMISSIONER BERGMAN: I wanted to comment
3 on some of this conversation. I'm very subtle
4 sometimes, in what I -- I understand what Carmie
5 said about Hobbs. I was in Hobbs, and there was a
6 very representative -- the Legislators were there;
7 the table was full all the way around the horseshoe.
8 So there were plenty of Legislators; not the normal
9 ones, perhaps, but there were plenty of Legislators
10 that got to hear that.

11 And then I'm all on board with if we have
12 to increase the cap, we increase the cap. But then
13 after we do that, the Legislators will then stand up
14 in those meetings and say, "Charter schools are
15 getting too big."

16 So I'd just point that out.

17 And then Gene's point, which is a great
18 point, too. But one, statutorily, we cannot reject
19 applications. We have to accept all applications
20 for new schools. It's right in the Charter School
21 Act. We have no choice. And we might be able to
22 latch onto that "is it in the best interests." But
23 if we turn a school down just for that reason and
24 don't have anything else, I think our attorney will
25 tell us they'll just appeal and go to the Secretary,

1 and she's going to approve them, anyway.

2 So we have to -- I don't believe we can
3 just ar- -- because who determines, really, what's
4 in the best interests of a community? I live in
5 Roswell; I know what's in the best interests of
6 Roswell. But somebody living in Alamogordo may not
7 know what's in the best interests of Roswell.

8 So, yeah, that's -- but, yeah. We're
9 having to firm this up somehow, because we have --
10 as we've noted repeatedly throughout all these
11 meetings, most of the charter schools in this state
12 have waiting lists. We deal with that all the time.
13 There's a demand for charter schools in this state.

14 THE CHAIR: They say they do. They say
15 they do.

16 COMMISSIONER BERGMAN: They say they do,
17 yeah.

18 THE CHAIR: That's another thing. One of
19 these days, we're going to have to confront that, is
20 how do you -- how do you compile your waiting list,
21 and how long does a person or a student stay on that
22 waiting list? Because I know students apply for
23 many schools, and they get chosen for one.

24 Well, are they still on the waiting list
25 for the one they didn't? I don't think we're

1 getting good information.

2 COMMISSIONER CARR: But thank you,
3 Madam Chair, for letting me --

4 THE CHAIR: That's one of my hot buttons;
5 so I had to say it. Thank you.

6 Are we ready to move on to 14?

7 Commissioner Carr?

8 COMMISSIONER CARR: Yes. I spent my
9 second job working on the last campaign. I think
10 the last campaign made Richard Nixon's campaign --
11 made it look like he was a Boy Scout.

12 And the reason that's relevant is because
13 I don't harbor grudges; but there's going to be a
14 lot of grudges, and that's going to affect how
15 Legislators interact with each other. I don't know
16 how exactly that's going to go.

17 But moving on to -- you know, I already
18 alluded to some of this -- is that I'll be at the
19 LESC meeting on the 20th. And we should probably
20 take that, and maybe one of the -- either one of the
21 evenings or early morning in December, we should
22 take an hour, or maybe we can even -- I don't
23 know -- out of committee meeting and decide -- or
24 take a look at what the LESC comes up with and find
25 out what -- you know, at least partially, what

1 direction we want to take in lobbying the
2 Legislature this coming session.

3 So, tentatively, let's think about do
4 we -- well, do we have to make that part of the
5 agenda if we do that?

6 THE CHAIR: If we're going to take action
7 on it, we do.

8 COMMISSIONER CARR: Well, we wouldn't take
9 action in the committee. We'd just -- well, I
10 guess --

11 THE CHAIR: If you want to call a
12 committee, yes, it has to be noticed.

13 COMMISSIONER CARR: Well, I think we
14 should probably -- I don't know. At your all's
15 pleasure. Would you like to meet at 8:00? Would
16 you like to meet in the afternoon?

17 COMMISSIONER BERGMAN: Historically, for
18 committee meetings, we have met the night or the
19 afternoon before. Here again, we are already so
20 tight. We may take the entire three days for that
21 meeting to do our business; so if we want to have a
22 committee meeting, it should be on Tuesday
23 afternoon, for those of us that can come in early
24 Tuesday afternoon.

25 But I will be here Tuesday afternoon,

1 because if -- I suspect Commissioner Shearman will
2 be here.

3 COMMISSIONER TOULOUSE: That would --
4 Madam Chair, that would make me have to drive four
5 days; because I'm not entitled to per diem because I
6 live in Albuquerque, to come stay over.

7 MS. FRIEDMAN: Yeah, you are.

8 COMMISSIONER TOULOUSE: It's not the hour
9 away. I mean, it's --

10 COMMISSIONER CARR: In adding that third
11 day, I was just going to drive in that morning,
12 since -- since I already made my hotel reservations
13 just for two nights.

14 COMMISSIONER BERGMAN: Then we could meet
15 at 8:00; but then we're going to be on the time
16 limit.

17 COMMISSIONER CARR: Can we meet, you know,
18 after the meeting?

19 THE CHAIR: Why don't we do this by
20 e-mail? You're chair of the committee. Let's work
21 out the logistics of it.

22 COMMISSIONER TOULOUSE: Madam Chair, we
23 don't need to really vote on anything till our
24 January meeting, because it's before Session.

25 COMMISSIONER CARR: True. We just do a

1 consensus.

2 COMMISSIONER TOULOUSE: The committee can
3 meet prior. But I'm saying having it on our
4 agenda --

5 COMMISSIONER BERGMAN: We have to notice
6 the committee meeting. We've noticed the others,
7 haven't we?

8 THE CHAIR: Do it just to be on the safe
9 side, I think. And it depends on how many are going
10 to be at the meeting, too.

11 COMMISSIONER CARR: I will say that we --
12 you know -- you know, we -- I guess we -- we
13 don't -- it would probably be nice, but we don't
14 have to do it in December. We can do it in January,
15 and then we'll all have our new members here, too,
16 because we'd want to include -- some of them might
17 want to be part of this committee.

18 THE CHAIR: Let's do this by e-mail.

19 COMMISSIONER CARR: Okay. By e-mail.

20 THE CHAIR: And I think you can work out
21 all these issues easily through that process.

22 Let me just ask, too, those of you who are
23 thinking about going to the Legislative Session this
24 year, you really need to notify -- and I don't know
25 who -- me, I guess, or somebody. We need sort of an

1 idea of who's going where.

2 We can't have people -- I mean, it's
3 expensive if you -- particularly if you -- you know,
4 have to stay overnight, like I would or some of the
5 rest of us. So we need to get some handle on how
6 many people are going and how long you're staying
7 and what you're doing.

8 So if you're going to the Legislature, let
9 me know, would you, and we'll just kind of keep a
10 running tally of it, and then we'll know who's been
11 active, as well.

12 COMMISSIONER TOULOUSE: Madam Chair, I'll
13 be glad to inform you; but I won't be vouchering any
14 of those, because I have a ride up. I get fed with
15 everybody else, or I can always use what food's in
16 my Senator's refrigerator.

17 THE CHAIR: That's nice.

18 COMMISSIONER TOULOUSE: I'm just saying.
19 But I will notify you; but I won't be vouchering any
20 of it, so...

21 THE CHAIR: Okay.

22 MR. GRANATA: Madam Chair, just to be
23 safer, in terms of the Open Meetings Act, perhaps
24 the Commissioners should notify either myself or
25 Beverly, rather than notifying the Chair. I'm just

1 concerned about a quorum.

2 THE CHAIR: Well, just -- then let's let
3 Beverly know, and let -- "I'm going to the
4 Legislature for this purpose. There is a House Ed
5 Subcommittee meeting," or blah-blah-blah, whatever
6 it is, just so we can keep some kind of accurate
7 idea of how much we're investing in these sessions.

8 COMMISSIONER TOULOUSE: Madam Chair, a lot
9 of mine is for just personal entertainment.

10 THE CHAIR: Well, don't -- we're not
11 paying for that.

12 COMMISSIONER TOULOUSE: But that's -- but
13 I'm just saying --

14 THE CHAIR: Next on the agenda is Report
15 from the NACSA Conference.

16 Vince, do you want to start out, please?

17 COMMISSIONER BERGMAN: Madam Chair, thank
18 you, yes. I attended the NACSA conference, along
19 with Commissioner Carr and Commissioner Peralta. We
20 took the conference schedule the night before and
21 sat down. They had a whole bunch of breakout
22 sessions, and we actually kind of divided them up;
23 so all three of us went to different sessions to get
24 as much coverage as we could.

25 What I saw in my sessions, I picked the

1 number that had -- we're talking about the contracts
2 and the performance frameworks and things like that.
3 I tried to get into -- they had -- believe it or
4 not, they had nothing on goals. They hadn't heard
5 about my interest in goals down at NACSA yet. I
6 think I'm going to correct that with them one of
7 these days.

8 What I will tell you is I brought back
9 absolutely nothing new. And that might sound
10 alarming. But what I brought back was, I was
11 sitting in those breakout sessions listening to both
12 the presenters and the other authorizers sitting in
13 that room, and everything that was discussed by
14 those people, we are already doing in this state.
15 It reinforced my belief that our processes that
16 we've put in place, the forms we have put in place,
17 for everything we have discussed today and prior
18 days, our contracts are first-rate. Our performance
19 framework documents are first-rate.

20 And that's what I bring back to you.
21 We're not at the bottom of the pack anymore, at
22 least in this area. We may not be leading the pack;
23 but we're running up with the front leaders. I
24 believe we're ahead of most states in this country
25 right now in our oversight, in our authorizing. And

1 I believe we're running a first-rate organization,
2 even if the Legislators and some other people don't
3 think so.

4 THE CHAIR: Or maybe they just don't know.
5 Thank you very much, Commissioner.

6 Commissioner Carr?

7 COMMISSIONER CARR: Thank you very much,
8 Madam Chair, Commission. I can concur with what
9 Vince said. I actually had a conversation with
10 the -- I guess it's the president of charter -- or
11 NACSA -- NACSA.

12 I said, "When you have your meeting in
13 Denver," I said -- I don't want to put any more work
14 on us -- but I said, "You might want to have us put
15 on one of the seminars"; because what I found out
16 was -- of course, Vince and I have been on for six
17 years, and, you know, there wasn't a lot for us to
18 learn. However, our new members would truly benefit
19 from going to one of those.

20 Of course, one of the first things I
21 noticed when we went to the opening session was that
22 throughout the conference, it was more like a
23 cheer-leading camp for charter schools, you know.
24 And a lot of talk was about, "How can we get more
25 charter schools, more charter schools?"

1 And when I told them that that was not our
2 purview, to go out and look for more charter
3 schools, they were rather shocked; because some of
4 them actually go out and recruit, and say, "Hey, we
5 need this kind of charter school here."

6 I said, "Well, that's not really our
7 mission," you know. This Commission, I guess, could
8 decide to do that. But I think under the current
9 political climate, that wouldn't be -- wouldn't work
10 very well.

11 I did find out a lot of good information
12 from the breakout sessions on fraud. I talked to a
13 lawyer that dealt with a lot of some of the same
14 issues that we're dealing with and got some good
15 information about that and actually shared that with
16 our attorney.

17 We went to the -- it was a seminar just on
18 the cyber-schools. And nationwide, cyber-schools,
19 they're having major issues with charter schools.

20 THE CHAIR: No kidding.

21 COMMISSIONER CARR: Yeah, big surprise.
22 And a lot of the people who spoke up in that big
23 session -- you know, there were other charter school
24 authorizers; there were other people there that
25 operated charter schools there, too, you know. And

1 they had a great deal of concern about it.

2 And Vince had asked about data on it, you
3 know. And they didn't have any data, you know, to
4 even back up what they were talking about. There's
5 plenty of data out there to be found. We were
6 hoping that they would actually have some data to
7 help us out in that regard.

8 But I learned some things. And I doubt if
9 I want to go to the next -- I may change my mind. I
10 don't think I want to go to the next conference.
11 But I think the new people should definitely go. It
12 will be close and a lot less expensive, in Denver.

13 So thank you.

14 THE CHAIR: Thank you very much.

15 Next item on the agenda is Open Forum.

16 And I just checked the sign-in sheet, and no one has
17 signed up.

18 So we'll move on to PEC Comments.

19 Anyone have comments to share?

20 Let me just -- Beverly, we did decide
21 three days for our meeting in December; is that
22 correct?

23 MS. FRIEDMAN: That's correct,
24 Madam Chair. There are three days scheduled for the
25 meeting. If you need a fourth, let me know.

1 THE CHAIR: I hope not.

2 MS. FRIEDMAN: Well, you're talking about
3 a committee meeting on Tuesday. So if you need a
4 place to meet, let me know.

5 COMMISSIONER CARR: Based on the comments,
6 I don't think we're going to meet.

7 MS. FRIEDMAN: Okay.

8 THE CHAIR: Comments, comments, comments.
9 Anybody? Comments. You?

10 COMMISSIONER CARR: And I promise I'll
11 keep it quick. I forgot to mention this under the
12 Legislative information. But the Republicans met
13 last Saturday, and their leadership is -- Don Tripp
14 is their Speaker; Nate Gentry is their Majority
15 Leader, and Alonzo Baldonado is their Majority Whip.
16 That's good information to know when you're
17 lobbying -- you know, to me, I always speak to the
18 leadership first.

19 And the Democrats are meeting tomorrow.
20 There's three people up for Minority Leader: Brian
21 Egolf, Eliseo Alcon; and there was another name, and
22 I forgot to write it down. Moe Maestas was the
23 Majority Whip last --

24 COMMISSIONER TOULOUSE: Patty Lundstrom.

25 COMMISSIONER CARR: Patty Lundstrom.

1 Thank you. There's three people up for Minority
2 Leader in the house for the Democrats: Moe Maestas
3 was the Majority Whip. He's going to run. I guess
4 he's unopposed for Minority Whip.

5 COMMISSIONER TOULOUSE: Sheryl, maybe.

6 COMMISSIONER CARR: Oh, another one. They
7 always crop up. Mimi Stewart was going to go for
8 Minority Leader, but she's going to go for Tim
9 Keller's spot, which he's going to have to give up
10 when he becomes State Auditor in January.

11 Apparently, that's all been politically
12 worked out ahead of time. So Mimi Stewart, who's
13 been big in education in the House, will be in the
14 Senate, and will have lost all of her seniority, and
15 will be at the bottom of the totem pole in the
16 Senate. But I'm sure that won't keep her from
17 talking.

18 COMMISSIONER TOULOUSE: There are three
19 people trying for that position.

20 COMMISSIONER CARR: Yes, but I think they
21 worked it out for this portion.

22 COMMISSIONER TOULOUSE: That isn't what I
23 heard last night.

24 COMMISSIONER CARR: It keeps changing.
25 That's the political landscape; it keeps changing.

1 My other quick comment was when we look
2 at -- we're going to be losing Gene, who's just an
3 invaluable source of knowledge. And he, quite
4 often, speaks on the buildings.

5 And I had this idea. We -- when we go
6 through the contracts, we need to -- you know, we
7 all need to read them; but I think we all have
8 certain strengths. And I think it would be nice to
9 say, maybe, "Hey, somebody raise your hand."

10 I know Carolyn's strengths is numbers. I
11 think she's always been really good at that. Gene's
12 has been the buildings. And I think it would be
13 good if one of us, you know -- each one of us --
14 said, "Hey, I want to concentrate on this area of
15 the contracts. I'll read the whole thing, but I
16 want to concentrate on this area," because we've got
17 so many to go through.

18 And that way, we're delegating out what we
19 want to concentrate on.

20 Just a thought. Food for thought. See
21 what you guys want to think about. It's probably
22 too late to do that for this year; but ongoing.
23 Thank you.

24 THE CHAIR: I will just say,
25 Commissioner Carr, that idea has sort of been tossed

1 around before; and it's always come back that every
2 Commissioner needs to read every application, and
3 there needs to be no question in the public's mind
4 that every Commissioner read every application.

5 And you sort of then get into the area of,
6 "Well, if you said you concentrated on this, does
7 that mean you read it all?"

8 So I'm just telling you what I've heard --

9 COMMISSIONER CARR: I got you. Sure.

10 THE CHAIR: -- in the past.

11 Any other comment?

12 Commissioner Gant?

13 COMMISSIONER GANT: These comments won't
14 affect the Commission -- could affect the Commission
15 in the years to come.

16 One, the NCLB waiver was extended for
17 three more years, which means it'll go through into
18 the next presidential cycle, which means we're stuck
19 with it. There's nothing we can do about it.
20 Therefore, we're stuck with -- never mind.

21 And the next one could be a big one for
22 you all, for the Commission. The BIE school funding
23 has been decreased by the feds. And the idea behind
24 that is eventually the BIE schools will be taken and
25 run by the tribes.

1 COMMISSIONER CARR: BIA; right?

2 COMMISSIONER GANT: BIA is the authority;
3 BIE is the educators.

4 COMMISSIONER CARR: Ah, okay. Sure.

5 COMMISSIONER GANT: And these schools --
6 and if you Google New Mexico BIE, you will see there
7 is a vast number of those schools in this state.

8 Now, why do I bring it up? We just opened
9 a school out -- or supposedly opened -- a school out
10 at Dream Diné. You're opening one in Navajo.
11 There's a third in the wind out in Isleta.

12 And they're going to get the wind -- the
13 word -- and a lot of people aren't happy with how
14 the schools are run by the BIE, slash, BIA, or
15 whatever. And they're going to say, "Okay."

16 So if you look at it that way, they could
17 start changing over -- and they don't -- I have to
18 research this more -- and Josh might want to look at
19 it. You know there is such a thing as a converting
20 school. It's a school that's already in place, and
21 the parents and the teachers and the staff say, "We
22 want to be a charter school."

23 They put the application in as a
24 conversion, which is a lot easier than what we
25 apparently go through.

1 Well, if that be the case, they might be
2 able to just convert to a charter school. And
3 either way, however they make it have been done, if
4 all these schools become State charter schools,
5 think about the finances in this state, how many
6 school children we'll be picking up at that point,
7 all the SEG, all the facilities, all the teachers,
8 all the transportation and everything else that goes
9 with schools and school districts.

10 So Google "BIE for New Mexico," and you'll
11 see there is a lot of schools out there. And a lot
12 of them are -- people are not happy with the
13 education their kids are getting.

14 So there was an article in today's New
15 Mexican. And they're getting a real bad rap right
16 now, real bad.

17 So I would watch that. And I would be
18 working with the Legislators on how that's going to
19 affect the finances in this state; because, as you
20 know, I've talked about culturally segregated
21 schools. Well, there's my point.

22 Thank you.

23 THE CHAIR: Matt?

24 MR. PAHL: Madam Chair, thank you. I know
25 I'm not a Commissioner, so I appreciate you allowing

1 me to comment right now.

2 I just wanted to bring up that Deanna
3 Gomez -- she is the business manager for Taos
4 Integrated School for the Arts. And she came with
5 some information that may help us in the interim
6 between now and the next meeting regarding the
7 situation there on E-Occupancy.

8 Deanna -- if it's okay with the Chair --
9 THE CHAIR: Please.

10 MR. PAHL: -- I want to ask her up.

11 MS. GOMEZ: Good afternoon, Commissioners,
12 and Madam Chair. Can you hear me okay?

13 THE CHAIR: Yes, please.

14 MS. GOMEZ: Okay. I apologize that I was
15 late. And I didn't realize TISA was on the agenda
16 for today. But they are aware that there's a
17 problem.

18 And when they got the lease, it was our
19 understanding that there was an E-Occupancy. There
20 was one on the wall at the Leaping Lizards. But
21 Leaping Lizards took the E-Occupancy with them, and
22 we've tried to get an E-Occupancy since then. And
23 the County and City have lost the records.

24 And then we found out it was for only one
25 portion of the building. So they are in the process

1 of trying to get all that resolved.

2 We got a good index rating and everything
3 before we ever moved into that building. Nobody did
4 it without -- with the intention of doing anything
5 illegal. And as soon as we found out there was no
6 E-Occupancy, we started working on it.

7 THE CHAIR: Thank you for that
8 information.

9 Any questions, comments from
10 Commissioners?

11 COMMISSIONER CARR: Well --

12 THE CHAIR: Commissioner Carr?

13 COMMISSIONER CARR: I didn't know you
14 could take an E-Occupancy with you, because it's
15 with the building itself; so that's confusing.

16 MS. GOMEZ: The lady that was at the
17 Leaping Lizards was angry, because we were moving in
18 and she was being evicted. So she just took it with
19 her, and nobody can locate the information that's
20 needed to go ahead.

21 COMMISSIONER CARR: You're talking about
22 the certificate itself?

23 MS. GOMEZ: The certificate itself.

24 COMMISSIONER CARR: Well, there should be
25 a --

1 MS. GOMEZ: It is the City and County that
2 has lost the records. And I don't remember which
3 one it is, and I apologize. This isn't really my
4 role at the school. Because I'm aware of the
5 situation, and I heard that there had been an issue
6 prior, I thought I would let you know what I know
7 about it. And we did discuss it at our last
8 meeting, and Patti Matthews is still helping us with
9 that issue.

10 THE CHAIR: It would seem to me that what
11 we need to say to the school is, "This is a very
12 serious issue."

13 Light a fire under somebody and get it
14 done, for everybody's sake.

15 MS. GOMEZ: Yes. And we have been working
16 very diligently to do that.

17 COMMISSIONER CARR: And when did --

18 THE CHAIR: Commissioner Carr --
19 Commissioner Gant?

20 COMMISSIONER CARR: Oh, go ahead. I'm
21 sorry.

22 COMMISSIONER GANT: Madam Chair, members.
23 At least -- maybe this is asking too much -- the
24 school could have notified the CSD, the PSFA; but
25 right now, it seems like, "Well, we have a secret.

1 We're going to keep it."

2 And, you know -- and the law says -- I
3 think that you need an E-Occupancy to move. That
4 doesn't change just because you got a good rating.
5 And that certificate you talk about didn't belong to
6 you, anyway. It wouldn't have belonged to you.

7 COMMISSIONER CARR: That's true.

8 COMMISSIONER GANT: Just because it's an
9 E-Occupancy for that building, it's got another
10 school name on it. That's not yours, okay?

11 Thank you.

12 THE CHAIR: Commissioner Carr?

13 COMMISSIONER CARR: And so since you were
14 here, to clarify, when did you move into the
15 building?

16 MS. GOMEZ: Madam Chairman, members of the
17 Commission, they moved into the building in June, I
18 believe, and started paying rent in July.

19 COMMISSIONER CARR: Okay. There's the
20 question.

21 THE CHAIR: Yeah. Thank you for
22 remembering that.

23 Anything else, Commissioners?

24 Again, we thank you very much for bringing
25 that information to us. You know, we have some big

1 questions, but you've answered some of them; so
2 thank you so much.

3 MS. GOMEZ: Thank you. I appreciate you
4 listening to me. And I'm sorry that I'm not in
5 control of those things, and I apologize that they
6 didn't follow through with those things.

7 Thank you.

8 THE CHAIR: Be sure your school knows it's
9 a big deal, to us, too.

10 Okay. Thank you.

11 Commissioners, we're down to Item No. 18,
12 which is the Executive Session, under 10-15-1(H)(7),
13 regarding Threatened or Pending Litigation. We have
14 deleted Item A. We'll consider Items B, Rio Rancho
15 vs. PED and PEC; and Item C, Appeal from Columbus
16 Community School.

17 We will appreciate everyone vacating the
18 room.

19 COMMISSIONER GANT: We've got to vote.

20 THE CHAIR: We have to vote. I'm just so
21 excited.

22 We have to vote.

23 COMMISSIONER TOULOUSE: Madam Chair, I
24 move we go into Executive Session.

25 COMMISSIONER CARR: Second.

1 THE CHAIR: Motion and second.

2 COMMISSIONER GANT: Whoa, whoa, whoa.

3 COMMISSIONER CARR: Gene is saying "Whoa."

4 COMMISSIONER GANT: You've got to read it,
5 just like it is.

6 THE CHAIR: Read the agenda.

7 COMMISSIONER TOULOUSE: It's on the
8 agenda? Okay.

9 Madam Chair, I move that we go into
10 Executive Session under Section 10-15-1(H)(7),
11 regarding Threatened or Pending Litigation.

12 THE CHAIR: Thank you. May we have a
13 second?

14 COMMISSIONER CARR: Second.

15 THE CHAIR: Motion and second to go into
16 Executive Session under the so-noted statute.

17 All those -- Commissioner Gant -- your
18 name is "Bergman" -- may we have a roll call,
19 please?

20 COMMISSIONER BERGMAN: Commissioner Pogna,
21 are you packing up, or are you going to be here?

22 All right.

23 COMMISSIONER POGNA: Just trying to deal
24 with this big monster.

25 COMMISSIONER BERGMAN: All right.

1 Commissioner Parker?

2 COMMISSIONER PARKER: Yes.

3 COMMISSIONER BERGMAN: Commissioner Carr?

4 COMMISSIONER CARR: Yes.

5 COMMISSIONER BERGMAN: Commissioner Pogna?

6 COMMISSIONER POGNA: Yes.

7 COMMISSIONER BERGMAN: Commissioner

8 Toulouse?

9 COMMISSIONER TOULOUSE: Yes.

10 COMMISSIONER BERGMAN: Commissioner Gant?

11 COMMISSIONER GANT: Yes.

12 COMMISSIONER BERGMAN: Commissioner

13 Shearman?

14 THE CHAIR: Yes.

15 COMMISSIONER BERGMAN: Commissioner

16 Bergman votes "Yes."

17 Madam Chair, you have seven in favor of
18 going into executive session.

19 THE CHAIR: Thank you. The motion passes
20 to go into Executive Session. We'll let Cindy get
21 her stuff gathered up, and we'll get started.

22 (Executive Session conducted.)

23 THE CHAIR: The PEC is out of Executive
24 Session. No decisions were made; no votes were
25 taken. The only items considered were those listed

1 on the formal agenda.

2 Anything else to come before the
3 Commission?

4 COMMISSIONER TOULOUSE: Move we adjourn,
5 Madam Chair.

6 COMMISSIONER CARR: Second.

7 THE CHAIR: All those in favor, say "Aye."
8 (Commissioners so indicate.)

9 THE CHAIR: We're adjourned.

10 (Proceedings adjourned at 3:30 p.m.)
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