

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
PUBLIC MEETING

DAY ONE

September 25, 2014

9:00 a.m.

Jerry Apodaca Education Building - Mabry Hall
300 Don Gaspar
Santa Fe, New Mexico

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A P P E A R A N C E S

COMMISSIONERS:

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

STAFF:

MR. MATT PAHL, Interim Director, Charter School
Division
MS. BEVERLY FRIEDMAN, PED Liaison to the PEC
MR. JOSHUA R. GRANATA, Assistant Attorney General,
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1 THE CHAIR: Good morning. I call to order
2 this regularly scheduled meeting of the New Mexico
3 Public Education Commission. I will first ask
4 Secretary Bergman for a roll call, please.

5 COMMISSIONER BERGMAN: Commissioner Pogna.

6 COMMISSIONER POGNA: Here.

7 COMMISSIONER BERGMAN: Commissioner
8 Toulouse.

9 COMMISSIONER TOULOUSE: Present.

10 COMMISSIONER BERGMAN: Commissioner
11 Conyers.

12 COMMISSIONER CONYERS: Here.

13 COMMISSIONER BERGMAN: Commissioner
14 Peralta.

15 COMMISSIONER PERALTA: Here.

16 COMMISSIONER BERGMAN: Commissioner Carr.

17 COMMISSIONER CARR: Here.

18 COMMISSIONER BERGMAN: Commissioner Gant.

19 COMMISSIONER GANT: Here.

20 COMMISSIONER BERGMAN: Commissioner

21 Shearman.

22 THE CHAIR: Here.

23 COMMISSIONER BERGMAN: Commissioner
24 Bergman is here.

25 Madam Chair, you have eight members

1 present at this time. You have a quorum.

2 THE CHAIR: Thank you, Mr. Secretary. I
3 declare we do have an official quorum.

4 We'll move on to the Pledge of Allegiance
5 by Commissioner Pogna, Salute to the New Mexico Flag
6 by Commissioner Carr.

7 (Pledge of Allegiance and Salute to the
8 New Mexico Flag; conducted.)

9 (Commissioner Parker enters.)

10 THE CHAIR: Good morning, Commissioner
11 Parker. How are you this morning?

12 COMMISSIONER PARKER: I am tardy.

13 THE CHAIR: Let us now reflect that we now
14 have nine Commissioners in attendance. Thank you,
15 all.

16 Next item on the agenda is Approval of the
17 Agenda. And it's rather lengthy. And let's
18 remember we have broken this into two days. Item 17
19 will begin at 9:00 a.m. on Friday morning.

20 Any other corrections, notations,
21 questions about the agenda?

22 COMMISSIONER GANT: I move we accept the
23 agenda as written.

24 THE CHAIR: I have a motion to approve the
25 agenda as presented. Do I hear a second?

1 COMMISSIONER PERALTA: Second.

2 THE CHAIR: Motion and second to approve
3 the agenda. All in favor, please say "Aye."

4 (Commissioners so indicate.)

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

6 (Commissioners silent.)

7 THE CHAIR: Motion carries unanimously.

8 We go to Item No. 13, which is approval of
9 minutes. And let me just ask one question just for
10 clarification. Commissioner Gant, go ahead.

11 COMMISSIONER GANT: You said Item 13; it's
12 Item 3.

13 THE CHAIR: Well, I'm trying to move this
14 meeting right along. Sorry. Item 3, Approval of
15 Minutes.

16 Let me ask for clarification. Since the
17 community input hearings were hearings and not
18 meetings, I believe in the past, we have not
19 approved those minutes. Now, somebody help me,
20 because my memory is not all that good. And I'm
21 even going to ask our reporter, Cindy. Do you
22 remember if we've approved these minutes in the
23 past?

24 THE REPORTER: You have approved them.

25 THE CHAIR: We have. Thank you very much.

1 Does that agree with your recollection,
2 Commissioners?

3 COMMISSIONER CARR: I think so.

4 THE CHAIR: Then let's move through these
5 one at a time. Or do you want to approve them as a
6 group. What's your pleasure? Commissioner Carr.

7 COMMISSIONER CARR: Madam Chair, I do
8 have -- there's a major problem with Columbus
9 Community School, where I was quoted numerous times
10 and I was not there. So I'd like to figure out who
11 it was that was talking and I got the credit for it.

12 THE CHAIR: You got the credit. It had to
13 have been Commissioner Parker. Because he was
14 there. Can you give us a page number?

15 COMMISSIONER CARR: Well, I wish I had
16 written a page number down, and I was going to, and
17 I forgot. So it's the last school. And it's toward
18 the end. Does anybody have it on -- on the
19 computer, where you could do a word search real
20 quick?

21 THE CHAIR: No.

22 COMMISSIONER BERGMAN: I see Commissioner
23 Parker was quoted in there. I see a statement by
24 Mr. Parker, so he's in there.

25 COMMISSIONER PARKER: If it was

1 intelligent, I'll take full credit.

2 COMMISSIONER BERGMAN: I haven't seen my
3 name yet. I was there.

4 THE CHAIR: I believe, Commissioner Carr,
5 that when you mentioned it to me, you said it was on
6 Page 65? And that may not be the only occurrence.

7 COMMISSIONER CARR: Maybe it started on
8 Page 65.

9 THE CHAIR: It is definitely on the bottom
10 of Page 65, referring to Commissioner Carr.

11 COMMISSIONER GANT: That's the only one I
12 see.

13 COMMISSIONER CARR: Was there a -- is
14 there anybody who can take credit for what was said?

15 THE REPORTER: It would be Commissioner
16 Bergman.

17 COMMISSIONER BERGMAN: That was probably a
18 statement. It's a fairly long one. I had one long
19 statement I made.

20 THE CHAIR: I would expect it's
21 Commissioner Bergman.

22 COMMISSIONER CARR: We can go through
23 there -- make sure my name is struck out from
24 anything in that meeting. And Commissioner Bergman
25 maybe was the one that was confused for me. I don't

1 know; so seems like there was more than one, but...

2 THE CHAIR: That's the only one I see.

3 COMMISSIONER CARR: Okay.

4 THE CHAIR: So Commissioner Carr, you,
5 noting the correction on Page 65 down at the bottom,
6 Commissioner Carr should be Commissioner Bergman;
7 correct?

8 COMMISSIONER CARR: Correct.

9 THE CHAIR: Any other corrections anyone
10 sees?

11 Then may I have a motion to approve the
12 community input hearings minutes as presented, with
13 the one correction, as noted on Page 65?

14 COMMISSIONER CARR: So moved.

15 THE CHAIR: Do I hear a second?

16 COMMISSIONER BERGMAN: Second.

17 THE CHAIR: Motion and second to approve
18 the community input hearings, with the correction on
19 Page 65 changing Commissioner Carr to Commissioner
20 Bergman.

21 Any discussion? All those in favor,
22 please say "Aye."

23 (Commissioners so indicate.)

24 THE CHAIR: Any opposed, please say "no"?

25 (Commissioners silent.)

1 THE CHAIR: Those community input hearing
2 minutes are approved.

3 Let's go to the minutes of the August 19,
4 2014, minutes, please.

5 By the way, while everyone is turning to
6 those minutes, may I ask those of you with
7 electronic devices, please turn them off or to
8 silent or whatever, please? We appreciate it.

9 Commissioners, are you -- do you have
10 questions, concerns, or corrections to the
11 August 19th, 2014 minutes?

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

14 COMMISSIONER GANT: So move, to accept the
15 minutes of -- yes -- August 19th, 2014.

16 COMMISSIONER TOULOUSE: Second.

17 THE CHAIR: Motion by Commissioner Gant,
18 second by Commissioner Toulouse, to approve the
19 August 2000- -- pardon me -- the August 19, 2014,
20 meeting minutes, as presented.

21 Any discussion?

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

23 (Commissioners so indicate.)

24 THE CHAIR: Any opposed, please say "no."

25 (Commissioners silent.)

1 THE CHAIR: Minutes are approved as
2 presented.

3 Let's move on, then, to Item No. 4, which
4 is Report from PED Leadership. Mr. Pahl?

5 MR. PAHL: Madam Chair, members of the
6 Commission, we have it scheduled for later in the
7 agenda; but I'd just like to welcome two new staff
8 members to the Charter School Division. They're
9 sitting up front here to the right.

10 Julie Lucero, if you'd stand up? She's
11 our new general manager. Julie comes from
12 Tierra Adentro, where she was the principal there,
13 as well as the special ed director. She has past
14 administrative experience in Questa Schools, and
15 we're very grateful to have her.

16 We are very excited about her work so far.
17 This is her third -- beginning of her third week --
18 no, middle of the second. And so we're very excited
19 to have her.

20 Second is Christie Berg. Christie joins
21 us as a charter school liaison. She was formerly an
22 assistant principal at Turquoise Trail Charter
23 School. She's done extensive work with NMTEACH and
24 has done -- has also had extensive experience in
25 early childhood education.

1 So we feel like both of these staff
2 members are a home run, and we really welcome them
3 and thank them for coming to Charter Schools
4 Division.

5 THE CHAIR: Thank you very much. And we
6 certainly look forward to working with both of you.
7 Thank you.

8 While we have a lull, we also do have
9 someone in the audience that I would like to
10 introduce as a Commissioner-In-Training, a
11 Commissioner-In-Waiting, waiting for the election to
12 be over. And she's someone that Commissioner Carr
13 is well acquainted with. I'd like to ask him to
14 introduce her, please.

15 COMMISSIONER CARR: Oh.

16 THE CHAIR: Threw that one at you, didn't
17 I?

18 COMMISSIONER CARR: Being put on the spot
19 is my favorite thing. Karyl Ann Armbruster comes to
20 us with, if I remember right, over 35 years'
21 teaching experience. She's retired from the
22 Los Alamos School District.

23 She will come with a wealth of the
24 knowledge on education issues. I know she may have
25 to be brought up to speed on charter schools; and I

1 know she's working on that right now. But she's a
2 great person, I've known her for a long time, and I
3 think she'll be a great member of this Commission.

4 THE CHAIR: If you would stand up so
5 everyone can be sure and --

6 MS. ARMBRUSTER: Actually, I taught in the
7 classroom for 39 years; but I began when I was five.
8 That's the important thing to remember.

9 THE CHAIR: We appreciate you being here.
10 Thank you very much.

11 All right. Anyone else we need to --
12 other than our regulars?

13 All right. We thank you all for being
14 here.

15 Mr. Pahl was that -- is that it?

16 MR. PAHL: Yes, thank you.

17 THE CHAIR: Thank you very much.

18 We're now on Item 5, Report on Southwest
19 Learning Center Schools and Southwest Aeronautics,
20 Mathematics, and Science Academy. And I believe
21 that is Mark Baker.

22 Good morning.

23 MR. BAKER: Good morning.

24 THE CHAIR: If you both would please
25 introduce yourselves so that we get your names

1 correctly on the record, we would appreciate hearing
2 from you.

3 MR. BAKER: Hi. I'm Mark Baker. I'm an
4 attorney with Peifer, Hanson & Mullins, and I'm a
5 new face to the Commission. Thank you for hearing
6 from us today.

7 THE CHAIR: Thank you.

8 MR. BAKER: Do you want me to say it
9 again?

10 THE CHAIR: Please do.

11 MR. BAKER: Mark Baker. I'm an attorney
12 with Peifer, Hanson & Mullins. I've been
13 representing the schools since early August. I'm a
14 new face to the Commission, and I just thank you all
15 for letting me speak here today, and I'll field any
16 questions you have.

17 With me is Al Baysinger.

18 MR. BAYSINGER: Al Baysinger,
19 Administrator.

20 THE CHAIR: Thank you. Do you have anyone
21 else with you? I notice some other people walked
22 down. Let's introduce them, too, please.

23 MR. BAKER: Yes. Bobby Spinelli, who is
24 the functional CFO of the School. He comes to the
25 Schools with a long history of experience with

1 Clayton and Pojoaque Schools, a CPA, and extensive
2 financial background. He joined the Schools in
3 early August.

4 And Leslie Lujan, who's been with the
5 Schools a long time and has been doing a lot of
6 work --

7 MS. LUJAN: Director of Operations.

8 MR. BAKER: -- and has been doing a lot of
9 work in the last two months cleaning things up and
10 moving things forward. So I thought this was an
11 appropriate group to have here to answer questions
12 you may have.

13 If you all don't have specific questions
14 to lead off, I would just like to provide a brief
15 update as to where things stand.

16 THE CHAIR: Please do that.

17 MR. BAKER: Mr. Baysinger took over in a
18 difficult circumstance. And I have to say the
19 people who are with me today have put in inordinate
20 hours, long, stressful days, and have made an
21 amazing amount of progress in a short period of
22 time. I've been incredibly impressed, given what's
23 going on, that the schools have been functioning,
24 particularly on the education side, with very little
25 ripple effect from what happened on the business

1 side.

2 I understand that SAMS is close to full
3 capacity, down within 10 percent of their high
4 number. The other schools are in a similar
5 circumstance. There have not been kids leaving.
6 The classrooms are going guns blazing. I've been at
7 the Schools quite a bit, and you see active learning
8 going on and kids that seem to not be troubled or
9 burdened with anything that's going on in the
10 business office.

11 On the business side, Mr. Spinelli's
12 timing of joining the Schools was certainly of
13 benefit. He came in and brought his experience in.
14 And since then, as I'm sure you all know, the Public
15 Education Department took over the Boards of
16 Finance.

17 This is, of course, difficult for
18 everyone. It makes the process of things that
19 normally move efficiently slow down. And it's
20 taking time to -- to get things going. But so far,
21 due to the long hours the staff has been putting in,
22 the work with the PED is going forward.

23 We've been in close contact with the
24 appropriate people from the Public Education
25 Department to keep tabs on where things are going

1 and keep an open dialogue and make sure that they
2 know what's going on at the School, and the School
3 can inform them of things that would be helpful to
4 make things move more smoothly without sacrificing
5 PED's important role of keeping a close look on how
6 we get this all straightened out and move forward.

7 I -- I am in close contact with Richard
8 Brody. He's a professor at the Anderson Schools of
9 Management, a CPA, and a certified fraud examiner.
10 He was already a member of one of the audit
11 committees for the Schools, and he has agreed to
12 step in and work with me and with Al and the rest of
13 staff and the boards to build in a -- a substantial
14 financial oversight function for a finance committee
15 to play, well beyond what I've seen with other
16 schools.

17 And we have a meeting scheduled with him
18 for next week to discuss how to implement that so
19 that the boards are closely aware of everything
20 that's going on in the finance office and how the
21 business operations are proceeding.

22 So I think there's a lot of progress
23 that's being made. We're in regular contact with
24 the office of the State Auditor. I'm going to
25 provide an update in response to the risk review

1 that they had sent out in October. I'm going to
2 send them a written response; but I'm speaking with
3 staff there at least once a week and updating them
4 as to what we're finding.

5 And basically, the interests of the school
6 are first and foremost, keeping the educational
7 front moving strong and getting everything in order
8 so that there's no concerns in the future as to how
9 things are now operating at the schools.

10 Leslie Lujan has been working on looking
11 at flight programs from other high schools in the
12 country and how they've been structured. There are
13 other really successful programs; and, obviously,
14 there needs to be a retooling of that for the
15 Schools. And we've found programs other places and
16 are looking at how they've been implemented, and
17 we're discussing that with the Public Education
18 Department before going forward with anything in
19 that regard. But there's a close review of that, as
20 well.

21 Obviously, it's important to keep the
22 aeronautics part of the Southwest Science,
23 Aeronautics and Mathematics School. But we want to
24 do it carefully and make sure that it's done in a
25 way that no one can raise any concerns or questions

1 about it.

2 So that's kind of a general overview. I
3 think I've hit on a lot of points. But if there are
4 questions, there may be things that Al or other
5 people from the schools here can better answer. But
6 I'm happy to answer anything that I can to -- to
7 address any concerns or questions you have.

8 THE CHAIR: Okay. A couple of questions
9 occurred to me, and then I'll ask other
10 Commissioners if they have any.

11 You talked about the flight program, just
12 briefly. I believe I read in the paper, or the
13 media, that that program was being curtailed until
14 things could be worked out. Is there a flight
15 program right now?

16 MS. LUJAN: Madam Chair, members of the
17 Commission, actually, we -- the holdup to the flight
18 program right now is really that we need to find a
19 new ground instructor. We are essentially starting
20 over on the program. So our flight director left,
21 and so have both of our pilots. And, of course, we
22 suspended all the contracts with the planes. So
23 where we're at right now with that is that we are in
24 the process of trying to get in the newspaper the
25 advertisement for the ground instructor to get

1 ground school going.

2 We, in fact, have 15 to 30 students at the
3 school signed up to want to -- who are interested in
4 the program. Of course, we have criteria; we
5 haven't looked through those students just yet and
6 second, we are in the middle of getting ready to
7 write the RFP to go out to bid for services for the
8 actual flight school.

9 We do have four to six students that are
10 already in flight instruction, and it was put on
11 hold right now because of all the circumstances
12 surrounding the planes the school was leasing from
13 Dr. Glasrud. We plan to go forward with that and
14 resume the actual flight portion. If we have a
15 respondent to the RFP for flight instruction and
16 ground school, we hope to get going in about a
17 month.

18 THE CHAIR: Okay, thank you for that. And
19 do you have any indication from the FBI how much
20 longer the investigation will take?

21 MR. BAKER: The short answer is "no"; and
22 that's typical with FBI investigations. I think the
23 best answer to how long an FBI investigation will go
24 is akin to how long is a piece of rope. It is --
25 it's always open-ended. We are working with them,

1 and I'm in regular contact with them, as well. And
2 we're getting them all the information that we can
3 to assist.

4 The school has a strong interest in
5 sorting out everything that went on. And we feel
6 like a big part of that is helping them complete
7 their investigation. And we're also looking and
8 discussing with the Public Education Department and
9 the office of the State Auditor having a forensic
10 audit; so that a lot of the staff's efforts are
11 focused on keeping everything going with the Schools
12 and looking forward.

13 But as their lawyer -- and everyone has an
14 interest in making sure we understand everything
15 that we can about what happened in the past; so
16 getting help in that regard is going to be a big
17 part of the process, and we're working on that, as
18 well.

19 THE CHAIR: Okay, thank you for that.

20 My last question has to do with renewal.
21 If memory serves, all four of the Southwest Schools
22 are up for renewal this term.

23 COMMISSIONER GANT: Three. Not the
24 Aeronautics, but the --

25 THE CHAIR: Not the SAMS school.

1 MR. PAHL: That's correct.

2 THE CHAIR: So all three of the Southwest
3 Schools, Primary, Secondary, and Intermediate, are
4 up for renewal. Is that on track?

5 MR. BAKER: Yes. They're -- and that's
6 obviously at the top of the list of priorities.
7 When I say looking forward, everyone is paying close
8 attention to what's happening. Renewal is a top
9 priority. And I know that staff has been working
10 really hard on getting everything together, so
11 that -- so that all of that is in order for you all.

12 THE CHAIR: Okay, thank you very much.

13 Commissioners, do you have questions?
14 Commissioner Bergman?

15 COMMISSIONER BERGMAN: I know we have to
16 be extremely careful about what we do ask about,
17 because there's ongoing investigations. My question
18 would have an impact on students; I think I'm safe
19 in asking it. Has the administrative staff and the
20 teaching staff stayed on board so far?

21 MR. BAKER: Yes. I'm not -- I think we
22 lost -- I'll let Mr. Baysinger answer this.

23 MR. BAYSINGER: We did lose one teacher
24 out at Intermediate. And we had interviews -- we
25 had an interview yesterday and an interview today,

1 and we expect to fill that next week. Other than
2 that, it's -- everybody's really together on it.
3 They've -- everybody has stayed on board.

4 COMMISSIONER BERGMAN: Because it
5 certainly would affect the students. And if they're
6 getting taught, that's fine. Thank you.

7 MR. BAYSINGER: You wouldn't notice. Like
8 Mr. Baker said, walking -- you wouldn't notice
9 anything with the students. They're just carrying
10 on, just like normal.

11 COMMISSIONER BERGMAN: Thank you,
12 Madam Chair.

13 THE CHAIR: Thank you. Commissioner
14 Toulouse?

15 COMMISSIONER TOULOUSE: Madam Chair, thank
16 you. My question has to do with the other half of
17 the school. And that's your governance councils.
18 How are the members -- do you still have the members
19 of each one of them, and are they now functioning
20 completely separately from each other?

21 MR. BAKER: So that -- I was at a SAMS
22 board meeting yesterday, and they -- it was just the
23 SAMS board meeting. And I think that one board lost
24 a member, and that they're in the process --

25 MR. BAYSINGER: Primary.

1 MR. BAKER: Primary lost a member.
2 They're in the process of replacing that member.
3 The school has redrafted the policy for the
4 appointment of board members to remove any role for
5 the head administrator in placing people or actively
6 participating in the decision as to who sits on the
7 boards.

8 And the board sat down for a lengthy
9 five-hour training session with Shelly Cherrin two
10 weekends ago, I believe?

11 MR. BAYSINGER: Two weekends ago.

12 MR. BAKER: And got a crash course, and
13 renewal for some of them, on board functioning and
14 governance. To say that they're completely
15 independent, I'm hopeful that Professor Brody can
16 provide some guidance that will carry over to all of
17 them. But they're independently functioning and
18 looking at their schools' interests.

19 COMMISSIONER TOULOUSE: Thank you, because
20 I know they have been at least as demoralized, if
21 not more so, than the employees of the Schools. And
22 I think the two groups have to work together in
23 order to try to fix this, especially with the
24 renewals on three of them, which as you all know,
25 we're going to look at very, very hard. Thank you.

1 MR. BAKER: Madam Commissioner,
2 Commissioner Toulouse, I can't agree with you more.
3 I've been impressed, because this has been a really
4 trying thing for volunteer boards. And they have
5 been meeting at length and repeatedly, and have
6 probably had as many board meetings since the
7 beginning of August as a normal school would have
8 over the course of a year.

9 We've had emergency meetings; we've been
10 briefing them on things; they've been sitting for
11 lengthy sessions to update them on where we stand,
12 and I'm very impressed with their participation.

13 COMMISSIONER TOULOUSE: Thank you.

14 THE CHAIR: Are there other comments
15 Commissioners?

16 Commissioner Gant?

17 COMMISSIONER GANT: Madam Chair, members,
18 you're well advised of this, but I'll just have to
19 say it for the record. You've talked about all the
20 meetings the councils are having -- the boards are
21 having -- whatever you call them. Just be very
22 careful they meet the Open Meetings Act.

23 When you talk about "emergency meeting,"
24 a certain statute says only emergency meetings for
25 certain things, et cetera, et cetera. I'd hate to

1 have it come back and have it say, "Whoops, all
2 these councils -- three councils -- met and didn't
3 meet the Open Meetings Act." I would just hate,
4 because I've had -- I've been on a school board who
5 was taken to court. And that's not fun.

6 MR. BAKER: Madam Chair, members of the
7 Commission, I've been, in my prior life, on the
8 other side of lawsuits in that regard. And so I'm
9 paying close attention to the statutes and
10 transparency on all of this.

11 THE CHAIR: Thank you for that.

12 Commissioner Carr?

13 COMMISSIONER CARR: Simple question. Has
14 there been a reduction in enrollment?

15 MR. BAYSINGER: The enrollment at SAMS is
16 actually up about 15 students, to where it was last
17 year. Our enrollment in Primary and Intermediate is
18 where it has always been, at 105 and 112. Our
19 enrollment at Secondary is down about 14,
20 15 students; and that's simply because we're trying
21 to incorporate the loss of the Montgomery classroom
22 with our main facility, and so that has affected us,
23 and we're working internally to provide more
24 computer stations and places for those students.
25 So, really, the population is very stable.

1 COMMISSIONER CARR: Madam Chair, I'm going
2 to make a very careful comment.

3 THE CHAIR: Okay.

4 COMMISSIONER CARR: And this comment has
5 nothing to do with any judgment of the innocence or
6 guilt of the school that we're with today.

7 But this has been one of the things I've
8 always been most concerned about is -- is that our
9 laws are not keeping up with -- and maybe our Public
10 Education Department is not keeping up with -- all
11 the charter schools that we are bringing in under
12 our belt. And we're not able to actually keep as
13 close an eye as we'd like.

14 Further, I've worked for two large school
15 districts where there were major scandals. And
16 there were major implications for the moral of the
17 people working there, and the students. And we were
18 working with -- when we're considering students,
19 especially, you know, we know corruption is rampant
20 across our country. It has been. I mean, it's been
21 rampant across world history for thousands of years.

22 But when dealing with schools, where we
23 have adults that are role models, it's especially
24 disheartening, because students look up to us. And
25 it's important that we pay careful attention to our

1 actions.

2 And I'll mention a phrase -- it's called
3 "the appearance of impropriety" -- is also
4 important, even if no laws were actually broken.

5 And, again, I'll reemphasize, I have no
6 idea if anybody has done anything wrong at the
7 school that you're working at, and it's not a
8 judgment of that. I don't know. We'll make -- when
9 the FBI comes out and there's a court case, maybe
10 we'll know about that.

11 But my statement has nothing to do with
12 you. But, obviously, appearances are there, and
13 children do pay attention, more than you think.
14 They may not say anything; they may go about their
15 lives as normal. But they hear more than you --
16 than you think.

17 THE CHAIR: Thank you, Commissioner.

18 Other questions, comments from
19 Commissioners?

20 Mr. Baker, members of the School, members
21 of the governance council, we thank you very much
22 for being here today and for sharing information.
23 We would just ask that if -- if events happen that
24 would -- would be of value to this Commission to
25 know, we would appreciate if you would inform us and

1 just keep us in the loop.

2 MR. BAKER: Absolutely. And by
3 happenstance, Mr. Granata and I went to high school
4 together. We just reconnected when I saw his name
5 on an e-mail related to this meeting, Madam Chair
6 and members of the Commission. And I'll be glad to
7 update him as we all move forward, so that you all
8 know what you need to know in your role as the
9 Commission.

10 THE CHAIR: We very much appreciate that.
11 Thank you all for being here.

12 MR. BAKER: Thank you.

13 THE CHAIR: Next item on the agenda is
14 Discussion and Possible Action on Anthony Charter
15 School Improvement Plan. Mr. Granata?

16 MR. GRANATA: Madam Chair, members of the
17 Commission, as you recall, there were some items
18 that needed to be wrapped up regarding Anthony
19 Charter School. And during the time from the last
20 meeting until this meeting, it's my understanding
21 that the attorney for Anthony Charter School and
22 some staff members of CSD worked on addressing those
23 issues that needed to be wrapped up.

24 And inside the binder is, I suppose, one
25 version of the plan that had been going around

1 between the parties. I -- since there was a little
2 bit of confusion about which draft was going to be
3 presented to the Commission, I suggest that
4 Mr. Pahl, I guess, comment if there are any changes
5 that needed to be made to this draft that's before
6 the Commission. I don't imagine that they're very
7 significant; but Mr. Pahl can enlighten the
8 Commission.

9 MR. PAHL: Madam Chair, Mr. Granata, after
10 reviewing this document, we felt like it was in line
11 with what we had seen. There was a little confusion
12 about the documents; but in the end, this is what we
13 feel is the correct document. And we're excited to
14 work with Anthony to execute each of these elements
15 of the improvement plan.

16 THE CHAIR: Ms. Matthews, if you'd come to
17 the table? While you're doing that, I will also
18 state that I was involved in this; Ms. Matthews was
19 involved in this. And this is -- this is the final
20 document that I am familiar with.

21 Is this the final document that your
22 school is prepared to undertake?

23 MS. MATTHEWS: Commissioner Shearman, I
24 believe that this is the document, minus two words
25 and a date, which is in the number -- I don't --

1 Colleen -- we had talked about, on No. 1, that the
2 school will have its EPSS plan completed and
3 uploaded by September 1, which has been done; so
4 it's sort of a moot question. So maybe we just
5 don't even go there.

6 The discussion was the EPSS plan is a
7 living document and that it will change throughout
8 the year. So what does the word "completed" mean?
9 And so that was the concern that the school had was
10 when you said "completed," what did that mean?
11 Certainly, it's been uploaded. That part of it has
12 been done, if you're satisfied, and that's a
13 non-issue.

14 THE CHAIR: Okay.

15 MS. MATTHEWS: And the other one was just
16 simply, that the last day, on paragraph 12, you have
17 June 12th. Has that actually been set now for your
18 next -- the 2015 meeting? Commissioner --

19 THE CHAIR: That's the date that's on our
20 calendar.

21 MS. MATTHEWS: Oh, it is on your calendar?
22 I understood, from Matt --

23 THE CHAIR: At least that's my calendar
24 it's on.

25 MS. MATTHEWS: Then we have no -- it's

1 fine.

2 THE CHAIR: And we know that if that date
3 changes -- if this Commission changes that meeting
4 date, then this date will change, as well.

5 Mr. Granata, would you recommend that we
6 take out the 12th and just leave it "June 2015
7 meeting"?

8 MR. GRANATA: I think that would be fine,
9 Madam Chair.

10 THE CHAIR: Would that be more compatible?

11 MS. MATTHEWS: I think that leaves it
12 open, and we don't have to go back and amend it.

13 THE CHAIR: Change it? Commissioners, may
14 I have your input on that?

15 Commissioner Bergman?

16 COMMISSIONER BERGMAN: Not on that,
17 necessarily. But since Counselor Matthews has some
18 concern about the word "completed" in that No. 1
19 bullet, if we're going to change the number "12,"
20 perhaps would a word -- if it said, "The school will
21 have a EPSS current," would that be a better word?

22 MS. MATTHEWS: Commissioner Shearman and
23 members of the Commission -- Commissioner Bergman, I
24 think that's fine. I think it more accurately
25 describes how those EPSS plans work. But, again, I

1 guess I'm not going to push back against my client.
2 I'm, like, "What does 'current' actually mean?"

3 I think if we just say it's been uploaded,
4 then that's really what they're required to do, and
5 then it's an ongoing, living document. So I'll
6 leave it up to the experts; but it seems to me there
7 is ambiguity, if we use the word "current." There's
8 ambiguity if we use the word "completed," when it
9 isn't really an actual completion kind of document.

10 THE CHAIR: I go to our attorney and get
11 some direction, and then we'll ask Mr. Pahl.

12 MR. GRANATA: Members of the Commission, I
13 agree with Ms. Matthews. I think if we take out the
14 word "completed," so that it leaves "The school will
15 have its EPSS plan uploaded by September 1st, 2014,"
16 that should be satisfactory.

17 THE CHAIR: Mr. Pahl?

18 MR. PAHL: Madam Chair, Mr. Granata,
19 Ms. Matthews, we agree with that. The way we
20 interpreted it, just for a point of clarification on
21 how the Web EPSS works, that's right that it is a
22 living document. What Ms. Adolph provided, we felt
23 like was completed at this stage in the school year.
24 We'll keep going back to that document, as it is a
25 living document, as new data comes in, as

1 circumstances change as a school.

2 So we really use it as a communication
3 tool between schools and the PEC. So whichever the
4 wording, we do feel like they have met that by the
5 September 1st deadline, at this point in time.

6 THE CHAIR: Okay. Thank you. Any other
7 comments?

8 All right. So we've got two suggested
9 changes to this improvement plan. First is under
10 paragraph No. 1, to delete the words "completed,"
11 and then under paragraph 12, to delete the number
12 "12" following "June" as a meeting date.

13 Any other changes? Concerns?
14 Corrections?

15 Hearing none, the Chair would entertain a
16 motion for approval of this improvement plan as
17 corrected. Commissioner Toulouse?

18 COMMISSIONER TOULOUSE: Madam Chair, I
19 move that we approve this corrective action plan for
20 Anthony Charter School, as corrected.

21 THE CHAIR: May I ask that you call it an
22 "improvement plan," because that's the way it's
23 titled?

24 COMMISSIONER TOULOUSE: Improvement plan.

25 COMMISSIONER POGNA: Second.

1 THE CHAIR: Motion by Commissioner
2 Toulouse, second by Commissioner Pogna to approve
3 the Anthony Charter School Improvement Plan,
4 2014-'15, with the two corrections as have been
5 noted previously in the record.

6 Is there any discussion?

7 Commissioner Bergman, may we have a
8 roll-call vote, please?

9 COMMISSIONER BERGMAN: Before I conduct
10 the roll-call vote, are we just talking about this
11 plan? We're not incorporating the framework, are
12 we?

13 THE CHAIR: No, just the plan.

14 COMMISSIONER BERGMAN: Commission
15 Toulouse?

16 COMMISSIONER TOULOUSE: Yes.

17 COMMISSIONER BERGMAN: Commissioner
18 Parker?

19 COMMISSIONER PARKER: Yes.

20 COMMISSIONER BERGMAN: Commissioner
21 Conyers?

22 COMMISSIONER CONYERS: Yes.

23 COMMISSIONER BERGMAN: Commissioner
24 Peralta?

25 COMMISSIONER PERALTA: Yes.

1 COMMISSIONER BERGMAN: Commissioner Carr?

2 COMMISSIONER CARR: Yes.

3 COMMISSIONER BERGMAN: Commissioner Pogna?

4 COMMISSIONER POGNA: Yes.

5 COMMISSIONER BERGMAN: Commissioner Gant?

6 COMMISSIONER GANT: Yes.

7 COMMISSIONER BERGMAN: Commissioner

8 Shearman?

9 THE CHAIR: Yes.

10 COMMISSIONER BERGMAN: Commissioner

11 Bergman votes "yes."

12 Madam Chair, that is a 9-to-0 vote.

13 THE CHAIR: Thank you, Mr. Secretary. The
14 improvement plan for Anthony Charter School, as
15 corrected, passes unanimously. Thank you both very
16 much.

17 Commissioners, next in your binder, you
18 actually have a copy of the Anthony Charter School
19 2014-'15 performance framework. That will not be
20 considered until Item 11. If you'd like to take it
21 out of your binder at this point and just put it in
22 with Item 11, you'll have it, because we will need
23 to go through it at that point.

24 Just as a side note -- while we're fixing
25 our notebooks here, just as a side note, I attended

1 the LESC subcommittee on charter schools a couple of
2 weeks ago in the East Mountains, beautiful area.
3 And they worked on their notebooks the whole time
4 during the meeting. Things were being moved and
5 changed and looked for. And I felt -- I felt -- oh,
6 we really do very well. We don't hunt very much for
7 our stuff.

8 So thank you, Beverly. We appreciate you
9 putting together -- and Matt -- and we appreciate
10 you putting together our documents very well and
11 clearly. We appreciate it.

12 Let's go on to item No. 7, which is Report
13 and Update on Academia Dolores Huerta. Mr. Pahl?

14 MR. PAHL: Madam Chair, members of the
15 Commission. Academia Dolores Huerta --

16 THE CHAIR: See?

17 MR. PAHL: Thank you. I'll call the
18 school "Dolores Huerta" from here on out, if that's
19 all right.

20 They were put on our radar for a few
21 different concerns. And they were separate at that
22 time, but they are coming together to paint a fuller
23 picture of some actions that were occurring over the
24 summer at the school. Our actions and our questions
25 and our investigating are ongoing; but I wanted to

1 give you an update of what's happened up to this
2 date.

3 So there were three major concerns with
4 Dolores Huerta and why they're being mentioned
5 today:

6 The first was some unauthorized
7 construction going on at the school. It appears as
8 if the school leader has, again, without
9 authorization, taken down a wall. I have received
10 assurance from PSFA that the school is in -- does
11 have E-Occupancy. It is in okay condition for
12 children to be in the building right now, but that
13 at the beginning of that construction did occur
14 without going through the proper processes, through
15 the Regulations and Licensing Department and with
16 PSFA.

17 The other element at play here is a
18 massive shift in their governance council. A
19 majority of their board members left, and it's
20 unclear how many have been replaced at this point.
21 But anytime there's a large shift in a -- in
22 membership at a governing council, we recognize that
23 school being at risk, because of the large turnover.

24 During that turnover, we've received
25 minutes that look like there could be an Open

1 Meetings Act violation. I've talked to Mr. Granata,
2 and we will submit a formal, I guess, complaint,
3 showing what we have on the school; because that is
4 the -- the Attorney General's bailiwick. And I plan
5 on working closely with Mr. Granata as his office
6 follows up on that.

7 We'll also do our own follow-up on that at
8 our site visit, which has been prioritized due to
9 the -- due to the actions of Dolores Huerta.

10 So more information to come. I'll be able
11 to explain a little bit more. They are a school of
12 concern now as a result of what we've been finding.
13 But those are the results thus far. That's why
14 they're on our radar and what we're seeing so far;
15 so expect more information at the next meeting.

16 And, Madam Chair, in the interim, I'd be
17 happy to have some conversations with you just
18 updating you on the progress that we're making in
19 our investigation.

20 Thank you, Madam Chair.

21 THE CHAIR: Thank you. You have heard
22 Mr. Pahl's report. Are there any questions on the
23 Dolores Huerta school?

24 Commissioner Gant?

25 COMMISSIONER GANT: Madam Chair, members,

1 this is just a comment. Mr. Pahl and Mr. Granata
2 and I and others have gotten -- we have exchanged
3 all the information. Ms. Martica Casias has been
4 involved with the PSFA, and it's been an ongoing
5 thing all summer.

6 So it's good now that we've got it in the
7 right hands of the right people and that -- and the
8 parents and staff and others -- and, you know, we've
9 heard, "Well, you're not doing anything."

10 Well, now the public knows that the PEC is
11 doing something about what's been going on. I'm not
12 going to go into the details, but I've got to tell
13 you, I was really shocked when I got the first
14 e-mail from someone over there about what was going
15 on. And I think it really needs to be thoroughly
16 investigated, 'cause, to me, it was ridiculous that
17 it -- even think about happening the way it
18 happened. Thank you.

19 THE CHAIR: Commissioner Carr?

20 COMMISSIONER CARR: Madam Chair, just a
21 quick comment. You know, it's -- at this point, it
22 sounds like we're following -- we're really getting
23 on top of this, which is really good. And it's
24 important that we do that for every school.

25 I think most of the schools are doing what

1 they're supposed to be doing. And if they see other
2 schools getting away with things, you know, it's
3 like, "Why should we? Why should we bother to do
4 everything right?"

5 So it's important that we stay on top of
6 that. And it sounds like we're doing that here, and
7 I appreciate that.

8 THE CHAIR: Thank you, Commissioner.

9 Mr. Pahl?

10 MR. PAHL: Members of the Commission, I
11 just want to add one more point. I just appreciate
12 the collaboration from the Commission on this one.
13 This is something that Commissioner Gant and I have
14 exchanged e-mails on, something I've been working on
15 with Mr. Granata. And I just want to highlight that
16 in a situation like that, we've been able to get
17 together and collaborate on what the appropriate
18 actions are.

19 So I appreciate the work of the
20 Commission. Always do. But on this -- on this
21 issue, it's been especially helpful that we have a
22 relationship that we're able to collaborate on. And
23 so I appreciate that. Thank you.

24 THE CHAIR: Thank you. Appreciate it.

25 Any other comments on Item No. 7?

1 Let's move on, then, to Item No. 8,
2 Discussion and Possible Action on Performance
3 Framework Edits. Before I ask Mr. Pahl to speak,
4 let me -- let me give you my take on this.

5 When we were doing the phone conference
6 call to set this agenda, Mr. Pahl said that we had
7 some schools that wanted to make some editing
8 changes to their performance frameworks. For
9 instance, if you all will recall, in 2013-2014, we
10 did not utilize the financial frameworks that were
11 in the contracts. Many schools had questioned that
12 financial framework; they didn't think it was
13 workable; they didn't think it was realistic, and we
14 decided not to use that framework that year.

15 All the schools that we have renegotiated
16 their frameworks for the 2014-'15 school year have
17 the newly approved, by PEC and the schools,
18 financial framework in them.

19 Some of these schools who did not have a
20 framework because of the reason I just mentioned
21 wanted to have that new framework inserted in their
22 performance framework overall; and so they came --
23 were asking to come before us to have that included.
24 Another said there was a typo in there, and they
25 would like to have that corrected.

1 As we've looked at this information this
2 morning -- and particularly Commissioner Bergman,
3 who has been involved in every single contract and
4 performance framework negotiation that's taken
5 place -- as he looked at these, he's looked at some
6 of the wording, and he said, "I don't remember some
7 of this wording."

8 Now, we've done a lot of these, as
9 Mr. Bergman will certainly tell you. And our
10 memories can get fuzzy. But because there is some
11 question -- and I'm not suggesting anybody's done
12 anything under the table; I just simply want to be
13 sure that we're all absolutely clear on what we're
14 looking at before we start dealing with it -- I
15 wonder if perhaps we would like to table this item
16 until next month, when we can actually bring those
17 contracts, in their entirety, to the Commissioners,
18 let us read through those, compare them to the
19 changes that the schools are suggesting, the
20 edits -- because we don't go back and change these
21 contracts. But those are edits; so we will consider
22 them. But I would like to look at them as part of
23 the whole.

24 That's my take on it this morning. I'd
25 like to hear from -- I really would like to hear

1 from Commissioner Bergman next, and then perhaps
2 Mr. Pahl, please.

3 Commissioner?

4 COMMISSIONER BERGMAN: Thank you,
5 Madam Chair. I believe at this time, it would be
6 best to table these, because I want to sit down and
7 take the previous performance framework, and I want
8 to sit them side by side and I want to see; because
9 as the Chair noted, there's some language in there
10 that I have no memory of. And I normally have a
11 fairly good memory, even at my age. And there are
12 some statements made, as explanatory statements,
13 that I also do not recognize.

14 So I want at least a little time this next
15 month to look at these -- actually do a
16 side-by-side, sentence-by-sentence comparison;
17 because even some of the goals that are stated do
18 not look like goals that we normally negotiate. The
19 wording is not as I remember it. So I would like to
20 do that.

21 And I do have a suggestion for Mr. Pahl,
22 also. Anytime you give us these documents where you
23 have made editing changes, I would ask if you
24 couldn't put those in red letters -- we've done that
25 in the past -- and then we can see exactly what has

1 been changed. So I would just like to make that
2 suggestion for the future.

3 Thank you, Madam Chair.

4 THE CHAIR: Thank you.

5 Mr. Pahl?

6 MR. PAHL: Madam Chair, members of the
7 Commission, we'd be happy to provide those documents
8 for you. Thank you for that feedback, Commissioner
9 Bergman.

10 One thing that I noticed -- and this is --
11 this is -- this hurts a little bit, because we just
12 got some compliments on putting our binders
13 together --

14 THE CHAIR: It's put together beautifully;
15 it really is.

16 MR. PAHL: But what we were missing that
17 may have helped the Commissioners -- and, you know,
18 again, the -- the action we take on this may stand
19 to move it still -- was a verbal -- or, I guess, in
20 writing, the changes that were made to kind of guide
21 the Commissioners to the right points.

22 I'm going to pass this around, and should
23 we table this till next month, I'll ask Staff to
24 give the contracts and the performance frameworks
25 unedited, so we have all that information.

1 One point of confusion that I think -- we
2 got some clarification in the Charter Schools
3 Division -- is that these were '14-'15 frameworks.
4 And they really are just edits. We aren't
5 renegotiating a new framework.

6 I'll use an example for New Mexico School
7 for the Arts. They were approved on February 28th
8 of this year, and their contract states that the
9 contract does start July 1st, 2014.

10 So that's why we'll see, on the contracts,
11 that these are '14-'15, even though they were
12 negotiated many months ago. But the documents will
13 show that.

14 So I leave -- obviously, leave it up to
15 the Commission to decide what they'd like to do. We
16 do have some documents here that could help us, if
17 there's a potential way to table this for tomorrow.
18 But, you know, this is all up to the Commission.

19 But we have -- you'll get -- you have my
20 commitment that you'll have the documents that you
21 need, and in the future, I'll be able to ask some
22 more questions to ensure that you have them before
23 the meeting; so thank you.

24 THE CHAIR: That would be great. Thank
25 you.

1 Commissioner Carr?

2 COMMISSIONER CARR: Madam Chair, if -- I
3 mean, do you believe that these corrections are
4 minor or major?

5 THE CHAIR: Probably, they're minor. But
6 the questions surrounding the text that I don't
7 remember and that Commissioner Bergman doesn't
8 remember are major.

9 COMMISSIONER CARR: Okay.

10 THE CHAIR: I am not suggesting anyone has
11 gone behind anyone's back and made changes. I just
12 need clarification on how we arrived at this point.
13 And if the contract says what the contract says,
14 then we need to make certain that if that is an item
15 in that contract that we don't perhaps agree with
16 for the future, that we make sure it doesn't happen
17 in the future.

18 I just don't remember some of that
19 wording. And I think it really would have jumped
20 out at me had I been at the negotiation. But I
21 didn't -- I was not at every negotiation; so there's
22 that question, as well.

23 Commissioner Bergman?

24 COMMISSIONER BERGMAN: Yeah.

25 Unfortunately, I do not remember -- that -- I'm

1 wondering if we had the -- I do not remember them.
2 And so that's why I want to look; I want to refresh
3 my memory.

4 And while I've got the microphone, I've
5 been passed a note here. Josh, did it come from
6 you?

7 MR. GRANATA: No, from the Chair.

8 COMMISSIONER BERGMAN: The Chair just
9 passed a note said, "The contracts and the
10 performance frameworks need to be signed and dated
11 by the negotiator."

12 We've never done that.

13 THE CHAIR: I know that. I'm suggesting
14 when we have our work session and look at these
15 documents again, that we have the people who
16 negotiated those documents sign them and date them;
17 so if we do have questions about, "Where did this
18 wording come from," we know who to ask, rather than
19 who was at the negotiation.

20 It's not a question for today. It's a
21 work session suggestion.

22 COMMISSIONER BERGMAN: I concur. Thank
23 you. I just had not ever signed a document. Thank
24 you.

25 COMMISSIONER CARR: Madam Chair?

1 THE CHAIR: Commissioner Carr?

2 COMMISSIONER CARR: I'm sorry to belabor
3 it. I know we have four schools here that came here
4 today expecting us to work through this. And so I'm
5 trying to figure out if there -- so maybe this is a
6 question for our attorney.

7 Can we make corrections after we sign
8 this, maybe as long as they're initialed? Or is
9 there a way to go through this and then fix maybe
10 whatever was wrong later?

11 MR. GRANATA: Madam Chair,
12 Commissioner Carr, I -- so long as both parties are
13 in agreement as to what changes have been made, I
14 wouldn't see a problem with it. I mean, the bottom
15 line is both parties need to agree to the changes.
16 And so that's my biggest concern.

17 (Reporter requests clarification.)

18 THE CHAIR: And then reading through this
19 explanation -- Mr. Pahl, I'll call on you in just a
20 second. I'm sorry. I didn't see you.

21 MR. PAHL: No, that's okay.

22 THE CHAIR: If you look on the second page
23 under B-2, No. 3, we're actually adding -- Mr. Pahl,
24 would you explain, please?

25 MR. PAHL: Yeah, would you like me to go

1 through the whole document just so that we can -- so
2 we know the universe of the changes we're thinking?

3 THE CHAIR: Please do.

4 MR. PAHL: Madam Chair, members of the
5 Commission, the following schools have identified
6 some anomalies in their performance frameworks.
7 Most of these do have to do with a perfor- -- or,
8 sorry -- financial framework in the performance
9 framework for their contracts. Some are typos. And
10 in one case, it's just changing the wording to best
11 reflect the assessment that the PEC and the school
12 agreed on in their contract.

13 So Alma de Arte Charter School had the
14 former financial framework which we used in
15 2013-'14. They entered into the agreement with the
16 PEC, and then we later updated that financial
17 framework. So it's just reflected as the old
18 financial framework right now. And that new
19 framework has been adopted by the PEC.

20 So Alma de Arte is just interested in
21 transferring to the new financial framework. It was
22 just a circumstance of when they negotiated their
23 contract and when that update was made, and they
24 want to make sure that they're on the new financial
25 framework for this first year of their contract.

1 So we recommend approval of that edit.
2 But, again, that may or may not matter for today.

3 For New Mexico School for the Arts,
4 similarly, they are interested in updating that
5 financial framework that was approved by the PEC
6 after they engaged in their contract negotiation.

7 Secondly, they found a typographical
8 error. And that's where you'll see the paragraphs
9 that Madam Chair was referring to. And you'll see a
10 yellow highlight and in red there. At the end of
11 their Mission-Specific Indicator No. 3, it read --
12 it doesn't make sense as it sits right now. And we
13 signed this contract; it's a typo.

14 It says, "Personal expression through
15 their art form and the out a comprehensive project."

16 So, just -- we're adding additional
17 wording there so it makes sense; so that the new
18 wording that they're requesting and feel like is
19 reflective of the contract negotiation is, "Personal
20 expression through their art form and the ability to
21 produce and carry out a comprehensive project."

22 And so that's a -- that's a little more
23 substantive change in addition to that framework.
24 But if the PEC agrees that that's reflective of what
25 they want the school to do as a mission-specific

1 indicator, and it makes sense to change that last
2 statement in their Mission-Specific Indicator
3 No. 3 -- and it's -- it embodies the spirit of that
4 negotiation, that's what their requesting there.

5 Taos Academy. They, again, under the old
6 financial framework, it has been updated since we
7 agreed in the contract negotiations on the
8 performance framework; so they just want to update
9 that new performance framework.

10 Cesar Chavez Community School, they
11 have -- in their mission-specific performance goal
12 for the '14-'15 year, they reference a specific test
13 that no longer is given at CNM. And so what they'd
14 like to change that to is -- it says -- I'll read
15 the whole -- the whole goal here.

16 It says, "Acceptance into a post-secondary
17 education program with readiness demonstrated by
18 Accuplacer scores indicating at least a Reading 1 or
19 a Math 1 proficiency level, per CNM prerequisite
20 qualifications in the 2013 CNM catalog."

21 That catalog has since been updated. And
22 so there is no 2013 catalog for the school to refer
23 to. And so what they're doing is changing the
24 wording to, instead of "the 2013 CNM catalog," "the
25 current annual CNM catalog"; so it leaves the goal's

1 language a little more flexibility, so they can
2 always have the most up-to-date catalog at CNM.

3 So that's an overview of the changes. So
4 when we discussed this earlier, Madam Chair, we felt
5 like these fell under the category of edits rather
6 than needing to go through a negotiation. But we'll
7 wait for your direction on what we do today and in
8 the future, with items like this in the future.

9 THE CHAIR: Thank you for that
10 clarification, Mr. Pahl. And that may be
11 sufficient, really, hearing your clarification.

12 But let me direct your attention to the
13 item that Commissioner Bergman noted in the
14 New Mexico School for the Arts, their performance
15 framework that's in our notebook. And it's on
16 Page 2 -- pardon me -- it's on Page 3, under Item 2,
17 Mission-Specific Indicators.

18 And I think when you first read it, it
19 really grabs you, and you think, "We didn't put that
20 in there." But I think if you read it again,
21 maybe -- maybe I didn't read it clearly enough.

22 Commissioners, if you would consider this
23 wording, it says, "Note, the cohort identified below
24 is not determined by New Mexico School for the Arts
25 for this indicator. The Assessment Bureau, NMPED,

1 determines this cohort."

2 They're talking about the Standards-Based
3 Assessment. Of course, PED determines the cohort.
4 They're the ones who send you back the results with
5 that cohort.

6 So I, frankly -- probably, that note
7 doesn't even need to be there. It's superfluous,
8 that the State does it and the school has no -- no
9 influence on who the cohort group is. Okay?

10 Commissioner Toulouse?

11 COMMISSIONER TOULOUSE: Madam Chair, I
12 think -- yeah, the people from the school would like
13 to address us, maybe, on this.

14 MS. MONTOYA: Good morning, Commissioners.

15 THE CHAIR: Please introduce yourself.

16 MS. MONTOYA: This is Cindy Montoya, Head
17 of School for New Mexico School for the Arts.
18 M-O-N-T-O-Y-A.

19 That note was added at the direction of
20 the group when we negotiated. Our original
21 performance frameworks were by cohorts that we
22 determine, such as they had to be at the school for
23 four years before attendance or GPA counted. When
24 you start a new school, that cohort doesn't exist
25 until the fourth or fifth year. So at the

1 suggestion of Julia Barnes, we added it.

2 Thank you, Mr. Carr -- I just wanted to
3 talk about this as well -- for considering the need
4 to return tomorrow. For New Mexico School for the
5 Arts, because we are located so close to this
6 building, it's not a problem. But to address
7 Mr. Bergman, I do think that you should review it.

8 If you recall, on the day that we re- --
9 we approved our charter, Ms. Lewis pointed out that
10 the documents you were reviewing were different than
11 the ones we had; so I'm not confident that we all
12 looked at the same document. I considered that at
13 that moment in time. Perhaps I should have spoken
14 up. But it was also brought to my attention that a
15 delay would lead to an impasse.

16 So in an effort to get the approval moving
17 forward, we agreed with Ms. Lewis. And perhaps that
18 was a mistake. So I welcome your eyes on the entire
19 document. I think it's more appropriate than maybe
20 the others.

21 THE CHAIR: Would you please say that last
22 sentence again?

23 MS. MONTROYA: I welcome your review of the
24 entire contract. I don't want to be here in two
25 months or four months, where there's a

1 misunderstanding. I want us to really know that we
2 have all reviewed and approved the same document.

3 I think these mistakes were unintentional.
4 But we did it via e-mail, which probably passing
5 documents via e-mail with three or four people
6 editing it leads to a certain opportunity for
7 mistakes.

8 So thank you.

9 THE CHAIR: Thank you for those comments.

10 COMMISSIONER BERGMAN: Madam Chair?

11 THE CHAIR: Commissioner Bergman?

12 COMMISSIONER BERGMAN: Actually, I do
13 think I want to backtrack a little bit. I think my
14 concerns can be addressed, if we word the motion
15 properly today, that if there are some additional
16 edits or changes that need to be made, that the
17 schools would agree to that, and we would agree to
18 that.

19 As I said, there are just some wording --
20 like this thing about the cohorts. I do not
21 remember hearing that or seeing that, even though I
22 know I was at that negotiation; so I'm not sure
23 quite where it came from.

24 Now, on another one of the schools -- and
25 I'll wait till we get to that one -- it looked like

1 the goals changed. I'm not sure about that one.
2 But I think -- let's move forward on these, with --
3 like I say, with that caveat, that if additional
4 edits or changes are needed, that we all agree, in a
5 spirit of cooperation, that we will do it. And if a
6 goal -- if I find that a goal was changed somehow,
7 either in typing or whatever, that some work may
8 have to be done in that area.

9 But I think I'll backtrack, and I think we
10 probably should go forward with conditional motions.

11 THE CHAIR: All right. Okay.

12 Further discussion?

13 Mr. Pahl?

14 MR. PAHL: Just real quick, Madam Chair,
15 members of the Commission. In our most recent round
16 of negotiations, we did not have that note there,
17 per your point. So, you know, we may take that out
18 in a future negotiation.

19 I think, as you mentioned, if you're using
20 SBA, the cohort has been defined; so noting it is
21 frivolous. So that may be -- I can't speak to past
22 practice when this was done. But the current
23 practice, as we have been conducting it this past
24 summer, has been not to have that note in there.

25 THE CHAIR: Right, right. Uh-huh. Thank

1 you for that.

2 Any other comments?

3 Shall we take these one at a time, please?

4 Thank you for your comments from the school, too.

5 Let's look at Alma de Arte Charter School.

6 They are asking to have the new financial framework
7 included in their 2014-'15 performance framework.

8 Any discussion on that issue? Hearing --
9 hearing none, the Chair would entertain a motion.

10 COMMISSIONER BERGMAN: Actually, I did
11 want to note that I -- in the Alma de Arte, I did
12 not see anything that caused me any concern on this
13 one. And it looked -- I had no memory problems with
14 that; so I have no problem with going forward on
15 that.

16 THE CHAIR: Would you like to make the
17 motion? Do we have a suggested motion?

18 COMMISSIONER BERGMAN: No, we don't. I'll
19 just do it.

20 Madam Chair, I would move that the Public
21 Education Commission approve the 2014-2015 academic
22 school year performance framework for the
23 Alma de Arte Charter High School.

24 THE CHAIR: Including the new --

25 COMMISSIONER BERGMAN: Including the new

1 edits.

2 THE CHAIR: Financial framework; that's
3 all.

4 COMMISSIONER BERGMAN: Oh, yeah, including
5 the new financial framework.

6 COMMISSIONER PARKER: (Indicates.)

7 THE CHAIR: We have a motion from
8 Commissioner Bergman, a second from Commissioner
9 Parker, to approve the inclusion of the new
10 financial framework in the Alma de Arte 2014-2015
11 performance framework.

12 Any discussion?

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

15 COMMISSIONER BERGMAN: Commissioner
16 Parker?

17 COMMISSIONER PARKER: Yes.

18 COMMISSIONER BERGMAN: Commissioner
19 Conyers?

20 COMMISSIONER CONYERS: Yes.

21 COMMISSIONER BERGMAN: Commissioner
22 Peralta?

23 COMMISSIONER PERALTA: Yes.

24 COMMISSIONER BERGMAN: Commissioner Carr?

25 COMMISSIONER CARR: Yes.

1 COMMISSIONER BERGMAN: Commissioner Pogna?

2 COMMISSIONER POGNA: Yes.

3 COMMISSIONER BERGMAN: Commissioner

4 Toulouse?

5 COMMISSIONER TOULOUSE: Yes.

6 COMMISSIONER BERGMAN: Commissioner Gant?

7 COMMISSIONER GANT: Yes.

8 COMMISSIONER BERGMAN: Commissioner

9 Shearman?

10 THE CHAIR: Yes.

11 COMMISSIONER BERGMAN: Commissioner

12 Bergman votes "yes."

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

15 THE CHAIR: Thank you. The motion passes
16 unanimously to include the new financial framework
17 in the performance framework for 2014-'15 for
18 Alma de Arte Charter School.

19 Next, we're looking at New Mexico School
20 for the Arts. And they are requesting, as you can
21 see on Page 2, a cleanup of one of their mission
22 statements which they are calling a typographical
23 error. And they are asking to have the new
24 financial framework also included in their
25 performance framework.

1 Any discussion?

2 Hearing none, the Chair would entertain a
3 motion.

4 COMMISSIONER PERALTA: Madam Chair?

5 THE CHAIR: Commissioner Peralta?

6 COMMISSIONER PERALTA: I would move that
7 the PEC approve the edit presented by the New Mexico
8 School for the Arts in their performance and
9 financial framework.

10 THE CHAIR: Thank you. Do we have a
11 second?

12 COMMISSIONER GANT: Second.

13 THE CHAIR: Motion by Commissioner
14 Peralta, second by Commissioner Gant, to approve the
15 edits, as proposed by New Mexico School for the
16 Arts, to their 2014-'15 performance framework.

17 Any discussion?

18 Mr. Secretary, may we have a roll-call
19 vote?

20 COMMISSIONER BERGMAN: Commissioner
21 Conyers?

22 COMMISSIONER CONYERS: Yes.

23 COMMISSIONER BERGMAN: Commissioner
24 Peralta?

25 COMMISSIONER PERALTA: Yes.

1 COMMISSIONER BERGMAN: Commissioner Carr?
2 COMMISSIONER CARR: Yes.
3 COMMISSIONER BERGMAN: Commissioner Pogna?
4 COMMISSIONER POGNA: Yes.
5 COMMISSIONER BERGMAN: Commissioner
6 Toulouse?
7 COMMISSIONER TOULOUSE: Yes.
8 COMMISSIONER BERGMAN: Commissioner
9 Parker?
10 COMMISSIONER PARKER: 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 9-to-0 vote in
19 favor of that motion.
20 THE CHAIR: Thank you. The motion passes
21 unanimously to include the new financial framework
22 and the typographical error corrections, and
23 New Mexico School for the Arts 2014-'15 performance
24 framework is passed unanimously.
25 Thank you. Thank you for being here.

1 COMMISSIONER CARR: Madam Chair?

2 THE CHAIR: Commissioner Carr?

3 COMMISSIONER CARR: Madam Chair, I will
4 need to abstain from the vote of the Taos Academy,
5 since I am employed by them.

6 THE CHAIR: Thank you for that.

7 Taos Academy is also requesting to have
8 the new financial framework included in their
9 2014-'15 performance framework.

10 Any discussion from Commissioners?

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

13 THE CHAIR: Commissioner Toulouse?

14 COMMISSIONER TOULOUSE: Madam Chair, I
15 move to approve the -- this edit presented by the
16 Taos Academy to include the new performance
17 framework -- or the new financial framework in their
18 performance framework.

19 THE CHAIR: Thank you very much. Do we
20 have a second?

21 COMMISSIONER POGNA: Second.

22 THE CHAIR: Commissioner Pogna. Motion by
23 Commissioner Toulouse, second by Commissioner Pogna
24 to approve the inclusion of the new financial
25 framework in Taos Academy's 2014-2015 performance

1 framework.

2 Any discussion?

3 Hearing none, Mr. Secretary, may we have a

4 roll-call vote?

5 COMMISSIONER BERGMAN: Commissioner

6 Peralta?

7 COMMISSIONER PERALTA: Yes.

8 COMMISSIONER BERGMAN: Commissioner Carr?

9 COMMISSIONER CARR: Abstain.

10 COMMISSIONER BERGMAN: Oh, that's right.

11 Commissioner Carr abstains.

12 Commissioner Pogna?

13 COMMISSIONER POGNA: Yes.

14 COMMISSIONER BERGMAN: Commissioner

15 Toulouse?

16 COMMISSIONER TOULOUSE: Yes.

17 COMMISSIONER BERGMAN: Commissioner

18 Parker?

19 COMMISSIONER PARKER: Yes.

20 COMMISSIONER BERGMAN: Commissioner

21 Conyers?

22 COMMISSIONER CONYERS: Yes.

23 COMMISSIONER BERGMAN: Commissioner Gant?

24 COMMISSIONER GANT: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Shearman?

2 THE CHAIR: Yes.

3 COMMISSIONER BERGMAN: Commissioner

4 Bergman votes "yes."

5 Madam Chair, that is an 8-to-0 vote, with
6 one abstention, in favor of that motion.

7 THE CHAIR: Thank you. The motion passes
8 unanimously for -- to include the new financial
9 framework for Taos Academy's performance framework.

10 Cesar Chavez. Mr. Pahl, let me be clear.
11 All Cesar Chavez is asking for is a one-word
12 correction from "the 2013 CNM catalog" to "the
13 current annual" -- all right, that would be two
14 words -- correction/edit to their performance
15 indicator. They are not asking to have the new
16 financial framework included?

17 MR. PAHL: That's acc- --

18 THE CHAIR: Or are they one that already
19 has it? They already have it?

20 MR. PAHL: That's correct, yeah.

21 THE CHAIR: Okay. Thank you for that
22 clarification.

23 You've heard the explanation by Mr. Pahl.
24 Is there any discussion?

25 Commissioner Bergman?

1 COMMISSIONER BERGMAN: Madam Chair, Cesar
2 Chavez was one of the ones that I did have
3 questions. I'm looking at their goals again. And I
4 do not remember these goals. There is a word in
5 there, just a little two-letter word, "or."

6 Normally, when I negotiate goals, I always
7 use the word "and." I always -- I don't allow
8 options of "either/or." I never have; I don't like
9 that setup.

10 So this is one I want to go back and
11 review the framework that I worked off of when we
12 did that negotiation and just be sure -- and refresh
13 my memory, be sure that that is what I agreed to
14 when we walked out of that negotiation.

15 THE CHAIR: On Page 1?

16 COMMISSIONER BERGMAN: It's Page 3 of
17 their -- and there's a very long, detailed
18 explanation there, talking about GTV. And frankly,
19 I have no memory of that, either. So I want to look
20 at that, too.

21 So this is one I want to do a conditional
22 motion, just subject to possibility that -- I just
23 want to be sure the language is correct and that
24 this is what was done when I was there. That's how
25 I want to do it. Thank you.

1 MS. THOMAS: Madam Chair?

2 THE CHAIR: Yes.

3 MS. THOMAS: Yes, thank you. I'm Caryl
4 Thomas, T-H-O-M-A-S, the head administrator of Cesar
5 Chavez -- well, you know what I'm talking about.
6 So, hopefully, I can speak.

7 Anyway, I wanted to make myself available
8 if there were any specific questions around this at
9 this point. And, Mr. Bergman, too. We all have our
10 tricky memories, I know, you know. But to assure
11 you that those all were in all of the negotiations
12 and agreed to, and see if you had any questions at
13 this point.

14 COMMISSIONER BERGMAN: No. Apparently,
15 the question is about my memory.

16 MS. THOMAS: I know how that is. Believe
17 me.

18 COMMISSIONER BERGMAN: I hope it's not the
19 sign that I'm in the early stages of something,
20 but -- yeah, I'm with you on this. I'm with the
21 Commission. Let's go ahead and go forward on it,
22 just with the understanding that if I see something
23 that I missed, that we can maybe revisit it.

24 MS. THOMAS: Of course.

25 COMMISSIONER BERGMAN: Are you amenable to

1 that?

2 MS. THOMAS: Yes, of course. Yeah.

3 COMMISSIONER BERGMAN: Then I'm amenable.

4 Thank you, Madam Chair.

5 THE CHAIR: Any other comments?

6 Commissioner Toulouse?

7 COMMISSIONER TOULOUSE: I was at that
8 negotiation, too. Actually, I don't remember one
9 way or the other. I was too busy trying to figure
10 out what we were negotiating. But I don't remember
11 you questioning anything, either.

12 So I don't know. I don't see that this
13 makes a big difference understanding what they mean
14 if the "or" wasn't in there, because you're looking
15 at one or the other proficiency.

16 COMMISSIONER BERGMAN: I just want to
17 refresh my memory is what I want to do. Thank you.

18 MS. THOMAS: Madame Commissioner and
19 Commissioner Bergman, just one quick comment that
20 might help you in thinking about this. We had the
21 "or" in there all along; mainly, a measure of two
22 different things. One is job readiness, and one is
23 college prep. One is aimed at the work keys, at
24 work readiness. One is aimed at the college
25 readiness with the CNM Accuplacer. That was our

1 thinking on it.

2 COMMISSIONER BERGMAN: Normally, I'm
3 uncomfortable with that. But I'm sure I agreed to
4 that, and I just appreciate what the Chairman said
5 earlier in our meeting. I actually did miss one
6 negotiation; I've been to all but one, just to be
7 factually accurate.

8 But that is something that I believe in,
9 and I've enjoyed it, and I've enjoyed the
10 negotiation aspects of it and the cooperation of all
11 the various charter schools. They may not view it
12 as fun, but I've actually thought it was kind of
13 fun.

14 So thank you. Thank you, Madam Chair.

15 THE CHAIR: Well, certainly, those
16 negotiations were informative; they were. And if
17 you're in the early stages of anything, Commissioner
18 Bergman, it may be overload.

19 All right. You've all heard the comments.
20 If there are any further questions? Comments?

21 Hearing none, the Chair would entertain a
22 motion. And, Commissioner Bergman, I would like for
23 you to make that motion, so you can get your
24 conditions in there.

25 COMMISSIONER BERGMAN: Madam Chair, I

1 would move that the Public Education Commission
2 accept and approve the 2014 and 2015 academic school
3 year performance framework and the financial
4 performance framework for Cesar Chavez Community
5 School, with the understanding that Commissioner
6 Bergman is going to review the negotiation.

7 THE CHAIR: Does it include the changes
8 here?

9 COMMISSIONER BERGMAN: Oh.

10 THE CHAIR: Here.

11 COMMISSIONER BERGMAN: His negotiation
12 notes. And if changes do need to be made, which
13 they apparently don't, that we will perhaps revisit
14 this in the future; and also to include the editing
15 change that -- changes that Cesar Chavez Community
16 School has requested.

17 THE CHAIR: All right. You've heard the
18 motion. Do we have a second?

19 COMMISSIONER POGNA: Second.

20 THE CHAIR: Commissioner Peralta -- Pogna,
21 okay. You've heard the motion by Commissioner
22 Bergman, the second by Commissioner Pogna.

23 Is there further discussion?

24 Commissioner Parker?

25 COMMISSIONER PARKER: Madam Chair,

1 Commissioners, was there language in there that they
2 were -- there was a change to the performance -- or
3 the financial framework in that motion?

4 THE CHAIR: They did not ask -- they've
5 already got the current financial framework in
6 there, but --

7 COMMISSIONER PARKER: Thank you. Perfect.

8 THE CHAIR: -- just to be reassured.

9 Anything else? Hearing no further
10 questions, Commissioner Bergman, may we have a
11 roll-call vote?

12 COMMISSIONER BERGMAN: Commissioner Carr?

13 COMMISSIONER CARR: Yes.

14 COMMISSIONER BERGMAN: Commissioner Pogna?

15 COMMISSIONER POGNA: Yes.

16 COMMISSIONER BERGMAN: Commissioner
17 Toulouse?

18 COMMISSIONER TOULOUSE: Yes.

19 COMMISSIONER BERGMAN: Commissioner
20 Parker?

21 COMMISSIONER PARKER: Yes.

22 COMMISSIONER BERGMAN: Commissioner
23 Conyers?

24 COMMISSIONER CONYERS: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Peralta?

2 COMMISSIONER PERALTA: Yes.

3 COMMISSIONER BERGMAN: Commissioner Gant?

4 COMMISSIONER GANT: Yes.

5 COMMISSIONER BERGMAN: Commissioner

6 Shearman?

7 THE CHAIR: Yes.

8 COMMISSIONER BERGMAN: Commissioner

9 Bergman votes "yes."

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

12 THE CHAIR: Thank you. The motion passes
13 unanimously to approve the editing change and to
14 include the financial framework, if it's not already
15 there, the new one, in the Cesar Chavez 2014-'15
16 performance framework.

17 Are we done? Thank you very much,
18 Commissioners. I'm glad we got that one done
19 without having to ask the schools to come back.

20 I think it is now 9:20.

21 COMMISSIONER CARR: 10:20.

22 THE CHAIR: If you'd like, we'll take a
23 10-minute break. We'll come back at about 10:30.
24 Thank you, all.

25 (Recess taken, 10:20 a.m. to 10:35 a.m.)

1 THE CHAIR: Ladies and gentlemen, if
2 you're ready, we've gone a little over the
3 10 minutes I said. Of course, we always do so,
4 that's not too surprising.

5 Before we get started, I'd like to ask
6 Beverly Friedman to give us a little update on the
7 computers that were ordered for the Commissioners'
8 use. Ms. Friedman?

9 MS. FRIEDMAN: Madam Chair and
10 Commissioners, I'd just like to let you know that at
11 the end of today's meeting, we will have the
12 computers from the PED available to you, if you wish
13 to pick them up. If you have a question about the
14 agreement with PED and you for the computers, you
15 may talk to your attorney, Mr. Granata, and he will
16 explain that particular agreement.

17 And depending on when the meeting is
18 ended, we're going to try to have someone from our
19 IT staff, or from the CSD staff, go over the
20 computer use with you and show you how to access the
21 websites and different things on the computer, okay?

22 THE CHAIR: Okay. Thank you very much.
23 So if anyone wants to take advantage of that, it'll
24 be available at the end of the meeting.

25 If everyone is ready, let's move on to

1 item No. 9, discussion and possible action on
2 charter school amendments. Mr. Pahl?

3 MR. PAHL: Madam Chair, members of the
4 Commission, we have, I believe, three amendments --
5 there are three schools with four amendments before
6 you today, the first of which is Academy of Trades
7 and Technology.

8 Academy of Trades and Technology is
9 requesting a revision to their mission statement to
10 make it more concise and measurable. The Charter
11 Schools Division recommends approval of this
12 amendment. And do we have --

13 THE CHAIR: Is anyone from the school here
14 who would like to come forward? Good morning.

15 MR. HOTCHKISS: Madam Chair, members of
16 the Commission, I'm Christopher Hotchkiss. I'm
17 principal of the Academy of Trades and Technology.
18 And if I can, I'd like to introduce Henry Lackey,
19 the president of our governing council, and Lee
20 Maxwell, the vice president of our governing
21 council.

22 THE CHAIR: Madame Recorder, did you get
23 all those names?

24 THE REPORTER: Yes, ma'am.

25 THE CHAIR: Thank you very much. If you

1 have a presentation for us, please go ahead.

2 Otherwise --

3 MR. HOTCHKISS: Well, what we would like
4 to do is we would like to take off mission
5 statement, which is currently quite lengthy, and we
6 would like to condense it and keep it clear and
7 concise.

8 THE CHAIR: Excuse me. Are you using the
9 microphone? Have you pushed the -- hold it down.

10 MR. HOTCHKISS: Oh, I'm sorry. There we
11 go. Sorry about that.

12 We'd like to take our current charter,
13 which is quite lengthy and very detailed, and make
14 it clear and concise, condense it a little bit,
15 while keeping it measurable, with the intent to keep
16 specifically on making our students job-ready.

17 THE CHAIR: Okay. Thank you for that.

18 Commissioners, are there questions of
19 either Mr. Pahl or of the school?

20 You've heard the recommendation from CSD.
21 The Chair would entertain a motion.

22 COMMISSIONER PERALTA: Madam Chair?

23 THE CHAIR: Commissioner Peralta?

24 COMMISSIONER PERALTA: I would like to
25 move that the PEC approve the amendment presented by

1 the Academy of Trades and Technology to revise their
2 mission statement.

3 THE CHAIR: Thank you. We have a motion.
4 Do we have a second?

5 COMMISSIONER POGNA: Second.

6 THE CHAIR: Commissioner Pogna seconds.
7 Motion by Commissioner Peralta, second by
8 Commissioner Pogna, to approve the amendment
9 presented by the Academy of Trades and Technology to
10 revise their mission statement.

11 Further discussion?

12 Mr. Bergman, may we have a roll-call vote,
13 please?

14 Let me ask one more thing. I'm sorry.
15 I'm remiss. And our attorney is reminding me that I
16 haven't checked to make sure we have governing
17 council minutes approving this change.

18 MR. HOTCHKISS: We do. We submitted those
19 with the -- with the amendment request.

20 COMMISSIONER GANT: They have approved the
21 request.

22 THE CHAIR: It's here?

23 COMMISSIONER GANT: Yes.

24 THE CHAIR: Commissioner Gant informs me,
25 yes, it is here. Thank you very much. Everything

1 is in order.

2 Commissioner Bergman, let's proceed with

3 the vote, please.

4 COMMISSIONER BERGMAN: Commissioner Pogna?

5 COMMISSIONER POGNA: Yes.

6 COMMISSIONER BERGMAN: Commissioner

7 Toulouse?

8 COMMISSIONER TOULOUSE: Yes.

9 COMMISSIONER BERGMAN: Commissioner

10 Parker?

11 COMMISSIONER PARKER: Yes.

12 COMMISSIONER BERGMAN: Commissioner

13 Conyers?

14 COMMISSIONER CONYERS: Yes.

15 COMMISSIONER BERGMAN: Commissioner

16 Peralta?

17 COMMISSIONER PERALTA: Yes.

18 COMMISSIONER BERGMAN: Commissioner Carr?

19 COMMISSIONER CARR: Yes.

20 COMMISSIONER BERGMAN: Commissioner Gant?

21 COMMISSIONER GANT: Yes.

22 COMMISSIONER BERGMAN: Commissioner

23 Shearman?

24 THE CHAIR: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Bergman votes "yes." Madam Chair, that is a 9-to-0
2 vote in favor of that motion.

3 THE CHAIR: Thank you, Mr. Secretary. The
4 motion to approve the amendment presented by Academy
5 of Trades and Technology to revise their mission
6 statement passes unanimously. Congratulations.

7 MR. HOTCHKISS: Thank you, Madam Chair,
8 members of the Commission.

9 THE CHAIR: Thank you for being here.
10 Mr. Pahl?

11 MR. PAHL: Madam Chair, members of the
12 Commission, our second amendment today is for
13 New Mexico -- is requested by New Mexico School for
14 the Arts. The school is requesting a revision to
15 their charter contract to be able to provide
16 transportation services in the next school year,
17 2015-'16.

18 I just want to note that should this be
19 approved, we would be able to incorporate that into
20 a budget request, and we wouldn't have some of the
21 negative implications. So I just want to thank
22 New Mexico School for the Arts, regardless of the
23 outcome, for thinking about this well ahead of time
24 and providing it to the Commission in a timely
25 manner that allows us to plan ahead for that school

1 year, should it be approved.

2 THE CHAIR: Thank you very much. If the
3 representatives from the school would like to come
4 forward, please? We ask you again to identify
5 yourselves.

6 MS. MONTOYA: Cindy Montoya, Head of
7 School, New Mexico School for the Arts.

8 MR. GONZALES: Riis Gonzales, Director of
9 the New Mexico School for the Arts Art Institute.

10 THE CHAIR: Do you have a presentation?

11 MS. MONTOYA: So we make this presentation
12 because we're a State charter. And with all of the
13 complicated rules around crossing district
14 boundaries and transportation, we need time to
15 figure out how to make the school accessible.

16 For certain demographics, transportation
17 is important. They cannot -- they don't have the
18 resources to get to school on their own. Since we
19 are a public school, we want to be able to
20 investigate and understand what -- what we have
21 available to us to provide that transportation to
22 our students. And it's an access point; we want to
23 make sure they have access to the school.

24 THE CHAIR: Thank you for that.

25 Commissioners, do you have questions?

1 COMMISSIONER CONYERS: I have a question.

2 THE CHAIR: Commissioner Conyers?

3 COMMISSIONER CONYERS: Just curious. What
4 geographic -- what are you looking at on this? What
5 would you cover?

6 MS. MONTOKYA: Our students come from
7 across the state; but we're specifically looking at
8 students in Northern New Mexico from as far north as
9 Abiquiu. They cross several school district
10 boundaries. And under the current laws, a district
11 cannot provide transportation -- you can't cross a
12 district boundary.

13 COMMISSIONER CONYERS: Right.

14 MS. MONTOKYA: Our students from
15 Albuquerque, Mora, Carrizozo, Rio Rancho, it's the
16 same issue.

17 We want to be able to explore what's
18 available to us. But without the -- an amendment to
19 the charter, we can't even begin that discussion.
20 So that's where we are right now; we're
21 investigating.

22 And so our commitment is to provide
23 transportation. I can't tell you what it will look
24 like, because there are so many different pieces to
25 this.

1 THE CHAIR: Thank you, Commissioner,
2 because that's a question I was going to ask. Are
3 you proposing to provide transportation for children
4 from Mora? From Roswell? From Lake Arthur?

5 MS. MONTROYA: Our students currently --
6 some of our students spend three hours a day on
7 public transportation, yes, ma'am. I don't know if
8 you're familiar -- some of the changes in the Rail
9 Runner schedule, for example, because of some of the
10 issues on pedestrian and some tragic fatalities,
11 they now stop at each crossing. The conductor gets
12 off the train to ensure public safety. That's
13 adding 15 to 20 to 30 minutes per ride.

14 So we find our students on some form of
15 public transportation for three hours a day. And we
16 feel that limits access. And our mission and our
17 commitment to our mission is to ensuring access. So
18 if transportation is the nut to crack, so to speak,
19 then we want to do our due diligence in that area,
20 yes, ma'am.

21 THE CHAIR: Well, I'm -- let me ask a
22 question again. A student that lives in Roswell --

23 MS. MONTROYA: That student would live in
24 the dormitory.

25 THE CHAIR: Okay. So what is the -- what

1 is the mileage area that you're proposing to add --
2 to provide transportation?

3 MR. GONZALES: Madam Chair, members of the
4 Commission, we're -- this is just to start the
5 exploration of this potential transportation -- it
6 might just be in the Santa Fe area. Obviously, if
7 we could provide transportation to further
8 distances, that would be wonderful for the students.
9 But right now, we're just trying to explore the
10 cost, the benefits to it, and so on and so forth.
11 But we can't engage in that conversation until this
12 amendment is passed.

13 THE CHAIR: And I understand that. You
14 can't even have the conversation until you have
15 approval from us. But it almost seems like, to me,
16 our approval is open-ended. Then you --
17 conceivably, you could say, 'Okay, we want to
18 provide transportation for every single student
19 that's in our school -- to a child that lives in
20 Artesia, a child that lives in Roswell, a child that
21 lives in Farmington.'

22 Who makes the decision on, "No, that's too
23 far, and that child needs to live in the dorm"?

24 MR. GONZALES: Madam Chair, members of the
25 Commission, we -- basically, any student that lives

1 within 75 miles of the school, we'll provide
2 residential facility for them. So the students in
3 Artesia and Las Cruces, they commit to coming up to
4 the school five days a week, and they go home on the
5 weekends. And, currently, for the most part,
6 parents are paying for that transportation;
7 obviously, bringing their son or daughter to our
8 school.

9 If we had the funds available from the
10 private sector and a parent needed funds, we would
11 provide those funds for the parent. The whole point
12 of the school is just to get that student to our
13 school safely, in any which way we can.

14 THE CHAIR: Commissioner Toulouse?

15 COMMISSIONER TOULOUSE: Madam Chair, as
16 much as I like your school, I need to caution right
17 now. At the meeting in Las Vegas, in August, of the
18 Legislative Education Study Committee subcommittee
19 on charter schools, they had a very long discussion
20 on transportation for charter schools. And this
21 kind of situation came up.

22 And there was almost 100-percent
23 opposition to an open-ended kind of -- in fact,
24 there was an opposition to providing it for anyone.
25 And I would argue, for anybody within the Santa Fe

1 School District boundary, you being able to do it.

2 But I would be reluctant, either on your
3 part, because of your special relationship with the
4 Legislature, or on our part, because of this almost
5 100 percent negative reaction of both parties,
6 everyone there, to this transportation issue, to be
7 very careful before we do it and possibly request to
8 look at -- within the school district now and wait
9 until we see what comes through from the rewrite of
10 the Charter School Act that this committee is doing.

11 MS. MONTROYA: So, Commissioners, just so
12 you know, we do have a signed MOU with the Santa Fe
13 Public Schools to transport students within those
14 district boundaries. So we do -- the 40-day
15 ridership, membership and transportation goes to
16 Santa Fe Public Schools through an MOU.

17 So inter-Santa Fe transportation is --
18 follows the law of not crossing district boundaries.
19 So we do that already, Commissioners.

20 THE CHAIR: Commissioner Gant?

21 Oh, go ahead.

22 COMMISSIONER GANT: Are you sure?

23 Madam Chair, members, I might like to suggest --
24 and, of course, the rest of the Commission can speak
25 up -- that maybe the charter school come back with

1 some kind of definitive plan after -- and you don't
2 need approval to look at the regulations and all
3 that. You come back with some kind of plan that
4 says, "This is what we really want to do, and this
5 is what we really can do," and we table this right
6 now. Because, as Commissioner Toulouse said, you
7 have friends in the Legislature, and you really
8 don't want to get them on the bad side.

9 And we'd like to support you. You have a
10 good school. But we need a plan, I think, to really
11 define what you're going to do.

12 MS. MONTTOYA: So thank you for those
13 comments. That was the approach that we took
14 originally. We've actually developed a plan. We
15 have some numbers and figures. But we cannot engage
16 in any conversations, because we did not have it
17 approved by this Commission.

18 So I feel I agree with you, and we have
19 done our due diligence as far as we could take it.
20 But we have come to the point where we can't have
21 any more conversations without your permission to
22 have the conversation --

23 COMMISSIONER GANT: Madam Chair?

24 MS. MONTTOYA: -- which is --

25 COMMISSIONER GANT: Just go ahead.

1 MS. MONTTOYA: That's why our amendment
2 says "shall," instead of "will." We "shall" --
3 like, we were trying to not say, "We will have
4 transportation"; but some way to open the door to
5 being able to have these conversations and really
6 understanding what is available.

7 COMMISSIONER GANT: Madam Chair, members,
8 our attorney, Josh, can correct me if I'm wrong.
9 But you can -- we're the oversight for you all. And
10 you can come talk to us, and you can lay out your
11 plan. Whether you talk to anybody else or not is --
12 talk to us first, and then we'll -- then you can
13 have approval or disapproval at that point to do
14 whatever you want to do.

15 MS. MONTTOYA: Okay.

16 COMMISSIONER GANT: Am I correct?

17 MR. GRANATA: (Indicates.)

18 THE CHAIR: Mr. Pahl, do you want to weigh
19 in on this?

20 MR. PAHL: I would like to, Madam Chair,
21 members of the Commission.

22 I think the school is correct when they
23 say they're as far as they can go in the planning
24 without approval. I'll also note that -- you know,
25 there are some thoughts about where this school

1 might transport students. And I think there would
2 be some limitations in just the amount of
3 transportation funds they would get that would limit
4 that -- that radius.

5 I mean, there -- so this is high-level.
6 So no, we do not have a plan on where the school
7 will go; but I think, you know, if they were
8 thinking about renting a bus from Santa Fe to
9 Farmington or another place that's pretty far away,
10 I think they would find that the amount of funds
11 that they would be allocated would be -- would
12 restrict them in doing that.

13 That doesn't answer the question of the
14 radius. But I just want to bring those items up,
15 that we may be putting the school in a hard spot on
16 how to move forward with -- in their planning. And
17 so I just think we should be addressing that and
18 maybe ask the school again what specifically in
19 their planning they can't do; but I'll leave that up
20 to the Commission.

21 THE CHAIR: Commissioner Toulouse?

22 COMMISSIONER TOULOUSE: Madam Chair, isn't
23 the not being able to cross district boundaries in
24 statute?

25 MS. MONTOYA: Yes.

1 COMMISSIONER TOULOUSE: So we can't really
2 approve anything, can we, Mr. Granata, that is a --
3 something that would violate a statute? And it
4 would also open the door to most of the schools in
5 the Albuquerque area that also pull from Rio Rancho,
6 Valencia County, Torrance County, without a change
7 in the law.

8 And so I just think -- not as an official
9 member of this Commission, but as a citizen, I would
10 suggest, since you're under a separate act anyway,
11 that you request a change to that act, with these
12 requirements of certain numbers of times you would
13 transport or certain locations, rather than --
14 because I don't think we can give you permission to
15 violate a law, whether we would like to or not.

16 I mean, I understand what you do. I think
17 it's an absolutely wonderful school. But I just --
18 I couldn't vote for this right now, and I would hate
19 to put you in that position.

20 MS. MONTROYA: We will take your
21 suggestions. And just so you know, we were not
22 attempting to violate any laws. Put that in the
23 notes.

24 THE CHAIR: Mr. Granata, would you weigh
25 in on this, please?

1 MR. GRANATA: Madam Chair and Madam
2 Commissioner Toulouse, I agree that obviously, this
3 Commission does not have any authority to authorize
4 the school to break the law. And I think that the
5 language they use is basically constraining
6 themselves to acting within the law.

7 They're just changing the "shall not" to a
8 "may" to allow the possibility. But they are
9 constrained to act within the law; so...

10 THE CHAIR: Thank you.

11 MR. GRANATA: I'm not sure if that's
12 helpful.

13 THE CHAIR: Thank you. Other comments? I
14 must say I agree with Commissioner Toulouse. I
15 think there are many unknowns here. And if you have
16 a plan, we'd like to see it.

17 MS. MONTROYA: Sure.

18 THE CHAIR: And then I think we could have
19 a little bit more information to deal with, to know,
20 for one thing, if what we -- if your plan is to
21 expand beyond the boundaries of the school district,
22 then that's out of our jurisdiction to be able to
23 grant.

24 So let's see your plan next week.

25 MS. MONTROYA: Okay. Next month.

1 THE CHAIR: Next month. And maybe we can
2 figure out a way to help you.

3 MR. GONZALES: That sounds great, Madame
4 Commissioner.

5 THE CHAIR: So, Commissioners, I would
6 recommend we table that till next month.

7 COMMISSIONER GANT: Or they can withdraw.

8 THE CHAIR: Or you may withdraw, whichever
9 you would prefer.

10 MR. GONZALES: Madam Chair and
11 Commissioners, we should table it. That way, it's
12 on the agenda for next month.

13 THE CHAIR: Commissioner Toulouse?

14 COMMISSIONER TOULOUSE: Madam Chair, I
15 move that we table the issue of the -- this charter
16 school amendment for the New Mexico School for the
17 Arts.

18 THE CHAIR: Thank you. Do I hear a
19 second?

20 COMMISSIONER CARR: Second.

21 THE CHAIR: Commissioner Carr.

22 Motion and second to table the amendment
23 request put forth by New Mexico School for the Arts.

24 Further discussion?

25 May we have a roll-call vote,

1 Commissioner Bergman?

2 COMMISSIONER BERGMAN: Commissioner

3 Toulouse?

4 COMMISSIONER TOULOUSE: Yes.

5 COMMISSIONER BERGMAN: Commissioner

6 Parker?

7 COMMISSIONER PARKER: Yes.

8 COMMISSIONER BERGMAN: Commissioner

9 Conyers?

10 COMMISSIONER CONYERS: Yes.

11 COMMISSIONER BERGMAN: Commissioner

12 Peralta?

13 COMMISSIONER PERALTA: Yes.

14 COMMISSIONER BERGMAN: Commissioner Carr?

15 COMMISSIONER CARR: Yes.

16 COMMISSIONER BERGMAN: Commissioner Pogna?

17 COMMISSIONER POGNA: Yes.

18 COMMISSIONER BERGMAN: Commissioner Gant?

19 COMMISSIONER GANT: Yes.

20 COMMISSIONER BERGMAN: Commissioner

21 Shearman?

22 THE CHAIR: Yes.

23 COMMISSIONER BERGMAN: Commissioner

24 Bergman votes "yes."

25 Madam Chair, that is a 9-to-0 vote in

1 favor of tabling that amendment.

2 THE CHAIR: Thank you very much. The
3 motion passes unanimously. The amendment request
4 for New Mexico School for the Arts is tabled until
5 the October meeting. If you would make a note of
6 that, Mr. Pahl, please, we'll look forward to seeing
7 you in October.

8 MR. GONZALES: Thank you. Madam Chair,
9 members of the Commission, I just wanted to give you
10 a brief update on our facilities.

11 You might recall during the summer, I
12 presented an annual report to you. We were in great
13 working relations with the Department of
14 Transportation to possibly acquire some property
15 from the Department of Transportation. We conducted
16 a feasibility study and different types reviews, and
17 it looks like that's going to be -- purchase price
18 is going to be way over what everyone thought it
19 would be; so we're kind of back to square one, and
20 we're searching for sites. But I'll keep updating
21 you as we move closer to securing a site for the
22 school. I just wanted to give you that update,
23 Madam Chair.

24 THE CHAIR: Thank you for that update. We
25 appreciate it.

1 Anything else from the representatives of
2 the school?

3 Thank you so much for being here.

4 MS. MONTOKA: Thank you.

5 THE CHAIR: Next is Aldo Leopold.

6 Mr. Pahl?

7 MR. PAHL: Madam Chair, members of the
8 Commission, we have two amendments for Aldo Leopold
9 Charter School. The first is regarding the school's
10 location. Aldo Leopold is requesting an amendment
11 to begin the process of searching for and moving to
12 another location that will better meet the needs of
13 the student population.

14 The Charter Schools Division recommends
15 approval of this amendment.

16 THE CHAIR: Please, if the representatives
17 of the school would come forward? Let me just ask a
18 clarifying question, though. This is both to search
19 for and approval to move to a new location; right?
20 A two-part amendment we're looking at?

21 MR. PAHL: It -- Madam Chair, it is just
22 one. I think we can clarify in any language that we
23 use the appropriate restrictions around what -- what
24 the school should -- can be able to do with
25 acceptance of this amendment, per Mr. Granata. But

1 I would invite the principal of the school to
2 explain what they're thinking. I think that will
3 provide some clarification.

4 THE CHAIR: Please.

5 MR. AHNER: Good morning. My name is Eric
6 Ahner. I am the Director of Aldo Leopold school in
7 Silver City.

8 Madam Chair and members of the Commission,
9 I thank you for the opportunity to review these two
10 amendments.

11 This specific amendment is to gain the
12 approval to potentially move. We have been working
13 with the PSCOC with a potential capital outlay, and
14 we've actually put that on stall for about the last
15 year to make sure that we have the blessing of the
16 Commission so that we could potentially move forward
17 to seek a new space and move.

18 Obviously, each step would have to go
19 through PSFA; and the final decision to move to any
20 one space, in fact, would have to come back in front
21 of the Commission.

22 THE CHAIR: Okay. Yeah, I -- just for
23 clarification, the PEC has established the process
24 of -- it's a two-step process: First, you let us
25 know that you're looking -- that you want to move.

1 And then when you potentially -- or find a potential
2 location, then you let us know again; so it's a
3 two-step thing.

4 So I'm reading, really, what you're doing
5 today is just notifying us that you want to begin
6 the process of looking for a new location; is that
7 correct?

8 MR. AHNER: Madam Chair, that clarity
9 would help us; and, yes, I would agree with that,
10 that the initial step, obviously, is obtaining where
11 we might move.

12 THE CHAIR: Okay. And then you would come
13 back to us with that information?

14 MR. AHNER: Yes, Madam Chair.

15 THE CHAIR: Okay. Thank you very much.

16 Commissioners, I -- if you will take a
17 minute, let's read through what it says and make
18 sure that that is, in fact, what this amendment
19 request says.

20 Commissioner Gant, you're our facilities
21 guru.

22 COMMISSIONER GANT: Yeah.

23 THE CHAIR: Give us your thoughts on this.

24 COMMISSIONER GANT: Madam Chair, before I
25 make any comments, I would ask Martica Casias from

1 the PSFA -- she's the manager for plans and
2 design -- to give her input on this subject, please.

3 MS. CASIAS: Madam Chair, members, my name
4 is Martica Casias from PSFA. And my only comment is
5 that the current award language from PSCOC asks that
6 they, you know, look for space from within the
7 district, and then, prior to receiving their award,
8 we have to work all of that out, where they're going
9 to move, is it sufficient, is there existing space
10 and stuff like that.

11 So the council is still working through
12 those scenarios. To this point, I believe, we
13 haven't been asked to come out and assess any space
14 to date.

15 THE CHAIR: Okay. Please go ahead.

16 COMMISSIONER GANT: Madam Chair, I do
17 know -- I believe -- correct me if I'm wrong,
18 Ms. Casias -- during the PSCOC meeting, it was
19 brought to the attention -- it was, I believe, in
20 the paperwork we had, or the binder we had -- that
21 the school had discussed with the local school
22 district about usage of the high school; there's
23 room in the high school, I believe it is.

24 And in fact, the high school is totally
25 underutilize -- well, basically underutilized; is

1 that correct?

2 MS. CASIAS: Madam Chair, members of the
3 Commission, indeed, when we did a utilization study
4 of the high school, I believe it was about
5 three-quarters of the space was underutilized.

6 COMMISSIONER GANT: And from --
7 Madam Chair, from the school's points of view, what
8 was the answer from the school district on possible
9 utilization of that underutilized high school?

10 MR. AHNER: I met with Superintendent
11 Streib, Commissioner Gant, and he indicated that
12 they would be unable to assist us.

13 COMMISSIONER GANT: Madam Chair? And what
14 was their rationale, if they gave you any?

15 MR. AHNER: I don't remember the exact
16 language of the letter that he submitted to PSFA. I
17 believe he indicated that they didn't feel they had
18 the capacity to meet our request.

19 COMMISSIONER GANT: Madam Chair, just for
20 the record, the school -- the charter school has
21 done their diligence on that point, where the law --
22 the statute says they have -- if the school district
23 has to offer, and the charter can ask. But the
24 charter doesn't have to. But they have done
25 their -- they've gone to the school district and

1 asked. They have done what they were supposed to
2 have done. It's the school district that's backing
3 off of this.

4 And I question that. But that's down the
5 road. But they have done what they had to do on
6 that.

7 THE CHAIR: Okay, good.

8 Any other questions, comments,
9 Commissioners?

10 Martica, thank you very much. We
11 appreciate your being here.

12 COMMISSIONER GANT: Madam Chair, just a
13 point here. All they're asking, as I read it, is
14 permission to start looking. And I can agree with
15 that. Okay.

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

18 COMMISSIONER GANT: No.

19 THE CHAIR: Hearing none,
20 Commissioner Gant, if you're ready to make that
21 motion?

22 COMMISSIONER GANT: Madam Chair, I move
23 that Aldo Leopold Charter School be given permission
24 to look for facilities that will have to be
25 evaluated by the PSFA in the future and work with

1 the PSFA on that subject.

2 THE CHAIR: You've heard the motion. Do I
3 have a second?

4 COMMISSIONER PARKER: (Indicates.)

5 THE CHAIR: I'm looking at Commissioner
6 Parker. Thank you.

7 Commissioner Gant made the motion,
8 Commissioner Parker made the second, to approve
9 Aldo Leopold beginning to look for a new location.

10 Any further discussion?

11 Commissioner Bergman?

12 COMMISSIONER BERGMAN: I just want to note
13 that there was actually two amendments on this form.
14 And we have not yet discussed -- are we doing
15 separate votes then?

16 THE CHAIR: Separately.

17 COMMISSIONER BERGMAN: Okay. Thank you.

18 THE CHAIR: Further discussion?

19 May we have a roll-call vote, Mr. Bergman?

20 COMMISSIONER BERGMAN: Commissioner
21 Parker?

22 COMMISSIONER PARKER: Yes.

23 COMMISSIONER BERGMAN: Commissioner
24 Conyers?

25 COMMISSIONER CONYERS: Yes.

1 COMMISSIONER BERGMAN: Commissioner
2 Peralta?

3 COMMISSIONER PERALTA: Yes.

4 COMMISSIONER BERGMAN: Commissioner Carr?

5 COMMISSIONER CARR: Yes.

6 COMMISSIONER BERGMAN: Commissioner Pogna?

7 COMMISSIONER POGNA: Yes.

8 COMMISSIONER BERGMAN: Commissioner

9 Toulouse?

10 COMMISSIONER TOULOUSE: 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 9-to-0 vote in
19 favor of that amendment.

20 THE CHAIR: Thank you. The motion passes
21 unanimously, and we appreciate you coming before us
22 to seek that permission to begin to look.

23 Now, there is another amendment on the
24 reverse side of that form. This one has to do with
25 the mission vision statement.

1 Mr. Pahl?

2 MR. PAHL: Madam Chair, members of the
3 Commission, before I go over that amendment, I just
4 want to compliment Aldo Leopold on their minutes.
5 These are very thorough minutes. You'll see action
6 items. It's very clear to see what's happening with
7 their governing council. So we are appreciative of
8 that. And at the Charter Schools Division, I think
9 it's just a good best practice for any charter.

10 The second amendment request that
11 Aldo Leopold Charter School is with us today for is
12 requesting an amendment to better focus their
13 mission and vision statement, particularly in light
14 of the upcoming renewal process. We recommend
15 approval of this amendment.

16 THE CHAIR: I apologize for not hearing
17 what you said. I was busy sneezing.

18 Commissioners, you have the proposed
19 mission and vision statement changes before you. Do
20 you have questions or concerns?

21 Does the school have a presentation for
22 us?

23 MR. AHNER: Madam Chair, members of the
24 Commission, I believe Director Pahl outlined exactly
25 our intent, to ensure that we have more clarity on

1 the mission and vision in preparation for our
2 charter renewal.

3 THE CHAIR: Thank you very much.

4 Commissioners?

5 Commissioner Bergman?

6 COMMISSIONER BERGMAN: Madam Chair, I'd
7 just like to note I'm glad they've come forward now.
8 It will -- anything that will simplify the process
9 when we get down to the contract negotiation so we
10 won't have to talk about this again, just in the few
11 months -- presuming they're renewing -- that I am
12 all for schools being proactive and getting it done
13 in advance.

14 Thank you. And thank you.

15 THE CHAIR: Absolutely. Thank you very
16 much.

17 Any other comments?

18 Commissioner Pahl?

19 MR. PAHL: I am not deserving of that
20 title.

21 THE CHAIR: I'm not sure if that was a
22 promotion or a demotion.

23 MR. PAHL: Madam Chair, members of the
24 Commission, Commissioner Parker pointed out -- I
25 guess I'd like to ask for some clarification. On

1 the proposed revision, it looks like we have
2 switched around the ALCS mission and vision. It's a
3 typo, I think. Is --

4 MR. AHNER: May I speak to that,
5 Madam Chair?

6 THE CHAIR: Please do, yes.

7 MR. AHNER: I feel philosophically, we had
8 the mission and vision reversed. We had many
9 lengthy discussions five years past, when we
10 presented the mission and vision. I believe that
11 our previous mission should have been the vision,
12 and vice versa.

13 So what we did is made sure that what is
14 currently being presented as the ALCS mission is
15 what we, in fact, plan to develop our proposed goals
16 that you will be seeing next week in our charter
17 submission.

18 THE CHAIR: Okay. Thank you for that
19 clarification.

20 Any other comments or questions?

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

23 Commissioner Parker?

24 COMMISSIONER PARKER: Madam Chair,
25 Commissioners, I move to approve the amendment

1 presented by Aldo Leopold Charter Schools to revise
2 the mission and vision statements.

3 THE CHAIR: Thank you very much. Do I
4 have a second? Commissioner Toulouse?

5 COMMISSIONER TOULOUSE: (Indicates.)

6 THE CHAIR: Motion by Commissioner Parker,
7 second by Commissioner Toulouse, to approve the
8 amendment request from Aldo Leopold Charter School
9 for both the vision and their mission statements.

10 Any further discussion?

11 Commissioner Bergman, may we have a
12 roll-call vote?

13 COMMISSIONER BERGMAN: Commissioner
14 Conyers?

15 COMMISSIONER CONYERS: Yes.

16 COMMISSIONER BERGMAN: Commissioner
17 Peralta?

18 COMMISSIONER PERALTA: Yes.

19 COMMISSIONER BERGMAN: Commissioner Carr?

20 COMMISSIONER CARR: Yes.

21 COMMISSIONER BERGMAN: Commissioner Pogna?

22 COMMISSIONER POGNA: Yes.

23 COMMISSIONER BERGMAN: Commissioner
24 Toulouse?

25 COMMISSIONER TOULOUSE: Yes.

1 COMMISSIONER BERGMAN: Commissioner
2 Parker?

3 COMMISSIONER PARKER: Yes.

4 COMMISSIONER BERGMAN: Commissioner Gant?

5 COMMISSIONER GANT: Yes.

6 COMMISSIONER BERGMAN: Commissioner
7 Shearman?

8 THE CHAIR: Yes.

9 COMMISSIONER BERGMAN: Commissioner
10 Bergman votes "yes."

11 Madam Chair, that is a 9-to-0 vote in
12 favor of that amendment.

13 THE CHAIR: Thank you very much. The
14 motion passes unanimously to approve the amendment
15 request. We thank you for being here, and we look
16 forward to seeing you as soon as you find your new
17 facility.

18 MR. AHNER: Thank you. You'll probably
19 see me before then.

20 THE CHAIR: All right. Thank you.

21 Let's move now to Item No. 10, which is
22 Report from Options for Parents and the Charter
23 School Division.

24 Mr. Pahl?

25 MR. PAHL: Thank you, Madam Chair, members

1 of the Commission. We have a few items to tackle
2 with today's Director's Report, the first of which
3 are Schools of Concern. I'll go over each School of
4 Concern and pause for some questions, if that's
5 amenable to the Commission, the first of which is
6 the Southwest Learning Centers. We're using that
7 term for four schools, Southwest Intermediate,
8 Southwest Primary, Southwest Secondary, and
9 Southwest Aeronautics, Mathematics and Science
10 Academy.

11 We did -- we had an update on what's
12 happening at the school. I just wanted to update
13 you on what PED is doing in light of this situation,
14 and just note that they will -- they will remain a
15 School of Concern until all investigations have been
16 concluded. And we'll just be providing you regular
17 updates on the school each month with the PEC, and
18 anytime something major and in a way we can
19 communicate appropriately.

20 Due to the ongoing FBI investigation --
21 and what is unclear, but something is going on with
22 the school with their books -- PED has taken over as
23 the Board of Finance. That means all expenditures
24 that the school makes need to be approved by the
25 PED; so that's our first intervention there.

1 Our second is they will soon be going out
2 to RFP to contract with a -- excuse me -- with an
3 auditor to conduct a forensic audit, as well. The
4 FBI has said we would not be stepping on their toes
5 in conducting that; so we're going to go ahead and
6 do both of those. We're also ensuring proper
7 accounting controls are in place.

8 So that's just an update from PED on what
9 we are doing in light of the circumstances at all
10 the Southwest Schools.

11 THE CHAIR: You know, the question that
12 pops into my mind -- who's paying for this?

13 MR. PAHL: The PED is.

14 THE CHAIR: And is there, like, a -- I'm
15 not at all familiar with PED's budget. So is there,
16 like, an amount of money set aside that -- that
17 would cover unusual circumstances like this? Or
18 does it have to come out of a regular pot of money?

19 MR. PAHL: Madam Chair, members of the
20 Commission, anytime we budget, we -- you know, if --
21 in the sense that you can anticipate some
22 unanticipated expenditures, anytime we budget, we do
23 have some funds that we -- that are set aside for
24 cases like these.

25 Some of the -- some of the payment for the

1 forensic audit will likely come out of the 2 percent
2 Administrative fee.

3 THE CHAIR: Okay. All right. Thank you
4 for that explanation.

5 MR. PAHL: Uh-huh.

6 THE CHAIR: Any other questions for
7 Mr. Pahl? No?

8 Go ahead, please.

9 MR. PAHL: Okay. The next School of
10 Concern that we'd like to address is Health Sciences
11 Academy. At the last PEC meeting, we noted that
12 there was some significant turnover at the school
13 prior to the beginning of the school year. Anytime
14 that happens, both with the board or with the
15 leadership -- they went from one principal at the
16 beginning of the summer to another principal, and
17 now have a third school leader, all at the beginning
18 of their first year. So that puts that school at
19 high risk to be able to function appropriately and
20 start their charter off as a successful one.

21 The PED -- we will be down to visit next
22 month to ensure that everything is going according
23 to schedule. I want to really underline that that
24 is the reason why they're a School of Concern.

25 There have been allegations of some financial issues

1 going on at the school. Those, at this point, are
2 just allegations and have been reported to the
3 appropriate people to investigate that.

4 So as they are allegations, they are just
5 allegations right now. We have them -- we have them
6 prioritized, because of the shift in their
7 leadership; but we will be asking questions about
8 some of those financial allegations, as well, while
9 we visit the school.

10 THE CHAIR: Commissioner Carr?

11 COMMISSIONER CARR: Madam Chair -- and
12 this applies to all the schools of continuing
13 concern. Do you feel like you've got the staff to
14 really -- to really delve in and audit these schools
15 and make sure that they're doing right?

16 MR. PAHL: Madam Chair, Commissioner Carr,
17 yes, we do. And we do right now. When we have
18 more, I think it's going to be more manageable for
19 our group you see sitting in front of you here right
20 now. They're all working exceptionally hard,
21 because they believe in what charters can do for the
22 State. And so it will lighten the burden on them
23 when we have additional staff and make it more
24 manageable.

25 But right now, we do have the staff to

1 delve into the Schools of Concern, as well as adhere
2 to the time lines that we've set out for other items
3 that we're doing, such as the renewal process.

4 THE CHAIR: Okay. Thank you very much.
5 If you'd like to move on to Anthony Charter School,
6 please?

7 MR. PAHL: Uh-huh. Anthony was identified
8 as a School of Concern for the reasons why they have
9 been put on an improvement plan. I just want to
10 note, on the improvement plan, we noted earlier
11 that -- that the school has uploaded their Web EPSS
12 plan, which was the first condition of that
13 yet-to-be-approved, at that time, improvement plan.
14 And so they are making progress on that.

15 We will continue to update you on the
16 progress of the improvement plan. I think there is
17 a deadline of September 30th for them to provide
18 some of their initial short-cycle data. And that
19 was something that we had been missing last year.

20 So we're excited to get that first round
21 of data from the school, so we can delve into the
22 performance of the students and how that lines up
23 with their performance framework.

24 THE CHAIR: And I also have a note on my
25 agenda that we are going to see about the cleanup of

1 the 2013-'14 -- perhaps "cleanup" is not the right
2 word. We're going to see if we can finalize the
3 2013-'14 performance framework from Anthony Charter
4 School.

5 And I know that you have been working with
6 the school and with their attorney. So tell me
7 where we are on that 2013-'14 performance framework.
8 Were any of the scores on that framework adjusted?
9 And, if so, can you give us the reason why?

10 MR. PAHL: Yes, I can, Madam Chair,
11 members of the Commission, if you give me a minute
12 to find my document.

13 Madam Chair, members of the Commission,
14 yes, there were some changes that were made to the
15 2013-'14 performance framework. I have Ed Woodd,
16 who is the school's liaison. He worked with me and
17 the school's representatives to go through that
18 framework. And yes, we did change some ratings.
19 And I'd like to walk you through which ratings were
20 changed at this time.

21 So from the original framework, we did
22 receive a school grade. And the school grade, when
23 we had reviewed the performance framework initially,
24 had not been released. That school grade earned
25 them a mark of -- of "Falls far below." The school

1 received a D on their school grade; and so that was
2 previously un- -- not filled out, but has now been
3 filled out to reflect that D as a "Falls far below."

4 The second change has to do with one of
5 their optional indicators, which was has the school
6 assessed students twice during the '13-'14 school
7 year, using the social skills improvement system
8 rating scales. That's something real specific to
9 the school that addresses social and emotional
10 learning.

11 We found that the school did not meet
12 their target. And so while that had previously been
13 a -- oh, I'm sorry. We found that the school had
14 met the target. It had previously been "Does not
15 meet," but we did find that they achieved that goal
16 with between 90 and 95 percent of their students
17 with documentation that the school did provide.

18 THE CHAIR: Okay.

19 MR. PAHL: The next change has to do with
20 section 1-C, "Is the school protecting the rights of
21 all students?" That has been noted as "Meeting the
22 standard," due to new documents that the school was
23 able to provide for us.

24 "Is the school compliant with governance
25 requirements?"

1 Again, the school was able to provide some
2 more documentation; so they were -- they were ranked
3 as a "Meets standard."

4 "Is the school holding management
5 accountable?"

6 They have been marked as "Working to meet
7 standard" in that -- in that arena.

8 And that was mostly because of evaluating
9 the head of the school. They had not been able to
10 provide any documentation of that prior to. But we
11 did -- we did receive some documentation that that
12 was able to be done. So while they haven't gotten
13 to the "Meets standard," they were able to show us
14 that they have been working to meet that standard of
15 holding the head of school accountable.

16 THE CHAIR: Let me ask a question. If
17 Ms. Matthews and Colleen would like to come down,
18 please? Please go ahead, Mr. Pahl.

19 MR. PAHL: The next section has to do with
20 the employees' section. And this was something that
21 Ms. Matthews brought to our attention. We had
22 previously had them as "Falls far below." And we
23 changed that to "Meets standard."

24 We did that in consultation with PED
25 General Counsel. There is a -- there is an element

1 here of showing compliance with laws, including not
2 interfering with employees' right to organize
3 collectively. We had been looking for an
4 affirmative statement that said they don't violate
5 that. But after talking to Ms. Matthews and our
6 General Counsel, a new interpretation of that has
7 been found, that they don't need to have an
8 affirmative statement as such; but due to our
9 investigation, we needed to make sure that that is
10 not happening, because the affirmative statement is
11 essentially just following the law. So we don't
12 need somebody to write down, "We are following the
13 law" for us, is kind of the point there.

14 And I'll let Ms. Matthews better
15 articulate that, I think, if need be.

16 THE CHAIR: Do you wish to add to that?

17 MS. MATTHEWS: If you're happy, I'm happy.

18 THE CHAIR: All right.

19 MR. PAHL: And then, finally, has the
20 governance council approved all school policies
21 required by New Mexico law? That was tied into the
22 last one, as well as the fact that we did get a few
23 more documents that helped us show, yes, the
24 governing council has done their due diligence in
25 ensuring that they are following the law.

1 So a few changes based on new documents
2 that we were able to get, and that's it for the
3 report on the changes from our end. All of those
4 ratings, with the exception of the school grade,
5 would be increases in the end.

6 THE CHAIR: Okay, thank you.
7 Ms. Matthews?

8 MS. MATTHEWS: I just have a question for
9 clarification, Madam Chair, members of the
10 Commission.

11 Mr. Pahl, you didn't refer to numbers on
12 the framework; so I kind of lost track of where you
13 were floating to. So I just wanted to be clear that
14 the last one you were referencing is actually a
15 condition that was met. That was 6-E which says,
16 "The governing council approved all school policies
17 required by New Mexico law." And that was the one
18 you were referring to?

19 MR. PAHL: Yes. Thank for you that,
20 Ms. Matthews.

21 THE CHAIR: And I would just like to add,
22 there was some discussion while this was going on
23 about whether or not the conditions, once they were
24 met, should stay on the performance framework. And
25 my personal preference would be that they do stay

1 on, but marked as they have been completed, so that
2 any Commissioner who -- or anyone who reads that
3 performance framework -- knows the status of those
4 conditions.

5 So I believe, Patti, you agreed to that,
6 and on behalf of the school; or at least I didn't
7 hear anything otherwise.

8 MS. MATTHEWS: As long as it shows in the
9 2014-'15 as done, either we take it out or we mark
10 it as "Completed" or "Meets the standard" -- or
11 "Meets the standards," yeah, I think that works,
12 either way.

13 THE CHAIR: All right. And, Mr. Pahl, so
14 you're recommending that this 2013-'14 performance
15 framework for Anthony Charter School be approved?

16 MR. PAHL: I am, Madam Chair, and may --
17 can I add another comment onto this?

18 I think the -- we went back and forth with
19 the school on some of these other items, in which
20 they were able to provide documentation. The
21 student data is probably the most concerning for us,
22 as a staff at CSD. You know, when we -- there was
23 some dispute about a former employee and how that
24 worked.

25 But we really looked forward to seeing

1 that data from the school. And I think it was a
2 wise thing to have in the improvement plan to note
3 when we can expect data from the school, because
4 that shows us that the school is using that data for
5 their day-to-day instruction, their week-to-week
6 instruction, and their planning, when they have
7 fluency with it at those touch points when we --
8 that we ask for it in the improvement plan. So
9 thank you.

10 THE CHAIR: Thank you for that. And the
11 school has -- have you brought this morning the
12 minutes from the governance council where this was
13 approved?

14 MS. MATTHEWS: The 2013-'14? Yes, I think
15 I put that in there. But that would be the version
16 that has my comments.

17 THE CHAIR: The top one is '14-'15.

18 MS. MATTHEWS: Correct.

19 THE CHAIR: Did we have a prior
20 approval -- where are we with the governance council
21 of the current 2013-'14 performance framework?

22 MS. MATTHEWS: The document that the board
23 voted on was the one that has my comments remaining
24 in it. It has -- the base document itself is
25 exactly what we've just all been talking about; but

1 the document that was approved by the charter
2 school's council was the one that has my little
3 notations on the side, which are just intended as a
4 rebuttal that we agree to disagree on how that came
5 out.

6 THE CHAIR: Does everyone -- okay.

7 Commissioners, what is your -- what is
8 your pleasure? Would you prefer to ask the
9 governance council to approve the 2013-'14
10 performance framework specifically as it is worded
11 today, the document that we have just heard? Or is
12 it sufficient that they approve the document with
13 some additional language from Ms. Matthews?

14 Commissioner Toulouse?

15 COMMISSIONER TOULOUSE: Madam Chair, I
16 think it's more important to look forward than
17 backward at this point. And if they've approved
18 what was there, I think we're -- we need to go
19 forward and not go back to them again and go over
20 that, as opposed to start looking at the one for
21 this year.

22 THE CHAIR: I just want us to be legal.

23 MR. GRANATA: Madam Chair, I mean, I think
24 the bottom line is just that both parties, again,
25 are in understanding as to what they agreed to. And

1 it sounds like -- like we're at that point.

2 And I agree with Commissioner Toulouse
3 that we probably should go forward at this point in
4 time.

5 THE CHAIR: Okay. Ms. Matthews?

6 MS. MATTHEWS: That would be fine with the
7 school.

8 THE CHAIR: Okay. All right. Then this
9 Commission needs to vote to approve the 2013-'14
10 Anthony Charter School performance framework, as
11 Mr. Pahl has just presented it. Okay?

12 Any discussion on that?

13 The Chair would entertain a motion.

14 Commissioner Gant?

15 COMMISSIONER GANT: Madam Chair, I move
16 that we accept the 2013-'14 performance framework
17 for the Anthony Charter School, based upon what
18 Mr. Pahl has presented to the Commissioners at this
19 time.

20 COMMISSIONER CARR: Second.

21 THE CHAIR: Motion by Commissioner Gant,
22 second by Commissioner Carr, to approve the Anthony
23 Charter School 2013-'14 performance framework, as
24 presented by Mr. Pahl.

25 Any discussion?

1 Commissioner Bergman, may we have a
2 roll-call vote, please?
3 COMMISSIONER BERGMAN: Commissioner
4 Peralta?
5 COMMISSIONER PERALTA: Yes.
6 COMMISSIONER BERGMAN: Commissioner Carr?
7 COMMISSIONER CARR: Yes.
8 COMMISSIONER BERGMAN: Commissioner Pogna?
9 COMMISSIONER POGNA: Yes.
10 COMMISSIONER BERGMAN: Commissioner
11 Toulouse?
12 COMMISSIONER TOULOUSE: Yes.
13 COMMISSIONER BERGMAN: Commissioner
14 Parker?
15 COMMISSIONER PARKER: Yes.
16 COMMISSIONER BERGMAN: Commissioner
17 Conyers?
18 COMMISSIONER CONYERS: Yes.
19 COMMISSIONER BERGMAN: Commissioner Gant?
20 COMMISSIONER GANT: Yes.
21 COMMISSIONER BERGMAN: Commissioner
22 Shearman?
23 THE CHAIR: Yes.
24 COMMISSIONER BERGMAN: Commissioner
25 Bergman votes "yes."

1 Madam Chair, that is a 9-0 vote in favor
2 of the 2013 and '14 performance framework.

3 THE CHAIR: Thank you very much. The
4 motion is passed unanimously to approve the 2013-'14
5 performance framework of Anthony Charter School.

6 Thank you for all your work. Thank you
7 for all your work, and the Staff. We appreciate it
8 very much.

9 Whenever you're ready, please move on.

10 MR. PAHL: Madam Chair, members of the
11 Commission, our next school concern is Dream Diné.
12 The CSD was informed that Dream Diné Charter
13 School's permanent campus was not ready for the
14 beginning of their school year. The school began
15 the school year in a building in a facility that was
16 not E-Occupancy rated.

17 The school communicated with CSD and PSFA
18 regularly regarding its facility status. They were
19 able to find a temporary facility at Hogback Chapter
20 House, which is not ideal, given the distance from
21 where it is in relation to their permanent facility.
22 That facility does have an E rating and an
23 acceptable NMCI.

24 The school plans to remain in Hogback
25 Chapter House until their permanent building, which

1 hasn't been approved by the PEC, is approved by CID
2 and Navajo Nation authorities.

3 The permanent facility has an E-Occupancy
4 rating, as well as an acceptable weighted NMCI
5 index. We put them on here because this was -- you
6 know, a facility issue like this is big. We have
7 students that are going to two different sites and
8 will end up going to a third. And that creates
9 potentially some problems in serving students. And
10 so we'll keep the PEC informed of where they're at
11 on their facilities status.

12 But I'll open this one up, you know, at
13 your pleasure, for questions or any other additional
14 information.

15 THE CHAIR: Thank you. Commissioners?
16 Commissioner Gant?

17 COMMISSIONER GANT: Madam Chair, members.
18 Martica, would you come up, please? As Mr. Pahl has
19 stated, Madam Chair, and members, they do have
20 permission to be where they are right now, which is
21 23 miles away from where they originally started.

22 I have concerns on the transportation. I
23 surely hope they're not doing it in vans, because as
24 I understand it, school children cannot be
25 transported in vans; it has to be a regular bus. So

1 I'm not sure how they're getting there. That's a
2 question that Mr. Pahl can ask the school out there.

3 But I'd like Ms. Casias to brief us on
4 where they have to go now to actually open their
5 permanent facility and tell us what they have
6 succeeded in doing up to this point, please.

7 MS. CASIAS: Madam Chair, members of the
8 PEC, currently, we have seen the construction
9 documents. They've gone to CID. The -- they now
10 need to pull a permit with the contractor and begin
11 the construction for the new campus that they plan
12 to move into.

13 The -- the construction documents support
14 that the weighted NMCI will meet or exceed the
15 average requirement; so there's still some work to
16 be done on the actual construction of the campus.

17 COMMISSIONER GANT: Madam Chair, members,
18 one of the issues -- and I don't know how big an
19 issue -- but sitting on the PSCOC, we've had an
20 issue before on the land usage from the tribal point
21 of view, and that there needs to be some agreement
22 with the tribe -- the tribal organization out there.
23 And at times, that has taken months to obtain, as
24 Ms. Casias can attest.

25 And normally, we seek a -- the PSCOC seeks

1 a minimum of 25 years with an option of another
2 25 years; so a total of 50 years. I don't know
3 where we are on that, and I don't know where the
4 school is on that. I gave you some -- some notes
5 from their architect, Sacred Path Architects, whose
6 work -- it's all -- I handed it all out to you this
7 morning, that it was sent to me yesterday. I would
8 have gotten it to you sooner, but it didn't.

9 And it is a time line of what they've done
10 and why they're where they are right now. And as of
11 March of this year, up till March of this year, they
12 had been working with the Diné College. Also, in
13 March, Diné College said, "No, we're not going to do
14 it."

15 What concerns me is they came in here in
16 June for a Certificate of Completion. And if you'll
17 read what I gave you on the first page, they knew
18 they didn't have any property. They knew they
19 didn't have a building, and sat there on their hands
20 and didn't tell us. But part of the completion
21 document was that they would have a school to open
22 up, and they promised us they would.

23 So now, they're scrambling. And it really
24 concerns me. This is not the only school this has
25 happened to. La Jicarita over in Peñasco -- or

1 however you say that town -- the same thing. It's
2 happening over and over.

3 You heard Mr. Pahl talk about the school
4 in Las Cruces that decided, "Well, we're just going
5 to take some walls out." No permission to do so.
6 No construction plans. No approval from the
7 council, their governance council. Nothing in the
8 budget.

9 And it's not getting any better, folks.
10 And part of any problem is, the governance councils
11 don't really have control of what's going on in some
12 of these schools. Other schools, excellent. But if
13 you read this report I got from the Sacred Path
14 Architects that's supporting this, you know, they
15 got -- finally, on the 19th of August, they claim
16 they got the final -- they submitted the final
17 documents. But it wasn't till September 19th --

18 MS. CASIAS: Madam Chair, members,
19 September 16th.

20 COMMISSIONER GANT: -- September 16th --
21 that they had the final approval from the CID and
22 the PSFA. So they claim they're going to -- the
23 construction will be done on the 26th. That's the
24 last time -- thing I heard.

25 There's no way; there's absolutely no way.

1 And what are we doing for kids and their parents?

2 Or what are they doing?

3 What bothers me so much about this is
4 charter schools are not keeping us informed, not
5 keeping PSFA informed. And what it amounts, to me,
6 is the old saying, "Do it, then beg for
7 forgiveness." Because after it's done...and we've
8 got to stop this somehow.

9 Yes, they're going to get in school. Yes,
10 they're going to have E-Occupancy and all that. But
11 all the trouble they've put their students through
12 and their parents through is ridiculous.

13 Thank you.

14 THE CHAIR: Other comments or questions?

15 Commissioner Bergman?

16 COMMISSIONER BERGMAN: I'm not sure I
17 should even go down this road, Madam Chair. But I
18 think -- just as a part of our due diligence, I
19 think I feel it necessary to mention this.

20 Now, I do not know where the Hogback
21 Chapter House is. Is that the location that's
22 actually east of Bloomfield?

23 COMMISSIONER GANT: Yes.

24 COMMISSIONER BERGMAN: Did I hear a "yes"?

25 THE CHAIR: 23 miles.

1 COMMISSIONER TOULOUSE: Madam Chair,
2 23 miles east of Shiprock, not Bloomfield.

3 COMMISSIONER BERGMAN: I thought I saw a
4 report that said "Bloomfield." That's what
5 concerned me.

6 So it's between Shiprock and Bloomfield;
7 is that correct?

8 COMMISSIONER CONYERS: Right. Farmington
9 and Shiprock.

10 COMMISSIONER TOULOUSE: Madam Chair, it's
11 the easternmost community, or chapter, on that part
12 of the reservation. And in many, many ways -- and I
13 think Commissioner Conyers would agree with me --
14 probably many of the students are coming from that
15 area between what we call Shiprock and Hogback
16 anyway. There's a huge amount of families living in
17 there, and I think that's probably where a number of
18 these students are coming from, as well.

19 So it's -- understanding the reservation
20 and how those things work, I don't see the problem
21 that maybe you folks are seeing, having had many
22 years out there; Mr. Conyers has had many years out
23 there. I think it's workable for the moment.

24 THE CHAIR: Commissioner Bergman?

25 COMMISSIONER BERGMAN: Well, then, here

1 again, that negates what I was concerned about;
2 because the report I saw said east of Bloomfield.
3 And if that was a media report, that's not
4 surprising. But most of the stuff they do is wrong.
5 But that's for another venue, but -- so that
6 assuages my concerns, then. Thank you.

7 THE CHAIR: Thank you.

8 Mr. Pahl, do you know many students they
9 have enrolled?

10 MR. PAHL: Not at this time. Our 40th day
11 submission is coming up. All I would have at this
12 point are verbal reports. And we want to go out
13 there and see how many students are there. But
14 my -- what I have heard is that it's less than 50.

15 THE CHAIR: Less than 50?

16 MR. PAHL: 50.

17 THE CHAIR: Five zero or 15?

18 MR. PAHL: Five zero.

19 THE CHAIR: Less than 50, then. And do
20 you know how the students are being transported to
21 school? Are the parents taking them, or is the
22 school responsible?

23 MR. PAHL: I believe -- and I'm going to
24 have to look toward my liaisons -- that the school
25 is not providing transportation for students.

1 THE CHAIR: Okay. So the parents are
2 doing it.

3 Commissioner Gant?

4 COMMISSIONER GANT: Madam Chair --
5 Ms. Casias, wasn't your note to me they had
6 15 students?

7 MS. CASIAS: Madam Chair,
8 Commissioner Gant, I didn't bring that with me. And
9 I don't remember it off the top of my head. My
10 apologies.

11 COMMISSIONER GANT: I think it was 15,
12 Madam Chair.

13 MR. PAHL: I think we have a
14 representative from the school.

15 THE CHAIR: Oh, wonderful. I didn't
16 realize we had somebody from the school. If you
17 will please identify yourself?

18 MR. CASSIDY: Madam Chair, excuse me --
19 Madam Chair and Commissioners. My name is Tom
20 Cassidy. I'm architect, principal, and owner of
21 Sacred Path Architects. We've been working with
22 Dream Dine' School; not only provided the documents
23 for PSFA review, but have also been managing the
24 construction and the facilities and the project with
25 them since June of last year -- or June of this

1 year. I'm sorry.

2 I was the one that wrote the letter to
3 Commissioner Gant. And to answer the question about
4 students, there's currently 15 students enrolled.

5 THE CHAIR: One five.

6 MR. CASSIDY: One five. And they are in
7 the process of looking for more students. Again, I
8 can't really speak to that portion of the work.
9 It's really outside of the scope of the services
10 that we've been providing.

11 I can say that -- I think there was a
12 question about whether the land has now been
13 allocated to the school. And it has. They do have
14 a conditional use permit which was -- I'm trying to
15 remember the exact date -- late August, it came in.
16 And that, then, allowed them to start moving ahead
17 with working with the local utility authority,
18 Navajo Tribal Utility Authority, to get sewer, water
19 and gas and electricity to -- connected to the
20 modular buildings on the site there.

21 So that was one of the -- I mean, really,
22 when you get right down to it, it's been the land
23 deals that have delayed a lot of the work that went
24 on.

25 When the school came -- when Dream Diné

1 presented in June 13th, we presented a plan at that
2 time, preliminary layout, for the modular buildings
3 on the site. And that was based off of preliminary
4 documents that we had at the time. But it was for
5 the Shiprock site.

6 What we -- after the approval at that
7 meeting, we got a full survey and got the utility
8 documents from the -- from the Tribal Utility
9 Authority. And we realized that there was certain
10 easements on the east and west property that made it
11 necessary to revise that layout significantly, which
12 is one of the reasons why the drawings were delayed
13 in getting to the PSFA.

14 The second thing was, is that because of
15 the issues of ownership of the land, there was a
16 playground that we had tentatively made an agreement
17 to have moved. It belonged to the Head Start
18 facility, which was adjacent to the property. That
19 didn't happen. It became apparent that it wasn't
20 going to happen before the school was going to open.
21 And it was decided to proceed without doing that,
22 which eliminated two of the modular classrooms from
23 the -- from the -- from the project.

24 When we did submit drawings to PSFA, we
25 did send an anticipated -- addendum that basically

1 removed those classrooms from there and left the
2 playground in its place.

3 But in short, it really is the -- it's
4 primarily the land issues that have delayed progress
5 for this -- for this project. Construction has
6 been -- the permit has been pulled, and construction
7 has started. Modular buildings are on site. Gas is
8 in; sewer and water is in. And the only really
9 outstanding thing right now, besides some of the
10 sidewalks and things like that, is the electrical.
11 And the contractor is currently working with NTUA.

12 We hope to have that done by the end of
13 next week. And that would allow -- that would then
14 allow -- once the -- once the inspections have --
15 final inspections by the Navajo Nation and CID have
16 been performed, that would allow the children to
17 start using that facility. So we're probably about
18 a week away.

19 THE CHAIR: Did you talk about the term of
20 the lease, of the land? Is that something you're
21 familiar with?

22 MR. CASSIDY: You know, I don't know what
23 the terms are, exactly how long that lease is for; I
24 really don't know. I heard that question come up.
25 And that's one of the things that -- other than --

1 Garvin Sosa was going to be here, as well, this
2 morning. He's actually probably about -- a
3 half-hour or 45 minutes out. He was delayed by a
4 traffic accident on 550 coming from Shiprock.

5 And, anyhow, he does have that information
6 with him. But I don't know what the exact terms are
7 for the length of the lease.

8 THE CHAIR: Perhaps if he arrives, we can
9 ask him those questions.

10 MR. CASSIDY: I do know they have a lease
11 agreement in place with the Hogback Chapter.
12 They're currently located in the Head Start building
13 at the Hogback -- adjacent to the Hogback Chapter
14 House. And that -- that lease will carry -- allows
15 them to use that facility through December, if
16 needed.

17 THE CHAIR: Okay. Thank you for that
18 information.

19 Martica, do you have anything else to
20 share with us?

21 MS. CASIAS: Madam Chair, no.

22 THE CHAIR: Thank you very much.

23 Commissioner Gant?

24 COMMISSIONER GANT: Madam Chair, I'm glad
25 things are pulling together for the school; I really

1 am. You know, but what bothers me the most that
2 somehow we have to fix it -- I guess it's we have to
3 fix it, along with the charter school -- if they
4 just keep us informed, Mr. Pahl. You know, I've
5 been on big projects. And there was a time when it
6 was supposed to start. And I would never have dared
7 to walk in to the boss and say, "Well, we're not
8 starting," and have him ask me, "Why, and when did
9 you know?"

10 You know, it's just -- it's not the way to
11 run a business. And we should -- if there's a
12 problem, we should know about it. We'll say, "Okay,
13 go out and do good things."

14 But to come back here at the last minute,
15 when the kids are supposed to be at a certain
16 location, getting their instruction, their learning,
17 and to be told here, out of the blue, they're not
18 there, it's not a way to run a business.

19 And I've seen it -- we've seen it in other
20 schools. It's not just Dream Diné. And I think
21 that's got to change, Mr. Pahl, members of the
22 Commission. This last-minute stuff is -- it affects
23 their budget; it affects their instruction to the
24 kids, the confidence of the parents in what they're
25 doing, and the community itself, "Do you really know

1 what you're doing?"

2 And then it comes back, and people are
3 saying, "PEC, you don't know what you're doing. You
4 have no control."

5 So -- and I don't like that part. So,
6 anyway, we've got to change it, Madam Chair and
7 members. We have to change it and keep more
8 informed about new facilities, moving to facilities,
9 et cetera. Thank you.

10 THE CHAIR: Thank you, Commissioner.

11 Any other comments, Commissioners?

12 Seeing none, thank you both very much for
13 being here.

14 Mr. Pahl?

15 MR. PAHL: Madam Chair, members of the
16 Commission, the next School of Concern is
17 La Academia Dolores Huerta. I got the name right
18 that time.

19 I think I've covered, in our initial
20 agenda item, what the concerns were with that
21 school. And I'll just reiterate that the PEC can
22 expect more information after our site visit and as
23 we move forward with looking into these -- these
24 issues, both by ourselves and with other State
25 agencies.

1 The next school is La Tierra Montessori
2 School of the Arts and Sciences. If you'll
3 remember, much like another issue here with
4 Dream Diné, they had a building that was supposed to
5 be ready for them by the beginning of the school
6 year and had an issue with having a facility that
7 could accommodate their students.

8 They have since found space at Northern
9 New Mexico College. In your -- in the subsequent
10 pages after the Executive Summary, you'll see a
11 couple of letters from CID that demonstrate that
12 that -- that that facility is adequate for the
13 students that they are serving.

14 So they have their -- they now have their
15 temporary solution. And I believe this winter is
16 when they are -- they anticipate having their
17 permanent facility up to the standard that they
18 anticipated it would be, prior to the beginning of
19 school year.

20 THE CHAIR: Questions or concerns,
21 Commissioners?

22 Hearing none, let's move on.

23 MR. PAHL: Okay. Madam Chair, the next --
24 the next report item here are schools that received
25 an F school grade in the last year. This is

1 pursuant to a conversation I had with the Chair that
2 Staff -- we agreed with -- that -- that F schools
3 should just automatically be a School of Concern.

4 These are based off of finalized school
5 grades. We initially released them in July, and
6 they have since been finalized.

7 So the roster, as it stands, is
8 La Jicarita Community School, La Resolana Leadership
9 Charter School, Uplift Community Charter School, and
10 the William and Josephine Dorn Community School.

11 Those, in our estimation -- as Staff,
12 those have some priority to us, as well. So when we
13 think about how we're going to intervene with those
14 schools, from a Staff perspective, we're thinking
15 early and often so we can understand what's
16 happening at the school, how we can support the
17 school and make the appropriate recommendations to
18 the PEC. So they have been flagged.

19 Madam Chair, you mentioned, as well, that
20 we should be looking at improvement plans for these
21 schools, as well as these that are -- that receive
22 grades of C and D, and that staff is looking into
23 that.

24 THE CHAIR: I just -- I just want to point
25 out to my fellow Commissioners that in the

1 performance framework itself, in that first section,
2 where it -- the school grade is recorded, for any
3 school that receives a C, D, or F, it says, "The
4 authorizer and the school have agreed on an
5 improvement plan which the parties believe will
6 result in improved results for the students of the
7 school."

8 So any school that we renegotiated their
9 performance framework this year -- and these other
10 schools, as well -- need to be providing us with an
11 improvement plan that says how they're going to fix
12 that, or how they're going to improve it for the
13 benefit of their students. So I brought that to
14 Mr. Pahl's attention, and I appreciate the fact that
15 you're working on it.

16 MR. PAHL: And Madam Chair, members of the
17 Commission, we'll use the same format that we used
18 on the Anthony improvement, so we have some
19 consistency there, even though the plans will
20 probably be different to address the different needs
21 at each charter.

22 THE CHAIR: Very good.

23 MR. PAHL: Our next item of business on
24 the Director's Report is the time line for the
25 renewal of charter school applications. I'll just

1 give you some time to look at that and give you some
2 high-level thoughts there. It's an attachment
3 that's included in your binder that has a green
4 header, and an orange header over some of the
5 columns there.

6 We've conducted our last charter renewal
7 application training on September 18th, and we'll
8 receive those applications on October 1st. The
9 preliminary analysis will be sent to the PEC on
10 November 14th, just six weeks away. And then final
11 analysis and recommendations, with school responses,
12 will be sent to both the applicants and the PEC on
13 December 5th, with the decision-making meeting and
14 vote on December 11th and 12th.

15 COMMISSIONER CARR: Madam Chair?

16 THE CHAIR: Commissioner Carr?

17 COMMISSIONER CARR: Oh, darn. I just
18 counted that. That was, like, 23; is that right?

19 MR. PAHL: Uh-huh.

20 COMMISSIONER CARR: I don't like to dwell
21 on speculation. But I heard that there was possibly
22 going to be even more than that. Have you heard
23 anything like that?

24 MR. PAHL: The -- as far as a district
25 charter moving to a State?

1 COMMISSIONER CARR: Yes.

2 MR. PAHL: I think -- I'm sorry,
3 Madam Chair, Commissioner Carr. The list we have on
4 the right side of the second sheet is complete from
5 what we are hearing. We may -- you're right; we may
6 have more. And we've left room in our schedule for
7 visits for those kinds of unexpected outcomes of the
8 application deadline.

9 So I'd welcome any -- any of your thoughts
10 on if you are hearing one in your community. But
11 this is exhaustive of what we've more formally heard
12 from a representative of the school at this point in
13 time.

14 THE CHAIR: Commissioner Carr?

15 COMMISSIONER CARR: Madam Chair, the --
16 you had three from Santa Fe in Santa Fe, New Mexico;
17 and they listed four. So take a look at the
18 Santa Fe New Mexican. Newspapers aren't always on
19 top of everything exactly. But, you know -- I
20 mean -- so there's a -- there's four -- and I meant
21 to bring that paper in, and I forgot to bring it.
22 So they said four; so that's one more.

23 So we'll -- I'll -- if I hear of any more,
24 I'll let you know.

25 MR. PAHL: Thank you for that,

1 Commissioner Carr.

2 THE CHAIR: Commissioner Toulouse?

3 COMMISSIONER TOULOUSE: Madam Chair, where
4 this says -- on East Mountain High School reportedly
5 transferring its charter to APS, I will say that I
6 discussed that with their principal at the LESC
7 meeting, and she informed me, yes, they were
8 transferring. So that's about as -- that's not
9 really a report anymore, where it's the principal
10 saying, "Yeah, we're leaving you guys and going
11 where they're building us a building," which I would
12 be surprised to see. But we'll see.

13 THE CHAIR: Any further discussion on the
14 proposed time line? I think we do need to take
15 action to accept this time line, knowing that it is
16 a living document and things could change; but not
17 much. There isn't much wiggle room in there. But
18 there could be some changes.

19 So hearing no further discussion, the
20 Chair would entertain a motion.

21 Commissioner Bergman?

22 COMMISSIONER BERGMAN: Before I make the
23 motion, I would note, just for my fellow
24 commissioners, that December 5th, when we're going
25 to receive their final analyses, that's one week

1 before that meeting. And we are all going to be
2 busy, busy, busy, reading those in that week; so
3 don't schedule a lot of holiday time in there.

4 I would -- Madam Chair, I would move that
5 the Public Education Commission accept and approve
6 this time line for the charter renewal applications
7 for the 2014-2015 year.

8 THE CHAIR: Thank you very much. I have a
9 motion. Do I hear a second?

10 COMMISSIONER CARR: Second.

11 THE CHAIR: Commissioner Carr? Motion by
12 Commissioner Bergman, second by Commissioner Carr,
13 to approve the charter renewal application time
14 line, 2014-'15, as presented.

15 Any discussion?

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

17 (Commissioners so indicate.)

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

19 (Commissioners silent.)

20 THE CHAIR: Motion carries; time line is
21 approved.

22 Next item on the agenda is CSD Staffing
23 Update.

24 MR. PAHL: Madam Chair, members of the
25 Commission, I did provide a little bit of an update

1 with two new Staff members. I'll also note to the
2 folks in the audience that we do have an open
3 application for liaison; so we've moved that through
4 the State Personnel Office process. So ideally, the
5 person who fills this role is someone who is -- who
6 knows our charters and who is able to ask the right
7 questions and hit the ground running. So this is my
8 open advertisement for applying to that position.

9 The other thing I will note is that --
10 Brad just walked out; but he will be leaving our
11 staff at the end of next week. And he's still not
12 here, but I just want to publicly thank Brad for all
13 the work he's done. He works with us and will
14 continue to work in the charter realm, because he
15 believes in the power that charters can have for
16 their students. And I think that he shows that
17 commitment and that dedication and that belief every
18 day.

19 So big thanks to Brad, wherever he is.

20 And so that would conclude my staffing
21 update at this time.

22 THE CHAIR: It's been a pleasure to work
23 with Brad these past several years, and we will
24 definitely miss him. We do appreciate that.

25 Before we go any further, I just want to

1 ask -- I believe it was at the end of last meeting
2 that Commissioner Bergman asked that you contact the
3 schools that might be approved today and see if we
4 can get an agreement to extend the deadline on
5 negotiations of the new contract so that those don't
6 even begin until January. So we're still clear on
7 that?

8 MR. PAHL: Yes, Madam Chair, and
9 Commissioner Bergman, the rest of the Commissioners,
10 we do have those documents ready; so when we have
11 everybody in the same room, we'll be sure and get
12 those signed.

13 THE CHAIR: All right. Next item on the
14 agenda is Item E, PED 2 percent Administrative
15 Support Budget.

16 Mr. Pahl?

17 MR. PAHL: Madam Chair, members of the
18 Commission, this budget came out -- and you'll
19 notice it's right after the charter school renewal
20 application time line in your binders.

21 This was requested by the LESC, and we
22 provided it to them at the meeting. It's basically
23 how PED spends the 2 percent that we claim on
24 charter school -- I guess what, for them, they would
25 consider revenues -- but that 2 percent

1 administrative fee.

2 When you look at this budget, you'll see
3 we've split it up -- if you're familiar with our
4 budget codes, the 200s, 300s, and 400s, 200s is for
5 personnel services and employee benefits. You know,
6 the Charter School Division, in and of itself, is
7 not a "mini" Public Education Department. We still
8 rely on our other bureaus and divisions to provide
9 support to our charter schools.

10 A few examples of that includes our
11 Special Ed Bureau, which, in some cases -- and I
12 guess a better example would be our Finance and
13 Budget Bureau. There are 89 entities that are
14 school districts that our School Budget Bureau
15 oversees and communicates with. There are
16 96 charter entities that they work with.

17 And so when we think about what it means
18 to have more charters, in some cases, when it's a
19 new entity, we're talking about double the work that
20 it would be for just our school districts.

21 In other cases, there are just other
22 schools. So, for example, the Priority School -- so
23 in the budget side of the house, that represents a
24 significant cost of what they're doing. They have
25 budget liaisons that are working directly only with

1 charter schools.

2 For a division like the Priority Schools
3 Bureau, it doesn't equate in the same way. They
4 intervene with schools that have a -- that have a
5 slipping grade or have a consistently low school
6 grade, and intervene with them in ways that they can
7 be more data-driven and help their instruction from
8 week to week.

9 But all those costs are due to charters,
10 and so they get accumulated by charters. So that
11 personnel is not just the Charter School Division,
12 but includes the other areas of support and
13 oversight that are provided by the PED in different
14 bureaus you say and divisions. Yes?

15 THE CHAIR: May I ask you a question? I
16 don't mean to interrupt. Do traditional schools pay
17 this added fee to these other departments?

18 MR. PAHL: No, Madam Chair.

19 THE CHAIR: Then why do charter schools?
20 Why does the PEC have to pay it? Well, I mean, it's
21 coming out of the 2 percent money from the set-aside
22 from charter schools from their SEG money that
23 normally goes to authorizers for State schools,
24 charter schools; it goes to PED. Why do charter
25 schools, in essence, have to pay something that

1 traditional public schools don't?

2 MR. PAHL: Right. So from my experience
3 in working with the Legislative Finance Committee,
4 generally speaking, when they propose a budget, or
5 for administrative costs for a department, it's a
6 base-plus model. So it doesn't take into account
7 additional work that an agency might be doing.

8 They assume, unless they have -- the
9 Legislature -- has proposed that they do extra work,
10 they would not fund them at an extra level, more
11 than they would fund any other agency.

12 And so what we have here is an external
13 factor, which is the addition of more charter
14 schools. And as you all well know in the last five
15 years, we've had a -- we've had a pretty good growth
16 of charter schools, which does insinuate more
17 administrative burden on the Department that's not
18 accounted for through the normal budgeting process
19 from the Finance Committee and the Legislature.

20 THE CHAIR: Okay. Let me just jump ahead
21 and ask you another couple of questions. Is this
22 how the money was spent, or how the money is going
23 to be spent?

24 MR. PAHL: Yeah. So this is an FY '15
25 budget, meaning this fiscal year, how it's going to

1 be spent. I need to put a caveat into that, as
2 well. This budget was created by an earlier
3 director that had different circumstances. So I
4 would imagine we have budget amendments to how we
5 spend this money. But I can't explain how each of
6 these were envisioned to be spent at the time.

7 THE CHAIR: Okay. Are we entering into --
8 is someone entering into contracts for the PEC's
9 work that is going to be accomplished through what
10 looks to me like contracts here?

11 MR. PAHL: Yeah.

12 THE CHAIR: Does the PEC have no input
13 into those contracts?

14 MR. PAHL: The work that's being conducted
15 is the work of the Charter Schools Division in our
16 effort to support the PEC. If appropriate, we could
17 ask you; but they have to go through a procurement
18 process that is defined by the General Services --
19 General Government Services Department.

20 And so we need to abide by those rules.
21 So we can't just pick who we want. If it's over a
22 certain dollar threshold, we need to go through a
23 proper procurement process.

24 Did that answer your question?

25 THE CHAIR: No.

1 MR. PAHL: Sorry. Okay.

2 THE CHAIR: I'm thinking when you put an
3 RFP out for a contract -- for instance, Cuddy
4 McCarthy -- what legal work are they going to be
5 doing for the PEC?

6 MR. PAHL: Yeah. So there's two
7 distinctions that I'll make there; then I'll answer
8 your question about Cuddy McCarthy. That while this
9 2 percent money isn't only for the PEC, it involves
10 all administrative costs associated with the
11 oversight and the support of charter schools. So
12 our Special Ed Bureau, for example, is not something
13 that the PEC oversees. They oversee the school.
14 But our oversight of the special ed practices --
15 special ed practices at that school are being
16 incurred by the PED.

17 So for these contracts, they are
18 conducting work in a few different arenas. And some
19 of those are portions of a larger contract that are
20 being sought by a division like the Special Ed
21 Department.

22 So, for example, the Brustein & Manasevit
23 contract, that's one of our larger ones down there.
24 We've accounted for \$45,000 from that contract. And
25 that's for special education services -- it's a law

1 firm that specializes in that type of work -- out of
2 a total \$135,000 contract, because we feel that that
3 represents the amount of -- the portion of their
4 work that they're doing to serve charter schools in
5 their legal work that they conduct for --

6 THE CHAIR: But Cuddy McCarthy says it's
7 PEC.

8 MR. PAHL: Cuddy McCarthy -- this is --
9 this is -- and thank you for that. And I told you I
10 would answer that, so I'm about to.

11 I think the previous director envisioned
12 Cuddy McCarthy doing some training for the PEC.
13 They do board trainings for school boards and other
14 entities across the state, mostly school boards. We
15 have not entered into a contract with Cuddy
16 McCarthy; so that's one where I would envision that
17 changing, unless the PEC does want a training like
18 that, and we can move forward and do that.

19 So you're right to note that the PEC
20 element there -- I don't know if that was discussed
21 prior to my arrival; but that's what I was told
22 was -- was what was envisioned for that.

23 THE CHAIR: What about the Region IX,
24 \$60,000? What is that for?

25 MR. PAHL: Region IX is a Rural Education

1 Cooperative. And they helped us in recruiting and
2 also paying our reviewers for the applications.
3 \$60,000 was not spent in that -- it's a contract,
4 but it's an intergovernmental agreement. So there
5 are leftover funds from that, quite a bit of
6 leftover funds.

7 So I can't speak to why 60 was the number,
8 because I didn't create this budget. But we will
9 likely make changes to -- to the budget to help --
10 potentially provide more services for our charters,
11 or for the PEC, based on their requests.

12 THE CHAIR: So rather than just putting in
13 \$10,000 for legal services or \$15,000 for training,
14 or \$60,000 for readers, there are actual names here
15 that makes me think there's a budget -- there is a
16 contract that goes with those names. Is there?

17 MR. PAHL: In some cases, there are not.
18 So, for example, Cuddy McCarthy would be one of
19 those. The contract with Julia Barnes, we have not
20 entered into a contract with her yet. Again, this
21 is the previous director; looking forward, this was
22 their plan for spending the funds. And so that's
23 where we're at there.

24 Another one that I'll note, too, is that
25 National Association of Charter School Authorizers.

1 The previous director -- we worked with NACSA
2 pretty -- in a pretty involved fashion to set up our
3 performance frameworks and our new contracts under
4 the new legislation. And that money was set aside,
5 in his mind, to bring them in, in case we needed to
6 make revisions to that.

7 It doesn't seem -- I think, from what
8 we're seeing, it's not the performance framework
9 that needs to change; but I think we're experiencing
10 that we'll have to figure out our processes together
11 with the PEC. So that's another piece of --

12 THE CHAIR: This budget is actually just a
13 copy of -- what? A budget of two years ago?
14 Updated?

15 MR. PAHL: No, ma'am. We spent -- I'm
16 sorry. No, Madam Chair. We spent much more than
17 \$10,000 when we were actually doing the work with
18 NACSA. That was -- again, these -- our budgets are
19 created in April, you know -- April and March. And
20 so this was looking forward, at that point of time.

21 And to the point that was made earlier, I
22 think by Commissioner Carr, you know, there are
23 times -- he's -- that's an attempt at expecting the
24 unexpected. Well, we're still in our first years of
25 the performance frameworks. "Maybe we should set

1 aside some funds to work with NACSA, so they can
2 help us."

3 I can't enter his head, and I didn't make
4 the budget. But that's -- from what I've read and
5 heard from Deputy Secretary Aguilar, that that's
6 what the intention was.

7 THE CHAIR: Are there any contracts being
8 anticipated, contemplated at this time, for any
9 services for charter schools?

10 MR. PAHL: No, Madam Chair, members of the
11 Commission, we -- I can add a little more to that.
12 At one point, we had -- at one point, we had
13 anticipated that, because of our staffing needs,
14 that we would need to ask some outsiders who have
15 some expertise in charter schools to help. But as
16 our staffing -- as we're getting those jobs posted
17 and filling the jobs, we do not think we have those
18 needs any longer.

19 THE CHAIR: Okay. Let me just reiterate.
20 In a letter that these -- on behalf of this
21 Commission, that the officers sent to the Secretary
22 and the Deputy Secretary and several others -- and
23 we said, "If you have -- if you're going to contract
24 out work and pay people to do that work, give us
25 that authority, give us that money, give -- the PEC

1 do it, and we will see that it gets done."

2 We know more than most folks out there do
3 about charter schools and the law. And I am
4 reemphasizing that. If you're contemplating
5 contracts for charter school work, we'd like to be
6 included in knowing that ahead of time and consider
7 allowing the -- the Public Education Commission the
8 dollars and the autonomy to work with people we know
9 can get the job done, and bring it to you, rather
10 than you go out and look for people that might can
11 get it done.

12 We know who can get it done: Us. And so
13 please keep that in mind. The Secretary knows it;
14 so does the Deputy Secretary. I think the Governor
15 knows it. So, Commissioner Toulouse?

16 COMMISSIONER TOULOUSE: Madam Chair, there
17 were a lot of discussions at the LESC subcommittee
18 on this, too.

19 But my problem is still, we asked for and
20 never got on this -- where it says "Personnel
21 Services and Employee Benefits," and then it comes
22 down to, "In addition to the Charter School Bureau,
23 a portion of the 2 percent funds also support the
24 following Bureaus: Procurement, Budget, Audit,
25 Fiscal Grants, Management and School Budget."

1 We asked for those amounts of money that
2 were being allocated. I would like, since I would
3 assume, in August, you closed out the last fiscal
4 year, that that information from last year could be
5 made available to us, because we've already asked
6 for it in the past -- and I don't want to have to do
7 another IPRA request -- and so we can see what's
8 being spent on these items.

9 It was when I was trying to do a proposed
10 budget for us was the area I had the hardest time
11 trying to figure out what to allocate.

12 I know how you do budgets; most of the
13 people here do; most of us know how to do
14 procurement. But when we don't have those
15 breakdowns -- I don't think any of us have a problem
16 in some of that money being used to do things that
17 they're doing above and beyond what they would do
18 for a regular school district.

19 But I agree that if these are services
20 that are done for every other school district, and
21 it doesn't get allocated back to the -- you know,
22 the cost to a school district, then we need to know
23 that, too.

24 But, anyway, if we could have those
25 figures without an IPRA, I would appreciate it. If

1 we don't get it, I'm certain we won't have a problem
2 doing another IPRA. But that doesn't make any
3 sense. That becomes adversarial. Thank you.

4 THE CHAIR: Commissioner Bergman?

5 COMMISSIONER BERGMAN: I want to get even
6 more specific than you have been, Madam Chair.
7 Since you mentioned Julia Barnes in this document
8 here, and you call it a Fiscal School Year 2015
9 School Budget, do you, or do you not, intend to
10 contact Julia Barnes and try and contact her to be
11 our facilitator, come January, when we start what's
12 probably going to be 20 contract negotiations?

13 Can you answer that, Director Pahl?

14 MR. PAHL: Madam Chair, Commissioner
15 Bergman, I can't answer that question right now.
16 That personnel matter hasn't been addressed
17 internally. And I don't know that in a public
18 forum, we would mention a specific name for whom we
19 would be going to contract out with. But as we
20 approach that decision, we can speak with the --
21 with the PEC about that.

22 COMMISSIONER BERGMAN: Okay. Thank you.
23 But I understand what you just said. I understand
24 that.

25 There is nothing more critical -- and I

1 guess I'm speaking on my own behalf now -- there is
2 nothing more critical than having the right
3 facilitator for these negotiations to bring the PEC
4 Commissioners that are present there and the charter
5 school personnel -- the charter school people, their
6 board and whoever else is there, is critical, way
7 beyond critical. It is absolutely necessary that a
8 knowledgeable and experienced person is doing that.

9 And the short staff that you have now in
10 the Charter School Division does not have -- now, I
11 don't want to step on anybody's -- you do not have
12 that knowledge and expertise right now on your
13 staff. And that's just -- what? -- four months,
14 three months away.

15 And I wanted that on the record. I -- it
16 just concerns me greatly what we're going to
17 experience next spring.

18 Thank you, Madam Chair. Thank you,
19 Director Pahl.

20 THE CHAIR: Mr. Pahl?

21 MR. PAHL: Madam Chair and Commissioner
22 Bergman, thank you for those comments. I agree
23 finding the right person to do that is important.
24 But I will say that I do believe we have the
25 expertise on staff. That is not an indication of

1 who we would select. But I do need to say that -- I
2 mean, my staff has run charter schools in this
3 state, and that that they have gone through this
4 process here in this room at that circular table.

5 So I just want to, again, thank you for
6 the statement and how important it is to have the
7 right person. But my staff and the staff at the
8 Charter Schools Division is as knowledgeable as it
9 gets.

10 THE CHAIR: Mr. Pahl, I must respectfully
11 disagree. Having sat through so many of those
12 negotiations, the depth of knowledge it takes is
13 astronomical. Being a lawyer also helps.

14 I appreciate the people we have on staff.
15 I know they're dedicated. I know some of them know
16 a great deal.

17 But if you run a charter school, I think
18 it's very different from oversight of a charter
19 school. And while we certainly look forward to
20 working with them and know they're very
21 knowledgeable, I don't think I'm knowledgeable
22 enough to run the negotiations for a contract; I
23 think Mr. Bergman would probably say the same thing.

24 We know who can do it, and we know Julia
25 can do it. And we hope that you will make that

1 happen. Things will certainly go simpler if they
2 do. Thank you.

3 Commissioner Toulouse?

4 COMMISSIONER TOULOUSE: Madam Chair, I'd
5 like to add to that, that whoever is going to do it
6 needs the approval of the Commission, because
7 they're our negotiations. And I think we need to
8 approve the person that's sitting there helping do
9 it.

10 You know, the Charter School Act says our
11 staff will be the staff of the Charter School
12 Division. But if they are our staff, then we need
13 to have some right to also direct, in cases like
14 this, when they are our negotiations and our
15 contract that we enter into with the school. Thank
16 you.

17 THE CHAIR: Thank you. Commissioner Carr?

18 COMMISSIONER CARR: I'd like to, I guess,
19 add on to what my fellow Commissioners have already
20 said, that it's -- as our workload tremendously
21 increases -- and it is -- it's important to -- to
22 myself, and I think also my fellow Commissioners,
23 that we have somebody in there that we can really
24 trust. It's very -- it's just going to become
25 increasingly difficult for us to get involved in

1 these minute details for so many schools.

2 And we have to have somebody that we
3 feel -- you know, not that we don't trust the staff
4 of the Charter School Division -- but we know the
5 people that we've already worked for in the past;
6 they're tried and true and tested. And I just want
7 to, I guess, get on the bandwagon. Thank you.

8 THE CHAIR: Thank you. Commissioner Gant?

9 COMMISSIONER GANT: Madam Chair, members,
10 I guess I need to set my two cents. Through this
11 whole budget thing right here, and over the last few
12 years, in my view, the PEC is a stepchild. We are a
13 thorn in the side of the Secretary of -- Designate
14 for the Education Department. And we're not asked
15 what we want in the way of budget. We are told,
16 like children.

17 You're looking at a bunch of people here
18 with a lot of experience. We've got a school
19 administrator, school board members, for years,
20 business people, ex-State Board -- Board of
21 Education members, school board members for years,
22 et cetera, et cetera.

23 When do we see anybody ever asking us what
24 we want? We are actually delegated by our
25 Constitution. But the people that run this

1 building -- I -- we're, again, treated like
2 stepchildren, treated like stepchildren.

3 And that's an example right there.

4 "You're going to be told what the money is going to
5 be spent for. You're not asked."

6 If we agreed for it -- agreed to it, have
7 inputs? Peace.

8 But I don't know businesses that have
9 boards of directors -- and we're a board of
10 directors, kind of -- that are not asked how to run
11 the business. And that's my -- you can take that
12 back. If they don't like it, I don't like the way
13 they're doing it, either. Thank you.

14 THE CHAIR: Other comments, Commissioners?

15 Seeing none, all right. We have completed
16 item 10-E. It is almost 12:30. I think we need
17 lunch right now. If that's agreeable with everyone,
18 let's come back -- can we have -- is 35 minutes
19 enough? Or do we need a full hour?

20 COMMISSIONER CARR: What about 45?

21 THE CHAIR: You're trying to make things
22 complicated, aren't you?

23 COMMISSIONER CARR: I'm just compromising.

24 THE CHAIR: We will resume this meeting at
25 10 minutes after 1:00. We are in recess.

1 (A recess was taken at 12:22 p.m., and
2 reconvened at 1:10 p.m., as follows:)

3 THE CHAIR: I call back into session this
4 meeting of the Public Education Commission. We are
5 to Item 10-F, Discussion and Possible Action on a
6 request from McCurdy Charter School for an extension
7 on their 18-month facilities plan.

8 If there's anyone from the school who
9 would like to come up to the table, please do.

10 Mr. Pahl, would you please go ahead?

11 MR. PAHL: Yeah. Members of the
12 Commission, McCurdy Charter School has in place both
13 a PSFA-approved Facility Corrective Action Plan --
14 this is also known as an "18-month plan" -- and a
15 PEC-approved extended time frame to complete that
16 plan. The extension which was approved by the
17 Commission in September of 2013 provides the school
18 with a deadline of February 2015 to complete that
19 18-month plan.

20 In its work to meet the deadline, McCurdy
21 Charter School has encountered unanticipated delays.
22 The school is requesting a 24-month extension from
23 the February 2015 deadline to February 2017 in order
24 to complete its 18-month plan. The Commissioners
25 have, in their notebooks, an explanation for this

1 request from McCurdy and some other documents
2 related to their program and schematic design, as
3 well as an accompanying letter of approval from PSFA
4 on the facility.

5 THE CHAIR: Good afternoon, now. Please
6 introduce ourselves, and let us hear from you.

7 MS. ANDERSON: I'm Deborah Bennett
8 Anderson, the chairperson for McCurdy Charter
9 School's governance board.

10 MS. ARCHULETA: I'm Janette Archuleta, the
11 director of McCurdy Charter School.

12 MS. ANDERSON: If I may, I'd also like to
13 introduce three other individuals: Leo Valdez, who
14 is the financial consultant that has been hired by
15 McCurdy Schools Property, Inc., which is also in
16 your packet. Sanjay Engineer and Ted Grumblatt,
17 both from FBT Architects.

18 Well, it's good to see you guys again.

19 THE CHAIR: Pull that closer, would you,
20 because we do want to hear you.

21 MS. ANDERSON: Yeah, you hold it, I know.
22 I've got to use my hands.

23 Since -- and if you don't realize it,
24 Madam Chair, it's been almost exactly one year to
25 the day that we asked for a 12-month extension on

1 our 18-month plan. Since that time, we have indeed
2 had our Board of Finance suspended, as you're well
3 aware, in November, and the interactions of the
4 financial backing for HighMark withdrew their
5 support. And HighMark withdrew their
6 interactions -- or their contract was terminated in
7 late January of this year.

8 Since that time, we have been working with
9 our landlord, McCurdy Schools of Northern
10 New Mexico, which is a 501(c)(3). We have been
11 collaborating with them, trying to figure out how
12 best and how most expedited we could indeed meet the
13 weighted New Mexico Condition Index, which is a
14 condition of our charter.

15 And what ended up happening was that
16 McCurdy Schools of Northern New Mexico formed a
17 501(c)(25), which is a title-holding agency,
18 equivalent to a 501(c)(3), called McCurdy Schools
19 Property, Inc. And the intention is that at some
20 point, we will enter into a lease-purchase with that
21 organization.

22 The intention is that -- and they also --
23 excuse me. They also hired a financial consultant,
24 Mr. Valdez, to seek the appropriate financial
25 backing for the school. MSPI also hired FBT

1 Architects. They are the ones that put together the
2 program description that you find in your packet.
3 That is the one that was approved by PSFA in
4 August -- in August.

5 What happens, though, is that there are
6 three documents that need to be -- that need to
7 accompany any financial applications. And your
8 packet does show the particular three financial
9 institutions that we're talking about at the moment.

10 But the three studies have to do with the
11 architectural feasibility study; again, that's the
12 one that was approved by PSFA; a financial
13 feasibility study, which has been initiated by
14 Venture Feasibility. That document is due on the
15 18th of November of this year.

16 There's a third document called the
17 appraisal, the whole -- the whole project. The
18 project, at the moment, includes the same two
19 existing buildings that we were talking about with
20 HighMark. That's the Pringle Building, includes the
21 cafeteria and the areas for media center and
22 offices, plus the Memorial Gym, which is obviously a
23 whole gym. But then a whole, brand new, two-story
24 building on 6.6 acres.

25 The kind of challenge, though, is because

1 MSPI has been funding these efforts, they have
2 requested that we verify with PEC that we can look
3 forward to a 24-month extension to mid-February of
4 '17, before they embark on the appraisal.

5 So let's talk about that for a moment.
6 You might ask, "Well, what makes up a 24-month
7 extension? Why does it have to be so long?"

8 The three institutions -- well, I'll go
9 backwards for a second.

10 If we have completed the architectural
11 feasibility, and the financial feasibility is due in
12 November, and assuming approval from this
13 Commission, the appraisal will take about a month;
14 so that gets us to about the 1st of January of '15.
15 At that point, the three institutions that we're --
16 financial institutions that we are talking about
17 will take anywhere from six to nine months to be
18 able to, quote, "close the deal"; in other words,
19 provide the funding necessary for renovating the two
20 existing buildings and constructing the new
21 building.

22 So that takes us pretty much to the first
23 of October of '15 in a very conservative manner; so
24 that's six to nine months.

25 At that point, it takes 15 months to go

1 through all of the permitting process, the final
2 construction activities, the actual construction of
3 the building; and if you kind of add that all up
4 together, then suddenly, we're sitting pretty much
5 at the very first of the year of '17.

6 The 15-month construction period -- we
7 received a second PSFA document yesterday, where
8 PSFA concurred that the 15-month period was an
9 appropriate period for the construction and
10 renovation that we're talking about.

11 So we are basically asking for a 24-month
12 extension on completing the weighted New Mexico
13 Condition Index, which, again, is part of our
14 contract with the PEC in our application.

15 Are there any questions?

16 THE CHAIR: Thank you very much. That was
17 very comprehensive; a little overwhelming, but
18 comprehensive.

19 MS. ANDERSON: Madam Chair, I assure you,
20 it's very overwhelming to us, as well.

21 THE CHAIR: I'm sure. I'm sure.

22 Do you have questions?

23 Commissioner Gant?

24 COMMISSIONER GANT: Madam Chair, members,
25 Page 8, "Project Delivery Design." The Foundation

1 talks about -- has determined that the use of
2 competitive bids is not appropriate -- or is not
3 advantageous to the project.

4 Please explain that one. I know what
5 competitive bids are, et cetera. And I've been on a
6 school board; we went through the competitive bids,
7 et cetera. So why don't you want to go through
8 competitive bids?

9 MS. ANDERSON: Commissioner Gant, that is
10 not a decision that we, as a school, made. That is
11 a decision that is within McCurdy Schools of
12 Northern New Mexico and MSPI. That is not -- that
13 is not a decision that we make by, you know, any
14 means. And it's possible -- and I think that
15 Mr. Valdez can confirm this -- that the actual
16 lenders may choose -- or may dictate that that will
17 not be how the contracts will be awarded.

18 I'm sorry. I really can't tell you
19 exactly why McCurdy and MSPI chose that particular
20 route.

21 COMMISSIONER GANT: Madam Chair, members,
22 Ms. Casias, can you shed any light on this
23 competitive versus non-competitive, et cetera?

24 MS. CASIAS: Mr. Chair, members, I
25 appreciate being asked the question, but I don't

1 think that I have enough background to say
2 non-competitive or "construction manager at risk,"
3 which is better in this case. I haven't looked at
4 it enough to advise. But I appreciate the question.

5 COMMISSIONER GANT: Thank you,
6 Madam Chair. I --

7 THE CHAIR: We have a gentleman who --

8 MS. ANDERSON: If we may, Mr. Valdez, I
9 believe, will give you better insight.

10 THE CHAIR: Please give us your name.

11 MR. VALDEZ: Can you hear me?

12 THE CHAIR: Yes.

13 MR. VALDEZ: Okay. For the record, my
14 name is Leo Valdez. I'm with the investment banking
15 firm of Hutchinson, Shockey, Erley Company, a
16 broker/dealer based out of Chicago. I am the Senior
17 VP and manager for the state of Arizona and
18 New Mexico.

19 To answer your direct question is, in
20 several discussions, I think MSI- -- McCurdy Schools
21 Property, Inc., wanted to consider doing the -- the
22 construction without a competitive bid, because they
23 felt that perhaps the school could get erected
24 faster. I had advised them that, really that may be
25 their wish, but in the reality, it's the lender

1 that's going to determine whether you go out to bid
2 or not, any of those three ways.

3 As an example, we've been working for
4 Rural Development. I worked for the agency for ten
5 years; and that's one of the funding entities we're
6 looking at. They do not prefer -- they prefer going
7 out to bid. So in their particular case, they're
8 the ones who are going to determine that particular
9 point. Obviously, you all could have a say-so in
10 that, too.

11 COMMISSIONER GANT: Madam Chair,
12 members -- and, also, the procurement code, I
13 don't -- I don't get much into that; so I don't know
14 what the procurement code says about the same thing.

15 MS. ANDERSON: Commissioner Gant, I
16 believe that because they are a landlord and are
17 basically private, they are not held to the same
18 procurement code that we are. As a private entity,
19 I just don't believe that they're held to that.

20 Now, when we enter into a lease-purchase
21 agreement with the State -- and I actually talked
22 with Deputy Secretary Aguilar last week -- he was --
23 he's looking forward to us submitting an application
24 for a lease-to-purchase arrangement. But at this
25 point in time, how MSPI chooses to state things, we

1 can't control that. I'm sorry.

2 COMMISSIONER GANT: Madam Chair --
3 understand. Thank you.

4 Just a comment, and I may have questions
5 later. But I do know that in Las Cruces, we pulled
6 a package together and built the Early College High
7 School in, it seems like, nothing flat. We had
8 three developers -- no, four developers -- stand up
9 and say, "We will build it on a lease-purchase
10 agreement by statute."

11 They built it. The school is -- the
12 District is paying for it through the bond issue,
13 et cetera. You are doing it through the lease
14 assistance, I assume. And it was done like that. I
15 don't understand all this time; I really don't.

16 MS. ANDERSON: I wish I knew how to answer
17 you.

18 At this point, remember that -- please
19 remember that our Board of Finance is suspended.
20 And that's part of the reason that we had the
21 discussions with Deputy Secretary Aguilar last week
22 in terms of getting our Board of Finance back,
23 because we want to be able to make this decision.
24 But it's very difficult to go out and ask lenders,
25 without a fair amount of supporting documentation,

1 to make a loan to where the school is equivalently
2 making the payments, but we don't have a Board of
3 Finance.

4 So I believe that the financial
5 feasibility study and the work that Mr. Valdez is
6 doing, you know, it seems to take a little bit
7 longer. But when we talk about 24 months, I believe
8 that that's the most conservative case. And I wish
9 it would go faster; I truly do. We want our kids in
10 a newer building. They are safe, and, you know,
11 it's not the most exciting place; but it's workable.
12 It has all of the approvals of PSFA.

13 But I assure you, we would love to get
14 into a building faster.

15 THE CHAIR: Other comments?

16 Commissioner Bergman?

17 COMMISSIONER BERGMAN: Thank you. You
18 guys always work so hard to give us all this
19 information that -- I know this has -- in a way, has
20 been a nightmare for you. And I wouldn't be
21 surprised to hear, even though you're just up there
22 in Española, that you haven't rented an apartment
23 down here since you're here so much.

24 MS. ANDERSON: You see me when I'm here,
25 even when I'm not on the agenda.

1 COMMISSIONER BERGMAN: My first
2 inclination when I first saw this was 24 months.
3 After I had the time to think about that, I think
4 I'm inclined -- I don't think it's productive to
5 keep going through this every three months or so or
6 every four months. I know a lot of what has
7 happened has been beyond their control; it's been
8 beyond our control and a lot of control of other
9 parties.

10 And so right now, I'm kind of inclined to
11 think, "Let's give them 24 months, and let's take a
12 breather from this," or something. Thank you.

13 MS. ANDERSON: If I may?

14 THE CHAIR: Commissioner Carr?

15 MS. ANDERSON: If I may, the last time I
16 want to see the Commission regarding buildings is
17 when you see the pictures of us opening the door
18 with a new key. We -- I agree with you,
19 Commissioner Bergman. We'd rather not be coming up
20 to see you guys for this anymore.

21 THE CHAIR: Commissioner Carr?

22 COMMISSIONER CARR: I would -- I'd love
23 nothing more than to see your school up and running;
24 and I'm sure you would, too. I think it's important
25 for your community, and it's supported.

1 I am concerned about us setting a
2 precedent in regards to other schools. And I would
3 like to have that concern alleviated somehow, if it
4 can be. Maybe that's a question for our attorney.

5 MR. GRANATA: Regarding -- Madam Chair and
6 Commissioner Carr, the question is, I suppose,
7 whether or not the Commission is setting a precedent
8 by allowing for an extension?

9 THE CHAIR: Two extensions.

10 MR. GRANATA: Two extensions. I mean, the
11 way that I would look at is that each -- each
12 extension is a case-by-case basis, and that each one
13 should be evaluated according to the facts, and,
14 essentially, the facts that are brought forth in the
15 Commission.

16 So, I mean, I -- there would be a
17 precedent that, under the right circumstances, an
18 extension could be granted. But I don't, by any
19 means, think that this would be setting a precedent
20 that all schools could go through a similar process
21 and expect an extension to be granted.

22 I would think that all of the
23 Commissioners would put a lot of thought into what
24 factors are going into the school requesting this
25 extension. And that's something that the Commission

1 should consider in whether or not they accept
2 this -- or grant this extension.

3 COMMISSIONER CARR: Okay. Thank you.

4 THE CHAIR: Thank you. Well, let me just
5 follow that up. If my math is correct, I have the
6 18 months, and then a 12-month extension, and then
7 this 24-month extension will take us up to
8 44 months. And I think that's optimal. I -- having
9 been around a lot of building projects, nothing ever
10 gets done on time; they never finish. So
11 realistically, we're looking at four years, total.

12 I also know, on the other hand, if we say
13 "no" to this extension, what happens to the school?
14 Do they close? Do they close? They can't --
15 Martica, can you help us with this? If they don't
16 get an extension, do they close? Is their facility
17 sufficient that they could stay in that past that
18 18-month -- that initial 18 months?

19 MS. CASIAS: Madam Chair, the current
20 facility that we looked at a few years ago has a
21 very poor weighted NMCI, which means its condition
22 isn't sufficient. So probably -- I mean, I don't
23 think the children -- my opinion -- I don't know --
24 I'm not a person that makes the rules. But we'd
25 have to write a letter saying that this is a

1 weighted NMCI, and it's far below any others in the
2 state, and ask somebody to make a decision.

3 It's probably -- its weighted NMCI is
4 similar to the one that -- or it would degrade to
5 such that it would be similar to the one that
6 Cariños Charter School just had to move out of, in a
7 worst-case situation.

8 Of course, I'd have to enter that data
9 into the database. But it continues to degrade from
10 where it was. So that's the answer that I can give,
11 Madam Chair.

12 THE CHAIR: Thank you. Thank you.

13 MS. ANDERSON: Excuse me, Madam Chair. As
14 a point of clarification, we're sitting at
15 80 percent on our weighted New Mexico Condition
16 Index. And if you recall, higher is not better.

17 THE CHAIR: Right.

18 MS. ANDERSON: The State average is
19 sitting around 20, 22 percent.

20 THE CHAIR: Right. So whatever -- if we
21 grant this 24-month extension, which will probably
22 be more like 30 months, kids are still going to be
23 in very poor facilities all that time. They're
24 going to continue to be in poor facilities. Is that
25 correct?

1 MS. ANDERSON: Madam Chair, I wouldn't say
2 that they're poor conditions. They just don't meet
3 the weighted New Mexico Condition Index. They're
4 safe. In some cases, they're a little crowded. But
5 all of our kids, you know, are learning, and they're
6 really doing quite well. I wouldn't say that the
7 building is unsafe -- the buildings, excuse me --
8 because they're distributed over -- yeah -- nine
9 buildings.

10 THE CHAIR: Let me just ask Martica
11 directly, because I -- these numbers sometimes fly
12 around in my head, and I'm not sure. If we said
13 "no" to this extension, what would happen to the
14 school?

15 MS. CASIAS: Madam Chair, the position
16 that I hold, really, I can't answer that question.
17 I know that the school would continue to degrade.
18 But I also know that one of the things that we
19 measure when -- or to get the weight is life,
20 health, and safety. So those requirements for this
21 particular school are average. So we wouldn't have
22 allowed them to stay in there if the life, health,
23 and safety was minimal. But it is going to continue
24 to degrade.

25 THE CHAIR: Till they can't stay there

1 indefinitely, anyway.

2 I know you can't predict the future. But
3 in two more years, what is the condition of that
4 building likely to be?

5 MS. CASIAS: Madam Chair, you can assign
6 that to me, and I can enter it into the database and
7 do those calculations, if you'd like.

8 THE CHAIR: Personally, I would appreciate
9 that. I think it will be good information.

10 MS. CASIAS: We can do that.

11 THE CHAIR: I'll let someone else speak
12 for a minute. Thank you, Martica, for doing that.

13 Commissioner Toulouse?

14 COMMISSIONER TOULOUSE: Madam Chair. Has
15 your governance council any alternative to this,
16 between the closure at one end and this complete
17 approval on the other? I'm not sure I have a real
18 problem with approving it; but I do have a problem
19 with the continuing deterioration of your current
20 facilities.

21 So do you have an interim -- not an
22 interim -- but an alternative, if this wasn't
23 approved?

24 MS. ARCHULETA: Madam Chair -- Janette
25 Archuleta, Director of the school. Currently, we

1 have 540 students. Our operation, or our
2 enrollment, has maintained at that number for the
3 two-and-a-half years that we've been in operation.
4 So we can say that that is probably where we will
5 continue, or even increase, to our cap of 584.

6 As part of our lease assistance
7 application, we need to look at other facilities in
8 the area and do our research regarding what is
9 available in the area.

10 I would say that I have looked in our
11 area, I would say, out to about 10 miles out of
12 Española; and, really, there is not a facility for
13 540 students and the programs that we run.

14 COMMISSIONER TOULOUSE: So, Madam Chair,
15 in other words, there really is no alternative. We
16 either assume that you go on and may have to close
17 before this is done, or we grant you this approval
18 and hope your facilities stay at a level that's
19 safe; right?

20 MR. PAHL: Is that what you're telling us?

21 MS. ARCHULETA: Would you like me to tell
22 you exactly what our school looks like in regards to
23 safety?

24 COMMISSIONER TOULOUSE: No. What I'm
25 interested in is not just a Plan A and a Plan B.

1 I'd like to have at least one other alternative, or
2 more than that. I've learned over all my years in
3 State government; again, what goes wrong will go
4 wrong, and no matter what happens, somebody is going
5 to come in and change it. So you'd better be ready
6 to change.

7 That's why I'm just asking whether there
8 are more than these two plans. I'm not asking you
9 to necessarily have them. I'm just more comfortable
10 if I know people are planning in addition to just
11 basically one plan and a fallback, which may be a
12 closure two, three years down the road.

13 MS. ANDERSON: Commissioner Toulouse, if I
14 may, I wouldn't say that we've got Plan B. But
15 we've got plan A.1, A.2, and A.3, because there are
16 a minimum of three financial institutions out there
17 that we are prepared to -- you know, in fact, we've
18 already submitted an application to one of the
19 organizations, and the other two are waiting for
20 this appraisal document and the completion of the
21 financial feasibility document.

22 So it's not exactly Plan B, but there's
23 three options on the other.

24 COMMISSIONER TOULOUSE: Thank you.

25 MR. VALDEZ: May I address you again? Leo

1 Valdez. I want to say isn't an alternative plan.
2 But it is probably the best plan. And the best plan
3 is because, I think, being a banker and a financier
4 of several charter schools, is that MSPI is going to
5 come to the table with two buildings and seven
6 acres. That's not something the charter school
7 could afford if they went out and tried to finance
8 those two buildings, seven acres and another
9 38,000-square-foot building.

10 So I'm trying to say, from a financial
11 standpoint, there's a lot of equity. Janette has
12 maintained the population. I don't see a lot of
13 competition. The last few months, where we started,
14 I scrubbed the books. And I sat down with Janette,
15 Deborah, and said, "Let's see what you can afford
16 before you decide the size of building you're going
17 to build."

18 And we did that. And we came up with a
19 number of what they could afford, and a payment,
20 which is going to drive the amount of money they can
21 pay or develop a school.

22 I said, "The next thing you need to know
23 is what can be designed and built for that number?"

24 Now, working with this firm on several
25 other projects with PSFA, I brought them -- or

1 suggested we bring them into the picture. And they
2 sat down with them for a long period of time to
3 design and build a facility that would provide the
4 required space for the students and renovate two of
5 the buildings -- and there's not much renovation
6 going on in the two buildings.

7 And that's where we're at now. We have
8 completed the architectural or technical feasibility
9 study. We're going to have a financial feasibility
10 study. Frankly speaking, I would not have advised
11 them to hire a financial feasibility study if I
12 didn't think the project financing would work.

13 We were going to have to need an
14 appraisal. You say, "What's the timing?"

15 There's no way I'll have a funder that
16 will say, "Leo, do you really think you can fund and
17 build this project by February the 15th?" That's
18 not going to happen. It's going to take us months
19 to go through underwriting, the appraisal, and
20 everything else, close the transaction and get the
21 project built and get the Certificate of Occupancy.

22 I think we can do it within the lesser
23 point of time. But there's, like you mentioned, a
24 lot of unknowns. And those unknowns, we can't
25 control a lot of those. So I just wanted to add

1 that to what is another alternative? There is
2 probably another alternative, but this is probably
3 the best alternative.

4 THE CHAIR: You brought up financial
5 feasibility. You scrubbed the books; you've gone
6 through, seen what they can afford. Are you looking
7 only at lease assistance funding to afford this --
8 all of this? Or is it going to take some
9 operational money, as well.

10 MR. VALDEZ: My initial analysis is based
11 just to the lease assistance, at the full occupancy,
12 which I think they can get. And that's still not
13 dollar for dollar. Ask any lender; they're not
14 going to say, "Just because you're going to get a
15 dollar, we're going to make you a loan worth a
16 dollar."

17 It's probably going to be more like \$1.25
18 or \$1.30. I've made that analysis and worked with
19 a consultant. They just finished a three-day site
20 visit here. We've gone back and forth. They're
21 analyzing the performance.

22 There are other challenges, and I'm not --
23 I have to mention. There's a takeover of their
24 Board of Finance. I've spent enough time with them
25 over the last few months understanding what they've

1 done to correct that. They are at the point now
2 where they will be able to complete the 2012 and
3 2013, and '13 and '14, audits. They are there. And
4 those audits should be done -- well, the process
5 starts in October; right?

6 MS. ANDERSON: October 27th.

7 MR. VALDEZ: So having said that, I feel a
8 lot of confidence in terms of bringing of the
9 financing to the table. Within a short period of
10 time, I'm not confident that can happen. In fact, I
11 know it won't, because I've been in this business
12 31 years, and I know what it takes to finance, bid,
13 and construct a facility of this nature.

14 THE CHAIR: Thank you for that.

15 MS. ANDERSON: Commissioner Shearman, if I
16 may?

17 THE CHAIR: Yes, please.

18 MS. ANDERSON: Even when we were talking
19 about HighMark as the potential builder of the new
20 school building, we had always budgeted about
21 \$75,000 out of operational in addition to the lease
22 reimbursement. So even though Mr. Valdez has done
23 his analysis based only on the lease assistance,
24 mentally, we had already been prepared to, you know,
25 take \$75,000 out of our operational monies to be

1 able to support that activity.

2 THE CHAIR: Thank you. Other comments?
3 Concerns?

4 Commissioner Bergman?

5 COMMISSIONER BERGMAN: Well, since you're
6 talking about taking operational money, I'm back
7 here looking at your description. Is not the
8 purpose of the foundation, the MSPI, is that not to
9 raise funds for the school? Could you not use that
10 money for the supplemental money instead of using
11 operational funds?

12 MS. ANDERSON: I have to tell you that
13 MSPI is a subset of McCurdy Schools of Northern
14 New Mexico. And they are not the fundraising
15 agency. The school -- I shouldn't say "agency" --
16 the school is in the process of putting together its
17 own 501(c)(3) to work at raising funds for the
18 school. We would probably look for help to that
19 organization, as opposed to MSPI.

20 COMMISSIONER BERGMAN: Okay. I saw the
21 word "Foundation" and "MSPI" together. So they're
22 going to own the buildings, then. Is that what I'm
23 reading here? And then they're going to lease them
24 to you?

25 MS. ANDERSON: That is correct. And then

1 we will enter -- we will enter into a lease-purchase
2 arrangement with MSPI.

3 COMMISSIONER BERGMAN: Okay. So they're
4 not putting up the funds. They're just, I guess,
5 owning the buildings, then. Huh. Okay. Thank you,
6 Madam Chair.

7 THE CHAIR: Let me ask one question.
8 Who -- who is named in the note? You're arranging
9 financing? Who is the loan being made to?

10 MR. VALDEZ: Madam Chair, members of the
11 board, the funding will be made to MSPI. They, in
12 turn, will have control of two buildings, seven
13 acres, and the 38,000-square-foot building and
14 playgrounds. In turn, they will be the landlord and
15 will lease it to the charter school. The charter
16 school will make lease payments to MSPI, who, in
17 turn, will make the loan payment.

18 THE CHAIR: Does that answer your
19 question?

20 COMMISSIONER BERGMAN: Yeah, that's kind
21 of what I -- my understanding of what I was reading
22 here. I just wanted to be sure. I thought they
23 were an overall foundation, though, that they were
24 probably doing fundraising. And you've answered
25 that question. They're not.

1 MR. VALDEZ: They're basically a conduit
2 for the benefit of the charter school, because the
3 charter school itself cannot enter into debt.

4 THE CHAIR: Commissioner Gant?

5 COMMISSIONER GANT: So MSPI -- I would
6 have liked to have heard what they had to say
7 personally, upfront, because they probably have some
8 management going on there. But we're not going to
9 hear that, I guess. But I think I know the answer
10 to this:

11 What if the Commission decides, "Well,
12 there's a lot of ifs, 'if' this, 'if' that, 'if' the
13 lenders show up, if the economy works, et cetera.
14 What if we only gave you 12 months?"

15 What happens then?

16 MS. ANDERSON: In 12 months, wherever we
17 are, we would be incomplete. But I do know that the
18 construction period -- that the PSFA agrees that the
19 15-month period for construction is right.

20 The question is about the financing. In
21 12 months, we will be somewhere on the road, and I
22 can't tell you where.

23 COMMISSIONER GANT: But what I'm saying
24 is, I guess you have three people -- or three
25 institutions -- you're going after, as I understand,

1 for financing. And we have been put in this
2 position before, where, "If you don't give us the
3 time that we want, or whatever we want, then people
4 won't give us our finances."

5 Will that happen? If your financial
6 people out there hear that the Commission, because
7 we want to know everything's going right, we only
8 give you so many months, will they back out?

9 MR. VALDEZ: Madame Chairman, Commissioner
10 Gant, to answer your question is, first of all, the
11 lenders are going to want to know there's site
12 control. That's why we have to have the two
13 buildings, the seven acres. They also need to know
14 that they have the wherewithal -- not the
15 wherewithal -- the timing to allow them to get into
16 the building. They're not going to provide funding
17 to an entity that may not be operational that can
18 pay the lease payment if they have to stop their
19 operations in 12 months.

20 So the answer to your question is, "Yes, I
21 don't think the lenders would go forward."

22 Again, I'd like to emphasize we're picking
23 a conservative number, but we don't control the
24 entire funding process or construction.

25 COMMISSIONER GANT: Okay, Madam Chair. I

1 just think that -- I haven't decided how I'm going
2 to do it yet. But I think the Commission has been
3 put in a Catch-22. We're damned if we do, and we're
4 damned if we don't, so...

5 THE CHAIR: Let me just ask you -- on
6 Page 8 of your information here, "Project Schedule,"
7 now, is that still correct?

8 MS. ANDERSON: If I recall the one that
9 you're looking at is proposing that we are completed
10 in May of '16?

11 THE CHAIR: That's correct.

12 MS. ANDERSON: Okay. The -- that is
13 basically dealing with the construction aspects. It
14 is not the responsibility of the architect to take
15 into account the time period necessary for the
16 financing.

17 THE CHAIR: Okay. I'm very reluctant to
18 expand a time frame to almost four years for a
19 school simply to get into a facility. But I also
20 agree I don't think we have much choice. We're in
21 so deep now. We have over 500 kids involved. If we
22 say no, I think, in essence, we are closing the
23 school. And I think for a school that we looked up
24 the grade a while ago, you're doing pretty well. I
25 believe it was a B?

1 COMMISSIONER GANT: C.

2 THE CHAIR: I just -- I can't bring myself
3 to do that. So let me suggest this: I, personally,
4 would be willing to vote to approve this extension
5 if we could get an absolutely complete time frame
6 that included as many dates as you can -- as you can
7 come up with; in other words, "We think the
8 financing will be complete by this date. We think
9 this will be" -- taking this 2000- -- Page 8 as the
10 basis for your time frame.

11 In other words, what I'm going to ask for
12 is once this time frame is completed and presented
13 to us, then every -- every due date on this time
14 frame, we get a report, so that we're not behind the
15 curve and out three months later, "Oh, the financing
16 took much longer than we thought," or "The anything
17 took much longer than we thought."

18 I could live with it if I've got a game
19 plan here and a roadmap, and you're reporting,
20 giving us updates. I think I can live with that.
21 But I have to say this has got to be it. You all
22 just must be so tired of dealing with this. And I
23 think we are, too. I think we just cannot keep
24 extending this deadline.

25 So when you get a contractor on board, I

1 suspect you light their clothes on fire and tell
2 them, "We're not putting them out until you finish
3 this project," something, in order to get it done.
4 Okay?

5 Commissioner Gant?

6 COMMISSIONER GANT: One more comment.
7 Actually, my calculations are you'll have a total of
8 64 months, 10 months from the time we authorized you
9 till the June; and then we gave you 18 more months;
10 and then we gave you 12 more months; 24 months. You
11 add them all up, they end up about 64 months, the
12 way I calculate it.

13 I agree with you. I'm used to using Gantt
14 charts and everything. It's G-A-N-T-T charts.

15 MS. ANDERSON: I know.

16 COMMISSIONER GANT: I understand those.
17 So I agree with Commissioner Shearman about some
18 kind of schedule, detailed, because, like she says,
19 you come down three -- 18 months from now, 12 months
20 from now, "Whoops." Then what? I would appreciate
21 that.

22 THE CHAIR: Commissioner Toulouse?

23 COMMISSIONER TOULOUSE: Madam Chair, I
24 just wanted to agree with what you both are saying,
25 that I would like to see -- whether it's a Gantt

1 chart or a project plan, at every one of our
2 meetings to update us to exactly where you are. I
3 think your board's going to want to know that, too.
4 So you're going to be tracking.

5 And if we get it, you don't have to be
6 necessarily an agenda item, but just a written
7 report. We've had a couple of other schools that
8 have given us written reports when we said, "You
9 don't have to come in here every time."

10 That way, you're tracking it. If there is
11 a slip-up you need to document right there, so we
12 stick with you. If we get that, I am comfortable
13 with this, because we have no alternative, if we
14 have that kind of a planning document. Thank you.

15 THE CHAIR: Commissioners, any other
16 comments? Commissioner Bergman?

17 COMMISSIONER BERGMAN: I would just like
18 to note, as we've seen today, facilities over and
19 over and over again. This, right now, is not the
20 norm. This has been something way above the norm.

21 But I am concerned that, as we go
22 forward -- as this Commission, as this State goes
23 forward -- that facilities are going to be even much
24 more of a problem three years from now. It's going
25 to get to the point that schools are not going to be

1 able to get into facilities. And that kills the
2 movement, perhaps.

3 And so it's not just on us, of course, or
4 schools. I think the Legislature has got to get
5 back in there, and they've got to figure this out.
6 There's going to be something done for schools,
7 because the charter movement is needed in this
8 state. Parents tell me all the time when they want
9 to talk to me about charter schools, they want the
10 option at least. They want a choice for their kids.
11 And if we don't have charter schools, where is that
12 choice? I guess private schools or home-schooling.

13 But -- so this is just the tip of the
14 iceberg for us. It's just going to snowball down
15 the road. So we need to be aware of that and be of
16 concern about it, because it is a concern.

17 Thank you, Madam Chair.

18 THE CHAIR: Thank you. Is that suggestion
19 something that you all can live with, the project
20 time line and reports through CSD to us as each date
21 is reached?

22 MS. ANDERSON: Madam Chair and the
23 remainder of the Commission, we would be more than
24 glad to provide you that information. I, too, know
25 how to do Gantt charts, with two T's. And I'll be

1 more than glad to provided it that way. I actually
2 had a slight verbal piece of paper here that kind of
3 added it together. But we'll make it into a Gantt
4 chart, which would be much more acceptable. But I
5 see no problem in trying to provide you with
6 information.

7 THE CHAIR: And you'll provide us with
8 that chart, and then we'll start with the reports.

9 MS. ANDERSON: (Indicates.)

10 THE CHAIR: Okay. Sounds good to me. Any
11 other comments?

12 COMMISSIONER TOULOUSE: Madam Chair, as an
13 aside, not related specifically to this, but
14 following up on Mr. Bergman, I think this is
15 something that I would like Mr. Pahl to pay
16 attention to also when it comes to staffing up. At
17 some point, we may need one Charter School Division
18 employee simply tracking our facilities and where
19 people are and what they're doing to avoid some of
20 these things coming in; and then also, we wouldn't
21 have to keep hitting Martica with all of this over
22 and over.

23 So as we look at staffing and increasing
24 our staff -- because you have to increase the staff
25 when you have a bigger workload; I don't care what

1 the State government has tried to do, you can't
2 increase a workload beyond a certain amount without
3 increasing staff -- that we look at that as one of
4 the things. It would also then provide assistance
5 to these folks. So that's just an aside. Thank
6 you.

7 THE CHAIR: Thank you very much. Any
8 other comments? Hearing no further comments, the
9 Chair would entertain a motion. It was my
10 suggestion, and the Chair can make a motion. Let me
11 do so.

12 I move that we approve McCurdy Charter
13 School's request for a 24-month extension to their
14 18-month plan, contingent upon their providing us
15 with a Gantt chart with all of the dates through the
16 construction to the completion of the construction,
17 and that they report through CSD to this Commission
18 on progress of meeting those dates. Okay?

19 COMMISSIONER TOULOUSE: I'll second.

20 THE CHAIR: Motion by Commissioner
21 Shearman, second by Commissioner Toulouse, to
22 approve the amendment -- the extension request, as
23 noted on the official record.

24 Any further discussion?

25 Commissioner Bergman, may we have a

1 roll-call vote, please?

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

10 Parker?

11 COMMISSIONER PARKER: Yes.

12 COMMISSIONER BERGMAN: Commissioner

13 Conyers?

14 COMMISSIONER CONYERS: Yes.

15 COMMISSIONER BERGMAN: Commissioner

16 Peralta?

17 COMMISSIONER PERALTA: Yes.

18 COMMISSIONER BERGMAN: Commissioner Gant?

19 COMMISSIONER GANT: Yes.

20 COMMISSIONER BERGMAN: Commissioner

21 Shearman?

22 THE CHAIR: Yes.

23 COMMISSIONER BERGMAN: Commissioner

24 Bergman votes "yes."

25 Madam Chair, that is a 9-to-0 vote in

1 favor of that motion.

2 THE CHAIR: Thank you. Motion passes
3 unanimously. We'll look forward to getting your
4 Gantt chart shortly.

5 MR. VALDEZ: Thank you.

6 THE CHAIR: And to not seeing you again
7 for a while, though we love to see you.

8 MS. ANDERSON: I really would like to
9 thank the Commission. And I really would like to
10 thank Martica out of PSFA. She and her staff have
11 really done a bang-up job for us, and we really
12 appreciate it.

13 THE CHAIR: Thank you. We appreciate what
14 she does for us, as well. Thank you, all.

15 COMMISSIONER GANT: Madam Chair, I would
16 like to request -- or suggest that we move Item 12
17 in front of Item 11, so that Martica can go off and
18 do something else besides sit in this room. All
19 right? Do we have a problem with that?

20 COMMISSIONER CARR: It's okay with me.

21 THE CHAIR: Is that okay with everybody to
22 move 12 up? Martica, if you can come up, please.

23 COMMISSIONER GANT: Martica will be
24 reporting on the status of the schools that are
25 opening, or have opened this fall.

1 MS. CASIAS: Madam Chair, members of the
2 Commission, the two that I have on my list that --
3 that I'm here to talk about -- and you can please
4 remind me if there's more than that -- is the
5 Explore Academy that is opening up in Albuquerque;
6 and it's a State charter. And it's an E-occupancy,
7 and it has a 1.62 percent weighted NMCI, which means
8 almost perfect. Zero is the best.

9 The other one is the Health Science
10 Building -- Health Science Charter opening up on
11 McNutt Drive. And that has an E-Occupancy, as well,
12 and weighted NMCI of 6.39.

13 And those are the two that I had on my
14 list. So I'm open for -- for a question about any
15 others.

16 COMMISSIONER GANT: Madam Chair, Martica's
17 already discussed the other school, and we've all
18 discussed the other school, and that was Dream Diné.
19 So those are the only three that are really opening
20 this fall. So --

21 THE CHAIR: And Health Science -- do you
22 know where you said?

23 MS. CASIAS: It's a State charter school,
24 and it's in the old University of Phoenix building
25 on McNutt Drive.

1 COMMISSIONER GANT: Santa Teresa.

2 THE CHAIR: Santa Teresa?

3 MS. CASIAS: Santa Teresa.

4 THE CHAIR: Commissioners, do you have
5 questions?

6 We thank you very much. Appreciate the
7 information.

8 Mr. Pahl?

9 MR. PAHL: Madam Chair, members of the
10 Commission, I just haven't had a chance to thank
11 Martica, as well. I just wanted to put that out
12 there and let the Commission know that Martica and I
13 are having monthly meetings in an effort to start
14 building that expertise.

15 And I want to thank Commissioner Toulouse.
16 As we staff up, we do plan on building our in-house
17 expertise and trying to establish that direct line
18 between us and Martica's work at PSFA. But thank
19 you, Martica.

20 MS. CASIAS: Madam Chair, Commissioners,
21 thank you.

22 THE CHAIR: Thank you very much.
23 Appreciate you being here today.

24 Let's move on to Item No. 11, Discussion
25 and Possible Action on 2014-15 performance

1 frameworks for the following schools.

2 I just want to say, we already looked at
3 these; we looked at them at our last meeting. You
4 probably have a sheet that looks like this that
5 summarizes -- and I believe Beverly prepared this
6 for us?

7 MS. FRIEDMAN: No.

8 THE CHAIR: Matt did? Your staff did?
9 That summarizes the actions that we took on these
10 performance frameworks at our last meeting. There
11 are some that were approved with conditions, and
12 some that were tabled till this meeting.

13 I've asked Commissioner Bergman to take
14 over this item, as he's Chair of the Charter School
15 Committee and is involved in all of these
16 performance framework renegotiations. And I'd like
17 him to work our way through this, please.

18 COMMISSIONER BERGMAN: Okay. I think we
19 have handled -- I'm not going to sit and hold that
20 all this time. If you can't hear me, let me know.

21 I think we have handled Anthony Charter
22 School now. I think perhaps that that one is now
23 taken care of, I hope.

24 THE CHAIR: No. No.

25 COMMISSIONER BERGMAN: It's not?

1 THE CHAIR: We did '13-'14.

2 COMMISSIONER BERGMAN: So we still need to
3 take action on the 2014 --

4 THE CHAIR: '14-'15.

5 COMMISSIONER BERGMAN: I stand corrected,
6 then. Actually, I just discovered here -- I'm
7 holding a draft copy that was -- I found somewhere
8 in this book, which was earlier, I think, and now
9 I'm noting here that I've seen a copy that doesn't
10 state "Draft." So here again, I have two copies.
11 So I'm going to work off the one that doesn't say
12 "Draft" and assume that the changes that were in
13 this draft have now -- are fully into this non- --
14 the original -- or the current copy.

15 And, Mr. Pahl, that is correct?

16 Thank you, because I know there were some
17 strikeovers that were still in my draft copy. I
18 assume they're not in this one, because I intend to
19 read this one.

20 MR. PAHL: Yes.

21 COMMISSIONER BERGMAN: So I'm going to
22 quickly look at it. I think with the improvement
23 plan that we implemented, the fact that they are a
24 renewal charter, as far as I understand -- and we're
25 going to see them again next month, anyway.

1 MR. PAHL: Yes, sir.

2 COMMISSIONER BERGMAN: We'll certainly see
3 them in December. I think this is just a -- that
4 will be the -- this current 2014-'15 will take us
5 through this year, and we'll be negotiating with
6 them again next summer for their second performance
7 framework.

8 I have looked at the goals. The goals did
9 not jump out at me in this one as they did on some
10 others that we discussed previously. The goals look
11 all right.

12 If you haven't had a chance,
13 Commissioners, to look at these goals, you'll see
14 that we -- we have been evolving. The process has
15 been evolving. It's a learning thing as we go. The
16 schools are learning; we're learning; the staff is
17 learning. And it's -- so we're continually trying
18 to upgrade what we're doing. That's our purpose,
19 because we want the schools to be upgraded. We want
20 the kids to get the best possible education they
21 can.

22 These goals, as you'll see in this
23 performance framework, I believe, are excellent
24 goals. They're good goals. I -- you'll see that --
25 one thing we did is, I think, on every one of these

1 schools, we now have goals specifically for reading
2 and math. And I point that out because we did not
3 previously. The original way this was set up only
4 required one goal.

5 I have -- as someone will remember, I have
6 repeatedly talked about that, and I talked about it
7 with Ms. Barnes: "There should be at least two
8 goals." And I didn't agree with that, even. I
9 think there should be more than two goals. But
10 that's my personal opinion. So now we have at least
11 a reading and a math goal in all these schools, and
12 will have, in the future.

13 The Chair and myself, as we went through
14 these negotiations with the other Commissioners that
15 were there, you will note particularly that that
16 "Exceeds standard" category is relatively high. And
17 that's because the Chair particularly insisted if
18 you're going to say a charter "exceeds," it ought to
19 be really achieving something. That's what the word
20 "exceeds" means. So we're really pushing for that
21 in our negotiations as we do that.

22 The schools, I think, universally, have
23 not started out that high. We have to negotiate.
24 That's why it's called a negotiation. But I think,
25 so far, every school has been cooperative after

1 we've discussed -- and I can assure you, many of
2 these goals were discussed endlessly, some would
3 have thought. A great deal of time went into these
4 goals. We don't do this in five minutes and then
5 jump down to the next page in the thing. Some of
6 these goals take a full hour all by themselves.

7 So that's why I'm always comfortable
8 recommending. I've sat through those. And when I
9 walk out of there, I'm normally comfortable with
10 what we have accomplished as a group, both on one
11 side and the other.

12 But I think you'll find it beneficial for
13 yourselves in the future, as you come to
14 negotiations, to at least have some feel for what
15 we've done in the past, obviously. So you'll see
16 that this school has some selected optional
17 indicators. That is not required, and some schools
18 are choosing to not do them. That's their choice,
19 because right now, it's not statutorily required.

20 I do tell those schools when they make
21 that selection -- here, again, some of you have
22 heard me say it repeatedly -- "Do not bank the
23 entire future of your school on that A, B, C grade.
24 You need to have some other criteria that this
25 Commission, no matter who's on it five years from

1 now, will have to approve your school when you come
2 up for approval again. If you put all your eggs on
3 that A, B, C grade thing you're all going to have a
4 major surprise when" -- and I tell them that as
5 we're negotiating.

6 And I want them to understand it. We
7 really need to have these goals in here, because
8 then we have a whole blanket of work that this
9 Commission can look at when we make that critical
10 decision, do we approve that renewal, or do we deny
11 that renewal. That's one of the purposes of this
12 framework, to give us the tools to make informed
13 decisions in those areas.

14 So as I'm just sitting here and talking to
15 you and thumbing through, everything looks fine on
16 the Anthony Charter School. I see nothing that --

17 THE CHAIR: Are you recommending it for
18 approval?

19 COMMISSIONER BERGMAN: Yes, I am.

20 THE CHAIR: And the governance council
21 minutes are here, also --

22 COMMISSIONER BERGMAN: I did not check
23 that. Maybe I can rely on Mr. Pahl for that.

24 MR. PAHL: Madam Chair, Commissioner
25 Bergman, we were presented with these this morning.

1 So that's why there isn't a copy in everyone's
2 binders. The other thing I'll note -- and this may
3 be a red herring -- is I think Ms. Matthews brought
4 up that maybe the -- the renewal conditions should
5 be taken out. They're currently in this draft.

6 THE CHAIR: No, we said they should be in.

7 MR. PAHL: Okay. Thank you.

8 THE CHAIR: They're in. And as they're
9 completed, they should be marked that way so that
10 everyone who reads this knows the exact status.

11 MR. PAHL: Okay. Thank you.

12 THE CHAIR: So, Commissioner Bergman, are
13 you making the motion for approval of the Anthony.

14 COMMISSIONER BERGMAN: Yes. Do you want
15 to go ahead and handle this one and then go on to
16 the other stuff?

17 THE CHAIR: Yes.

18 COMMISSIONER BERGMAN: Madam Chair, I
19 would move that the Public Education Commission
20 approve and accept the 2014-2015 academic school
21 year performance framework for the Anthony Charter
22 School.

23 THE CHAIR: For the motion, do I have a
24 second?

25 COMMISSIONER PERALTA: (Indicates.)

1 THE CHAIR: Commissioner Peralta. Motion
2 by Commissioner Bergman, second by Commissioner
3 Peralta to approve the Anthony Charter School
4 2014-'15 performance framework as presented.

5 Is there any further discussion?

6 Hearing none, Commissioner Bergman, may we
7 have a roll call, please?

8 COMMISSIONER BERGMAN: Commissioner Pogna?

9 COMMISSIONER POGNA: Yes.

10 COMMISSIONER BERGMAN: Commissioner
11 Toulouse?

12 COMMISSIONER TOULOUSE: Yes.

13 COMMISSIONER BERGMAN: Commissioner
14 Parker?

15 COMMISSIONER PARKER: Yes.

16 COMMISSIONER BERGMAN: Commissioner
17 Conyers?

18 COMMISSIONER CONYERS: Yes.

19 COMMISSIONER BERGMAN: Commissioner
20 Peralta?

21 COMMISSIONER PERALTA: Yes.

22 COMMISSIONER BERGMAN: Commissioner Carr?

23 COMMISSIONER CARR: Yes.

24 COMMISSIONER BERGMAN: Commissioner Gant?

25 COMMISSIONER GANT: Yes.

1 COMMISSIONER BERGMAN: Commissioner
2 Shearman?

3 THE CHAIR: Yes.

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

6 Madam Chair, that is a 9-0 vote in favor
7 of acceptance.

8 THE CHAIR: Motion passes unanimously to
9 approve the Anthony Charter School '14-'15
10 performance framework.

11 Please continue, Commissioner Bergman.

12 COMMISSIONER BERGMAN: The second one on
13 our list was the Horizon Academy West. And I
14 checked each one of these schools' condition -- and
15 Mr. Pahl, I appreciate it. He gave us his list to
16 find out what conditions we may have imposed. I
17 could find that we imposed no extra conditions to
18 the Horizon Academy West; so I would presume
19 we're --

20 THE CHAIR: That's all the information we
21 need.

22 COMMISSIONER BERGMAN: Is that what you
23 need, Madam Chair?

24 THE CHAIR: Yes.

25 COMMISSIONER BERGMAN: The next one is the

1 North Valley Academy, and the same thing. I could
2 not find that we added any conditions to them that
3 they had to meet, and we did approve that one. So
4 that's where we stand on that one.

5 Now, the Health Leadership Academy, we did
6 impose some conditions. And I -- and I guess what I
7 need to ask at this -- and I just was handed
8 something, just this very second, that I will ask
9 Mr. Pahl. Did they meet the conditions that we
10 imposed upon them?

11 MR. PAHL: Madam Chair, Commissioner
12 Bergman, yes, they did.

13 COMMISSIONER BERGMAN: That's what -- they
14 have provided that. So we are good with them at
15 this time.

16 MR. PAHL: We are.

17 COMMISSIONER BERGMAN: All right. The
18 next one was the Media Arts Collaborative. Here,
19 again, I could not find that we placed any
20 particular conditions on that school.

21 The next one was the New Mexico
22 Connections Academy. And here again, I could not
23 find that we placed any additional conditions on
24 that one; so I believe we are good on that one.

25 And then the last one was the one I was

1 just handed. That is the Cottonwood Classical.

2 Here, again, there were some conditions.

3 Mr. Pahl, did they meet the conditions
4 that we imposed upon them?

5 MR. PAHL: Madam Chair, Commissioner
6 Bergman, yes.

7 COMMISSIONER BERGMAN: Because I know that
8 Sam had made -- that he might not be able to get the
9 approval the first time around. But it is now
10 official, and it's all done.

11 MR. PAHL: That is correct, as noted
12 through their minutes.

13 COMMISSIONER BERGMAN: Then, Madam Chair,
14 I believe we've satisfied everything that we went
15 through last time and what we just did. That's
16 where we stand.

17 THE CHAIR: Thank you very much. I think
18 it was just worth those few minutes of time to get
19 it all officially on the record, that all of those
20 schools are now taken care of. Thank you very much
21 for that.

22 We are now to Item 13, 2014 and '15 PEC
23 Meeting Calendar.

24 Let see. Beverly's busy. If you'll
25 notice, Beverly has started including, on the bottom

1 of our agendas, important dates to consider in the
2 future; so that we pretty well know what's coming
3 down the pike, not only our meetings, but the
4 meetings of the groups that we might have some
5 interest in. So I direct your attention to that.

6 Also, she's -- Beverly's provided us with
7 a calendar for 2014 and 2015. Are we ready to start
8 marking some 2015 meetings yet, or do you want to
9 consider this one more month and do this officially
10 in October? October?

11 Remember, we've been sort of sticking with
12 the second Friday of the month. So when you look
13 through these dates, please be sure to consider that
14 second Friday and if it conflicts with anything, you
15 know, in your life.

16 Beverly, have you got a comment for us,
17 please?

18 MS. FRIEDMAN: Madam Chair and
19 Commissioners, on the 2015 calendar, it's very
20 light. I did it too light. You can see the second
21 Monday is shaded in. And so if you'd look at that
22 in relation to your calendar for the next year,
23 those are the dates we're looking at.

24 COMMISSIONER TOULOUSE: Madam Chair, I'm
25 just interested in the month of August on 2015. How

1 come my birthday isn't there? August 18th, and
2 it's -- it goes 17th to 19th.

3 THE CHAIR: I don't know what happened to
4 it.

5 MS. FRIEDMAN: Madam Chair, Commissioners,
6 I am totally sorry. If you notice very carefully,
7 there are quite a few of those dates that kind of
8 erased themselves or duplicated. And at the time I
9 was doing them, I didn't have time to go through.
10 And I will get some help from my IT experts to help
11 me with that. I'm very sorry.

12 COMMISSIONER TOULOUSE: I wouldn't mind
13 missing that birthday. It's my 70th.

14 THE CHAIR: If anybody wants to mark out
15 my birthday so that I don't have to acknowledge it,
16 that's just fine.

17 COMMISSIONER TOULOUSE: Madam Chair, can I
18 also say, looking at -- because of how difficult it
19 is here in February and March with the Legislature,
20 that we look to see if we can meet -- at least one
21 of those two, meet someplace other than here in the
22 center part of Santa Fe, whether we could meet in
23 Albuquerque or someplace that we wouldn't have to
24 fight 2,000 people trying to come up and park and
25 get into the Capital complex?

1 THE CHAIR: The only thing I'd say about
2 that is, a lot of times, you find it convenient just
3 to whip across the street and talk with somebody,
4 too. So, you know, we'll consider that.

5 MS. FRIEDMAN: And Madam Chair, I was
6 going to mention that, also. And also, I understand
7 that you're going to be working on these contract
8 negotiations. And I humbly suggest that if you
9 would like to do any of those contract negotiations
10 here in this room, if I know ahead of time, I can
11 reserve this room. And as Matt mentioned, around
12 this table might be a good place for negotiations.

13 But I would need to reserve that, because
14 this room goes quickly.

15 THE CHAIR: Okay. Thank you.

16 COMMISSIONER BERGMAN: I'll take that into
17 consideration. And Madam Chair, it might be
18 appropriate at this time -- a couple of them, we
19 purposely scheduled them just in front of our
20 meetings. And I was going to -- did you find
21 that -- I found that worked pretty well.

22 THE CHAIR: It worked pretty well.

23 COMMISSIONER BERGMAN: It saved you and I
24 extra travel time. So I will try and work with that
25 kind of schedule, too.

1 THE CHAIR: As a matter of fact, it might
2 be a good idea, Mr. Pahl and Commissioner Bergman,
3 for you all to start working on that negotiation
4 calendar, and let's start putting that one together.

5 Commissioner Pogna?

6 COMMISSIONER POGNA: Madam Chair, last
7 year, we specifically scheduled our meeting in
8 February and in March early and late, so that we
9 didn't have the Legislative parking to hassle. I'd
10 like that.

11 THE CHAIR: We can certainly consider that
12 this time.

13 Okay. All right.

14 COMMISSIONER BERGMAN: Anyway, I will --
15 you and I probably need to visit sometime in October
16 because of what everybody said, is to get this
17 started. We can at least schedule maybe January and
18 February or something.

19 MR. PAHL: That sounds good.

20 COMMISSIONER BERGMAN: Once we know what
21 we have to schedule. We don't know yet who those
22 schools are going to be.

23 MS. FRIEDMAN: And Madam Chair?

24 THE CHAIR: Beverly, please?

25 MS. FRIEDMAN: Madam Chair and

1 Commissioners, I'd also like you to consider, your
2 next meeting is scheduled for October 17th. And if
3 you look in a calendar, that is three weeks away
4 from today. And there was discussion of having a
5 work session on the 16th. And I have reserved this
6 room for the 16th and the 17th, if you did want to
7 have a work session on the 16th. But we will --

8 THE CHAIR: I think we do. I should have
9 brought that up. Thank you very much.

10 Our next meeting, we definitely need at
11 least a one-day work session prior to that meeting.
12 And as Mr. Pahl was visiting with me earlier, we
13 could even use more time than that, if we can carve
14 it out. So you've already reserved the room for --

15 MS. FRIEDMAN: 16 and 17.

16 THE CHAIR: Okay.

17 COMMISSIONER CARR: Madam Chair?

18 THE CHAIR: Commissioner Carr.

19 COMMISSIONER CARR: If we're going to --
20 if we're going to have 23 or more schools in
21 December, are we going to be able to get those done
22 in two days?

23 THE CHAIR: But renewal schools, you're
24 talking about?

25 COMMISSIONER CARR: Yes.

1 THE CHAIR: I think it's going to depend a
2 lot on what else we have on the agenda. So maybe we
3 just need to get a little closer to the time and see
4 what else pops up.

5 COMMISSIONER CARR: I -- and I might
6 suggest, as we're, you know, increasing this, too,
7 is maybe take a look at the structure of those
8 meetings and how we -- you know, how much time we
9 allot. I don't want to cut anybody off too much,
10 but if we shave a few minutes here, a few minutes
11 there, that might be helpful.

12 COMMISSIONER BERGMAN: Madam Chair?

13 THE CHAIR: Commissioner Bergman.

14 COMMISSIONER BERGMAN: Commissioner Carr
15 makes an excellent point there, because I believe if
16 I remember from the previous renewal ones, it takes
17 about an hour for each one. We give them a certain
18 amount of time. We have a certain amount of time, a
19 certain amount of question time, a certain amount of
20 input time. At this point, I could not imagine how
21 we could do 23 in two days, with nothing else on the
22 agenda.

23 So I think we're going to have to consider
24 that we may have to carve out the 10th, also; so I
25 just want to bring that up.

1 THE CHAIR: Do we want to go ahead and ask
2 Beverly to go ahead and reserve this room on the
3 10th, as well, and give ourselves the option if we
4 need it?

5 COMMISSIONER BERGMAN: Be better to have
6 it and not need it, than vice versa.

7 MS. FRIEDMAN: Madam Chair, the structure
8 that you're going to use tomorrow for the charter
9 school applicants is basically the same type of
10 structure that you have used in the past for the
11 renewal schools.

12 And so you can observe your time tomorrow
13 and see, you know, how much time it takes for each
14 of those schools and kind of -- we can work with
15 that schedule, definitely, for the renewals.

16 THE CHAIR: Good point.

17 COMMISSIONER BERGMAN: I would also like
18 to note, with the new ones, we do a public hearing.
19 With the renewals we don't do the public hearing.
20 So they sometimes -- more questions are asked,
21 because we didn't have a hearing to ask those
22 questions in. See what I'm saying?

23 THE CHAIR: Yeah. We give time for the
24 schools. Anything else on that one? Okay.

25 Let's move on to Item 14. And I think

1 I've alluded to my report on the LESC Subcommittee
2 meeting that I attended earlier this month. It was
3 really very informative.

4 That group is working hard. They're
5 trying to -- as Representative Miera said, "PEC is a
6 regulatory agency without a budget and without its
7 own staff."

8 When the legislation was written for
9 charter schools and for this particular arrangement,
10 no one ever dreamed it would get this big. And I've
11 had that said to me more than once by various
12 legislators, that no one ever thought it would get
13 this big; and now, it's just -- according to them --
14 and my personal opinion, too -- we've outgrown
15 the -- the framework that this was originally put
16 together under.

17 And so they're looking at fixing a lot of
18 the weird aspects of the Charter School Act, fixing
19 the aspect of making PEC as a regulatory agency
20 stand alone, but to still work with PED, to still be
21 in partnership with PED, and not to take any money
22 away from PED, because that -- that's a big
23 consideration in everybody's mind is, number one,
24 how would you fund a -- an independent PEC. And a
25 lot of talk was around, "We'll take the 2 percent

1 and fund PEC."

2 Well, right now, that 2 percent goes into
3 PED's budget to be used for whatever it needs to be
4 used for to support charter schools and so forth.
5 But it still is a hunk of money that would come out
6 of their budget. And they don't think that's a good
7 idea. They don't think PED should be penalized in
8 any way if PEC goes independent.

9 So the thought of an independent funding
10 source for PEC as an independent body received a lot
11 of discussion.

12 I will tell you something else that
13 received a lot of discussion was the small school
14 supplement that so many charter schools do get. And
15 there were charter school people there who said, "If
16 you take that small school supplement away from us,
17 we will probably close our doors. We will not be
18 able to survive."

19 But Representative Jimmy Hall, who is also
20 a member of LFC, said that that is a big issue for
21 LFC this year, and they are serious about looking at
22 it. It has gotten to be so much money. And it
23 was -- the initial intent, when that legislation was
24 passed, was to support the small rural, isolated
25 school districts who have 39 kids, because that's

1 all the kids there are in that whole school
2 district. And in order to provide a school-safe
3 environment and the right education for them, they
4 have to receive supplemental funding.

5 But it has been -- and rightly so; they
6 follow the law -- our charter schools have chosen,
7 many of them, to remain small so that they would get
8 that supplemental funding.

9 It was brought out that we have some
10 charter schools who, because of their student
11 population and the low numbers of students, are
12 actually getting SEG funding at the rate of \$16,000
13 and \$18,000 per student. That's a lot of money.
14 And in the days of tight money, that's pretty hard
15 for the rest of the schools and the districts to --
16 to deal with. They say it's not fair, as a matter
17 of fact. So that small school supplement is going
18 to really be looked at.

19 Transportation is another one that's going
20 to really be looked at. And there was even talk
21 about why do charter schools have to give away
22 2 percent of their SEG funding traditional schools
23 don't have to. So there -- I don't know where that
24 one's going to end up, but it was certainly in the
25 mix.

1 So if you get a chance to go to one of
2 those meetings, you really should. They are
3 tremendously interesting. I think it's going to
4 result in some type of legislation for the coming
5 session. They're trying to -- they're talking big,
6 big, big, big cooperation, with both parties -- what
7 is that called? -- bipartisan cooperation -- to get
8 this through and get it signed. So we'll see. But
9 it's -- it's very interesting.

10 I'm presenting October the 15th on behalf
11 of the PEC. And my report is going to have a lot to
12 do with money and student count and how many charter
13 schools there are. There are 114 charter schools in
14 what I counted. There's -- and we have -- we have
15 the majority of them. So it just overwhelms me, the
16 amounts of money. And what this Commission and what
17 CSD and its staff are able to do with that
18 overwhelming workload, it is -- I don't know how you
19 deal with that many schools and get it done with the
20 small staff that we've had.

21 So I want to give you all some
22 acknowledgment of the job that you all are -- have
23 done and are doing, and to the fellow Commissioners
24 on this group. We're doing a lot of work. It's --
25 and it's acknowledged; it really is. So --

1 questions?

2 COMMISSIONER BERGMAN: No. I would like
3 to give a little summary of what I experienced.

4 THE CHAIR: Oh, yes. Commissioner Bergman
5 just went to an LESC meeting.

6 COMMISSIONER BERGMAN: I was at the LESC
7 meeting in Hobbs Monday and Tuesday. There were two
8 parts of that meeting; I wanted to share a little
9 information. One of them was about the PARCC test,
10 because there's still a lack of knowledge about the
11 PARCC test, just about everywhere, it turns out.
12 What they did is they actually hooked the
13 legislators up to computers, and they took the
14 fifth-grade end-of-year, end-of-session math test.

15 And I didn't have their computer, but I
16 had -- they put it up on the screen. And there were
17 several questions I and my colleagues agree would
18 have had trouble answering. So the rumors that
19 these are easy tests is probably going to prove to
20 be false. I think they're going to prove to be
21 rigorous.

22 The legislators had trouble with the
23 tests, and that led into a lot of the notes I made,
24 because that led to a lot of discussion. This
25 wasn't put on by PARCC. It was put on by the Hobbs

1 School Superintendent and his PARCC person.

2 And here's what -- some of the stuff that
3 came out.

4 The prep for this is going to have to be
5 extremely extensive. I think everybody already
6 knows that. Talk about teaching to the test, PARCC
7 is going to be very labor-intensive, apparently, for
8 kids.

9 They have discovered that the metrics
10 between the PARCC and the SBA are totally different.
11 They're as -- unless somebody figured out how to
12 merge the metrics, there's going to be no comparison
13 between the PARCC results and the SBA results, none
14 at all. So you're going to start over with PARCC.

15 You're going to, I guess, start with a
16 baseline and have to build for several years to get
17 three years' worth of information.

18 They said apparently, whatever platform
19 you're using to take the test on, whether you're --
20 if you're taking it on a laptop, a desktop, or an
21 iPad, PARCC tests apparently react differently to
22 the platform. And I would have never guessed. I'm
23 not a techno person. So that apparently needs to be
24 a concern for everybody, what platform you're going
25 to use to let your kids take the test on.

1 The time for each test section is going to
2 be much more than everybody thought, I think. Like
3 I say, they had the legislators take one
4 36-question section of that fifth-grade,
5 end-of-the-year math test. That test has
6 10 sections. And it -- the studies so far where
7 they've had them take it, each section was taking at
8 least an hour, and some were taking two hours. So
9 you just apply the minimum number to those
10 10 sections, it's going to take those kids just
11 10 hours to take the math section of the PARCC test.
12 And figure another 10, I guess, for the reading, and
13 whatever other tests they're going to test under
14 PARCC. It's going to be much more time-intensive
15 than I think everybody realizes.

16 I wanted to shared that with you.

17 They're going to test twice apparently, in
18 March and May. And the tests will be different --
19 one will be more of an A, B, C, D, guess -- choose.
20 And the other one's going to be more -- they didn't
21 say this, but it sounded more like an essay or
22 something. They're going to be different, anyway.
23 So there's going to be two different tests involved
24 again.

25 And then an excellent question was asked

1 by one of the legislators. What about the
2 accommodations for the ELL kids and the special ed
3 kids? And guess what? Nobody had an answer for
4 that one.

5 What the answer was is that PARCC does
6 have an accommodations manual.

7 THE CHAIR: Manual.

8 COMMISSIONER BERGMAN: PED has an
9 accommodations manual, and they're different. So
10 those are going to have to be wed at some point.

11 I was listening to the superintendents,
12 like Hobbs. The big school districts have staff for
13 this. We've got assistant superintendents for this.
14 And that, I got to thinking. They're having trouble
15 with it in the bigger districts. What about our own
16 little charter schools that have 10 staff members or
17 something? Who's going to do this PARCC, and who's
18 going to have the knowledge -- Hobbs apparently has
19 a whole little section of people that are working on
20 this thing under that PARCC director.

21 Who are the charter schools going to get
22 to -- I think they're going to discover,
23 particularly for the charter schools, they're going
24 to be woefully under-prepared for PARCC. So I
25 wanted to alert you all to that.

1 Then the other part, as they have
2 everywhere they go, and they do it by design, they
3 have a panel with local superintendents. The one
4 here in Hobbs had seven area superintendents from
5 little old Texico and places that like -- so you had
6 the little man's perspective -- and up to Carlsbad
7 was there and Roswell was there, and, of course,
8 Hobbs was there, bigger school districts. This is
9 what I took away from that.

10 This was specifically on the evaluations;
11 although -- it was fun. You should have been there
12 for that one.

13 I will let you know that the
14 superintendents association has sent another letter
15 to the Secretary just to ask them, "Please slow
16 down." And I think they anticipate they're not
17 going to get a proper ans- -- they're not going to
18 get the answer they want on that one; so they're
19 assuming they have to go forward. That's what they
20 said, "We're going to make the best of what we can."

21 Most of them thought that the training had
22 been very productive. So PED would -- I'm sure at
23 least that part of it, they're trying to train the
24 people. Most superintendents appreciate the
25 training.

1 They agree with the observation piece of
2 the evaluation. They think it should not just be
3 observation. They all agree -- none of them had a
4 problem with having testing as a part of that piece,
5 but they all thought that the skewing toward the
6 testing was too high. They thought it should come
7 back more to even.

8 Nobody was just totally opposed to the
9 testing. But now, some of the legislators when they
10 make their speeches doing this -- that's what they
11 do -- they're opposed to the testing, of course.

12 I did want to bring that to you. Most of
13 them reported that they made their way through it --
14 here, again, the message from the littler schools
15 was -- here, again, the superintendent at Texico
16 said, "Well, I don't have a whole stable of
17 assistant superintendents in Texico; it's me.
18 I'm" -- he listed off all of the things he is, and
19 about the only thing he left off was janitor. He
20 didn't call himself the school janitor.

21 It is, in a way, inundating the school.
22 Evaluations are in the news; so I just wanted to
23 share that with you. They wished it would be slowed
24 down; but I think they understand it's probably not
25 going to be. But they're making the best of what

1 they can, and they've made the points others have
2 made. It is -- especially for these smaller
3 schools, they're having trouble wading through how
4 it came together.

5 They did specifically address the
6 value-added models and stuff. Apparently, no one
7 understands that yet. I wanted you to be aware of
8 that. People are talking about it, and LFC is
9 hearing about it. There's a dialogue, and that's
10 how we have to go forward.

11 THE CHAIR: Thank you. Commissioner
12 Pogna?

13 COMMISSIONER POGNA: Madam Chair, PARCC is
14 a requirement for Common Core. There is a raging
15 opposition to Common Core throughout the nation. I
16 don't think it's going to slow down events. I think
17 it's going to go away in the near future, because
18 the parents, throughout the nation and the teachers'
19 unions are opposed to the Common Core, because they
20 are so convoluted.

21 You will find a lot of videos on the
22 Internet showing examples of the testing -- or
23 the -- the classroom instruction. And it is just
24 horrendous. It's just an experiment, and our kids
25 are suffering from it. Thank you.

1 THE CHAIR: Thank you, Commissioner. Any
2 other comments? Commissioner Gant?

3 COMMISSIONER GANT: Madam Chair. Picking
4 up -- I remember, picking up on the PARCC thing,
5 it's already been said for the last months to expect
6 the scores from the schools to go down. You know,
7 they went -- for the last five years, the State
8 scores for schools have gone down. They haven't
9 come up. They've gone down over the last five
10 years.

11 Well, people in the know -- in reading --
12 says when PARCC comes along, they're going to go
13 down even more. And an issue for, like, the charter
14 schools and the small schools -- and I talked to a
15 principal in a small school -- he still doesn't have
16 the hardware in the pipeline to do the PARCC. He's
17 been promised \$3,200, but hasn't seen it yet, you
18 know.

19 And how can they take this PARCC -- the
20 kids take the PARCC, and how can the staff learn how
21 to do it if they don't have the equipment to do it?
22 And on top of the test they're going to take, as
23 I've been told, there is a practice PARCC before
24 they take the PARCC.

25 So all this instructional time disappears

1 so our kids can learn something. I have a student
2 in Las Cruces, goes to one of the big high schools.
3 We've been talking to her, a very bright girl. And
4 she takes a lot of AP courses. She says, in her
5 opinion, the Public Education -- this is what she
6 said: "The Public Education Department is stealing
7 my education with all these tests."

8 And that was her comment. Thank you.

9 COMMISSIONER BERGMAN: Madam Chair?

10 THE CHAIR: I've got a question.

11 Commissioner Bergman?

12 COMMISSIONER BERGMAN: I'm sorry, but
13 something that Commissioner Gant said prompted me to
14 remember this. The other thing was that PED has
15 announced -- apparently -- I have not seen this, and
16 it was talked about in the meeting -- the PARCC
17 results are going to be much later than the SBA
18 results, and they're not expecting, each year, to
19 have the PARCC results until November or December,
20 which means their kids are already going to be
21 halfway through the next year before they get these
22 PARCC results.

23 You talk about the grading report. That's
24 what prompted me. We're going to have grading
25 reports that won't have the PARCC results,

1 apparently, until a year, even later than we're
2 getting now. I just wanted to apprise everybody of
3 that, too. Thank you. Sorry for the interruption.

4 THE CHAIR: I'm looking at Commissioner
5 Peralta just sitting there smiling. He and
6 Commissioner Carr are knee-deep in all of this. And
7 it -- Commissioner Peralta, let me just ask you a
8 question.

9 How much of a teacher's evaluation is
10 going to be impacted by not getting the PARCC
11 results until, let's say, midyear? How can they
12 impact their students' learning plan if they don't
13 know what the kid did poorly on in the test? How
14 much of that is going to be reflected in the
15 teacher's evaluation?

16 COMMISSIONER PERALTA: Well, a lot. You
17 talk about kids who are -- you know, you got kids,
18 and they -- with these assessments, you look at
19 them, and you can say -- you can pretty much
20 regulate where they're at as far as grade level.
21 You see the kids are one or two grade levels behind,
22 that pretty much assimilates similar to what the
23 teachers are going to be like.

24 So they're actually going to be behind
25 half a year, and then a year before they can utilize

1 the resource, the assessments, to be able to devise
2 their instruction to be able to get these kids
3 caught up. And so it's like a double -- a Catch-22,
4 really, in a sense. So it's -- it would be a
5 deficit, definitely, yes.

6 THE CHAIR: So it's not only going to
7 affect the students' learning, it's going to affect
8 the teacher's evaluation, which very likely, at some
9 point, will affect the teacher's paycheck, and even
10 employment.

11 COMMISSIONER PERALTA: And just compound
12 the distress on top of that.

13 THE CHAIR: Thank you. Yeah, thank you.
14 Commissioner Toulouse?

15 COMMISSIONER TOULOUSE: Madam Chair, I'm
16 going to hop on my soapbox. And I think I talked to
17 you about that a little bit. My personal experience
18 with implementation of Common Core in my grandson's
19 kindergarten classroom, his teachers interpreted
20 it -- or his school has -- to require him to have
21 six days of homework a week, for a kindergarten kid.

22 And it isn't simple things that his
23 parents can point him to and have him do. Each one
24 is a question the parent has to read to him, and he
25 has to write an answer. He can't even write his

1 last name yet. So that means his parents have to,
2 or whoever is helping him, has to write down the
3 answer, and he has to copy it. And this is six days
4 a week.

5 I have a real problem with giving kids who
6 are just getting used to sitting down in a classroom
7 homework when they get home. They need to go home
8 and run, because they've already lost PE time and
9 all kinds of other things. Not sit down on the
10 table and do this.

11 I also think, in this particular case,
12 Common Core makes no sense if this is how it's
13 really implemented because the only thing it's
14 teaching my grandson is, "Mom does your homework."

15 You know, homework is something that you
16 have an adult that kind of supervises, but you sit
17 and learn from. That's not what he's learning.

18 So I just -- but I also understand that
19 more and more states are trying to back out of this.
20 I don't want to be the last state left doing it.
21 I've got too many other kids in school. So far, I
22 haven't seen it impact my two third-graders or my
23 one who's a junior in high school. But he hasn't
24 had to take the PARCC yet. We'll see, when he has
25 to take it this year, what it will be like.

1 But I do have concerns that teachers don't
2 even know how; because another teacher I talked to
3 told me, "Well, you're really not supposed to
4 implement it the way it's done with my kindergarten
5 grandson, you're just supposed to use that as a
6 guide on how you do teach them."

7 If teachers don't understand it, and
8 different schools are doing it different ways, how
9 can our kids learn?

10 THE CHAIR: Or how can it work? Thank
11 you, Commissioner.

12 Let's move on. I know we've had a long
13 day already.

14 Commissioner Carr, do you have any
15 Legislative Committee report? Not yet?

16 COMMISSIONER CARR: Well, I mean, I wanted
17 to -- not really. I mean, I think what we need --
18 we need to see what the LESC comes up with. We need
19 to get through an election, and then we need to sit
20 down and decide where we're going to go from there,
21 which legislation are we going to support as a
22 Public Education Commission for the upcoming
23 legislative session.

24 But I wanted to add -- since I've got the
25 floor, I know it's too much -- I know you could take

1 it away -- the -- you know, even the SBA tests
2 weren't valid, but they were tolerable, you know.
3 The -- most of the schools use MAP testing and
4 short-cycle assessments. We get those -- and we get
5 that data almost immediately. It means we can use
6 it.

7 As a teacher in a classroom, after I get a
8 lesson on essays, then I can assign an essay, and I
9 can immediately assess whether they've learned to
10 write an essay or not when I grade your essays.
11 That's how teachers have been doing it for hundreds
12 of years. And you know what? It's worked pretty
13 damned well -- excuse me -- pretty darned well.

14 I also heard that we have a five-year
15 contract on the PARCC that we signed, that we're in
16 this for five years.

17 COMMISSIONER GANT: For a billion dollars.

18 COMMISSIONER CARR: For a billion dollars?
19 Just felt like my birthright was sold out from
20 underneath me.

21 There's also an economic phrase called
22 "opportunity cost." Our kids' knowledge level is
23 now down the last 10 to 15 years, and the only
24 difference is testing. Testing was never meant to
25 be punitive; it was never meant to be attached to

1 teacher evaluations; it was simply a tool to find
2 out what has a child learned, how can we help them
3 learn, based on the data. Okay, they're getting
4 this, but they're not getting that. So I change my
5 teaching skills to make sure they're getting this.

6 This has nothing to do with that. This
7 has nothing to do with education. This is
8 everything to do with somebody making a billion
9 dollars or more.

10 And I just heard on the news today where
11 one of the largest school districts in Colorado is
12 opting out. Florida is opting out. Kids are
13 walking out. Parents are angry or upset, you know.
14 And it's -- and it's all taking away from our
15 education process. And it's -- and it's really sad.

16 And it's -- I don't know where we're going
17 to go from here. So we need to come up with
18 legislation that serves our children and not big
19 corporations, not some agenda that's actually
20 failing.

21 The "reform" movement is failing. It's
22 failing our kids, most importantly. And it's
23 agonizing and heartbreaking to educators. Well, I'm
24 sorry. I'm done.

25 THE CHAIR: Thank you, Commissioner Carr.

1 Last thing is Report from the PEC Charter
2 School Committee. Commissioner Bergman?

3 COMMISSIONER BERGMAN: I believe that
4 between all the various things that we've been
5 through today, I've covered just about everything
6 for now. Just remember, starting in January, wow,
7 we're just -- you might as well look forward to it
8 now. We're going to be running -- literally, we're
9 almost -- we went from, in the six years I've been
10 on this, from just meeting about seven times a year,
11 till we're almost -- another year or two, we're
12 going to be close to being a full-time Commission.

13 I don't want to scare you guys that are
14 working still. You guys are working. But it's
15 going to take more and more time. And the CSD, for
16 the workload coming down the pike just starting in
17 January, is at this moment, even with their new
18 hires, is woefully understaffed. So you're going
19 to -- if you know a legislator, you'd better be
20 talking -- as the Chair said earlier, somebody
21 better find some extra money somewhere for things
22 like the CSD.

23 I don't know about other bureaucracies.
24 This one is not bloated; it is understaffed.

25 THE CHAIR: Thank you, Commissioner. That

1 is as far as we're going on the agenda today.

2 Mrs. Friedman is going to tell us our
3 computer IT people are here. Those of you who want
4 to take one of the computers that were ordered for
5 PEC, I believe they're back there. They're ready to
6 show you how to use them. And she also has an
7 announcement about Bern Tennyson.

8 MS. FRIEDMAN: Madam Chair and the rest of
9 the Commission, we do have -- we're -- we do have
10 Chris Vigil -- and I forget the lady's name.

11 MS. VASQUEZ: Celina Vasquez.

12 MS. FRIEDMAN: Celina Vasquez from the IT
13 group. And they will bring up the computers to the
14 round table here. And they have a sign- -- sign
15 sheet for you to sign.

16 The computer -- the sheet that you're
17 filling out will have the serial number for the
18 computer. And if you'll sign that sheet, then I'll
19 make copies of it and give that back to you tomorrow
20 so that you have that information. And we will have
21 a -- a short training session, if you would like
22 to -- to stay for that.

23 If you do not want a computer, let us
24 know, and you don't have to take one.

25 The other announcement is that Bern

1 Tennyson, who has worked with us for a long time, is
2 retiring in about two weeks. And I thought that
3 some of you would like to go by and see her today or
4 tomorrow and wish her a happy retirement.

5 THE CHAIR: Thank you. This meeting is in
6 recess until 9:00 a.m. in the morning. Thank you,
7 all.

8 (Proceedings in recess at 2:45 p.m.)
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1 BEFORE THE PUBLIC EDUCATION COMMISSION

2 STATE OF NEW MEXICO

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5 REPORTER'S CERTIFICATE

6 I, Cynthia C. Chapman, RMR, CCR #219, Certified
7 Court Reporter in the State of New Mexico, do hereby
8 certify that the foregoing pages constitute a true
9 transcript of proceedings had before the said
10 NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the
11 State of New Mexico, County of Santa Fe, in the
12 matter therein stated.

13 In testimony whereof, I have hereunto set my
14 hand on September 30, 2014.

15
16
17 *Cynthia Chapman*

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