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BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
MEETING OF THE PUBLIC EDUCATION COMMISSION
September 12, 2008
8:00 a.m.
Balloon Museum
Albuquerque, New Mexico

REPORTED BY: Cynthia C. Chapman, RMR, CCR #219
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A P P E A R A N C E S

COMMISSIONERS :

- MS. CATHERINE SMITH, CHAIR
- MR. ANDREW GARRISON, VICE-CHAIR
- MS. MILLIE POGNA
- MS. MIDGE GRAHAM
- MS. KATHRYN KRIVITZKY
- MS. NANCY BOWLES
- MS. AILEEN GARCIA
- MR. EUGENE GANT
- MR. DENNIS ROCH

STAFF :

- DR. DON DURAN
- MR. SAM OBENSHAIN
- MR. MICHAEL C DE BACA
- MR. RUDOLPH ARNOLD, Attorney for PED
- MR. JERRY RICHARDSON, Attorney for PEC

ALSO PRESENT: DR. VERONICA GARCIA
 Secretary of Education

1 THE CHAIRMAN: Folks, we have an extremely
2 full schedule today. So let's come to order,
3 please. Thank you. I call the New Mexico Public
4 Education Commission meeting to order on this
5 September the 12th, 2008. And I don't know what
6 time it is now. A few minutes ago, it was a few;
7 minutes after 8:00. And Ms. Pogna, will you do the
8 roll call, please.

9 (Roll call conducted.)

10 THE CHAIRMAN: I have Ms. Garcia and
11 Ms. Price absent? Is that all? Then we do have a
12 quorum? And so we can proceed with our -- with our
13 business.

14 And Ms. Bowles, we'd ask you to lead the
15 Pledge of Allegiance and the salute to New Mexico.
16 If everyone will rise, please.

17 (Pledge of Allegiance and Salute to
18 New Mexico Flag.)

19 THE CHAIRMAN: Be seated, please. And
20 perhaps we could move these flags someplace where
21 they won't be in danger of being knocked off. You
22 should have before you a copy of the agenda. And if
23 you will look at that quickly, and the Chair will
24 accept a motion to approve with the ability to
25 expedite items as necessary.

1 MS. GRAHAM: Madam Chair, I move to do the
2 agenda, with the understanding we can expedite
3 agenda items as necessary.

4 MR. GARRISON: Second.

5 THE CHAIRMAN: There's a motion by
6 Ms. Graham, a second by Mr. Garrison. Is there any
7 discussion? Seeing none, all those in favor, please
8 say "aye." Opposed, "no." Motion carried.

9 And let's see. I think Ms. Pogna, since
10 you called roll, has anybody joined us?

11 MS. POGNA: Mr. Gant was standing up.

12 THE CHAIRMAN: Now we're to the place that
13 we have two sets of minutes that need to be
14 approved, the June 27th and July 11th. Are there
15 additions or corrections to the June 27th meeting?
16 If not, the Chair will accept a motion to approve
17 the June 27th minutes.

18 MR. GARRISON: So move.

19 THE CHAIRMAN: Mr. Garrison moves.

20 MS. BOWLES: I second.

21 THE CHAIRMAN: Seconded by Mrs. Bowles.
22 All those in favor, please say "aye." Opposed,
23 "no"? Motion carried.

24 If you will turn to the July 11th minutes
25 now. The Chair will accept -- are there additions

1 or corrections to the July 11th minutes? The Chair
2 will accept a motion to approve the July the 11th
3 minutes.

4 MR. GARRISON: So moved.

5 THE CHAIRMAN: Moved by Mr. Garrison,
6 seconded by Mr. Roch. All those in favor please say
7 "aye." Opposed, "no." Motion carried. We have
8 approved the minutes of our two hearings dates.
9 Good morning, Dr. Garcia.

10 We are to a section of our agenda that I
11 especially asked to have included today. And we're
12 going to do the Part A, the Sunflower awards, and
13 then Part B, special recognition. And I understand
14 that one of the people for whom the special
15 recognition is designed today is on her way. And so
16 we may delay that just a moment.

17 But let's go ahead with the Sunflower
18 awards. Dr. Maryjo Daniel.

19 DR. DANIEL: All right.

20 THE CHAIRMAN: Good morning.

21 DR. DANIEL: Good morning. I'm Maryjo
22 Daniel. I'm the state science specialist. And some
23 of you may remember last year, we started the
24 Sunflower Prize. And so this year, partly based on
25 your recommendation that we continue, we did the

1 Sunflower Prize as well. And the Sunflower Prize is
2 intended to support students in getting engaged in
3 some of the basic processes of research; so
4 observing, recording, measuring, communicating.

5 And it's a collaboration between the
6 Public Education Department and Inquiry
7 Facilitators, which is a nonprofit here in
8 Rio Rancho that is working to make research a core
9 value, and Earth's Birthday Project, which is a
10 nonprofit in Santa Fe that works with projects for
11 kids throughout grades K through 8.

12 So last year, we had about 40 entries.
13 This year, we had over 200. And in each case, what
14 the students did is they got some sunflower seeds
15 and a petri dish and they germinated them for --
16 over the course of two weeks and simply recorded
17 their observations. And all of their records were
18 submitted. Each student that submitted an entry
19 triggered a \$50 donation to an elephant conservation
20 project.

21 And then teachers from the New Mexico
22 Science Teachers Association reviewed them all and
23 selected the finalists. And so we have one of them
24 here. This is Storm Nelson.

25 UNIDENTIFIED SPEAKER: You have two.

1 DR. DANIEL: I didn't see. Come on up,
2 Daniel. We have two finalists. Come on up here.

3 THE CHAIRMAN: Good, thank you.

4 DR. DANIEL: And we have their work as
5 well. And each student who is identified as a
6 finalist wins a \$100 cash prize as well as their
7 teacher wins a -- an award, cash award, as well as
8 membership in the State Science and Math Teachers.
9 Why don't you step over here a little bit so people
10 can see you. And these are their entries.

11 That's yours, I think, Daniel. And this
12 is yours, Storm. And if you just want to take a
13 look at their work, they've got it here. They can
14 show you. And do you -- Daniel, do you want to say
15 just a word about how you got involved and what you
16 did?

17 DANIEL: My mom went to Santa Fe and she
18 got this.

19 DR. DANIEL: A little bit louder. They
20 can't quite hear you.

21 DANIEL: My mom went to Santa Fe.

22 MS. GARCIA: Socorro.

23 DANIEL: And she got this. I was like,
24 What is this? She was like "Sunflower Birthday
25 Party" or something -- what was it?

1 DR. DANIEL: It's the Sunflower Prize.

2 THE CHAIRMAN: Thank you and
3 congratulations.

4 DR. DANIEL: And Storm, you're from
5 Santa Fe.

6 STORM NELSON: Yeah.

7 DR. DANIEL: And you got yours through
8 your classroom?

9 STORM NELSON: Yeah.

10 DR. DANIEL: Okay. And what did you learn
11 from doing this?

12 STORM NELSON: Basically, how it's like
13 collect and record data, 'cause I had to bring up my
14 science grade. So I guess this kind of helped. I
15 got an "A" and -- and it helped me with a lot of
16 things in science and science-related things.

17 DR. DANIEL: Okay, thank you. Did you
18 have any questions?

19 THE CHAIRMAN: Thank you very much. The
20 Chair recognizes anybody who has a comment or a
21 question.

22 DR. GARCIA: Just congratulations and
23 thank you for pursuing science, and I'm really proud
24 of you.

25 MR. GARRISON: Daniel and Storm, keep up

1 the hard work and keep up the great creativity,
2 because it's going to take you far. And no worries.
3 I had to pick up a lot of grades in my career, so
4 you're okay. Congratulations.

5 DR. DANIEL: Thank you.

6 THE CHAIRMAN: Thank you. Thank you for
7 coming, appreciate it. Okay.

8 We're to the part of the special
9 recognitions. And I'm going to go ahead with
10 one-half of that special recognition, if we can at
11 this time. Let me see here. Ms. Pogna,
12 Mr. Garrison, would you like to help me with this
13 presentation? I'll give it to one of them -- do
14 this -- this says, "This brings the warmest wishes
15 that ever could be sent and sincere congratulations
16 on your great accomplishment. Dr. Veronica Garcia,
17 in recognition of the National Governors Association
18 award for distinguished service to state government.
19 From your colleagues on the New Mexico Public
20 Education Commission."

21 MS. GARCIA: Oh, thank you. What a
22 surprise. Thank you so much.

23 THE CHAIRMAN: This was why we wanted to
24 be sure that you were going to be at a meeting
25 sometime.

1 MS. GARCIA: Thank you. That was so kind.

2 THE CHAIRMAN: We are very proud of you.

3 MS. GARCIA: Well, thank you so much. You
4 know, it was a great honor to be nominated for this
5 award. There hasn't been anyone selected I think in
6 New Mexico since 19 -- was it --

7 MR. FRIEDMAN: '97?

8 MS. GARCIA: It was like the '80s. And I
9 think there's only been four from New Mexico in the
10 history of the award, and I'm the only woman to
11 receive the award, so it was really an honor. But
12 thank you for recognizing me. That is so sweet.

13 MS. POGNA: This is from me.

14 THE CHAIRMAN: Thank you so much.

15 MS. GARCIA: That was very nice of you. I
16 appreciate it.

17 THE CHAIRMAN: And I will tell you since
18 she's not here. But we will recognize her when she
19 comes. Dr. Pauline Rindone is retiring after
20 serving a number of years on the -- as the
21 Legislative Education Study Committee Executive
22 Director. When --

23 UNIDENTIFIED SPEAKER: There she is.

24 THE CHAIRMAN: There she is. (Applause.)

25 I tell you what. Timing is outstanding, isn't it?

1 Dr. Rindone, would you come forward? I just was
2 telling them that we -- will that fall apart again?

3 DR. RINDONE: You scared me.

4 THE CHAIRMAN: Come up here, Pauline,
5 please. When Paul Tackett and I tried to determine
6 how many years she had served on the Public School
7 Capital Outlay Council, we just finally ended up
8 with a bunch, because she served as the alternate
9 person from the LESC for a number of years, so we
10 gave her an award last week. This week,
11 Dr. Rindone, it says, "We hate to say good-bye to
12 you, Dr. Pauline Rindone. You're wished lots of
13 happiness, joy and good cheer. Good luck and good
14 health every day of the year. With your plans
15 working out and your dreams coming true, good-bye
16 and good luck in whatever you do. From your friends
17 on the New Mexico Public Education Commission."

18 DR. RINDONE: Thank you. (Applause.)

19 THE CHAIRMAN: Oh, we need a photo op,
20 okay. And Pauline, we're very proud of you and we
21 do hope that you have all the fun in the world with
22 retirement.

23 DR. RINDONE: Oh, I'm certainly going to
24 try. Thank you, Millie.

25 THE CHAIRMAN: That was really nice,

1 wasn't it? Okay. Now, the work begins, huh?

2 DR. RINDONE: You scared me when I walked
3 in. I thought I was --

4 THE CHAIRMAN: Okay. We're down to No. 7
5 of the agenda, NASBE membership. And this has been
6 a recurring question on our agenda for several
7 months now that we have not been able to find the
8 money for NASBE membership. It's \$22,000-some-odd.
9 And I guess I probably have the exact amount.
10 Almost \$23,000. Mr. Roch was able to negotiate that
11 downward last year. But they told him absolutely no
12 way would that be possible again for any future
13 year.

14 And so we are to the place that we need to
15 have some help in looking at our -- our membership
16 and at our budget. And if you look also at the
17 agenda under the NASBE, our NASBE membership does
18 indeed go through, I believe, December the 31st.
19 And so that entitles us to the selection of a
20 delegate to the national convention and a vote on
21 the national slate of candidates. And so those
22 are -- are a given, so to speak, that we will have.

23 I would -- I'm going to just try to
24 combine all of this under one major head, because
25 Mr. Roch, in an e-mail, you seemed to indicate to us

1 that you might be going to that conference anyway.

2 MR. ROCH: Yes, Madam Chair. As a member
3 of the Government Affairs Committee for NASBE, the
4 fi -- we've actually had three meetings this year.
5 The final meeting will take place at the national
6 convention. So I'm already planning to attend. And
7 if no one else wants to, I would be honored to be
8 the New Mexico delegate to that convention.

9 THE CHAIRMAN: Well, I don't know -- this
10 is a hard thing to say. I don't know that it's not
11 necessarily true that no one wants to. We don't
12 have the money to. I will tell you that Mr. Roch
13 has been spending his own personal dollars to do
14 this. I find it very difficult to have an
15 organization to which we belong and our people
16 having to use their family resources. And most of
17 us know, but all of the people in the audience who
18 do not know, Mr. Roch is a family man now. He was
19 married this summer. So he has more to concern
20 himself than just Dennis.

21 And so we are very appreciative of the
22 efforts you have made for us on -- to NASBE on our
23 behalf. And I guess with that, if we -- if we look
24 at the budget document that's been placed in your --
25 in your -- in your notebook, I'm going to -- I'm

1 going to ask Dr. Garcia, Dr. Garcia, do you have any
2 notions about whether there is any possibility of a
3 way to have the money to do the NASBE membership?

4 THE CHAIRMAN: Yes. Madam Chair, members
5 of the Committee. As you know, I'm sure you're
6 aware how tight the budgets are. And what we're
7 looking at potentially is to see if we could request
8 a supplemental for the Department for the PEC to
9 help us manage that. As you can see right now, if
10 you pay the \$22,647, and those two trips to the
11 Charter School Authorizers conference, it would
12 bring your balance down to \$2,292, which would be a
13 little tight. We did pick up from our budget the
14 court reporting, I believe for -- was that,
15 Beverly -- we picked up in our budget for the
16 budgeting, or was it the amendment to the budget for
17 the attorney? I think the court reporter, which I
18 believe was coming to, I believe, \$7,000, that we
19 picked up. And then also the extension for the
20 attorney, we also picked that up as well, you know.

21 So we'll try to work with you on it. But,
22 you know, if we don't get that expansion, you know,
23 things might be a little tight. So one thing that
24 Don Moya suggested is that the budget committee that
25 you originally had has not come together for, you

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1 know, a while. And they probably need to get
2 together and work with Mr. Moya.

3 And then we also need -- I did put in for
4 an expansion for the PEC budget with DFA for next
5 time around. But, you know, this is something we've
6 talked about, working with the legislature and
7 perhaps the officers of the Commission working with
8 the legislature to see if there could be, you know,
9 a separate line item for the PEC as opposed to being
10 in the PED budget. That also would be helpful.

11 THE CHAIRMAN: Thank you. Ms. Pogna.

12 MS. POGNA: Madam Chair, I would like to
13 make a motion that we -- I don't know if we need a
14 motion for this -- that Dennis Roch represent us at
15 NASBE at the next meeting.

16 THE CHAIRMAN: Okay. We'll take care of
17 that one piece of that business. Is there a second
18 to that motion?

19 MR. GANT: Second.

20 THE CHAIRMAN: And seconded by Mr. Gant.
21 The motion before us is that Mr. Roch represent us
22 at the NASBE convention. Is there discussion?
23 Seeing none, all those in favor, please say "aye."
24 Opposed, "no." Motion carried unanimously.

25 And Mr. Roch, thank you very much. We

1 very much appreciate your kindness and your
2 generosity, not only with your dollars but with your
3 time. It is most appreciated.

4 I have a suggestion, and I know it bounces
5 off you, Commissioners, and off Dr. Garcia. I would
6 think it would be appropriate to entertain a motion
7 for membership in NASBE that has the caveat with it
8 that if funds are available, we will belong to
9 NASBE. Is there anybody who would like to make that
10 motion?

11 MR. ROCH: I'll make that motion.

12 THE CHAIRMAN: Mr. Roch would make that
13 motion. Is there anybody who would like to second
14 that motion?

15 MS. KRIVITZKY: Second.

16 THE CHAIRMAN: Ms. Krivitzky would second
17 that. Is there discussion? Seeing none, all those
18 in favor, please say "aye." Opposed, "no." The
19 motion has carried, and so we will work -- I have
20 been trying to get a hold of Brenda Wellborn. I
21 have not been successful. She is the -- I guess
22 you'd call her the executive director, and I've
23 known Brenda for a number of years, and I've been
24 wanting to speak to her personally to tell her the
25 dire straits that New Mexico is in and to try to see

1 if we might not be as fortunate to get it reduced to
2 the amount that Mr. Roch was able to do last year.

3 But anything would help. So I'll keep
4 working on that end. And Mr. Roch, when you go
5 to -- I had forgotten --

6 MR. ROCH: To Washington.

7 THE CHAIRMAN: To Washington, if you'd
8 work on that, well, maybe between us and among us,
9 we can -- we can get this done.

10 Is that -- is that an appropriate action,
11 then, Dr. Garcia, to -- to do that? And it will be
12 upon what we find with our budget that we'll -- we
13 need to act on it, so we know what we're doing. And
14 we have acted on it. But we also need to alert you
15 to the fact that there is a big chunk of money that
16 we want to expend for membership. All right. So --

17 MR. GANT: Madam Chair, just a
18 clarification --

19 THE CHAIRMAN: Yes, sir.

20 MR. GANT: -- on this man's part. Of
21 course, this budget -- this information we have on
22 the budget doesn't include what happens after
23 1 October if we have a lot of reauthorizations come
24 to us. Is that correct?

25 THE CHAIRMAN: For the reauthorization of

1 what?

2 MR. GANT: Of charters that should be
3 notified -- be notified come 1 October.

4 THE CHAIRMAN: I guess -- I'm sorry. You
5 need to speak up, Mr. Gant. I'm not sure what
6 you're saying.

7 MR. GANT: On 1 October -- correct me if
8 I'm wrong, Dr. Duran -- we should be getting
9 notifications of charter schools that may want to
10 come to us for reauthorization. Does this budget
11 cover that?

12 DR. GARCIA: Let me just, for
13 clarification, if I may, Dr. Duran. Will there
14 be -- what's the potential for that in the time
15 line?

16 DR. DURAN: Madam Chair and Secretary
17 Garcia, members of the Commission, the applications
18 are due on October 1st. I think -- and correct me
19 if I'm wrong, Beverly -- I think there was a budget
20 for a December meeting where you'll actually make
21 the decision. However, I think part of the
22 discussion is that you will also need an October
23 meeting in order -- not so much for the
24 reauthorization, but for those charter schools, if
25 you so authorize today, will need to be Board of

1 Finance. So the -- the reauthorization meeting is
2 covered in the budget, but I think the October
3 meeting is one that -- and I'll -- is that correct,
4 Ms. Friedman?

5 MR. FRIEDMAN: That's correct.

6 THE CHAIRMAN: Go ahead, Ms. Friedman.

7 MR. FRIEDMAN: Excuse me. I just wanted
8 to reaffirm what Dr. Duran said. The encumbrances
9 that are on your budget sheet do indeed include the
10 11th and 12th December meetings for reauthorization.
11 But it does not include, if you approve, an October
12 meeting.

13 MR. GANT: Thank you.

14 THE CHAIRMAN: Thank you for the question.
15 And I think that Ms. Friedman and I -- I will tell
16 you I don't think, I know we have. We discussed the
17 possibility, Dr. Duran, of an October 31st meeting
18 for those Boards of Finance.

19 DR. DURAN: Madam Chair and Madam
20 Secretary, members of the Commission, yes, that is
21 correct. We were looking at October 31st as a
22 possible meeting.

23 THE CHAIRMAN: So at the close of the
24 agenda, when we're looking at the -- well, we don't
25 even have it here, so I guess we probably -- we

1 probably need to -- to act on that under this budget
2 item, then. Because I don't see any other place for
3 it. But we need to -- we need to act on the ability
4 to have that October 31st meeting to approve Boards
5 of Finance and other business that may need to come
6 before the Commission at that time. So the Chair
7 would entertain a motion for the next meeting to be
8 October 31st.

9 MS. POGNA: I move.

10 THE CHAIRMAN: Ms. Pogna moves.

11 MR. GARRISON: Second.

12 THE CHAIRMAN: Mr. Garrison seconds. Is
13 there discussion? All those in favor, please say
14 "aye." Opposed, "no." Motion is carried, and we
15 have set October the 31st as our next meeting.
16 Among the activities that will take place then will
17 be the approval of Boards of Finance for the state
18 charter and charter schools.

19 Okay. All right.

20 MR. ROCH: Madam Chair?

21 THE CHAIRMAN: Yes.

22 MR. ROCH: One item remaining under the
23 NASBE discussion is there are two candidates for
24 president elect of that organization, a board member
25 from West Virginia named Lowell Johnson and a board

1 member from Virginia named E.C. Castro (ph). I
2 would like some direction from the Commission as who
3 you would have me support as your delegate. I can
4 tell you by way of context that I have worked with
5 Lowell Johnson on the Government Affairs Committee.
6 He is a former chief of staff to a member of
7 Congress, long-time member of Congress who then went
8 on to become governor of West Virginia and is very,
9 very knowledgeable, particularly with
10 reauthorization around the corner.

11 I think he may be an excellent choice to
12 lead NASBE as an organization nationally, and he's
13 who I would recommend we support. But, of course, I
14 leave it to my colleagues to make that ultimate
15 decision.

16 THE CHAIRMAN: Thank you. Is there a
17 motion to that effect?

18 MS. POGNA: Madam Chair, I make a motion
19 that Mr. Roch vote for us --

20 THE CHAIRMAN: Give us the name again.

21 MR. ROCH: For Lowell Johnson from West
22 Virginia.

23 THE CHAIRMAN: All right. Is there a
24 second to that motion?

25 MR. ROCH: I'll second that.

1 THE CHAIRMAN: Ms. Bowles seconds. Is
2 there a discussion? All those in favor, please say
3 "aye." Opposed, "no"? Motion carried unanimously.
4 Thank you for your recommendation. It's nice to
5 have somebody who's knowledgeable about the
6 candidates.

7 Now, I believe we probably need to -- is
8 there anything further that you see, Dr. Garcia,
9 that we need to look at on the budget and whatnot?
10 And we have a -- we do have a letter here that we
11 need to address, probably, under this, too.

12 DR. GARCIA: Right. Madam Chair, members
13 of the Committee -- members of the Commission,
14 rather -- I would ask that perhaps as we talk of
15 maybe just related to the NASBE membership as an
16 agenda item, that the -- if you have a budget
17 committee, I don't know if that budget committee has
18 been named or if that's the executive officers, we
19 could perhaps have a conference call with Don Moya
20 and me and let's take a look at the budget and see
21 where we're at so that we can address long-term the
22 issues to get us through this year.

23 THE CHAIRMAN: All right. I -- in order
24 to get us through the year at this point, I will
25 name the executive committee as the budget

1 committee.

2 DR. GARCIA: All right. So Beverly, if
3 you can then try to schedule a conference call with
4 Mr. Moya, that would be terrific. And then the
5 other piece, and I checked with the counsel that was
6 present here today, about an item that's not an
7 agenda item, and I thought we were going to have
8 Secretary's comments, and it wasn't here. So if you
9 wouldn't mind making a motion to amend the agenda to
10 discuss PEC representation on a group responding to
11 House Memorial 46 and Senate Memorial 36.

12 THE CHAIRMAN: Madam Secretary, I believe
13 as Chair of the Commission, I can do it without --

14 DR. GARCIA: Okay, terrific.

15 THE CHAIRMAN: -- without amending this.
16 I think you -- Ms. Friedman, did you put these in
17 the packets of everybody? It is a letter from
18 Representative Rick Miera, if you can find that as
19 an additional item in here. And he is asking the
20 PEC be represented on the group that is responding
21 to House Memorial 46 and Senate Memorial 36 that is
22 to study pre-apprenticeship curriculum.

23 And our chair of our -- of our Vocational
24 Technical Subcommittee is Mr. Gant. Our chair of
25 our Strategic Planning Committee is Ms. Krivitzky.

1 And in discussing this with Ms. Friedman this
2 morning, I suggested to her that one of those people
3 probably, if they're willing to, should be the
4 representative and the other one be the alternate.

5 DR. GARCIA: They don't have the letter.

6 THE CHAIRMAN: You don't have the letter?

7 All right. It says, "Dear Dr. Garcia: It has come
8 to my attention that the group responding to House
9 Memorial 46 and Senate Memorial 36 studying
10 pre-apprenticeship curriculum has been meeting since
11 March and no representative from the Public
12 Education Commission has been invited to attend
13 those meetings. Although the two memorials do not
14 expressly mention PEC as a study group participant,
15 as you are aware, current statute gives PEC
16 governing authority over vocational education."

17 Quote, "The Commission is the governing
18 authority and shall establish policies for the
19 conduct of all programs of the State and State plans
20 established relating to vocational education unless
21 otherwise provided by law," end of quote.

22 "Given the PEC's statutory charge" -- and
23 this is Rick Miera -- "I respectfully request that
24 before the group completes its work, a
25 representative from the Commission be appointed to

1 the group and included in the development of the
2 group's findings and recommendations. Thank you for
3 your prompt attention to this matter. Sincerely,
4 Representative Rick Miera."

5 And Mr. Gant, since you do chair the
6 subcommittee, I would ask you, first of all, would
7 you be willing to serve on that?

8 MR. GANT: Oh, yes.

9 THE CHAIRMAN: All right, then. And then
10 Ms. Krivitzky, as chair of the Strategic Planning
11 Subcommittee, would you be willing to serve as the
12 alternate?

13 MS. KRIVITZKY: Yes.

14 THE CHAIRMAN: Okay. So we have that
15 done, then.

16 DR. GARCIA: And I will submit the letter.
17 And then I'm sure that the LEC staff will notify you
18 of the next meeting, and I'll get that out today.

19 THE CHAIRMAN: Commissioners, I can only
20 tell you how very helpful PEC staff has been since I
21 have assumed the chairmanship. They have tried to
22 help keep me on track, and I'm certain, Mr. Roch,
23 you will say the same thing. And we are very
24 appreciative, Dr. Garcia, of the many hours that
25 your staff devotes to our welfare and to the welfare

1 consequently of children in this state.

2 DR. GARCIA: Thank you. Thank you very
3 much.

4 THE CHAIRMAN: We do appreciate it very
5 much. Is there anything else we need to cover
6 before we get into the major reason for our being
7 here today?

8 DR. GARCIA: Now, we do have a timed item,
9 Madam Chair, at 9:00 a.m. And so you may want to
10 recess, because that's just your regular open forum,
11 I believe, in terms of this agenda. And I think
12 that the comments have to be limited to governance
13 issues, strategic plan, period. So we probably need
14 to do that. So we may want to recess until 9:00,
15 see if there's any open forum. That would not be to
16 entertain any comments about the upcoming charter
17 school applications.

18 So we'll do that at 9:00. And I'm looking
19 at Mr. Arnold. Am I correct in that regard? And
20 then I will excuse myself and you will reconvene.
21 So I would suggest adjourn until 9:00.

22 THE CHAIRMAN: I've been hurrying so fast.
23 I'm all worn out, and now you tell me I can have
24 recess.

25 DR. GARCIA: You can recess until 9:00.

1 THE CHAIRMAN: I have to tell all of you a
2 beautiful story. Some of you know my grandson,
3 James, who is five years old and entered
4 kindergarten this fall. Well, James has not been a
5 particularly fond member of the school community.
6 And in fact, he's been in trouble enough times that
7 he's been to the principal's office a couple of
8 times.

9 The other day, he asked his teacher for a
10 note -- and I think this was day before yesterday --
11 for a note so that he could go see "The Boss," so
12 that he could tell "The Boss" that he had been
13 behaving himself. So I think all of you who know
14 James will appreciate that one. So anyway, then we
15 stand in recess till about 8:55, and that'll give us
16 time to get back in here for the 9:00 forum. And
17 I'm sorry I rushed us so, only to pause. But thank
18 you, ladies and gentlemen.

19 (A recess was taken.)

20 (Meeting reconvenes at 8:53 a.m.,
21 reporter not present.)

22 (Reporter begins reporting at 8:54 a.m.)

23 THE CHAIRMAN: -- speak on their behalf.
24 Multiple and repetitious presentations of the same
25 view will be discouraged. Is there anybody from the

1 public who would like to come forward at this time
2 to address the Public Education Commission? Seeing
3 no one, then public comments from the Public
4 Education Commissioners regarding requests for
5 information and future agenda items. Is there
6 anyone on the Commission who would like to make a
7 request or make a comment at this time?

8 Seeing no one, we will move beyond that,
9 and thank you very much. And Dr. Garcia?

10 DR. GARCIA: I would suggest that you note
11 that Commissioner Garcia is here, so it's on the
12 record so that --

13 THE CHAIRMAN: Yes, I appreciate that. I
14 intended to and forgot. That's -- see, my
15 right-hand man.

16 MR. GARRISON: Hey, hey, hey.

17 THE CHAIRMAN: I had my right-hand man
18 busy doing other things. So I'm glad I have a
19 right-hand lady. And Dr. Garcia, thank you for
20 being with us, and we understand why you're being
21 excused. But if there is an appeal to anyone of
22 these applications, Dr. Garcia is the person, as
23 Secretary of Education, who will hear that appeal.
24 And so let the record show that at this time, she is
25 leaving the meeting. And we welcome Aileen Garcia.

1 MS. GARCIA: Thank you.

2 THE CHAIRMAN: And we're ready to look at
3 the second page of the agenda and --

4 DR. GARCIA: Thank you again.

5 THE CHAIRMAN: -- somewhere, I think I
6 have a nice cheat sheet. Thank you.

7 (Secretary Garcia leaves the meeting.)

8 THE CHAIRMAN: Okay. The purpose of this
9 meeting is for the Public Education Commission to
10 carry out its statutory duty under the Charter
11 Schools Act, and specifically, under
12 Section 22-8B-16, New Mexico Statutes Annotated
13 1978, which provides, quote, "The Commission shall
14 receive applications for initial chartering and
15 renewals of charters for charter schools that want
16 to be chartered by the state and approve or
17 disapprove, deny and suspend or revoke the charter
18 of a state charter school in accordance with the
19 provisions of the Charter Schools Act," end of
20 quote.

21 The Public Education Commission would like
22 to remind the public that this process began even
23 before January the 2nd, 2008, when the letters of
24 intent were due. Specifically the Charter Schools
25 Division has developed a new charter school

1 application that would be user friendly for both
2 applicants and reviewers. Included in the
3 application kit, the evaluation tools that would be
4 used to analyze the applications, posted the
5 application kit on both the Public Education
6 Department and Public Education Commission Web
7 sites, partnered with the New Mexico Coalition of
8 Charter Schools, NMCCS, to provide monthly technical
9 assistance workshops to all prospective applicants
10 who submitted a letter of intent that included a
11 final technical review conducted by the NMCCS staff,
12 held five technical assistance workshops on specific
13 areas of the application that were attended by an
14 average of nine founders, encouraged applicants to
15 call the review coordinator to seek resources or
16 clarification between January the 1st and July 1st,
17 reviewed applications from July 7 to August 15th
18 utilizing Charter Schools -- Charter Schools
19 Division staff, Public Education Department experts
20 and external readers, conducted an interview with
21 each applicant to clarify and verify information
22 from August 4 to August 13, sent the preliminary
23 analyses from the Charter Schools Division staff to
24 both the Public Education Commission and the
25 applicants and published the analyses on the Public

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1 Education Commission's and Public Education
2 Department's Web sites.

3 Additionally, this Commission has sent a
4 letter to district superintendents and presidents of
5 each school board in each school district in which a
6 charter school application was received, inviting
7 them to the public input meetings, conducted three
8 days of community input meetings around the state,
9 holding them in each of the districts where the
10 applicant proposed a charter school, and encouraged
11 the applicants to address the analyses both at the
12 public meetings and by submitting written comments
13 by September 4th at 5:00 p.m.

14 The Public Education Commission will hear
15 the Charter Schools Division's recommendations from
16 Dr. Don Duran, Assistant Secretary of the Public
17 Education Department's Charter Schools Division
18 staff. Dr. Duran has provided the Division's
19 recommendations in writing to both the applicant and
20 to each member of the Commission. The Commission
21 will hear the Charter Schools Division
22 recommendation from Dr. Duran. He will have ten
23 minutes for each of the recommendations. I'm going
24 to go ahead and read the rest of this so that we
25 have the entire format.

1 The applicant may then address the
2 Commission for two minutes following the
3 recommendation. We are limiting the time for
4 applicants in view of the time that they were
5 afforded to present their applications during the
6 public input meetings held around the state and the
7 opportunity that they were given after those
8 meetings to submit additional written comments to
9 the Commission.

10 The Commission may ask questions or make
11 comments on the recommendations with a limit of ten
12 minutes per application. The order of the
13 presentation will be, the School of Dreams Academy,
14 the Ray of Hope, the New America School, the Henry
15 David Thoreau High School, Cien Aguas International
16 School, the International School at Mesa del Sol,
17 the Resource and Learning Center. The MASTERS
18 Program, the New Mexico School for the Arts,
19 Taos Academy and The Enchanted Circle. At this
20 time, we would like to hear from Dr. Duran.

21 DR. DURAN: Thank you, Madam Chair and
22 members of the Commission.

23 THE CHAIRMAN: Pardon me, Dr. Duran. I
24 have a reminder that I didn't see here. Please turn
25 off your cell phones if you have your cell phones on

1 you. All of us will dutifully do that now. Thank
2 you, Dr. Duran.

3 DR. DURAN: Thank you, Madam Chair and
4 members of the Commission. A point of privilege
5 before my time starts. I would just like to
6 recognize, as we've come through this process for
7 over eight months, and even longer than that, as the
8 Commission has worked through it, I'm just a
9 figurehead. The staff that is behind me, I think,
10 needs to be recognized and applauded for the long
11 hours that has come to finally -- to this piece.

12 All of you need to be applauded for the
13 countless hours and paper and traveling that you did
14 throughout New Mexico. But as a point of privilege,
15 Madam Chair, I would like to introduce my staff for
16 recognition. Back here is Ms. Wilma Martinez from
17 the Santa Fe office; Karen Ehlert from the Santa Fe
18 office; Corina Chavez from Santa Fe; Marjorie
19 Gillespie. I see Dr. Bob Olix back there, and
20 Lorianne -- I'm sorry -- Lorianne Valencia from the
21 Santa Fe office; and Mr. Sam Obenshain, who's our
22 program manager; our attorney, Mr. Rudolph Arnold.
23 And certainly not least, the eminent Dr. Michael
24 C de Baca.

25 And without their help and hard work, we

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1 would have never come to this point. I just wanted
2 to recognize them. (Applause.)

3 DR. DURAN: If I could, then, we could
4 start my time period. The School of Dreams Academy
5 educational plan presents a comprehensive,
6 research-based, hybrid, online approach that will
7 provide a public choice and educational
8 opportunities for seventh through twelfth grade
9 students in the Los Lunas and surrounding areas of
10 Valencia County. Although the application may
11 contain areas that need to be addressed during the
12 planning year, none of these areas are significant
13 enough, in my opinion, to warrant a denial of this
14 application. The school is clear about its mission
15 and the educational program, and the alignment is
16 evidenced throughout all aspects of the educational
17 program, curriculum, tenets, performance standards
18 and assessment and services to be provided.

19 The plan clearly recognizes and values a
20 key role that student data plays in affecting needed
21 curricular and instructional change and improved
22 academic achievement.

23 The partnership with YDI that they have
24 articulated will provide many educational and social
25 services to the school community. Strong leadership

1 capacity is evidenced by the leadership role and
2 responsibilities identified, ethics requirements,
3 expected interpersonal skills and the principal's
4 commitment to spend time with students, staff
5 evaluation and carry out his or her oversight and
6 responsibilities.

7 Evidence of high expectation for staff to
8 deliver quality education to all students is
9 distinctly articulated. Some goals written by the
10 applicant are well articulated. However, we note
11 that Goals 3, 4, 5 and 6 lack clear and strong
12 measurements.

13 Throughout the technical analysis, there
14 is supporting evidence said of the merits of this
15 application and its proposed educational program.
16 Additional details that support my recommendation
17 can be found in the final evaluation.

18 Therefore, I am recommending approval of
19 the School of Dreams Academy. The applicant must
20 comply with the conditions in the areas of
21 educational plan, governance, Board of Finance,
22 facilities, the legal liability, insurance and
23 planning year checklist. Therefore, I submit my
24 recommendation to the Commission.

25 THE CHAIRMAN: That didn't take ten

1 minutes.

2 DR. DURAN: That did not take me long.

3 THE CHAIRMAN: Thank you. The applicant
4 may address the Commission for a total of two
5 minutes at this time. Sir, hello.

6 MR. OGAS: Hello. Madam Chairwoman,
7 members of the Commission. I just want to take this
8 opportunity, on behalf of the founding committee of
9 School of Dreams, to thank you for allowing us to be
10 here and to work through this process. I
11 particularly would like to thank -- my name is Mike
12 Ogas. I'm one of the cofounders of the School of
13 Dreams.

14 I particularly would like to thank the
15 Public Ed Department, the Charter School Division
16 for a well-run process, extremely professional. All
17 of the staff, they did a good job, particularly Sam
18 and Dr. Duran and everybody else. But it was a very
19 good process. The Charter School Coalition was also
20 very helpful in the development of this application.
21 That's pretty much all that we have to say. We just
22 want to thank everybody for the opportunity.

23 I would like to just recognize the rest of
24 the founders that are back there, including
25 Ms. Juliette Castillo, who helped proof the

1 document. If they could just stand and say hi.
2 But -- that's all we have to say at this point.
3 Thank you.

4 THE CHAIRMAN: Thank you very much. The
5 Chair will recognize any commissioners at this time
6 who wish to make a comment, ask a question or make a
7 motion. Seeing no one -- Mr. Roch?

8 MR. ROCH: Thank you, Madam Chair.
9 Dr. Duran, the recommendations are -- are -- seem to
10 me two-pronged. One, they're on the basis of the
11 merits of each application, but then also sort of
12 have to meet that smell test of the Charter Schools
13 Act that the -- the school being proposed is
14 innovative, or creative in some way, that it
15 addresses the needs of the community.

16 I know during our community hearing, one
17 of the questions that the local district raised
18 regarding this application was that it didn't
19 propose a program that was really any different --
20 substantially different from that the district
21 offers. What -- how does your recommendation
22 address that or counter that claim by the local
23 district so that we can make an informed decision?

24 DR. DURAN: Madam Chair and members of the
25 Commission, the issue for us was the application.

1 And the preamble of the Charter School Act is a
2 pretty broad preamble. It can target -- it can
3 target at-risk students. It talks about innovative
4 ways of measuring performance. It talks about
5 innovative ways of reaching students. It talks
6 about targeting population.

7 As we looked at that application, it met
8 the pieces of that preamble. Your question, really,
9 is about what's in the best interests of the
10 community. And we do not measure that in the
11 application. That is up to the Commission to
12 decide. The law is not clear on what it means to be
13 in the best interests of the community. That's why
14 you have been elected and that's why you need to
15 make those decisions.

16 We are merely giving you an application --
17 a recommendation based on the merits of the
18 application. We find that because they have
19 identified the target, because they are beginning to
20 build partnerships with YDI, the need for Los Lunas
21 and Valencia County to offer a choice, which is also
22 a part of the preamble, that parents have a choice
23 and that students have an option, it meets those
24 requirements in the application.

25 MR. ROCH: Thank you for your dance.

1 Thank you, Madam Chair.

2 THE CHAIRMAN: Thank you. Is there anyone
3 who wants to make another comment or ask a question?
4 The Chair will entertain a motion. I -- I guess I'm
5 having a difficult time because I thought we were
6 going to have a proposed motion here. And I --
7 quite frankly, it's what I have --

8 DR. DURAN: It's --

9 THE CHAIRMAN: So it is absolutely legal
10 is why I'm looking for this. It's in the colored
11 page, Mike? Okay, here we go. Everybody have that,
12 then? Is there someone who wants to make a motion?
13 If not, the chair will do it. I will go ahead and
14 do it.

15 I hereby move adoption of the following
16 resolution. Be it resolved that the application of
17 the School of Dreams Academy Charter School be
18 approved subject to the following conditions: In
19 the educational plan, the applicant must rewrite
20 Goals 3, 4, 5 and 6 to be measurable. These goals
21 must be approved by the Charter Schools Division,
22 CSD, staff. The approved goals must be delivered to
23 the CSD Albuquerque office, 5600 Eagle Rock Avenue,
24 no later than seven days prior to the October
25 meeting of the Public Education Commission.

1 In the governance section, the applicant
2 must provide the Commission with the names of the
3 five members of the governing body and an assurance
4 from each governing body member that they have read
5 the application and agreed to the policies and
6 procedures contained in the application. To qualify
7 as a Board of Finance, the governing body of the
8 charter school must submit an application to the
9 Commission and obtain approval from the Commission
10 that the governing body be designated as a Board of
11 Finance.

12 In the area of school facilities, the
13 charter school shall produce a Certificate of
14 Educational Occupancy prior to opening a facility
15 for use as a school. The facility shall meet all
16 applicable federal and state health and safety code
17 requirements and be suitable for use as a school.

18 To complete the legal liability condition,
19 the charter school shall agree that to the fullest
20 extent permitted by law, the charter school shall
21 identify, defend and hold harmless the Public
22 Education Department, PED, and the Public Education
23 Commission, PEC, their members, officers, employees,
24 agents, affiliates and representatives from and
25 against any and all liabilities in the area.

1 In the area of insurance, the school shall
2 participate in and obtain insurance from the Public
3 School Insurance Authority and comply with all
4 applicable rules of that authority. To demonstrate
5 the completion of the planning year checklist prior
6 to the end of the planning year and before the
7 Commission shall issue the authorization to commence
8 full operation, the charter school must comply with
9 the requirements of the planning year checklist
10 developed by the Charter Schools Division. And be
11 it further resolved that the charter shall be
12 effective upon the signing of a charter contract
13 between the Public Education Commission and the
14 School of Dreams Academy Charter School. Is there a
15 second to that motion?

16 MS. POGNA: I second.

17 THE CHAIRMAN: It has been seconded by
18 Mrs. Pogna. Is there discussion of the motion to
19 approve? Mr. Roch?

20 MR. ROCH: Thank you. The question that I
21 just asked Dr. Duran a moment ago speaks to my
22 concern that we keep in mind the intent of the
23 Charter Schools Act, and the charter schools
24 movement, frankly. And we are all proponents of the
25 charter schools where they meet those

1 qualifications. And provided that they have quality
2 accountable measures.

3 One of the items in the application
4 requirement was -- and this was -- all applicants
5 had to fill out, was in Section C is Goals,
6 Objectives and Student Performance Expectations. It
7 said -- the application asked the founders to
8 provide the goals and objectives and performance
9 standards that are aligned with their program that
10 are specific, measurable and time-bound and are
11 designed to meet New Mexico standards.

12 If we are setting up a condition that the
13 applicant must revise or create, in effect,
14 measurable goals, then it is my opinion that the
15 applicant did not create those goals to begin with.
16 If we're requiring, as a Commission condition of
17 approval that they submit them now, then I submit
18 that they may not have had the forethought in the
19 creation of the application. That, combined with my
20 previous concern and the legitimate claim of the
21 district that it's really not a substantially
22 different program being offered.

23 One of the things it does set out in this
24 particular application is they said they wanted to
25 instill in students the idea that failure is not an

1 option. In the real world in which we live, people
2 have the right to fail. And I'm an educator. And
3 students choose that right and exercise that right
4 frequently. One of the -- one of the -- one of the
5 suggestions that people say when you're creating a
6 goal is that it should be a realistic goal. And
7 while it's lofty to say we don't want any student to
8 fail, of course that's our desire, it's a little
9 different when it comes down to brass tacks of how
10 you actually achieve that.

11 So I have some concerns, not in the
12 detail, not in the minutiae of this application, but
13 big-picture concerns about the direction we're
14 going. And so I just wanted to air those and be
15 very up front with my colleagues and the applicants
16 as well.

17 THE CHAIRMAN: Thank you. Anybody else?
18 We are ready for the motion. I will not reread the
19 motion unless someone desires. Basically, the
20 motion is to approve the School of Dreams Academy
21 State Charter School. All those in favor, please
22 raise your right hand. All those opposed, please
23 raise your right hand.

24 I guess the best thing for me to do for
25 the purpose of the record, the easiest way for me to

1 approach this is there are nine members present.
2 Mrs. Garcia, Mr. Roch and Mr. Gant are in opposition
3 to this. The other six members of the Commission
4 are in favor of approving the School of Dreams
5 Academy. So ordered. Thank you.

6 We'll move on, then, to the Ray of Hope.

7 I failed to say the motion passed. I am
8 sorry. Thank you, sir. That's why we pay him the
9 big bucks. The motion carried, and we will proceed
10 with the School of Dreams.

11 What? Okay. The -- whoa. Okay. I hope
12 for the record it is shown that the School of Dreams
13 Academy has been approved by this Commission.

14 We are going to move now to the Ray of
15 Hope Charter School. We'll hear from Dr. Duran,
16 first of all. And then I have asked the vice chair
17 at the appropriate time to make the appropriate
18 motion. Dr. Duran.

19 DR. DURAN: Madam Chair and members of the
20 Commission, as a point of order, I yield to the
21 founders of the Ray of Hope who would like to
22 comment prior to my presentation.

23 THE CHAIRMAN: All right, sir. We will
24 hear from the Ray of Hope Charter School applicants.
25 Hello.

1 MS. WOODS: Good morning. My name is
2 Margaret Woods, and I'm the founder of the Ray of
3 Hope Charter School. And --

4 MR. WOODS: Good morning. We had a hard
5 time coming over here this morning, had to get
6 through traffic and we finally made it. My name is
7 Don Woods. I am also a founder of the Ray of Hope
8 Charter School with my wife. And once again, I am
9 glad to be here this morning and to see all of you
10 from last time.

11 MS. WOODS: Madam Chair, members of the
12 Commission, we are here this morning to respectfully
13 withdraw our application. We feel that we are --
14 are proposing to -- our intent is for next year to
15 reapply. And so therefore, we would like to thank
16 each and every one of you and Dr. Duran and his
17 staff for taking the time of reviewing our
18 application. Thank you so much.

19 THE CHAIRMAN: Thank you. Mr. Garrison.
20 I'm sorry. Do I need to hear from you again?

21 DR. DURAN: No, you don't need to hear
22 from me again. I could leave, Madam Chair.

23 THE CHAIRMAN: I am going to take
24 exception to that because I believe that we're going
25 to hear from you several times today. You can't get

1 out of that --

2 MR. GARRISON: Mr. Ross mentioned you
3 dancing. I -- I hereby move adoption of the
4 following resolution. Be it resolved, because
5 there's been a request from the applicant, Ray of
6 Hope Charter School, to withdraw its application to
7 be approved as a charter school by this Commission,
8 that this Commission hereby approves the withdrawal
9 of the application.

10 THE CHAIRMAN: Is there a second?

11 MR. ROCH: I'll second.

12 THE CHAIRMAN: Second by Mr. Roch. Is
13 there discussion? Seeing none, all those in favor
14 of the motion, which is to allow the withdrawal of
15 the applicant for the Ray of Hope State-chartered
16 Charter School, please say "aye." Opposed, "no"?
17 Silent. Motion is carried unanimously with
18 Ms. Price absent.

19 Thank you. Thank you. We move on, then,
20 to the --

21 MR. ROCH: Madam Chair?

22 THE CHAIRMAN: Pardon me?

23 MR. ROCH: May I speak for a moment?

24 THE CHAIRMAN: Yes, you may.

25 MR. ROCH: Thank you very much. I just

1 want to say to the Ray of Hope applicants, I -- all
2 the applicants, we appreciate the work and the time
3 that you-all put into that. And I hope that you
4 respect -- obviously, you indicated that you did --
5 the work and time that the Commission and the staff
6 put in to reviewing these applications, and I
7 encourage you to take advantage of the trainings
8 that will continue through this next year. And we
9 look forward -- the Commission looks forward to
10 seeing a stronger application from you next year.
11 And I think you have a wonderful idea and the best
12 of luck to you.

13 MS. WOODS: Thank you.

14 MR. ROCH: Thank you, Madam Chair.

15 THE CHAIRMAN: Thank you, Mr. Roch. So
16 we're ready now to go to The New America School.

17 DR. DURAN: Madam Chair and members of the
18 Commission, The New America School application
19 proposes to serve a target population that needs
20 support in acquiring English language proficiency to
21 complete credits towards earning a high school
22 diploma. The mission is clear, compelling and
23 academically a focused mission. The educational
24 program has methods and strategies that align with
25 the mission of the school. The school's founders --

1 founder -- articulated how the school will be in the
2 best interests of both the students and the
3 community.

4 In addition, the educational plan
5 demonstrates a strong grasp of both the cultural and
6 academic needs of language acquisition learners and
7 presents support structures to help their students
8 meet the educational potential. The application has
9 identified a range of valid and reliable formative
10 and summative assessments that will inform
11 instruction and support students in their academic
12 work.

13 The school will see -- will serve the
14 needs of a growing number of young people who are
15 underserved in all of our communities in New Mexico.
16 Throughout the technical analysis, there is
17 supportive evidence of the merits of this
18 application and its proposed educational program.
19 In addition, there are details that support the
20 reasons that I will give to you to approve this
21 application in the final evaluation that has been
22 provided to all the Commissioners.

23 Therefore, I am strongly recommending, on
24 The New America School, that the Public Education
25 Commission approve the charter with the conditions

1 that the applicant must comply with in the areas of
2 governance and Board of Finance, facilities, legal
3 liability insurance and the planning year checklist.
4 Thank you, Madam Chair.

5 THE CHAIRMAN: Thank you, Dr. Duran. The
6 Commission will hear from the applicant for a
7 maximum of two minutes. Please state your name for
8 the record.

9 DR. GALLEGOS: Madam Chair and members of
10 the Commission. My name is Juan Vigil, and I am on
11 the governing board of the New America School.

12 MR. COOK: My name is Craig Cook. I'm the
13 chief of business operations for The New America
14 School.

15 MR. VIGIL: Again, we would like to thank
16 the staff who has worked so closely with us and all
17 the information that was provided to us to make sure
18 that our application was thorough and complete and
19 helpful to you in terms of making a decision about
20 our application to become a charter school. We
21 welcome the opportunity to serve our community. As
22 a board member, and speaking for the remainder of
23 our board members, we are committed to fulfill our
24 obligation and to insure that the students that we
25 are serving receive quality education and are

1 successful in our community. We are, again, pleased
2 with the recommendation and we will begin working
3 forthwith to meet the conditions that are still
4 pending.

5 THE CHAIRMAN: Thank you. The Chair will
6 recognize commissioners for questions or comments.

7 MR. GANT: Madam Chair, I do have
8 comments.

9 THE CHAIRMAN: Mr. Gant.

10 MR. GANT: In looking again, as I did
11 before in the impacts of the budget, the budget did
12 not support special ed children, did not support
13 SpEd. There's no support staff listed in there for
14 special needs children. And it's a -- I guess it's
15 one of my buttons that has to be pushed. And if a
16 special -- I understand charter schools do not know
17 how many special ed students that will walk in the
18 door. Regardless of their handicap, they have to
19 take them.

20 But if I see nothing in the budget up
21 front that tells me that they haven't planned to
22 support -- they may have the magic words in there to
23 fill in the blanks in their narrative. But when
24 they come down to the budget, there's nothing in
25 there that shows me they have a plan of action to

1 execute the support of special ed students, and that
2 is of great concern to me in this charter and
3 others. Therefore, that's my --

4 THE CHAIRMAN: Thank you, Mr. Gant.

5 MR. GANT: -- it affects everything that
6 goes on in that school. If they have to change
7 their budget because they have three or four or
8 whatever kids come in with special needs, it impacts
9 everything else that goes in that -- I know they're
10 going to get start-up funds. But if it's not in
11 there, they have not paid attention to the special
12 needs kids, in my view. Okay?

13 THE CHAIRMAN: Thank you. Is there
14 anybody else? Ms. Garcia?

15 MS. GARCIA: Yes. My concern is the same
16 one I had originally. And that is that the New
17 America School here in Albuquerque will be
18 controlled by Colorado. They will have -- their
19 superintendent is the person that is going to be in
20 charge. They will help facilitate hiring of the
21 principal. And so it's a local control issue.

22 And this is -- this is the problem that I
23 have with this. The idea and the concept, I think
24 is a good one. It's just the way they're going to
25 go about it.

1 THE CHAIRMAN: Thank you. Is there
2 anybody else who wishes to make a comment? Is there
3 anyone who wishes to make a motion? Ms. Pogna?

4 MS. POGNA: Madam Chair, I hereby move
5 adoption of the following resolution: Be it
6 resolved that the application of The New America
7 Charter School be approved subject to the following
8 conditions: In the governing section, the applicant
9 must provide the Commission with the names of the
10 five members of the governing board and an assurance
11 from each governing body member that they have read
12 the application and agreed to the policies and
13 procedures contained in the application.

14 To qualify as a Board of Finance, the
15 governing authority of the charter school must
16 submit an application to the Commission and obtain
17 approval from the Commission that the governing body
18 be designated as a Board of Finance.

19 In the area of school facilities, the
20 charter school shall produce a Certificate of
21 Educational Occupancy prior to opening a facility
22 for use as a school. The facility shall meet all
23 applicable federal and state health and safety code
24 requirements and be suitable for use as a school.

25 To complete the legal liability condition,

1 the charter school shall agree that, to the fullest
2 extent permitted by law, the charter school shall
3 indemnify, defend and hold harmless the Public
4 Education Department, PED, and the Public Education
5 Division, PEC, their members, officers, employees,
6 agents and affiliates and representatives from and
7 against any and all liabilities.

8 In the area of insurance, the school shall
9 participate in and obtain insurance from the Public
10 School Insurance Authority and comply with all
11 applicable rules of that authority. To demonstrate
12 the completion of the planning year checklist prior
13 to the end of the planning year and before the
14 Commission shall issue the authorization to commence
15 full operation, the charter school must comply with
16 the requirements of the planning year checklist
17 developed by the Charter Schools Division.

18 And be it further resolved that the
19 charter shall be effective upon the signing of a
20 charter contract between the Public Education
21 Commission and The New America Charter School.

22 THE CHAIRMAN: Is there a second to that
23 motion?

24 MR. GARRISON: Second.

25 THE CHAIRMAN: Seconded by Mr. Garrison.

1 Is there discussion? Seeing none, again, I will not
2 ask that the entire motion be reread. But the
3 motion is to approve the application of The
4 New America State-chartered Charter School. All
5 those in favor, please raise your right hand. (Show
6 of hands.) All those opposed, please raise your
7 right hand. And again, I think it's easier to
8 designate the people opposed. Mr. Gant and
9 Mrs. Garcia, with Mrs. Price being absent.

10 And therefore, the other members of the
11 Commission have voted in the affirmative and the
12 resolution has passed. Thank you, Dr. Duran. We'll
13 move right along then.

14 We will go now to the Henry David Thoreau
15 High School.

16 DR. DURAN: Thank you, Madam Chair and
17 members of the Commission. The Henry David Thoreau
18 High School application was inadequate and
19 incomplete in articulating the school's mission and
20 curriculum. There was no evidence of the
21 effectiveness of the instructional program compared
22 to other available programs that might provide the
23 same online opportunities.

24 The application does not exhibit a clear
25 and comprehensive understanding of learning styles

1 and makes assumptions about the effectiveness of the
2 programs that were proposed.

3 The application was filled with
4 philosophical statements that were not supported by
5 data or research. The curriculum development
6 statements that were not -- I'm sorry. The
7 curriculum development plan is not clear and the
8 application failed to demonstrate an effective
9 framework for the school.

10 The application is sorely lacking in
11 specifics. The application purports to focus on
12 sustainability, but lacks substance in its
13 implementation. The application is so incomplete
14 that it would be difficult to believe that the
15 school would have the capacity to support students
16 academically and socially. The application does not
17 meet the very minimum requirements to be considered
18 for approval.

19 The specific rationales for my
20 recommendation to deny is based on the school's
21 application which was incomplete and inadequate and
22 the education plan and the governance management
23 plan submitted for review. The most significant
24 deficiencies are highlighted herein. However,
25 additional details and supports -- that support the

1 reasons for my recommendation to deny can be found
2 in the final evaluation that has been provided to
3 the Commission.

4 Specifically, Education Plan. The
5 application is inadequate because the education plan
6 included in the application has significant
7 deficiencies. The application did not provide a
8 clear description of how the principals of the New
9 Century High School and the Education 2020 online
10 learning program would be incorporated, nor did it
11 clarify the role of teachers with regard to the
12 online program.

13 There was no indication of how the
14 proposed program would meet student needs. And
15 finally, there were no measures by which to
16 determine that students have learned the skills
17 required by problem-based learning activities.

18 The curriculum framework articulated notes
19 no connection with the sustainability courses and
20 the core curriculum. The curriculum development
21 plan is not clear and the application does not
22 demonstrate an effective conceptual framework for
23 the school.

24 The special education plan in the
25 application will not meet the individual needs of

1 the students. The advantages for students with
2 learning differences provided by the online software
3 appear to be minimal and do not take into account a
4 wide range of potential special needs.

5 In the area of governance and management
6 plan, the application included a description of the
7 governing body and operation of the charter school
8 that failed to address several key management
9 issues. The description of the governing body does
10 not address board recruitment or board capacity or
11 the nature and extent of its relationship to the
12 staff. The roles and responsibility of parent
13 councils, advisory committees and/or community
14 groups in relationship to the governing body are
15 missing.

16 The plan does not propose a minimum number
17 of required members of the governing body. The
18 governance plan does not specify that the school
19 administrator is a sole individual who shall make
20 all employment decisions. Personnel policies and
21 procedures were not included in the application.
22 And it was not specified that a licensed school
23 administrator would conduct the teacher evaluations.

24 Proof of citizenship is listed as an
25 enrollment factor. But this cannot be used as a

1 qualification for any kind of enrollment in the
2 New Mexico Public Schools. Therefore, I recommend
3 to the Commission that the application for Henry
4 David Thoreau High School be denied. Thank you,
5 Madam Chair.

6 THE CHAIRMAN: Thank you, Dr. Duran. The
7 Commission will now hear from the applicants for a
8 total of two minutes. Please come forward and state
9 your name to the recorder.

10 MS. WOODS: Hi, good morning. My name is
11 Stephani Treadwell. I'm the founder of Henry David
12 Thoreau High School. Henry David Thoreau High
13 School is caught between two areas of New Mexico,
14 its science and its education. Science in
15 New Mexico has been leaders. We're number one in
16 the world in science innovation. Henry David
17 Thoreau High School does not give specifics. It's a
18 science-based high school on new technologies.
19 Science in our state is -- we're leaders,
20 innovators, creators. We come in without the
21 answers, but we've always found the answers and
22 we're known throughout the world for it.

23 Education in New Mexico are not leaders.
24 We're followers. We come in No. 49. Henry David
25 Thoreau High School does not have specifics in the

1 way that the -- they would like. It doesn't say,
2 Teacher will do this every day, Students will do
3 this every day. I couldn't nail down what was going
4 to be in the sustainability courses because the
5 science is continually changing as we're doing it
6 right now.

7 Yes, Henry David Thoreau is heading more
8 towards the science side of education in New Mexico.
9 We will reapply, because I'm sure we'll be denied.
10 And maybe next year, we'll have these sciences more
11 defined and be able to give you more specifics.

12 Thank you.

13 THE CHAIRMAN: Thank you. The Chair will
14 now ask if there are commissioners who have
15 questions or comments. Seeing no one, is there
16 someone who would like to make a motion.

17 MR. ROCH: Madam Chair?

18 THE CHAIRMAN: Mr. Roch.

19 MR. ROCH: I hereby move that adoption of
20 the following resolution be denied on the basis that
21 the school's application was incomplete or
22 inadequate in the education plan, financial plan and
23 government management plan as set forth in detail in
24 the final evaluation by the Charter Schools
25 Division.

1 THE CHAIRMAN: Is there a second?

2 MS. BOWLES: Second.

3 THE CHAIRMAN: Seconded by Mrs. Bowles.

4 All those -- I don't think it's necessary to reread
5 the -- well, that's the motion. Are there any other
6 comments on the motion? Seeing none, all those in
7 favor of the resolution to deny the application of
8 the Henry David Thoreau State Charter Charter
9 School, please say "aye." Opposed, "no"? Motion
10 has carried unanimously. And the Henry David
11 Thoreau State Charter Charter School application is
12 denied.

13 We'll move on to the Cien Aguas
14 International School.

15 DR. DURAN: Thank you, Madam Chair and
16 members of the Commission.

17 THE CHAIRMAN: Dr. Duran.

18 DR. DURAN: The Cien Aguas International
19 School application provides a clear understanding of
20 the issues of English language learner students
21 faced in the traditional schools and classrooms.
22 The application clearly describes and includes the
23 International Baccalaureate curriculum framework,
24 the dual language program and Project GLAD, Guided
25 Language Acquisition Design, as foundations of a

1 comprehensive approach to literacy instruction and
2 an inquiry based math program.

3 The curriculum framework, the bilingual
4 program model and the selected instructional models
5 are in alignment with the mission and vision of the
6 schools. The founders have a comprehensive
7 understanding of their instructional model and
8 provide compelling evidence on how the school will
9 meet the goals articulated in the application.

10 The application identified nine indicators
11 by which the school will know if they are achieving
12 the mission of the school. The founders based their
13 program on research-based, dual language programs.
14 Throughout the technical analysis, there is
15 supporting evidence of the merits of this
16 application in its proposed educational program.
17 And there are additional details that support the
18 reasons for my recommendation that can be found in
19 the final evaluation that has been provided to the
20 commissioners.

21 Therefore, I respectfully submit that the
22 Commission approve the charter for Cien Aguas
23 International School and that the applicant must
24 comply with the conditions in the areas of
25 governance, Board of Finance, facilities, legal

1 liability, insurance and planning year checklists.

2 Madam Chair, thank you.

3 THE CHAIRMAN: Thank you. The Commission
4 will now hear from the applicants --

5 MS. THADDEUS: Thank you.

6 THE CHAIRMAN: -- for a period of two
7 minutes. Please state your name to the recorder.

8 MS. THADDEUS: My name is Eva Thaddeus,
9 and I'm representing Cien Aguas. We are very
10 appreciative of the positive recommendation of the
11 Public Education Department and willing to comply
12 with all the conditions that were laid out in that
13 recommendation. We look forward, if our charter is
14 approved, to getting going tomorrow, right away,
15 with everything that we need to do to open up a
16 school ten months from now and are extremely excited
17 to be able to draw on a large network of supporters
18 who are interested in volunteering, in enrolling
19 their students and participating in a number of
20 different ways in the creation of what we hope and
21 expect to be a model dual language school for
22 Albuquerque and for the State of New Mexico. Thank
23 you very much.

24 THE CHAIRMAN: Thank you. Are there
25 questions or comments from the Commission? Thank

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1 you very much.

2 MS. THADDEUS: Thank you.

3 THE CHAIRMAN: Are there questions or
4 comments from the Commission? Seeing none, is there
5 someone who would like to make the motion?

6 MR. GARRISON: I hereby move adoption of
7 the following resolution. Be it resolved that the
8 application of the Cien Aguas Charter School be
9 approved subject to the following conditions. In
10 the governing section, the applicant must provide
11 the Commission with the names of the five members of
12 the governing body and an assurance from each
13 governing body member that they have read the
14 application and agreed to the policies and
15 procedures contained in the application.

16 To qualify as a Board of Finance, the
17 governing body of the charter school must submit an
18 application to the Commission and obtain approval
19 from the Commission that the governing body be
20 designated as a Board of Finance.

21 In the area of school facilities, the
22 charter school shall produce a Certificate of
23 Educational Occupancy prior to opening a facility
24 for use as a school. The facility shall meet all
25 applicable federal and state health and safety code

1 requirements and be suitable for use as a school.

2 To complete the legal liability condition,
3 the charter school shall agree that, to the fullest
4 extent permitted by law, the charter school shall
5 indemnify, defend and hold harmless the Public
6 Education Department and the Public Education
7 Commission, their members, officers, employees,
8 agents, affiliates and representatives from and
9 against any and all liabilities.

10 In the area of insurance, the school shall
11 participate in and obtain insurance from the Public
12 School Insurance Authority and comply with all
13 applicable rules of that authority.

14 To demonstrate the completion of the
15 planning year checklist prior to the end of the
16 planning year and before the Commission shall issue
17 the authorization to commence full operation, the
18 charter school must comply with the requirements of
19 the planning year checklist developed by the Charter
20 Schools Division. And be it further resolved that
21 the charter shall be effective upon the signing of
22 the charter contract between the Public Education
23 Commission and the Cien Aguas International Charter
24 School.

25 THE CHAIRMAN: Thank you. Is there a

1 second to that motion?

2 MS. GRAHAM: I second.

3 THE CHAIRMAN: Ms. Graham seconds that
4 motion. The motion before us, then, is to approve
5 the state charter Cien Aguas International State
6 Charter Charter School. Are there any questions or
7 comments from the Commission? Seeing none, all
8 those in favor of the resolution to approve the
9 Cien Aguas International State Charter Charter
10 School please raise your right hand. All those
11 opposed, please raise your right hand. The motion
12 has carried, then, to approve the Cien Aguas
13 International State-chartered Charter School by a
14 unanimous vote of this commission.

15 DR. DURAN: Madam Chair, and members of
16 the Commission, a point of privilege, if I may.
17 Some of our applicants -- we're halfway through.
18 Some of our applicants are coming from Santa Fe and
19 Taos. I was wondering if the Commission would
20 entertain a ten-minute recess to give them an
21 opportunity to arrive. We're moving through the
22 process a little faster than any of us gauged. That
23 certainly is because of my well-spoken verse and my
24 organization. And so out of point of privilege, I
25 would ask if we could take a ten-minute recess to

1 allow some applicants to come up.

2 THE CHAIRMAN: Are you suggesting that we
3 skip to where -- that we just stop for a recess at
4 this point?

5 Okay. In other words, our next school is
6 the International School at Mesa del Sol.

7 THE CHAIRMAN: That is correct. And
8 you're saying that there are people from Santa Fe
9 that want to --

10 DR. DURAN: There could be -- what I am
11 saying is after Mesa del Sol, there's people from
12 Moriarty. Then we come to Santa Fe and then to
13 Taos. And to give them a little bit more time to
14 come, I'm just asking for maybe a ten-minute break.

15 THE CHAIRMAN: Okay.

16 DR. DURAN: But it's up to the Chair and
17 members of the Commission.

18 THE CHAIRMAN: I'm not even certain I can
19 read this watch. I think it's wrong. But at any
20 rate, we've been at this, what, an hour and a half
21 or something like that. So you're suggesting we
22 take a short recess.

23 DR. DURAN: Yes, ma'am.

24 THE CHAIRMAN: All right. We'll take a
25 short recess. Let's try to be back within ten

1 minutes, and we'll proceed with whatever applicant
2 is available for us to proceed. Thank you.

3 (A recess was taken.)

4 THE CHAIRMAN: I call this meeting of the
5 Public Education Commission back to order with all
6 present except for Ms. Mavis Price. Thank you.

7 Dr. Duran, we're ready to go to
8 Mesa del Sol.

9 DR. DURAN: Yes, thank you, Madam Chair
10 and members of the Commission, for indulging my --
11 my request. I appreciate that.

12 THE CHAIRMAN: Thank you for asking. It
13 was needed.

14 DR. DURAN: I appreciate that. And I just
15 want to caution -- I know there are -- we may not
16 get all the applicants here but we are trying our
17 best. The road from Santa Fe to Albuquerque
18 sometimes can be unpredictable at times.

19 So with your -- with your permission, I
20 would like to go on, then, to the International
21 School at Mesa del Sol.

22 The mission statement for the
23 International School at Mesa del Sol focuses on the
24 provisions of a meaningful, globally connected and
25 comprehensive education program to all students and

1 the development of lifelong learners in a culturally
2 diverse world. The International Baccalaureate
3 organization's philosophy and curriculum serves as a
4 guiding force behind the school's vision.

5 The applicant was comprehensive in
6 aligning the philosophy, instructional approach,
7 goals, objectives and assessment plan to the mission
8 of the school. The incorporation of an individual
9 learning plan for each student strengthens the
10 application and provides evidence that school
11 success is critical to the school's mission.

12 The application provides not only school
13 goals, but parental and community involvement,
14 performance indicators. The recognition of the
15 entire community is articulated throughout the
16 application. The applicants' response on
17 September 4th, 2008, provided measurements to the
18 goals articulated in the application and will be
19 added to the final application, if approved.

20 Throughout the technical analysis, there
21 is supporting evidence of the merits of this
22 application and its proposed education program.
23 Additional details in support -- that support the
24 reasons for my recommendation can be found in the
25 final evaluation that we have provided to the

1 commissioners.

2 I am recommending the approval of the
3 International School at Mesa del Sol with -- that
4 the applicant must comply with the conditions of the
5 educational plan, governance, Board of Finance,
6 facilities, legal liability insurance and the
7 planning year checklist. Thank you, Madam Chair.

8 THE CHAIRMAN: Thank you, Dr. Duran. Will
9 the applicant come forward at this time. And please
10 state your name for the recorder. Good morning.

11 MS. DUFFY: Good morning, Madam Chair,
12 Commissioners. Thank for you having us. My name is
13 Sheila Duffy. I'm the president of the governing
14 council for the proposed International School at
15 Mesa del Sol. I would like to reiterate what many
16 of the applicants have said and thank you for all of
17 the time and effort you've put into reviewing our
18 application. I think it's been a very good process
19 and we appreciate all the work that you've put into
20 it.

21 We did work hard to respond to the PED
22 analysis and look forward to working hard, hopefully
23 upon approval, in getting the school up and going in
24 the next year. Thank you.

25 THE CHAIRMAN: Thank you. Are there

1 questions or comments from the Commission? Is there
2 someone who would care to make a motion?

3 Ms. Graham.

4 MS. GRAHAM: I hereby move adoption of the
5 following resolution: Be it resolved that the
6 application of the International School at Mesa del
7 Sol Charter School be approved subject to the
8 following conditions: In the educational plan, the
9 applicant must write goals which are approved by the
10 Charter Schools Division staff that are measurable.
11 The approved goals must be delivered to the CSD
12 Albuquerque office no later than seven days prior to
13 the October meeting of the Public Education
14 Commission.

15 In the governance section, the applicant
16 must provide the Commission with the names of the
17 five members of the governing body and an assurance
18 from each governing body member that they have read
19 the application and agreed to the policies and
20 procedures contained in the application.

21 To qualify as a Board of Finance, the
22 governing body of the charter school must submit an
23 application to the Commission and obtain approval
24 from the Commission that the governing body be
25 designated as a Board of Finance.

1 In the area of school facilities, the
2 charter school should produce a Certificate of
3 Educational Occupancy prior to opening a facility
4 for use as a school. The facility shall meet all
5 applicable federal and state health and safety code
6 requirements and be suitable for use as a school.

7 To complete the legal liability condition,
8 the charter school shall agree that, to the fullest
9 extent permitted by law, the charter school shall
10 indemnify, defend and hold harmless the Public
11 Education Department and the Public Education
12 Commission, their members, officers and employees,
13 agents, affiliates and representatives from and
14 against any and all liabilities.

15 In the area of insurance, the school shall
16 participate in and obtain insurance from the Public
17 Schools Insurance Authority and comply with all
18 applicable rules of that authority.

19 To demonstrate the completion of the
20 planning year checklist prior to the end of the
21 planning year and before the Commission shall issue
22 the authorization to commence full operation, the
23 charter school must comply with the requirements of
24 the planning year checklist developed by the Charter
25 Schools Division. And be it further resolved that

1 the charter shall be effective upon the signing of a
2 charter contract between the Public Education
3 Commission and the International School at
4 Mesa del Sol Charter School.

5 THE CHAIRMAN: Thank you. Is there a
6 second to that motion?

7 MS. GARCIA: I second.

8 THE CHAIRMAN: Ms. Garcia seconds. Are
9 there questions or comments on the motion to
10 approve?

11 MR. ROCH: Madam Chair?

12 THE CHAIRMAN: Mr. Roch.

13 MR. ROCH: Thank you. Some of my concerns
14 go to some previous comments I made on another
15 applicant about our condition of requiring
16 objectives. Again, speaks to the lack of measurable
17 objectives in the application as submitted by the
18 applicant.

19 And one of the objectives that I noted,
20 going through the objectives again, was that at full
21 enrollment, the school will meet or exceed
22 percentages of proficiency on standardized tests.
23 And an interesting question is, will they have to
24 meet or exceed if they never reach that full
25 enrollment. That's a nice easy out. If we can just

1 keep below full enrollment, we'll never have to be
2 accountable.

3 And I don't think they intended to be that
4 insidious, but the question remains in the
5 application. The objective says, "At full
6 enrollment, we will meet or exceed." So that was
7 one of my questions specific to our even having this
8 condition in place.

9 Another concern that I have about the
10 application is the -- the alignment -- specific
11 alignment of the straight IB curriculum with our
12 New Mexico standards and benchmarks. And I've
13 talked to some folks that are familiar with IB. And
14 almost every single time I ask that kind of question
15 to them, they say, Oh, well, when we do the IB
16 curriculum, we're going to cover all the standards
17 and benchmarks. It's that old Ragu commercial.
18 "It's in there. It's in there."

19 I want to see it in there. I don't just
20 want to be assured it's in there. I want it step by
21 step. Show me the alignment, not just a sampling of
22 a broad brushstroke over what we expect schools to
23 address with students.

24 Another question that I have was -- was
25 brought up by the LESC's written report that we all

1 got the report from Dr. Rindone here, some questions
2 that the LESC brought up. And one of those was on
3 the intervention methodology. The school stated
4 that they don't want to believe in -- they don't
5 want to practice social promotion. And the LESC
6 insightfully asked, Well, if a student is not ready
7 to be promoted, then what interventions exist in the
8 school to enable that student to make up the work
9 that they've lost or the mastery that they didn't
10 achieve?

11 And I don't know that that was fully
12 addressed. And, of course, in the real world, we
13 are going to have students who aren't going to be
14 ready to move on as quickly as other students and so
15 we have to have allowances for that.

16 There were also concerns about
17 facilities -- pretty significant concerns about
18 facilities and about some partnerships with
19 organizations over which the PEC and the PED have
20 seemingly no oversight. And so I have some
21 questions that are more than just -- more than just
22 curious. They're troublesome to me. And so
23 notwithstanding the recommendation from the
24 Department to approve this, I would urge my
25 colleagues to deny this application.

1 THE CHAIRMAN: I didn't understand the
2 last part.

3 MR. ROCH: I'm recommending that we deny
4 the application.

5 THE CHAIRMAN: All right. But we have a
6 motion on the floor to approve.

7 MR. ROCH: So I'm recommending vote no.

8 THE CHAIRMAN: All right, thank you.
9 Thank you. Mr. Gant.

10 MR. GANT: Madam Chair, members of the
11 Commission, hope I'm loud enough this time. They do
12 have funding in here on the contract basis primarily
13 to support SpEd. But with my experience, I don't
14 think it's enough. I question -- they don't have --
15 they do not allow for transportation. This is a new
16 location in town out -- basically way down south.
17 I'm not sure how kids who are SpEd kids whose family
18 members both work are going to get to the school, if
19 they get to the school, and if there's supports
20 going to be there at all to support any level of
21 SpEd requirement.

22 Again, it's a hot button with me. How are
23 we going to get the economically disadvantaged child
24 to this school to take advantage of the school when
25 it's way out there where it is. And I'm not even

1 sure there's bus transportation out there by the
2 city yet. So next year, if they're going to have
3 the school built, the facilities, how are you going
4 to get the kids out there. So the SpEd, the
5 economically disadvantaged, I have a lot of
6 questions about those kids. And they're part of all
7 children. So I have a real question -- concern
8 about this charter school. I really do. Thank you.

9 THE CHAIRMAN: Thank you. Are there any
10 other questions or comments? Are we ready for the
11 question yet? I will not repeat the resolution as
12 it is lengthy. The motion before us is to approve
13 the International School at Mesa del Sol State
14 Charter School.

15 DR. DURAN: Madam Chair, I don't think you
16 have read the resolution.

17 THE CHAIRMAN: Did I fail to do something?

18 DR. DURAN: You failed to read the
19 resolution, I believe.

20 MS. BOWLES: It was read.

21 THE CHAIRMAN: Okay. I stand corrected.
22 Thank you. I believe Ms. Graham was the one who
23 made that motion, and she read it.

24 DR. DURAN: I apologize.

25 THE CHAIRMAN: Dr. Duran, if that's the

1 only mistake you make today, guess what? Guess
2 what?

3 DR. DURAN: Madam Chair, unfortunately,
4 that's not the only mistake.

5 THE CHAIRMAN: Thank you very much for
6 your diligence, sir.

7 DR. DURAN: Thank you.

8 THE CHAIRMAN: We appreciate it. All
9 right. The motion before us is to approve the
10 International School at Mesa del Sol State Charter
11 School. All those in favor, please raise your right
12 hand. (Show of hands.) One, two, three, four,
13 five, six. Let me just name those. I think --
14 Ms. Garcia, Ms. Bowles, Mr. Garrison, Mrs. Smith,
15 Mrs. Pogna, Mrs. Graham.

16 All those opposed, please raise your right
17 hand. (Show of hands.) Mr. Roch, Mr. Gant,
18 Ms. Krivitzky. The motion does carry, and we will
19 approve the charter for the International School at
20 Mesa del Sol. Thank you very much. Thank you,
21 Dr. Duran, and thank you Mesa del Sol people.

22 DR. DURAN: Thank you.

23 THE CHAIRMAN: We'll move on to the
24 Resource and Learning Center. Are those folks here?

25 DR. DURAN: Yes, they are here. Thank

1 you, Madam Chair and members of the Commission. The
2 application of the Resource and Learning Center is
3 inadequate and incomplete. The application is based
4 on the Estancia Valley Learning Center, EVLC, an
5 existing alternative high school in the
6 Estancia Valley Schools.

7 The application for the Resource and
8 Learning Center provides reasons for denial, but,
9 for me, raises questions about the EVLC as a whole.
10 The entire application is based on student, quote,
11 packets, unquote. But details are lacking on how
12 these packets are designed, aligned and implemented.
13 Most disturbing is a lack of direct instruction
14 delivered by teachers when many times the packets
15 are handed out to students.

16 The application raises accountability
17 issues about how student attendance is counted and
18 how the school program qualifies for State funding
19 under current statutory requirements. Throughout
20 the technical analysis, there is supporting evidence
21 of the inadequacy of this application and the lack
22 of educational accountability that is inherent in
23 this proposal.

24 The preponderance of evidence for not
25 approving this application is supported throughout

1 the accompanying documents. It is highly unlikely
2 that the founders or anyone overseeing the school
3 would have the capacity to insure that the
4 educational program for students is meeting the
5 accountability standards set forth both by statute
6 and the Public Education Department rules. The
7 contents of this application do not meet the very
8 minimum requirements to be considered for an
9 approval.

10 The specific rationale for my
11 recommendation to deny is based on the application,
12 which was incomplete and inadequate in the
13 educational plan, the financial plan and governance
14 and management plan submitted for review. The most
15 significant deficiencies are highlighted herein;
16 however, the additional details and supports that
17 support the reasons for my recommendation to deny
18 can be found in the final evaluation that was
19 provided.

20 Under the educational plan, the applicant
21 is -- the application is inadequate because the
22 education plan included in the application has
23 significant deficiencies. The proposed curriculum
24 does not meet the Department's educational
25 standards. A curriculum development plan is not

1 provided. No evidence or sample of curriculum
2 alignment is presented.

3 A clear and specific description of the
4 curriculum framework with the scope and sequence of
5 student performance standard is not presented. The
6 school has not articulated or defined the proposed
7 goals, objectives and student performance standards
8 to be achieved by this charter school in specific
9 and measurable terms.

10 The application did not include a plan for
11 evaluating student performance that identifies clear
12 strategies for using student assessment and
13 performance to evaluate and inform instruction. No
14 satisfactory, valid and reliable measures to assess
15 student progress are clearly defined. The school's
16 application did not contain a description of a plan
17 to meet the individual needs of students with
18 special needs.

19 Under the financial plan, the charter
20 schools application included a budget plan that
21 inadequately identifies physical resources that
22 would support the numerous programs, strategies,
23 activities and services needed that were identified
24 throughout the application. In the area of
25 governance and the management plan, the charter

1 schools application included a description of the
2 governing body and operation of the charter school
3 that failed to address several issues.

4 The organizational chart that was included
5 lacked a narrative description that explains the
6 organizational parts or relationships and how they
7 will support and contribute to the overall mission
8 of the school. The application does not discuss
9 parent councils, advisory committees or any other
10 group's relations with the governing council.

11 The governance management plan presented
12 inadequately addressed how the very partnerships
13 suggested would be aligned to and support the
14 educational plan presented in this application. The
15 school's enrollment plan does not reference an open
16 enrollment period followed by lottery if more
17 students apply and spaces are available. For these
18 reasons, I recommend that the PEC deny the
19 application.

20 THE CHAIRMAN: Thank you, Dr. Duran. The
21 Commission will hear from the applicant at this
22 time. If you'll come forward and state your name
23 for the recorder.

24 DR. GALLEGOS: I didn't realize you guys
25 were going to be so quick.

1 THE CHAIRMAN: Good morning.

2 MR. DULANEY: Jeff Dulaney. And if I can
3 read a quick little statement. I've got my two
4 minutes. First, we would like to thank the
5 Commission, Dr. Duran and the Charter School
6 Division for their time, their consideration and
7 their professionalism. We hope that our responses
8 to the analysis of the application given to the
9 Commission provide you with a different view than
10 what he and his team have come up with.

11 The application calls for research-based,
12 where research actually indicates that a significant
13 dissatisfaction exists with the traditional school
14 system. Students are vying for different options by
15 hundreds of thousands nationwide. Research
16 indicates approximately a 33-percent dropout rate in
17 the State of New Mexico. Research indicates that
18 New Mexico has the fifth most rigorous standards but
19 falls to the bottom 10 percent nationwide.

20 Research shows hundreds of students that
21 are leaving the Moriarty district and the Edgewood
22 district each year. So I'd like to take this time
23 to publicly apologize to the over 200,000 students
24 in New Mexico who have dropped out, and we may not
25 be able to provide them with an alternative to come

1 back.

2 We apologize to the 5,000 to 7,000 that
3 will drop out this year in New Mexico schools,
4 which, because we cannot write an application that
5 satisfies the criteria of the State, there may not
6 be any option for them, either.

7 We apologize to the 200-plus students that
8 we serve at this very moment that we have not
9 secured their futures. In addition, we apologize to
10 the future students in the Estancia Valley for
11 possibly failing to provide an alternative to
12 leaving traditional high school and going to private
13 and home schooling.

14 Finally, I would like to share a truth
15 with you because I live it on a daily basis. We do
16 not teach educational philosophy. We do not teach
17 curriculum. We do not teach standards and
18 benchmarks. We teach students. And if that
19 requires that we do it one at a time, then that's
20 exactly what we're going to continue to do. Thank
21 you.

22 THE CHAIRMAN: Thank you. Are there
23 questions or comments from the Commissioners at this
24 time? Seeing none, is there someone who would care
25 to make a motion? Mr. Garrison?

1 MR. GARRISON: I hereby move adoption of
2 the following resolution: Be it resolved that the
3 application of the Resource and Learning Center
4 Charter School be denied on the basis that the
5 school's application was incomplete or inadequate in
6 the education plan, financial plan and governance
7 management plan, as set forth in detail in the final
8 evaluation by the Charter Schools Division.

9 THE CHAIRMAN: Is there a second to this
10 motion? Ms. Krivitzky seconds the motion. Are
11 there questions or comments from the Commission on
12 the motion? Seeing none, the motion before us is to
13 deny the application of the Resource and Learning
14 Center State Charter Charter School. All those in
15 favor of the motion to deny this application, please
16 raise your right hand. (Show of hands.) Thank you.

17 All those opposed, please raise your right
18 hand. The motion is unanimous, with Ms. Price being
19 absent, to deny the application to the Resource and
20 Learning Center State Charter Charter School. Thank
21 you, Dr. Duran.

22 We're moving right along. Are we ready to
23 go with the MASTERS Program?

24 DR. DURAN: No, Madam Chair.

25 THE CHAIRMAN: All right. Recall, members

1 of the audience and Commissioners, that we adopted
2 this agenda with the ability to move items to
3 facilitate the business of the Commission. Are
4 there people from the New Mexico School for the Arts
5 present?

6 DR. DURAN: Yes, there are.

7 THE CHAIRMAN: Thank you. So we'll go to
8 that place in the agenda, Commissioners and ladies
9 and gentlemen in the audience. And this will be on
10 the school -- New Mexico School for the Arts.

11 DR. DURAN: Thank you, Madam Chair and
12 members of the Commission. The New Mexico School
13 for the Arts application proposes to serve students
14 who have demonstrated artistic aptitude and those
15 who have a gift and passion for the arts. The
16 school will be a four-year, statewide, residential,
17 charter high school. Both the Governor and the
18 legislature supported legislation that would allow
19 the admission criteria to be based on (inaudible).

20 Senate Bill 34 exempts the school from a
21 lottery process. In addition, the school would be
22 eligible to receive \$550,000 in State stimulus
23 monies but would not receive any federal stimulus
24 funds.

25 The mission of the school is to focus on

1 artistic studies and to prepare students to become
2 professional artists and to pursue careers in the
3 arts. The focus on "Art, Heart and Smart" supports
4 the vision of the school to educate the whole child.
5 The school could serve as a national arts school
6 model.

7 The mission statement is clear and
8 includes nine indicators that would inform the
9 governing council and the school that both artistic
10 and academic excellence has been achieved. The
11 goals written by the applicant are well articulated.
12 However, they are not measurable and time-bound.
13 Throughout the technical analysis, there is
14 supporting evidence on the merits of this
15 application. Additional details that support the
16 reasons for my recommendation can be found in the
17 final evaluation that has been provided to the
18 Commission.

19 If you will note on this particular one,
20 the recommendation of the education plan was that
21 they must submit time-bound, measurable goals by
22 your next meeting of October 31st.

23 I am recommending approval of the charter
24 for the New Mexico School for the Arts and on the
25 conditions that the applicant must comply with the

1 conditions in the areas of the educational plan,
2 governance, board of finance, facilities, legal
3 liability insurance and planning year checklists.

4 Thank you, Madam Chair.

5 THE CHAIRMAN: Thank you, Dr. Duran. The
6 Commission will now hear from the applicant. If
7 you'll come forward and state your name for the
8 record.

9 MS. MATTHEWS: Madam Chair, Mrs. Smith,
10 members of the Commission. My name is Patricia
11 Matthews. I'm from the Rodey Law Firm on behalf of
12 The School for the Arts. Ms. Barnes wanted me to
13 express her sincere regret that she could not be
14 here today. Today is the first day for her oldest
15 son to get to college, and she wanted to take him.
16 And it was Parents Day. That was something she
17 didn't want to miss.

18 So I'm here on behalf of the New Mexico
19 School for the Arts. And simply, Ms. Barnes, if she
20 were here today would want to express her sincere
21 gratitude over the past two years of the hard work
22 of your staff in helping them craft an excellent
23 application. It certainly has moved forward from
24 last year's application and developed itself into, I
25 think, a very good model and program that can be

1 successful.

2 I understand that Dr. Duran's
3 recommendation on the educational plan, and
4 certainly, on behalf of the applicant, would accept
5 that as a condition and all the other conditions
6 that I understand to be applicable to the
7 recommendations of the Public Education staff.

8 But again, on behalf of the Public
9 Education Department, I -- on behalf of Mrs. Barnes
10 and rest of the founders of this school, would like
11 to express our sincere appreciation. Thank you.

12 THE CHAIRMAN: Thank you. The Chair will
13 recognize Commissioners who have comments. Seeing
14 none, is there someone who would like to make a
15 motion. Dr. Garcia (sic)?

16 MS. GARCIA: Thank you.

17 THE CHAIRMAN: Doctor. Well, you're
18 deserving of it, ma'am.

19 MS. GARCIA: I appreciate that. I hereby
20 move adoption of the following resolution: Be it
21 resolved that the application of the New Mexico
22 School for the Arts Charter School be approved
23 subject to the following conditions.

24 In the educational plan, the applicant
25 must write goals which are approved by the Charter

1 School Division staff that are measurable. The
2 approved goals must be delivered to the CSD
3 Albuquerque office, 5600 Eagle Rock Avenue, no later
4 than seven days prior to the October meeting of the
5 Public Education Commission.

6 In the governing section, the applicant
7 must provide the Commission with the names of the
8 five members of the governing board and assurance
9 from each governing board member that they have read
10 the application and agreed to the policies and
11 procedures contained in the application. To qualify
12 as a Board of Finance, the governing board body of
13 the charter school must submit an application to the
14 Commission and obtain approval from the Commission
15 that the governing body be designated as a Board of
16 Finance.

17 In the area of school facilities, the
18 charter school shall produce a Certificate of
19 Educational Occupancy prior to opening a facility
20 for use as a school. The facility shall meet all
21 applicable federal and state health and safety code
22 requirements and be suitable for use as a school.

23 To complete the legal liability condition,
24 the charter school shall agree that, to the fullest
25 extent permitted by the law, the charter school

1 shall indemnify, defend and hold harmless the Public
2 Education Department, PED, and the Public Education
3 Commission, PEC, their members, officers, employees
4 agents, affiliates and representatives from and
5 against any and all liabilities.

6 In the area of insurance, schools shall
7 participate in and obtain insurance from school --
8 Public School Insurance Authority and comply with
9 all applicable rules of that authority. To
10 demonstrate the completion of the planning year
11 checklist prior to the end of the planning year and
12 before the Commission shall issue the authorization
13 to commence full operation, the charter school must
14 comply with the requirements of the planning year
15 checklist developed by the Charter Schools Division.
16 And be it further resolved that the charter shall be
17 effective upon the signing of a charter contract
18 between the Public Education Commission and the
19 New Mexico School for the Arts Charter School.

20 THE CHAIRMAN: Thank you. Is there a
21 second to the motion? Ms. Bowles seconds. Are
22 there questions or comments from the Commissioners
23 on the motion?

24 MR. ROCH: Madam Chair?

25 THE CHAIRMAN: Mr. Roch.

1 MR. ROCH: Thank you. Typically, when the
2 resolution calls for measurable goals as a
3 condition, I usually stand opposed to that
4 resolution. In this particular case, I'm going to
5 make an exception, but I want to explain why so
6 you-all don't think I'm being -- just contradicting
7 myself.

8 One of my questions in the public hearing
9 about this was specifically about the use of GPA as
10 a -- as an objective, as a goal for student
11 performance. And it was less troublesome to merely
12 modify that than to require the school to provide
13 something that wasn't previously there. I feel like
14 the application that the school submitted really
15 made a valiant effort to have a measurable
16 objective. They were intending to comply with the
17 application process the way we established it with
18 the rigor and the high quality there.

19 And so despite this being -- this
20 condition being in the resolution, the school's
21 effort was clear, and with some minor modifications,
22 can be made acceptable to me and probably to the
23 Commission. And so I intend to support this
24 resolution, you will be pleased to know.

25 THE CHAIRMAN: Thank you very much. Are

1 there other questions or comments from Commissioners
2 on the motion? The motion is to approve the
3 application of the New Mexico School for the Arts
4 for a state chartered charter school. All those in
5 favor, please raise your hand. (Show of hands.)
6 Thank you. Opposed, please raise your hand. Motion
7 has carried unanimously with Ms. Price being absent.

8 And Dr. Duran, before you go farther, I
9 would like to recognize a member of the audience.
10 Mr. Bill Sprick is here from the Public Schools
11 Facilities Authority. And we haven't heard too much
12 in the hearing this year about school buildings.
13 But because, in my -- it is my belief that the
14 Public Schools Facilities Authority, Bill, and
15 Dr. Duran, the Charter Schools Division of the PED,
16 have been working very closely together to assure
17 that step by step as we go along the way, the
18 schools that we approve are going to properly house
19 students in a safe and attractive environment.

20 And so, Bill, thank you for being with us.
21 This is not the first time Bill has been with us
22 during this particular round of applicants. And
23 thank you, Bill. Okay. Dr. Duran, we are -- where
24 do we move?

25 DR. DURAN: Madam Chair and members of the

1 Commission, I'm happy to announce that the applicant
2 is here for The MASTERS Program. So we could go
3 back to The MASTERS Program.

4 THE CHAIRMAN: Okay. So we'll go back to
5 that. Go back to The MASTERS Program, then.

6 DR. DURAN: So if you will allow me. The
7 application for The MASTERS Program is inadequate
8 and incomplete. Although the application identifies
9 a mission, the implementation of the model to
10 support this mission is contradictory and confusing.
11 Several different strategies are interwoven with
12 little connection to the educational plan. It is
13 unclear the founder truly understands the public
14 education philosophy.

15 The application attempts to simply place
16 students on the Santa Fe Community College campus
17 setting with little understanding of curricular
18 alignment, special population issues, licensure
19 issues and academic support for students that this
20 placement may necessitate.

21 The mention of a current charter school,
22 for me, serving as a model for this application has
23 raised for me very serious concerns regarding the
24 charter school and accountability. The specific
25 rationale for my recommendation to deny is based on

1 the school's application which was incomplete and
2 inadequate in the educational plan and the
3 governance and management plan submitted for review.

4 The most significant deficiencies are
5 highlighted herein. However, the additional details
6 that support the reasons for my recommendation to
7 deny can be found also in the final evaluation that
8 has been provided to the Commission.

9 Specifically, in the Education Plan. The
10 education plan is inadequate because the education
11 plan included in the application has significant
12 deficiencies. Throughout the application, the
13 educational plan is underdeveloped and
14 contradictory. The application also curiously
15 mentions becoming an International Baccalaureate
16 program but does not explain what that means or how
17 this fits into the overall education plan.

18 Of particular concern is the applicant's
19 plan to place students who do not score high enough
20 on the ACCUPLACER exam in the community transition
21 studies courses is the assumption that these courses
22 all meet high school course requirements. These
23 courses do not meet the State's definition of dual
24 enrollment because they are noncollege credit
25 bearing courses. This practice raises a question as

1 to whether the instructors meet the "highly
2 qualified" license requirements.

3 There is insufficient evidence of a clear
4 alignment of the curriculum with New Mexico content
5 standards, benchmarks and performance standards.

6 The application lacks a coherent plan for
7 the school to collaborate with the college
8 instructors of these courses to insure curricular
9 alignment with the standards, the school mission and
10 the students' needs. The description of the
11 applicant -- applicant's procedure for taking
12 corrective action in the event that students'
13 performance fell below the standards failed to
14 adequately address the remediation for students not
15 achieving. The special education plan contained in
16 the application raises some serious concern about
17 the applicant's understanding of what it takes to
18 comprehensively provide special education support.

19 The applicant's written response stated
20 that the community college will provide all
21 ancillary services for students, including services
22 pursuant to the needs identified in each student's
23 IEP. No written evidence from the college was
24 presented by the applicant to substantiate the
25 assertion that the college was committed to

1 providing these services or that the services would
2 be appropriately modified for high school students.

3 In the issues of governance in the
4 management plan, the applicant included a
5 description of the governing body and operation of
6 the charter school. However, the site-based
7 management structure at the school and how will
8 it -- how it will function is incomplete and
9 inadequate. The application provides school staff
10 descriptions that are vague and provide no sense of
11 how the terms of employment may be affected by the
12 unique educational approach.

13 The application fails to articulate the
14 relationship between the charter school and the
15 community college. The proposal plans for school
16 curriculum to consist of the college curriculum and
17 the community college staff serving as instructors,
18 students to be able to use the support structures of
19 the college as well as other, quote, wraparound,
20 unquote, services provided by the community college.
21 All of these strategies and activities suggest a
22 partnership with the community college. However,
23 the governance plan provides no written
24 documentation for this important relationship.

25 For these and other issues that I've

1 identified in the final investigation evaluation and
2 in my recommendation, I am recommending that this
3 application be denied.

4 THE CHAIRMAN: Thank you, Dr. Duran. The
5 applicant will please come forward to address the
6 Commission. Hello, please state your name. You
7 have two minutes in which to make --

8 MR. BISHOP: May I pass my remarks out to
9 the Commissioners?

10 THE CHAIRMAN: Why don't you have somebody
11 from staff to do that for you, sir.

12 MR. BISHOP: Takes about two minutes for
13 me to read it fast.

14 THE CHAIRMAN: Thank you. Please state
15 your name, sir.

16 MR. BISHOP: John Bishop. When should I
17 begin?

18 THE CHAIRMAN: Right now. Mr. Obenshain
19 will do that for us. Okay, we got it.

20 MR. BISHOP: I'd like to thank the
21 licensed educators, administrators, college staff,
22 Coalition of Charter Schools and concerned citizens
23 for help writing The MASTERS Program charter
24 application. We feel this application falls well
25 within the mission and vision of the PED to improve

1 student performance, close the achievement gap and
2 prepare students to succeed in a complex world.

3 Regarding the education plan, we thought
4 we had come up with a way to meet benchmark and
5 standards by having the missing content from the
6 college courses taught in TMP homerooms by level
7 three teachers. We never assumed or stated that
8 Santa Fe Community College transitional courses all
9 met high school course requirements. We stated that
10 TMP teachers would supervise the students' education
11 and license the college instructors.

12 The homeroom teachers have two roles;
13 tutor the students in mastering college content, and
14 teach students the missing content. Students will
15 rotate among the homerooms and be taught by level
16 three science, math, English and social studies
17 teachers in a ratio of approximately 1 to 12.

18 The missing content will be identified
19 during the planning year. Other than questioning
20 whether the founder knows anything about public
21 education philosophy and questioning the Gallup and
22 early college models, the PED has not addressed how
23 this approach does not work. I would request it be
24 addressed so we know for next year.

25 Regarding special education, I did submit

1 the special education services that the college
2 provides free to ADA standards, stated that TMP
3 would conduct an audit comparing ADA to IDEA
4 standards and that TMP would provide the missing
5 services to meet IDEA standards. TMP will be the
6 best financed school in the state and will have the
7 most funds available to find the highest quality of
8 special education services. I request to know how
9 this approach does not work.

10 The TMP application does provide a written
11 document of the college and TMP's collaboration and
12 the TMP is renting space from the college and TMP
13 students are attending college courses at the
14 college. How does this not work?

15 It is our strategy that TMP hire well-paid
16 professional educators to implement the curriculum,
17 mission and vision and assure the standards and
18 benchmarks and all students' needs are being met.
19 Does this work?

20 Regarding Mr. Feldman's public hearing
21 response about individual classes not meeting
22 benchmark and standards at the Gallup school,
23 sometimes not all of us think as fast on their feet,
24 particularly me. Providing missing content in
25 homeroom is the model for early college programs.

1 TMP realizes the importance of providing a program
2 for college transitional courses that, combined with
3 homeroom teaching, meet every benchmark and
4 standards. After all, it is our aim to be the best
5 school in New Mexico.

6 On behalf of the students and families of
7 Santa Fe, I request you to approve the TMP charter
8 to assist in approving the quality of education in
9 our community. Thank you.

10 THE CHAIRMAN: Thank you. Thank you, sir.

11 MR. BISHOP: Thank you.

12 THE CHAIRMAN: And now, Dr. Duran, we go
13 to the questions from the Commissioners, questions
14 or comments from the Commission.

15 MR. ROCH: Madam Chair?

16 THE CHAIRMAN: Mr. Roch.

17 MR. ROCH: Thank you, Dr. Duran. From the
18 Public Education Department standpoint, can a school
19 limit their application -- applicants for teaching
20 positions to just one level of the three tier
21 licensure system?

22 DR. DURAN: Madam Chair, Mr. Roch, could
23 you -- clarify that question?

24 MR. ROCH: Sure, you bet. You bet. In
25 the second paragraph of Mr. Bishop's submitted

1 comments, he indicates that the homeroom teachers
2 will all be level three teachers. And so my
3 question is is can a school legally say, We are only
4 going to hire level three teachers? I'm just
5 curious, because I don't know that --

6 DR. DURAN: I certainly -- Madam Chair,
7 I'll try not to dance around the issue.

8 MR. ROCH: Sure.

9 DR. DURAN: But my -- I don't think you
10 could advertise for only level three. You would
11 have to have a policy of equal opportunity and the
12 best person who applies. But I don't think the law
13 would allow you to just say, We only allow level
14 three teachers.

15 MR. ROCH: Okay. Another question,
16 Dr. Duran, is in the third paragraph of his
17 comments, he indicates an alignment between IDEA and
18 ADA. To my understanding, ADA deals more with
19 facilities and accommodating students with physical
20 needs; whereas, IDEA is specific to more learning
21 disabilities and learning educational services more
22 than physical facilities in combinations. Is that
23 accurate?

24 DR. DURAN: That would be correct. And
25 again, I think the issue of IDEA services --

1 colleges can offer ADA services and auxiliary
2 services, but they don't have the requirements of
3 the IDEA law for students who are up to 22 years old
4 and have some severe learning issues.

5 MR. ROCH: Okay. Thank you for that.
6 Thank you, Madam Chair.

7 THE CHAIRMAN: Are you through, Mr. Roch?

8 MR. ROCH: I am, thank you.

9 THE CHAIRMAN: I'm sorry. I couldn't
10 tell. Is there anybody else who has a question or a
11 comment? Excuse me. Okay. The Chair will
12 entertain a motion then. Ms. Garcia is chairman of
13 the subcommittee. I'll recognize you.

14 MS. GARCIA: Thank you. I hereby move
15 adoption of the following resolution. Be it
16 resolved that the application of The MASTERS Program
17 Charter School be denied on the basis that the
18 school's application was incomplete or inadequate in
19 the educational plan and the government management
20 plan as set forth in detail in the final evaluation
21 of the Charter School Division.

22 THE CHAIRMAN: Thank you. Is there a
23 second?

24 MR. GANT: Second.

25 THE CHAIRMAN: Seconded by Mr. Gant. Are

1 there questions or comments by Commissioners on the
2 motion to deny the application of The MASTERS
3 Program for a state chartered charter school?

4 Seeing none, all those in favor of denial, please
5 raise your hand. (Show of hands.) I believe that's
6 everybody. You haven't voted. Beg your pardon.

7 All right. I have everybody. Those opposed to the
8 motion. Mr. Garrison is opposed to the motion. The
9 motion to deny has carried on an 8-to-9 vote with
10 Mr. Garrison --

11 DR. DURAN: Eight-to-one.

12 THE CHAIRMAN: Not 8-to-9, pardon me,
13 8-to-1, making a total of nine, with Ms. Price being
14 absent. Thank you. Okay.

15 I'm sorry. That piece of watermelon went
16 down the wrong pipe.

17 Okay. We're to the Taos Academy.

18 DR. DURAN: Yes. Madam Chair and members
19 of the Commission, we're in a little bit of a kind
20 of a decision-making piece. Taos Academy is not
21 here. I know that at least one of the applicants
22 wanted to be here, probably both applicants wanted
23 to be here, but they have not arrived. So I would
24 stand for whatever the Commission would like to do.
25 I do know that lunch will be provided for the

1 commission at 11:30. But we're moving quicker than
2 we thought. And I don't know what the commission
3 would like to do.

4 MR. GANT: Fifteen-minute break.

5 THE CHAIRMAN: There is no requirement, is
6 there, that they have to be here?

7 DR. DURAN: No.

8 THE CHAIRMAN: Well, I'm going to
9 suggest --

10 MR. ROCH: Madam Chair, point of order.
11 On our agenda, we've allowed time for the applicant
12 to address the Commission for two minutes. If we're
13 going to allow time on the agenda, then I think it
14 behooves them to be here.

15 MS. BOWLES: Is the next school, Madam
16 Chair, The Enchanted Circle here, so we could --

17 DR. DURAN: Both of them are from Taos,
18 and they're not here.

19 MR. ROCH: Are they carpooling?

20 THE CHAIRMAN: We're down to the last two
21 applications. Both applicants are from Taos. It
22 is -- I'm not certain what time it is, but I think
23 it's a quarter of --

24 MR. ROCH: Quarter of 11:00.

25 THE CHAIRMAN: And I'm going to call

1 recess for about 15 minutes. If they're not here,
2 then I'm going to recommend to the Commission that
3 we move forward. So we'll have a recess for about
4 15 minutes, Dr. Duran.

5 DR. DURAN: Thank you, Madam Chair.

6 (A recess was taken.)

7 THE CHAIRMAN: I call this meeting of the
8 Public Education Commission back to order. And I
9 know Mr. Garrison is here someplace.

10 DR. DURAN: He's way in the back.

11 THE CHAIRMAN: All right.

12 MR. GARRISON: Here I come.

13 MR. ROCH: He's starting lunch.

14 THE CHAIRMAN: And Ms. Price is still the
15 only absent Commissioner. At this point, I would
16 like to publicly thank and recognize Toni Fleischer,
17 who is the assistant manager of the Balloon Museum.
18 Have we ever had a more beautiful place to meet?

19 MS. FLEISCHER: You're all very welcome.
20 We really appreciate having organizations that are
21 like-minded in their mission, such as education, at
22 the Balloon Museum here. You're welcome. Come
23 back. Beverly is going to send out a notice about a
24 free teacher appreciation day we have during Balloon
25 Fiesta to all of the charter schools statewide. We

1 hope they'll sign up. It's completely free and a
2 wonderful event. We provide breakfast and a tissue
3 paper balloon workshop. And so good luck with your
4 decision-making process today.

5 THE CHAIRMAN: Thank you.

6 MS. FLEISCHER: You're welcome.

7 THE CHAIRMAN: Dr. Duran, we are all
8 chomping at the bit to go backwards towards the
9 tables. But we seem -- at least a few of us are
10 more than others.

11 DR. DURAN: What is the pleasure of the
12 Commission? They are not here. And I think the two
13 attorneys have met.

14 THE CHAIRMAN: Okay. I have had direction
15 from legal counsel that says that we certainly will
16 be in order to move forward with the agenda even
17 though the applicants are not here. The application
18 and the -- or the agenda has been left open to
19 indicate that -- and also there is a statement on
20 the agenda which we approved in the approval of the
21 agenda that we would move business to expedite.
22 There is no requirement that we have the applicant
23 respond to anything to make a presentation.

24 Now, I'm going to ask the Commissioners.

25 It seems to me that we have -- pardon me -- two

1 options. One, since Dr. Duran has already so
2 graciously supplied us with lunch, we could have
3 lunch. Or two, we could go ahead with the remaining
4 two applications. How many would like to go ahead
5 with the remaining applications. One? How many
6 would like to have lunch? Everyone.

7 All right. Then I think what we'll do --
8 I think that, you know, this old schoolteacher was
9 used to 20-minute lunch breaks. But I think we'll
10 say 20 minutes and hope that we get started within a
11 half-hour. But 20 minutes for lunch.

12 MS. POGNA: Madam Chair?

13 THE CHAIRMAN: Yes.

14 MS. POGNA: We're going to have to work
15 some time in here. Dr. Duran told me that I was
16 going to be tested on this whole manual. So I
17 presume he means everybody, all the Commissioners
18 were going to be tested.

19 THE CHAIRMAN: No, ma'am.

20 DR. DURAN: I'm afraid not, Commissioner
21 Pogna. You were the only one, kind of a sample --
22 it's a sample audience and you were sampled.

23 THE CHAIRMAN: Thank you, Ms. Pogna, for
24 being -- is it the guinea pig? All right. I
25 declare a recess for lunch, then.

1 (A luncheon recess was taken.)

2 THE CHAIRMAN: We have a quorum of
3 everyone but Ms. Price. I call this New Mexico
4 Public Education Commission to order. It's all been
5 a very delicious luncheon. Thank you again,
6 Dr. Duran and staff. Very nice. We are ready to
7 proceed with the Taos Academy?

8 DR. DURAN: Yes, ma'am. And I'm happy to
9 announce that the Taos Academy founders are here,
10 and so I will begin.

11 The Taos Academy proposes to offer a
12 hybrid model of education consisting of online
13 instruction combined with a traditional classroom
14 instruction. The model will provide a high level of
15 individualization for students through innovative
16 approaches that offer an alternative to students who
17 may not be succeeding in the traditional model. The
18 school's emphasis on the leadership training program
19 and enriched on-campus classes are to be -- are to
20 be commended.

21 The application identified and presented
22 evidence of community partnerships with the
23 University of New Mexico, the Taos branch, and other
24 community organizations. The school intends to
25 group students into four families and has

1 articulated academically accepted requirements for
2 each student with each family. Parent involvement
3 is identified as encouraging parents to volunteer as
4 they share their special skills with all students in
5 the school.

6 The compelling piece of this hybrid model
7 is this emphasis on direct instruction and
8 face-to-face interaction between teacher and
9 student. The applicant -- the applicants make a
10 persuasive case that digital curriculum is not an
11 isolated learning endeavor, but incorporates direct
12 teaching and student support throughout the day.

13 Most of the goals written by the applicants are well
14 articulated. However, not all goals are measured
15 and time-bound.

16 Throughout the technical analysis, there
17 is supporting evidence on the merits of this
18 application and its proposed educational program.

19 The additional details that support the
20 reasons for my -- for my recommendation can be found
21 in the final evaluation that has been provided to
22 the Commissioners.

23 It is therefore my recommendation that the
24 Public Education Commission approve the charter for
25 Taos Academy Charter School. The applicant must

1 comply with conditions in the areas of education
2 plan, governance, Board of Finance, the facilities,
3 legal liability insurance and planning year's
4 checklist. Thank you, Madam Chairperson and members
5 of the Commission.

6 THE CHAIRMAN: Thank you. And because
7 this is the resumption of this morning's meeting, I
8 will reread the rules for the applicant. The
9 applicant may address the Commission for two minutes
10 following the recommendation. We are limiting the
11 time for applicants in view of the time that they
12 were afforded to present their application during
13 the public input meetings held around the state and
14 the opportunity that they were given after those
15 meetings to submit additional written comments to
16 the Commission.

17 And if the applicants will come forward
18 and state your name for the record.

19 MS. MOULTON: My name is Karen Moulton.

20 MS. FILISS: My name is Tracy Filiss.

21 MS. MOULTON: I don't believe we have any
22 further comments at this time, other than to thank
23 you, Madam Chairwoman, and all the Commission for
24 your time and your travel to Taos and your time in
25 reviewing our application. And we appreciate the

1 opportunity to have gone through the process.

2 THE CHAIRMAN: Thank you very much. And
3 then if you'll return to the audience, we'll let
4 Dr. Duran go forward again.

5 MS. MOULTON: Thank you.

6 THE CHAIRMAN: The Commission may ask
7 questions or make comments on the recommendations
8 with a limit of ten minutes per application. Are
9 there Commissioners who would like to address
10 questions or comments? Ms. Garcia.

11 MS. GARCIA: Madam Chair, I have a
12 question for Dr. Duran. My understanding is that
13 there are already three charters in Taos.

14 DR. DURAN: That is correct.

15 MS. GARCIA: Now, with the approval of
16 these additional two charters -- I know one has been
17 recommended for denial -- but would this seriously
18 impact the enrollment and the funding opportunities
19 for the Taos School District?

20 DR. DURAN: Madam Chair, members of the
21 Commission. I'm going to answer your question
22 without really answering it. Again -- and that is
23 that the law specifically -- the only cap on charter
24 schools and on the enrollment is those school
25 districts with 1,300 or less cannot exceed

1 10 percent. Taos does not fall under that.

2 The argument that a charter school will
3 impact a school district makes the presumption that
4 charter school students are not public school
5 students. The money follows the child. The school
6 district needs to then deal with the budget that it
7 has. If those students were all to go to private
8 school, one would not say, Well, you need to close a
9 private school because it's going to impact on
10 our -- on our budget as a school district.

11 The answer is, charter school students are
12 public school students and the money follows the
13 student. The school district does not follow the
14 student. I hope that clarifies it, because I -- as
15 an ex-superintendent, sometimes we get into those
16 arguments, Well, they can't open any more schools
17 because they're not public? Yeah, they are public.

18 Now, a school district could oppose
19 that -- that school from opening, and that gets into
20 what's in the best interests. In the public
21 hearings, we did not hear from the superintendent,
22 nor did we hear from the board. What we're hearing
23 from is the LESC now with a concern. But the school
24 board president was invited. We did not hear
25 anything in the community, nor did we hear anything

1 from the superintendent.

2 So -- but again, to reiterate what I said
3 this morning. The issue of whether it's in the best
4 interest of the community is one that we do not
5 address as your staff. That is something that you
6 need to take into consideration.

7 MS. GARCIA: If I could follow up. When
8 we take this into consideration, don't we need to
9 look at the impact on the district and what is going
10 to happen with their funding, and if they're not
11 already offering some of what the charter schools
12 are proposing to offer? That's a question I don't
13 know if you need to answer it or not. I think it's
14 just --

15 DR. DURAN: I would prefer not to answer
16 it.

17 MS. GARCIA: -- just a hypothetical
18 question. Thank you.

19 THE CHAIRMAN: Thank you. Are there other
20 questions or comments from Commissioners? Mr. Roch.

21 MR. ROCH: Thank you. A lot of the -- a
22 lot of the material in the application, and even
23 some of the public input we've received, has cited
24 the local district's high dropout rate. Is it your
25 impression, Dr. Duran, that this application is

1 targeting students who have dropped out of school or
2 that they also may be recruiting students or open to
3 students from -- that are currently attending the
4 local school district?

5 DR. DURAN: I would say yes to all three.
6 I think the application talks about a target
7 population of meeting the needs of those
8 nontraditional students that may have dropped out,
9 that may not be in the public sector or may be --
10 may be experiencing failure in the current system.
11 So I think, like any charter school, they will
12 recruit if that mission statement fits the needs of
13 the parent and the student that they're trying to
14 recruit.

15 The application, I think, was pretty clear
16 that they were -- they were focusing on a target
17 population that was not -- that was being
18 underserved.

19 MR. ROCH: Another question. One of our
20 discussion items when we were in Taos for the public
21 hearing was on the use of virtual labs to satisfy
22 the lab component of science classes that are
23 required for high school graduation. What is the
24 Public Education Department's view of virtual labs
25 as meeting the component for graduation?

1 THE CHAIRMAN: We're -- Madam Chair and
2 members of the Commission and Mr. Roch, we're
3 virtually looking at -- and I say that, because I
4 think the IDEAL-New Mexico is working towards
5 allowing virtual laboratories to be in alignment
6 with standards and benchmarks. My daughter was
7 going to the University of New Mexico. And her
8 entire anatomy lab was not done on a cadaver. It
9 was done virtually.

10 In New Mexico, it addresses the issues of
11 native cultures who want to be in the medicines but
12 have some issues with the traditional form of
13 practicing the medicine. So I don't think that -- I
14 do believe that the laboratory virtual requirements
15 would be aligned to the school's mission.

16 MR. ROCH: Thank you.

17 THE CHAIRMAN: Are there any other
18 questions or comments? The chair will entertain a
19 motion. Ms. Krivitzky, I don't believe you've made
20 one this morning.

21 MS. KRIVITZKY: I will try. I hereby move
22 adoption of the following resolution: Be it
23 resolved that the application of the Taos Academy
24 Charter School be approved subject to the following
25 conditions:

1 In the educational plan, the applicant
2 must write goals which are approved by the Charter
3 Schools Division staff that are measurable. The
4 approved goals must be delivered to the CSD
5 Albuquerque office no later than seven days prior to
6 the October meeting of the Public Education
7 Commission.

8 In the governance section, the applicant
9 must provide the Commission with the names of the
10 five members of the governing body and assurance
11 from each governing body member that they have read
12 the application and agreed to the policies and
13 procedures contained in the application.

14 To qualify as a Board of Finance, the
15 governing body of the charter school must submit an
16 application to the Commission and obtain approval
17 from the Commission that the governing body be
18 designated as Board of Finance.

19 In the area of school facilities, the
20 charter schools shall produce a Certificate of
21 Educational Occupancy prior to the opening of --
22 prior to opening a facility for use as a school.
23 The facility shall meet all applicable federal and
24 state health and safety code requirements and be
25 suitable for use as a school.

1 To complete the legal liability condition,
2 the charter school shall agree that, to the fullest
3 extent permitted by law, the charter school shall
4 indemnify, defend and hold harmless the Public
5 Education Department and the Public Education
6 Commission, their members, officers, employees,
7 agents, affiliates and representatives from and
8 against any and all liabilities.

9 In the area of insurance, the school shall
10 participate in and obtain insurance from the Public
11 School Insurance Authority and comply with all
12 applicable rules of that authority.

13 To demonstrate the completion of the
14 planning year checklist, prior to the end of the
15 planning year and before the Commission shall issue
16 the authorization to commence full operation, the
17 charter school must comply with the requirements of
18 the planning year checklist provided by the Charter
19 Schools Division. And be it further resolved that
20 the charter shall be effective upon the signing of
21 the charter contract between the Public Education
22 Commission and the Taos Academy Charter School.

23 THE CHAIRMAN: Thank you. Is there a
24 second to the motion?

25 MR. GANT: Second.

1 THE CHAIRMAN: Seconded by Mr. Gant. Are
2 there questions or comments on the motion to approve
3 the Taos Academy as a state chartered charter
4 school?

5 MR. ROCH: Madam Chair?

6 THE CHAIRMAN: Yes, sir.

7 MR. ROCH: Thank you. Some of the --
8 again, this one has some -- has that element of that
9 this applicant must submit written, measurable
10 goals. And there was some of that addressed in the
11 applicant's response. Some of the goals submitted
12 in the applicant's response to the PED review, in
13 fact, the majority of that response, was talking
14 about the enhancement, elective credits that we
15 asked -- I asked quite a bit about when we were up
16 in Taos. And they seemed -- they seemed strikingly
17 nonacademic.

18 And so I'm just concerned about the
19 sacrifice of the academic focus for a lot of the --
20 I'm trying to say this diplomatically. It seems
21 like there's some sacrifice of academic focus for
22 other agendas, whether it's emotional intelligence
23 or a green approach, outdoor education, none of
24 which are necessarily bad goals, unless you're
25 implementing them at the expense of academics.

1 And so I have some real concerns about the
2 balance. And one of the questions I had asked was,
3 you know, those five enrichment courses, how do you
4 balance those with traditional freshmen's five
5 academic courses. That was ten courses. And that
6 was one of the questions I asked previously.
7 There's a lot of emphasis on that in this.

8 The focus on the distance education
9 program is already available, as Dr. Duran alluded
10 to, IDEAL-New Mexico. It's already available in
11 traditional schools. And so I don't know that
12 that's a -- a different offering, an innovative
13 offering necessarily. And so I really -- I don't
14 know that this is probably the best idea.

15 And in addition to the impact, as
16 Ms. Garcia asked, the impact on the local district,
17 while there's not a limitation on capital enrollment
18 unless your district is under 1,300, if for some
19 reason both of these applications were approved, it
20 would -- the enrollment in charter schools in Taos
21 Municipal School District would constitute nearly
22 25 percent of the population, which, even if -- even
23 if it's not considered one of those small districts,
24 it's still a huge proportion of students and would
25 have a serious impact on the local district's

1 ability to provide needs and services.

2 So I don't know that this is -- I don't
3 know that we're well advised to approve this thing,
4 and I'll stand in opposition to it.

5 THE CHAIRMAN: Thank you. Are there other
6 questions or comments on the motion? The motion
7 that is before us is rather lengthy. I will not
8 repeat it. In essence, it is to approve the
9 Taos Academy as a state chartered charter school
10 with a number of requirements. All those in favor,
11 please raise your right hand. One, two, three,
12 four, five. All those opposed, please raise your
13 right hand. One, two, three, four. The motion has
14 carried on a 5-4 vote. Let's have the five
15 affirmative votes, please. Ms. Bowles, Ms. Smith,
16 Ms. Pogna, Ms. Graham, Ms. Krivitzky. And so the
17 other people, with Ms. Mavis Price absent, the other
18 people have voted in the negative. But the motion
19 does carry. Thank you.

20 DR. DURAN: Thank you.

21 THE CHAIRMAN: Dr. Duran, I do not know
22 whether we have the other school represented yet or
23 not.

24 DR. DURAN: As far as I know --

25 THE CHAIRMAN: I have been assured by

1 legal counsel that we certainly are in good stead to
2 go ahead and move forward with the agenda, which we
3 adopted earlier this morning, allowing us -- there
4 is no time on it, and so I'm sorry if people assume
5 that we would be here later than we're going to be
6 here. But at any rate, this is simply what we're
7 going to go ahead and do. And we'll do the final
8 one, The Enchanted Circle, Dr. Duran.

9 DR. DURAN: Thank you, Madam Chair and
10 members of the Commission. The Enchanted Circle
11 Charter School is based on the principles of Rudolf
12 Steiner's educational philosophy, commonly referred
13 to as the Waldorf Model. The curriculum framework
14 presented in the application reflects the mission of
15 the school.

16 The compelling shortfall of the
17 application is that the founders have attempted to
18 integrate a private school model into the public
19 sector with little understanding of the public
20 school requirements. The founders opened The
21 Enchanted Circle Community School, a private school,
22 in the Taos community. The school was functioning
23 during the 2007-2008 school year. However, the
24 school is no longer in operation.

25 Throughout the application, the founders

1 have referred to the, quote, private school model,
2 quote, without aligning the model to the public
3 school. Areas of particular concern are in the
4 areas of student assessment, special population,
5 budget and governance. The founders are encouraged
6 to reapply during the next cycle, provided they
7 review the application as it aligns to public
8 regulations and accountability standards.

9 The areas of concern are so compelling
10 that it would necessitate the rewriting of the
11 entire application to insure that all sections of
12 the application reflect the public school model.
13 The specific rationale for my recommendation is
14 based upon the school's application, which was
15 incomplete and inadequate in the educational plan,
16 financial plan and governance and management plan
17 submitted for review.

18 The most significant deficiencies are
19 highlighted herein. However, additional details
20 that support my recommendation to deny can be found
21 in the final evaluation that has been provided to
22 the Commissioners.

23 Specifically, under the educational plan,
24 the application is inadequate because the
25 educational plan included in the application has

1 significant deficiencies. The educational program
2 does not adequately match student performance
3 standards with a curriculum that meets the
4 State-defined content and performance standards.

5 The applicant has not clearly articulated
6 or defined the proposed goals, objectives and
7 student performance standards to be achieved by the
8 charter school in specific and measurable terms.

9 The application did not include a plan for
10 evaluating student performance that identified clear
11 strategies for using student assessment and
12 performance data to evaluate and inform instruction.

13 The school's application did not articulate an
14 outline of a specific educational plan which will
15 meet the individual needs of students in the least
16 restrictive environment.

17 In addition, in the financial plan, the
18 charter schools application included a budget plan
19 that is not economically sound and will not support
20 the proposed education plan. Significant items were
21 inadequately budgeted, including teacher salary,
22 professional development, administrative equipment,
23 supplies and furniture.

24 The physical management policies and
25 procedures are not sufficiently detailed and aligned

1 with State requirements.

2 Under the governance and management plan,
3 the charter schools application included a
4 description of the governing body and operation of
5 the school. The organizational chart in the
6 application illustrates a shared form of governance
7 that is not effectively clarified in the narratives.
8 The collaborative governance model suggested by the
9 applicant has overlapping roles and
10 responsibilities. The organizational chart and
11 communication plan create a reporting structure that
12 is very difficult to comprehend.

13 As proposed, the governance plan does not
14 clearly confirm that the governing body is a sole
15 entity with authority to establish school policy.
16 The governance policy does not specify that the
17 school administrators are sole individuals who shall
18 make all employment decisions.

19 For this reason and for others outlined in
20 the final evaluation and my report to the
21 Commission, I recommend that we deny -- that you
22 deny the application for the charter -- the
23 Enchanted Circle Charter School.

24 THE CHAIRMAN: Thank you, Dr. Duran. Is
25 there anyone present to represent the applicant from

1 The Enchanted Circle? I'll ask again. Is there
2 anyone present to represent the applicant for The
3 Enchanted Circle? Seeing no one coming forward, we
4 will move on to the Commission that will have an
5 opportunity now to make comments or ask questions.
6 Are there Commissioners who want to make comments or
7 ask questions? Seeing no one, is there a
8 Commissioner who will make a motion? Ms. Bowles?

9 MS. BOWLES: I hereby move the adoption of
10 the following resolution: Be it resolved that the
11 application of The Enchanted Circle Charter School
12 be denied on the basis that the school's application
13 was incomplete or inadequate in the education plan,
14 financial plan and governance management plan, as
15 set forth in detail in the final evaluation by the
16 Charter Schools Division.

17 THE CHAIRMAN: Is there a second?

18 MR. ROCH: Second.

19 THE CHAIRMAN: Seconded by Mr. Roch. Are
20 there questions or comments on the motion to deny
21 the application? Seeing no one wishing to comment,
22 all those in favor of the resolution to deny the
23 application of The Enchanted Circle for a state
24 chartered charter school, please sigh "aye."
25 Opposed, "no"? The motion has carried unanimously

1 and the Commission denies the application of The
2 Enchanted Circle Charter School.

3 Commissioners, I want to thank you for a
4 very diligent day. Staff, I want to thank you, not
5 just for today, but for many, many hours. It's very
6 very obvious that you and your colleagues,
7 Dr. Duran, have done yeomen's service one more time
8 for the State of New Mexico.

9 DR. DURAN: Thank you.

10 THE CHAIRMAN: Thank you. Do you wish to
11 make a comment?

12 DR. DURAN: Yes, I do. Madam Chair and
13 members of the Commission, a point of order. If you
14 recall, those Commissioners who were here with us
15 last year, there's a letter that needs to be signed
16 by the Commission that outlines the reasons for
17 approval and the conditions and the reasons for
18 denial. We have written a letter for the Chair to
19 write. You have aligned with our recommendations.
20 I don't know, point of order, if the Chair needs to
21 read the letter that she will be sending out or will
22 she just sign the letter based on the decisions made
23 here today.

24 THE CHAIRMAN: I'm not understanding your
25 point, Dr. Duran.

1 DR. DURAN: Just a point of order, I don't
2 want to get caught legally, is you will be signing a
3 letter --

4 THE CHAIRMAN: Yes.

5 DR. DURAN: -- that outlines the reasons
6 for either approval and the conditions for each of
7 the schools and the denial. The law states that you
8 have a 14-day period, but because the Commission
9 doesn't come back in 14 days, we got into this issue
10 last year, as you recall. So is there a problem
11 legally with the -- with the Chair merely signing
12 the letter based on the resolutions that were
13 passed?

14 MR. RICHARDSON: If I may speak. Jerry
15 Richardson, counsel for the Commission. As long as
16 the contents of the letter reflect the Board's
17 actions in these resolutions which have been passed,
18 then this Board wouldn't need to, you know, take
19 further action. They can authorize the Chairman to
20 sign that letter on the condition that it does
21 reflect the resolutions passed.

22 DR. DURAN: Add that's exactly what the
23 letters --

24 MR. RICHARDSON: I think a motion to that
25 effect will be in order.

1 THE CHAIRMAN: The Chair will entertain a
2 motion to that effect. Mr. Garrison, do you want to
3 make that motion?

4 MS. BOWLES: I so move.

5 MS. GARCIA: Second.

6 THE CHAIRMAN: All those in favor of
7 having the Chair sign the appropriate letters of
8 approval or denial for the eleven state charter
9 applications, please say "aye." Opposed, "no"? The
10 motion is carried unanimously. Thank you,
11 Mr. Richardson.

12 Okay. Now, are we through with that
13 portion? We're down to Item 10, PEC comments. I
14 think I've probably commented all I care to comment
15 today, unless somebody thinks there's something else
16 we need to comment about.

17 MS. KRIVITZKY: I'd just like --

18 THE CHAIRMAN: Pardon me. Ms. Krivitzky.

19 MS. KRIVITZKY: Madam Chairman -- and this
20 is actually a question for Dr. Duran. I noticed in
21 the resolutions, you asked for the five members of
22 their governing council. They don't -- they can
23 have more.

24 DR. DURAN: They can have more, but they
25 have to have a minimum of five.

1 MS. KRIVITZKY: I know. And I was just
2 wondering if, as a matter of point, it should say "a
3 minimum of five," because the way the resolutions
4 stand, it sounds as if that's a cap on the number of
5 members. And I know a lot of the charter schools
6 have a few more than that. So I was just wondering.

7 DR. DURAN: Since the motions have already
8 been passed, we will look at that for next time.

9 MS. KRIVITZKY: I didn't want to fiddle
10 with it as it was, because I could see how
11 everything was done. But I was thinking about in
12 the future, we could think about something to do
13 with that.

14 DR. DURAN: Thank you.

15 THE CHAIRMAN: Thank you. And you'll note
16 that we have vouchers in your board packets. And I
17 think Ms. Friedman is prepared to take those today
18 if you're prepared to give them to her. And is
19 there any further business to come before this
20 Commission? If not --

21 MS. KRIVITZKY: We have to set up our next
22 appointment, don't we, our next meeting, approve our
23 next meeting?

24 MS. GRAHAM: The 31st.

25 MS. KRIVITZKY: (Gestures.) Never mind.

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THE CHAIRMAN: Never mind. All right.
MR. ROCH: We did that under Item 7.
(Proceedings concluded at 12:00 p.m.)

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BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

REPORTER'S CERTIFICATE

I, Cynthia C. Chapman, RMR, CCR #219, Certified Court Reporter in the State of New Mexico, do hereby certify that the foregoing pages constitute a true transcript of proceedings had before the said PUBLIC EDUCATION COMMISSION, held in the State of New Mexico, in the matter therein stated.

In testimony whereof, I have hereunto set my hand on September 24, 2008.

Cynthia C. Chapman, RMR, CCR #219
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Job No.: 972D

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
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RECEIPT

JOB NUMBER: 972D CC Date: September 12, 2008

PROCEEDINGS: PEC COMMISSION MEETING

ORDERING PARTY: ADRIAN PATENA/BEVERLY FRIEDMAN

DOCUMENT: Transcript / Exhibits / Disks / Other _____

DATE DELIVERED: _____ DEL'D BY: _____

REC'D BY: _____ TIME: _____

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