

PUBLIC EDUCATION COMMISSION MINUTES

March 7, 2008

1. Call to Order

Chairman Dennis Roch called the meeting to order at 11:08 am in Mabry Hall, Jerry Apodaca Education Building, Public Education Department.

2. Roll Call

Secretary Millie Pogna conducted the roll as follows:

M. Andrew Garrison, Member, District 1, Albuquerque
Mrs. Millie Pogna, Member, District 2, Albuquerque
Ms. Kathryn (Kitty) Krivitzky, Member, District 3, Albuquerque
Ms. Aileen R. Garcia, Member, District 4, Santa Fe
Ms. Catherine M. Smith, Vice-Chair, District 6, Los Lunas
Mr. Eugene Gant, Member, District 7, Las Cruces
Mr. Dennis James Roch, Chair, District 9, Tucumcari
Ms. Midge Graham, Member, District 10, Des Moines
Ms. Nancy Bowles, Member, District 8, Roswell (will be sworn in today)
Ms. Mavis Price, Member, District 5, Gallup was unable to attend due to a family emergency.

3. Invocation

Chairman Dennis Roch led the Invocation.

4. Pledge of Allegiance and Salute to New Mexico Flag

Commissioner Midge Graham led the Pledge of Allegiance and Salute to New Mexico Flag.

5. Approval of Agenda

Commissioner Gant moved to approve the agenda. Commissioner Garrison seconded the motion. The motion carried unanimously.

6. Approval of Minutes (March 7, 2008)

Commissioner Smith moved to approve the (December 14, 2008 and January 15, 2008) minutes. Commissioner Garcia seconded the motion. The motion carried unanimously.

7. Swearing in Ceremonies for District 8 Commissioner Nancy Bowles

Chairman Roch welcomed Nancy Bowles and read a brief biography of her accomplishments. Chairman Roch introduced Supreme Court Justice Charles Daniels and thanked him for being present to administer the oath of office to Ms. Bowles.

Justice Daniels administered the oath of office to Ms. Bowles, and she was joined by her family.

Judge Daniels briefly commented on the importance of public schools and the impact it had on his family and his career.

Ms. Bowles commented on her role as an educator and expressed her privilege to serve on the Commission.

Ms. Bowles took her place on the Commission for the remainder of the meeting.

8. Recognitions

Advanced Placement Scholars

Secretary of Education, Dr. Veronica C. Garcia stated that she was thrilled to recognize the Advanced Placement Scholars. Iona Leriou, NMPED State Director for Advanced Placement, read the names of the students. Two students from New Mexico were designated as Advanced Placement State Scholars, 38 students were National Scholars, 212 students were Scholars of Distinction, and 164 students were Scholars with Honor. Dr. Garcia said that she believes that the numbers of scholars will increase with each year.

Milken Recognition

Dr. Garcia introduced the recipient of the prestigious Milken Award. Mr. Jesus Trujillo, an agriculture teacher in the Hagerman School District, won this award. Dr. Garcia outlined the qualifications for this award and how this is a nation-wide search for outstanding educators. She outlined Mr. Trujillo's qualifications and qualities as an educator. Mr. Trujillo was the only winner from New Mexico. He is an agricultural teacher and coach at Hagerman Schools.

Mr. Trujillo was given a glass obelisk by Chairman Roch and Dr. Garcia. Mr. Trujillo was invited to speak to the Commission and audience. Mr. Trujillo said that it was an honor and humbling experience. He spoke of his

inspirations in the classroom and work with children. Mr. Trujillo stated that he was proud to represent New Mexico at the national level.

The meeting was adjourned at 11:30 a.m. for a reception to honor the Milken winner, Mr. Trujillo and the new Commissioner, Mrs. Bowles.

The meeting was reconvened at 11:52 a.m. by Chairman Roch.

Chairman Roch reconvened the meeting and thanked Del Norte Credit Union who sponsored the reception, and the Bernalillo High School Culinary Class who provided the food for the reception.

9. Annual Adoption of PEC's Open Meetings Policy

Chairman Roch introduced Mr. Willie Brown, NMPED General Counsel, who presented the Open Meetings Policy. Mr. Brown stated that under the Open Meetings Act, each year a Public Body that deliberates and sets policy must have an Open Meetings Policy. Mr. Brown presented the Commission the proposed Open Meetings Policy for their review.

Commissioner Midge Graham moved to approve the Open Meetings Policy for the 2008 Calendar year in accordance with the Open Meetings Act. Commissioner Garrison seconded the motion. The motion carried unanimously.

10. Open Forum

Chairman Roch stated that this item was scheduled for 1 p.m. No one signed up for the Open Forum, therefore, Chairman Roch proceeded to the next item.

11. NASBE Renewal

Chairman Roch stated that the Commissioners belong to this organization. Membership Fees were \$20,000, but he renegotiated the price to \$5,000 for the year. Vice-Chair Smith moved to approve the payment of \$5,000 for Membership Fees for NASBE. Secretary Pogna seconded the motion. The motion carried unanimously.

12. Out of State Travel

Chairman Roch is on the Government Affairs Committee for NASBE and there will be a meeting next week which he is requesting to attend. Commissioner Gant moved to approve Chairman Roch attending the NASBE Government Affairs Committee Meeting next week. Commissioner Garrison seconded the motion. The motion carried unanimously.

13. Reports from Sub Committees

A. Strategic Plan

Commissioner Pogna stated that the Strategic Plan Committee members met with Dr. Cross-Maple and the group received copies of the PED Strategic Plan. She reviewed the accomplishments of the Department. The statistics on academic achievement in reading, teacher quality, mentoring of teachers, technology for students and teachers were some of the items that the group discussed. The information provided gave excellent direction as to where we are going with goals and better serving the children of New Mexico. Commissioner Garcia requested a list of Charter Schools.

Dr. García stated that part of the role of the Commission is to assist PED staff to develop the strategic plan, and she appreciated the input of the Commissioners. Dr. Garcia stated that we should not change major direction, but that all of our work is aligned and connected to the Performance Measures that are submitted to DFA and LFC. The alignment is from the classroom all the way to PED.

Dr. Cross-Maple said that she welcomes the input from the Commissioners. The Strategic Plan is historical information, where we are now and where we feel we need to be in the future.

b. Charter Schools

1. Charter School Application Framework

Vice-Chair Smith stated that they have had a number of committee meetings and retreats to discuss the Charter Schools. They spent a considerable amount of time on the applications and recommended that the PEC approve the initial Charter Application Kit as presented by the Charter School Division.

Commissioner Garrison moved to approve the Charter Application Kit. The motion carried unanimously.

The final recommendation of the sub-committee was that the PEC hold a retreat on the Charter School Renewal Kit and work with Charter Schools division on this framework. Other Commissioners Garcia, Garrison and Graham commended the application packet and Charter School Division and Counsel for their hard work and diligence on this item.

c. Career Technical

Commissioner Gant commended the CTWEB staff for their hard work on the Carl Perkins Plan.

Dr. Lomax commended her staff for their hard work and dedication, and presented the Five year State Plan 2008-2013.

Commissioner Graham commended Dr. Lomax and staff for their hard work and camaraderie. She highlighted areas of the plan and how it will positively affect the districts and New Mexico children.

Dr. Garcia gave information on the impact that this program has on various program and districts and children.

Commissioner Gant moved to approve the Carl Perkins Application. Commissioner Garrison seconded the motion. The motion carried unanimously.

14. Approval of Newly Authorized Charter Schools Boards of Finance

Dr. Duran stated that Horizon and North Valley Academy Charters were under APS and requested an approval of the schools' Boards of Finance for an extension to June 30, 2008.

Vice-Chair Smith moved to approve Horizon's Board of Finance extension. Commissioner Garrison seconded the motion. The motion carried unanimously.

Vice Chair Smith moved to extend Board of Finance for North Valley Academy. Commissioner Garrison seconded the motion. The motion carried unanimously.

15. Charter School – Late Letters of Intent

Two letters of intent were submitted. Mr. Sean Joyce addressed the Commission on behalf of his un-named charter school. He stated that the delay was based on philosophical differences, and that he requested to have his letter of intent considered.

Chairman Roch requested that Dr. Garcia leave the room as she is a deciding factor in various issues of the Charter School Applicants.

Commissioner Gant stated that the letter of intent has a date stamp of 2/12/2008. Commissioner Gant wanted to know the reasons for the delay, and Mr. Joyce discussed his reasons.

Vice-Chair Smith moved to reject this late letter of intent. The motion was seconded by Commissioner Garcia. The motion carried unanimously.

A second group of people, from the proposed Charter School for the Deaf and Hard of Hearing, asked the Commission to grant their late letter of intent to open a charter school. Raphael Martinez, a parent of a deaf child, made the presentation. He stated that the School for the Deaf had been the pre-school for his son. He is supporting this school, because of the two and one half hour commute to other schools or the prospects of having his young child stay at New Mexico School for the Deaf during the week and go home for weekends.

Jennifer Thompson, a teacher for deaf and hard of hearing teachers, plead the case of the Charter School for the Deaf and Hard of Hearing. She gave a brief history of NMSD and how the current system failed the deaf and hard of hearing children of New Mexico. Chairman Roch stated that he commended Ms. Thompson and Mr. Martinez for being proactive in this cause.

Commissioner Garcia moved to reject the letter and encouraged them to send their letter of intent in January, 2009. The motion was seconded by Commissioner Gant. Chairman Roch stated that the vote was close so he asked for a show of hands. The vote was 5 to 4 rejecting the request.

16. Invocation on Public Education Commission Agenda

Chairman Roch introduced Mr. Willie Brown, General Counsel who discussed his research on invocations at public meetings. Mr. Brown said that there was a Supreme Court decision against invocations at public meetings. He also spoke to the fact that the New Mexico General Services Department (NMGSD) owns the building housing Mabry Hall. Mr. Brown also spoke with Arlene Strumor, NMPED Assistant General Counsel, who looked at national cases. In Nebraska there was a case that went to the Supreme Court. His research indicated that the Commission can have an invocation in this building. For a meeting conducted outside of Mabry Hall, and especially in a school building, Mr. Brown would caution the PEC not to do an invocation. He also recommended that whatever the decision, the invocation should be non-denominational.

Dr. Garcia recommended that the Commission consider using a different word instead of invocation.

Commissioner Gant stated that as a Board member in a school district if the school districts have to live by the law, PEC should also as we are the leaders.

Secretary Pogna stated that she has been on the Board/Commission for over 30 years. She spoke of an incident where a new appointee wanted to do away with the Pledge of Allegiance. She stated that she was appalled that this came up and feels should not have been an issue.

Chairman Roch stated that he appreciated Commissioner Gant's concern for the Commission, and he respects Mr. Brown's research showing that PEC can do an invocation that is non sectarian.

A motion was made by Commissioner Garrison to continue with the Invocation practice with a caveat that it is non-sectarian, and at the advice of legal counsel, that the PEC should refrain from the invocation when conducting its meetings away from Mabry Hall, especially in public school settings. The motion was seconded by Commissioner Garcia.

Chairman Roch stated that the vote was close so he asked for a show of hands. The vote was 6 to 3. Commissioner Garrison's motion passed.

17. Secretary of Education Comments

Secretary Garcia stated that she spoke with Bob Gorrell, from the Public School Finance Authority about paying for Vice-Chair Smith's mileage to their meetings as the PEC liaison. She was told that the Authority does not pay anyone's mileage. She said that the Commissioner's might consider making a request at the next Legislative session to ask the Legislators for an increase in the PEC budget.

The 2007 NMPED Annual Report was included in the binder for the Commissioners.

Secretary Garcia also talked about the Quality Assurance Department and the work that is done in that department. Dr. Garcia said that she would like Dr. Sheila Hyde, Assistant Secretary for Quality Assurance, do a presentation on the School Improvement Framework at the next PEC meeting.

Dr. Garcia said that since she is the decision maker on appeals, she is unable to be present when a Charter School comes before the Public Education Commission for reconsideration on their application. During an appeals hearing, there is staff involvement. Staff was available to discuss the issues that helped them make their decisions. Secretary García said that it would be invaluable to have the input from some of the Public Education Commissioners at these hearings and how they came to their conclusions.

18. Election of Officers

Nominations for Chair – Commissioner Garcia nominated Vice Chair Catherine Smith to serve as Chair. The motion was seconded by M. Pogna. A motion of acclamation was made by Commissioner Garrison and seconded by Commissioner Gant. The motion carried unanimously.

Nominations for Vice-Chair – Commissioner Roch nominated Commissioner Garrison. The motion was seconded by Commissioner Pogna. The Motion of Acclamation was made by Commissioner Roch and seconded by Commissioner Garcia. The motion carried unanimously.

Nominations for Secretary – Commissioner Krivitzky nominated Secretary Pogna. There were no further nominations. The Motion of Acclamation was made by Commissioner Gant and seconded by Commissioner Roch. The motion carried unanimously.

19. PEC Comments

- a. Future PEC Meetings - May 9th, a place has not been established.

Dr. Duran recommended that the Charter School Division host a retreat for the Commissioners in April or May. Commissioner Roch made a motion to defer to the PEC Executive Committee to decide on a date for the retreat. The motion was seconded by Secretary Pogna. The motion carried unanimously.

Commissioner García suggested that the Committee look at April 4, 2008 since many of the Commissioners would be in Albuquerque for the NMPED Spring Budget Workshop.

Chair Smith thanked the Commissioner for their work as Liaison members to a number of Committees, Commissions, etc. She would like to make the Liaison assignments at the next PEC meeting. Commissioners were asked to submit what liaison work they want to do to Bern Tennyson. They were also asked to send their preferences on PEC sub-committees. Beverly Friedman will complete list and send to Chair Smith for her approval.

Commissioner Garcia encouraged Commissioners to attend the New Mexico Coalition of School Administrators Conference in Albuquerque on July 24 and 25, 2008. She also asked that at the next PEC meeting there be a discussion of Commissioners attending an Appeal Hearing, as suggested by Secretary Garcia.

Vice Chair Garrison stated that he was Vice President for the New Mexico Alliance for Health, Physical Education, Recreation and Dance. He encouraged people to contact him for information. He also said that he is the Chair of the Healthier Weight Council.

Commissioner Pogna asked Dr. Garcia what happened in California in reference to their Decision-Making Body stating that home school teachers must be certified.

Commissioner Graham looks forward to seeing a current liaison listing for PEC members. In the spirit of CTE, Cimarron Schools has a wonderful production project and Commissioner Graham recommends that this group present the program at a future meeting. Dr. Garcia said that they are part of rural revitalization and amazing in what they are doing.

Commissioner Bowles stated that she is happy to be on the Commission.

Commissioner Krivitzky thanked Commissioner Roch for his leadership and congratulated Commissioner Smith.

Commissioner Roch thanked the Commission for their trust during his leadership. He asked for an update on the Legislation. Dr. Garcia stated that we can mail that information to the Commissioners. Commissioner Roch gave an update on the Administrative Assistant position.

Chairperson Smith gave a gift to Bern Tennyson in recognition of her work with the PEC.

Chairperson Smith gave a placard to Commissioner Roch for his role as Chair of the Commission.

Commissioner Roch stated that the ruling on the quorum, and it is 6 regardless of how many commissioners are present.

20. **Adjourned**

Commissioner Roch moved to adjourn the meeting. It was seconded by Commissioner García. The meeting was adjourned at 3:50pm.