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BEFORE THE PUBLIC EDUCATION COMMISSION  
STATE OF NEW MEXICO

MEETING OF THE PUBLIC EDUCATION COMMISSION  
TRANSCRIPT OF PROCEEDINGS  
DISCUSSION OF PEC AGENDA ITEMS  
December 17, 2010  
10:52 a.m.  
Mabry Hall  
Jerry Apodaca Education Building  
300 Don Gaspar  
Santa Fe, New Mexico

REPORTED BY: Sally Peters, RPR, New Mexico CCR 57  
Bean & Associates, Inc.  
Professional Court Reporting Service  
201 Third Street, Northwest, Suite 1630  
Albuquerque, New Mexico 87102

(1090J) SP

SANTA FE OFFICE  
119 East Marcy, Suite 110  
Santa Fe, NM 87501  
(505) 989-4949  
FAX (505) 820-6349



MAIN OFFICE  
201 Third NW, Suite 1630  
Albuquerque, NM 87102  
(505) 843-9494  
FAX (505) 843-9492  
1-800-669-9492  
e-mail: info@litsupport.com

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A P P E A R A N C E S

COMMISSIONERS :

- MR. ANDREW GARRISON, Chair
- MS. CAROLINE SHEARMAN, Vice Chair
- MR. EUGENE GANT, Secretary
- MR. VINCE BERGMAN
- MS. CATHERINE M. SMITH
- MR. JEFF CARR
- MS. CARLA LOPEZ
  
- MS. BEVERLY FRIEDMAN, PED Liaison to PEC

STAFF :

- MR. SAM OBENSHAIN
- MR. MICHAEL C DE BACA
- MR. RUDOLPH ARNOLD, Attorney for PED

I N D E X

REPORTER'S CERTIFICATE	189
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1 (Due to severe weather conditions, a  
2 change of reporters was required and the reporter  
3 arrived after the meeting had convened.)

4 CHAIR GARRISON: Margarita Esquibel.

5 MISS ESQUIBEL: Hello. My name is  
6 Margarita Esquibel. I just graduated this semester  
7 from TLC, and I am here to talk, because, I mean, I  
8 have been to public schools, and it's not that  
9 great. I mean, if I didn't find this school, I  
10 would have went to Rio Grande, and I would have been  
11 dropped out by now. I wouldn't have had nowhere to  
12 go. And it feels so great. I mean, I didn't do it  
13 in four years. It took me another year, but, you  
14 know, I did it. And I feel so great that it's done  
15 with and I am over it. But I would hate to see my  
16 school go down. I mean, they would be like, where  
17 did you graduate, and I would be like, my school  
18 doesn't exist no more. You know, it's real hard.

19 And, I mean, I love these teachers here.  
20 I mean, it's not just like we are learning. I mean,  
21 it's a whole different atmosphere over here. I  
22 mean, there's not just groups. It's everybody is  
23 together. Everybody is joined together. Nobody is  
24 singled out. It's one whole family, like a family,  
25 and it's so hard -- it would be so hard to lose

1 everybody and to see them move on.

2 I mean, I have only -- when I was a  
3 sophomore, I went to this school, and it just felt  
4 so good to be somewhere that somebody would sit down  
5 and listen and work with you. I mean, last year I  
6 worked so hard. I went from ninth grade English to  
7 a half of English 10, and by some miracle, I passed  
8 my English level without my other half of English  
9 10, and it felt so good.

10 I got on the honor roll this year. I  
11 haven't been on honor roll since I was in sixth  
12 grade, and it feels so good.

13 And, gosh, the teachers are miracle  
14 workers. I mean, I don't know how half the teachers  
15 put up with me, and I couldn't put up with me. I  
16 already know that. And just seeing how they have  
17 helped me. I'm the greatest math student in the  
18 world, I swear, and I want to be a teacher one day,  
19 and I want to be helping other students like me. I  
20 mean, it's so hard. I struggled. I struggled with  
21 school, and now I am done, and I can go to college,  
22 and I can do what I need to do to get my life  
23 together. And it feels so good that TLC gave me an  
24 opportunity to do that. And that's it. Thank you.

25 CHAIR GARRISON: Thank you.

1 Haley Dunn.

2 MISS DUNN: Thank you for letting me  
3 speak. My name is Haley Dunn. I have attended TLC  
4 since I was in the eighth grade. I was failing when  
5 I went to public school, but now I made the honor  
6 roll, and I am almost making a four point which is  
7 really great for me. The teachers are able to give  
8 you one-on-one attention, and you can ask a stupid  
9 question. They don't even think you are dumb which  
10 is way awesome.

11 You need to understand what the school  
12 means to the students. It's like a safe place to  
13 go, my safe place to go, and everybody's safe place  
14 to go. And I am just asking you to keep the school  
15 open, and thank you for listening to me.

16 CHAIR GARRISON: Thank you very much.

17 The parents -- I have here, I don't have  
18 an individual name. I am assuming there is a  
19 spokesperson for the parents and students of Ralph  
20 Bunche.

21 Can you state your name for the record.

22 MS. FOX: I am Susan Fox. I just wanted  
23 to notify the commission that Ralph J. Bunche is  
24 here. They didn't get here in time to sign the  
25 sign-up sheet, so we do have several representatives

1 to make statements if that's all right.

2 CHAIR GARRISON: I don't know if that's  
3 all right. Let me speak with legal for one second.

4 (Off the record.)

5 CHAIR GARRISON: I only have one sheet  
6 here, and I'm going to call a ten minute recess and  
7 your folks sign in so they can speak.

8 MS. FOX: Thank you.

9 (A recess was taken.)

10 CHAIR GARRISON: Calling the PEC meeting  
11 back to order. The Public Education Commission  
12 availed itself of, well, gave itself the opportunity  
13 to move things around in the agenda as needed. We  
14 did start our open forum on time at 10:30, and we  
15 are going to suspend that for a moment to continue  
16 with No. 7, the recognitions, and we are on the  
17 Milken Teacher of the Year, so Ms. Beverly Friedman,  
18 if you would please continue. Thank you.

19 MS. FRIEDMAN: As you saw in the video,  
20 second grade teacher Mr. James Dickerson received a  
21 great surprise when he was named as this year's New  
22 Mexico Milken Educator Award recipient. This award  
23 comes with an unrestricted cash prize of \$25,000 and  
24 an all expense paid trip to Los Angeles, California  
25 to attend the Milken Educator Forum, a national

1 gathering of award winning educators that addresses  
2 innovative strategies for advancing teacher  
3 effectiveness.

4 Dubbed the "Oscar's of Teaching" by  
5 "Teacher Magazine," the Milken Family Foundation  
6 National Educator Awards were conceived by Lowell  
7 Milken to recognize the importance of outstanding  
8 educators and to encourage talented young people to  
9 enter the teaching profession. The Milken Family  
10 Foundation selected Mr. Dickerson for this  
11 prestigious recognition based on his dedication to  
12 teaching and dramatic increases in the academic  
13 achievement levels of his students who are  
14 performing at grade level standards.

15 According to his principal, Carmen  
16 Gallegos Naranjo, he has done an outstanding job of  
17 working with all of his students to achieve their  
18 highest potential. This past year, his second grade  
19 class was ranked No. 1 in both math and reading at  
20 the end of the year on the measurement of academic  
21 progress results.

22 Mr. Dickerson has also established a cafe  
23 where parents could come to have lunch with their  
24 children in a special setting. He has also  
25 initiated the Caught Being Good Program in which any

1 staff member could nominate a student they observed  
2 displaying good character or doing something nice  
3 for someone else. Then students' names are placed  
4 in a drawing for prizes each week.

5 Mr. Dickerson, on behalf of the State of  
6 New Mexico's Public Education Department, I would  
7 like to commend the work you do with the youngest  
8 students we serve in our schools. As stated by  
9 Lowell Milken, chairman and cofounder of the Milken  
10 Family Foundation, "Highly effective educators are  
11 human capital that will equip America's youth in  
12 this increasingly competitive global economy."

13 I would like to ask Mr. Dickerson to come  
14 to the front, and I would like to ask our chairman,  
15 Mr. Andrew Garrison, and our PEC commissioner from  
16 Las Cruces, Mr. Eugene Gant, to go to the front to  
17 present Mr. Dickerson with an obelisk from the  
18 Milken Foundation. And this obelisk award that we  
19 are presenting to you today, Mr. Dickerson, should  
20 be a reminder of the critical role you play in  
21 preparing young people for a bright future. We wish  
22 you continued success in and out of your classroom,  
23 and hope your award will inspire other educators to  
24 follow in your footsteps, and we would like you to  
25 speak to us in a few minutes.

1 CHAIR GARRISON: Mr. Dickerson, when we go  
2 down to give you the obelisk here, can you have  
3 family members come up, too, because it will be a  
4 little bit of a photo op here, so if any family  
5 members came, ask them up.

6 MR. DICKERSON: Actually my wife just  
7 stepped out with my two-year-old, so I think she  
8 took him out to make a snowman or something.

9 CHAIR GARRISON: She needs to sign in.  
10 Congratulations.

11 MR. DICKERSON: I appreciate it. Thank  
12 you.

13 Thank you, Mr. Gant. I appreciate it.

14 MR. GANT: I would like to say something  
15 if I may. I am from Cruces. I did serve on that  
16 school board for eight years. I watched the school  
17 very closely. It is a very, very caring school. We  
18 talk about caring schools, it's a very unique  
19 school. It sits on the eastern edge of Las Cruces.  
20 They are building up around it now. There are a  
21 unique group of children out there, a lot of  
22 economically disadvantaged students, a great mix of  
23 demographics out there.

24 Folks like Mr. Dickerson are taking very  
25 good care of those kids, and we are having very good

1 success in that school with those children. He is  
2 one of the reasons we are having great success with  
3 the schools of César Chávez, and I congratulate him.

4 MR. DICKERSON: Thank you, Mr. Gant.

5 I would like to thank the Milken Family  
6 Foundation for this award. I would like to thank  
7 Ms. Smith this morning for the aspiration statement,  
8 and I would like to thank the Lord as well for being  
9 able to get here. And thank my wife Jamie and my  
10 son Samuel for going through the slush and the snow  
11 with me.

12 I would like to thank my administrators,  
13 Carmen Gallegos Naranjo and Jeannie Romero-Cundiff.  
14 Without their support, this wouldn't have been  
15 possible. They have definitely been good role  
16 models for me, and also the staff at César Chávez  
17 Elementary. I would like to thank Las Cruces Public  
18 Schools. And I just appreciate this award, and I  
19 appreciate your time listening. Thank you. Have a  
20 great day.

21 CHAIR GARRISON: The next item under  
22 recognitions are PEC commissioners, and because of  
23 the weather, we have a couple of commissioners that  
24 did not make it here this morning, and they are also  
25 ending their terms on the Public Education

1 Commission. So we don't know how we should give  
2 those certificates out. Mail them. We will ask  
3 them to come in January.

4 But we do have someone here very special  
5 to us all, Ms. Catherine Smith. Today is also the  
6 final meeting for Ms. Catherine M. Smith. Mrs.  
7 Smith was elected to the New Mexico State Board of  
8 Education in 1984. She elected not to run for  
9 reelection this year. She has held numerous offices  
10 on the state board and with us here on the Public  
11 Education Commission.

12 At this time I would like to read a  
13 special proclamation from Governor Bill Richardson  
14 that describes some of the major highlights in Mrs.  
15 Smith's career.

16 "State of New Mexico, Executive Office,  
17 Santa Fe, New Mexico. Proclamation.

18 "Whereas, Mrs. Catherine Munson Smith has  
19 devoted 60 years of her life to New Mexico's  
20 children, and the state is appreciative to have her  
21 share her love for its children, dedication and  
22 commitment to their education;

23 "And whereas, Catherine lived at the  
24 family homestead ranch in Luna County most of her  
25 years growing up and was taught by her mother at

1 home. And whereas, Catherine completed college at  
2 New Mexico State Teachers College earning a  
3 bachelor's degree with majors in both elementary and  
4 secondary education, continuing on to receive three  
5 other degrees from Western New Mexico University: A  
6 master's degree in elementary education, an  
7 education specialist degree in English and guidance  
8 and counseling, and a degree in business  
9 administration;

10 "And whereas, Catherine taught for seven  
11 years in the Silver City Public School System. Then  
12 went on to the Cobre School District where she  
13 taught in early elementary school and Cobre High  
14 School. And whereas, for 21 years Catherine advised  
15 students with both the school year book and the  
16 weekly newspaper, in addition to teaching senior  
17 English and journalism and for the last seven years  
18 of her career, she was principal of early elementary  
19 school;

20 "And whereas, in the fall of 1984, Grady  
21 Mayfield, past president of the State Board of  
22 Education, requested that Catherine run as a  
23 write-in candidate for the State Board of Education  
24 District Six where she defeated eight candidates;

25 "And whereas, Catherine served as

1 president of New Mexico Educators Association, now  
2 NEA New Mexico, from 1973 to 1975, and she was the  
3 first female elected to represent New Mexico on the  
4 National Education Association's board of directors  
5 in Washington, DC from 1976 to 1982;

6 "And whereas, upon her retirement,  
7 Catherine was inducted into the 1990 NEA New Mexico  
8 Hall of Fame, the association's highest honor, and  
9 has received its president's award for distinguished  
10 service and their Chimayo award, and for the past 14  
11 years, she has served as a parliamentarian;

12 "And whereas, Catherine was named by the  
13 Board of Regents of Western New Mexico University as  
14 honorary dean of the College of Education and the  
15 New Mexico Coalition of Administrators honored her  
16 with their Earl Non-Distinguished Service Award;

17 "And whereas, Catherine has served as both  
18 president of the State Board of Education and Chair  
19 of the Public Education Commission representing  
20 District 6, which includes Animas, Belen, Carrizozo,  
21 Cobre, Deming, Estancia, Grants, Lordsburg, Los  
22 Lunas, Magdalena, Mountainair, Quemado, Reserve,  
23 Silver City, and Socorro, and has served as the  
24 president of the State Library Commission for the  
25 past eight years, longer than any predecessor;

1 "And whereas, for more than two decades,  
2 Catherine has served on the Public School Capital  
3 Outlay Council, having been chair a number of times,  
4 currently serving as vice chair, and has served on  
5 the Governor's Task Force that devised the current  
6 State Equalization Guarantee of Funding Equality to  
7 all school children, and helped author the  
8 Three-Tier Licensure Teachers' Program which has  
9 been enacted into law.

10 "Now, therefore, I, Bill Richardson,  
11 Governor of the State of New Mexico, do hereby  
12 proclaim December 17, 2010 as Catherine M. Smith  
13 Recognition Day throughout the State of New Mexico."

14 Now, before we let Catherine speak, there  
15 are several folks that I want to call up to speak,  
16 and there are so many things to give her. Let's  
17 start with that.

18 MS. SMITH: It happens to be in fine  
19 print.

20 CHAIR GARRISON: Congratulations. It was  
21 a joy reading that. It really was.

22 Catherine M. Smith, the Public Education  
23 Commission presents to you this gift in grateful  
24 appreciation for a lifetime of distinguished and  
25 dedicated service to education in New Mexico,

1 December 17, 2010.

2 MS. SMITH: Oh, my goodness. Wow.

3 CHAIR GARRISON: Help me out here. We are  
4 going to call on a few folks. Secretary of  
5 Education Dr. Susanna Murphy could not be here.  
6 Beverly Friedman did read some kind words that she  
7 had and you also have something else?

8 MS. FRIEDMAN: Yes.

9 On behalf of Secretary Murphy and the  
10 Public Education Department, we present this award  
11 of appreciation to Catherine M. Smith, in grateful  
12 appreciation of her years of distinguished and  
13 dedicated service as a teacher, principal, and State  
14 Board of Education member and a Public Education  
15 Commission member.

16 Her tireless efforts to provide quality  
17 education are proof of her leadership and commitment  
18 to the children of New Mexico. Presented this day  
19 the 17th of December, 2010, and signed by  
20 Dr. Susanna M. Murphy.

21 MS. SMITH: This is nice, more than nice.

22 CHAIR GARRISON: I will now call up Sharon  
23 Morgan, the president of the National Education  
24 Association of New Mexico. Good morning.

25 MS. MORGAN: Good morning. Good morning.

1 I am so proud to be here on behalf of the members of  
2 the National Education Association of New Mexico to  
3 speak about Catherine's accomplishments and to  
4 present to her our recognition award. You heard  
5 many of the things that she has done for New Mexico,  
6 being the first woman elected to the national level  
7 to the board representing New Mexico, being  
8 president of NEA New Mexico in 1973.

9 Catherine, you have touched lives and you  
10 have made such a difference to each and every one of  
11 us, and the children of New Mexico are better  
12 because of you, education employees are better  
13 because of the work you have done. And so it is my  
14 honor to present to you this plaque from the  
15 National Education Association of New Mexico  
16 honoring Catherine Smith for her lifetime of  
17 service, commitment, and advocacy to the students  
18 and public schools of New Mexico, through her work  
19 as a teacher, administrator, NEA leader, and elected  
20 member of the New Mexico State Board of Education  
21 and the Public Education Commission, and my  
22 representative on the Public Education Commission.

23 So thank you for everything you have done.

24 MS. SMITH: I began to wonder what all of  
25 you were doing here.

1 MS. MORGAN: You are going to need a wagon  
2 to take all of this home with you.

3 MS. SMITH: We are in the pickup.

4 CHAIR GARRISON: Thank you, Sharon.

5 MS. MORGAN: Thank you.

6 CHAIR GARRISON: Paula Tackin, retired  
7 director of the Legislative Council Service, the  
8 public school facilities authority under the PSCOC,  
9 come on up. Good morning.

10 MS. TACKIN: Good morning, Mr. Chairman,  
11 members of the commission. David Abbey, who is the  
12 current chair of the Public School Capital Outlay  
13 Council, wasn't able to be here, and I was honored  
14 that he asked me to say a few words for Catherine  
15 and to Catherine and present her with an award.

16 A little background for this award. First  
17 of all, I just want to say Catherine was my mentor  
18 and a good friend from the day I walked on to the  
19 Public School Capital Outlay Council. When they put  
20 the finance staff director and the legislative  
21 service council director on, I kept saying, why  
22 would you get on a group of legislators. The  
23 legislators, your bosses are going to lobby.

24 And, of course, it didn't happen that way,  
25 but I thought, oh, we shouldn't be on this,

1 separation of powers, all this legal stuff. But I  
2 got over it, and I think Catherine helped a lot with  
3 that, because it was important to have the education  
4 folks, the executive and the legislature come  
5 together to make sure that education was properly  
6 funded and that the buildings, that the facilities  
7 would be taken care of. And it's been a long  
8 process, but Catherine has been instrumental in  
9 making sure that all happened.

10 Catherine -- I think you all know  
11 Catherine. You always know where you stand with  
12 Catherine. She is not a bit shy, and she was  
13 wonderful at holding architects' feet to the fire  
14 about making sure there were bathrooms placed where  
15 they needed to be, close to the classrooms, because  
16 that's a big source of problems when kids are  
17 walking down hallways. Also she wasn't shy about  
18 holding districts accountable for their use of funds  
19 and making sure that they got the best price and the  
20 architects did what they needed to do instead of  
21 what the architects may have wanted to do.

22 She cared that students had a good  
23 classroom space. She always would say, we can't  
24 have them sitting under yucca bushes. They have got  
25 to be in good classrooms. And she was very

1 insistent about bathrooms. And I have a special  
2 connection with her, because my mother grew up in  
3 Luna County also and was home schooled on her ranch,  
4 and so I have always had this connection.

5 But what I would like to do is read this  
6 award from the Public School Capital Outlay Council.  
7 It's a special award to Catherine Smith, "Queen of  
8 the Loo."

9 "Whereas, Catherine Smith has long  
10 demonstrated her dedication to the children of New  
11 Mexico; and whereas, Catherine's breadth of vision  
12 has allowed her to see the big picture while never  
13 losing sight of the critical details; and whereas,  
14 Catherine has always understood that to ensure the  
15 security and safety of the student body and to  
16 minimize the conflicts and crises that occur in  
17 school hallways, a sufficient number of clean and  
18 properly functioning bathrooms must be available and  
19 never too far away from the classrooms; and whereas,  
20 Catherine has served as a guide and mentor to the  
21 Public School Capital Outlay Council, its members,  
22 and its staff for more years than any of us would  
23 care to remember;

24 "Now be it known that on this 17th day of  
25 December, 2010, the New Mexico Public School Capital

1 Outlay Council recognizes Catherine Smith as New  
2 Mexico's true 'Queen of the Loo,' while offering its  
3 thanks and sincere gratitude for her many talents,  
4 her commitment, her indomitable spirit, and her  
5 outstanding contributions over many decades toward  
6 better educations for all New Mexicans."

7 This was too much of a joke. This wasn't  
8 serious enough. I said, oh, I think Catherine will  
9 appreciate this.

10 MS. SMITH: I do appreciate this. I do  
11 appreciate this more than almost anybody except a  
12 school teacher can appreciate it. I have or did  
13 have, I still have a former student out there, at  
14 least one out there, that probably took advantage of  
15 the restroom being quite a distance away when Cassie  
16 Castillo was in my classroom, so I think she can be  
17 appreciative of this also. But I was very adamant  
18 on the council when we were doing the adequacy  
19 standards, that you didn't build six new classrooms  
20 without restroom facilities. You just could not do  
21 that, and so I think this is great.

22 CHAIR GARRISON: Retired state  
23 superintendent Michael Davis.

24 Good morning, sir.

25 MR. DAVIS: Good morning, Mr. Chairman,

1 members of the council. Actually I'm here to do a  
2 couple of things. I am here because I love  
3 Catherine Smith, but I have got some jobs to do.  
4 She helped a couple of young men perform the job of  
5 state superintendent of public instruction, and she  
6 did it with great skill. And the first one was Alan  
7 Morgan.

8 I have a letter from Alan that I would  
9 like to read to you, Mrs. Smith. This is dated  
10 December 17, 2010. Regarding Mrs. Catherine Smith,  
11 member New Mexico Public Education Commission, State  
12 of New Mexico. 300 Don Gaspar -- a great address --  
13 Santa Fe, New Mexico 87503.

14 "I write this letter for one reason,  
15 because a prior commitment in Washington, DC  
16 prevents me from sharing in person my great respect,  
17 admiration, and affection for Catherine Smith. So  
18 as a poor second choice, I put in writing a few of  
19 my many emotions associated with the formidable loss  
20 of Catherine's leadership for New Mexico's youth.

21 "It amazes me to ponder the breadth and  
22 depth of Catherine's many contributions to  
23 education. Catherine Smith is a teacher's teacher,  
24 as evidenced by her ascension to the highest  
25 leadership post of New Mexico's largest teacher

1 organization in the 1970s. Little did we know at  
2 the time that Mrs. Catherine Smith would, within the  
3 decade, ascend to the highest elected public  
4 education policy role in the state.

5 "Along with her election in the mid 1980s  
6 as the State Board of Education member from District  
7 6, she and her colleagues, including Ms. Millie  
8 Pogna, inherited the task of selecting a new state  
9 superintendent of public instruction. What an honor  
10 I was bestowed to be chosen as only the third board  
11 appointed state superintendent of public instruction  
12 in New Mexico history. It was my good fortune to  
13 serve almost 13 years with a great staff and  
14 extraordinary board members.

15 "It is crystal clear the State Board of  
16 Education benefited greatly from Catherine's  
17 leadership and by her persistent clarion call for  
18 student-centered decisions. The term bitter sweet  
19 may fit well in this situation. After almost 40  
20 years of working with Catherine Smith and as the  
21 father of two school age daughters today, I regret  
22 yet applaud Catherine's decision to retire from her  
23 public life as Public Education Commissioner.

24 "There are very few people in New Mexico  
25 history who can lay proper claim to having been a

1 positive influence on the lives of literally  
2 hundreds of thousands of New Mexico children.  
3 Catherine has earned that distinction and our  
4 unending appreciation for her having done so.

5 "Thank you, Catherine, for your energy,  
6 team work, generosity of time, as well as spirit,  
7 and most particularly for your unselfish love of  
8 students, teachers, and families."

9 And this is from Alan D. Morgan, Vice  
10 President, US Government Relations, Pierson,  
11 Incorporated, and your first superintendent,  
12 Catherine.

13 You can tell that Dr. Morgan is a pretty  
14 articulate fellow, and I don't have a letter for  
15 you, Catherine, but my heart is full of memories  
16 about you. They are all good. Some of them were  
17 difficult, you know, you and I know that. But you  
18 are a giant in this state in the world of children  
19 and educators.

20 And you are not going away. I know you  
21 are not doing that. You never have. You are going  
22 to be somewhere doing something always. That's just  
23 your nature. But I have four things that I would  
24 like to say to you. When you come to this state, as  
25 a young couple, strangers not natives, you are given

1 a basket of blessings, if you are open enough to  
2 know that you have been. And in that basket for me  
3 were Catherine and Leroy Smith, the both of you.

4 MS. SMITH: Thank you.

5 MR. DAVIS: I miss Leroy a lot. When I  
6 worked with you, what I learned about how an  
7 educator should perform their function and the key  
8 things that one should do and be able to do, the  
9 first you had to be able to teach, and I don't think  
10 anybody can describe that well in regulation law or  
11 anything else. I think it comes from nature and  
12 experience and the ability to care and believe in  
13 it. You have that skill. I saw you do it with  
14 adults. I saw you do it with immature bureaucrats  
15 here at the Department of Education, and we grew up  
16 because you were able to teach us.

17 Secondly, you have to be able to lead and  
18 leadership is a difficult role. It doesn't always  
19 allow you to do the things that you would like to  
20 do, but that you have to have the courage to stand  
21 up and do what you know must be done. And,  
22 Catherine, all the time that I knew you as a member  
23 of the State Board of Education and just as a  
24 friend, you have the ability to lead. You are a  
25 courageous human being.

1 MS. SMITH: Thank you.

2 MR. DAVIS: And the last thing is you have  
3 to have the ability to learn, because you don't  
4 always succeed. And I can never, never forget you,  
5 at the close of legislative sessions, when we fought  
6 for policies and money and all of the things that we  
7 needed to do, and sometimes we were left with a  
8 glass half full or maybe three-quarters full -- I  
9 think more than often three-quarters full, but you  
10 always wanted to know: What did we learn in this  
11 process; what did we hear from people; what was  
12 important to them; what did we not do that we could  
13 have done, and we will do it better next time. And  
14 if you made a mistake, let's not talk about the  
15 mistake. Let's talk about the solution.

16 You have that ability to take a situation  
17 and figure it out, learn from it, and move on. So I  
18 applaud you for your ability to teach, lead, and  
19 learn. You are a great educator.

20 I have three things in mind that I think  
21 from a policy perspective were great achievements of  
22 yours. And people, you know, education policy is  
23 not a fun thing, but to me, what it is is people's  
24 dreams, and then it gets put in legal language and  
25 stuck in some book somewhere. But policy really is

1 the dreams people have for their children and for  
2 how they like education to be.

3           You filled those dreams up. I saw you do  
4 it here. You wrote great policy. You paid  
5 attention to the fundamental commitment that this  
6 state has to share its resources equitably for its  
7 children. You never lost sight of the New Mexico  
8 funding formula as one of the crown jewels in this  
9 country. It helped kids in every part of this state  
10 achieve things that they otherwise would not have  
11 been able to do if they were dependent just on local  
12 resources. You were a champion for that.

13           And the last one, of course, is -- and  
14 everybody has talked about this Capital Outlay  
15 Council. I don't know how long you and I used to  
16 talk about, my goodness, the Public School Capital  
17 Outlay Council handing out small amounts of money to  
18 help schools do things piecemeal when we have this  
19 great funding formula for operational support in our  
20 state, and we treat the buildings and the facilities  
21 that children learn in fairly unequally.

22           And you stood up and you made a difference  
23 in this. You got it done. And this state not only  
24 treats its kids well on the operational side of the  
25 funding formula. It treats its kids equitably and

1 fair in the school buildings in which they learn. I  
2 can drive by Magdalena today and I can see your  
3 work, and I did a few weeks ago.

4 Last -- and I have talked way too much. I  
5 want you to know that I don't have an award for you.  
6 But what is in my heart, Catherine, is when you lost  
7 your home and it burned down, I had hanging on my  
8 wall in my bedroom a small picture that said "A  
9 Night with Friends," a beautiful oil painting. I  
10 knew that had been in your house for a very long  
11 time, and I was proud to be able to send it back to  
12 you so you had some memory of Leroy and everything  
13 else. God bless you.

14 MS. SMITH: Thank you, Michael, very, very  
15 much.

16 CHAIR GARRISON: Dr. Pauline Rendon,  
17 retired Legislative Education Study Committee.

18 MS. RADONI: Good morning.

19 CHAIR GARRISON: Good morning.

20 MS. RADONI: I was delighted that Arlene  
21 called me to be here with you today, and then she  
22 tells me that I could say a few words. And for  
23 those of you that know me, it's rather dangerous  
24 because, as you can see, I'm a cry baby when I talk  
25 about somebody I really care about. So I decided

1 that I would write my words and I would read them,  
2 and that way I would be able to speak a little  
3 more -- well, I don't think more intelligently, but  
4 more literate so that you could hear me.

5           Until you read that Catherine came here in  
6 1984, I started working for the Legislative  
7 Education Study Committee in 1983, and I thought  
8 Catherine was already here, and I thought you were  
9 already a state board president.

10           MS. SMITH: With NEA.

11           MS. RADONI: Excuse me?

12           MS. SMITH: With NEA.

13           MS. RADONI: With NEA. So maybe that was  
14 my memory. But anyway, I didn't know you very well  
15 when I first started here in '83, but I do want to  
16 recount a few stories about Catherine and my  
17 experiences with her.

18           How many times were you president of the  
19 state board? Two or --

20           MS. SMITH: Once for four years -- four  
21 different times, four different times.

22           MS. RADONI: Anyhow, I left the LESC in  
23 1985 and went to higher education, so the time that  
24 I finally met Catherine really well was when I was  
25 appointed to the Educational Standards Commission --

1 I think it was a commission. And I don't remember  
2 what Catherine's role was with the state board, but  
3 as a member of the state board, she would always  
4 come to our meetings when we had our education.

5 Do you remember that, the Educational  
6 Standards Commission meetings? Particularly if the  
7 commission was voting on some very important issues,  
8 like licensure or anything having to do with  
9 teachers, Catherine was very concerned about any  
10 issues that we may want to -- not knowing too much  
11 about it, that we may want to dismantle them or  
12 whatever.

13 I would be lying if I didn't say that I  
14 wasn't intimidated by having Catherine there  
15 watching us. She was formidable. I must also add  
16 that Catherine never said anything to me one way or  
17 another about my vote. That's just Catherine and  
18 her dignity and her way of handling things. It was  
19 just my perception of the strong and confident woman  
20 that knew education inside out.

21 I came back to work for the LESC in 1989,  
22 and a lot of people asked me why I did that. Well,  
23 I was in higher ed, and I found higher ed rather  
24 stifling and pontificating. And they said why are  
25 you going back to -- because, like I said, it's just

1 too political. And they said, well, why are you  
2 going back to the LESC? That's really political.  
3 And I said, yes, but at least we know that's what it  
4 is. It's not like higher ed.

5 But anyway, I came back to the Legislative  
6 Education Study Committee, and while some of the  
7 members of the state board had left and been  
8 replaced with new members, I was delighted to know  
9 that Catherine was still here.

10 It was during this time that I began to  
11 appreciate just how committed Catherine was to  
12 educating our state's children. She was so  
13 committed that Catherine would attend the LESC  
14 meetings and was there to answer questions of the  
15 committee or give her advice. She stayed and  
16 patiently listened to a whole day of meetings or two  
17 days or three days of meetings. I always wondered  
18 how she could look so serene during those long  
19 meetings that the LESC had.

20 Surely it wasn't our riveting  
21 presentations, Catherine.

22 No. I think Catherine was there because  
23 she wanted to protect education, and she wanted to  
24 make sure that we weren't coming up with some hair  
25 brained idea that may damage the students and the

1 schools or the policies that were being made in the  
2 State Board of Education.

3           Lastly, as director of the LESC -- I  
4 became director in 1997 -- I had the opportunity of  
5 serving on the Capital Outlay Council with  
6 Catherine. At my very first meeting, I was seated  
7 next to Catherine. I think the reason that we sat  
8 there was so she could mentor me. And I am happy to  
9 say that she did. I didn't know very much about  
10 capital outlay other than what I had learned in the  
11 LESC during those years, but I really wasn't the  
12 capital outlay expert by no means.

13           Catherine had so much knowledge, not only  
14 of capital outlay, but she had the intimate  
15 knowledge of each and every school district and the  
16 condition of the facilities.

17           And I don't think anybody else has that  
18 knowledge, Catherine. I think that was you.

19           And with that knowledge, she had so much  
20 to contribute to the Capital Outlay Council.

21           I was blown over thinking how little I  
22 knew about the entire process of capital outlay, but  
23 Catherine, again, was patient, and I learned so much  
24 from her. I dare say she made me look smart.

25           These stories that I have and these

1 stories that you have heard -- and I'm sure there  
2 are countless others -- epitomize the wonderful  
3 nature of Catherine's leadership and contribution  
4 that she has made to education of New Mexico.

5 I am indeed fortunate to have the  
6 privilege of sharing your expertise, your work  
7 ethics, and commitment. Catherine, you have left a  
8 remarkable legacy behind and one which will remain a  
9 lasting tribute to your professionalism and your  
10 commitment and dedication to education and to our  
11 children and youth of our state. I thank you from  
12 the bottom of my heart. And may the years that lie  
13 ahead be filled with laughter, happiness, and even  
14 more accomplishments.

15 And I just want to say that James, your  
16 grandson, is so lucky and fortunate to have you as  
17 his grandmother. I still remember him when you used  
18 to bring him to the Capital Outlay Council, and  
19 that, Catherine, I don't have a gift either like  
20 Michael said --

21 MS. SMITH: You don't need one. Just you.

22 MS. RADONI: -- but I do appreciate you.

23 MS. SMITH: Mr. Chair, Pauline, thank you.

24 The greatest gift a person can have are  
25 one's friends. I do want to tell you this, though,

1 about the LESC, and Pauline's pointing out that I  
2 went to every meeting when I was the liaison with  
3 the LESC from the state board, and I stayed at all  
4 of the meetings. But I want to tell you one other  
5 facet that perhaps other people are not aware of,  
6 and that is that the LESC treated me like a member,  
7 and every function that they ever had in any  
8 community, I was always invited to that function. I  
9 was always part and parcel of the group.

10 And, oh, my goodness, you have no idea  
11 what that meant. It gave me the opportunity to do a  
12 little arm twisting along with having a nice evening  
13 sometimes. But I dearly appreciated the fact that  
14 they treated me as an equal, not a legislator and  
15 just another state elected official.

16 And, Pauline, I do appreciate it, and I  
17 thank you for bringing it up, because it meant a  
18 great deal to me over the years that you saw to it  
19 that that sort of thing, and Rick and -- oh,  
20 goodness gracious -- can't come up with her name  
21 right this second -- Gadsden, that they saw to it  
22 that I was a part of that group. So thank you, and  
23 when you see them, thank them.

24 Thank you, Mr. Chairman.

25 CHAIR GARRISON: Thank you.

1 Judge Celia Castillo, the New Mexico Court  
2 of Appeals. Hello.

3 MS. CASTILLO: Hello. Good morning and  
4 congratulations, Catherine.

5 For people that don't know, I am  
6 Catherine's student, and she used the word former,  
7 but you never become a former student of Catherine.  
8 You are always one of Catherine's students.

9 I was on the yearbook staff at Cobre High  
10 School in the mid-sixties, and what I remember is  
11 that Catherine gave us a lot of freedom, but she  
12 also made us accountable. And I think that's a word  
13 that you hear today. She expects people to be  
14 accountable. And sometimes it wasn't so easy to be  
15 accountable, but she required it and I am a better  
16 person because of that.

17 There is another thing that Catherine did,  
18 and that's that she expected the best, the best out  
19 of each of her students, and she also expects the  
20 best out of education. And this is what she has  
21 done year after year after year.

22 And, Catherine, I want to thank you for  
23 being my teacher, and I want to thank you on behalf  
24 of not just the children of New Mexico, but the  
25 citizens of New Mexico. You have made education

1 better for each one of us. Thank you very much.

2 MS. SMITH: Thank you, my dear. You know,  
3 we never had a late yearbook.

4 And if any of you had any dealings with  
5 yearbooks, you know that's not easy.

6 CHAIR GARRISON: Wow. Catherine Smith, we  
7 are going to miss you greatly, and you stay in  
8 touch, so I don't miss you too much. But you said  
9 friends are the greatest gift, and I consider you my  
10 very dear friend and mentor, and so I want to thank  
11 you for everything you have done for me, for this  
12 Public Education Commission, and for the State of  
13 New Mexico. Thank you.

14 MS. SMITH: Thank you.

15 CHAIR GARRISON: I was going to ask other  
16 commissioners if there are any comments.

17 Commissioner Lopez.

18 MS. LOPEZ: Well, just, you know, they  
19 have all said it all, and we just so appreciate you  
20 and all the leadership you have provided. You have  
21 been the face of this body from the time it was the  
22 State Board of Education until now, and all of us  
23 really appreciate you. And we will miss you. Thank  
24 you for all your service.

25 CHAIR GARRISON: Mr. Bergman.

1 MR. BERGMAN: Catherine, it has been a  
2 privilege to serve with you these last two years and  
3 see your dedication to the students and remind us  
4 continually that it's the students is the reason  
5 that we are here, as we saw on that video the  
6 excitement of the young kids. It has been a  
7 privilege to serve with you.

8 MS. SMITH: Thank you.

9 CHAIR GARRISON: Commissioner Gant.

10 MR. GANT: I would like to thank you also.  
11 I came up here from Cruces, and you did welcome me  
12 to the commission which I appreciate. I get a  
13 little rough at times, but you kind of try to settle  
14 me down. And there are other people in this room  
15 that know I can get a little hard at times, but you  
16 do try to settle me down and keep me focused on what  
17 is most important, and that's all children of the  
18 state of New Mexico, not just a few. Thank you.

19 MS. SMITH: Thank you.

20 MR. GANT: Thank you for your dedication.  
21 You will still be here.

22 MS. SMITH: Thank you.

23 MR. GANT: You will be watching over us  
24 somewhere. All right. Good luck to you.

25 MS. SMITH: Thank you.

1 CHAIR GARRISON: Commissioner Smith, the  
2 floor is yours.

3 MS. SMITH: You are ready for me?

4 CHAIR GARRISON: We are ready for you.

5 MS. SMITH: Oh, thank you very much.

6 Well, you have to realize that I have sat  
7 here -- and it is still morning -- I have sat here  
8 this morning, and I have received the accolades of  
9 many people who have been very special in my life.  
10 I cannot tell you how wonderful it is, you know, as  
11 you move down the highway of live, I have always  
12 been told that you make just as many enemies as you  
13 make friends. I am here to tell you this morning I  
14 do not believe that. So don't ever let anybody tell  
15 you that, because I have made a tremendous number of  
16 friends throughout my life, people who have helped  
17 me, people who have mentored me, people who have  
18 loved me along the way.

19 And, of course, you know my husband of  
20 almost 53 years -- he lacked just a month of being  
21 my husband of 53 years when he passed away -- was my  
22 greatest person. I would come home sometimes and he  
23 would say to me, on a Valentine's Day or something,  
24 I don't have a card for you. And I would tell him,  
25 but every time I get ready to go someplace, you

1 check my car, you load my suitcases. When I am  
2 gone, you take my messages, and you don't let me get  
3 away without responding to them, because you'll ask  
4 me again and again whether I have called back a  
5 certain person that called him. And he was my  
6 helpmate for forever. I had known him for forever.  
7 He wasn't necessarily my childhood sweetheart, but I  
8 had known him since I was a little girl, so he was  
9 in my life forever.

10 So friends you do make. The others don't  
11 count anyway. And so I am hoping I can leave you  
12 with that message. And I hope also to leave you  
13 with the message that the children of New Mexico are  
14 the most important asset that we have. I have never  
15 sat on this commission or on this board but that I  
16 thought every single person really and truly wanted  
17 what was best for the children of this state. I  
18 believe that every person in the Department of  
19 Education wants what's best for children of this  
20 state.

21 And I agree with our New Mexico teacher of  
22 the year award winner, that everyone who goes into  
23 the teaching profession wants to be a good teacher,  
24 and I think it's our job to make them good teachers.  
25 I would have a story I would relate, but time is of

1 the essence now and I won't do that, but I do know  
2 that you can, if you try, you can make those  
3 teachers who are not good teachers, you can make  
4 them good teachers. Part of it is the fact that  
5 they really and truly fear what their peers think,  
6 and you as their peer can make them good teachers.  
7 And you as a parent, as a community member, can  
8 support them and make them good teachers.

9 So I would leave you with that message.  
10 The children of New Mexico deserve the best, and I  
11 truly believe that all of us are here to give it to  
12 them.

13 So, Mr. Chair, thank you. I'll thank you  
14 en masse for all the wonderful things. I know that  
15 it took a great deal of work to get the Catherine  
16 Smith award from the governor. I know it took a  
17 great deal of work to get the "Queen of the Loo"  
18 award, and to know that for only me, perhaps, does  
19 that have real true educational meaning. So I  
20 really appreciate it, and I hope that perhaps Bob  
21 and others, you can continue with that, because I  
22 want to continue to see that school buildings are  
23 built with the proper infrastructure.

24 And I will stop at that, Mr. Chairman, and  
25 thank all of you for being my friends and for

1 helping me in the years I was president and chair of  
2 this board of this commission, and I hope to keep in  
3 contact with all of you also. Thank you.

4 Mr. Chairman, I'm going to have to say one  
5 other thing. The greatest -- you know, Burnes said  
6 it, "The best laid plans of mice and men often go  
7 astray." My grandson from the Phoenix area, from  
8 Chandler was coming this week. Now he has been  
9 coming this week for the last five or six weeks, so  
10 it didn't mean anything to me that he was coming  
11 this week. And then suddenly my other grandson from  
12 the Glendale area -- all of these are Phoenix area  
13 communities -- and the fact that he was coming with  
14 him didn't mean anything to me. But they were going  
15 to drive me to the meeting.

16 And when the snow storm was predicted that  
17 Flagstaff was going to have four to eight inches of  
18 snow last night, there just wasn't any way that they  
19 felt comfortable doing it. And so when Edith said,  
20 mother, I will drive you. I thought, okay, because  
21 she drives me everywhere anymore. And I thought,  
22 all right, I will accept that. I will accept that.

23 Even when James came along, it just simply  
24 didn't register with me that there was -- and I  
25 haven't really had an opportunity to have my

1 daughter and my grandson stand up. Can I do that?

2 CHAIR GARRISON: Absolutely.

3 MS. SMITH: My daughter Edith and my  
4 grandson James. Edith needs to be back at work this  
5 afternoon, and so, fellow commissioners, I hope you  
6 will forgive me if I leave, because her job -- this  
7 is the first full-time job she has had in two years,  
8 folks, and we can't let her lose it.

9 So anyway, if you don't mind, Mr. Chair,  
10 I'm going to have to depart, and I am going to have  
11 to say, God bless. I love all of you, and you take  
12 care of yourselves because the children of New  
13 Mexico need you. Thank you. And may I take my book  
14 with me.

15 CHAIR GARRISON: I believe so.

16 MS. SMITH: It has my name on it,  
17 Catherine Smith.

18 CHAIR GARRISON: It's yours.

19 MS. SMITH: Now, let's see how we can  
20 gather up.

21 CHAIR GARRISON: While we get a  
22 wheelbarrow to take all these gifts away for  
23 Catherine Smith, we are going to continue with the  
24 open forum, the timed item. I do have an updated  
25 list of folks that would like to address the

1 commission. It is somewhere here.

2 Khadijah Bottom representing Ralph J.  
3 Bunche Charter School.

4 Oh, I hope that silver Kia with California  
5 plates have their lights off now. That's my fault.

6 VOICE FROM THE FLOOR: No, nobody told me.

7 CHAIR GARRISON: That's my fault. She  
8 told me during break.

9 VOICE FROM THE FLOOR: That's okay. Thank  
10 you.

11 CHAIR GARRISON: Good afternoon.

12 MS. BOTTOM: Good afternoon,  
13 commissioners. My name is Khadijah Bottom. I am a  
14 native New Mexican born and raised in Hobbs. I  
15 didn't have the choice of what school I would  
16 attend. I went to an all black elementary school.

17 Commissioners, that we traveled  
18 dangerously to Santa Fe this morning, I am mindful  
19 of how much this school means to those of us that  
20 were on the bus and those at home praying that we  
21 made it safely. The children were witnessing cars  
22 on the side of the road, some even were occupied,  
23 but they were excited about representing their  
24 school. I felt like I was on the bus with freedom  
25 fighters, teachers, parents, and children having to

1 fight for the freedom to continue their education in  
2 a place of their choosing.

3 Working recently on different community  
4 organizations, we have had to deal with more than I  
5 would like to say racial issues in APS and at UNM.  
6 The lack of African American presence here today by  
7 no means indicates their lack of support for this  
8 school. I sit here representing the Office of  
9 African American Affairs, the African American  
10 Alliance, and the NAACP.

11 We are asking that you please grant Ralph  
12 J. Bunche Charter School their respective renewal.  
13 Commissioners, a mind is a terrible thing to waste.  
14 Thank you.

15 CHAIR GARRISON: Roger Simons. Good  
16 afternoon.

17 MR. SIMMONS: Good afternoon and thank you  
18 for this opportunity. I would like to speak for the  
19 kids at Ralph J. Bunche Academy. I had three kids,  
20 two of them going there now and my son who is in  
21 Haze Middle School, and he is doing very well, went  
22 to Ralph J. Bunche Academy. Their teachers there  
23 care and the classrooms are small, so they do get  
24 individual attention.

25 I do some tutoring, volunteer tutoring for

1 some kindergarten kids now, and I go once or twice a  
2 week when I can. As I go in there, they bring in  
3 two or three different classes of these kids, and  
4 there are so many that, you know, there must be at  
5 least 30 tutors in there for these kids.

6 At Ralph J. Bunche Academy, these  
7 individuals are taken care of individually. They  
8 find out which ones know a little more so they cater  
9 to their needs to send them to a different class so  
10 they can continue learning at a higher pace. They  
11 see the potential each kid has, and they encourage  
12 them very, very much to continue to go forward.

13 Each one, just recently they got an  
14 opportunity to get some computers for each one of  
15 the kids, and they all share them, and they take  
16 them from class to class. My kids came home, and  
17 they were so overjoyed, because now we live in the  
18 age of advancements and everything that, you know,  
19 everything now is done on computers. And I think  
20 that if you were to take away this school from the  
21 community and many, many other people, because I  
22 truly recommend this to other people, that Ralph J.  
23 Bunche Academy and the teachers are very, very good.  
24 They are concerned, and a lot of these teachers give  
25 of their own time when they could be spending time

1 with their families, and a lot of the teachers there  
2 pull money out of their own pockets to provide  
3 things to the kids also as well as the students.

4 Each time we have a meeting or we have a  
5 gathering, all the families come and they get  
6 together. And I think that it would be a setback  
7 for my kids to go into a classroom where there are  
8 at least 50 people, because they would get  
9 overlooked. My son Xavier, has been invited to  
10 participate in a Lego building competition that goes  
11 nationwide, because of his smartness, and there has  
12 been other tutors. They have tutors that come from  
13 UNM to help them. So this school is important to  
14 people all around the city.

15 And we just wish that you guys would  
16 reconsider and give them their charter, because for  
17 my kids, it's Ralph J. Bunche Academy that helped  
18 them to go, and when they do transfer to the APS  
19 public schools, they have already got a jump on  
20 their education, so that they go through these  
21 schools with confidence that they are going to make  
22 it. So I wish that you would please consider giving  
23 them their charter renewal, because it is very  
24 important to the kids, to us parents.

25 And another thing is I really truly

1 believe in this school, because I live up in the  
2 Heights quite a ways from the school, and every day  
3 I would get my kids up, and I would take time off to  
4 drive across town to make sure that they got to that  
5 school, because that's where I believed they would  
6 get a better education and they were paid more  
7 attention to and they were helped along the way.

8 So please reconsider this charter school  
9 and please grant them that so that other kids can  
10 have the same opportunity. Thank you.

11 CHAIR GARRISON: Eileen Montoya.

12 VOICE FROM THE FLOOR: That's for La  
13 Resolana. Are we going to that one now?

14 CHAIR GARRISON: I am just going in order  
15 now. Eileen Montoya, La Resolana Leadership  
16 Academy.

17 Good afternoon.

18 MS. MONTOYA: Good afternoon, Mr.  
19 Chairman, members of the commission. My name is  
20 Eileen Montoya, and I am here today to speak on  
21 behalf of La Resolana Leadership Academy.

22 I was a teacher there last year, and I  
23 want to just share with you that this is a positive  
24 school environment, that these kids of middle school  
25 age come to this school with virtually no social

1 skills. Many of them come from different schools  
2 where they have not succeeded. When they walk  
3 through the doors at La Resolana Leadership Academy,  
4 they walk into a school that first of all has a  
5 beautiful environment, that is clean, that is  
6 welcoming, that is there for them to come in for  
7 assistance.

8           They walk through that door, with or  
9 without their parents, their aunties, their  
10 grandmothers who have raised them. They come in  
11 with different issues. Many of them come in because  
12 they are at risk, because they don't have the family  
13 upbringing that many students have in regular  
14 schools in different areas of the city.

15           Like Catherine Smith said, we need to  
16 focus on kids in New Mexico. We also need to give  
17 them options for their education. The kids that I  
18 work with there are the kids that have failed in  
19 different environments, but yet come into a small  
20 learning environment and thrive because of the  
21 persistence of the staff, and that persistence  
22 starts with building relationships with these kids,  
23 teaching them who they are, teaching them how to act  
24 in a social setting.

25           When they come in, many of them haven't

1 had people that work with them to build a positive  
2 relationship with them. Once that is built, then  
3 we, just like every other school, focus on helping  
4 them start from where they are at, with whatever  
5 skill set they bring in, and bringing them to a  
6 level that we can in the time that we are spending  
7 with them.

8 We are also focused on a quality education  
9 in looking at things we can do with limited  
10 resources. Being in a charter school, we have to do  
11 this. But what I know is that this staff cares  
12 about kids. They meet weekly to discuss kids  
13 individually. They work with outside agencies to  
14 get these kids support services that we can't afford  
15 that we have to find out there in the communities.  
16 We take them out in the community. We took them to  
17 see Mariachi Christmas.

18 About three-quarters of a percent of the  
19 student population had never been out of the school  
20 and done things like that. I taught art. I took  
21 them to the National Hispanic Cultural Center. We  
22 try to give them skills from outside and bringing  
23 them skills inside. We have health and physical  
24 education wellness program at this school. This  
25 school is meeting the needs of the kids that are

1 there. Please consider the students that need this  
2 school. Thank you very much.

3 CHAIR GARRISON: Thank you.

4 Al McCain.

5 Good afternoon, sir.

6 MR. McCOIN: Thank you, Mr. Chairman, and  
7 to the council members. My name is Albert McCain.  
8 I am the counselor at the Ralph Bunche academy, and  
9 I am here to speak on behalf of two of the students  
10 of our student body who were not able to attend  
11 today because of the recent changes in the weather.  
12 They each have written, each one has written a  
13 letter or a short statement to express their  
14 concerns and their dedication to the Ralph Bunche  
15 academy.

16 The one student expresses that the reason  
17 I believe Ralph J. Bunche should remain a school is  
18 because, since I have been at Ralph J. Bunche, my  
19 grades have made a big improvement. I was doing  
20 badly in math and actually making 50s. And within  
21 the time period of nine weeks, I went up to 75  
22 percent.

23 The school is different from other APS  
24 schools, because at Ralph Bunche the teachers take  
25 time to make sure that the students understand what

1 is being taught. Older students of the school help  
2 the younger grades out, because we want them to know  
3 that we are here for them. All the grades  
4 collaborate together, like sixth graders read to the  
5 third graders. And we help the kindergarteners do  
6 art, and Mr. Bryant reads to them.

7 We did are you smarter than a fifth grader  
8 with the fifth grade, and we have had so many great  
9 opportunities, like, for example, the sixth graders  
10 got to build and launch a rocket to represent our  
11 school. That is from Esperanza who is a sixth  
12 grader at Ralph Bunche.

13 The other statement is from Gabriella  
14 Gonzales who is another sixth grader. She states,  
15 Dear Committee, Ralph J. Bunche Academy should be a  
16 school, because they take time to work with you. My  
17 grades have really improved. I am so glad that Mr.  
18 Bryant is my teacher, because he is really fun and  
19 exciting, and he always makes sure that we are  
20 always learning new things and that all the teachers  
21 at the school do the same.

22 Please, committee, let Ralph Bunche be a  
23 school. We really, really love our school, and I do  
24 not want to crush all of the kids' dreams and what  
25 they want to be and what they want to do. And that

1 is from Gabriella Gonzales.

2 As a counselor, I can give you my personal  
3 observations and involvement to share that it is a  
4 very personal approach that we take with each one of  
5 the students, making sure that there is the balance  
6 of the academic and the personal, social development  
7 of each student. And we have a community of  
8 parents, which is likely represented today, but  
9 everyone is greatly involved with any of the  
10 activities as well as their support by participating  
11 in the day by day process of their students'  
12 education.

13 We ask your support, your assistance to  
14 give consideration to a program that is making the  
15 difference in many, many lives and will make much  
16 more of a difference to come.

17 CHAIR GARRISON: Thank you, sir.

18 Almost done butchering names. Khadijah  
19 Bottom, I apologize.

20 Mr. McCoin, thank you.

21 Ronald Murray.

22 MR. MURRAY: Mr. Chairperson,  
23 commissioners, secretaries, representatives, thanks  
24 for having this this morning. At Ralph J. Bunche  
25 Academy, in the hands of a highly qualified and

1 dedicated faculty, bold innovation, flexibility,  
2 creativity, differentiated care, and demanding rigor  
3 address a rapidly changing world filled with  
4 fantastic new problems as well as exciting new  
5 possibilities. A three year probationary extension  
6 of our RJBA's charter is in order, as is especially  
7 indicative by the family and community support  
8 present here today, even under the weather,  
9 challenging weather circumstances.

10 I am Ronald Murray, a national board  
11 certified teacher, retired New Mexico public school  
12 teacher, 17 years in APS middle school combat, a  
13 retired US Marine, past president of the New Mexico  
14 Middle Level Educators Incorporated, and most  
15 importantly here, a founding board member of the  
16 Ralph J. Bunche Academy, RJBA.

17 The non-recommendation for charter renewal  
18 for RJBA dwells disproportionately on the admittedly  
19 unrepresented first three year history of the  
20 academy. I find it curious, significantly ironic,  
21 then, that the state hand picked RJBA for the  
22 current school year among stellar others for a  
23 quarter of a million dollar technology grant.

24 Principal Penne Wilson, a 35 year  
25 professional educator soon to speak, holds a

1 doctorate of philosophy in organizational learning  
2 and instructional technology from the University of  
3 New Mexico.

4           Ralph J. Bunche Academy serves as a model  
5 for the US Secretary of Labor SCANS report, 21st  
6 century skill, works well with diverse others.  
7 Under Dr. Wilson's exceptional leadership, the  
8 Afro-centric Ralph J. Bunche Academy follows the  
9 whole child model suggested by the US based  
10 International Association for Supervision and  
11 Curriculum Development, ASCD. This individualized  
12 care, passion, and love for each child and the  
13 nurturing of her or his individual growth plan is  
14 balanced with total quality management and  
15 continuous improvement, and team planned  
16 interdisciplinary projects, based on the National  
17 Core Standards and the International Standards for  
18 Technology Education.

19           Bunche academy's strategic plan, alluded  
20 to in the state review, is the exemplar for the New  
21 Mexico Coalition of Charter Schools for that type of  
22 document. Only five weeks ago, after considerable  
23 and tenacious effort, RJBA occupied its new  
24 Albuquerque home, the one time New Mexico School for  
25 the Visually Impaired, with twice the space and half

1 the rent.

2 I helped open Albuquerque's LBJ Middle  
3 School in the early nineties. It had a three year  
4 rocky start, and in just a few more years, LBJ  
5 earned the prestigious US Presidential Blue Ribbon  
6 for Academic Excellence. Please remain open to the  
7 parallel possibilities for the Ralph J. Bunche  
8 Academy.

9 In Bunche academy's current  
10 administration, the Charter Schools Division  
11 reported characterization of a pattern of  
12 noncompliance is without foundation. I trust that  
13 the Bunche academy ultimate decision with this  
14 commission remains independent of any perceived or  
15 predestined fait accompli by the New Mexico  
16 Legislative Finance Committee to dismantle charters  
17 and to place charter schools' more than 14,000  
18 students in already overcrowded traditional public  
19 schools.

20 CHAIR GARRISON: Thank you, sir. Your  
21 time is up.

22 MR. MURRAY: Thank you.

23 CHAIR GARRISON: Marita is it Wheel?

24 MS. WEIL: Weil.

25 CHAIR GARRISON: Weil. Marita Weil. Good

1 afternoon.

2 MS. WEIL: Thank you very much. Thank you  
3 for the opportunity to address you all this  
4 afternoon.

5 I am a teacher at Ralph J. Bunche Academy,  
6 and they have asked me to speak today because I am  
7 the only common thread that still remains with the  
8 school from its onset. I joined the school five  
9 years ago. And when I was asked why I joined an  
10 African American centric community, I had to stop  
11 and really do some soul searching and think about  
12 that. And the truth of matter is that it's the  
13 multicultural aspect of our school that is truly  
14 unique and so empowering to our children that it's a  
15 wonderful opportunity for our children to meet  
16 equity, to meet equality, and face the challenges of  
17 a global society in the direction that we are  
18 heading.

19 Our technology based learning programs  
20 help our children to meet just that need. Also our  
21 project based learning is very instrumental in  
22 helping them to realize real life crises, real life  
23 situations, and check from the past and make  
24 appropriate changes for the future.

25 Let me look at my notes. When I joined

1 our school, I also joined because it was an  
2 opportunity to be a part of something new, something  
3 growing, and to be with people who were new on the  
4 scene. Well, it turns out that that's not always a  
5 great thing. We made a lot of mistakes in our data  
6 and collecting. And we were in a naive  
7 administration and a naive group.

8 I can't tell you how much we have grown as  
9 a school under this supervision and the leadership  
10 of Dr. Wilson. Our children have made a tremendous  
11 amount of progress. We made AYP one year. We have  
12 this beautiful building grant that was given to us  
13 because of our kids. We also have an art grant.  
14 Our children have grown astronomically.

15 Any teacher can tell you not all the  
16 lessons that you learn in school are academic, but  
17 many of them are personal. My team teacher and I  
18 both asked our students to write an essay about  
19 their school and what they liked about school and  
20 why they liked Ralph J. Bunche or did not like Ralph  
21 J. Bunche, and they came up with so many wonderful  
22 examples. One student said this is the only school  
23 where I have ever had friends. And her mother came  
24 back and said this is the only school she has ever  
25 been successful.

1           They said things like I feel safe here. I  
2 don't want to go home. That's huge. They said  
3 things like it's nice just to be here and to see  
4 faces that look like mine. That's huge.

5           It's a good thing that we are here today.  
6 It's given us the opportunity to do a lot of  
7 housekeeping, to look at our practices, what has  
8 made us successful, and where we need to go from  
9 what we have learned about our technology, about our  
10 research programs, and about our outreach.

11           I thank you very much for this opportunity  
12 to speak.

13           CHAIR GARRISON: Jessica Rosales.

14           Good afternoon.

15           MISS ROSALES: Good afternoon. It would  
16 be really sad for me to not be at my school, because  
17 I have had a great education there, and I have --  
18 yeah, uh-huh -- and that's the only school I have  
19 ever had friends and a good education. And I  
20 would -- I really, really like that school because  
21 it really helps you a lot, and you can have a lot of  
22 friends.

23           And I would like to thank my principal,  
24 Ms. Wilson -- Ms. Penne, my teachers. And it would  
25 be really sad for me if they should end my school.

1 Thank you.

2 CHAIR GARRISON: That concludes our open  
3 forum, and I am going to move items 9 and 10. No. 9  
4 is tentative 2011 calendar of the PEC meetings, and  
5 No. 10 is report from the committees. I'm going to  
6 move those below item No. 13.

7 With that said, is Dr. Lomax here? Oh,  
8 excellent. So I would like to move to item 11,  
9 which is career technical education update and the  
10 consolidated annual report by Dr. Melissa Lomax, the  
11 CTWEB Bureau Chief.

12 DR. LOMAX: Good afternoon, Chair. Thank  
13 you very much for this opportunity. Members of the  
14 commission, and Mr. Gant, and subcommittee chair,  
15 thank you very much. Happy holidays, and what a  
16 great way for us to hopefully receive some other  
17 good news.

18 You have given me an opportunity today to  
19 review with you the consolidated annual report that  
20 is related to technical and workforce education  
21 activities in the state that are supported through  
22 the Career and Technical Education Improvement Act  
23 of 2006.

24 If you would in your -- I don't know what  
25 tab number your folder is, Mr. Chair --

1 CHAIR GARRISON: Tab 11.

2 DR. LOMAX: -- but if you all would look at  
3 tab 11, I would like to summarize. This is  
4 something that a number of you are familiar with,  
5 because on an annual basis, there is a report that  
6 is provided to the Federal Office of Vocational and  
7 Adult Education in Washington, DC about the work  
8 that we have done in New Mexico.

9 The work that we have heard about today  
10 has been championing our young people and our  
11 students, and I also feel that this report is a  
12 reflection of the endeavors and the opportunities  
13 for our young people to shine in their successes,  
14 and also the professional development and the work  
15 of our teachers. So that's what this is about.

16 And I would like to just briefly say that  
17 our Perkins Act, Mr. Chair, is provided to help  
18 develop more fully the academic and the career  
19 technical skills of secondary students and  
20 postsecondary students that so we have a pipeline of  
21 preparation.

22 The funds that we receive are formula  
23 driven, and they are driven by the directives of the  
24 Office of Vocational and Adult Education.  
25 Therefore, as the funds are provided, there is a

1 50 percent, 50 percent given to the secondary  
2 schools and the postsecondary schools. Our schools,  
3 our service can go to high schools and  
4 post-secondaries but not below in high school.

5 On the second page, what you see, the  
6 color coded -- I'm not sure yours is color coded,  
7 but you have a column that is reflective of this  
8 year's summary of 50 percent of the funds. This  
9 year -- I'm sorry, for the 2009, '10 school year,  
10 because this is the year that we are reporting on --  
11 \$3,388,526.10 was given to the secondaries and that  
12 same amount was given to the postsecondary schools  
13 to launch programs of study and support career  
14 technical education in the state.

15 So if you would then turn over to page  
16 five, and at any time if you all have questions, Mr.  
17 Chair, and members of the commission, I am glad to  
18 stop, but I believe I can summarize and then address  
19 questions if that's the pleasure of the Chair.

20 CHAIR GARRISON: That's fine.

21 DR. LOMAX: On page five, there is a  
22 summary of the types of activities that are  
23 supported. Other than the 3,388,000 that I just  
24 mentioned, there are funds that can go to a  
25 specialized program in support of CTE. One of these

1 activities in this past school year went to a state  
2 institution, the New Mexico Children, Youth and  
3 Families Department, and their emphasis was on  
4 engineering and construction, manufacturing and  
5 agricultural cluster, and they have served youth,  
6 the Youth Academy in Las Cruces.

7 Another activity that is supported through  
8 particular funds that can focus on specialized  
9 programs are the support for career technical  
10 student organizations. There are six that are  
11 identified by the Federal Department of Education,  
12 and those are listed on page five: The BPA, DECA,  
13 TSA, FCCLA, and HOSA. We also are able to work  
14 closely with FFA, and there is a newly sanctioned  
15 organization, and that is the Teacher Education  
16 CTSO, so we have been in conversations with them,  
17 and so I wanted to call your attention to the CTSO  
18 portion of our support.

19 What is so interesting about CTSOs is that  
20 there are statewide competitions. The focus is on  
21 emphasis on having our young people become aware of  
22 all things related to industry, career, employment,  
23 leadership, and communication skills. And so the  
24 districts that have these types of student  
25 organizations are very fortunate indeed, because

1 there is an automatic tie-in with business and  
2 industry on the school sites.

3 On page six, an aspect of technical  
4 assistance that is provided through the CTWEB Bureau  
5 of PED is to provide director's meetings. This is a  
6 way for us to support our stakeholders as they  
7 identify career tech ed programs of study for  
8 development, as they identify course sequencing that  
9 will support the young person in their graduation  
10 endeavors, and their considerations of employment  
11 and career college bound after high school.

12 Also we help our stakeholders, should they  
13 want to identify capstone courses for particular  
14 programs of study and sequences. And we also  
15 provide support and information on how to  
16 incorporate the types of training that is particular  
17 to a region, and that ties into economic development  
18 and industry partnerships for that region.

19 Additionally, the bureau sponsors and  
20 supports and meets four times a year with the  
21 state-wide advisory committee. As you all know, the  
22 eligible entity to receive the funds in direct  
23 Perkins is this commission, but we have a group of  
24 stakeholders that come from higher ed, secondary  
25 education, some charter schools, some noncharter

1 schools and RECs, and we collect information from  
2 them and have a two-way dialogue about the way that  
3 CTE is working in state and how Perkins is  
4 administered. And Mr. Gant sits on that commission,  
5 so he is aware of what stakeholder conversations are  
6 about and how those transpire.

7           Additionally we have support for work that  
8 aligns with high school redesign, and through our  
9 high schools that work initiative, there's a great  
10 deal of professional development and data driven  
11 teaching and learning training that is provided so  
12 that we can ensure the very best for our young  
13 people as they work and strive to meet the criteria  
14 that's mandated by the SBA assessments.

15           On page seven, I would like to just -- I  
16 will not go through this entire charter, but will be  
17 open for questions at the conclusion of the  
18 presentation, but I am very proud of the work that  
19 our teachers and that our students have done, and it  
20 is captured in this report. It's a color coded  
21 chart, and there are performance measures that the  
22 CTWEB Bureau must report on with regard to the  
23 implementation of the Perkins grant.

24           And three very important -- actually  
25 four -- they are all very important, but the ones

1 that parallel the SBA results are 1S1, 1S2, and then  
2 4S1 graduation. We are tasked as an administrative  
3 oversight entity for Perkins to meet at least  
4 90 percent of the identified performance measures,  
5 and last year we missed 90 percent in one. We  
6 missed 4S1. This year we made 90 percent in all of  
7 those. So the tribute is to the teachers and to the  
8 students and to the resources that are available to  
9 the young people as they move through their program  
10 of study.

11 We did put, because during the '9-'10  
12 school year, because in the prior year we had missed  
13 that 4S1, there is an explanation for what we did to  
14 work to correct and meet the 90 percent of 4S1, and  
15 it had to do with identifying where do young people  
16 go after they graduate. Part of it's a longitudinal  
17 data collection. Part of it has to do with being  
18 able to match information. Part of it is having  
19 students respond back to us, and once they have  
20 completed, are entered into another endeavor after  
21 they have graduated. But the bottom line is that  
22 per data matching, we were able to improve -- we had  
23 stakeholders. We met, we strategized, and  
24 implemented the plan. And for the '9-'10 school  
25 year, we were able to meet that 4S1 performance

1 measurement.

2 On page eight, there is a summary. A  
3 portion of the Perkins Act is another set aside  
4 called Tech Prep. It's a two plus two program, two  
5 years in high school that leads into two years in  
6 postsecondary. It's a line sequential, and for the  
7 '9-'10 school year, there were 12 applications.  
8 It's a competitive process.

9 Twelve applications were received. Two  
10 were scored in the competitive processes -- I mean,  
11 two were awarded the funds, Las Cruces Public  
12 Schools, and Las Cruces implemented an alternative  
13 and renewable energy technology program of study.  
14 The second awardee was Santa Fe Community College,  
15 and they supported green renewable energy and  
16 engineering. The focus of that grant has been green  
17 and renewable energy, and those were the top two  
18 scores of that grant process. The total grant, the  
19 total amount of funds that was awarded was \$792,956.

20 Finally on page nine, you will see that  
21 for the '9-'10 school year, there were 146 industry  
22 recognized certifications that were supported at the  
23 secondary and postsecondary level, and those are a  
24 listing of those industry certifications that are  
25 offered at the schools.

1                   And with that, Mr. Chair, I would stand  
2 for any questions.

3                   CHAIR GARRISON: Thank you for that  
4 wonderful presentation. That was a lot of great  
5 information.

6                   Any comments by commissioners?

7                   Mr. Gant.

8                   MR. GANT: Dr. Lomax, are you going to the  
9 other meeting?

10                  DR. LOMAX: Yes.

11                  With no questions, there is a piece of  
12 information that I would like to share, Mr. Chair,  
13 if you don't mind. Recalling at the last meeting  
14 when the tentative calendars were set, and this  
15 commission, I am grateful to the consideration this  
16 commission gave to the calendar defense, because  
17 another annual event that occurs with regard to  
18 Perkins funds is that there is an annual revision  
19 that must be submitted to the Office of Vocational  
20 and Adult Education, and typically this commission  
21 has taken into account the historical due dates, and  
22 it's typically been in the very latter part of March  
23 or the first of April. The first year it was at the  
24 first of May.

25                  And you all discussed that and knew that

1 the bureau could work with the tentative date that  
2 you have assigned for -- I think it's March 25th for  
3 the next time. I received, after that meeting and  
4 not until the first of this month, did I receive a  
5 notification, formal notification from OVAE that the  
6 annual revisions to the state plan are due on  
7 March 21st.

8 Now, Mr. Chair and members of the  
9 commission, I wanted you all to have every  
10 opportunity to have the luxury of making a decision  
11 about whether or not you wanted to change your  
12 calendar or whether you would like to look at the  
13 documents for an annual revision. But if you will  
14 also recall, last year, missing only one performance  
15 measure and with the updates about the program and  
16 elements of implementation, and because we have a  
17 five year approved state plan for career tech ed  
18 that extends through 2013, this commission felt  
19 that -- and considered a recommendation that there  
20 be no changes submitted for the state plan.

21 In our subcommittee meeting in October,  
22 generally the subcommittee members and I discuss the  
23 potential of that being a strong recommendation that  
24 would come through, too. And so with that being  
25 said, we did not, because of weather, get to meet

1 today, but I have documents that would reflect --  
2 and actually for y'all's consideration, I have a  
3 proposed draft of the annual revision that would  
4 reflect no changes, because we do have an approved  
5 five year state plan.

6 And if Mr. Gant and Mr. Chair, the members  
7 of the commission would like, I can leave this with  
8 you. Beverly can distribute that to you today. She  
9 can hold it for the new members that will not be  
10 able to be here, and perhaps you might want to  
11 discuss this in January. Of course, the option is  
12 to meet sometime other than the 25th of March, but  
13 we are bound to meet OVAE's guidelines of submission  
14 no later than March 21st. So I would just like to  
15 do what's best for this commission.

16 Mr. Gant, do you have any questions?

17 MR. GANT: Mr. Chair and members of the  
18 commission, Dr. Lomax, what I'm going to suggest is  
19 we do have a meeting scheduled for the 7th of  
20 January. We have already prepared the documents  
21 that we need to review, and we have plenty of time  
22 between now and the 7th of January to review what  
23 Dr. Lomax has in front of her, that we move the vote  
24 from the 25th of March to the 7th of January so that  
25 Dr. Lomax and her folks have time to get the

1 documents to the ever changing federals. All right.  
2 Any input would be greatly appreciated on this.

3 CHAIR GARRISON: Any comments?

4 MS. SHEARMAN: Is there a motion?

5 CHAIR GARRISON: We will plan on adding  
6 that to the January 7th agenda.

7 Dr. Lomax, thank you very much, and, yes,  
8 please leave the documentation for us.

9 DR. LOMAX: Thank you so much, and it's my  
10 pleasure. Warmest wishes and safe travels during  
11 this holiday season. Thank you so much.

12 CHAIR GARRISON: Thank you.

13 I call a brief recess so folks can -- I  
14 don't know if you can grab something to eat in 15  
15 minutes or not, but we are going to work through the  
16 lunchtime. I am balancing growling stomachs and  
17 safety. Once that sun goes down, it's going to be  
18 pretty treacherous getting back to wherever folks  
19 need to go, wherever you call home.

20 So we are going to recess until 1:00, and  
21 we will continue with the next item on the agenda,  
22 which is -- I would actually like to move No. 12  
23 under No. 13 also. We will continue with the  
24 renewal vote on the four current charter schools  
25 when we come back at 1:00. We are in recess.

1 (A recess was taken from 12:44 p.m. to  
2 1:07 p.m.)

3 CHAIR GARRISON: Call the meeting back to  
4 order. Excuse me. We are calling the meeting back  
5 to order. We are on item No. 13, the renewal vote  
6 on four current charter schools.

7 No. 13 on this agenda is the approval or  
8 denial of renewal charter schools. There has been a  
9 request by at least one applicant to extend the time  
10 allotted for applicants to present. The Chair will  
11 entertain a motion to extend the time available for  
12 applicants to present. Is there any motion by  
13 commission members? Seeing none, we will continue  
14 with the allotted 15 minutes.

15 The Public Education Commission will now  
16 address the charter school renewal applications that  
17 have been submitted for consideration. There are  
18 four applications on the agenda, and the process  
19 will be as follows: The applicants may address the  
20 commission for 15 minutes. During this time, the  
21 commission will not answer questions from the  
22 applicant or receive any written documentation in  
23 support of the application.

24 After the applicants have completed their  
25 presentation, the commissioners may ask questions.

1 Upon conclusion of the commissioners' questions,  
2 Mr. Sam Obenshain, Acting Assistant Secretary of the  
3 Charter Schools Division, will present his  
4 recommendation. Mr. Obenshain has provided his  
5 recommendation and evaluation in writing to both the  
6 applicant and to the members of the commission.

7 After the recommendation has been  
8 presented, the commissioners may ask questions of  
9 Mr. Obenshain. When the questions have been  
10 concluded, I will entertain a motion on the  
11 recommendation and the commission will vote on that  
12 motion.

13 Mr. Sam Obenshain, Acting Assistant  
14 Secretary. I'm sorry. I'm going to call the folks  
15 first.

16 Switch A and B, please, because we are  
17 going to give each school 15 minutes. So please  
18 have Ralph J. Bunche Academy administration, please  
19 come up to the front table. If there are not enough  
20 chairs, please feel free to grab a couple of chairs  
21 from the round table here. As you get settled,  
22 please state each one of your names and titles for  
23 the record, and we won't start your 15 minutes until  
24 you are settled in. Good afternoon.

25 CHAIR GARRISON: Good afternoon.

1 MS. FOX: Mr. Chairman and members of the  
2 commission, my name is Susan Fox with the Matthews  
3 Fox Law Firm here representing Ralph J. Bunche  
4 Charter School. With me are Dr. Penne Wilson, Rick  
5 Rios with the charter coalition, and Ken Carson, who  
6 is the council president.

7 I am just going to say a few brief things  
8 before I turn this over to everyone else who have  
9 really the important things to say. First of all, I  
10 would like to, despite the lack of a motion that was  
11 just put before you, I would like to ask again for  
12 at least sufficient time for this group of people to  
13 finish making the points that they need to make in  
14 this presentation, even if we go slightly over 15  
15 minutes.

16 And the reason for that is is because the  
17 statute governing this proceeding says this should  
18 be a public hearing, and the use of the word hearing  
19 contemplates due process, which generally means  
20 being able to have adequate notice of the criticisms  
21 against the school and meaningful opportunity to be  
22 heard on those.

23 Then the PEC should be allowed to address  
24 the applicants, and the applicants should be allowed  
25 to respond as well. And likewise, they should be

1 allowed to present testimony and evidence to rebut  
2 the charges of the division's findings.

3 Now the secretary, as you may be aware,  
4 has recently issued a decision holding that charter  
5 applicants who were only given 15 minutes, who were  
6 not allowed to be questioned by the PEC, and who  
7 were not allowed to submit rebuttal information to  
8 the PEC were denied due process. Due process is  
9 particularly important here in these renewal  
10 hearings, because we have got a governmental  
11 tribunal who stands in the position of taking  
12 something away from an existing entity, an existing  
13 group of people, real faces, real employees, real  
14 families.

15 Revoking a school's license to operate  
16 essentially without due process adversely affects  
17 these lives. So we ask for additional time if we  
18 need it.

19 Secondly, RJB's position is that the  
20 Charter School Division's conclusions are  
21 inaccurate. This school was --

22 CHAIR GARRISON: Excuse me. I'm going to  
23 be clear. Everyone has 15 minutes, and your time  
24 has started now. Thank you.

25 MS. FOX: Starting right now?

1 CHAIR GARRISON: Yes.

2 MS. FOX: I just had to make that point on  
3 the record.

4 This school was previously authorized by  
5 APS and has operated under APS oversight for the  
6 past five years. It's important to note that in  
7 those five years in which the school was under its  
8 jurisdiction, the district didn't communicate any  
9 material violations of the charter or of law to the  
10 school, nor did it indicate to the school that it  
11 had done anything to justify revocation or  
12 nonrenewal.

13 The governing council of the school was  
14 told in a meeting by Mr. Tully of APS that he would  
15 have recommended three years conditional renewal of  
16 the school had they decided to renew with APS.  
17 Contrary to the assertions in CSD report, the school  
18 did respond to the concerns and recommendations in  
19 the APS site visit reports, and Dr. Wilson will  
20 provide that information and documentation to you.

21 It's also important to note that the 2010  
22 site visit report was not received from APS until  
23 well after the last school year had ended, so it was  
24 impossible to immediately implement the  
25 recommendations.

1           In this case, it's reasonable to assume  
2           that silence on the issue of material violations by  
3           APS meant that APS considered there to have been  
4           none. So any after the fact assertion by APS or the  
5           CSD that there were material violations is  
6           inherently unfair. Further, the school has made  
7           substantial progress toward meeting the standards.  
8           They met AYP last year. Dr. Wilson will discuss  
9           student progress in more detail.

10           The GAP analysis performed by the CSD  
11           comparing this small school with a 96 percent  
12           minority and 93 percent free and reduced lunch  
13           demographic with all of APS is inherently unfair and  
14           shows skewed results. The school met the  
15           performance measures in the charter, they are  
16           nearing proficiency, and they are progressing. The  
17           overall trajectory for this school and its students  
18           is upward.

19           The issues noted in the first three years  
20           have been addressed by the school, and Dr. Wilson  
21           will go into that in more detail. The school has  
22           presented much data which has been ignored or  
23           erroneously reported by the CSD to you. For  
24           example, concerns about an unlicensed teacher and  
25           administrator were addressed by providing licensure

1 information. The school did provide information  
2 regarding the governing council, and the school did  
3 provide evidence of administrator evaluations.

4 The CSD's report here states that the  
5 greater weight of the evidence is enough to meet at  
6 least one of the nonrenewal standards. But as the  
7 school has demonstrated in its materials and will  
8 demonstrate here today, the greater weight supports  
9 renewal.

10 I needn't remind the commission that it's  
11 improper and contrary to the statute to base  
12 nonrenewal on the current general economic malaise  
13 of the state. That's not one of the permissible  
14 nonrenewal justifications.

15 Finally, last year a school of similar  
16 size, similar minority population rate, and similar  
17 issues was given a conditional three year renewal.  
18 If this commission has concerns about renewing the  
19 school for a full five years, we ask that a more  
20 limited term be granted with conditions that are  
21 designed to address those concerns. And I will turn  
22 it over to Dr. Wilson.

23 DR. WILSON: I'm going to ask Rick Rios  
24 from the coalition to speak next.

25 MR. RIOS: Mr. Chairman, members of this

1 commission, my name is Rick Rios. I am the chief  
2 performance officer for the New Mexico Coalition for  
3 Charter Schools. I am here representing a member  
4 organization of over 14,000 students, over 550  
5 volunteer board members in this proceeding.

6 We are all here filing an agreement that's  
7 about kids and we need quality schools in our  
8 system, both in the public tradition and in charter  
9 schools. And the coalition is for quality and for  
10 looking at those schools who are not performing  
11 correctly, and if -- and here's the "if" that we  
12 want to bring up -- if there are clear and  
13 meaningful student academic standards, if there are  
14 clear and meaningful quality operational standards,  
15 if there are clear and meaningful benchmarks and  
16 performance measures, if there is a clear and  
17 meaningful authorizer evaluation criterion and  
18 process against this backdrop.

19 The coalition does not support the  
20 evaluation and report put forth by the New Mexico  
21 PED on behalf of Ralph J. Bunche, the learning  
22 community, and the La Resolana Leadership Academy,  
23 because the report is not reflective, it's not  
24 balanced, not reflective of all the good the schools  
25 are doing. It is based on a compliance base.

1           They did not take into account parental  
2 satisfaction. They did not take into account the  
3 chairing, as Dr. Smith or Catherine Smith said, and  
4 there are some issues here that say we didn't look  
5 at the overall school in general. It was a  
6 compliance based. We have deep concerns about the  
7 evaluation criterion used, that the state has in  
8 statute, used by the authorizer. We feel it has not  
9 been vetted out properly for all schools, whether it  
10 is our schools in the charter world or the public  
11 sector.

12           We feel that in this case, in the case of  
13 our schools, in particular Ralph J. Bunche, there is  
14 a double standard being played here in terms of  
15 evaluation. At one level, three schools are coming  
16 from a district authorizer. Perception was, to them  
17 and to us, that they had taken care of any issues,  
18 that they were going to get renewed, maybe  
19 conditional or not. They decided on their own  
20 accord to go to the state, and the state uses a  
21 different evaluation, obviously, because they are  
22 not considering nonrenewal.

23           So something is not right here, and so we  
24 are asking for fair and due process in evaluating  
25 our schools, both in the public nontraditional

1 charter schools and the charter schools. Thank you.

2 So -- one more thing -- so we recommend,  
3 because we have been given a basket of lemons and we  
4 need to make lemonade out of this. The New Mexico  
5 Coalition for Charter Schools recommends the  
6 following: That these three schools that I just  
7 mentioned be put on a performance contract, using  
8 the building charter school quality criterion that  
9 has been presented to the LESC and the state  
10 legislature this year, and use that as a criterion  
11 for the evaluation for further progress for these  
12 schools and these schools be given a renewal,  
13 conditional, for three or five years based on your  
14 discretion, but be put on a performance contract.  
15 Thank you.

16 MR. CARSON: Good afternoon,  
17 commissioners. My name is Ken Carson. I am the  
18 chairman of the council for Ralph J. Bunche Academy,  
19 a native New Mexican. I have been in banking for 30  
20 years, senior vice president of First Community Bank  
21 and former president of Bank of Belen, now called My  
22 Bank.

23 Our board or our council is ChiChi May,  
24 PhD, computational biology research at Sandia Labs,  
25 adjunct internal medicine at UNM; Terry Locke, air

1 traffic control manager. He is in charge of all air  
2 traffic control for the FAA here in New Mexico.  
3 Kanayo Chieuola, parent, pastor, and social  
4 rehabilitation with Presbyterian; Cameron Bourg,  
5 parent, realtor; Monica Manily, one of our teachers.

6 As representative of the council, we  
7 strongly oppose the recommendation. Your mission,  
8 as I understand it, is to provide leadership,  
9 technical assistance, and quality assurance to  
10 approve student performance and close the  
11 achievement gap. Our mission is all in alignment  
12 with yours. Unfortunately the recommendation that  
13 has been given has not given our school  
14 consideration for all the good that we have done.

15 It's interesting that APS would come to a  
16 public meeting with your staff and indicate that  
17 they would renew us for three years conditionally.

18 Our board has been active in working with  
19 the problems that we have. We are not perfect. We  
20 have not done everything right since the beginning,  
21 but the bottom line to the whole thing is that we  
22 have worked through these things. During the first  
23 three years it was tough. We had to make a  
24 replacement in our leadership.

25 We went and got an interim person. We

1 decided to go out for a full-blown search to find  
2 the right person, and we found the right person in  
3 Penne Wilson. And then from there, Penn Wilson  
4 built a staff that has done an excellent job,  
5 working with our kids and educating them to the  
6 level that we want.

7 If it's your mission to provide leadership  
8 for the school system and technical assistance for  
9 us and the school, for the New Mexico school system,  
10 and rely on quality assurance, don't close a school  
11 that has gone through several years of effort to do  
12 the right thing and achieve to the level that we  
13 have.

14 As a business person, it's very hard for a  
15 business to just walk out the gate and make  
16 everything, you know, perfect right off the bat.  
17 When I came in, the board had just gotten rid of a  
18 group that was leading the organization, and there  
19 were contract issues. The board stepped up, got rid  
20 of those people, and started anew. Hired somebody  
21 else that didn't work out, stepped up, got rid of  
22 the next person. We have done everything that we  
23 should have to address the issues, so this has not  
24 been a complaisant board.

25 I want to just tell a brief story about my

1 experience in a bank. I started with the bank. It  
2 had \$7 million in assets. During that time period,  
3 the examiners, we had one of the guys, the cashier  
4 of the bank turned into a drunk and stole money from  
5 the bank. The president of the bank figured that  
6 unsecured loans was the best way to go, because then  
7 we didn't have to do as much documentation.

8 The regulators were going to close this  
9 bank. Luckily the board, naive as they were, hired  
10 me to come in to take over that issue. We turned  
11 the bank around. Fifteen years later, one of the  
12 fastest growing banks in New Mexico during a 15 year  
13 period.

14 That's where we are today with Ralph  
15 Bunche. We are at the beginning. We have invested  
16 a lot, and this school means a lot to us, the  
17 parents and the teachers and the administration of  
18 this organization. Please give us consideration,  
19 and let us continue to do what we are doing, because  
20 we are doing a good job. Thank you.

21 MS. WILSON: I am Dr. Penne Wilson. I am  
22 principal at Ralph J. Bunche Academy, the director,  
23 the superintendent, the leader of the school, and it  
24 is my privilege to be in that position. Even though  
25 when I came, they said to me nothing is really good

1 here, Penne, we need your help. This school is  
2 important to our community. As you can see by our  
3 support by the NAACP, we also have support from the  
4 African American Studies Community at the University  
5 of New Mexico. We have support from the Black  
6 Engineers at the Intel Corporation who provide for  
7 our children in many different ways. We are  
8 integral to our community, and we are building upon  
9 the assets of our community to make our children  
10 stronger.

11 We have done many things over the course  
12 of the last year and a half. We have acquired a  
13 state owned facility, and as has been said,  
14 increased our size and are paying no more rent for  
15 double the size of the building, and we have met the  
16 2015 requirement.

17 Our governing council is active and they  
18 ask questions every day about how are we doing, what  
19 are we doing, and as the 2009 report from APS  
20 indicates, they are a strong and active organization  
21 who are well aware of what our role is.

22 We have an Afro-centric focus which we  
23 have met, which we promised the community we would  
24 do. It's inherent, if you walk into our building,  
25 you will know right away who we are and who we

1 represent, because Ralph J. Bunche is our namesake,  
2 not just because, but because he is important. His  
3 beliefs about the whole perspective of  
4 multiculturalism. And he said to us, "To make our  
5 way, we must have firm resolve, persistence,  
6 tenacity. We must gear ourselves to work hard all  
7 the way. We must never let up." That is a belief  
8 of the staff and of the administration and of the  
9 governing council of Ralph J. Bunche.

10 In addition, we are one of 14 schools in  
11 New Mexico, one of only three charter schools who  
12 wrote and were granted a building blocks grant. In  
13 the last year, over \$300,000 in technology has been  
14 awarded to Ralph J. Bunche, including equipment,  
15 materials, supplies, staff development, which has  
16 yet to be completed, and an infrastructure. We have  
17 built over \$70,000 through E-rate money of  
18 infrastructure for Ralph J. Bunche.

19 CHAIR GARRISON: Thank you. Your time is  
20 done. Appreciate it.

21 Are there any comments or questions from  
22 commissioners about Ralph J. Bunche?

23 MS. LOPEZ: I have a question.

24 CHAIR GARRISON: Commissioner Lopez.

25 MS. LOPEZ: Why did you choose to move

1 over to the state from APS if you were going to get  
2 a renewal from them?

3 MS. WILSON: One of the things we were  
4 looking for was increased autonomy, and one thing  
5 that we found very cumbersome is the financial  
6 procedures. In our building blocks grant alone,  
7 when we could get it straight from the state, it  
8 took us about a month to get our money. When we  
9 added APS as our intermediary, that means we also  
10 have to go through the APS processes. It takes as  
11 much as three to four months to be able to acquire  
12 our grant funds.

13 And because we are very independent and  
14 want to be able to acquire other grants, it's  
15 important to us to be able to function in that way.  
16 Having that middle layer really slows us down.

17 CHAIR GARRISON: Any other questions from  
18 commissioners?

19 Thank you very much.

20 Mr. Sam Obenshain with the Charter Schools  
21 Division will give his presentation.

22 MR. OBENSHAIN: Good afternoon, Mr.  
23 Chairman, members of the commission. For this first  
24 recommendation, I would like to read into the record  
25 the basis for the decision, actually the basis for

1 the recommendations that I made and have sent to you  
2 all as well as to the applicants. I will do this  
3 for this first school, and then I will go  
4 specifically into the recommendation for each  
5 school, so the subsequent schools, my presentation  
6 will not be as lengthy.

7 So if you will permit me, I have submitted  
8 my recommendations for the four charter schools that  
9 submitted a renewal application to the Charter  
10 Schools Division on October 1st, 2010. These  
11 charter schools were initially authorized by their  
12 local district and are now seeking to renew their  
13 charters with the Public Education Commission.

14 The division staff completed an analysis  
15 of the renewal application and reviewed records and  
16 information from both the local district authorizers  
17 and various divisions and bureaus within the Public  
18 Education Department regarding the performance and  
19 compliance history of the schools over their past  
20 charter term. The division also conducted in depth  
21 on site visits of all the schools requesting renewal  
22 with the PEC.

23 After gathering information from these  
24 sources, the division compiled a preliminary  
25 analysis for each of the four schools. The

1 preliminary analysis was given to the schools, and  
2 each was given an opportunity to respond. You all  
3 were also provided with a copy of the division's  
4 preliminary analysis as well as responses that the  
5 schools provided by the deadline for consideration.

6 I can assure you that the conclusions I  
7 reached are based on a thorough analysis of each  
8 school's performance and are based on the body of  
9 objective evidence of the school's past history, not  
10 on promises of future improvement.

11 Section 228(B)12 of the Charter Schools  
12 Act provides that a charter may be suspended,  
13 revoked, or not renewed by the chartering authority  
14 if the chartering authority determines that the  
15 charter school did any of the following: One,  
16 committed a material violation of any of the  
17 conditions, standards, or procedures set forth in  
18 the charter; two, failed to meet or make substantial  
19 progress toward achievement of the department's  
20 minimum educational standards or student performance  
21 standards identified in the charter application;  
22 three, failed to meet generally accepted standards  
23 of fiscal management; or four, violated any  
24 provision of law from which the charter school was  
25 not specifically exempted.

1           A school's charter should be renewed  
2 unless the authorizer can determine that the school  
3 did any of the aforementioned four things. In the  
4 case of the school where I recommend renewal of the  
5 charter, the final evaluation indicates that the  
6 division did not find evidence that the school  
7 committed any of the four acts that would lead to  
8 nonrenewal.

9           However, in three of the schools, the  
10 preponderance of evidence gathered by the division  
11 and reported in my final evaluation is significant  
12 enough to support a determination that the charter  
13 schools' performance met one or more of the reasons  
14 for nonrenewal. I recommend that these schools'  
15 charters not be renewed.

16           The division relied upon the current  
17 authorizer's assessment as to whether there had been  
18 a material violation of the school charter. The  
19 annual independent audits of the schools and the  
20 schools' responses to any audit findings were  
21 reviewed to determine if the schools failed to meet  
22 generally accepted standards of fiscal management.

23           During the term of the schools' charters,  
24 the division determined if the schools violated any  
25 provision of law from which the charter schools were

1 not specifically exempted. The most challenging  
2 assessment for me was evaluating if the schools  
3 failed to meet or make substantial progress toward  
4 achievement of the department's minimum educational  
5 standards or student performance standards  
6 identified in the charter application.

7 The question of making substantial  
8 progress toward achievement of the department's  
9 minimum educational standards is dependent on  
10 academic assessment data gathered through the New  
11 Mexico standards based assessment or the NMSBA.  
12 However, my evaluation was not based only on NMSBA  
13 proficiency scores. I also reviewed student  
14 proficiency levels in relation to New Mexico's  
15 federally approved annual measurable objectives,  
16 commonly referred to as an AMO to determine if the  
17 school was keeping up with the state's adjusted  
18 academic targets.

19 Each school's NMSBA proficiency levels  
20 were also compared to the proficiency levels of the  
21 district in which the school was located. Ideally  
22 all schools would meet their AMO. However, if they  
23 do not meet their AMO, the student proficiency  
24 levels each year should increase at a rate that  
25 closes the gap between the school's proficiency

1 levels and the AMO.

2 When compared to the district's  
3 proficiency levels, the school should decrease the  
4 achievement gap between themselves and the district,  
5 or at a minimum, keep pace with the district's  
6 trajectory. I have labeled this indicator in the  
7 renewal evaluation as a GAP analysis.

8 The question that needed to be answered  
9 was: Did the school make academic progress over  
10 time? If the school is not performing at par or  
11 better academically than the traditional schools in  
12 their district, the question was then asked: Is the  
13 school at least closing the gap between the  
14 district's proficiency levels and the school's  
15 proficiency levels?

16 In all three schools for which I am  
17 recommending nonrenewal, the gap between both the  
18 AMO and the district's proficiency scores did not  
19 close, and, in fact, increased. So not only were  
20 the schools not performing at the targeted academic  
21 proficiency levels, they were also not making  
22 progress toward closing this gap.

23 Had these schools provided other data that  
24 might indicate academic progress of their students  
25 over time, the recommendation may have been

1 different. However, because the schools did not or  
2 chose not to produce other longitudinal academic  
3 data, the division was left to analyze only that  
4 which was available to them.

5 In the other areas that formed the basis  
6 of nonrenewal, these three schools also had  
7 significant findings. These findings, coupled with  
8 the academic analysis, led to my conclusion that the  
9 schools have not met their obligations outlined in  
10 the Charter Schools Act.

11 Be assured that these recommendations are  
12 not made lightly, but rather after careful and  
13 deliberate consideration of all the information  
14 available to me. The basic charter school bargain  
15 is that charter schools have greater autonomy in  
16 exchange for greater accountability. These schools  
17 must be held accountable for the standard of  
18 performance for which they are responsible.  
19 Continued failure or mediocrity is not in the best  
20 interests of the students that we serve.

21 I would like to proceed with my  
22 recommendation for Ralph J. Bunche Academy. I  
23 recommend that the Public Education Commission not  
24 renew the charter for Ralph J. Bunche Academy. The  
25 recommendation not to renew Ralph J. Bunche Academy

1 is based on the preponderance of data gathered by  
2 the Charter Schools Division, that the charter  
3 schools performance met one or more of the reasons  
4 for not renewing a charter.

5 As indicated by the school's current  
6 authorizer, Ralph J. Bunche Academy committed a  
7 number of material violations over the term of its  
8 charter. The school was given opportunity to  
9 correct these violations, but did not do so in a  
10 timely manner, and in some cases not at all. The  
11 material violations ranged from a failure to  
12 implement student assessment consistent with the  
13 charter, as well as following the educational plan  
14 with regard to the delivery of instruction for  
15 special education students.

16 The academic performance of the school has  
17 not met the minimum proficiency goals set by the New  
18 Mexico Public Education Department as a measure of  
19 the school's performance. Additionally the school's  
20 proficiency levels are well below the proficiency  
21 levels of the district. Finally, the progress that  
22 the school is making is not keeping pace with the  
23 progress that the district schools are making in  
24 closing the gap between the student's performance  
25 and the annual measurable objectives articulated for

1 the grade levels that they serve.

2 The evaluation completed in the area of  
3 academic achievement corresponds to these three  
4 areas of analysis. I have provided in your  
5 notebooks the evaluation materials. I will be  
6 referring to a number of those pages if you wish to  
7 reference those.

8 The table on the page five titled NMSBA  
9 school summary demonstrates overall proficiency  
10 levels for the school, and indicates that on average  
11 over 80 percent of the students were not proficient  
12 in math and over 75 percent of the students were not  
13 proficient in reading during the past four years.

14 During the same time period as indicated  
15 in the charts and graphs on pages six through nine,  
16 the school's performance was well below the district  
17 in all grade levels assessed in both math and  
18 reading. The GAP analysis charts on pages six  
19 through nine show the significant progress gap  
20 between the school and the district in relation to  
21 the annual measurable objectives.

22 The school's governance and management  
23 practices demonstrate a record of substantial  
24 noncompliance with applicable state and federal laws  
25 and regulations. These practices included

1 violations of the Open Meetings Act, not providing  
2 special education services to students in a manner  
3 compliant with the law, ignoring requirements for  
4 employee evaluations and employing teachers without  
5 proper qualifications. This pattern of  
6 noncompliance has made evident that the governance  
7 and management of the charter school has not lived  
8 up to the standards of accountability set forth for  
9 all publicly funded educational institutions.

10 I am aware that you all have received and  
11 read the information provided by the school and by  
12 our division staff. I did want to make sure that I  
13 get on record an omission of information that was  
14 provided to me by the school within the deadline.  
15 There were two pieces of information that were  
16 provided to me but are not reflected in the  
17 evaluation document. The school did provide an  
18 evaluation of one of the previous administrators at  
19 the school, as well as membership terms of the  
20 governing body. Be assured that these additional  
21 pieces of information did not change the final  
22 recommendation that I have presented to you today.

23 I will stand for questions from the  
24 commission at this time. Thank you.

25 CHAIR GARRISON: Thank you.

1 Any questions by commissioners?

2 I have a question, Mr. Obenshain. What is  
3 the school designation under the state's  
4 accountability report for Ralph J. Bunche? I don't  
5 know if I didn't see it or missed it, and do you  
6 have longitudinal data on that?

7 MR. OBENSHAIN: Yes. I believe one of the  
8 issues that we pointed out in the analysis of the  
9 achievement, the answer to the questions there  
10 consider a school that is progressing under the  
11 accountability matrix or the accountability  
12 framework, excuse me. What was challenging with the  
13 Ralph J. Bunche Academy is the limited number of  
14 students that were tested at the school.

15 What happens when you have a small number  
16 of students that are tested, in some cases because  
17 of the low number, there are privacy requirements  
18 that limit the ability to identify those students.  
19 In that case, you will see in some of the charts  
20 that no data was able to be reported by the  
21 accountability division for the PED. So there are  
22 cases -- for example, if you look on the chart on  
23 page five -- where there are indications of no data.  
24 It does not mean that students were not tested.  
25 What it means is that the number of students that

1 were considered to be there for a full academic  
2 year, what is referred to as FAY, was of such a  
3 small number that they could not release those  
4 scores, because it violated confidentiality rules.  
5 So that school is considered progressing under the  
6 accountability framework.

7 CHAIR GARRISON: Thank you.  
8 Commissioner Bergman.

9 MR. BERGMAN: Mr. Chair, Mr. Obenshain, on  
10 page ten under your analysis of fiscal management,  
11 you had a box there, and it was talking about  
12 findings from the audits. And it's not the number  
13 of findings that concerns me, because that's the  
14 purpose of an audit is to have findings. I would  
15 just point out that very few businesses or entities  
16 are perfect in their accounting, and that's what  
17 auditors do, they have findings. But what I noted  
18 there in year two of their 2008 audit, they had 11  
19 total findings. Then I look down for the next year,  
20 2008, 2009, I look over at the repeat findings and I  
21 see ten repeat findings. That tells me that ten of  
22 the 11 findings from the year before were not  
23 corrected. That does concern me, whether they were  
24 material or immaterial, minor findings.

25 I just did note that, and I wanted to put

1 that into the record that there were certainly a lot  
2 of repeat findings. We don't know what happened the  
3 year after, because it says that's in progress. But  
4 the fact that there are findings -- I have a  
5 business degree and I ran my own business -- you  
6 correct findings when you get them or you should.  
7 Actually, I don't know what the findings were. I  
8 don't know anything, but I just caught that as I  
9 went through it. They had ten repeat findings. It  
10 does concern me. Thank you.

11 CHAIR GARRISON: Are there any other  
12 questions? The Chair will entertain a motion.

13 Commissioner Shearman.

14 MS. SHEARMAN: Whereas, the commissioners  
15 have received the renewal application, a preliminary  
16 analysis of the renewal application, the applicant's  
17 response to the preliminary analysis, and the  
18 assistant secretary's recommendation and final  
19 evaluation;

20 And whereas, each commissioner has  
21 conducted his or her own independent review of the  
22 renewal application, the preliminary evaluation of  
23 the renewal application, the applicant's response to  
24 the preliminary analysis, and the assistant  
25 secretary's recommendation and final evaluation;

1           And whereas, detailed evidence supporting  
2 the school's failures or violations is set forth in  
3 the recommendation and final evaluation from the  
4 Assistant Secretary of Education for Charter  
5 Schools;

6           And whereas, the commissioners concur with  
7 the recommendations and final evaluation from the  
8 Assistant Secretary of Education for Charter  
9 Schools.

10           Therefore, be it resolved that a renewal  
11 charter for the Ralph J. Bunche Academy be denied on  
12 the basis that the charter school: One, committed a  
13 material violation of the conditions, standards, or  
14 procedures set forth in the charter; two, failed to  
15 meet or make substantial progress toward achievement  
16 of the department's minimal educational standards or  
17 student performance standards identified in the  
18 charter application; and three, violated provisions  
19 of law from which the charter school was not  
20 specifically exempted.

21           CHAIR GARRISON: We have a motion on the  
22 table.

23           MR. GANT: Second.

24           CHAIR GARRISON: The motion by  
25 Commissioner Shearman is seconded by Commissioner

1 Gant. We will proceed with a roll call vote.

2 Commissioner Bergman.

3 MR. BERGMAN: Let me ask a question, does  
4 a yes mean we are in support?

5 CHAIR GARRISON: Correct, affirmation.

6 MR. BERGMAN: Yes.

7 MR. GANT: Commissioner Carr.

8 MR. CARR: Yes.

9 CHAIR GARRISON: Commissioner Lopez.

10 MS. LOPEZ: Yes.

11 MR. GANT: Commissioner Shearman.

12 MS. SHEARMAN: Yes.

13 MR. GANT: Commissioner Garrison.

14 CHAIR GARRISON: No.

15 MR. GANT: Commissioner Gant votes yes.

16 We have a five to one in favor.

17 CHAIR GARRISON: On a five to one vote,  
18 the renewal charter for the Ralph J. Bunche Academy  
19 is denied.

20 Item No. 2 under renewal vote on four  
21 current charter schools is La Resolana Leadership  
22 Academy from Albuquerque. I would like to ask the  
23 administrator from La Resolana to come up.

24 MS. MONTOYA: Good afternoon.

25 CHAIR GARRISON: Good afternoon. Just let

1 me give my direction to everybody. State your name  
2 for the record and your title. As you see fit in  
3 the presentation, you have 15 minutes to address the  
4 commission, and if you are ready, you may start.

5 MS. MONTOYA: Thank you. Again, good  
6 afternoon, Mr. Chairman and commissioners.

7 My name is Justina Montoya, and I am the  
8 principal at La Resolana Leadership Academy. I was  
9 hired five years ago to start a dream in a notebook  
10 with very little planning that had been done in the  
11 first two years of our approval. I am here today to  
12 ask for your vote to renew the charter of La  
13 Resolana Leadership Academy and to tell you we have  
14 a good school that works with a unique population of  
15 students who are at a high risk for failure in  
16 school.

17 Many of them come from poverty and home  
18 environments where the adults around them struggle  
19 with parenting or are highly mobile, lack  
20 educational attainment, substance abuse, death,  
21 incarceration, gang involvement, violence, abuse and  
22 neglect, teen pregnancy, long-term suspension, the  
23 juvenile detention system, and the list goes on.  
24 But we get what we get. We don't pick and choose  
25 our students.

1           Our demographics are that we are a charter  
2 middle school, grades six, seven, and eight.  
3 96 percent of our students receive free and reduced  
4 lunches, so they live in poverty. 97 percent of our  
5 students are minorities with the largest group being  
6 Hispanic at 72 percent. Our school traditionally  
7 serves two-thirds boys and one-third girls.

8           I have been in education for 20 years. I  
9 have worked hard to make this school a good school  
10 for kids who are disadvantaged and who have not had  
11 the opportunity, either by their social life  
12 circumstances or the schools that they have attended  
13 before they have come to my school, to succeed. Our  
14 students have not been successful in their previous  
15 schools. When they enroll at La Resolana, they are  
16 typically two to five years behind in their reading  
17 and math skills.

18           It isn't our school who left these  
19 students behind. They have fallen through the  
20 cracks of our education system, and they have no  
21 control over the life social circumstances that they  
22 were born into. My belief and passion is to help  
23 these students see the potential they have to  
24 succeed in school and in life by getting a good  
25 education.

1           For example, eighth grade is typically our  
2 largest group of students. If we enroll an eighth  
3 grade student in January who's coming to our school  
4 reading at a third grade level and is still  
5 struggling to learn their multiplication and  
6 division facts, how realistic is it that we are  
7 going to get that student algebra ready or reading  
8 close to their grade level for high school in four  
9 and a half months? It can't be done, and this is a  
10 typical scenario for our kids.

11           My kids just need time. They are bright  
12 and have the potential to do great things with their  
13 lives, but the reality of our situation is that most  
14 of the at risk students at La Resolana, mostly boys,  
15 who come to our school have not been engaged in the  
16 educational process for a long time. They also live  
17 with too many issues in their home environments to  
18 care about school, and they have been labeled as  
19 failures or unteachable for so long by the education  
20 system that they have little to no interest in  
21 school, because no one has ever stopped to care or  
22 to value who they are as individuals or to see that  
23 they, too, can have a bright future through  
24 education.

25           The work we do every day at La Resolana is

1 hard. Believe me, over the past five years in  
2 trying to start this school up from nothing, I have  
3 gone home in tears thinking about my kids and the  
4 dim futures that they have ahead of them. And what  
5 brings me back to my school every morning is when I  
6 walk down those stairs, my kids greet me, hi, Ms.  
7 Montoya, how are you today, because they know that I  
8 am the one consistent thing in their life, their  
9 teachers are the one consistent thing in their life  
10 that they can depend on. They can come through  
11 those doors, and they can feel safe and they can  
12 feel free to learn what they needed to learn, even  
13 if they are eighth graders.

14 We care about our students and we have  
15 high expectations for their academic success, but it  
16 takes time to reengage them, time to develop  
17 relationships, time to develop the trust that they  
18 don't have for the educational system and to provide  
19 them with a rigorous curriculum as well as the  
20 skills to close their learning gaps.

21 As a staff, we all work together  
22 diligently every day to provide a safe and  
23 supportive learning environment for them to succeed  
24 in. Examples of success that I would like to share  
25 with you are both last year and this year, we had

1 four 15-year-old boys successfully complete the  
2 academic requirements for eighth grade. These boys  
3 moved on to high school and they are succeeding.

4 In reality, they should be sophomores, not  
5 entering freshmen. They only needed the time to  
6 regain their confidence in themselves and to move  
7 forward academically. This is just one example of  
8 the success we see in our at risk students. Our  
9 kids have been failed over and over again by the  
10 system. Our school provides them with the rigor,  
11 commitment, and support they need to experience  
12 success.

13 If you vote to close our school, where are  
14 these students going to go back to? Will they be  
15 forced to return to the schools who kicked them out  
16 in the first place? Without the right environment  
17 and the support to rebuild these students, they will  
18 surely drop out of high school, and based on the  
19 Anne Casey Foundation KIDS COUNT's Report for 2010,  
20 New Mexico is close to the bottom of the list of how  
21 we take care of our kids. My students are evidence  
22 of those statistics.

23 My kids have nowhere else to go except to  
24 the streets where they came from, and then their  
25 self-fulfilling prophecies of being failures in

1 schools and in life and in their minds will come  
2 true. They have already mentally dropped out of  
3 school, and our school for many of them is the last  
4 stop before they become high school dropouts or get  
5 themselves into trouble.

6 As a parent, I have five children. I want  
7 my kids to do better than what I have done. With  
8 the parents that come to my school with their life  
9 circumstances, they also have that dream. So I have  
10 100 percent parent support, because my parents know  
11 that I share the same dreams and goals for their  
12 kids that they have.

13 I had a student come to me two years ago,  
14 and he said to me, Ms. Montoya, why do you come to  
15 school every day to fight with us? And my response  
16 to him was, I don't come to school to fight with  
17 you. I am fighting for you.

18 I believe in my kids. I have short cycle  
19 assessment data to show that our kids are making  
20 gains in reading and math. We have not met AYP to  
21 date, and I fully understand the accountability  
22 system. We are showing individual growth with our  
23 students, and last year we made five percent gains  
24 in reading 17.4 percent gains in math on the NMSBA.  
25 Our largest group of students for all grades is

1 nearing proficiency in reading and math. Our scores  
2 are still well below where they need to be. I  
3 understand the system, but what I am telling you is  
4 that we are making progress and we are moving  
5 forward individually with each student.

6 We are being judged on three years of  
7 data. We are not being judged on five years of  
8 data. Our kids need someone to believe in them and  
9 to give them the opportunity to start fresh. No  
10 matter where my kids come from or how bad the  
11 experiences that they have had have been, I tell  
12 them the very first time that I meet them, when they  
13 come through these doors, I just want them to be a  
14 kid. I want them to come to school understanding  
15 that this is a fresh start for them regardless of  
16 the mistakes they have made in their past.

17 They deserve a chance to have a better  
18 life through education, but how are they ever going  
19 to succeed if no one stops along the way to care  
20 about who they are and to instill in them the value  
21 of education and to help them believe something  
22 different about themselves? Our kids are  
23 educationally disadvantaged, socially disadvantaged,  
24 economically disadvantaged.

25 Please give my kids in La Resolana

1 Leadership Academy the opportunity to continue our  
2 work. Please vote yes. I appreciate your time  
3 today. Thank you.

4 CHAIR GARRISON: Thank you.

5 Do you have anything to add?

6 MS. EILEEN MONTOYA: Just to add that the  
7 staff and the administration at La Resolana  
8 Leadership Academy treat all students as if they  
9 were their own and they believe in the family  
10 environment for kids.

11 CHAIR GARRISON: Any questions from  
12 commissioners? Seeing none. Thank you.

13 We will have Mr. Obenshain come up now.

14 MR. OBENSHAIN: Mr. Chairman, members of  
15 the commission, I recommend that the Public  
16 Education Commission not renew the charter for the  
17 La Resolana Leadership Academy. The recommendation  
18 not to renew the La Resolana Leadership Academy is  
19 based on preponderance of data gathered by the  
20 Charter Schools Division, that the charter school's  
21 performance met one or more of the reasons for not  
22 renewing a charter.

23 The academic performance of the school has  
24 not met the minimum proficiency goals set by the New  
25 Mexico Public Education Department as a measure of

1 the school's performance. Additionally, the  
2 school's proficiency levels are well below the  
3 proficiency levels of the district. Finally the  
4 progress that the school is making is not keeping  
5 pace with the progress that the district schools are  
6 making in closing the gap between the student's  
7 performance and annual measurable objectives  
8 articulated for the grade levels that they serve.

9 The evaluation completed in the area of  
10 academic achievement corresponds to these three  
11 areas of analysis. The pages I will reference are  
12 in your packets immediately following this  
13 recommendation.

14 The table on page four titled NMSBA school  
15 summary demonstrates overall proficiency levels for  
16 the school and indicates that on average, over  
17 80 percent of the students were not proficient in  
18 math and over 75 percent of the students were not  
19 proficient in reading during the past four years.  
20 During this same time period, as indicated in the  
21 charts and graphs on pages five, six, and seven, the  
22 school's performance was well below the district in  
23 all grade levels assessed in both math and reading.

24 The charts on page eight showed the  
25 significant progress gap between the school and the

1 district in relation to the annual measurable  
2 objectives. The school's governance and management  
3 practices demonstrate a record of substantial  
4 noncompliance with applicable state and federal laws  
5 and regulations. These practices included  
6 violations of the Open Meetings Act, that is  
7 conducting public meetings and voting on items  
8 without a quorum of governing body members present,  
9 ignoring requirements for next step plans for eighth  
10 grade students, and employing teachers without  
11 proper qualifications.

12 This pattern of noncompliance has made  
13 evident that the governance and management of the  
14 charter school has not lived up to the standards of  
15 accountability set forth for all publicly funded  
16 educational institutions.

17 I do realize you all have received and  
18 read the information that I have provided, as well  
19 as the information that the school provided in  
20 response to the preliminary analysis, and I stand  
21 for questions from the commission at this time.

22 Thank you.

23 CHAIR GARRISON: Thank you, Mr. Obenshain.

24 Any questions from commissioners of Mr.  
25 Obenshain?

1 I have one, and you just verbalized it,  
2 employing teachers without proper qualifications.  
3 Is the proper qualification licensure?

4 MR. OBENSHAIN: Yes, sir. In this case --  
5 let me find the information. On page 13 of the  
6 evaluation, we have identified teacher licensure  
7 discrepancy reports, which indicate not necessarily  
8 that the teachers are not licensed teachers, but  
9 that the licenses that they hold are not appropriate  
10 for the classes for which they taught.

11 CHAIR GARRISON: So appropriate licensure?

12 MR. OBENSHAIN: Appropriate licenses, yes,  
13 sir.

14 CHAIR GARRISON: Good.

15 With that said, I was just curious that --  
16 I need another hand. On page three of 18, under  
17 material violations, the analysis of the material  
18 violations that the Albuquerque Public School System  
19 found no material violations. They didn't identify  
20 any. Why was that?

21 MR. OBENSHAIN: Mr. Chair, Commissioners,  
22 I can't speak for the current authorizers. We did  
23 ask all of the current authorizers for these schools  
24 for that information and for them to submit that  
25 information to us. The report that we received back

1 from the Albuquerque Public Schools indicated that  
2 they had not identified any material violations of  
3 the charter.

4           You may recall that the material  
5 violations are dependent upon the conditions that  
6 were approved initially by the local district  
7 authorizer. It's not the same as an issue of legal  
8 noncompliance. So a school can be out of compliance  
9 legally in some cases, yet not have been identified  
10 as having a material violation of their particular  
11 charter, depending on when that school was  
12 authorized, what the agreement with that charter  
13 school and the authorizer was when they signed that  
14 contract.

15           As you recall with schools that we  
16 authorize and you authorized, the agreement that we  
17 enter into, one of the conditions for that is legal  
18 compliance. So whether or not APS had identified  
19 that in their agreement with the charter school,  
20 they did not indicate that when they sent  
21 information to us when we requested it.

22           CHAIR GARRISON: Thank you for that  
23 clarification.

24           Any other questions, other commissioners?  
25 The Chair will entertain a motion.

1 Commissioner Bergman.

2 MR. BERGMAN: Whereas, the commissioners  
3 have received the renewal application, a preliminary  
4 analysis of the renewal application, the applicant's  
5 response to the preliminary analysis, and the  
6 assistant secretary's recommendation and final  
7 evaluation;

8 And whereas, each commissioner has  
9 conducted his or her own independent review of the  
10 renewal application, the preliminary evaluation of  
11 the renewal application, the applicant's  
12 responsibility to the preliminary analysis, and the  
13 assistant secretary's recommendation and final  
14 evaluation;

15 And whereas, detailed evidence supporting  
16 the school's failure or violations as set forth in  
17 the recommendation and final evaluation from the  
18 Assistant Secretary of Education for Charter  
19 Schools;

20 And whereas, the commissioners concur with  
21 the recommendation and final evaluation from the  
22 Assistant Secretary of Education for Charter  
23 Schools;

24 Therefore, be it resolved that a renewal  
25 charter for La Resolana Leadership Academy be denied

1 on the basis that the charter school: One, failed  
2 to meet or make substantial progress toward the  
3 achievement of the department's minimum educational  
4 standards or student performance standards  
5 identified in the charter application; and two,  
6 violated provisions of law from which the charter  
7 school was not specifically exempted.

8 MS. SHEARMAN: Second.

9 CHAIR GARRISON: We have a second by  
10 Commissioner Shearman.

11 We will proceed with the roll call vote,  
12 Secretary Gant.

13 MR. GANT: Commissioner Bergman.

14 MR. BERGMAN: Yes.

15 MR. GANT: Commissioner Carr.

16 MR. CARR: Yes.

17 MR. GANT: Commissioner Lopez.

18 MS. LOPEZ: Yes.

19 MR. GANT: Commissioner Shearman.

20 MS. SHEARMAN: Yes.

21 MR. GANT: Commissioner Garrison.

22 CHAIR GARRISON: Yes.

23 MR. GANT: Commissioner Gant votes yes.

24 It's a 5-0 vote in favor -- a 6-0 vote in favor.

25 CHAIR GARRISON: On a unanimous decision,

1 the renewal charter for La Resolana Leadership  
2 Academy is denied.

3 No. 3, the Learning Community Charter  
4 School in Albuquerque. We will begin with school  
5 comments. Same direction as everyone else. We are  
6 not taking any documentation. Thank you.

7 MS. MARTINEZ: Oh, you are not?

8 CHAIR GARRISON: No, thank you. As soon  
9 as you get comfortable, then we can proceed.

10 MS. MARTINEZ: With that being said, can I  
11 just ask for clarification? We do have posters and  
12 we do have statistics on that one poster.

13 CHAIR GARRISON: That will not be  
14 accepted.

15 MS. MARTINEZ: That will not be accepted  
16 either?

17 CHAIR GARRISON: You can read. You can  
18 read something, but we can't receive information  
19 from you at this point, at this juncture in the  
20 process.

21 MS. MARTINEZ: Good afternoon, Public  
22 Education Commission members, and thank you so much  
23 for giving me this opportunity. For clarification  
24 purposes, I did want to introduce members of my  
25 staff quickly. I don't want that to be included as

1 part of my presentation so will that be okay?

2 CHAIR GARRISON: You may.

3 MS. MARTINEZ: First of all, I would like  
4 to turn to our business manager. I would like for  
5 him to stand up, George Perea. The reason I  
6 introduce him is because George Perea has been in  
7 the circles of education for probably 35 years. He  
8 is our business manager.

9 Tracy Silva is our testing coordinator who  
10 has been reviewing our test scores and has worked  
11 diligently with many charter schools in Albuquerque.  
12 I would like for her to stand.

13 Gilda Noble, our special ed coordinator,  
14 who you heard before, zero findings for a couple of  
15 years. That was remarkable in the City of  
16 Albuquerque among all the charter schools.

17 Our governance council president is here,  
18 Ms. Carmen Pennington, who is an adjunct professor  
19 at the University of New Mexico, and you heard from  
20 our students, very special students earlier this  
21 morning. I would like the students and the staff to  
22 please stand behind me.

23 Thank you. And thank you, Mr. Chairman,  
24 for allowing me that introduction.

25 This kind of changes the picture a little

1 bit, because we had planned to present some  
2 statistics that would help you in understanding the  
3 data that was used in PED's determination of their  
4 analysis.

5 I want to mention to you that technically  
6 the Learning Community Charter School has been in  
7 existence ten years. Technically this is our third  
8 renewal. I want you to keep that in mind. I  
9 underscore that, because we have been working  
10 cooperatively and well with Albuquerque Public  
11 Schools. I don't know if Mark Tolley is still in  
12 the audience, but he can tell you and confirm that  
13 we have worked cooperatively and well with APS. We  
14 have received next to glowing reports from them.

15 I have a copy of the last evaluation  
16 conducted for renewal from Albuquerque Public  
17 Schools. I also have in my hand the copy of the  
18 last evaluation, site evaluation made by Albuquerque  
19 Public Schools, and that was positive as well.

20 I want to remind you members -- oh, excuse  
21 me. I am trying to talk so fast I forgot to  
22 introduce myself.

23 CHAIR GARRISON: I had a note. I was  
24 going to interrupt you, but I thought she will get  
25 to it.

1 MS. MARTINEZ: Trying to race through  
2 this. My name is Viola Martinez, and I am the  
3 principal of the Learning Community Charter School,  
4 TLC. I have been in the business of education for  
5 35 years, going from a high school English teacher,  
6 to an assistant principal of a high school, to an  
7 associate superintendent of public schools before I  
8 landed up here with TLC. So I have a great deal of  
9 experience knowing what the regulations are and  
10 state statutes and government.

11 A great deal of information was based --  
12 and I want to read Mr. Sam Obenshain's -- excuse me  
13 if I am butchering your last name, Sam -- I'm going  
14 to read the first page of the renewal document, and  
15 I hope that you have that in hand with you. On the  
16 first page, it is stated that the academic  
17 performance of the school has not met the minimum  
18 proficiency goals set by the New Mexico Public  
19 Education Department as a measure of the school's  
20 performance. Additionally the school's performance  
21 levels are well below the proficiency levels of the  
22 district.

23 We did not meet AYP this year. We didn't  
24 make AYP last year. We were in corrective action  
25 delayed the last three years. If you look at the

1 number of schools within Albuquerque Public Schools  
2 that include high schools and middle schools, 85, at  
3 least 85 of those schools are listed in either  
4 corrective action, R1 or R2 status in their AYP.

5 Also I want to note that Sam repeatedly  
6 used a term that is not considered a criteria for  
7 meeting the four elements in a renewal for a charter  
8 school. The four elements that are required as a  
9 renewal for a charter school are: One, that the  
10 school must have no material violations. TLC has no  
11 material violations, none. No. 2, that the school  
12 has to be in sound fiscal management. This school  
13 has been in sound fiscal management and has been for  
14 the last ten years.

15 No. 3, the wording in the language says  
16 that a school must meet and/or exceed minimum  
17 educational performance standards or goals. That's  
18 the one that we are going to be talking about today.  
19 And No. 4, that there must be no violations of law.

20 We know for TLC that at least three are an  
21 A. We passed that test. The only issue at hand is  
22 the student achievement. And in regard to the  
23 student achievement, I would like to have Ms. Tracy  
24 Silva come up and speak just slightly to the student  
25 performance of our school.

1 MS. SILVA: Okay. I am going to try this  
2 again, because I didn't do very well this morning  
3 holding it together.

4 There are several things that I think need  
5 to be addressed with this report, and the very first  
6 thing that I would like to point out is on page five  
7 of 25. In the year of charter term one, which is  
8 for the school year 2006-2007 and the accountability  
9 report for 2007-2008, it states that we had a  
10 proficiency level of 12.31 percent proficient. It  
11 also states later on in the narrative that we  
12 omitted that information, and that the PED or  
13 whoever created this report found that information  
14 and replaced it.

15 We actually didn't omit it. There was a  
16 change in the accountability reports in that year,  
17 and that accountability report has no numbers on it.  
18 We looked and searched and searched and called and  
19 talked to lots of people that said it was a  
20 transition period. They didn't have the numbers for  
21 us. We didn't have the numbers. We left it blank.

22 These numbers that have been placed in  
23 here now were actually for the prior year, and if  
24 you look across that row, it says 12.31 percent  
25 proficient, and then it says no for that proficiency

1 goal. We actually did meet the proficiency goal in  
2 that year, and if you did go back to 12.31 percent,  
3 the year that they pulled from, we actually met it  
4 that year as well.

5 So that was a big red flag for me to see.  
6 If there is an inconsistency right there in the  
7 middle, then maybe there's more, so I looked deeper  
8 in that report. Because what I do is all around  
9 assessment. I feel very strongly, like you said  
10 this morning, the SBA is a snapshot of student  
11 performance.

12 The procedures manual, between pages 59  
13 and 61, clearly states that you should see peaks and  
14 valleys in student assessment with the SBA,  
15 especially when you have got small groups. On the  
16 accountability report, as somebody mentioned  
17 earlier, there are confidentiality rules, so we  
18 don't divulge scores of small groups of students,  
19 and there's also certain numbers of students that  
20 must be tested in order to even have a proficiency  
21 because of the statistical unreliability of small  
22 numbers.

23 That is my biggest concern here. I feel  
24 that TLC has been consistently judged against the  
25 AMOs. I'm not sure how familiar everybody on the

1 panel is with AMOs, lower bound confidence interval,  
2 and Safe Harbor. It almost seems like in here we  
3 are consistently compared to AMOs, which are not  
4 TLC's target goals. Because of our low numbers, we  
5 are held to a different standard, a big long  
6 formula.

7 I explain this to my teachers every year  
8 how this is calculated, a big long formula that  
9 takes into account the grade levels that are tested,  
10 the number of students that are tested to assure  
11 statistic reliability. So to consistently in this  
12 report compare our lack of achievement to the AMOs,  
13 you are right, we are not making the AMOs, but it's  
14 not statistically reliable for a school of our size,  
15 with the students that we have, to meet that.  
16 That's why the lower bound confidence interval is  
17 put into place.

18 A couple of the years that Ms. Martinez  
19 spoke of that we didn't make AYP. We didn't make it  
20 because of one area, and we have known that from the  
21 beginning. Our Hispanic students in math have  
22 performed lower than other students. Because of  
23 that, we have meetings every year. We discuss this  
24 every year. There's things that have been put into  
25 place. There are tutorials that have been put into

1 place and tweaked from year to year to make sure  
2 that they are meeting the needs of the students. We  
3 look at the data. We are addressing the issues in  
4 the data.

5 I just want you to know if you look a  
6 little bit closer, that you will see that it's small  
7 groups of students that aren't making the gains.  
8 It's not big groups of students as a whole. We are  
9 trying to, without saying here's a tutoring for  
10 Hispanic students, we give it to everybody, but we  
11 know that the Hispanic student, who makes up  
12 60 percent of our population, is performing a little  
13 bit lower for reasons that we all know are prevalent  
14 here in New Mexico.

15 MS. MARTINEZ: Thank you, Tracy.

16 To continue, on page four of the analysis  
17 written by PED, I am looking at the second paragraph  
18 very quickly, where it reads, by the end of the  
19 review period, the highest reading score for any  
20 grade was 55 percent and the highest math score for  
21 any grade was 25 percent. Well, really, if we start  
22 to look at that, and as Sam compared our scores to  
23 the district, I am looking at Del Norte High School,  
24 which is within the zone where we are at -- McKinley  
25 Middle School, Taft Middle School, Cleveland Middle

1 School. Del Norte had a 45 percent. Cleveland had  
2 a 54 percent. McKinley had a 38 percent. We had a  
3 55 percent.

4 When you look at the math scores, again,  
5 we were going to rely on the charts that we were  
6 going to bring you to show you that. For the  
7 record, there was quite a bit of communication via  
8 e-mail between PED and myself during the term of the  
9 analysis and before we came to this meeting today.

10 I hold in my hand an analysis, and I'm not  
11 sure this kind of an analysis was completed and done  
12 for the other two schools, but it was for TLC. And  
13 I question, I really question vehemently, why only  
14 the AMO -- this came from the Public Education  
15 Analysis Bureau, and they did the AMO and measuring  
16 the gap, I question why PED utilized only the AMO  
17 and left out the trend. Because consistently  
18 through the report -- and I will read it to you.  
19 Specifically if you turn to page one, page one after  
20 the cover sheet, where it says the discrepancies  
21 between the school and district performance  
22 fluctuated wildly between 30 percent and one percent  
23 across grade levels -- I am reading the second to  
24 the last line on the first paragraph -- such that it  
25 was impossible to find a trend or pattern of success

1 or improvement.

2 This analysis prepared by PED shows  
3 success. It shows trends. It was left out of the  
4 analysis as part of the renewal process, and I would  
5 like to know why. It is so positive. If you look  
6 particularly on page four, the 11th grade, I would  
7 like for you to see that bar there. It's  
8 tremendous. And to hear a report, someone from PED  
9 say, well, yes, the 11th graders went up, and that  
10 is somewhat promising, folks, for a school to jump  
11 from a 9 percent to a 31.2 percent in any given year  
12 is successful. It is phenomenal. And this was not  
13 used. It was excluded.

14 I was told in the communication and for  
15 the record, via e-mail, that this analysis was going  
16 to be utilized in the analysis. It was not. Only a  
17 partial analysis was utilized. I feel that's  
18 somewhat deceptive. I feel that that is very  
19 arbitrary. We did provide trend information as well  
20 with the proficiency and nearing proficiency rates.  
21 Over and over again, grade after grade, we provided  
22 these to PED for their analysis. Again, it was  
23 down-played. We provided the short cycle  
24 assessment.

25 Do you see the trends? These are sixth

1 graders as seventh graders. Taking the short cycle  
2 assessment, on the day of the so-called in depth  
3 site visit, we asked the PED members, we asked them,  
4 do you want to see the short cycle assessments, and  
5 the answer was no. We asked them do you want to  
6 hear anything from the facility department, no. Do  
7 you want to hear anything from the finance  
8 department, no. They were boggled on statistics and  
9 data, and that is all.

10 That is arbitrary and unfair. It's not  
11 done with what I consider in good faith. I'm going  
12 to quote Mark Twain. "There are lies and there are  
13 damn lies, and then there's statistics," and that's  
14 what this is turned into.

15 MS. SILVA: I would also like to say just  
16 one more thing. On page six of 25, there is one  
17 line in this 25 page document that states, The  
18 school reported that it has met the graduation rate  
19 goal for each of the four years under review, and  
20 this has been confirmed by school accountability  
21 reports.

22 In a day and age where we keep seeing  
23 newspaper reports --

24 CHAIR GARRISON: Repeat that, please.

25 MS. SILVA: It says, the school reported

1 it has met the graduation goal for each of the four  
2 years under review, and this has been confirmed by  
3 the school accountability reports. We have met the  
4 graduation rate every year.

5 MS. MARTINEZ: How many more minutes do I  
6 have?

7 MR. C DE BACA: One and a half.

8 MS. MARTINEZ: Graduation rate at TLC,  
9 this is for the new cohort. We were the third  
10 highest in the City of Albuquerque, 69.5 percent.  
11 The second year, using the same cohort, it was 62.5  
12 percent. That's high. What was Albuquerque's?  
13 61 -- 60 or 61. I'm not sure.

14 So the real question here is, you know,  
15 there are no material violations. We have not  
16 broken any laws. We are in sound financial fiscal  
17 management. The question is statistics, as Mark  
18 Twain boils down to.

19 You look at the number of high schools and  
20 middle schools in Albuquerque that are in R1 and R2  
21 status. It is unbelievable. It is as if PED is  
22 asking us let the blind lead the blind.

23 And finally I want to read Winston Brooks'  
24 quote that came out in the paper day before  
25 yesterday. Sometimes administrators get so caught

1 up in the numbers, shortfalls, gaps, rates,  
2 percentages that we neglect to put faces on the  
3 data. It's not that we have forgotten our purpose  
4 of providing the best possible education for our  
5 children. We just need to make a concerted effort  
6 to not reduce children to statistics.

7 Third renewal, ladies and gentlemen. It's  
8 akin to a student who has been passing every lesson  
9 throughout the semester, and then at the end of the  
10 semester being told you have an F. It's  
11 unacceptable and I disagree.

12 CHAIR GARRISON: Thank you.

13 Are there any questions from  
14 commissioners?

15 Commissioner Bergman.

16 MR. BERGMAN: You mentioned in your  
17 comments that some of the Hispanics are having a lot  
18 of trouble with the math.

19 MS. SILVA: Yes.

20 MR. BERGMAN: And a little later you  
21 mentioned tutoring. What else are you trying to do  
22 to address that?

23 MS. SILVA: Well, we do lots of things.  
24 We have got a tutorial setup. We have sixth graders  
25 in with 12th graders. If that's the level that the

1 12th graders need, then they are in there with sixth  
2 graders. We have done after school tutoring.

3 MS. MARTINEZ: Right. The one thing I  
4 want to say, the biggest thing is that we looked at  
5 our master plan. You have to consider, this is the  
6 only school that you are considering today that  
7 carries a high school. We changed our master  
8 schedule. We went to tutorial programs  
9 concentrating fully on reading and math, and that  
10 brought the dramatic gains for the 11th graders that  
11 one year.

12 When we saw that, when the teachers saw  
13 that, they learned to desegregate the data and apply  
14 it to the classroom. When we saw that dramatic  
15 jump, it was -- I hate to say it, Sam -- it is not  
16 something that would be considered nominal or  
17 promising. It's huge. That is a huge jump.

18 MS. SILVA: Did that answer your question?

19 MR. BERGMAN: I think so. Former  
20 Secretary Garcia was in the process of implementing  
21 kind of a best practices program, trying to  
22 encourage schools to look at other schools and not  
23 be parochial and find best practices. Have you done  
24 anything like that? I know it's in the early  
25 staging.

1 MS. MARTINEZ: We are utilizing the SMART  
2 goals, as Public Education Department has shared  
3 that with us through our EPSS, our Educational Plan  
4 for Student Success. We utilize a Plato lab. We  
5 are state of the art. We have a Promethean board,  
6 interactive board in each and every classroom which  
7 teachers use as sound educational tools.

8 MR. BERGMAN: Thank you.

9 CHAIR GARRISON: I have a couple of  
10 questions. On the cover page of the evaluation and  
11 renewal recommendation and evaluation, it states in  
12 paragraph one that the school's designation under  
13 the state school accountability report has been  
14 downgraded from school improvement two to corrective  
15 action and finally to restructuring one. I am  
16 guessing that is bad, bad, worse according to this?

17 MS. SILVA: Yes.

18 CHAIR GARRISON: So expand on that,  
19 please.

20 MS. MARTINEZ: Yes. The year that we did  
21 make that jump tremendously, especially among the  
22 11th graders, and we made the change immediately in  
23 the school to review our policies and procedures and  
24 our instructional program, I believe we went into  
25 corrective action, and then it was delayed. And it

1 was delayed for about a few months, and then it went  
2 back up, and I really attributed it to -- you know  
3 as well as I do, SBA is getting tougher year after  
4 year. The notches are moving above, and it's as if  
5 the tide is moving against us. So try as we try,  
6 it's going to be really difficult to attain that  
7 goal, and I think that's the dilemma that all of us  
8 as educators have in this state.

9 MS. SILVA: Just to piggyback on that,  
10 just because you weren't quite sure of the  
11 designation going from bad to worse, I just wanted  
12 to make clear that there are 37 ways to not make  
13 AYP.

14 CHAIR GARRISON: I just wanted the  
15 clarification from you all.

16 MS. SILVA: I wanted to make that point,  
17 because in one year for sure I know it was one area  
18 that we didn't make it. So if you look at the  
19 accountability report as a whole, you know, I work  
20 with a lot of schools, and it actually looks pretty  
21 good. Really, honestly it does.

22 I look at district school reports. I  
23 compare us to other schools to see how we are doing  
24 with the same type of populations and in the same  
25 areas of town and things like that. If you compare

1 apples to apples, we are doing all right. We can  
2 always do better, always. Everybody knows that. We  
3 are still striving to meet even the AMO. We are  
4 always striving to meet the AMO. We are happy if we  
5 can get to the lower bound confidence interval  
6 because of our small numbers. We are happy to make  
7 it by Safe Harbor which was alluded to in this  
8 document.

9 CHAIR GARRISON: Expand on the Safe Harbor  
10 assessment.

11 MS. SILVA: It was alluded to. We made  
12 AYP one year based on Safe Harbor. It almost  
13 sounded sarcastic in tone.

14 CHAIR GARRISON: What sounded --

15 MS. SILVA: Because I just really don't  
16 feel that the report was written fairly honestly. I  
17 really, really don't, and I don't want to get into  
18 my personal views of the whole report.

19 Let me expand on Safe Harbor.

20 CHAIR GARRISON: Thank you.

21 MS. SILVA: Safe Harbor is complicated.  
22 It's complicated to explain out loud without writing  
23 things down. I have to explain it all the time. If  
24 you can decrease your number, your percentage of  
25 nonproficient students by ten percent, you can make

1 AYP by Safe Harbor, which is not the equivalent of  
2 increasing it by ten percent, which doesn't make  
3 sense to some people. But if you do the  
4 calculations, one year -- and I'm sorry. I don't  
5 have the numbers with me -- but one year if we were  
6 at 90 percent not proficient and decreased that by  
7 9 percent and went down to 81 percent nonproficient,  
8 it would not reflect a 10 percent gain in the  
9 proficient side, but Safe Harbor was put into place  
10 because that is a substantial achievement for your  
11 students to come and decrease the nonproficient side  
12 of that table.

13 I have spoken to Cindy Gregory up and  
14 down, and even she has said -- because I have  
15 appealed accountability reports, because the state  
16 didn't recognize Safe Harbor right away. I looked  
17 deeper into it. I found that Safe Harbor did come  
18 into play. I have spoken to Cindy Gregory, and she  
19 is the one that reinforced to me that that was a  
20 huge gain, for us to decrease our nonproficient  
21 students by 10 percent.

22 So I think that those kinds of things are  
23 just kind of glossed over. I think the fact that  
24 the structure of this school, the fact that they  
25 start at sixth grade and go all the way through high

1 school, I have told everybody at the school. I  
2 really feel that that has a big impact on the  
3 graduation rate.

4 CHAIR GARRISON: Let me get to my last  
5 question. You answered the question on Safe Harbor.  
6 Let me get to my last question.

7 This data that you have that you were  
8 hoping to turn in today, did you turn it into the  
9 Charter Schools Division as a response to your --

10 MS. MARTINEZ: Yes, they have --

11 CHAIR GARRISON: So they have it.

12 MS. SILVA: But it was in the original  
13 application.

14 MS. MARTINEZ: It was in the original  
15 application as well as in the follow-up. There was  
16 some follow-up communication where they needed  
17 additional information, and we provided the cohort  
18 information through that e-mail.

19 CHAIR GARRISON: I was hoping you had  
20 turned it in already, because I was going to be  
21 worried if this is just coming to light now. So  
22 thank you for clarifying that.

23 I thought I had one more, but I guess I  
24 don't.

25 Yes, Commissioner Lopez.

1 MS. LOPEZ: I would like to hear from Sam  
2 some response to the data they presented.

3 CHAIR GARRISON: He will come up after we  
4 are done questioning.

5 MS. LOPEZ: No. I'm sorry. I just got  
6 confused.

7 CHAIR GARRISON: That's okay.  
8 Commissioner Gant.

9 MR. GANT: You talk about restructuring  
10 one and restructuring two and comparing your schools  
11 with the Albuquerque schools, but what I don't hear  
12 is how they could have flunked or failed one area of  
13 the 37. We all know about 137. So can you really  
14 say that all these schools that are in restructuring  
15 are any worse than you being in restructuring one?

16 MS. SILVA: Yes.

17 MR. GANT: No. I mean what data do you  
18 have that --

19 MS. SILVA: Oh, well, I don't have any --  
20 we have actually got trend data that I don't know if  
21 it's in the green folder. We do have trend data  
22 that shows --

23 MR. GANT: You sit in front of us and say  
24 this, and then you say there's 37 different ways you  
25 can fail. Every school in the State of New Mexico

1 is that way.

2 MS. SILVA: That's true.

3 MR. GANT: So when they get into  
4 restructuring, you have to look, it's one student  
5 could have done it. So I am just saying it's a  
6 little hard to sit here and say all these schools in  
7 Albuquerque, all these schools in Albuquerque --  
8 well, in Las Cruces where I am from, some are, but  
9 you have got to look at why, not just that they are.  
10 Thank you.

11 CHAIR GARRISON: Thank you, Commissioner  
12 Gant.

13 Any other questions by commissioners?

14 Ladies, thank you very much for your  
15 presentation.

16 I will ask Acting Assistant Secretary of  
17 the Charter Schools Division, Sam Obenshain, to come  
18 up and address the commission.

19 MR. OBENSHAIN: Thank you, Mr. Chairman,  
20 members of the commission.

21 I am recommending that the Public  
22 Education Commission not renew the charter for the  
23 Learning Community Charter School. The  
24 recommendation not to renew the charter is based on  
25 the preponderance of data gathered by the Charter

1 Schools Division that the charter schools  
2 performance met one or more of the reasons for not  
3 renewing a charter.

4 The academic performance of the school has  
5 not met the minimum proficiency goals set by the New  
6 Mexico Public Education Department as a measure of  
7 the school's performance. Additionally, the  
8 school's proficiency levels are well below the  
9 proficiency levels of the district. Finally, the  
10 progress that the school is making is not keeping  
11 pace with the progress that the district schools are  
12 making in closing the gap between the students'  
13 performance and the annual measurable objectives  
14 articulated for the grade level served.

15 The evaluation completed in the area of  
16 academic achievement corresponds to these three  
17 areas of analysis, referencing tables that are in  
18 the evaluation that follows. The table on page  
19 five, entitled NMSBA school summary, demonstrates  
20 overall proficiency levels for the school and  
21 indicates that on average, over 70 percent of the  
22 students were not proficient in math and over  
23 50 percent of the students were not proficient in  
24 reading during the past four years.

25 During the same time period, as indicated

1 in the charts and graphs on page seven through page  
2 13, the school's performance was well below the  
3 district in all grade levels assessed in both math  
4 and reading. The discrepancies between the school  
5 and district performance fluctuated wildly between  
6 30 percent and one percent across grade levels such  
7 that it was impossible to find a trend or pattern of  
8 success or improvement.

9 The charts on page seven through 13 also  
10 show the significant progress gap between the school  
11 and the district in relation to the annual  
12 measurable objectives. Additionally, the  
13 information provided by the school demonstrated that  
14 they did not meet at least one of their academic  
15 goals identified in their charter.

16 The school's governance and management  
17 practices demonstrate a record of noncompliance with  
18 applicable state and federal laws and regulations.  
19 These practices included a lack of required  
20 policies, policies and procedures out of compliance  
21 with law and regulation, and conflicts of interest  
22 within the membership of the governing body. This  
23 pattern of noncompliance has made evident that the  
24 governance and management of the charter school has  
25 not lived up to the standards of accountability set

1     forth for all publicly funded educational  
2     institutions.

3             For these reasons, I am recommending that  
4     the charter not be renewed for the Learning  
5     Community Charter School, and I will stand for  
6     questions from the commission at this time.

7             CHAIR GARRISON: The Chair will entertain  
8     any questions.

9             Commissioner Lopez.

10            MS. LOPEZ: I guess, I mean, if they have  
11     the graduation rate they say they have, isn't that  
12     what we want? You do not agree they have that  
13     graduation rate?

14            MR. OBENSHAIN: I do. Yes, Commissioner  
15     Lopez, and commissioners, Mr. Chair, I do  
16     acknowledge and we did acknowledge in the report  
17     that they have met the graduation goals. However,  
18     that is one piece of a large responsibility that  
19     schools have, not just traditional schools but  
20     charter schools. So meeting a graduation rate and  
21     making academic progress are two different goals.

22            What is difficult for us and what was  
23     difficult in the evaluation is when you look at  
24     proficiency levels of students at that school, and  
25     then you look at the graduation rates for students

1 at that school, questions surface about what does  
2 the graduation mean with regard to academic  
3 proficiency at a school that has a high level of  
4 graduation, yet low levels of proficiency.

5 Graduation rate is determined by the  
6 courses that you complete, not levels of academic  
7 proficiency that you attain. So in the evaluation  
8 the --

9 CHAIR GARRISON: Excuse me, sir.

10 I was going to ask very politely to please  
11 refrain from sneers and comments. I am hearing  
12 things, but I am trying to listen to Mr. Obenshain.  
13 So please respect the process. Thank you.

14 MR. OBENSHAIN: Thank you.

15 CHAIR GARRISON: Please continue.

16 MR. OBENSHAIN: I believe I was talking  
17 about the difference in the goals that they met. So  
18 meeting a graduation rate, while commendable, the  
19 standard that we look at for renewals is minimum  
20 academic progress toward the minimum educational  
21 standards. That in the State of New Mexico and many  
22 states across the nation is determined by levels of  
23 proficiency. What we looked at was -- and we did  
24 this GAP analysis. You hear a lot of conversation  
25 about achievement GAP. And what we wanted to

1 identify is is this school making progress to lower,  
2 in other words, decrease the GAP that their students  
3 are making compared to the GAP that the district is  
4 making toward those measurable objectives that are  
5 identified by the state.

6 What we discovered is that we would hope,  
7 and our criteria would be that they at least meet  
8 the same trajectory as the district. The  
9 proficiency levels, as we identified, aren't the  
10 same as the district. They are well below the  
11 district, but we would hope that their path toward  
12 progress is at least as good, hopefully better, than  
13 the district.

14 So when you look at the difference  
15 between, sure, they are graduating students, but are  
16 those students proficient is the question that we  
17 had to look at.

18 MS. LOPEZ: How can you graduate and not  
19 be proficient? I thought that's what we have all  
20 been working on for a long time.

21 MR. OBENSHAIN: If I may, Commissioner  
22 Lopez, what I described is you graduate based on  
23 credits earned in a class. So your graduation --

24 MS. LOPEZ: That you had to pass.

25 MR. OBENSHAIN: You had to pass that

1 class, so that standard is developed by this teacher  
2 at the school. So if you say you made, and for the  
3 sake of passing, you made a D or greater in a class.  
4 Let's just take math. Let's take high school math.  
5 You made a D or greater in high school math, and  
6 then you look at the objective data that's provided  
7 by the NMSBA assessment, and you look at the math  
8 proficiency rates, and you say there is a  
9 disconnect. They are passing this class, yet they  
10 are not proficient in math. For us, that's where  
11 those two disconnect.

12 MS. LOPEZ: Okay. Thank you.

13 MR. OBENSHAIN: You're welcome.

14 CHAIR GARRISON: Any other questions of  
15 Mr. Obenshain?

16 Commissioner Gant.

17 MR. GANT: Mr. Obenshain, would you  
18 address the statements made by the presenters about  
19 that they claimed you did not use the trend data.  
20 Would you explain that, please?

21 MR. OBENSHAIN: Yes. Commissioner Gant,  
22 Mr. Chairman, members of the commission, as I was  
23 describing this trajectory or this path of progress,  
24 the statement that I made in the evaluation, the  
25 recommendation, our charge was to look at all grade

1 levels over the course of the charter term. What is  
2 challenging is, one, there are a number of grade  
3 levels, six through 12 at the school. You look at  
4 the number of different grades that are tested, and  
5 you have fluctuations.

6 So at any one year for any particular  
7 grade level, there could be an increase. Similarly  
8 at one particular grade level and one particular  
9 year, there could be a decrease. So what we looked  
10 at -- that's exactly why we address the GAP  
11 analysis, the AMO GAP analysis. For us that was a  
12 much more consistent way of looking across grade  
13 levels and across the term of the charter, to look  
14 at that trajectory. And while they may have a  
15 trajectory that is in some grade levels increasing,  
16 overall the trajectory of the school compared to the  
17 district's trajectory was not decreasing. That gap  
18 was not getting smaller.

19 So like I mentioned earlier, the charter  
20 school bargain says we can do at least as well as or  
21 better than traditional schools. That's why you  
22 granted us the charter, that's why you entrust  
23 public funds to our governing council and to our  
24 school. And there may have been instances of  
25 increase, but similarly if you look at the overall

1 proficiency levels, and if you look at that GAP  
2 analysis, consistently for that school, the GAP did  
3 not decrease. And that was what we were looking at  
4 with regard to trends.

5 I can assure you and we agreed and we did  
6 recognize some very significant increases in  
7 particular grade levels in particular subject areas.  
8 I believe if you look on --

9 CHAIR GARRISON: Page six.

10 MR. OBENSHAIN: Page six, is that where?

11 Yes, sir. Thank you.

12 Page six, thank you. The middle  
13 paragraph, it says one group shall have decreased to  
14 zero percent proficient followed by a nearly 37  
15 point increase. So it's not as if we ignored that  
16 data. What we are saying is it's not about one  
17 particular grade level, one particular year. This  
18 school, is this school on a path to reduce that GAP?  
19 In our estimation the answer was no.

20 Did that answer your question,  
21 Commissioner Gant?

22 MR. GANT: Yes, sir, it did.

23 CHAIR GARRISON: Any other questions?

24 MS. SILVA: Can I say anything else?

25 CHAIR GARRISON: No. Thank you, though.

1           The Chair will entertain a motion.

2           Commissioner Lopez.

3           MS. LOPEZ: Whereas, the commissioners  
4 have received the renewal application, a preliminary  
5 analysis of the renewal application, the applicant's  
6 response to the preliminary analysis, and the  
7 assistant secretary's recommendation and final  
8 evaluation;

9           And whereas, each commissioner has  
10 conducted his or her own independent review of the  
11 renewal application, the preliminary evaluation of  
12 the renewal application, the applicant's response to  
13 the preliminary analysis, and the assistant  
14 secretary's recommendation and final evaluation;

15           And whereas, detailed evidence supporting  
16 the school's figures or violations as set forth in  
17 the recommendation and final evaluation from the  
18 Assistant Secretary of Education for Charter  
19 Schools;

20           Whereas, the commissioners concur with the  
21 recommendation and final evaluation from the  
22 Assistant Secretary of Education for Charter  
23 Schools;

24           Therefore, be it resolved that a renewal  
25 charter for the Learning Community Charter School be

1 denied on the basis that the charter school, one,  
2 failed to meet or make substantial progress for the  
3 achievement of the department's minimum educational  
4 standards or student performance standards  
5 identified in the charter application; and two,  
6 violated provisions of law from which the charter  
7 school was not specifically exempted.

8 MS. SHEARMAN: Second.

9 CHAIR GARRISON: We have a second by  
10 Commissioner Shearman. We will proceed with a roll  
11 call vote through Secretary Gant.

12 MR. GANT: Commissioner Bergman.

13 MR. BERGMAN: No.

14 MR. GANT: Commissioner Carr.

15 MR. CARR: Yes.

16 MR. GANT: Commissioner Lopez.

17 MS. LOPEZ: No.

18 MR. GANT: Commissioner Shearman.

19 MS. SHEARMAN: Yes.

20 MR. GANT: Commissioner Garrison.

21 CHAIR GARRISON: Yes.

22 MR. GANT: Commissioner Gant votes yes.

23 It's a 3-2 -- correction. Yes, it's a 4-2 in favor.

24 CHAIR GARRISON: Be it resolved that the  
25 renewal charter for the Learning Community Charter

1 School is denied.

2 Red River Valley Charter School is the  
3 next school. If you would come up and present your  
4 school comments. We'll give you a moment to settle  
5 in.

6 Go ahead and introduce yourself and give  
7 us your titles and proceed with your school  
8 comments.

9 MS. PHILLIPS: Thank you. Thank you, Mr.  
10 Chairman and commissioners. Good afternoon. My  
11 name is Karen Phillips, and I am the school  
12 administrator for the Red River Valley Charter  
13 School. With me is president of our governance  
14 council, Ms. Katy Pierce, who is also a founder of  
15 our school and a parent of two children at our  
16 school.

17 This afternoon I would like to just share  
18 a little bit about our school. We are in our tenth  
19 year of our charter. We are in our second renewal.  
20 We were founded by a group of parents within our  
21 local community when our district, Questa School  
22 District, decided to close the school in Red River.  
23 So parents got together and put together a charter  
24 and were granted the charter. And so actually, I  
25 know we are looking at the last five years, four

1 years, would like to comment that we have made AYP  
2 all nine years so far of our charter and are hoping  
3 to make ten years, but we will see on that, but we  
4 look forward to that.

5 I wanted to tell you just a little bit  
6 more about our school and what has made us what we  
7 feel is a very successful school. And one of the  
8 things is that we put our students first. All  
9 decisions are made on what is best for our students  
10 for their learning and for their well-being.

11 We teach to the individual child. We  
12 differentiate within our classrooms. We work very  
13 hard taking a child with where they are within their  
14 strengths and weaknesses and what their academic  
15 performance is and working from there to get them up  
16 to proficiency levels.

17 Another part of what we feel has been a  
18 success for us is the fact that we are a charter  
19 school, and that the charter school movement is  
20 about educational reform. And for us this has meant  
21 that we have been able to be innovative, flexible,  
22 and fluid in trying to meet the needs of our  
23 students and have worked very hard at that, and then  
24 put together the innovation with a very dedicated,  
25 very talented teaching staff. I often say there is

1 a breed of charter school teachers, but to be quite  
2 serious, one of our interview questions for teachers  
3 is do you know how to plunge a toilet, because they  
4 will be required to do that.

5 But within our staff, we have stability.  
6 We have two teachers who have been with us for the  
7 past ten years. We were at the start of the  
8 charter. Our office manager has been there for ten  
9 years, and I have been the administrator for the  
10 past eight years. We also have stability within our  
11 governance council, with our community members and  
12 parents who have served on our governance council.

13 We also look at -- I think a great success  
14 for us has been the collaboration we have with our  
15 parents. We include our parents in all aspects of  
16 our school. They contribute quite a bit as far as  
17 their time and their energy for the success of our  
18 school. Also we have a great governance council.

19 And then another component is our  
20 community. Our community of Red River and local  
21 area is very supportive of us. We held a fundraiser  
22 last Saturday evening that raised \$20,000 for our  
23 school in our small little town of Red River. So we  
24 feel that all combined has made us a very successful  
25 school with that.

1           The other thing is our finances. I think  
2 you will note in our analysis we do not have any  
3 audit findings for the past four years, even based  
4 on the fact we changed business managers. So we are  
5 very responsible when it comes to our oversight of  
6 our fiscal. But I also wanted to just address our  
7 finances.

8           We live on a very small, small budget, and  
9 we are very responsible with that budget. We work  
10 very hard to make sure that the needs of our  
11 children are at the top of our budget when we do  
12 our -- top priority of our budget when we design our  
13 budget. And we have been very successful with that,  
14 especially given the times that we are in when our  
15 budget is getting smaller and smaller, and it's  
16 harder and harder to be able to provide those  
17 quality services.

18           We also provide a very structured  
19 environment for our students. We really believe  
20 that children need to learn to make responsible  
21 decisions and choices in life. And so we use a love  
22 and logic discipline system, a philosophy that holds  
23 children responsible, but at the same time we  
24 provide the guidance and the structure that's needed  
25 within that. We have school rules. We work very

1 closely as a staff and with parents to provide a  
2 very comprehensive, cohesive expectation of  
3 behavior, and we find that our students just thrive  
4 with that.

5 And we do have students who transfer in  
6 with behavior problems, but based on our system,  
7 it's within a short period of time that they really  
8 understand what it's like to be in a school  
9 community, being kind to one another and working  
10 together for the benefit of all.

11 And the last thing I want to mention is  
12 just our philosophy of accountability. We are a  
13 public school and we fully accept that. We approach  
14 things as a public school and a public charter  
15 school, but we also feel very accountable to our  
16 students and to our families and to our community.  
17 And we believe that these things in place, as well  
18 as the things that I think that you have read in our  
19 charter application and in the analysis, has made us  
20 a very exemplary school, a very successful school,  
21 and being unique that we are also not only the local  
22 school, but we are also a school of choice and have  
23 provided -- again, we feel really have impacted very  
24 positively the education and lives of children  
25 within our community. Thank you.

1 MS. PIERCE: I would just like to say  
2 quickly, my daughter is in seventh grade, my son is  
3 in eighth. Their whole career as students has been  
4 at this charter school, and they have had a  
5 remarkable education. Not only academically, but  
6 socially it's been a safe and loving environment for  
7 them, and it's been the most fulfilling thing, other  
8 than having children, that I have ever been involved  
9 in. Thank you.

10 CHAIR GARRISON: Any questions from the  
11 commissioners?

12 MR. CARR: Mr. Chair.

13 CHAIR GARRISON: Yes, Mr. Carr.

14 MR. CARR: I haven't asked a question yet  
15 today. I live in Eagle Nest, you know, but I  
16 remember hearing something about your building.  
17 Were you having problems with your building? How is  
18 that going?

19 MS. PHILLIPS: It's going very well at the  
20 moment. Just to describe our facilities, we were  
21 given some legislative appropriation money and we  
22 built a multipurpose science lab building. We were  
23 then given additional appropriation and a capital  
24 outlay grant for pre-K. So that's phase two, and we  
25 are going to do a ribbon cutting in about a month.

1           And we were part of a bond issue with our  
2 local district, and we were given our promised  
3 \$600,000. We have had some difficulty negotiating  
4 that, but we did finalize that negotiation this last  
5 week, and we are very pleased with that. So we  
6 should be having -- the \$600,000 from the bond  
7 should be given to us in the spring of this coming  
8 year, and we will begin phase three.

9           MR. CARR: One more, Mr. Chair.

10          CHAIR GARRISON: Proceed.

11          MR. CARR: And maybe this isn't an  
12 appropriate question for this setting, why haven't  
13 you extended grades? Have you thought about that at  
14 all?

15          MS. PHILLIPS: We are a K through eighth  
16 school. Going up to high school, one of the things  
17 that -- we have certainly discussed it, and it's  
18 also been a community interest. At this time, what  
19 is required to do a high school well, I guess is a  
20 good way to put it, with the variety of teachers  
21 that are needed, with the certifications and  
22 endorsements, would be rather difficult financially  
23 because we don't have that large a number of  
24 students that would probably attend.

25          Another issue for us is that we don't

1 have -- our sports are skiing, snowboarding, and  
2 fencing, and basketball now because we have a  
3 multipurpose, but oftentimes we find high school  
4 students want a little bit more of team sports and  
5 that would be an issue for space.

6 MR. CARR: Okay. Thank you.

7 CHAIR GARRISON: Any other questions by  
8 commissioners? Thank you for your comments.

9 MS. SHEARMAN: May I ask one? I'm sorry.  
10 Sort of waking up here. I have been here too long.

11 Somewhere in this information, in your new  
12 charter information, you are asking to increase  
13 class size from 15 to 18?

14 MS. PHILLIPS: Yes.

15 MS. SHEARMAN: With a declining enrollment  
16 or certainly an enrollment that is not growing?

17 MS. PHILLIPS: We do multi-grade  
18 classrooms. And so unfortunately financially it's  
19 very difficult to keep 15 in a classroom, so we are  
20 looking at enlarging classrooms to 18. Sometimes we  
21 only have six, seven in a classroom. It varies.  
22 Right now we have a classroom that's filled that we  
23 have a waiting list for. So if we would enlarge the  
24 number of students for that particular class, we  
25 could bring in those students and increase our

1 enrollment. So it varies with what our grade levels  
2 are. We have one sixth grader this year, but we  
3 have 15 fifth graders, so that would be the reasons.

4 MS. SHEARMAN: Okay. Thank you.

5 CHAIR GARRISON: Thank you. Acting  
6 Assistant Secretary Mr. Obenshain will now give his  
7 presentation.

8 MR. OBENSHAIN: Thank you, Mr. Chairman,  
9 members of the commission.

10 I recommend that the Public Education  
11 Commission renew the charter for Red River Valley  
12 Charter School. This recommendation to renew Red  
13 River Valley Charter School is based on the  
14 preponderance of the data gathered by the Charter  
15 Schools Division. The school did not commit any of  
16 the four acts that would lead to nonrenewal.

17 You do have the evaluation following my  
18 recommendation. You can see the analysis that we  
19 made for each of those four areas as well as the  
20 information provided by the school. I know you have  
21 read through all of this information. I did want to  
22 talk a little bit about the recommendation for their  
23 charter going forward, and then I will get into the  
24 conditions that we are recommending be placed on the  
25 school for renewal.

1           We also recommend that the commission  
2 approve the following changes to the charter: The  
3 class size increase, as well as a change to the  
4 mission statement. The rationale has been provided  
5 by the school. The changes meet the criteria that  
6 we identified in the renewal charter analysis tool,  
7 and we do believe this would best serve the charter  
8 moving forward for the next five year charter term.

9           I am also recommending the following  
10 conditions: That the governing body of the charter  
11 school submit an application to the commission and  
12 obtain approval from the commission that the  
13 governing body be designated as a board of finance;  
14 that the charter school agree that all accounting  
15 records shall be audited annually by a public  
16 accounting firm engaged by the Public Education  
17 Department; that the governing body of the charter  
18 school agrees that to the fullest extent permitted  
19 by law, the charter school shall indemnify, defend,  
20 and hold harmless the Public Education Department  
21 and Public Education Commission, their members,  
22 officers, employees, agents, affiliates, and  
23 representatives from and against any and all  
24 liabilities;

25           That the charter school participate in and

1 obtain insurance from the Public School Insurance  
2 Authority, and comply with all applicable rules of  
3 that authority; that the governing body of the  
4 charter school agree that in order to permit the  
5 Public Education Commission to fulfill its oversight  
6 function under the Charter Schools Act and ensure  
7 that the school is in compliance with all applicable  
8 laws and regulations and the terms and conditions of  
9 its charter, the staff of the Public Education  
10 Department Charter Schools Division has the right to  
11 request any data and records from Red River Valley  
12 Charter School and the school shall comply with any  
13 such requests within 15 days.

14 Red River Valley Charter School shall  
15 provide documents upon reasonable written notice and  
16 consistent with its obligations, authority, and  
17 rights under applicable laws and regulations  
18 governing student and employee confidentiality and  
19 privileges applicable to charter schools and their  
20 governing bodies.

21 After the completion of each academic year  
22 of its charter, the charter school shall submit an  
23 annual report to the Charter Schools Division. The  
24 annual report shall be submitted by the deadline  
25 determined by the division and shall provide data in

1 the format specified by the Charter Schools  
2 Division, and finally that the charter school comply  
3 with all the requirements of the monitoring process  
4 developed by the Charter Schools Division.

5 I make this recommendation to the  
6 commission and will stand for questions at this  
7 time. Thank you.

8 CHAIR GARRISON: Any questions of Mr.  
9 Obenshain?

10 Mr. Bergman.

11 MR. BERGMAN: You mentioned the changes  
12 they requested, but I don't see those in the  
13 resolution. Are we going to do that with a separate  
14 resolution, or are they just going to be  
15 incorporated if they get their charter?

16 MR. OBENSHAIN: Yes, sir. We recommend  
17 that these be approved. The recommendation is that  
18 the charter be renewed with those conditions. I  
19 will turn to the counsel to determine whether or not  
20 we should add those, if you think it's -- so we will  
21 go forward with the renewal.

22 There are -- let me make a little bit of  
23 clarification with a school that is renewed through  
24 the commission. One of the -- I don't know if it's  
25 as unique as we once thought it was, but the ability

1 for a charter school to transfer authorizers at the  
2 time of renewal, what that does for us is it  
3 requires that over the time, between the time that  
4 you approve the renewal and the time that they  
5 become a state chartered charter school, we work  
6 with the school to make sure any of the issues that  
7 we may have identified that weren't changes, but  
8 would either clarify issues in the charter -- they  
9 have identified an issue about cleaning up their  
10 goals to make sure that they are in the format that  
11 we request and require for state chartered charter  
12 schools. We will be working with the school to make  
13 sure that the charter is in a format that we can  
14 accept, and that when we do come to the time that we  
15 sign the contract for them to become a state charter  
16 school, that we have worked through all of those  
17 issues.

18 So that renewal charter we make sure is  
19 consistent with our requirements and that you have  
20 the charts that you have given us to make sure that  
21 the contract that they sign is and the charter that  
22 they have submitted meet the requirements that we  
23 have outlined for them.

24 MR. CARR: Mr. Chair, I would think that  
25 these are two separate issues. I would be all for

1 doing something. I mean, first we have to approve,  
2 and then we have to approve the changes that are  
3 amendments like we normally do. I would be more  
4 than happy to do that today, if that's possible, but  
5 that's just my opinion. I think it's two separate  
6 issues.

7 MR. OBENSHAIN: Mr. Carr, I believe that  
8 legal counsel will concur with that --

9 MR. CARR: Okay.

10 MR. OBENSHAIN: -- so that the  
11 recommendations with those conditions are for the  
12 renewal, that the changes to the charter will be  
13 submitted to us, and that we will work with the  
14 school prior to the signing of the contract to make  
15 sure that those changes are appropriately identified  
16 in their charter moving forward.

17 MR. CARR: Okay.

18 CHAIR GARRISON: Any other questions?  
19 Commissioner Lopez.

20 MS. LOPEZ: In the resolution where you  
21 refer to the charter school shall participate in and  
22 obtain insurance from the Public School Insurance  
23 Authority, do they not already have insurance? I am  
24 just wondering why is that in there specifically?

25 MR. OBENSHAIN: Mr. Chair, Commissioner

1 Lopez, all charter schools in the State of New  
2 Mexico must comply. That is a condition for all  
3 state chartered schools as well. When they move  
4 over, we want to be very clear that that is a  
5 condition of their renewal, so there aren't any  
6 questions when they come over to this authorizer,  
7 the same expectations. That's a legal requirement,  
8 so we want to make sure it's very clear to them what  
9 their legal obligations are.

10 MS. LOPEZ: Great. Thank you.

11 CHAIR GARRISON: In regard to the wellness  
12 policy, I saw in some of the other renewal reviews  
13 that some folks were not complying with that, and I  
14 did not find it was Red River, whether they were or  
15 were not doing their healthy schools report card, et  
16 cetera.

17 MR. OBENSHAIN: Mr. Chair, members of the  
18 commission, what we look at when we are looking at  
19 those four reasons, our standard was a pattern of  
20 noncompliance. So it is possible that a charter  
21 school has an incident of noncompliance that they  
22 may be addressing. I will give you an example.  
23 There is some legislation -- there is some  
24 legislation that has just recently been passed that  
25 did not go into effect until July 1 of this school

1 year. Our review then was started in October 1, so  
2 they may have been working toward adopting a policy  
3 that would be consistent with new legislation.

4 However, again, we looked over the entire  
5 charter term, and if we identified a pattern of  
6 noncompliance, that was really our standard. So in  
7 this instance with this school, they did not  
8 demonstrate a pattern of noncompliance. They  
9 demonstrated a pattern of compliance. So what we  
10 will do again, consistent with our monitoring and  
11 the process for schools that are transferring their  
12 renewals over to you all as an authorizer, we will  
13 be sure to work with those schools during that time  
14 to make sure, before we sign that contract, that  
15 that charter is compliant with law and that we have  
16 identified any of those issues to make sure that  
17 they are working toward that compliance.

18 CHAIR GARRISON: Thank you for that  
19 clarification.

20 Any other questions? The Chair will  
21 entertain a motion.

22 MR. CARR: Mr. Chair.

23 CHAIR GARRISON: Commissioner Carr.

24 MS. SHEARMAN: Can I ask a question before  
25 we do that?

1 MR. CARR: Oh, I'm sorry.

2 MS. SHEARMAN: That's fine. It's about  
3 the motion.

4 Mr. Obenshain has identified each one of  
5 these conditions that has been placed on this school  
6 and has read those into the record. Do they need to  
7 be restated in the motion?

8 CHAIR GARRISON: Yes.

9 MR. CARR: Okay. Thank you for trying to  
10 save --

11 CHAIR GARRISON: Thank you.

12 Proceed, Commissioner Carr.

13 MR. CARR: Whereas, the commissioners are  
14 in receipt of the renewal application, a preliminary  
15 analysis of the renewal application, the applicant's  
16 response to the preliminary analysis of the  
17 assistant secretary's recommendation and final  
18 evaluation;

19 And whereas, each commissioner has  
20 conducted his or her own independent review of the  
21 renewal application, the preliminary analysis of the  
22 renewal application, the applicant's response to the  
23 preliminary analysis of the assistant secretary's  
24 recommendation and final evaluation;

25 And whereas, the commissioners concur with

1 the recommendation and final evaluation from the  
2 Assistant Secretary of Education for Charter  
3 Schools;

4 Therefore be it resolved that the renewal  
5 charter for the Red River Valley Charter School be  
6 approved provided that the governing body of the  
7 charter school must submit an application to the  
8 commission and obtain approval from the commission  
9 that the governing body be designated as a board of  
10 finance. The charter school shall agree that all  
11 accounting records shall be audited annually by a  
12 public accounting firm engaged by the Public  
13 Education Department.

14 The governing body of the charter school  
15 shall agree to the fullest extent permitted by the  
16 law, the charter school shall indemnify, defend, and  
17 hold harmless the Public Education Department and  
18 the Public Education Commission, the members,  
19 officers, employees, agents, affiliates, and  
20 representatives from and against any and all  
21 liabilities. The charter school shall participate  
22 in and obtain insurance from the Public School  
23 Insurance Authority and comply with all applicable  
24 rules of the authority.

25 The governing body of the charter school

1 shall agree that in order to permit the Public  
2 Education Commission to fulfill its oversight  
3 function under the Charter Schools Act and ensure  
4 that the school is in compliance with all applicable  
5 laws and regulations in the terms and conditions of  
6 the charter, the staff for the Public Education  
7 Department, Charter Schools Division has the right  
8 to request any data, records from Red River Valley  
9 Charter School, and the school shall comply with any  
10 such request within 15 days.

11 Red River Valley Charter School shall  
12 provide documents upon reasonable written notice and  
13 consistent with its obligations and authority, the  
14 rights under applicable laws, and regulations  
15 governing student and employee confidentiality and  
16 privileges applicable to charter schools and their  
17 governing body.

18 After the completion of each academic year  
19 of each charter, the charter school shall submit an  
20 annual report of the Charter Schools Division. The  
21 annual report shall be submitted by the deadline  
22 determined by the division and shall provide data in  
23 the format specified by the Charter Schools  
24 Division.

25 The charter schools shall comply with all

1 requirements of the monitoring process developed by  
2 the Charter Schools Division, including compiling  
3 and reporting longitudinal student academic  
4 performance data over the course of the five year  
5 charter school.

6 Be it further resolved the charter shall  
7 not be affected until the signing of your charter  
8 contract between the Public Education Commission and  
9 the Red River Valley Charter School.

10 MS. LOPEZ: Second.

11 CHAIR GARRISON: Seconded by Commissioner  
12 Lopez. We will proceed with a roll call vote.

13 Secretary Gant, please proceed.

14 MR. GANT: Commissioner Bergman.

15 MR. BERGMAN: Yes.

16 MR. GANT: Commissioner Carr.

17 MR. CARR: Yes.

18 MR. GANT: Commissioner Lopez.

19 MS. LOPEZ: Yes.

20 MR. GANT: Commissioner Shearman.

21 MS. SHEARMAN: Yes.

22 MR. GANT: Commissioner Garrison.

23 CHAIR GARRISON: Yes.

24 MR. GANT: Commissioner Gant votes yes.

25 It's a 6-0 in favor.

1 CHAIR GARRISON: Be it resolved that the  
2 renewal charter for the Red River Valley Charter  
3 School is approved with the conditions as stated.

4 Congratulations.

5 MS. PHILLIPS: Thank you.

6 MS. PIERCE: Thank you.

7 MR. OBENSHAIN: Commissioner Garrison, if  
8 I could.

9 CHAIR GARRISON: Mr. Obenshain, please.

10 MR. OBENSHAIN: I just wanted to quickly  
11 recognize the folks on our staff that did an amazing  
12 amount of work, as I'm sure you have identified in  
13 these documents that were provided to you. This  
14 analysis, evaluation, and recommendation was clearly  
15 not mine alone. So I wanted to quickly, if I could,  
16 recognize those individuals.

17 CHAIR GARRISON: Yes.

18 MR. OBENSHAIN: In the back here is  
19 Dr. Bob Olix from the Albuquerque office; Ms. Corina  
20 Chavez, here from the Santa Fe office; Ms. Karen  
21 Ehlert from the Santa Fe office as well; Mr. Michael  
22 C de Baca as well with the Albuquerque office; and  
23 Rudolph Arnold, Esquire, also from the Albuquerque  
24 office.

25 Again, I just wanted to recognize their

1 hard work during this entire renewal process, so  
2 thank you for that.

3 CHAIR GARRISON: I have a comment by  
4 Commissioner Gant.

5 MR. GANT: I know this may seem facetious  
6 or sarcastic, but your data was not arbitrary and  
7 capricious.

8 MR. OBENSHAIN: Thank you.

9 CHAIR GARRISON: I think it's interesting  
10 the energy in the room for decisions that are made  
11 for the best interests of the children of New  
12 Mexico, and they are hard decisions. And I can  
13 attest that all the folks I know in the room that I  
14 have come across, we all care. And what comes to  
15 life in the end is the standards are pretty high for  
16 charter schools, and it's made -- it's built, it was  
17 uncompromised from school vouchers, but charter  
18 schools are there as an entrepreneurial effort, but  
19 with that autonomy comes great responsibility and a  
20 very high standard of compliance. So  
21 congratulations on your renewal.

22 And thank you, everyone, for all of your  
23 efforts and the analysis and all the work that went  
24 into prepping this commission for this very  
25 important work.

1 I'm trying to catch up on a couple of  
2 items that we moved around. We have completed 13.

3 I will entertain a resolution for the  
4 signing of the renewal.

5 Commissioner Gant, thank you.

6 MR. GANT: Whereas, the Public Education  
7 Commission will take final action to approve or deny  
8 the renewal application for charter schools;

9 Whereas, the Public Education Commission  
10 must provide written notification to each applicant  
11 of the commission's decision within 14 days of the  
12 meeting in which the decision was made.

13 Therefore, be it resolved that the  
14 chairman of the commission is authorized to send  
15 each applicant a letter which shall notify the  
16 applicant of the commission's decision. The  
17 contents of each letter shall reflect the  
18 commission's actions as stated in the resolutions  
19 that approve or deny applications.

20 MR. BERGMAN: Second.

21 CHAIR GARRISON: We have a motion by  
22 Commissioner Gant. Seconded by Commissioner  
23 Bergman. Is this a roll call vote, Counsel? So we  
24 will proceed with a roll call vote with the  
25 secretary.

1 MR. GANT: Commissioner Bergman.  
2 MR. BERGMAN: Yes.  
3 MR. GANT: Commissioner Carr.  
4 MR. CARR: Yes.  
5 MR. GANT: Commissioner Lopez.  
6 MS. LOPEZ: Yes.  
7 MR. GANT: Commissioner Shearman.  
8 MS. SHEARMAN: Yes.  
9 MR. GANT: Commissioner Garrison.  
10 CHAIR GARRISON: Yes.  
11 MR. GANT: Commissioner Gant votes yes.  
12 It's a 6-0 in favor.  
13 CHAIR GARRISON: The resolution has  
14 passed.  
15 Now are we ready? I believe we will go  
16 from No. 13 instead of 14, comments. We will go  
17 back to No. 9 to look at the tentative 2011 calendar  
18 of PEC meetings. We did seem to earlier take care  
19 of one piece or potential reschedule that could have  
20 occurred, but it looks like we can take care of that  
21 in the January 7th meeting --  
22 MS. FRIEDMAN: 10th. I'm sorry. Hold on.  
23 MR. BERGMAN: Mine says January 7th.  
24 CHAIR GARRISON: Beverly, were you  
25 thinking of something else?

1 MS. FRIEDMAN: Yes.

2 CHAIR GARRISON: So we are good. Well,  
3 let's look through it. January 7th, definitely Carl  
4 Perkins. What other items do we have on the 7th?

5 MS. FRIEDMAN: Swearing in.

6 CHAIR GARRISON: Swearing in.

7 MS. FRIEDMAN: You will have the Grady  
8 Academy.

9 CHAIR GARRISON: Yes.

10 MR. GANT: What do we do with the Grady  
11 Academy? I thought it was a done deal.

12 CHAIR GARRISON: Right. It's remanded  
13 back to us for approval with those conditions that  
14 we need to --

15 MS. FRIEDMAN: We need to take a vote.

16 MR. ARNOLD: It's not on your agenda.

17 MS. SHEARMAN: We have 30 days from the  
18 date of the decision, right?

19 MR. ARNOLD: That's correct.

20 MS. SHEARMAN: And the date of the  
21 decision.

22 MR. ARNOLD: It was December 10th, I  
23 believe. And there will likely be another decision.  
24 I don't know what the outcome will be, but assuming  
25 that perhaps that decision may also be needed, it's

1 best that you do it in January and then you can take  
2 care of both of them and you won't have to have a  
3 special meeting, and that decision is due by  
4 December 31st.

5 MS. SHEARMAN: Okay.

6 CHAIR GARRISON: Okay. Thank you, Mr.  
7 Arnold.

8 Commissioner Lopez.

9 MS. LOPEZ: Point of order. I am looking  
10 at my calendar on my phone, and either it's wrong or  
11 this calendar is wrong, because it shows the 7th as  
12 a Friday.

13 MR. GANT: It is.

14 MR. BERGMAN: This isn't your usual  
15 calendar.

16 MS. LOPEZ: Oh, I'm sorry.

17 MS. SHEARMAN: You put both Saturday and  
18 Sunday at the end.

19 MS. LOPEZ: It throws me, yes. Thank you.  
20 Sorry about that.

21 CHAIR GARRISON: We have a schedule  
22 tentatively March 25th and then June 10th, and, of  
23 course, we know what August entails. That's a week,  
24 potentially a week. I think we have cut it down a  
25 little bit the last year. We went to -- what was

1 it? Four days, three or four.

2 MR. OBENSHAIN: The community input  
3 hearings?

4 CHAIR GARRISON: We went down from a  
5 week -- we put a week aside, but was that four days?

6 MR. OBENSHAIN: Mr. Chair, it was three  
7 days of community input hearings.

8 MR. BERGMAN: Boy, those were three  
9 grueling days.

10 MS. FRIEDMAN: Yes, they were.

11 MR. OBENSHAIN: Again, it's your  
12 preference, what you would like to do. In the  
13 charter committee report out, we have identified a  
14 potential week long, but it's up to you. And again,  
15 depending on the number of applicants that are  
16 submitted or applications that are submitted, we  
17 will determine how many days we will make it.

18 CHAIR GARRISON: We will keep it as part  
19 of our wellness policy for PEC, so we will turn in a  
20 healthy report card after our travel.

21 Now, August 26th is -- so we are moving  
22 that up. That's right.

23 MR. BERGMAN: That's going to be a part of  
24 my discussion here whenever we get to it.

25 CHAIR GARRISON: Go ahead.

1 MR. BERGMAN: Want to do it right now?

2 CHAIR GARRISON: Sure. Commissioner  
3 Bergman.

4 MR. BERGMAN: The Charter School Committee  
5 did meet this morning, and what we have to do  
6 here --

7 Jeff, if you take one of these and pass  
8 them around to the other commissioners.

9 This was time when we approved what we  
10 call our initial charter school application review  
11 framework for 2011. You have seen it before. We  
12 have one each year. The dates are fairly firm, but  
13 they also -- we sometimes have exigent things come  
14 up, and that's what's happened here. You will see  
15 the two bottom dates there.

16 The final recommendations from the  
17 assistant secretary was originally set for the 24th.  
18 That needs to be moved up to the 19th, because it  
19 became apparent we needed to change that bottom date  
20 from the 31st of the month to the 26th which is a  
21 Friday. That's more of an accommodation because  
22 it's so hard for some of our commissioners to come  
23 during the week. It's easier for them to get off on  
24 a Friday, and the staff said they could work with  
25 that as long as we set that other date as the 19th

1 for his recommendation.

2 Then tied in with this is something we  
3 talked about last time. I don't see the paperwork.  
4 We discussed, the CSD has recommended that this year  
5 in 2011, in our process, part of our process, that  
6 the preliminary analysis portion of that process be  
7 done away with. We are not going to do the  
8 preliminary analysis in the next year, and I don't  
9 believe that calls for a vote from us. I don't  
10 think it was originally voted on. It was just  
11 something we agreed to do.

12 There were a number of reasons why they  
13 did that. One of the primary ones, if you remember  
14 when national was here late in the spring, that was  
15 one of the areas they pointed out that had a  
16 significant weakness, and they wanted to know why we  
17 were doing it, because most other people weren't  
18 doing it. So that is the recommendation from CSD to  
19 do away with that preliminary analysis.

20 If that's done, then that -- remember,  
21 that took a lot of work on their part, a lot of work  
22 on our part, reading it, sending it out to the  
23 applicants. They did a bunch. That's going to  
24 shorten the timeframe, which is why we won't have to  
25 go into September and get an exemption, which was

1 one of the things we were doing. When we went into  
2 September, we had to change the date because it fell  
3 outside of the deadline. They also want to stop  
4 doing that. So this fits that also.

5 If we get away from the preliminary  
6 analysis, that will take care of the problem, speed  
7 up the process. We will still have a thorough and  
8 very in depth review of these applications, just  
9 without the preliminary analysis. And each year we  
10 do this, we go through and revise and refine the  
11 process. It's ongoing, and every year we find out  
12 something. We found out something last week that we  
13 are going to look into.

14 So that's what they recommend. They  
15 recommend that we change the dates. And if we  
16 agree, I have got a resolution already here. If  
17 there are any questions, comments.

18 CHAIR GARRISON: I do have a question.  
19 When you point down, which dates are we changing?

20 MR. BERGMAN: The bottom two on that --  
21 the bottom two.

22 CHAIR GARRISON: So they would equal --

23 MR. BERGMAN: -- on the initial review.

24 CHAIR GARRISON: So it would still be  
25 different from the greens that we have marked?

1 MR. BERGMAN: No. See, the 19th isn't  
2 even on our green one. That is one the assistant  
3 secretary is going to give us the recommendation.  
4 We already have it on the 26th. Somebody had  
5 already moved it to the 26th when they did this  
6 green one anyway, so we are just conforming to that.

7 CHAIR GARRISON: Now, your resolution  
8 entails what?

9 MR. BERGMAN: That we adopt this  
10 framework. It has nothing to do with any of the  
11 rest.

12 CHAIR GARRISON: Is that an action item  
13 that would have had to have been on our agenda to  
14 adopt a change in the framework?

15 MR. ARNOLD: Your agenda does indicate by  
16 an asterisk that it is an action item. Ms. Friedman  
17 thought about that in advance. So if you look at  
18 that item with an asterisk, it's an action item.

19 MR. BERGMAN: So we can't change it today?

20 MR. ARNOLD: We can.

21 CHAIR GARRISON: I thank Mr. Arnold for  
22 reminding us that she is very thoughtful.

23 So it is an action item and --

24 MR. BERGMAN: We can change it today.

25 CHAIR GARRISON: I can entertain a

1 resolution, if that's what the Charter School  
2 Committee concurs with, the CSD recommendation to  
3 change the framework.

4 MR. BERGMAN: You want me to read this?  
5 Is this the time to read this? We are all still  
6 having trouble with subcommittee, committee.

7 CHAIR GARRISON: I'm not. It's committee.

8 MR. BERGMAN: Well, some of them just  
9 because it was subcommittee on this resolution.  
10 That's been scratched.

11 Let me read it here:

12 Whereas, the Charter School Division has  
13 submitted for approval a document entitled Review  
14 Stages for the Initial Charter School Application  
15 Framework, 2011;

16 Whereas, the Public Education Commission  
17 Charter School Committee has recommended approval of  
18 this framework with the changes we have discussed;

19 Therefore, be it resolved that the Public  
20 Education Commission hereby approves the review  
21 stages for the initial charter application framework  
22 2011 as set forth in the attached documents  
23 submitted by the Charter Schools Division.

24 MS. SHEARMAN: Second.

25 CHAIR GARRISON: We have a second by

1 Commissioner Shearman. We will proceed with roll  
2 call vote through Secretary Gant.

3 MR. GANT: Commissioner Bergman.

4 MR. BERGMAN: Yes.

5 MR. GANT: Commissioner Carr.

6 MR. CARR: Yes.

7 MR. GANT: Commissioner Lopez.

8 MS. LOPEZ: Yes.

9 MR. GANT: Commissioner Shearman.

10 MS. SHEARMAN: Yes.

11 MR. GANT: Mr. Garrison.

12 CHAIR GARRISON: Yes.

13 MR. GANT: Commissioner Gant votes yes,  
14 6-0 in favor.

15 CHAIR GARRISON: Be it resolved that the  
16 initial charter school application review framework  
17 changes are approved.

18 October 21st and December 16th, did anyone  
19 have any findings there on their calendars as far as  
20 reasons to move those?

21 MR. BERGMAN: I can think of none at this  
22 time. It's hard to look a year into the future and  
23 say I'm not going to have any.

24 CHAIR GARRISON: You are right, and I  
25 think it is what it is. We did our best.

1 With that said, Counsel, do we need to  
2 vote on this calendar? We tentatively accepted it.

3 MR. ARNOLD: You should vote on it.

4 CHAIR GARRISON: Okay. The Chair will  
5 entertain a motion.

6 MR. GANT: So moved.

7 MS. SHEARMAN: Second.

8 CHAIR GARRISON: It has been moved to  
9 accept the calendar and seconded by Commissioner  
10 Shearman. We will proceed with roll call vote.

11 Commissioner Gant.

12 MR. GANT: Commissioner Bergman.

13 MR. BERGMAN: Yes.

14 MR. GANT: Commissioner Carr.

15 MR. CARR: Yes.

16 MR. GANT: Commissioner Lopez.

17 MS. LOPEZ: Yes.

18 MR. GANT: Commissioner Shearman.

19 MS. SHEARMAN: Yes.

20 MR. GANT: Commissioner Garrison.

21 CHAIR GARRISON: Yes.

22 MR. GANT: Commissioner Gant votes yes.

23 It's a 6-0 vote in favor.

24 CHAIR GARRISON: The 2011 calendar is  
25 approved.

1 Reports from PEC committees is item No.  
2 10, and we have Strategic Planning, Kathryn  
3 Krivitzky chair, we know they did not meet. B,  
4 technical education from Eugene Gant, chair. We did  
5 have a presentation, a very nicely done presentation  
6 by Dr. Lomax. Do you have anything to add?

7 MR. GANT: I have nothing to add to this,  
8 Mr. Chair.

9 CHAIR GARRISON: And letter C is charter  
10 schools, and I believe Mr. Bergman went over his  
11 items, so thank you.

12 MR. BERGMAN: I have done that.

13 CHAIR GARRISON: Thank you. No. 12 was  
14 already completed through Beverly Friedman for  
15 Dr. Susanna Murphy on the comments of the secretary.  
16 Is there anything else you want to add, Ms.  
17 Friedman?

18 MS. FRIEDMAN: No.

19 CHAIR GARRISON: No. 12, Secretary of  
20 Education comment.

21 MS. FRIEDMAN: Not at this time.

22 CHAIR GARRISON: Thank you.

23 No. 14 are PEC comments. We have letter  
24 a, information on the prevention of bullying, and  
25 letter b, W-2 and 1099 forms for commissioners. I

1 disseminated or tried to disseminate the website  
2 addresses, and some of the new information that came  
3 in. Council Willie Brown had informed me that  
4 Secretary Duncan had released some information on  
5 bullying, so thank you for providing that for us. I  
6 believe you have that in a packet today.

7           If there are no comments about the  
8 bullying, I just want to make my comment in that in  
9 looking at charter schools and looking at charter  
10 schools that are serving high risk children, the  
11 bullying aspect has many, many facets to it. Now  
12 with technology, we are looking at the Facebook and  
13 cyber bullying, and these folks are slick and they  
14 are smart. It's almost like looking at the young  
15 man in prison that got busted for robbing banks but  
16 became pretty proficient at it even though they  
17 didn't get caught. These children will find  
18 different ways to involve themselves in that law of  
19 the jungle and the pecking order of life.

20           So please read the information on  
21 bullying, and look at your respective districts, for  
22 those of you that are in local school districts.  
23 The LEAs need to be heavily involved in this,  
24 because you see the teens that don't have the  
25 emotional development to handle bullying, and the

1 answer is escape. And many times that is suicide,  
2 and so it's such an important issue. I am glad that  
3 NASBE disseminated that information out in DC when I  
4 was in the last meeting. Please read it through at  
5 your leisure.

6 Letter b is W-2 and 1099 forms for  
7 commissioners. I don't know if we were going to be  
8 presented any new information or if Commissioner  
9 Gant has something.

10 MR. GANT: Yes, Mr. Chair, members of the  
11 commission. I talked to Bern this morning before  
12 she had to leave. She had been working with the  
13 finance people. They wouldn't give her an answer.  
14 The only answer she could get was have them make an  
15 appointment with me, and I will explain it.

16 Well, after the change of leadership up  
17 here in this part of the world, maybe we will have  
18 somebody else that would be willing to come over and  
19 talk to us why we are getting 1099s for what we do  
20 up here. So right now I recommend that we look  
21 forward to doing this again in the future.

22 THE REPORTER: And that person's name  
23 again?

24 MR. GANT: Bernadette Tennyson.

25 MS. FRIEDMAN: Mr. Chair.

1 CHAIR GARRISON: Yes, Beverly Friedman.

2 MS. FRIEDMAN: I would just like to add  
3 that Bern left me with a name of Mr. Anthony Armijo  
4 and his phone number if you are interested in  
5 talking to him within the next two weeks.

6 CHAIR GARRISON: Can you e-mail that  
7 information to the whole commission?

8 MS. FRIEDMAN: Yes, I can.

9 CHAIR GARRISON: Thank you so much.

10 MS. FRIEDMAN: Sure.

11 CHAIR GARRISON: Item No. 15 on the agenda  
12 is adjournment. I will now entertain comments from  
13 commissioners.

14 Commissioner Shearman.

15 MS. SHEARMAN: I just wanted to let  
16 everyone know. I think I sent it out in an e-mail,  
17 but my life has been a blur here lately so I'm not  
18 exactly positive. The government task force on --  
19 what is it? -- government restructuring, whatever  
20 the word is, has recommended the elimination of the  
21 Public Education Commission. I think each of us  
22 personally might want to make some contact with our  
23 legislators if they so choose.

24 The ones I talked to don't seem to think  
25 it's a very seriously taken recommendation. It

1 would be two years before it would happen. It's a  
2 constitutional amendment, and frankly we don't cost  
3 them that much anyway. But I just wanted to bring  
4 it up so that everyone would be aware of it, and as  
5 you see your legislators, you might want to visit  
6 with them about it. Thank you.

7 CHAIR GARRISON: Thank you, Commissioner  
8 Shearman.

9 Commissioner Gant.

10 MR. GANT: Yes. Mr. Chairman, members of  
11 the commission, I would like to pick up on  
12 Commissioner Shearman's comments. There are two  
13 other reasons why, besides constitutional change and  
14 legislators aren't really interested is that we do  
15 two duties in this commission that aren't done  
16 anywhere else. One is the Perkins grant. By law,  
17 someone has to do it, other than the PED. We are  
18 the ones that do it. Who else is going to do it?

19 Second, if they turn over the  
20 authorization or non-authorization, renewals or  
21 nonrenewals to some other agency, who that would be  
22 is beyond -- I mean, I wouldn't even think of who it  
23 would be. Who is going to be the appealing  
24 authority if charters are denied? If the charter is  
25 recommended for denial by the PED, CSD, or whomever,

1 who is going to do it, because they all work for the  
2 secretary of ed. We don't work for the secretary of  
3 ed. We are advisors to the secretary of ed., but we  
4 can make independent decisions on charters' renewal  
5 or denial. That's my point.

6 Go out and talk to your legislators. I  
7 think the superintendents and all that are going to  
8 say don't do it. New Mexico School Board  
9 Association are coming up online and saying don't  
10 make that change.

11 My next comment deals with -- and I call  
12 it "Graduate New Mexico." This is an initiative put  
13 in by the governor, there has been some stimulus  
14 money on it, and there was a comment made during the  
15 CTE statewide advisory council a week or two ago  
16 that I attended that there may not be any stimulus  
17 money next year for this project. That's where  
18 kids, students come back to school after they have  
19 dropped out for a while. They can be of any age.  
20 We have 62 of them down in Las Cruces right now  
21 attending LCPS schools.

22 I talked to the head, Dr. Sanchez, the  
23 head of curriculum down at Las Cruces Public  
24 Schools, and he says, well, we will just continue to  
25 do it, and they can be counted as SEDs. In other

1 words, they become counted in as a school  
2 population. Therefore, we will get state money to  
3 cover the cost to educate these kids, and we will  
4 get them graduated as they so desire. And a lot of  
5 kids are coming back. When they get into their  
6 twenties, they are coming back, and it's a good  
7 thing.

8 The last issue, and it was kind of pointed  
9 out this afternoon and we have got to fix this  
10 somehow, the charter applicants come in and talk  
11 about, well, APS evaluated us this way and they  
12 found this. Then CSD, PED come in and evaluate us  
13 this way and they find something different. Somehow  
14 all districts need to be on the same sheet of music  
15 that we use here, because it is very good. I don't  
16 know how to do that. We have been working on it for  
17 a number of years. But they had come out today,  
18 well, APS told us we were great and you are telling  
19 us we are bad, so which is it. So we have to come  
20 on with the same sheet of music somehow. Thank you.

21 CHAIR GARRISON: Ms. Friedman.

22 MS. FRIEDMAN: A point of personal  
23 privilege, Chair. Basically I am a governor exempt  
24 employee, and this will be my last PEC meeting. And  
25 so I want to wish you all well and tell you that I

1 have enjoyed working with you. And Bern and Willie  
2 and Rudy and Sam will pick up and care for you the  
3 next year.

4 MS. LOPEZ: We'll miss you.

5 MS. FRIEDMAN: Thank you.

6 MS. SHEARMAN: We will really miss you.

7 CHAIR GARRISON: What a tease. She gets  
8 me all dependent, and then, the story of my yank the  
9 rug out. We will miss you greatly, and thank you  
10 for everything that you have done for us and with  
11 us. Thanks a lot.

12 MR. BERGMAN: You are not going to  
13 reapply?

14 MS. FRIEDMAN: I have reapplied, but I  
15 haven't heard anything, so you know, I just --

16 MS. SHEARMAN: There's a possibility?

17 MS. FRIEDMAN: Well, I don't hear. I  
18 don't think so. I don't think so.

19 CHAIR GARRISON: Why?

20 MS. FRIEDMAN: If they ask, I will be  
21 there but --

22 MR. CARR: Worth a try.

23 MR. BERGMAN: We have certainly  
24 appreciated all the work you have done for us.

25 MS. FRIEDMAN: Well, thank you very much.

1 CHAIR GARRISON: Thank you, Beverly.

2 Any other comments by commissioners?

3 MS. LOPEZ: Happy holidays.

4 MS. SHEARMAN: Happy holidays.

5 MR. GANT: Happy holidays.

6 CHAIR GARRISON: The Chair will entertain

7 a motion to adjourn.

8 MR. CARR: Move we adjourn.

9 MR. BERGMAN: Second.

10 CHAIR GARRISON: All those in favor say

11 aye.

12 MR. BERGMAN: This is off the record.

13 (The meeting concluded at 3:39 p.m.)

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1 STATE OF NEW MEXICO)  
2 COUNTY OF BERNALILLO)

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REPORTER'S CERTIFICATE

5 I, Sally Peters, RPR, CCR #57, Certified  
6 Court Reporter in the State of New Mexico, do hereby  
7 certify that the foregoing pages constitute a true  
8 transcript of proceedings had before the Public  
9 Education Commission, held in the District of New  
10 Mexico, in the matter therein stated.

11 In testimony whereof, I have hereunto set  
12 my hand on December 28, 2010.

13

14

15

SALLY PETERS, RPR, CCR #57  
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Bean & Associates, Inc.  
201 Third Street, Northwest  
Albuquerque, New Mexico 87102

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(1090J)

25

SANTA FE OFFICE  
119 East Marcy, Suite 110  
Santa Fe, NM 87501  
(505) 989-4949  
FAX (505) 820-6349



MAIN OFFICE  
201 Third NW, Suite 1630  
Albuquerque, NM 87102  
(505) 843-9494  
FAX (505) 843-9492  
1-800-669-9492  
e-mail: info@litsupport.com