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BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

PUBLIC MEETING

October 17, 2014

9:00 a.m.

Jerry Apodaca Education Building, Mabry Hall

300 Don Gaspar

Santa Fe, New Mexico

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A P P E A R A N C E S

COMMISSIONERS:

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

STAFF:

MR. MATT PAHL, Interim Director, Charter School
Division
MR. JOSHUA R. GRANATA, Assistant Attorney General,
Counsel to the PEC
MS. BEVERLY FRIEDMAN, PED Liaison to the PEC

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THE CHAIR: Good morning. I call into session -- call to order -- this regularly scheduled meeting of the New Mexico Public Education Commission.

I would ask Secretary Bergman for roll call, please.

COMMISSIONER BERGMAN: I do not believe that the mics are working, so I will just work without them.

Commissioner Pogna?

COMMISSIONER POGNA: Present.

COMMISSIONER BERGMAN: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Present.

COMMISSIONER BERGMAN: Commissioner Conyers?

COMMISSIONER CONYERS: Here.

COMMISSIONER BERGMAN: Commissioner Peralta?

COMMISSIONER PERALTA: Here.

COMMISSIONER BERGMAN: Commissioner Carr?

COMMISSIONER CARR: Here.

COMMISSIONER BERGMAN: Commissioner Gant?

COMMISSIONER GANT: Here.

1 COMMISSIONER BERGMAN: Commissioner
2 Shearman?

3 THE CHAIR: Here.

4 COMMISSIONER BERGMAN: Commissioner
5 Bergman is here.

6 Madam Chair, you have eight members
7 present. You have a quorum.

8 THE CHAIR: Thank you, Mr. Secretary. We
9 do have a quorum with eight members. And I've been
10 notified that Commissioner Parker will be here, but
11 he, because of some personal business, will be late.
12 But he will be here this morning.

13 Next item on the agenda, the Pledge of
14 Allegiance and Salute to the New Mexico Flag.

15 Commissioners Peralta and Conyers, please.

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

18 THE CHAIR: Thank you. I would remind
19 everyone, please turn off your electronic devices,
20 or turn them down, or whatever.

21 Item No. 2 is Approval of the Agenda. Do
22 we have any corrections or changes to the agenda?

23 Seeing none, the Chair would ask for a
24 motion.

25 COMMISSIONER PERALTA: So move.

1 THE CHAIR: Motion by Commissioner
2 Peralta. Second by Commissioner Conyers?

3 COMMISSIONER CONYERS: Second, sure.

4 THE CHAIR: Second by Commissioner
5 Conyers.

6 Any discussion?

7 All those in favor --

8 THE CHAIR: Mr. Granata?

9 MR. GRANATA: Madam Chair, I suggest, for
10 Item No. 4, that the words "and Possible Action" be
11 taken out, just because there is a little bit of
12 confusion as regards to compliance with the Open
13 Meetings Act.

14 THE CHAIR: Any discussion?

15 COMMISSIONER GANT: Do we need a friendly
16 amendment to that?

17 THE CHAIR: Let me get Beverly to speak,
18 and then we'll come to you.

19 Beverly?

20 MS. FRIEDMAN: Madam Chair, Commissioners,
21 I'd like to correct a misspelling in that particular
22 item. And I believe it's "Contract" Facilitator
23 instead of "Contact."

24 THE CHAIR: You're absolutely right.
25 Thank you very much.

1 MS. FRIEDMAN: You're welcome.

2 THE CHAIR: Contract Facilitator. Thank
3 you.

4 Commissioner Gant?

5 COMMISSIONER GANT: Madam Chair, the only
6 question I had, that the motion had already been
7 made to accept the minutes as written, do we need a
8 friendly amendment to make the modifications, as
9 stated by our attorney, Josh, and by Beverly?

10 MR. GRANATA: Yes, we do.

11 THE CHAIR: Yes, we do.

12 COMMISSIONER GANT: Madam Chair, I make a
13 friendly amendment, as stated by Josh and Beverly,
14 to the amendment already on the floor.

15 THE CHAIR: To the motion already on the
16 floor.

17 COMMISSIONER GANT: Motion on the floor.

18 THE CHAIR: Thank you. Do we have a
19 second to that?

20 COMMISSIONER POGNA: Second.

21 THE CHAIR: I'm looking at Commissioner
22 Pogna for the second.

23 We have a motion and second to approve the
24 agenda, as amended. Any further discussion?

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

1 (Commissioners so indicate.)

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

3 (No response.)

4 THE CHAIR: Let me just -- I'm getting
5 some funny looks. So let me just say, on Item 4,
6 the wording for that item, I sent it to Mr. Pahl
7 late Friday afternoon. It had to be posted on the
8 website by 9:00 Tuesday morning in order to meet
9 Open Meetings Act requirements.

10 I looked online at 10- -- I have the time
11 here -- about 10:40. The agenda that was posted
12 that I found did not have the new Item No. 4.

13 I e-mailed Mr. Pahl. He said, "I thought
14 it was uploaded" -- "the new one was uploaded."

15 Sometime later, a few more minutes later,
16 I got a note from him that said, "It is uploaded
17 now." But whatever the time frame was, it missed
18 the 9:00 a.m. cutoff to meet the requirements.

19 So we may discuss this item, but we may
20 not take action on it. That's just by way of
21 explanation.

22 Any further comments? All right. Let's
23 move on.

24 Item No. 3 is Approval of Minutes of our
25 two-day meeting in September.

1 The first will be the minutes for
2 September 25th, and those are under your Tab No. 3.

3 Any corrections, changes to the minutes?

4 Seeing none, I have a couple of
5 clarifications, not corrections. So is this a time
6 for a clarification question? Can I do that?

7 Okay. My first question is on Page 26.
8 Sorry, I don't have a line number; I thought I put
9 one down. Look on line 21. This is Mr. Baysinger,
10 who is head of one of the Southwest governance
11 councils, I believe, speaking. And he said, "Simply
12 because we're trying to incorporate for the loss of
13 the Montgomery classroom with our main facility."

14 My question is, is it "classroom,"
15 singular, or "classrooms," plural? My understanding
16 was they were using more than one classroom in the
17 facility on Montgomery.

18 Do you know, Mr. Pahl?

19 MR. PAHL: I'm sorry, Madam Chair. Could
20 you point out the line again?

21 THE CHAIR: 11 -- 21 and 22 on Page 26.

22 MR. PAHL: Madam Chair, members of the
23 Commission, no, I don't know offhand.

24 COMMISSIONER TOULOUSE: Madam Chair?

25 THE CHAIR: Commissioner Toulouse?

1 COMMISSIONER TOULOUSE: May I make a
2 correction of Mr. Baysinger? He's not the
3 governance council. He's the head of all four of
4 the schools, now the acting head. He's the one that
5 all of the governance councils hired to be the --

6 THE CHAIR: He's the head administrator.

7 COMMISSIONER TOULOUSE: Yeah.

8 THE CHAIR: I'm sorry. I thank you for
9 that correction.

10 COMMISSIONER TOULOUSE: Madam Chair, I
11 don't want to have to then correct that, then, next
12 meeting.

13 THE CHAIR: No, I had that completely
14 wrong.

15 COMMISSIONER GANT: I don't remember.

16 THE CHAIR: Just for my own knowledge,
17 could you check that out, please?

18 MR. PAHL: Absolutely, Madam Chair.

19 And on Page 31 -- never mind. We're not
20 going to talk about that one.

21 On Page 108 -- and this may be something
22 you're going to talk about today; I'm not sure. On
23 Page 108, you talk about visiting Health Science,
24 and you say, "We will visit next month."

25 Well, this is next month. Has the visit

1 already happened, or is it still yet to happen?

2 MR. PAHL: Madam Chair, the visit is
3 scheduled for next week.

4 THE CHAIR: Next week. Thank you very
5 much.

6 Page 121 and 122, starting on the bottom
7 of the Page 121, line 24, and goes over to the top
8 of Page 122, "The school plans to remain in Hogback
9 Chapter House until their permanent building, which
10 hasn't been approved by the PEC, is approved by CID
11 and the Navajo Nation authorities."

12 Mr. Pahl, that's your comment. Just
13 clarify that for me, would you please?

14 MR. PAHL: I believe I either misspoke, or
15 it's a typo on the minutes. To the extent that the
16 PEC approves a facility, their permanent facility
17 has been approved. It's the address that you'll
18 find in our permanent document.

19 So the permanent facility, once it's
20 gotten all of the approval from PSFA and CID, the
21 PEC needs to feel okay about that facility. It has
22 been approved in the sense that it's the permanent
23 facility, we know they plan on being there, and as
24 long as they have E-Occupancy and an approval from
25 CID and PSFA, that facility is their approved

1 permanent home. So I believe has -- "has been
2 approved by the PEC," as far as a final facility
3 after they meet the criteria.

4 THE CHAIR: But in a sense, it has not
5 because it still needs to have the final E-Occupancy
6 and a couple of other things. So perhaps the
7 sentence is correct, with just your explanation.

8 MR. PAHL: Yes.

9 THE CHAIR: Commissioner Gant?

10 Okay. Is Martica here?

11 COMMISSIONER GANT: No, I didn't invite
12 her. There wasn't enough --

13 THE CHAIR: She was going to bring some
14 information about -- I believe that's all the
15 questions I had. Thank you all very much.

16 Any other questions or concerns with the
17 September 25th, 2014, minutes?

18 Hearing none, the Chair would entertain a
19 motion.

20 COMMISSIONER GANT: I move to approve the
21 minutes for September 25th and September 26th.

22 THE CHAIR: No. Just the 25th, so far.

23 COMMISSIONER GANT: I'm sorry. I move
24 that we -- I move that we accept the minutes for
25 September 25th, as written.

1 THE CHAIR: Do I hear a second?

2 COMMISSIONER PERALTA: Second.

3 THE CHAIR: Moved and seconded that we
4 approve the minutes of the September 25th, 2014,
5 meeting minutes, as presented.

6 Any discussion? All those in favor,
7 please say "Aye."

8 (Commissioners so indicate.)

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

10 (No response.)

11 THE CHAIR: Minutes of the September 25th
12 meeting are unanimously approved.

13 Let's go to the September 26th meeting
14 minutes. Well, I know they're in here somewhere.

15 Okay. Yeah, I know, I read them again
16 last night. Looking at the September 26th 2014,
17 minutes, are there any corrections or comments?

18 THE CHAIR: I found none, either.

19 Hearing no corrections or comments, the
20 Chair would entertain a motion on the September 26th
21 minutes. Commissioner Toulouse?

22 COMMISSIONER TOULOUSE: Madam Chair, I
23 move we approve the September 26th minutes, as
24 presented.

25 THE CHAIR: Thank you. Do I have a

1 second?

2 COMMISSIONER BERGMAN: Second.

3 THE CHAIR: Motion and second to approve
4 the September 26th meeting minutes, as presented.

5 Any discussion?

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

7 (Commissioners so indicate.)

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

9 (No response.)

10 THE CHAIR: Minutes are unanimously
11 approved. Thank you for another outstanding job,
12 Cindy.

13 We are now to Item 4. If I may just take
14 a minute and give you my thoughts on this item.

15 I asked that Item 4 -- and the other
16 officers agreed to put Item 4 on the agenda --
17 asking that Julia Barnes be hired on contract to be
18 the contract facilitator for contract and
19 performance framework negotiations for the coming --
20 for the next year.

21 You all will remember Julia; we've worked
22 with her extensively. She has been the facilitator
23 for all of the contract negotiations and the
24 performance framework renegotiations, except the
25 first-year performance framework negotiations that

1 we have done so far.

2 It has gone very well under her
3 leadership. She is very knowledgeable. And I
4 thought we have so many negotiations coming up in
5 such a short period of time that we can certainly
6 benefit from her knowledge and experience and
7 leadership.

8 So I put this item on here and thought
9 that we could vote on it and really give some
10 direction to CSD, and that they could take that word
11 on up the line. But because it did not get on the
12 agenda in a timely enough manner, we cannot vote on
13 it.

14 However, Josh tells me we can discuss it,
15 and we can discuss as much as or as little as we
16 choose.

17 There is another interesting little piece
18 of information that has surfaced. I was talking
19 with Matt at the LESC meeting the other day, and he
20 informed me there is a way to do a contract without
21 having to go through the personnel office and all of
22 that stuff. And I don't want to speak for Matt,
23 because I probably won't say it right.

24 So, Matt, I'm going to ask you if you will
25 share that with the Commission and let us have that

1 information to work with, as well.

2 MR. PAHL: Madam Chair, members of the
3 Commission, we received something of a request
4 during discussion on last month's meeting to
5 contract out with Ms. Julia Barnes. The rationale
6 for contracting with Julia Barnes is a good one; we
7 agree with it.

8 However, there is a State procurement
9 code, and so we need to work within those
10 boundaries. There's a limitation for the amount of
11 the contract that, once you pass a certain
12 threshold, there are different rules in play there.

13 So you have a commitment from me to reach
14 out to Julia Barnes to contract out for this work.
15 If it's over a certain amount of money, and we know
16 how much work there is to it, we may have to go
17 through an RFP process. In that case, the rules
18 don't allow us to really -- I guess it takes -- we
19 would have to follow the rules of that procurement
20 process.

21 The other procurement process may give us
22 a little more leeway. But, again, the request from
23 the PEC was heard at last month's meeting, as well
24 as this one. So we're scoping out the cost of the
25 work, so we can then engage with Ms. Barnes on

1 whether or not we can work out a deal with her that
2 meets her terms, as well as ours, to get her to do
3 the work.

4 The other thing I'll note -- just -- it's
5 a technicality -- it's on the agenda -- that having
6 her be the contract facilitator for the next
7 12 months is not possible. We can only do contracts
8 until the end of the fiscal year. It's a mechanical
9 thing. But you have a commitment from me to reach
10 out to Julia Barnes to work within our fiscal
11 parameters to see if we can contract with her, and,
12 if not, encourage -- or I can't encourage her to
13 apply for a competitive process.

14 But should it go to an RFP and a
15 competitive process, potentially, other people could
16 encourage her to apply for that.

17 THE CHAIR: Thank you for that
18 explanation.

19 Any comments or questions?

20 Commissioner Pogna?

21 COMMISSIONER POGNA: Madam Chair -- and
22 Vince says these don't work, so --

23 THE CHAIR: Just try it anyway and see,
24 because sometimes they come on.

25 COMMISSIONER POGNA: Does it work?

1 I need to ask, is -- I'm very
2 interested -- in the contract, would Ms. Barnes be a
3 person to go to for Commission members for questions
4 and so on?

5 THE CHAIR: Matt, you may want to weigh in
6 on this. My personal thought would be if your
7 question concerns contract negotiation or
8 performance framework renegotiation, then perhaps
9 she would -- if she's on contract to do those
10 things, then she might be the one to go to.

11 Other things, I don't think so.

12 Josh, weigh in on that?

13 MR. GRANATA: Madam Chairman, I agree with
14 you.

15 THE CHAIR: Okay. Matt?

16 MR. PAHL: I third that, I guess, that
17 the -- whenever we contract with an individual, they
18 are contracted to complete a certain scope of work,
19 and should a question be about -- or pertaining to
20 that scope of work, then the question would be
21 directed to -- could be directed to that person.

22 THE CHAIR: It might be, Commissioner
23 Pogna, a little cumbersome; but perhaps a better way
24 to go about this is if you have a question that
25 you're not sure whether or not it would

1 appropriately go to a particular person, send it to
2 me, or send it to Josh, and then it can be routed
3 from there to the appropriate person.

4 COMMISSIONER POGNA: Madam Chair, I don't
5 know if this is the time or the place to discuss my
6 frustrations. But I could not reach a person to ask
7 a question of them. And -- let's see -- eight days
8 later, I still have not heard from a Staff person,
9 either e-mail or phone call, that I had requested.

10 I needed to ask a simple question, and I
11 could not reach anybody.

12 And Beverly is our lifeline, but I knew
13 she was out of the office. But I kept calling her
14 day after day, just in case, and/or e-mailing her.

15 We need somebody we can go to. We
16 shouldn't have to call the Director of the Charter
17 School Division asking a question about -- that I
18 have concerns about.

19 And fortunately, I was able to reach you
20 through e-mail. You did help me immensely. But I
21 also know that you give hundreds of hours to the
22 Commissioners, and you're not on the payroll. You
23 shouldn't have to do that.

24 We need somebody from the Department. For
25 instance, I had received a blank DVD. I could not

1 reach anyone to tell them of my problem. I couldn't
2 reach anyone to find out when we're having a work
3 study session. I was able to get this information
4 from you, and then I did hear from Matt.

5 But it is very, very difficult at times.

6 THE CHAIR: I appreciate that,
7 Commissioner.

8 Matt, do you have a response?

9 MR. PAHL: I do, members of the
10 Commission.

11 We -- the -- what happened with
12 Commissioner Pogna has caused us to think about what
13 our -- what our backup plans are when someone like
14 Beverly is out. So we will have a plan in place --
15 a better one than we have now -- and be able to
16 share that with you, once it's final.

17 THE CHAIR: Just for your information,
18 Friday, Commissioner Pogna contacted me by e-mail
19 and she said, "My renewal disk is blank, and I
20 wanted to work on renewals."

21 And she's not -- as she said, "I can't get
22 ahold of anybody at CSD to e-mail them to me to do
23 whatever."

24 So she and I e-mailed back and forth, and
25 I ended up e-mailing her some of the renewal

1 applications.

2 It's interesting. With my computer -- or
3 my service provider -- but you can only attach so
4 many documents, send so many e-mails with
5 attachments before it says, "No, thank you, I'm not
6 working anymore."

7 So it was a rather slow, tedious process.
8 But -- and then on Monday, we were able to get in
9 contact with Matt, and he did contact Commissioner
10 Pogna. And I think yesterday, you did get a new
11 disk.

12 COMMISSIONER POGNA: Yes, I did.

13 THE CHAIR: So, yeah, I think we've got a
14 few holes in the process.

15 So any other comments or questions on Item
16 No. 4?

17 Commissioner Bergman?

18 COMMISSIONER BERGMAN: Madam Chair, thank
19 you. I will just reiterate that my comments
20 regarding Ms. Barnes last meeting are still in
21 force. And I would strongly encourage that we have
22 her under contract no later than January the 2nd to
23 do these contract negotiations.

24 If I have a question, it would be do we
25 have to specifically limit her to contract

1 negotiations and the performance framework
2 negotiations?

3 I would -- I envision her perhaps being
4 able to help in other areas. I don't know how that
5 would work, as a contract person instead of an
6 employee. But I think that's something we probably
7 should -- maybe perhaps the Chair and Josh and Matt
8 can -- well, one, whether that's possible -- I do
9 not want to cause any delay in getting a contract
10 for Ms. Barnes, so we can do those contract
11 negotiations.

12 We're going to discuss a little later in
13 this meeting what Mr. Pahl and I have kind of, at
14 least -- it's just tentative at this date, of course
15 because we kind of don't know how many schools we're
16 going to have -- but it's imperative that she be
17 under contract by the end of the year.

18 Thank you, Madam Chair.

19 THE CHAIR: Thank you.

20 COMMISSIONER TOULOUSE: Madam Chair?

21 THE CHAIR: Commissioner Toulouse?

22 COMMISSIONER TOULOUSE: I'd just like to
23 say there should be no problem at all justifying a
24 sole source contract with her because of the detail
25 that it takes to negotiate these. And, basically,

1 she's the one with the experience.

2 I also think that, especially if we do it
3 only through the end of the year, we keep it under
4 the \$50,000, it doesn't have to go to bid; so that
5 it shouldn't be a problem if we can get it approved.

6 Again, I think it's too bad we don't have
7 our own line item and a budget where we can go
8 through the process and do our own. But I don't see
9 it being a problem at all if we can get people
10 outside of the -- Mr. Pahl's division to approve it.
11 So...

12 THE CHAIR: Okay, thank you.

13 Other comments?

14 Just something that's occurred to me -- or
15 a couple of things that occurred to me.

16 A contract facilitator doesn't just walk
17 in the day of the contract meeting and sit down and
18 start facilitating. There's background work that
19 has to be done. So there will have to be hours put
20 in with the CSD Staff and with you, Matt, in order
21 to gather the information, visit with the schools,
22 whatever it takes to set up those negotiations.

23 So there's -- I believe there's more time
24 here than we might initially have thought about it.

25 My -- my concern -- my second concern is I

1 heard you say we're going to look at the scope of
2 the work and see how much it's likely to cost.

3 If -- if the scope of the work is
4 estimated to be more expensive or to cost more than
5 \$50,000, then my recommendation -- my hope -- would
6 be you contract Julia for \$50,000 worth of that
7 work, and we'll worry about the rest of it later.
8 But let's get the bulk of it done with a facilitator
9 that we know can move this thing along.

10 Again, we're all very concerned with your
11 lack of Staff. We know we're working them to death.
12 The process is working us all to death. But we
13 would -- we want -- we want Julia as much as -- as
14 much as we can have her time on these negotiations.

15 MR. PAHL: Thank you for that,
16 Madam Chair.

17 Again, we've heard your request. I would
18 be remiss if I didn't say that talking about the
19 mechanics of how to do this in a public meeting is
20 probably -- I -- we can't commit to things. It's --
21 we're -- we may be crossing the line regarding the
22 procurement code. So I'm not going to make any
23 comment in response to that about how we do it.

24 And -- but, again, we've heard your
25 request. We will reach out to Ms. Barnes.

1 THE CHAIR: Anything else, Commissioners?
2 Just keep us in the loop, please.

3 MR. PAHL: Uh-huh.

4 THE CHAIR: Anything else, Josh?

5 Okay. Then, in that case, let's move on
6 to item No. 5, Report from PED Leadership. Matt?

7 MR. PAHL: Madam Chair, members of the
8 Commission, we do not have a report from PED
9 leadership this month. We -- we're just a couple of
10 weeks after our last meeting. And after a quick
11 survey of some of the other division heads, we don't
12 have much to report on this time, but expect a more
13 robust report next month.

14 THE CHAIR: Okay. Thank you very much for
15 that.

16 Let's move on to Item No. 6, amendments,
17 Discussion and Possible Action on Charter School
18 Amendments.

19 Mr. Pahl -- and if we could please have
20 the folks from New Mexico International School, if
21 there's anyone here with that school, please come up
22 to the table?

23 Mr. Pahl, if you would go ahead, please.

24 MR. PAHL: Madam Chair, members of the
25 Commission, New Mexico International School is

1 requesting an amendment to increase their class size
2 in grades K through 5 from 20 to 22 students.

3 The Charter School Division recommends
4 approval of this amendment.

5 THE CHAIR: Thank you very much. If you
6 would introduce yourself, please, and let us know
7 whatever it is you want to let us know.

8 MR. KNOUSE: Thank you, Madam Chair and
9 Commissioners. My name is Todd Knouse. I'm the
10 school director for the New Mexico International
11 School located in Albuquerque, New Mexico. We are a
12 K-5 charter school, dual-language school. And I am
13 coming to you with a request to be allowed to
14 increase the class size limit that is specified in
15 our charter from 20 to 22 students per classroom.

16 We have two classrooms per grade level in
17 K through 4. The reason for this request is because
18 we have a -- an extensive waiting list for -- for
19 students, specifically in the lower grades, as I'm
20 looking to increase the class size to allow some had
21 these students to come in.

22 To be clear, I'm not asking for a request
23 for an extension of the overall enrollment cap. I'm
24 looking to keep that at, currently, 240 students,
25 which would mean, if you do the math, you can't have

1 six classes of 22. It exceeds that.

2 So I'm aware of that; but I'm looking at
3 some classes actually being under 20, due to
4 attrition and our waiting list being primarily in
5 kindergarten and first grade.

6 THE CHAIR: Thank you. Mr. Pahl?

7 MR. PAHL: Thank you, Madam Chair, members
8 of the Commission. I just wanted to add one caveat
9 to our recommendation that the PEC approve this
10 amendment, is that New Mexico International School
11 follow all State laws regarding class size in
12 K-through-3 classrooms.

13 You know, once you're a certain class
14 size, you need to have an assistant in the
15 classroom. Just ensuring that we follow all those
16 rules. And I think that was something that our
17 liaison and the school leader had discussed.

18 So just wanted to make sure that was on
19 the record, that while we do -- we are recommending
20 approval of this, we -- it is inherent that we
21 follow State law with those class sizes.

22 THE CHAIR: Okay. Thank you for that.
23 Just clarification, for my mind. You're K-5. In a
24 kindergarten classroom, the load is 16 up to 22,
25 then, you must have an aide; is that correct?

1 MR. KNOUSE: That is correct, Madam Chair.
2 We actually already do have an EA in kindergarten.
3 The law you're referring to is 22-8B -- no --
4 22-10A-20, where it talks about the class loads; is
5 that correct, where it mentions the kindergarten and
6 an EA having -- kicking in at 16, I believe?

7 MR. PAHL: Yeah.

8 THE CHAIR: Okay. And then --

9 MR. KNOUSE: In addition, I am -- to be
10 clear, I am requesting two amendments that I
11 submitted. One of them, it was in regards to the
12 class size that I mentioned. They both have to do
13 with class size. One of them is a request to
14 increase from 20 to 22 students.

15 The second is we have language in our
16 charter where we requested the waivers in the past.
17 And in my understanding, in another section in the
18 charter school law, 22-8B, that certain class rules
19 were waived for charter schools.

20 THE CHAIR: "Certain class" what?

21 MR. KNOUSE: "The Department shall write
22 rules and provisions" -- in Chapter 22 --
23 "pertaining to individual class loads, teaching
24 load, end of school day, staffing patterns."

25 THE CHAIR: I'm having a hard time

1 hearing. Maybe you should get a little closer.

2 MR. KNOUSE: I'm sorry. That's okay. I'm
3 not comfortable with microphones, terribly, so -- so
4 I was actually asking for two amendments: One of
5 them was, first, to amend the language in our
6 charter where we said that we requested no waivers,
7 to say, "New Mexico International School does
8 request waivers, granted in accordance with charter
9 school law, 22-8B5, paragraph C."

10 And that would allow us to go past
11 20 students in kindergarten.

12 THE CHAIR: It would allow you to go past?

13 MR. KNOUSE: That's my understanding.

14 THE CHAIR: Okay. Let me just ask Josh.
15 Is there a requirement for the school to -- to come
16 to us for an amendment saying, "Yes, we're going to
17 ask for a waiver," when, in your original charter
18 application, you requested no waivers?

19 MR. KNOUSE: Correct, Madam Chair. I
20 wasn't sure if I needed to submit a request for a
21 waiver that was already granted in statute or not.
22 But I didn't write the charter.

23 THE CHAIR: Just covering all bases?

24 MR. KNOUSE: That's correct, Madam Chair.

25 THE CHAIR: All right.

1 MR. GRANATA: Madam Chair, I guess I'm
2 just a bit confused. So within the contract itself,
3 it states that the charter school will not request
4 any waivers; and so you're just asking to amend that
5 one particular part of the contract?

6 MR. KNOUSE: Yes, sir. That is my first
7 request, to amend the language that says,
8 "New Mexico International School requests no
9 waivers," to say, "New Mexico International School
10 requests waivers, granted in accordance with charter
11 school law, 22-8B-5C."

12 COMMISSIONER GANT: It's in the minutes.
13 It's not on the --

14 THE CHAIR: It's not on an amendment form.
15 That's why I'm having a little problem here.

16 MR. PAHL: Madam Chair, members of the
17 Commission, we will only be hearing one amendment
18 from New Mexico International School. The other
19 amendment request was not reflected on the agenda;
20 so we weren't able to get it on for this meeting.

21 So the one amendment request we will be
22 hearing today is regarding class size.

23 THE CHAIR: But, again, my question is, if
24 in your charter, you said, "We are not requesting
25 any waivers"?

1 MR. KNOUSE: Right.

2 THE CHAIR: Now, you're requesting a
3 waiver. Does that require an amendment before that
4 waiver can be even considered? I don't believe
5 we've ever had this situation come up before.

6 MR. KNOUSE: I'm honored to be the first
7 in the Commission's history.

8 THE CHAIR: You're unique.
9 Commissioner Carr?

10 COMMISSIONER CARR: See if this works.
11 Does it work?

12 I remember, you know, the wording from
13 this was this is one of those waiver situations
14 where it says, "The State shall give this waiver,
15 but it still has to be requested," is what I
16 remember.

17 So -- so in answer to that one question
18 that we're really not going to decide today, but --
19 you know, if you ask for that waiver, then we
20 "shall" grant it to you, according to law, from the
21 way I understand it.

22 Do you remember all those, "We shall" --

23 THE CHAIR: Those are the automatic
24 waivers.

25 COMMISSIONER CARR: Yeah, the automatic

1 waivers?

2 THE CHAIR: But the Secretary does
3 waivers; we don't.

4 COMMISSIONER CARR: We don't at all.
5 Okay.

6 MR. GRANATA: Madam Commissioner and
7 fellow Commissioners -- Commissioners, rather -- I
8 think procedurally, it is probably best if the
9 contract itself is amended, and then you can go
10 forward with the waiver request after that.

11 So I think that would be the proper way to
12 do it.

13 MR. KNOUSE: Just to make sure I'm
14 understanding the Commissioners, I do see these two
15 requests very tied together, because one is allowing
16 us access to a waiver in charter law that would kind
17 of need to be considered in light of the second
18 request, which is to exceed the enrollment -- not
19 enrollment cap -- I'm sorry -- class size load.

20 The first one is allowing us to have --
21 the waiver granted in statute allows schools
22 exemptions from the class loads that are described
23 in Chapter 22, Article 10A, the class loads, would
24 say 20 students in a kindergarten classroom, an EA
25 in kindergarten -- I'm sorry -- first-grade

1 classrooms at first grade, I believe, and higher.

2 So my understanding is that the charter
3 school law grants charters exemptions from that.

4 And I would need that considered for you to consider
5 the request for me to go to 22 students.

6 Does that make sense? They're kind of
7 kit-and-caboodle connected.

8 THE CHAIR: Commissioner Gant?

9 COMMISSIONER GANT: Madam Chair, which
10 school are you talking about increasing your class
11 size? Not this year; right?

12 MR. KNOUSE: This year, yes. I have
13 people waiting to get in -- as an immersion school,
14 and most of our students are native English
15 speakers, getting them in as soon as possible is
16 wise for the student so that that they can gain
17 access to the Spanish curriculum.

18 THE CHAIR: Please let the record reflect
19 that Commissioner Parker is here now.

20 Thank you.

21 Commissioner Gant?

22 COMMISSIONER GANT: Madam Chair, we're
23 almost 40 days into the school, and you want to add
24 more students to a class load that's already
25 started, with teaching already started?

1 MR. KNOUSE: That is my request,
2 Commissioner Gant, yes.

3 COMMISSIONER GANT: Madam Chair, members.
4 And what is your plan to catch up the
5 students?

6 MR. KNOUSE: I don't think it would be too
7 late to have students enroll at this point; but I
8 wouldn't want to wait much later into the school
9 year.

10 COMMISSIONER GANT: Madam Chair, I do have
11 a concern that, one, they don't have the waiver, and
12 if we give them the approval, it really can't go
13 into effect until they come back and ask for a
14 change to their contract.

15 THE CHAIR: Commissioner Bergman?

16 COMMISSIONER BERGMAN: Madam Chair, I
17 would agree with Commissioner Gant. I believe,
18 since the school has said that they believe they are
19 tied together, I suspect we should table this one
20 until they bring the other amendment, also, till our
21 November meeting. And then since they view it as a
22 tandem issue, we should approve or deny it as a
23 tandem issue. That's my suggestion, anyway.

24 THE CHAIR: I think the problem that keeps
25 jumping up in my face is if we really do have two

1 amendments that you'd like for us to consider that
2 are not on the agenda, we only have one amendment
3 form, Open Meetings Act prevents us have acting on
4 anything that's not on the agenda. So the only
5 thing that's on the agenda is class size.

6 MR. KNOUSE: But, if I may suggest, I
7 believe they both do tie to class size.

8 THE CHAIR: They may; but waiver is a very
9 specific thing.

10 MR. KNOUSE: It's a waiver in regards to
11 being allowed access to -- it's a request for being
12 allowed access to the waiver for class size.

13 THE CHAIR: Commissioner Bergman?

14 COMMISSIONER BERGMAN: I think we should
15 also consider we're not actually considering the
16 waiver. That's not in our purview. All they're
17 asking to do, at this point, is to amend that one
18 sentence that is apparently in the contract and
19 change it to where they say they didn't want any
20 waivers, to now they want some waivers, however that
21 would be worded.

22 So, yeah, we're not going to ever consider
23 the waiver itself. That's not in our purview.

24 MR. PAHL: Madam Chair?

25 COMMISSIONER BERGMAN: Thank you,

1 Madam Chair.

2 THE CHAIR: Commissioner Carr?

3 COMMISSIONER CARR: Well, sure, I'll --

4 Madam Chair.

5 So it doesn't look like maybe we're going
6 to vote on this. But I do have a statement on this.

7 There was legislation that didn't get
8 through last year, where we were going to reduce
9 class size because we've been increasing them over
10 the last five years. High school, 25; middle
11 school, 20; and K-through-5, 15.

12 I don't know if that'll pass the
13 Legislature this coming session or not, keeping that
14 in mind. But then my overriding question is, which
15 should be for -- in regards to any changes that are
16 made -- is how will this better serve your students?

17 MR. KNOUSE: How will adding two students
18 to our classrooms better serve them? Well, we have
19 so many that are -- I don't want to use the word
20 "dying" -- but very anxious to enter our classroom.
21 It opens up service to a community that really wants
22 to join our school. Am I being loud enough?

23 COMMISSIONER CARR: I can hear you.

24 MR. KNOUSE: It's a small increase of what
25 I'm looking at; I'm looking at two students per

1 class. I'm sorry. Not even opening up two students
2 per class, because I wouldn't be able to -- I would
3 exceed our enrollment cap if I were to do that.

4 THE CHAIR: What is your enrollment cap?

5 MR. KNOUSE: 240. So it was designed at
6 20 -- we're at 200 right now. So I'm looking at
7 adding two kids, really, in just the kindergarten
8 and the first grade, because that's where the wait
9 list is; that's where people want to come in. And
10 that's where it programmatically makes the most
11 sense for the students, because the Spanish is not
12 too far advanced for them.

13 COMMISSIONER CARR: So what you're telling
14 me is it's going to get to serve the two kids that
15 get to come in. And at the lower grades,
16 kindergarten and first grade, where it's most
17 imperative, two children at that age group, you
18 think, "Well, that's not much." But that's -- that's
19 really quite a bit.

20 So my -- and then -- I don't -- my final
21 statement on this is I don't see this as serving
22 your students. I see this primarily as a budget
23 issue. And most schools have increased class size
24 out of necessity, because they don't have any money,
25 not because they wanted to. Increasing class size

1 is never, to me, a viable educational idea.

2 So that's just my statement on it. And I
3 would like you to think about it, okay?

4 THE CHAIR: Thank you. Mr. Pahl?

5 MR. PAHL: Madam Chair, members of the
6 Commission, I have a question for Mr. Granata
7 regarding the -- what would be allowable under our
8 agenda. The agenda item is -- we're under the topic
9 of -- of voting on charter school amendments. The
10 charter school amendment is regarding class size; so
11 the -- I think that the agenda covers us potentially
12 to consider these two items in tandem.

13 I know it's not something we want to do as
14 a practice. However, if -- there are two things
15 that we need to consider: They have some language
16 in their charter that states that they will not
17 apply for any waivers. They need to strike that so
18 they can request the waiver to apply, if there is a
19 "yes" vote on the amendment to expand their class
20 sizes from 20 to 22. I believe they would both fall
21 under the item of "class size" for amendment.

22 Now, that -- that -- so I think that our
23 agenda would give us the space to consider both of
24 these.

25 Now, the Commission will vote the way they

1 wish there. But I just want to ask Mr. Granata if
2 that's a possibility.

3 MR. GRANATA: I don't think so. I think
4 it would be best if there are two separate
5 amendments presented at the same time. That's just
6 my opinion.

7 THE CHAIR: Well, then, let me just weigh
8 in on that issue.

9 This Commission has made it a pretty
10 obvious hard-and-fast rule for a good while now, if
11 you want an amendment, it comes on this form. We
12 don't do combined amendments. We don't do -- we
13 don't roll them in together. It may seem
14 inconsequential. But if it requires a vote, we want
15 it on a piece of paper.

16 So that's what we're going to ask from
17 you, two pieces of paper, two amendment forms.

18 MR. KNOUSE: Madam Chair, am I to
19 understand you did not receive both of these? Is
20 that correct, then? I did submit them on two
21 different forms.

22 MR. PAHL: Yeah.

23 THE CHAIR: I'm looking at an amendment
24 form for class size.

25 MR. PAHL: Madam Chair, the second

1 amendment form was not included, because it -- it
2 wasn't contemplated in the agenda, in speaking with
3 Bev. We do have the second amendment form. But
4 because we didn't have two topics listed on our
5 agenda before it was finalized, we talked about it
6 and said, "We shouldn't have the second one in
7 there."

8 THE CHAIR: So it's just like Item No. 4?
9 It didn't make the agenda in time?

10 MR. PAHL: Yes.

11 THE CHAIR: Okay. I appreciate the
12 position you're in. But if it's not on the agenda,
13 and --

14 MR. KNOUSE: I appreciate that.

15 THE CHAIR: -- that's the way it is.

16 MR. KNOUSE: I understand.

17 THE CHAIR: Do we have any other options,
18 Commissioners, that come to mind to deal with this?

19 Commissioner Peralta?

20 COMMISSIONER PERALTA: Yeah. I'd like to
21 just go along with Commissioner Bergman on this, and
22 I'd like to see him just come back much cleaner on
23 the next PEC meeting in November, so that we have
24 two separate amendments proposed to the Commission,
25 please.

1 THE CHAIR: Thank you for that.

2 Commissioner Gant?

3 COMMISSIONER GANT: Madam Chair, are we --
4 are we going to ask the gentleman to have us table
5 it, or do you want to withdraw it until November?

6 MR. KNOUSE: For my own edification,
7 what's the difference between tabling and
8 withdrawing?

9 COMMISSIONER GANT: The withdrawal is up
10 to you; the tabling is up to us.

11 MR. KNOUSE: Thank you. Then I would
12 withdraw it and bring it forth to you at your next
13 meeting.

14 COMMISSIONER GANT: Thank you.

15 THE CHAIR: Thank you.

16 COMMISSIONER GANT: If I may, I was a
17 little -- this is not on the agenda. But I've
18 really got to ask this, because it is in your
19 minutes, so I've seen it.

20 And you've got the word "deficit" in three
21 different places in your minutes. And public
22 schools can't be in a deficit.

23 What -- what are you all talking about
24 changing -- taking care of your current budget
25 deficit and all that that's written in here? I

1 don't -- I'd like -- the Commissioners need an
2 understanding about this deficit; whereas, you're
3 trying to increase your student enrollment, but
4 you've got a deficit here.

5 It concerns me. Please explain.

6 MR. KNOUSE: I think that might be better
7 explained by my business manager. I'm the school
8 director, and the head administrator above me would
9 probably be able to answer that more. But we did
10 incur -- I don't know if you recall. I came to you
11 guys -- I'm sure you have many charter schools that
12 come to you -- but in regards to a move that we did.
13 I asked for an amendment to be released from an
14 obligation we had to cohabitate from another charter
15 school, and we ended up moving to another building
16 and incurred some costs related to that move. That
17 might be to what it's referring.

18 COMMISSIONER GANT: Madam Chair, fellow
19 Commissioners and all that, I think we need, next
20 November, an understanding of what this deficit
21 they're talking about, because now, their audit is
22 going to come back, and we're going to get a bad
23 audit to read, I think.

24 So we need -- it's up to you, fellow
25 Commissioners. But I think we need to understand

1 the deficit. I don't know. You guys decide, okay?

2 THE CHAIR: Commissioners, you've heard
3 the concern about the deficit that is mentioned in
4 the school's governance council minutes. Would it
5 be sufficient to ask that when you come back next
6 November, next -- month --

7 MR. KNOUSE: Yes, ma'am.

8 THE CHAIR: -- in November with your
9 amendments, that you also bring your personnel that
10 can discuss this deficit with us and explain it?

11 MR. KNOUSE: Yes, Madam Chair. Yes.

12 THE CHAIR: And we would ask that Mr. Pahl
13 work with you on that.

14 COMMISSIONER TOULOUSE: Madam Chair, may I
15 point out, these are excellent minutes, which is why
16 we picked up on that. We get so many minutes that
17 don't even tell us what was voted on. So we
18 appreciate it.

19 But on the other hand, in this case, you
20 added some extra work for yourself in coming back.

21 MR. KNOUSE: I will share that with our
22 governing council secretary.

23 THE CHAIR: They are quite complete.
24 Thank you very much.

25 Mr. Pahl, do you have any questions or

1 concerns?

2 MR. PAHL: Not at this point in time,
3 Madam Chair.

4 THE CHAIR: Just come back to us with two
5 amendments and your information on this deficit
6 situation.

7 MR. KNOUSE: I will. Thank you.

8 THE CHAIR: Okay. Thank you so much.

9 COMMISSIONER BERGMAN: Do we need to vote
10 on their withdrawal, or is that --

11 COMMISSIONER TOULOUSE: No.

12 THE CHAIR: Josh, do we? No.

13 MR. KNOUSE: Thank you, Commissioners.

14 THE CHAIR: Thank you.

15 Next school on the agenda is New Mexico
16 School for the Arts.

17 Mr. Pahl?

18 MR. PAHL: Madam Chair, members of the
19 Commission, in October's PEC meeting, the New Mexico
20 School for the Arts was before us requesting a -- an
21 amendment to their -- to allow them to offer
22 transportation to students.

23 They -- they anticipated coming back --
24 and I think we, the PEC and the CSD, anticipated
25 them coming back at this month's meeting. But they

1 determined that they needed more time to hash out
2 their transportation plan in order to justify the
3 amendment to their charter.

4 So they are not here today, and -- but
5 thanked us for putting them on the agenda and
6 apologized for not quite being prepared; but they
7 realized they had some more steps they needed to go
8 through to further consider the transportation
9 amendment, as a school.

10 THE CHAIR: So they're very likely coming
11 back to us in November?

12 MR. PAHL: I believe that is true. But we
13 will -- we will have it accurately reflected on the
14 agenda whether they will be or not, early on.

15 THE CHAIR: Okay.

16 Next item is Tierra Adentro. If those
17 school folks would come forward, please? And while
18 they're doing that, Matt, if you would?

19 MR. PAHL: Madam Chair, members of the
20 Commission, you'll see that there is not an official
21 amendment request to this -- this amendment, because
22 I don't know if they're really asking for an
23 amendment.

24 It's an explanation of their current site,
25 which is an approved site from PEC and PSFA. But,

1 as in all things with -- with facilities, we ask
2 that the charters, in our -- in an effort to ensure
3 the PEC is up-to-date on facility issues with
4 charters, that they come before the PEC today.

5 There is no official amendment request.
6 But what Tierra Adentro is asking for is approval to
7 add a dance studio annex to the existing location at
8 1511 Central Avenue. Again, I don't know that this
9 is actually an amendment, or that it needs approval.
10 I think that's a question for Josh.

11 But they are here to share their proposal
12 and to justify it in front of the Commission.

13 THE CHAIR: If you all would identify
14 yourselves, please, and then we'd love to hear from
15 you.

16 MS. TORRES: Yes. Good morning,
17 Madam Chair, members of the Commission. I am
18 Veronica Torres, and I am the Executive Director of
19 Tierra Adentro. Next to me is Rupal Engineer.

20 So Madam Chair, members of the
21 Commission --

22 THE CHAIR: Pardon me. Would you
23 introduce your second person at the table?

24 MS. TORRES: Yes, this is Rupal Engineer.

25 THE CHAIR: Okay. Thank you very much. I

1 was waiting for her to introduce herself.

2 MS. TORRES: I apologize, Madam Chair.

3 So we are here today, like Mr. Pahl was
4 saying, to just request permission to expand our
5 site to add three dance studios, a dance annex
6 across the street from our school. This will
7 alleviate any type of overcrowding, thus making more
8 room for academic classes.

9 Also, because we are a flamenco school,
10 the noise is quite loud when you have 20 children
11 stomping their feet in an academic setting,
12 surrounded by the academic setting; so this would
13 alleviate that noise.

14 Knowing that the addition is across the
15 street from the school, we have safety precautions
16 put into place, where students are -- kind of like a
17 fire drill, if you could envision that, lined up and
18 walked over to the site with two adults, the lead
19 teacher of the class, along with an educational
20 assistant that is with them throughout the day.

21 This walk, we've timed it. It does take
22 approximately five minutes, where we do have a
23 five-minute passing period for next semester put
24 into place, along with 55 instructional minutes of
25 class time.

1 THE CHAIR: Thank you very much for that.
2 Josh, do you have some thoughts for us
3 yet?

4 MR. GRANATA: Just give me a minute,
5 please.

6 THE CHAIR: Okay. While he's completing
7 his research, let me just ask you, does this
8 additional site across the street have an
9 E-Occupancy certification?

10 MS. TORRES: Yes, it will.

11 THE CHAIR: No. "Will" or "does"?

12 MS. TORRES: It will, because we have --
13 we've done a walk-through with PSFA last week with
14 Brad -- what is his last --

15 MS. ENGINEER: Jackson.

16 MS. TORRES: With Brad Jackson from PSFA.
17 He did come and look at the site. And I can have
18 Ms. Engineer here speak upon that.

19 MS. ENGINEER: Madam Chair, members of the
20 Commission, we met with Brad Jackson. And
21 currently, the owner of the building is pursuing a
22 tenant improvement permit with the City of
23 Albuquerque, which will change the building's
24 occupancy from B to E.

25 And we have met with the City of

1 Albuquerque Building Safety Division officials, and
2 they agree that it is doable, as soon as the
3 drawings are submitted next week.

4 So right now, as Ms. Torres represented,
5 we are just seeking the approval to expand in this
6 space, pending, obviously, the E-Occupancy
7 Certificate of Occupancy.

8 THE CHAIR: Thank you very much.
9 Commissioner Parker?

10 COMMISSIONER PARKER: Madam Chair,
11 Commissioners. Which street are they crossing?
12 Central? Ash? Maple? Copper?

13 MS. TORRES: Yes, Commissioner, they will
14 be crossing Central at the light of Central and
15 University.

16 COMMISSIONER PARKER: Thank you.

17 THE CHAIR: Other questions or comments,
18 Commissioners?

19 Commissioner Bergman?

20 COMMISSIONER BERGMAN: I just was happy to
21 hear that you're concerned about safety, because
22 that's heavily trafficked. And I know there's a
23 posted speed limit. And I would say most
24 Albuquerqueans and other people are driving down the
25 street and not doing the posted speed limit. So you

1 definitely would need a protocol to protect the
2 students. If it's at a light, that shouldn't be a
3 problem.

4 Thank you, Madam Chair.

5 COMMISSIONER TOULOUSE: Madam Chair,
6 driving that intersection frequently, there is so
7 much pedestrian traffic on there; CNM students going
8 to UNM, UNM students going to CNM, people going up
9 and down Central to the thing, that I think most of
10 us who do drive it are slow at that intersection.

11 THE CHAIR: Thank you. Mr. Granata?

12 MR. GRANATA: Madam Chair, Commissioners,
13 from my understanding of this process, it's kind of
14 like a two-step process, where essentially the
15 charter school today is informing the Commission
16 that in the future, they want to amend their charter
17 to allow them to expand.

18 And I've been looking at the Commission
19 amendment processing protocol that was worked out
20 and approved by the Commission earlier this year.
21 And what I can do is forward the questions that the
22 Commission would have for the charter school, so
23 that they can address these specific questions when
24 they do bring forward the formal amendment.

25 So I would suggest, then, at this stage of

1 the information they brought towards the Commission,
2 that if any Commissioners have any really serious
3 concerns regarding this, I guess, propose an
4 amendment to bring them forward to the charter
5 school now, so that they have a better understanding
6 of the likelihood of this amendment being passed in
7 the future or not.

8 THE CHAIR: So let me just summarize for
9 my own understanding. If a school wants to -- wants
10 to expand the building, or its facility -- and I
11 guess this is a new location, really?

12 MS. TORRES: Yes, Madam Chair.

13 THE CHAIR: It's across the street. Okay.
14 Then we're going to follow our procedure, where you
15 tell us you want to expand, and then you come back
16 to us with a formal amendment with the address and
17 so forth that would give us all of the information.
18 Perhaps by that time, you will also have the
19 E-Occupancy.

20 So if that would be agreeable with you all
21 to come back next month with that information?

22 MS. TORRES: Yes, of course, Madam Chair,
23 members of the Commission. We thank you for
24 allowing us to go through this process. And with us
25 today, if you want it today, we do have a

1 presentation of it that you can just take as a
2 handout for yourself to look through, so when you do
3 have questions, and you want to send them our way,
4 maybe this will help either answer some of those
5 questions ahead of time, or either form additional
6 questions that you want clarification before the
7 amendment process in November.

8 THE CHAIR: I think that would be helpful.
9 Thank you.

10 COMMISSIONER GANT: Madam Chair?

11 THE CHAIR: Commissioner Gant?

12 COMMISSIONER GANT: I also want to make
13 sure we notify Martica to make sure she's here for
14 that meeting.

15 THE CHAIR: Who does that?

16 COMMISSIONER GANT: She will, or I will.

17 THE CHAIR: Beverly?

18 COMMISSIONER GANT: I or Beverly.

19 Madam Chair, if I may, before they leave?
20 Before you leave, as with the last charter school,
21 have good minutes. If you don't come with good
22 minutes, we'll ask you to come back another day,
23 okay?

24 MS. TORRES: Yes, Commissioner. Thank
25 you. Madam Chair and Commissioner, thank you so

1 much.

2 THE CHAIR: You understand he's talking
3 about minutes of your governance council, where they
4 approve this?

5 MS. TORRES: Yes, Madam Chair. Thank you.

6 THE CHAIR: Commissioner Bergman?

7 COMMISSIONER BERGMAN: While we're
8 wrapping up, I would just like to thank you guys for
9 coming. We still have people we find out about
10 these when they say, "We're in this building now.
11 Gee, can we move into this building?"

12 They're asking us for approval after the
13 fact.

14 THE CHAIR: Or they've already moved into
15 the building. Then we really get hostile.

16 We thank you very much for being here. We
17 look forward to seeing you next month.

18 Commissioner Parker?

19 COMMISSIONER PARKER: Madam Chair,
20 Commissioners, this is just my inner parent wanting
21 me to say this. It's just please be careful on that
22 road. Although it does have a stoplight and people
23 drive slow, that's a crazy intersection, where
24 there's people walking in the middle of -- it's an
25 odd one. But just my inner dad is telling me to

1 talk right now; so, thank you.

2 MS. TORRES: We are equally as paranoid;
3 so I appreciate that. Thank you, Commissioner.

4 THE CHAIR: Little signs and flags and all
5 that. Is that all comments, Commissioners?

6 Again, we thank you very much for being
7 here.

8 MS. TORRES: Thank you, Madam Chair.

9 THE CHAIR: Are we ready for a break?

10 COMMISSIONER GANT: Yes.

11 THE CHAIR: It's 10:00, Commissioners.
12 Let's take a little break. How about we come back
13 at 12 after. Okay?

14 (Recess taken, 10:00 a.m. to 10:15 a.m.)

15 THE CHAIR: Ladies and gentlemen, if
16 you're ready, we are to Item No. 7 on the agenda,
17 Discussion and Possible Action Regarding PEC's
18 Position on the Waiver of Section 22-8B-4(L)
19 Reflected on the Albuquerque Institute for
20 Mathematics & Science, AIMS at UNM, Website.

21 And at this point, I will defer the
22 discussion to our attorney, Mr. Granata.

23 MR. GRANATA: Madam Chair, Commissioners,
24 I don't want to really spend too much time on this
25 issue, since it's being litigated in the court

1 system. But what I did want to do is bring to the
2 attention of the Commissioners that, on the website
3 of AIMS, there is a reference to the PEC's, I guess,
4 position that it takes regarding the waiver.

5 And from my understanding of looking back
6 at the minutes and discussions about AIMS is that
7 PEC's position is opposed to the position that the
8 school takes regarding the waiver and the process
9 that it took in obtaining the waiver.

10 In any event, I passed out a little
11 handout of the website -- the little story that's on
12 the website.

13 On Page 2, the second to last paragraph,
14 states that AIMS officials -- towards the bottom --
15 "AIMS officials claim that it received approval from
16 the PEC. Cleveland from Rio Rancho Public Schools
17 says that it did not."

18 So what I would request is that the
19 Commissioners vote to essentially formally ask AIMS
20 to take this off their website, considering this
21 case is being litigated.

22 THE CHAIR: Okay. And I would just add --
23 stop me if I'm getting in legal hot water here.
24 Reading again from the statement that Mr. Granata
25 just read, "AIMS officials claim that it received

1 approval from the PEC. Cleveland says it did not."

2 And I reiterate that the PEC did not give
3 approval to AIMS at UNM to move to a new location.

4 Just seconding what was said there.

5 Discussion? Questions, Commissioners?

6 Hearing none, the Chair would entertain a
7 motion to request that AIMS remove this entire
8 document from their website.

9 COMMISSIONER GANT: Madam Chair, I'll do
10 it.

11 MR. GRANATA: Madam Chair, I would suggest
12 that they just remove that one reference to the PEC.
13 But it's really up to the Commission.

14 THE CHAIR: Okay, thank you.

15 Commissioner Gant?

16 COMMISSIONER GANT: Madam Chair, I was
17 going to recommend they remove the whole thing,
18 because it is in litigation at this time. And all
19 the reference to the Governor and the Secretary and
20 all that is before the courts. And this is just an
21 advertisement, as far as I -- it should not be
22 there. And I would make the motion myself, if you
23 so desire.

24 THE CHAIR: Please do.

25 COMMISSIONER GANT: Madam Chair, I move

1 that, through our attorney, Josh Granata, that he
2 send a formal letter requesting that AIMS remove
3 this -- this whole item from their website, as it is
4 in litigation at this time. Thank you.

5 THE CHAIR: Commissioner Toulouse?

6 COMMISSIONER TOULOUSE: Madam Chair, I
7 second the motion.

8 THE CHAIR: Motion by Commissioner Gant,
9 second by Commissioner Toulouse, to ask our attorney
10 to officially communicate with AIMS at UNM that they
11 remove this entire item from their website.

12 Is there further discussion,
13 Commissioners?

14 Commissioner Bergman?

15 COMMISSIONER BERGMAN: I'm fully in
16 support of that. But I'm just curious if we can ask
17 another entity to remove a document that's
18 essentially a public document from their website.
19 My preference would be that we specifically ask them
20 to remove any reference that the PEC approved this
21 move, because that is -- that is the basic
22 disagreement.

23 They fervently believe that we approved
24 it, and we fervently believe that we didn't approve
25 it. I'd ask everyone to think about that for a

1 minute.

2 Thank you, Madam Chair.

3 THE CHAIR: Mr. Granata, would you like to
4 weigh in on that?

5 Commissioner Parker?

6 COMMISSIONER PARKER: Madam Chair,
7 Commissioners, just for what it's worth, I agree
8 with Commissioner Bergman on this one.

9 COMMISSIONER TOULOUSE: Madam Chair, I
10 think anybody can request somebody to do anything
11 any time. We're not demanding -- you know, we're
12 not threatening legal action. We are requesting
13 that they remove it. And it is an obsolete
14 document, when you look at it.

15 COMMISSIONER BERGMAN: It's dated in May.

16 COMMISSIONER TOULOUSE: But all of the
17 information -- you know, I think if we went to the
18 UNM Regents now, they would not probably have
19 approved it. They had no idea what the law was.

20 I talked to one of them who asked me about
21 the law after this came up. I said they -- it was
22 an informal conversation. They had no idea what the
23 law was. And so I think the whole thing is obsolete
24 and moot. And that's why I agree -- I seconded it,
25 because I agreed it all needs -- we need to ask them

1 to take it all out.

2 THE CHAIR: Mr. Granata?

3 MR. GRANATA: Madam Chair, I believe it's
4 really up to the Commission. Like Commissioner
5 Toulouse said, we can ask them to do whatever the
6 Commission asks, and they can respond however they
7 want to respond. It's simply a request.

8 THE CHAIR: Thank you. Any other
9 comments?

10 COMMISSIONER TOULOUSE: Madam Chair, I
11 think it also gives us a little dickering room, if
12 they want to come back and don't remove it at all.
13 We could say, "Then we'd like to ask you to remove
14 that sentence," and be more likely to get that out.

15 THE CHAIR: Any other comments,
16 Commissioners?

17 Hearing none, you've heard the motion to
18 formally request, through our attorney, that AIMS
19 remove this entire document from their website.

20 Commissioner Bergman, may we have a
21 roll-call vote, please?

22 COMMISSIONER BERGMAN: Commissioner
23 Toulouse?

24 COMMISSIONER TOULOUSE: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Parker?

2 COMMISSIONER PARKER: No.

3 COMMISSIONER BERGMAN: Commissioner

4 Conyers?

5 COMMISSIONER CONYERS: Yes.

6 COMMISSIONER BERGMAN: Commissioner

7 Peralta?

8 COMMISSIONER PERALTA: Yes.

9 COMMISSIONER BERGMAN: Commissioner Carr?

10 COMMISSIONER CARR: Yes.

11 COMMISSIONER BERGMAN: Commissioner Pogna?

12 COMMISSIONER POGNA: Yes.

13 COMMISSIONER BERGMAN: Commissioner Gant?

14 COMMISSIONER GANT: Yes.

15 COMMISSIONER BERGMAN: Commissioner

16 Shearman?

17 THE CHAIR: Yes.

18 COMMISSIONER BERGMAN: Commissioner

19 Bergman votes yes. That is an 8-to-1 vote in favor

20 of that motion.

21 THE CHAIR: Thank you very much. The

22 motion passes by an 8-to-1 vote.

23 Mr. Granata, we'll ask you to take care of

24 that, please.

25 Commissioners, let's move on to Item

1 No. 8, which is Report from Options for Parents and
2 the Charter Schools Division.

3 Mr. Pahl, if you would start with the
4 Schools of Concern, please?

5 MR. PAHL: Madam Chair, members of the
6 Commission, we have some updates on our Schools of
7 Concern, including Southwest Learning Centers.

8 I'd like to just note that Southwest -- we
9 know why Southwest Learning Center is a School of
10 Concern. But as I update you today and in the
11 future, these can be considered updates on your
12 formal request for -- for information and an
13 investigation on Southwest.

14 And when we do complete that, we'll
15 produce a formal document; but we just want to make
16 sure you have up-to-date information.

17 As you know from -- from previous
18 meetings, the Public Education Department has taken
19 over their Board of Finance. They -- that means
20 that we would approve any expenditure coming from
21 the school at this point in time. And we are, in
22 the Department, investigating and looking into their
23 internal controls.

24 Further, the PED is ensuring those
25 controls are in place and going out for an RFP for a

1 forensic audit to be conducted on the school. That
2 includes expenses related to aircraft at SAMS
3 Academy and leases entered into by the school.

4 New information has popped up regarding
5 their leadership. As we know, Dr. Glasrud has been
6 dismissed from the school, I believe. And earlier
7 this week, Dolly Juarez, another administrator at
8 the school, was placed on administrative leave at
9 the recommendation of their legal counsel there.

10 So that's probably the most -- the biggest
11 new piece of information. That occurred just this
12 Tuesday.

13 But we'll continue to update you, and,
14 again, produce a formal document, per your letter
15 requesting information on Southwest.

16 THE CHAIR: Regarding that letter,
17 Mr. Pahl, are you prepared to answer any further
18 questions that were asked on that letter?

19 MR. PAHL: Madam Chair, members of the
20 Commission, not at this time. I'm answering them to
21 you here in this forum, as I get that information.
22 But otherwise, you can expect to either hear them
23 here or get them in a formal memo or other document
24 that answers all those questions.

25 I don't remember all of them offhand. So

1 if there is one that is a burning issue, you can
2 ask, and if I do know, I will be able to answer;
3 but, otherwise, it would just be considered that we
4 are -- we are looking into it -- we continue to look
5 into it, and you will be getting answers to those
6 questions.

7 THE CHAIR: Thank you. Mr. Granata,
8 anything to add?

9 MR. GRANATA: No.

10 THE CHAIR: Commissioners, any questions?

11 COMMISSIONER CARR: Madam Chair?

12 THE CHAIR: Commissioner Carr?

13 COMMISSIONER CARR: Maybe not a question,
14 but just a concern to put into the back of your
15 mind. This school is up for renewal.

16 THE CHAIR: Two of them are.

17 MR. PAHL: Three.

18 THE CHAIR: Three. I'm sorry.

19 COMMISSIONER CARR: Three, thank you.

20 This is unchartered territory, no pun
21 intended. [Verbatim.] And -- and renewing a school
22 in the midst of a forensic audit and an FBI
23 investigation is something we need to give some
24 considered thought to. I -- as to how we handle it.

25 I don't have any suggestions. But

1 hopefully, somebody will, or will think of one. But
2 how are -- really, you know, how are we going to
3 handle this is the -- is the overriding question?

4 THE CHAIR: Thank you, Commissioner Carr.
5 I think that's been a question in all of our minds.
6 But without information, it's pretty difficult to
7 make those kinds of decisions. So we're going to be
8 relying on Matt's input to us and hope that you can
9 get as much information to us prior to the decision
10 meeting for renewal, and on Josh, advising us on how
11 much -- how many questions we can ask and how hard
12 we can push for the answers.

13 Okay. Anything else, Commissioners?

14 Thank you. Please go ahead.

15 MR. PAHL: Madam Chair, members of the
16 Commission, our second School of Concern is Health
17 Sciences Academy. Just to remind the Commission,
18 the reason why Health Sciences Academy was listed as
19 a School of Concern was because of significant
20 turnover in their administration. This is their
21 first year as a school, and anytime there's
22 significant turnover at any school, it serves as a
23 warning to us that we should -- we should be keeping
24 a close eye on the school.

25 The school has been very cooperative in

1 telling us what's happening there day to day, week
2 to week. Next week, we will be at the school, and
3 there, we can verify what we're hearing and just
4 ensure that the day-to-day operations of the school
5 are going as planned.

6 So expect a more robust update at the next
7 PEC meeting on the Health Sciences Academy.

8 THE CHAIR: Okay. Thank you very much.
9 Anthony Charter School?

10 MR. PAHL: Anthony Charter School was
11 recently put on an improvement plan at the September
12 PEC meeting. We have some updates on their progress
13 on that improvement plan.

14 The -- the Charter School Division
15 received their first round of their Discovery
16 Short-Cycle Assessment data and a plan to address
17 their Q1 -- and that's the top -- sorry -- the
18 bottom -- 25 percent of their students, and their
19 Q3, the other 75 percent of students, by their
20 September 30th deadline, as mentioned in their
21 improvement plan.

22 The data was arranged in the tables and
23 indicating baseline scores for reading and math.
24 The report also contained general information about
25 the strategies that the school plans on utilizing,

1 as was requested in their improvement plan.

2 The analysis of that progress based on
3 those interventions is due to us on January 5th. So
4 expect more information on how their data is looking
5 at the January PEC meeting. And, again, this is all
6 outlined in the improvement plan, which you can also
7 find in your notes here.

8 The school's Web EPSS plan is 50 percent
9 complete. That's a good thing. The Web EPSS is a
10 living document, and so there's a lot of
11 back-and-forth between Priority Schools Bureau staff
12 and the staff at Anthony Charter School. Those are,
13 again, outlining some of the strategies and the
14 direction the school is trying to go in this light
15 of being put on an improvement plan and being
16 considered a Priority School by the PED.

17 The first SSIS -- which is the
18 social-emotional assessments -- they have been
19 submitted to the CSD along with a report of the
20 findings from that assessment. This is a
21 mission-specific goal for that school, the
22 social-emotional assessments. And so they have been
23 completed and were received by the September 30th
24 deadline, as indicated in the improvement plan.

25 We found that report to be thorough and

1 comprehensive. So just as a note from being on the
2 oversight side, when we see that they're thorough
3 and comprehensive, we feel good about that being not
4 just a checking-the-box type item for a school, but
5 something that they're taking seriously, which they
6 very well should, as part of their mission.

7 Lastly, the school has not sent next-step
8 plans, as required in the improvement plan. As of
9 the filing of this report, there will be an
10 instruction -- or -- during the instructional audit
11 on the 20th and 21st, we will audit those plans for
12 completion. So we'll be able to take a look at
13 those next week in person to ensure that they have
14 those plans in place.

15 And the school submitted its charter
16 renewal application on time before the October 1st
17 deadline, and so that application is currently being
18 reviewed as part of our time line.

19 That's the full update on Anthony Charter.

20 THE CHAIR: Could I ask you, please -- and
21 I hate to take a few minutes here of Commissioners'
22 time. But I need to be sure on the improvement plan
23 itself, which is -- everyone has in their
24 notebook -- I want to be able to mark off the items
25 that are done.

1 MR. PAHL: Uh-huh. Sure.

2 THE CHAIR: If you would walk through this
3 with me?

4 Item No. 1 is the EPSS plan, will be
5 uploaded by September 1st. Is that done?

6 MR. PAHL: Madame Chair, yes, that is
7 completed.

8 THE CHAIR: Okay. Item No. 2, the first
9 round of Discovery Short-Cycle will be completed by
10 September 15th. Is that done?

11 MR. PAHL: Yes, Madam Chair.

12 THE CHAIR: By September 30th, the school
13 will have submitted the aggregate data, and so
14 forth. That's done?

15 MR. PAHL: Yes.

16 THE CHAIR: And you are providing the
17 information at this October 17th meeting.

18 They have done the SSIS by September 20, a
19 report on completion to you all by September 30.
20 That's done.

21 MR. PAHL: Madam Chair --

22 THE CHAIR: However, Item No. 4, the PEP
23 plans will be completed by October 15th, and the CSD
24 will report this on October 17th.

25 You have not received that data.

1 MR. PAHL: We have not received the data.
2 We've received an assurance that it has been
3 completed. Next week when we're in the school, we
4 will check for those PEP plans.

5 THE CHAIR: You know, that -- I understand
6 I'm a Type A personality; I honestly do. But if I
7 were operating under an improvement plan, and it
8 said I would have this data to the CSD on the 15th
9 of October, if I had to walk up here and bring it to
10 you, it would have been up here on the 15th, because
11 as far as I'm concerned, it's late.

12 Everybody can have their own opinions.
13 But it was due the 15th, not next week when you go
14 down there and do it for them.

15 And frankly, I would appreciate it if you
16 would sort of pass that on, that a due date is a due
17 date.

18 MR. PAHL: Madam Chair, absolutely.

19 THE CHAIR: Okay. I appreciate that.

20 COMMISSIONER CARR: Madam Chair?

21 THE CHAIR: Commissioner Carr?

22 COMMISSIONER CARR: Maybe we should start
23 calling them "deadlines."

24 THE CHAIR: Make it even more forceful,
25 huh?

1 COMMISSIONER CARR: Yeah.

2 THE CHAIR: Okay. And so, actually, on
3 this list, Item No. 4 is the last item you've
4 reported on.

5 MR. PAHL: That is correct, Madam Chair.
6 And in the future, for the Commission, we can supply
7 this report with either checks or a -- a --
8 something that indicates that it hadn't been
9 completed on time. I think that's a good way to do
10 it for you, so you can see that.

11 THE CHAIR: That will be helpful. Thank
12 you very much.

13 Please go ahead.

14 MR. PAHL: Madam Chair, members of the
15 Commission, our next School of Concern is La
16 Academia Dolores Huerta. The school has been put on
17 our list as a School of Concern for two reasons.
18 There was some construction that was happening in
19 the building that was -- oh.

20 MR. CASILLAS: May I?

21 THE CHAIR: Let's see if we have questions
22 first. And then if we do, we'll ask you to come on
23 down.

24 MR. CASILLAS: Thank you, Madam Chair.

25 MR. PAHL: Madam Chair, members of the

1 Commission, some construction was occurring at the
2 school that was not done with prior approval.
3 Secondly, three board members left and were
4 replaced. And that's significant board turnover.
5 And as you know, the governing council of the school
6 is the leadership of that school. And so any time
7 we see significant turnover of a board at one point
8 in time, it raises that -- at least that yellow flag
9 that something is amiss there.

10 We have been talking with the school
11 leader, Mr. Casillas, as well as other members who
12 have been associated with the school in the past.
13 Next week, the Charter School Division will be down
14 at the school site, where we'll be interviewing
15 governing council members, both past and present, to
16 investigate why the turnover occurred, and also just
17 verify some of the -- the items that needed to
18 happen as a result of the construction that had
19 occurred at the school.

20 So, again, at the next PEC meeting, we
21 should be able to provide you with a robust report,
22 answering your concerns as outlined in your letter
23 to us.

24 THE CHAIR: Thank you. Commissioners, do
25 you have questions of Mr. Pahl or Mr. Casillas?

1 Commissioner Toulouse?

2 COMMISSIONER TOULOUSE: Madam Chair, I
3 have concerns that when you have that kind of
4 turnover on a board, that they get training, that
5 they understand their roles.

6 Do we have any information as to whether
7 they know at all what their roles are, either on the
8 financial side or as a governance group?

9 MR. PAHL: Madam Chair, Commissioner
10 Toulouse, that would definitely be something we
11 would ask; but with Mr. Casillas here, maybe he
12 could address that question.

13 COMMISSIONER TOULOUSE: Madam Chair, may I
14 have him -- Mr. Casillas address --

15 THE CHAIR: Mr. Casillas, come on down.

16 MR. CASILLAS: Good morning, Madam Chair,
17 Commissioners, Mr. Pahl.

18 Octavio Casillas, director of La Academia
19 Dolores Huerta. We do have a turnover. And we do
20 have the new members that have been selected for the
21 governing council. They are registered for the
22 Coalition conference to receive the appropriate
23 training.

24 And, actually, two of them -- three of the
25 members -- of the four new members, three of them

1 have served on councils before. One of them has not
2 served before, but he -- she was getting training
3 for the -- to be able to make correct decisions --
4 proper decisions.

5 COMMISSIONER TOULOUSE: Thank you.

6 THE CHAIR: Did that answer your question,
7 Commissioner?

8 COMMISSIONER TOULOUSE: Yes, Madam Chair.

9 THE CHAIR: Thank you. Thank you very
10 much.

11 Other questions from Commissioners?

12 Mr. Pahl?

13 MR. PAHL: Madam Chair, members of the
14 Commission, I'd just like, also, to just add that
15 Mr. Casillas has been very cooperative during this
16 time when they've been a School of Concern. He has
17 reached out proactively to see, you know, prior to a
18 Commission meeting, if there is anything he can do,
19 any information he can provide.

20 So I just wanted to acknowledge that
21 Mr. Casillas has been very cooperative during this
22 process, as he is listed as a School of Concern.

23 THE CHAIR: Thank you very much for that.
24 Any other questions?

25 Commissioner Bergman?

1 COMMISSIONER BERGMAN: Not a question;
2 it's more of an observation. Do we not already
3 require schools to notify us when they hire new
4 board members? And if the answer to that question
5 is "no," then my question would then become, "Should
6 we require some notification from schools when
7 they're chang- -- they have -- just, if nothing
8 else -- here, again, just like we asked them to let
9 us know you're moving, as a matter of keeping us
10 informed that they have a new board member and that
11 they are qualified and all this?

12 Now, they may not have their training yet.
13 They have a window where they can get that training.
14 So I kind of ask that question, I guess.

15 Thank you, Madam Chair.

16 THE CHAIR: Thank you, Commissioner
17 Bergman. And I think that is a valid observation.
18 Since the board -- the governing council then
19 becomes the Board of Finance, it's very important
20 that we are aware that, number one, they have a
21 sufficient number of people on their governing
22 council; and, number two, that those people then are
23 qualified and become the people on the Board of
24 Finance.

25 So we do need that information. And so,

1 Mr. Pahl, is that something we can just ask you to
2 follow up on? Or is there some bigger procedure
3 that we need to put in place?

4 MR. PAHL: Madam Chair, members of the
5 Commission, I think the answer is both. I'd like to
6 sit down with Mr. Granata and see what kind of --
7 what part of the law we can leverage to do that.

8 As I understand, in past years, that had
9 been a practice that was diligently looked after.
10 But over the last one or two years, that hasn't
11 happened. So it's something that we've discussed
12 internally at the Division; it's something we want
13 to make sure we are -- we are in the know about.

14 And I think I'm interested in talking to
15 Mr. Granata to see -- make sure we have the
16 foundation for that, and then potentially provide a
17 report, you know, each month that just shows you the
18 turnover. I'm not sure what I can commit to now.
19 But, yes, you have my agreement that this is
20 something that we need to be keeping everyone
21 appraised of.

22 THE CHAIR: Thank you for that. I think
23 in the past, that probably CSD has been notified.
24 But the breakdown was the -- then, the report to
25 PEC. So if you would take care of that, we would

1 appreciate it. Okay?

2 Thank you.

3 Commissioner Carr?

4 COMMISSIONER CARR: I don't want to
5 belabor it. But, you know, I -- you know, I think
6 it's important that we know there's no conflict of
7 interest with these board members, obviously. And
8 then I would -- I mean, I, personally, as one
9 Commissioner, you know, if you -- if you just change
10 one board member, and -- you know -- and notify the
11 Charter Division, you know, so that we have their --
12 that person's name, and we know what's going on,
13 that would be enough for me.

14 But then if the Charter Division detects a
15 significant turnover and a red flag comes up, then I
16 really want to know, just like you have done it
17 today.

18 MR. PAHL: Yes.

19 THE CHAIR: Okay. Are we ready to move
20 on?

21 MR. CASILLAS: May I just add something,
22 Madam Chair?

23 THE CHAIR: Yes.

24 MR. CASILLAS: I welcome any questions
25 from any of you. And I know that we report to the

1 CSD, and we report to you, as well. But if you guys
2 ever have -- any of you -- any questions, you can
3 call me at the school; you can call me to my cell
4 phone; you can send me an e-mail, and I will answer
5 any question you have.

6 I will report -- I will have the governing
7 council president write you an e-mail so that we can
8 answer any questions you may have, Mr. Pahl, about
9 the governing council turnover.

10 But for anybody, if you have any questions
11 ever, please contact me, because I'll do everything
12 I can to get you the information.

13 I brought blueprints, official blueprints
14 from the construction, the inspection certificates
15 and everything. So if you guys have any questions,
16 want me to make you copies of anything, please let
17 me know, and I'll provide them promptly.

18 Thank you very much for having me here.

19 THE CHAIR: Thank you very much for that.
20 Just a point of clarification, Commissioners don't
21 directly contact schools. Our protocol is to go
22 through either our attorney or through our Staff,
23 through -- in this case, it would be Mr. Pahl.

24 So I think -- I appreciate your offer to
25 respond to Commissioners' questions. But I think

1 our protocol will be to go through these folks.

2 MR. CASILLAS: Thank you, Madam Chair.

3 THE CHAIR: Thank you.

4 Mr. Pahl, go ahead.

5 MR. PAHL: Madam Chair, Commissioners, our
6 final School of Concern is Dream Diné. As you know,
7 Dream Diné had issues with having their permanent
8 facilities completed and ready for the opening of
9 school. They are now housed at Hogback Chapter
10 House, as they get the -- as they -- as they have
11 their permanent facility completed.

12 The school plans to remain at Hogback
13 Chapter House until the building is approved by CID
14 and Navajo Nation Authorities. The permanent
15 facility has an E-Occupancy rating, as well as an
16 acceptable weighted NMCI index rating.

17 Final concrete pouring has been completed
18 as of Monday, October 13th. And the Navajo Tribal
19 Utilities Authority will have a crew on-site to
20 complete electrical connections over the next two
21 weeks.

22 The lease at Hogback Chapter House right
23 now runs until December. The school feels like it
24 has -- that's enough of a window; they feel like
25 they'll be out of there much sooner. And there is a

1 possibility to extend that lease, if need be. But
2 their current time frame would suggest that they
3 will be in their permanent facility before the end
4 of that lease.

5 THE CHAIR: That's good to hear. I know
6 we've -- we worried about this school. They've been
7 on all of our minds.

8 It also concerns me that parents are
9 driving many miles to get their children to this
10 school. So I will be very happy to see them get in
11 their permanent location.

12 Commissioner Gant?

13 COMMISSIONER GANT: Madam Chair and
14 members and others, this is just an example of lack
15 of communication, because the school knew in March,
16 and they sat right here in front of us and told us
17 they would be ready. You know, that was very
18 disturbing.

19 But it's not -- they're not the only ones.
20 AIMS, who we just talked about a minute ago, I think
21 you will find that they've moved into two more
22 classrooms over at UNM and didn't bother to tell
23 anybody.

24 You might want to look at that. But
25 that's what I've heard through the grapevine, that

1 they went to UNM and got two more classrooms.

2 So -- but that's just an example of what's
3 going on out there. They -- some of charters -- a
4 lot of them -- most of them don't. The charters out
5 there do things and then beg for forgiveness.

6 Thank you.

7 THE CHAIR: Thank you for that.

8 Mr. Pahl, is there some way we might could
9 be proactive on this facilities issue, maybe send a
10 letter to all of our charter schools reminding them
11 that any change in facilities needs to first be
12 brought to this Commission for approval?

13 MR. PAHL: Madam Chair, I can work with
14 Mr. Granata on that to make sure we're on the same
15 page there. We've been -- I have been meeting with
16 Martica on a monthly basis, just to -- just to get
17 that update, so we have more information. It's --
18 it's an odd -- there are some odd separations here
19 of who does what. And I think some of our most
20 recent facilities issues have highlighted those.

21 So we're -- we're sitting through those.
22 The PSFA is often the prime point of contact for
23 facilities issues. And I think you're right, that
24 there needs to be some clarification that while PSFA
25 is the entity that you contact regarding official

1 approval of these matters, they need to be clear on
2 at what steps do they come to the Commission. And I
3 would be happy to work with Mr. Granata on that.

4 THE CHAIR: Commissioner Gant?

5 COMMISSIONER GANT: Madam Chair, I think
6 this morning, we had a perfect example of how the
7 process should start, when we had a charter school
8 sit right out here and say, "We're telling you, we
9 want to move. We're letting you know now, so
10 there's no question. And we'll come back to you
11 when everything is in place."

12 Perfect example of forward-looking.
13 Amazing concept. Thank you.

14 THE CHAIR: And that's just my thought. A
15 letter to our charter schools, to our State charter
16 schools that says, "If you're considering a move,
17 you need to let the PEC know through CSD."

18 And that doesn't mean they have to come
19 here, take time away from their school. We're not
20 requesting that. Let us know, and then come back
21 when they have the final -- or when they're ready
22 for final approval to make the move.

23 MR. PAHL: Madam Chair, if I may?

24 THE CHAIR: Yes.

25 MR. PAHL: I appreciate that comment,

1 because I think that is -- that, for us, I think,
2 is -- is a difficult thing to ask some, in some
3 cases, somebody coming up from the southern part of
4 the state just to notify. And I think that's what
5 we're talking about here is a notification on the
6 front end, with the knowledge that you come here
7 with certain materials and certain knowledge.

8 I think there's a set of questions that
9 they should be prepared to answer. And if we can
10 work on a protocol for how to do that, maybe have it
11 as part of the Director's Report or a separate item
12 in which CSD can inform the Commission of, "Here are
13 the schools who are thinking about expanding," and
14 just the high-level thoughts on what they're
15 thinking while they're doing that.

16 THE CHAIR: I think first, we know to
17 notify them and say, "Friends, everybody, keep this
18 in mind."

19 MR. PAHL: Yes, uh-huh.

20 THE CHAIR: Okay. Thank you.

21 By the way, while we've got a lull, I'd
22 like to welcome Heidi from LESC. We're used to
23 having Ken with a mustache. And we know that's not
24 Ken. But we thank you for being here. Appreciate
25 it.

1 Please go ahead.

2 MR. PAHL: Madam Chair, we have an update
3 on renewal charter school applications. We sent out
4 the time line at the last PEC meeting. And I -- not
5 much of an update at this point in time. We sent
6 out the CDs. With everyone here, the Commission can
7 feel free to ask for additional materials.

8 If you want it on a jump drive or anything
9 of that nature, I'd be happy to help you out with
10 that after the -- after the Commission meeting.

11 But aside from that, there -- we are
12 reviewing the applications as we speak, and we are
13 getting our analyses prepared so we can share those
14 with the schools and then with you.

15 THE CHAIR: Okay. Thank you very much.

16 Questions? Comments?

17 Commissioner Bergman?

18 COMMISSIONER BERGMAN: I just have one
19 question. Are all the applications up on the
20 website now? Commissioner Pogna has indicated to me
21 that -- as she's already discussed, that when she
22 tried to access them on the website, she could not
23 get to them. Are they there now, and can we get to
24 them if they are there?

25 MR. PAHL: Madam Chair, members of the

1 Commission, no, they are not. We learned something
2 in this last round of application submissions. In a
3 lot of the applications, there are pictures of
4 students and otherwise identifiable information. We
5 are working on redacting that information. That's
6 the reason why.

7 So in the future, we will make a request
8 on the front end of saying, "We don't want that in
9 there." As much as it's nice to see students in
10 classrooms, it is creating extra work for our Staff
11 prior to being able to post those.

12 But I would expect those, in the next two
13 to three working days, online and posted. And I can
14 send communication to the Commission letting you
15 know when they are up.

16 THE CHAIR: Commissioner?

17 COMMISSIONER BERGMAN: Thank you for that,
18 Director. Then I would ask, since we did make some
19 changes in our work session yesterday to some of our
20 documents, that as you sit down with Josh, we might
21 as well incorporate something along those lines in
22 these changes right now for the next year, with the
23 Chair's approval of course.

24 THE CHAIR: I think that's a great idea.

25 Other Commissioners have any thoughts on

1 that?

2 Okay, thank you.

3 Please go ahead.

4 MR. PAHL: Madam Chair, a Charter School
5 Division staffing update. We've been interviewing
6 for new positions. And it occurred to me in a
7 conversation with the Chair at the LESC meeting that
8 the Commission may not know just how many vacancies
9 we have right now and what we're trying to fill.

10 There are three charter school liaisons
11 that we're looking to fill, three empty slots there,
12 and one -- more someone who works on our database
13 system; so snapshots that we have provided in the
14 past, we have someone who works on that kind of data
15 and some of the communications that we have out to
16 both the PEC and the Charter Schools Division.

17 So in total, there are four Staff members
18 that we're looking to hire for. We've had postings;
19 we've been doing interviews. And I was hoping to be
20 able to talk about someone newly on board, but we're
21 waiting for some paperwork to come through. So in
22 the near future, you'll be able to hear more about
23 that.

24 I'll also note, just as a -- this is an
25 aside. But Deputy Secretary Aguilar and myself were

1 able to visit Taos Academy in between our last two
2 visits here. It was nice to be able to see one of
3 the charter schools. They were celebrating the
4 opening of a new building there and having their
5 fall fiesta. Obviously, Commissioner Carr was
6 there. And it was nice to get a tour of the school
7 and see what one of our highfliers was doing, and
8 also get to experience walking around a school site
9 with one of our Commissioners.

10 So I thank Taos Academy and thank
11 Commissioner Carr for having us there that night.

12 THE CHAIR: Thank you for that. I believe
13 we all got an invitation to that.

14 COMMISSIONER CARR: Yes.

15 THE CHAIR: And I appreciate that. Sorry
16 we couldn't -- sorry, at least I couldn't make it,
17 but I'm glad at least you all were able to.

18 Any other observations on that?

19 Please go ahead, Mr. Pahl.

20 MR. PAHL: The last item in the Director's
21 Report is an update on the performance frameworks.
22 You know, in the past -- we recently made a change
23 to this in the work session. But we're currently
24 under -- these schools are under a framework that
25 looks a little different from that change that

1 included a requirement for schools with a D or F
2 grade to begin -- to have an improvement plan in
3 place, and an option for schools request a C grade
4 to either create an improvement plan or not.

5 The CSD has reached out to those schools,
6 and has asked them for their proposals of their plan
7 by the end of the month. So all of those schools
8 should be on improvement plans by November.

9 I can share with you the names of those
10 schools that are on performance framework -- they're
11 on the new performance frameworks that received a D
12 or F grade; and as a result, they are -- they have a
13 mandatory requirement to complete an improvement
14 plan.

15 Those are International School at
16 Mesa Del Sol, La Resolana, La Tierra Montessori, New
17 America Charter School in Albuquerque, New Mexico
18 Connections Academy, and North Valley Academy.

19 Schools with a C grade that have the
20 option to enter into an improvement plan are Cesar
21 Chavez, Creative Education Preparatory Institute,
22 Media Arts Collaborative, New America/Las Cruces,
23 School of Dreams Academy, and Media Arts
24 Collaborative.

25 THE CHAIR: How many is that, total?

1 MR. PAHL: I'm going to have to count.
2 That is 12 total, Madam Chair.

3 THE CHAIR: And all of those are due by
4 the end of the month?

5 MR. PAHL: Yes, they are due to us by the
6 end of the month. But the process that we envision
7 is taking a look at those improvement plans and
8 doing an analysis, ensuring that that really is
9 attacking some of their deficit. So there may be
10 some back-and-forth of some things that we may see
11 that, based on their school grade, they may want to
12 include in that plan, so it's a well-rounded plan.

13 THE CHAIR: And so you will be bringing
14 those to us in November for approval?

15 MR. PAHL: Yes, Madam Chair.

16 THE CHAIR: Okay.

17 COMMISSIONER GANT: Madam Chair?

18 THE CHAIR: Commissioner Gant?

19 COMMISSIONER GANT: These improvement --
20 12 improvement plans -- if they end up being a total
21 of 12 -- it's just another check mark -- and I know
22 you all talked about it, and Commissioner Bergman
23 talked about it at the LESC subcommittee meeting --
24 but it's just another long list of what the CSD has
25 to do every year. And it's going to happen year

1 after year after year, particularly when the PARCC
2 is instituted next year.

3 Staffing. I mean, this is just another
4 nail in the coffin for staffing. And it's just not
5 going to get any better. And I don't think the
6 allocated slots are enough. You know, they have so
7 many slots that they can fill. I think they need
8 more slots, more allocation for personnel than what
9 they've got now.

10 COMMISSIONER BERGMAN: Madam Chair?

11 THE CHAIR: Commissioner Bergman?

12 COMMISSIONER BERGMAN: I would like to
13 weigh in on that, also, because I agree with -- you
14 say you're looking at three new liaisons, Matt.
15 That would give you five, by my count. And we
16 already have close to 60 schools; so if we get fully
17 staffed with five liaisons, that means each liaison
18 is obviously going to have to oversee at least
19 12 schools.

20 So I agree; I do not believe five liaisons
21 is adequate staffing, in my estimation. I guess I'm
22 speaking personally now. But we don't even have
23 those three yet. So it -- we're really between a
24 rock and a hard place here right now. Thank you.

25 THE CHAIR: Matt, just for clarification,

1 this is the number that you're seeking right now.
2 How many overall is CSD allocated in the budget?
3 How many liaisons and how many -- how many other
4 positions that are not filled is CSD allocated?

5 MR. PAHL: Those would be all of them.
6 That's -- we are looking to fully staff, and those
7 are the slots we've been allocated, yeah.

8 THE CHAIR: Thank you.

9 COMMISSIONER BERGMAN: Then I would note
10 that as PED and CSD looks at next year's budget, you
11 should begin to -- whatever you can do, being a part
12 of a chain of command, that, here, again, to try and
13 seek more slots in that next budget.

14 I know everything has got a process,
15 especially with State bureaucracy and State
16 government. But I would say you should not wait any
17 longer. You should be asking, in the next budget
18 cycle, for additional staff. Somebody should be.

19 THE CHAIR: Absolutely.

20 COMMISSIONER TOULOUSE: Madam Chair, I'd
21 like to repeat what I've said at other meetings,
22 too. It's good to have this completely filled. But
23 these people all have to get up to speed. It takes
24 you a while at any job. No matter how much you know
25 and meet the requirements for the job, the actual

1 job performance itself takes, if you're lucky, six
2 months to be up to speed, more likely a year, to be
3 absolutely sure of everything that goes into using
4 the knowledge you bring into that position.

5 I mean, I went through any number of
6 promotions and job changes and all kinds of
7 different responsibilities. And to me, that was --
8 and hired enough people over the years, that's my
9 experience. And it's six months to a year before
10 you can expect somebody to be absolutely fully able
11 to do all of that job without a lot of help and
12 oversight.

13 THE CHAIR: I'm writing myself a note; so
14 please give me a minute.

15 MR. PAHL: Madam Chair, may I adjust one
16 item?

17 THE CHAIR: Please do.

18 MR. PAHL: Just regarding some comments by
19 Commissioner Gant, Madam Chair, and the Commission,
20 the improvement plans are more of a burden on the
21 school in this case. And I bring it up not just for
22 the conversation the Commission is having on
23 staffing, but it's an important step in us showing
24 schools that they need to own their data.

25 And so I am excited about the plans that

1 we will get from schools, and I'm excited about the
2 path that we're moving forward on using the
3 performance frameworks as a tripwire to see what the
4 plan is for -- for both obtaining data, analyzing
5 data, using that to inform instruction in the
6 future, which should be happening at every school.
7 But when we see that D or F grade, it's really going
8 to -- we get to put that extra oversight on that
9 type of practice.

10 THE CHAIR: Thank you. Thank you.
11 Appreciate that.

12 Any other comments?

13 All right, Commissioners, then let's go to
14 Item No. 9 on the agenda, which is 2014-'15, PEC
15 Meeting Calendar.

16 And if you'll notice, behind the tab for
17 No. 9, Beverly has provided us with a copy of our
18 2014 meeting calendar. And as we ask her to do, and
19 she has so graciously done, she's given us some
20 potential calendars to look at.

21 The first one I see is that our meeting
22 dates are moved to later in the month. And we
23 talked about that, that maybe the third or fourth
24 Friday would be better than the second Friday, as we
25 seem to have a lot of conflicts and meetings that

1 run really close to each other. So that's this
2 first calendar that she's given us for 2015.

3 Then the other 2015 calendar -- Beverly,
4 if anything is marked on here, I don't see it, so --

5 MS. FRIEDMAN: Madam Chair, Commissioners,
6 my intent was to put meetings on the second Friday,
7 and it didn't come out on that. It left it blank.
8 But what we can do is use that one and actually make
9 final dates, if you wish, to go through that.

10 Those of you with the computer agenda
11 items, I -- there was one item that you all have
12 that other people don't have. And that is a
13 calendar with holidays on it. And I meant to have
14 that included, but somehow it didn't come out with
15 the printing. And so people who have that have that
16 one, also.

17 THE CHAIR: It's online. You did send it
18 to us, but --

19 MS. FRIEDMAN: Yes.

20 THE CHAIR: Commissioners, what's your
21 preference? Do you want to consider this one with
22 later meeting dates on it, or do you want to talk
23 about earlier dates? What?

24 Commissioner Bergman?

25 COMMISSIONER BERGMAN: Well, I -- as I

1 look at this, I immediately had some concerns,
2 because putting all our meetings that late in the
3 month -- traditionally, our meeting in January has
4 been that second Friday. One is because it's
5 beginning our new year; two, we have to do a number
6 of things. As I've noted again, as I'll discuss
7 here in a little while, we also have a great number
8 of negotiations that are going to have to be adapted
9 to this calendar, also.

10 And I notice that the August -- our tour
11 is pushed back one week. We have always had it on
12 the third week, because of our time lines and
13 everything. If we leave that tour to the last week
14 in August, that only leaves four weeks between the
15 tour and the decision meeting. So, yeah, I believe
16 that we're not ready to accept this document.

17 I think I'd say it has to be tied with the
18 calendar that Matt and I kind of -- that we started
19 working on yesterday. There are so many things that
20 have got to go into this. Because of our increased
21 workload in the past, our calendar -- it wasn't that
22 hard to put a calendar together. We're going to
23 discover now we're really going to have to -- it's
24 not just we'll pick some dates and go forward; it's
25 not going to be that easy anymore. So I think we

1 need to give some more thought to that.

2 THE CHAIR: So, Commissioner Bergman,
3 you're talking about setting the negotiation dates
4 around meeting dates, to the extent possible?

5 COMMISSIONER BERGMAN: We almost have to.
6 If you'll remember, for the benefit of everyone else
7 in the spring, whenever possible, I worked with
8 Julia, and that's what we did. We did that for
9 several reasons:

10 One, several Commissioners have to travel
11 to come to these negotiations. And as I looked at
12 our initial calendar this morning, I saw that we
13 would have weeks where we would come up here or
14 Albuquerque or Las Cruces to do some negotiations,
15 and a week later, we had a meeting.

16 So I talked to Julia. I said, "Whenever
17 we can, it just makes economic sense and is easier
18 on us, as Commissioners, that we just have to make
19 one trip instead of two."

20 So yes, I intend to work with Matt. In
21 fact, that was going to be my suggestion, that by
22 next month, I was going to ask all our Commissioners
23 to really be thinking about at least January,
24 February, and March, and we at least establish our
25 calendar next month for at least that first three

1 months. And then Matt and I can really sit down,
2 and we can target those first three months to get
3 the negotiations in.

4 I noted yesterday -- but some were not
5 here yesterday -- we have three new schools that we
6 just approved. I believe it's -- the best way to
7 handle this situation is we do those three schools
8 in January. They will already be into their third
9 planning-year month; so they will already have their
10 feet on the ground.

11 And that's not how Matt laid it out
12 yesterday, but that's what I want to do. That's
13 what I would recommend to this Commission. And then
14 I suspect if we find we're going to -- that most of
15 our renewals are approved for renewal, I would think
16 we need to at least stick a couple of the renewals
17 late in January, give them as much time as possible
18 from our December 12 meeting to begin, and for the
19 Staff to begin to get ready for those negotiations.

20 But then I also believe, like I say, it's
21 economic, and just makes sense to at least have some
22 of the negotiations that -- in the days prior to our
23 regular meeting.

24 So we will have to -- Matt and I will have
25 to sit down, and I will present you a suggested --

1 when we have more data. But we're already -- we're
2 already working on it. I wanted to share with
3 everybody, we're already working on it. And there's
4 a possibility that we could have as many as
5 26 schools that we've got to do by the end of May,
6 do full-blooded -- I've also asked Matt -- I told
7 him that I, personally -- we did most of the
8 Albuquerque ones in that State Bar Association. I
9 don't know how my fellow Commissioners -- I thought
10 that was safely located, easy to get to, plenty of
11 parking. The room that we had was adequately sized
12 to do what we needed to do.

13 So I've asked Matt to begin to explore
14 that, that we can meet there again. Matt has said
15 it looks like we could have three schools in
16 Las Cruces; so I believe that means we're going to
17 have another road trip to sunny Las Cruces, the
18 Playground of the South. And so I think it -- I
19 think it --

20 THE CHAIR: Can I stay with you and have
21 dinner?

22 COMMISSIONER GANT: You will.

23 COMMISSIONER BERGMAN: So I think we
24 probably will have one group of sessions in
25 Las Cruces.

1 He's also asked that we maybe have some in
2 Santa Fe for the Northern schools. I believe we can
3 probably do it -- I told him yesterday I wasn't sure
4 about that, because I -- it's easier, as we all
5 know, to get reasonably priced hotel rooms in
6 Albuquerque and find venues to have these in than
7 Santa Fe. Nothing against Santa Fe. Just more
8 expensive every time we come here.

9 But since we're going to have meetings
10 here, next time, I would look at suggesting we have
11 maybe two days of negotiations in advance of one of
12 our regular meetings.

13 I see the chairs facing us. We -- they
14 are exhausting. That's why I said to the LESC,
15 "It's really four" -- and I've said to Matt -- "four
16 in any given month." That's a chore.

17 THE CHAIR: Four in two days.

18 COMMISSIONER BERGMAN: And I think we may
19 have to have six. And if we do have to have six in
20 a month, we probably are going to have to split it
21 out, do three at one time and three in another, or
22 four in one. Because I can attest to what the Chair
23 is thinking about. When we had those four in a
24 two-day span, one in the morning, one in the
25 afternoon, one in the morning, one -- for at least

1 old folks like me, that's kind of exhausting. It's
2 not because it's a lot of physical labor; but it's
3 just sitting in those chairs and lots of
4 back-and-forth with the schools.

5 THE CHAIR: It's a mental exercise.

6 COMMISSIONER BERGMAN: It's a mental
7 thing. So these are all things that are in my mind
8 right now. So when I finally flesh it out with
9 Matt, we'll take all these factors into
10 consideration. So at some point in the future,
11 hopefully, we'll have at least some firmness to it
12 before the first year.

13 So I can ask all my fellow
14 Commissioners -- I'm going to invite you again this
15 year. I hope that all, including the new
16 Commissioners, when they're on board, will at least
17 think about coming to at least one negotiation. One
18 I think it's good for your knowledge and experience.
19 It's good for you to see the process firsthand, in
20 person. And it then allows us to spread the work a
21 little bit.

22 So all I'm thinking -- and Matt's
23 thinking -- we're thinking of all kinds of things
24 right now. So we are working on it. And I'll be
25 talking to Matt from time to time as we flesh it

1 out. As soon as we have it fleshed out, we'll let
2 you know.

3 But we've got to bring the dates together,
4 the locations together, and match them up with --
5 as -- those of you that weren't at our work session
6 yesterday, at one point, the Chair said something
7 about when we have some "dull moments." Well, I'm
8 not sure we have any dull moments on this Commission
9 anymore. That's not what she -- "lulls." "We used
10 to have lulls."

11 We don't have any lulls anymore. This is
12 almost a full-time job anymore, because we do take
13 it seriously, because we're talking about kids and
14 their future.

15 So I just wanted everybody to know that
16 we're working on it, and I'll have information for
17 you as fast as we can get it to you.

18 Thank you, Madam Chair.

19 THE CHAIR: Let me just ask a couple of
20 questions, and then I'm going to have a suggestion.

21 If you all would look at the 2015 calendar
22 that Beverly has put out -- I'm not saying the
23 suggested calendar, because we asked her to just
24 give us some meeting dates later in the month.

25 Commissioner Bergman has noted that the

1 road show in August is pretty late, if everything is
2 tied to the fourth Friday of the month.

3 I'd like to get some kind of feeling --
4 not necessarily consensus, but just some kind of
5 feeling from the Commission on do you really want to
6 move our meetings later in the month? If so, how
7 much later in the month? If the fourth Friday is
8 too late, what about the third Friday?

9 Can I -- even just a show of hands. How
10 many of you think the third Friday would be better
11 than the second Friday?

12 (Show of hands.)

13 COMMISSIONER TOULOUSE: It doesn't matter.

14 THE CHAIR: It doesn't matter? Okay.

15 What about the fourth Friday? And I
16 understand, we can move that road show real easily.
17 That's not --

18 COMMISSIONER BERGMAN: Let me just note,
19 as we think about these -- this calendar doesn't
20 show any holidays. Some of these fourth Fridays
21 fall on a holiday. That's why I don't think we can
22 say, just, "We're going to do it on the fourth
23 Friday."

24 THE CHAIR: You haven't heard my next
25 suggestion. You'll love it, too.

1 I'm just trying to get some direction from
2 the Commission as to how late in the month you'd
3 rather have the meetings.

4 So third or fourth Friday does not matter
5 to anybody.

6 Okay. Even second Friday, if that proves
7 to be more doable, okay?

8 What I would like to ask Commissioner
9 Bergman, Mr. Pahl, and Beverly, to work together to
10 come up with a recommended calendar. And if it can
11 only be the first three or four months of 2015,
12 that's fine. But we need to start getting some
13 dates, because we have people who work, and they
14 need -- if nothing else, they need to clear these
15 dates with their employers. So we're getting really
16 late and maybe inconveniencing some of our
17 Commissioners.

18 So, Mr. Bergman, I'm going to ask you to
19 take on that responsibility of shepherding a
20 recommended calendar for at least the first three or
21 four months of 2015 that's going to show meeting
22 dates and negotiation dates. And if they have to be
23 tentative, okay, they're tentative. But let's get
24 something on paper that we can work with.

25 COMMISSIONER BERGMAN: I'll be happy to do

1 that. I'm sure I can find a dull spot in my
2 schedule.

3 THE CHAIR: A lull, yes.

4 COMMISSIONER BERGMAN: A moment when I
5 really wish I had something else to do, and then I
6 will take care of that, yes, ma'am.

7 THE CHAIR: Commissioner Pogna?

8 COMMISSIONER POGNA: Madam Chair, could we
9 do anything about January, set our meeting date so
10 it doesn't fall during the Legislature?

11 COMMISSIONER BERGMAN: I will consider all
12 factors as I do this.

13 THE CHAIR: I think that was a discussion
14 we had, to try to have our meetings in January and
15 February in Albuquerque rather than in Santa Fe, to
16 avoid -- I heard that. If that's not amenable, say
17 so now.

18 COMMISSIONER BERGMAN: I believe that's
19 why we've always had it on that second Friday in
20 January was specifically to avoid the Legislature
21 and the parking problems.

22 THE CHAIR: That could be something you
23 look at. Commissioner?

24 COMMISSIONER POGNA: I don't think the
25 Commissioners know this. Last year, I got a \$500

1 parking fee. I did go to court in Santa Fe. And
2 the moment she found out I was Public Education
3 Commission on my license plate, she dismissed me.
4 She dismissed the thing. But that's pretty steep.

5 THE CHAIR: To park -- what? You parked
6 in a reserved spot or something?

7 COMMISSIONER POGNA: I squeezed into a
8 parking -- knowing I was desperate, knowing the
9 meeting was going to start, I squeezed into a spot
10 that the lines extended just a little bit under my
11 car. I knew it was wrong, but I was desperate.

12 THE CHAIR: Handicapped? Okay.
13 Commissioner?

14 COMMISSIONER TOULOUSE: Madam Chair, I was
15 going to say the other advantage to being in
16 Albuquerque in those two months, as ones of you who
17 come up here know, if you can get a room, your rate
18 isn't going to be anything you want -- but I find it
19 so hard in those months to get in here and try to
20 park and get in.

21 And, I mean, I know I have a ride up. I
22 come up with, you know, Senator Lopez. But then to
23 get my ride back, I still, with my arthritis, have
24 to hike all the way across -- and it's not an easy
25 walk to get over to her office. Luckily, there's a

1 lot of benches, and I sit down.

2 I just know, between the parking -- you
3 can't find a place for a mile or more around here.
4 And then what the hotel rates are, it makes a lot of
5 sense if we could move to another location for the
6 Legislature months.

7 COMMISSIONER BERGMAN: I will work with
8 Beverly on that, because Indian Market, that other
9 big market -- there's some kind of arts thing. And
10 if we can schedule meetings that fit our schedule
11 and avoid those things, that's what I hope Beverly
12 can help me with, and Mr. Pahl. There are so many
13 factors that go into this.

14 THE CHAIR: There are. There are. Keep
15 in mind, though, this is our home right here, and we
16 want as many meetings here as we can.

17 Commissioner Parker?

18 COMMISSIONER PARKER: Madam Chair,
19 Commissioners, I just wanted to say, I don't
20 anticipate any conflicts with my schedule.

21 THE CHAIR: We will miss you,
22 Commissioner.

23 And one last thing that has occurred to
24 me. If, in fact, you recommend -- this group that
25 I've asked to work together -- if you recommend our

1 January and February meetings in Albuquerque, please
2 remember that we have used the upstairs meeting room
3 at the Balloon Museum in the past, and it's very
4 nice. It's large, and accommodates a lot of people,
5 and it is just a really nice facility.

6 COMMISSIONER BERGMAN: It is, but you
7 remember, they always seem to have some noisy thing
8 going on in the next room. But it was a nice
9 facility, yes. We'll work with the group.

10 COMMISSIONER TOULOUSE: Madam Chair, maybe
11 Mr. Tolley could see if APS would also offer us
12 meeting space.

13 THE CHAIR: There's another option.

14 MR. TOLLEY: Madam Chair, members of the
15 Committee, I would be more than happy to do that.
16 If I have a date ahead of time, we'll see if we can
17 get a room at APS.

18 THE CHAIR: Sounds wonderful. Thank you.
19 There's another option for you. There you go.
20 Okay.

21 So let's leave this one on the table,
22 knowing that we have folks working on it. And if
23 anyone can help you with that in our lull time, by
24 all means.

25 COMMISSIONER BERGMAN: Thank you.

1 THE CHAIR: I just lost my agenda. Ah.
2 Found it. I put it away too clearly -- too well.

3 Next item on the agenda is Report on the
4 LESC Subcommittee Meeting.

5 I was invited to testify before the LESC
6 Subcommittee -- Charter School Subcommittee meeting.
7 Commissioner Bergman was there. Commissioner
8 Toulouse was there.

9 This is the handout that I had for the
10 Subcommittee members. And I'd like to share it with
11 you, just so you'll know -- do we have enough?

12 Does everyone have one?

13 Beverly does not? Beverly, if you
14 wouldn't mind sharing, or, Josh, you can give her
15 yours.

16 MS. FRIEDMAN: No, that's all right. I'll
17 share.

18 THE CHAIR: I'll be glad to give you a
19 copy to make, or whatever you want to do.

20 When Representative Stewart, who is Chair
21 of the Subcommittee, asked me to come and report, I
22 asked her, "What do you want me to tell you?"

23 And she said, "Just tell us what you do."

24 Oh, my. And so the first page you're
25 looking at is a yearly time line. And I just really

1 tried to set out the big things that we do: Notices
2 of intent, contract negotiations, renegotiations,
3 all those kinds of things.

4 Down below are the other things that we
5 do. The list is not inclusive, by any means; but I
6 was trying to give them a flavor of what our year
7 looks like.

8 And then starting -- on the second page,
9 starts with some spreadsheets, starting with 2009.
10 And my intent here was to show how many applications
11 we get every year; of those, how many we approve;
12 and then just the schools, and then the progression.
13 You'll see from 2009, 2010, over to '11. And 2012,
14 then, is when the requirement for the negotiating of
15 contracts came into play. So you will see that we
16 started negotiating contracts with these schools.

17 We closed Village Academy that year. And
18 Taos International School requested a second
19 planning year.

20 So far load is not too heavy, okay?

21 Next page. 2013. Here's where we
22 negotiated contracts with the new schools that were
23 approved: Dream Diné, Explore, Health Science, and
24 Taos International, because they, again, had that
25 second planning year.

1 You can see the number of renewals that we
2 negotiated contracts with, since this was their
3 first year to come under contract. It wasn't a
4 renegotiation, a performance framework; it was a
5 full-blown contract.

6 And then renegotiation of what we were
7 calling "the first-year schools," those schools that
8 had already completed one year of a contract, and,
9 by statute interpretation, were coming back for
10 their first renegotiation of the academic
11 performance framework. That added up to 24. Okay?

12 2014. We had eight applications, as you
13 know. Two of those dropped out. And my list is
14 wrong here, and Beverly caught it. We actually
15 approved three schools, okay? My spreadsheet -- the
16 next spreadsheet is correct, but this one is not
17 correct.

18 We approved three schools: DEAP,
19 Technology Leadership, and Sandoval County Bilingual
20 Academy.

21 Then below that are the renewal schools
22 that we will be considering. We have their
23 applications right now. There are 23 of them. That
24 includes East Mountain High School.

25 Mr. Pahl, is it official that they are

1 going to renew with APS?

2 MR. PAHL: Madam Chair, members of the
3 Commission, we did not receive a renewal application
4 from East Mountain, so I assume that's correct.

5 THE CHAIR: So we can take East Mountain
6 off that list and change the total to 22.

7 COMMISSIONER TOULOUSE: Madam Chair?

8 THE CHAIR: Matt -- Mark -- there are too
9 many names that I'm supposed to be keeping up with
10 today -- may I ask if East Mountain did, in fact,
11 submit a renewal application to APS?

12 MR. TOLLEY: They did, in fact, submit a
13 renewal application to Albuquerque Public Schools.

14 THE CHAIR: Thank you very much. So there
15 are 22 renewals.

16 Down in the bottom section, you'll see
17 performance frameworks renegotiations. All those
18 first-year schools from last year become second-year
19 schools this year. All the new contracts from last
20 year become first-year schools, and all must have
21 their academic performance frameworks renegotiated.
22 And that total is 24.

23 Now, then -- so the point I was trying to
24 make to LESC -- and they certainly got it very
25 well -- is the workload just -- it exponentially

1 keeps increasing on the PEC and on our staff. We --
2 we just soon are going to reach the point, I'm
3 afraid, where we're not going to be able to do it
4 all.

5 The next page is a comparison -- an SEG
6 comparison of districts and charter schools. And we
7 all know the SEG is the State guarantee of funding
8 for schools. All schools -- I shouldn't say "all,"
9 because I don't know that for sure -- but most -- I
10 think all schools -- receive other funding, as well,
11 Title I funding, special ed funding, blah, blah.
12 But this is just SEG funding.

13 Please notice APS is the largest in the
14 state. We all knew that.

15 Second is Las Cruces as a district, with
16 \$170 million funding.

17 Then if we grouped all charter schools
18 together, both district and PEC-authorized, there
19 are 100, and coming in at \$167.3 million.

20 State charters, there are 60 of them. And
21 I have -- I worked on that number for days, and I do
22 believe it's correct -- 60 state charter schools,
23 funded at \$97 million. District charters are 40;
24 SEG funding of \$70 million. And the next largest
25 district is Rio Rancho at 108.

1 Following that are special pages of
2 spreadsheet that list every charter school in the
3 state. And I started out with State charter
4 schools. And you'll notice they're numbered, and
5 some are in color, because, for instance, No. 15,
6 Dream Diné, is in green, because they're opening
7 this year.

8 And I was using 2013-'14 SEG funding was
9 the best information I had, final year funding. And
10 so I had no SEG at all to post for Dream Diné.

11 The DEAP School was authorized just last
12 month by us, of course; so, of course, they're in
13 operation with no funding. Health Science, again, I
14 had no funding for them. They opened this year.

15 Next page, Ralph J. Bunche. If you all
16 recall, we closed them at the end of the last school
17 year. But to keep integrity with the numbers that I
18 was using from the '13-'14 school year funding, I
19 kept in their funding and their per MEM allocation
20 or per MEM funding.

21 Sandoval Academy of Bilingual Education.
22 You'll see I did include -- I counted them in this
23 one.

24 Taos International School opened '14-'15.
25 I had no numbers.

1 Technology Leadership was just approved,
2 authorized; so I had no numbers.

3 And on the next page, The Learning
4 Community Charter School we closed at the end of
5 last year is in red.

6 So you'll see that the total of 60 is
7 State charter schools. Total SEG at the end of last
8 year was \$97,121,488.25. The 2 percent
9 administrative withholding, the fee that those
10 charter schools pay for administration services,
11 came out to \$1,942,429.77.

12 And that goes to authorizers of district
13 schools and to the Public Education Department for
14 State charters.

15 Then the next list are the district
16 charters. And I think we go through those fairly
17 quickly.

18 I listed Albuquerque first. They have
19 20 -- pardon me -- they have 19 charter schools,
20 funded at almost \$40 million.

21 Then the rest are a compilation of the
22 entire state.

23 The next with the most number is Santa Fe.
24 But since three of those are coming to us this year
25 for renewal, that leaves Santa Fe with only one. So

1 the rest of the state combined has 21 charter
2 schools funded at \$30,520,000.

3 Then you can see a total for all charter
4 schools.

5 The last two pages are the budget and job
6 descriptions that Commissioner Toulouse and our
7 former attorney, Abby Lewis, put together some
8 months ago. And you'll see that they are using
9 Fiscal Year 2016 anticipated income. And so their
10 budget amounts to \$2.2 million.

11 So the SEG, of course -- I mean -- pardon
12 me -- the 2 percent withhold for administration
13 is -- I'm sorry. I read that wrong.

14 The 2 percent withhold is \$2.2 million.

15 The total budget -- and I know I saw it on
16 here somewhere. Perhaps it's not on here? Am I
17 just overlooking it? The total budget? It's not on
18 here.

19 COMMISSIONER TOULOUSE: Madam Chair, I
20 don't know, because I didn't --

21 THE CHAIR: I don't see a total.

22 COMMISSIONER TOULOUSE: I didn't do this
23 piece. The one I gave you initially did total it
24 up.

25 THE CHAIR: I don't see it on this one.

1 But the 2 percent withhold would be \$2.2 million.

2 And then on the next page are job
3 descriptions. The only two that are missing from
4 here are Director and General Manager. And those
5 were provided later, but I didn't have a copy of
6 them.

7 So I just want you to know -- then, of
8 course, legislators had lots and lots of questions,
9 and we certainly answered those the best we could.
10 And Abby helped with that, Commissioner Toulouse,
11 Commissioner Bergman, also.

12 Commissioner Pogna?

13 COMMISSIONER POGNA: Madam Chair, this is
14 an excellent, excellent document.

15 THE CHAIR: Thank you.

16 COMMISSIONER POGNA: It's the best I have
17 seen for a complete picture of everything.

18 THE CHAIR: It's that Type A personality I
19 mentioned a little earlier.

20 COMMISSIONER POGNA: Thank you.

21 THE CHAIR: Thank you very much. Thank
22 you.

23 Any questions? Concerns? Issues?

24 Commissioner Bergman?

25 COMMISSIONER BERGMAN: No questions. No

1 concerns. No issues. But some observations. From
2 sitting through that meeting.

3 This next legislative session -- they're
4 all interesting, but I think particularly for
5 charter schools, is going to be interesting and
6 could be a challenge.

7 One, the LESC is going to present some
8 kind of a rewrite of at least some portions of the
9 Charter School Act. And anything they rewrite in
10 the Charter School Act will impact on us, of course,
11 in some way, shape, or form. So we are watching
12 that closely.

13 But in light of the funding things the
14 Chair just talked about, several of the legislators
15 including Representative Stewart, after they looked
16 at this document that our Chair presented to them,
17 made outright comments that it looked to them like
18 charter schools were overfunded.

19 And, boy, you hate to hear that, and that
20 something needs -- as vis-a-vis the public schools.

21 And so if I was the Charter School
22 Coalition, I'd be real certain that I would be at
23 the Legislature this year to make sure that --
24 there's always a fight over funding. But I think
25 it's going to be more challenging this year for

1 charter schools than it has been in the past. I
2 really do, based just on those comments I heard. If
3 that's the way they're thinking, it could be
4 interesting.

5 And I did explain to them -- now, I know
6 the LESC doesn't set -- the Legislature doesn't set
7 staffing levels. I'm sure that's at the department
8 level. But I pointed out kind of what -- expanded
9 on what the Chair said. I pointed out to them that
10 by the end of next summer, this Commission will have
11 approximately 50 schools under contract. And I told
12 the legislators, I said, "That means every year,
13 we're going to have to renegotiate those
14 50 performance frameworks."

15 And I said, "Each year in the next three
16 years, we're going to be adding to that. By the end
17 of the next three years, we will have however many
18 schools have chosen to be State-authorized by that
19 point."

20 And I'm thinking the vast majority by that
21 time are going to be State-authorized, if they keep
22 choosing to come to us instead of the district.
23 Maybe APS won't, because they've got Mark to work
24 with.

25 But I just said, "It's going to

1 exponentially grow."

2 And based on that one legislator -- and it
3 may have been Legislator Stewart -- said she thought
4 our budget was pretty high, that budget number. And
5 I think Senator Brandt commented on that. And I
6 pointed out, I said, "When you look at what's going
7 to happen down the road in a year or two, I do not
8 believe" -- I told them I did not personally believe
9 that that budget was too high. In fact, it may be
10 too low.

11 And so we made these points to the
12 legislators. Whether they listened or not, who
13 knows?

14 But thank you, Madam Chair. I just wanted
15 to expand on that.

16 THE CHAIR: Thank you. Appreciate that.

17 Commissioner Toulouse, do you have
18 anything to add?

19 COMMISSIONER TOULOUSE: Madam Chair, I
20 just want to say, this Committee isn't through.
21 They will continue next year. We have a second
22 round to go. I know at the request of the Director
23 of the LESC, Abby has been assigned to help draft
24 the legislation. So I know that what we need, she
25 understands and will do her best to get in there.

1 But it is going to be difficult. And
2 there's a lot of talk on eliminating transportation
3 money for State schools. Leave it in for the
4 district-chartered ones, because they assume that's
5 part of the districts' responsibility, and just
6 totally doing away with it with State-chartered
7 schools.

8 There also is talk of eliminating the
9 2 percent to us and providing us a budget line item.
10 And it's going to be interesting, because the last I
11 heard from Representative Stewart, it's now
12 1 percent to us and 1 percent from them.

13 Anyway -- but there is discussion of that.
14 So at some point, they're looking at that and where
15 it goes and what it does.

16 But this is going to go on through next
17 year, too. And I think, by then, we will have them
18 really educated. They've learned a lot this year.
19 They started thinking that they knew exactly what
20 charter schools did, which is why we weren't asked
21 for any input. And it's amazing. We got asked for
22 input, now that they realize what the job is. At
23 several of the meetings, people have even commented,
24 "You people need a salary."

25 So I'd just like the per diem that they

1 get, rather than what we get. Because what is it?
2 \$154? Something like that?

3 But, anyway, it's been an interesting
4 experience.

5 And the Subcommittee, without the rest of
6 the LESC, is meeting on November 7th at APS, to do a
7 final meeting, and I do intend to go to that
8 meeting.

9 THE CHAIR: Okay. Thank you.

10 There is one question I'd like to ask
11 Mr. Pahl, because it was asked of us at the meeting,
12 and I didn't know.

13 This budget that we were just looking at
14 was submitted to PED back prior to the 1st of
15 September. I don't remember.

16 By statute, PEC can submit a budget
17 through PED that PED may not change, but PED sends
18 it on with their division department budget.

19 Representative Miera asked us, "Has this
20 budget been presented to the LFC?"

21 And I have no idea. Do you?

22 MR. PAHL: Madam Chair, members of the
23 Commission, not to my knowledge.

24 THE CHAIR: Not to your knowledge.

25 MR. PAHL: Meaning we have not presented

1 it to the LFC. So unless somebody on the Commission
2 has, then it likely has not been presented to the
3 LFC.

4 THE CHAIR: Thank you. So we have that
5 information. Thank you very much.

6 Anything else on the Subcommittee?

7 All right. Let's move on to Legislative
8 Committee Report. Commissioner Carr, anything?

9 COMMISSIONER CARR: The only thing I have,
10 and I guess it dovetails from the previous
11 discussion, is that none of this is probably going
12 to matter until we get a different governor. So,
13 you know, most of it will probably be vetoed. So --
14 but that doesn't mean we shouldn't continue to work.

15 THE CHAIR: That's right.

16 COMMISSIONER CARR: But as soon as the
17 election is over, we'll know where we stand and what
18 we can go after. Then I will get to work.

19 THE CHAIR: Okay.

20 COMMISSIONER CARR: Okay.

21 THE CHAIR: Commissioner Toulouse?

22 COMMISSIONER TOULOUSE: Madam Chair,
23 Mr. Carr, one of the deals that the Subcommittee has
24 been trying to do is get their Republican members on
25 board so completely with this bill that it will then

1 become their responsibility to, if there is a
2 continuation of this governor, to see that what is
3 in there will be signed. So they will be working
4 after the election, if it goes the way they want it
5 to go, with her, prior to the session.

6 And that's part of why there will be some
7 things in there we want, and some not that we want
8 yet, and will be worked on. But we do seem to
9 have -- even though there was a little bit of
10 posturing from a couple of them, those people talked
11 to me afterwards -- one of them in particular --
12 that, we're okay with that -- they just go on the
13 record occasionally with some of this -- that there
14 is a support for the changes that they're willing to
15 make right now.

16 And to me, then we take what they put in
17 there and don't try to get it changed, because
18 it's -- on this particular bill -- we can put in
19 other bills -- but whatever comes out of the LESC,
20 we don't try to change that one, because that's been
21 negotiated with those -- both the Democrats and the
22 Republicans on the Committee.

23 THE CHAIR: Okay. Thank you very much for
24 that.

25 Commissioner Bergman, anything else from

1 the Charter School Committee?

2 COMMISSIONER BERGMAN: I think I've
3 covered just about everything. Just to expand on
4 what Commissioner Toulouse just said, it's been, for
5 some of us -- yourself, myself, Mr. Carr -- we came
6 on this thing six years ago. We're light years
7 ahead of where we were then.

8 We still perhaps have some light years to
9 go yet, but we're gaining some ground every year.
10 And, yes, we cannot stop until we've gained the
11 ground that we -- we're an elected body that's
12 mentioned in the Constitution of this state. We
13 have a function that we're supposed to be doing.

14 We, therefore, need the things we're
15 asking for. Whether we get them this year, next
16 year or two years from now, we have to keep working
17 until we get them, because we have -- we're talking
18 about kids here. We're not talking about us; we're
19 talking about kids. And that's all I care about is
20 the kids. So thank you, Madam Chair Chair.

21 THE CHAIR: Thank you, Commissioner.

22 We're at Item 13, Open Forum. Beverly
23 tells me there is no one signed up on Open Forum.
24 That's great.

25 Executive Session. Mr. Granata, do we

1 need an Executive Session?

2 COMMISSIONER GANT: Are we doing PEC
3 Comments first, or after?

4 THE CHAIR: Let's do PEC comments, why
5 don't we, just because of you saw it.

6 Golly. I'm sorry. Let's start over here,
7 PEC Comments.

8 Commissioner Parker?

9 COMMISSIONER PARKER: Maybe just a
10 clarification for my thoughts earlier on this AIMS,
11 and I'm not sure if this is the right place, so stop
12 me if I go too far.

13 It just seems like everyone should have
14 the right to say what they want to about a situation
15 on that. However, when they start putting words in
16 other people's mouths -- and I think that's what
17 Josh was talking to -- I have a big problem with
18 that.

19 Had the vote been phrased with just taking
20 our comments, or the beliefs pertaining directly to
21 us, I would have been 100 percent for that.

22 So that's --

23 THE CHAIR: Thank you.

24 Commissioner Toulouse?

25 COMMISSIONER TOULOUSE: Madam Chair, I

1 think I've probably said enough. Thank you.

2 THE CHAIR: Okay. Commissioner Carr?

3 COMMISSIONER CARR: I probably have said
4 too much a year ago. No, I'm -- the one thing I
5 wanted to bring up was that when they first started
6 the A-through-F grading, we -- or the PED -- gave
7 banners to schools to put up that they were an A
8 school.

9 I would like -- you know, we could put it
10 on another agenda. But I would like for the PEC to
11 offer those banners to charter schools. And I would
12 like to suggest that the PED do the same for the
13 traditional public schools, however we feel about
14 grading.

15 But I think, you know -- you know, we --
16 and we don't give them a lot, you know. I certainly
17 don't want to give a banner to an F school, and I'm
18 certain that they don't want to fly it.

19 But the A schools do want that, you know.
20 It's just like -- state -- when a school wins a
21 state championship, they get a big banner to put up
22 in their gym, you know, which is nice.

23 The -- and food for thought -- don't want
24 to start a big discussion. If we get -- just
25 something to think about. If we get Julia to help

1 us with these negotiations, and we get a good team
2 of people to help us, I honestly feel like we're
3 doing a little -- you know, and these are my words,
4 not anybody else's -- I honestly feel like we're
5 doing a little micromanaging.

6 I would like to see us have good people
7 from the Charter Division do those negotiations,
8 welcome us to be there and to take part, you know,
9 in -- if we want, and then have it presented to us,
10 and we say yay or nay.

11 I kind of feel like -- and based on what
12 Commissioner Shearman was talking about, with our
13 growing workload, we're going to reach a point where
14 we won't be able to do it, anyway.

15 But just food for thought. I don't want
16 to bring up a big discussion. And maybe I'm the
17 only one that feels that way, but I just wanted to
18 throw it out there.

19 THE CHAIR: Commissioner Carr, I
20 appreciate you trying to lighten our workload. But
21 as Mr. Granata tells me, by statute, the authorizer
22 must do those negotiations.

23 COMMISSIONER CARR: Okay. Well, now, my
24 discussion back would be that we can delegate that.

25 THE CHAIR: I don't want to.

1 COMMISSIONER CARR: And that's fine if you
2 don't want to. But, I mean, boards --

3 THE CHAIR: I'm speaking for myself.

4 COMMISSIONER CARR: I'm speaking for
5 myself. But boards -- local school boards sometimes
6 get too heavily involved in micromanaging. And some
7 boards don't; maybe they don't do enough. But --
8 and it's fine if you don't want to.

9 I -- it's just a thought of mine. I -- if
10 we have good people that we trust --

11 (Cellular telephone interruption.)

12 THE CHAIR: That's Vince's phone that
13 quacks.

14 COMMISSIONER CARR: Oh, okay.

15 COMMISSIONER BERGMAN: And it's off, and
16 it still does it.

17 COMMISSIONER CARR: It still does it.

18 COMMISSIONER BERGMAN: I've put my foot on
19 it. I'm going to break it in a minute.

20 THE CHAIR: That's our biggest
21 entertainment.

22 COMMISSIONER CARR: I'll just end it
23 there. I don't -- it's up to the Commission. I'm
24 putting it out there.

25 THE CHAIR: Thank you, Commissioner Carr.

1 Commissioner Gant?

2 COMMISSIONER GANT: Madam Chair, yes, I do
3 have a couple of items. I have talked to a
4 charter-schooler solely in the south. We are down
5 there.

6 The books for students that were paid for
7 by the airplane that was sold by the Governor --
8 (Cellular telephone interruption.)

9 COMMISSIONER GANT: You know, we're going
10 to start doing like we do in Rotary and charge money
11 every time those damn things go off.

12 COMMISSIONER BERGMAN: I don't know what
13 else I can do.

14 COMMISSIONER GANT: Anyway, I got the
15 report from one of the charter schools that, yes,
16 they did get those books, but because the PED and
17 the State doesn't trust our professional educators,
18 they have to report to whom they gave the books to.

19 Now, this is ridiculous. Professional
20 educators -- and, oh, by the way, professional
21 educators were not asked what books should be
22 purchased with that money. And the report I got
23 from one of the principals is that some of the books
24 can't be used by the students; they're not
25 beneficial to the students.

1 Next item is some of the charters have
2 said they have not got the IT money to support PARCC
3 execution yet, which they have been promised. And
4 the PED does have \$5 million to help with that
5 process, but I don't know where that is.

6 And on a side note -- this has been
7 discussed several times by legislators, many of them
8 that have some pull, just a side note.
9 Massachusetts is considering a moratorium on new
10 charter schools. And there is several reports out
11 that New Mexico is one of the 20-some states -- oh,
12 no, they're ranked 29th -- as not returning to the
13 pre-recession funding for schools.

14 Although, they claim they've given
15 \$100-and-some more per year per school in the SEG,
16 they're still far, far -- way down. They're listed
17 as 29th in the list of schools.

18 And the last thing I can say is, if you
19 want to make a change, I'm not telling you how to
20 vote. But you can figure where I'm going.

21 Get out there and vote. And for some of
22 you in some counties, vote often. Thank you.

23 COMMISSIONER CARR: Strike that, for the
24 record.

25 THE CHAIR: Thank you, Commissioner.

1 Between you and Commissioner Bergman's
2 phone, we've had our laugh for the day.

3 Commissioner Conyers, do you have
4 comments?

5 COMMISSIONER CONYERS: Not really a
6 comment. I wanted to clarify our next meeting. Are
7 we having a work session the day before?

8 COMMISSIONER BERGMAN: It was suggested
9 yesterday, but we haven't discussed it.

10 THE CHAIR: That's right. It was -- thank
11 you for bringing that up.

12 COMMISSIONER CONYERS: Okay. Well, I
13 just --

14 THE CHAIR: Our next meeting is on
15 November the 14th.

16 Do we need a work session on the 13th?
17 Mr. Pahl, do you have a recommendation?

18 MR. PAHL: Madam Chair, members of the
19 Commission, I believe there are a few items to
20 address, including performance frameworks
21 renegotiations. I think it's a good time to address
22 that.

23 I do not know, however, how much time we
24 would need for that. But I think my recommendation
25 would be to plan for one. And if it -- if it turns

1 out, after some discussion with Mr. Granata, that
2 it's -- and you, yourself, that it is not needed,
3 then we take it away. But I do think we should plan
4 for one, because that's an important one to visit
5 that topic.

6 THE CHAIR: Okay.

7 Other comments? Observations?

8 COMMISSIONER BERGMAN: I would suggest if
9 we're going to do that -- and I don't know that we
10 do need an eight-hour session, considering we had
11 one yesterday -- that if we do consider that, maybe
12 we would schedule it in the afternoon. That way,
13 those of us that travel could drive up in the
14 morning. And here, again, we wouldn't have an extra
15 hotel night. Just consider that.

16 THE CHAIR: Beverly, did you already
17 reserve this room for the 13th?

18 MS. FRIEDMAN: I did.

19 THE CHAIR: Okay. So let's just go ahead
20 and schedule a workday on the 13th, and then the
21 timing and content and need will be determined, for
22 sure, later, okay?

23 COMMISSIONER BERGMAN: And we could use
24 some of that time to maybe talk a little bit more
25 about the calendar, too.

1 THE CHAIR: That's possible.

2 COMMISSIONER BERGMAN: The schedule,
3 negotiating the schedule with whoever's there that
4 afternoon.

5 THE CHAIR: Okay.

6 Commissioner Conyers, is that it?

7 COMMISSIONER CONYERS: I think that was
8 about the only thing. I already know who I'm going
9 to vote for. And I'm going to try and vote
10 tomorrow. So...

11 THE CHAIR: So he's going to vote early
12 and often, huh? All right. Thank you.

13 Commissioner Peralta?

14 COMMISSIONER PERALTA: Other than the
15 laptop before me today made things a whole lot
16 easier for me today. So I really appreciate that.

17 THE CHAIR: Good. Glad to hear that.

18 Commissioner Pogna?

19 COMMISSIONER POGNA: I have spoken.

20 THE CHAIR: All right. Thank you very
21 much.

22 Commissioner Bergman?

23 COMMISSIONER BERGMAN: Yeah. I would just
24 note, speaking of that, that Commissioner Peralta
25 and Commissioner Carr and myself, we're off to the

1 Big City on Monday to the NACSA convention. So I'll
2 be tied up in the NACSA thing next week.

3 Is anybody from the Staff going this year?

4 MR. PAHL: Madam Chair, Commissioner
5 Bergman, we decided not to, given our workload right
6 now. So we're going to keep working on those
7 renewal applications and hope that the next time the
8 NACSA conference comes around, that we're able to
9 attend.

10 COMMISSIONER BERGMAN: We've already had
11 some discussions about going to different classes,
12 as you guys have done in the past, so we can bring
13 as much new knowledge and information and papers
14 back with us as we can. So we'll work on that, too.

15 THE CHAIR: We'll look forward to hearing
16 all about it, and the beach, and the seafood.

17 COMMISSIONER BERGMAN: There won't be any
18 time -- I'm not going to have a dull enough schedule
19 that I'm going to any beaches.

20 COMMISSIONER CARR: Last time I was in
21 Florida, they say they don't have any sharks. And
22 yes, they do. That's a quote. That's a real quote.

23 THE CHAIR: You found them, huh?

24 All right. I have nothing else to say.

25 Mr. Granata, anything for the good of the

1 company?

2 MR. GRANATA: No, no comments.

3 THE CHAIR: Thank you very much.

4 Mr. Pahl, one last word?

5 MR. PAHL: I think I have spoken enough
6 today. Thank you.

7 MS. FRIEDMAN: Madam Chair, please?

8 THE CHAIR: I'm sorry. Beverly?

9 MS. FRIEDMAN: That's quite all right,
10 Madam Chair. I would just like to mention that
11 Commissioner Carr and Commissioner Peralta and
12 Commissioner Conyers did, indeed -- and, of course,
13 Mr. Gant, Commissioner Gant -- have used their
14 computers today instead of the hard-copy notebooks.

15 We did facilitate that kind of quickly
16 this morning. And there are a couple of options
17 that we can -- can do with that. But when I send
18 out all of the items for the agenda, like I do, or
19 try to do about a week ahead of time, those can be
20 saved on your computer. And then you can bring your
21 computer to the meeting and use that electronic
22 agenda instead of the actual notebooks.

23 And we'll still do that, you know, the
24 next couple of meetings to see what works best.

25 What we did today was I saved all of the items onto

1 a thumb drive and loaded them on the three
2 computers. And the three Commissioners did get to
3 use that.

4 And so whatever you would like to do with
5 that, we can do.

6 THE CHAIR: Okay. So, Beverly, what I'm
7 hearing from you is you send them out e-mail. You
8 can also upload them to the website, those
9 documents.

10 MS. FRIEDMAN: That's an option.

11 THE CHAIR: Or, I suppose, send it out on
12 a jump drive, if that's anyone's preference.

13 MS. FRIEDMAN: Madam Chair, I can have all
14 of the items on a jump drive and then load them on
15 your computer when you come to the meeting.

16 THE CHAIR: Once you get here. Okay. But
17 the uploading the documents to the website, which
18 makes them public documents, which they are -- but,
19 I don't know; it's just floating around in my
20 head -- is there a reason not to load all those
21 documents on the website?

22 Commissioner Bergman?

23 COMMISSIONER BERGMAN: I don't care. You
24 can load them wherever you want. But, Beverly, as
25 long as I am on this Commission, I want a book in

1 front of me for my meetings, okay? I know it's a
2 pain, perhaps. I thank you very much. I don't
3 want -- you don't see a computer sitting in front of
4 me. You never have seen a computer sitting in front
5 of me. You never will see a computer sitting in
6 front of me. I'm too old for that. I missed the
7 computer revolution. Thank you.

8 COMMISSIONER CARR: Madam Chair, on
9 posting them and everything -- everything we have is
10 public knowledge, anyway. I don't remember ever
11 seeing anything on there that I wouldn't want the
12 general public to know, as well.

13 Maybe some charter schools may not like
14 it, in some cases. But I think it's -- you know,
15 the more open and transparent we are, I think the
16 better government we have.

17 THE CHAIR: Commissioner Gant?

18 COMMISSIONER GANT: Madam Chair, members,
19 I use my experience at Cruces on that board down
20 there. Way back in 2001-2002, we went to the
21 computers.

22 THE CHAIR: Paperless?

23 COMMISSIONER GANT: All Board members had
24 to use computers. We took the books away from them.
25 They had to learn to do it. And we put them on the

1 website for the public.

2 And nobody has ever complained. It's cut
3 down on how much work the Staff has to do. And if
4 somebody asks for paper -- asks for items that were
5 on there, we tell them to go to the website, go down
6 to the local library and get online and download it
7 and print it themselves and pay for it. And we
8 refuse to pay for stuff that's on the web that
9 belongs to the School Board.

10 We cut down a lot of money and a lot of
11 work. It all came PDF, and it was real easy to do.
12 It's not a problem. And a couple of the Board
13 members said they couldn't do it, and they were
14 forced to do it, and they did it. And they learned
15 how to do it.

16 THE CHAIR: Commissioner Toulouse?

17 COMMISSIONER TOULOUSE: Madam Chair,
18 nobody's going to force me to do that. I am just
19 fine with a computer. I don't own one. I go to my
20 daughter's -- because I have vision problems between
21 the cataract lenses and my astigmatism and my
22 bifocals, that make it very hard for me to see
23 things from the light from the back, rather than
24 coming down. And I'm going to have paper whether
25 Mr. Gant wants me to have.

1 THE CHAIR: Why don't we do this, then?
2 Why don't we suggest -- or why don't we ask Beverly
3 to post the items online and still provide the
4 books, of course?

5 Now, Commissioner Bergman, would you
6 rather that the items were still e-mailed to you, or
7 would you rather get them on a -- have them loaded
8 from a jump drive -- well, no, you're not doing the
9 computer. Sorry.

10 COMMISSIONER BERGMAN: No, I read every
11 e-mail that comes to me. I still want the e-mails,
12 because I read them in advance before I ever see the
13 book. But I still --

14 THE CHAIR: Beverly, how much more trouble
15 is that for you to not only e-mail them out, but
16 also to load them on the website?

17 MS. FRIEDMAN: None.

18 THE CHAIR: None. Let me suggest this:
19 Let's do it -- this hybrid way for a while. We'll
20 continue to get them e-mail. They'll be on the
21 website. We'll have books.

22 If some Commissioners really do not want
23 books, tell Beverly, and she won't prepare you a
24 book.

25 COMMISSIONER CARR: I don't want a book.

1 THE CHAIR: And we'll just make it easy on
2 everybody.

3 COMMISSIONER BERGMAN: Those that want a
4 book. Those that won't want a book, it'll cut down
5 on expense and time. I want a book.

6 THE CHAIR: Commissioner Pogna.

7 COMMISSIONER POGNA: I did take a
8 computer, a laptop. I haven't tried it yet. I've
9 spent a lot of time on computers. I love my
10 computer. And I spend hours on it. But this
11 frightens me. I still like -- I agree with --
12 what's his name?

13 COMMISSIONER CARR: "Old what's his name."

14 COMMISSIONER POGNA: I like the e-mails
15 you send, and I like my notebook. I don't know how
16 I would carry my satchel with my lunch in it and a
17 computer and my purse. I just don't know.

18 THE CHAIR: Get one of those rolling
19 carts.

20 All right. Thank you all very much. Are
21 we through with comments? Okay.

22 Let me ask again. Mr. Granata, do we need
23 a -- an executive session?

24 MR. GRANATA: Madam Chair, Commissioners,
25 I don't believe we need an executive session, unless

1 the Commissioners --

2 THE CHAIR: Any Commissioner know of a
3 reason why we need an executive session?

4 Good. We do not need one.

5 Friends, before we adjourn, please look
6 down at the bottom of your agenda and look at those
7 important dates that Beverly has listed there. I
8 would ask that you communicate directly with Beverly
9 if you know of an important date that you think
10 needs to be included on our list.

11 Commissioner?

12 COMMISSIONER BERGMAN: Just looking -- I
13 just thought -- I want to ask the will of the
14 Commission.

15 We have, once or twice during the budget
16 workshop in Albuquerque, which is in April, I guess,
17 every year we have had a meeting in connection with
18 that conference. And we once, I know, did schedule
19 with the Coalition -- when they were doing their
20 conference, we scheduled one of our meetings there.

21 Is there any thought -- should those kind
22 of things -- should I factor that in as we discuss
23 schedules?

24 Does anybody think that is beneficial to
25 meet during that -- or with the Coalition, one way

1 or the other? I see heads shaking "no."

2 THE CHAIR: My personal observation is a
3 lot of times, it's on a different schedule than our
4 meetings. So people have to -- if you think you're
5 meeting on the third Friday of every month, you sort
6 of get set up for that. And then this causes you to
7 change.

8 I also know that we meet -- generally have
9 tried to meet in the same location wherever they're
10 having their convention or conference. It is -- it
11 has yet to be a satisfactory location. It's --
12 generally, it's small; it's noisy. And I don't -- I
13 don't think that we get that much benefit out of
14 either one of those meetings, enough that it would
15 pay us to move our meeting to coincide with their
16 meeting.

17 COMMISSIONER BERGMAN: Then I will
18 purposely avoid those --

19 THE CHAIR: That's just my personal
20 opinion. Others may have a different opinion.

21 COMMISSIONER BERGMAN: They would rather
22 do it, then.

23 COMMISSIONER PERALTA: I have no
24 preference.

25 COMMISSIONER BERGMAN: No preference?

1 I'll avoid them, then.

2 THE CHAIR: Anything else?

3 COMMISSIONER GANT: Madam Chair, on the
4 schedule, I have to be back up here next week, or
5 the follow- -- whatever -- the next three weeks. I
6 will get the schedule for the PSCOC, because they
7 usually have their meetings late in the week.

8 THE CHAIR: Okay.

9 COMMISSIONER GANT: And we will
10 establish -- and that will affect, because there is
11 a representative required from this -- from here.

12 THE CHAIR: Right. And that would be good
13 information to have.

14 Heidi, could we ask that to the extent
15 that it's possible, we get future dates of the LESC
16 meetings? Or how far out do you have that
17 information?

18 MS. MACDONALD: Till December.

19 THE CHAIR: I'm sorry?

20 MS. MACDONALD: Until December.

21 THE CHAIR: Just till December? Okay.
22 Could we ask that, as those dates are established,
23 though, that you ask Frances to ship them to us?

24 MS. MACDONALD: Yes, yes.

25 THE CHAIR: Okay. Thank you very much,

1 because that's -- those are meetings we don't really
2 like to meet at the same time, okay?

3 Anything else?

4 Commissioner Gant?

5 COMMISSIONER GANT: Madam Chair, just
6 because an e-mail just popped up on another meeting
7 I have to go to, and that's the New Mexico Library
8 Commission -- and I think someone needs to check
9 out -- is there a requirement for the PEC to be
10 there, because I frankly don't think this -- the PEC
11 really gets that much input to it, and there is
12 really nothing happening impacting what's going on
13 in life.

14 THE CHAIR: I don't think there's a
15 requirement. I think we've simply chosen to have
16 representation at certain groups. So I would think
17 maybe the first of the year, that would be an agenda
18 item for us to look at, which of these organizations
19 do we want to continue to have a liaison, because
20 we're getting really stretched pretty thin.

21 So with that in mind, anything else,
22 Commissioners?

23 It is noon. I can't believe that we have
24 set a record, I believe, this morning. Cindy, are
25 your fingers on fire yet?

1 THE REPORTER: No, not even warmed up.

2 THE CHAIR: I appreciate it.

3 If there is no other business before the
4 Commission, I would like to hear a motion to
5 adjourn.

6 COMMISSIONER CARR: So move.

7 COMMISSIONER POGNA: Second.

8 THE CHAIR: Motion and second to adjourn.

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

10 (Commissioners so indicate.)

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

12 (No response.)

13 THE CHAIR: We are adjourned. Thank you
14 all for being here.

15 (Proceedings adjourned at 12:00 p.m.)

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1 BEFORE THE PUBLIC EDUCATION COMMISSION

2 STATE OF NEW MEXICO

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5 REPORTER'S CERTIFICATE

6 I, Cynthia C. Chapman, RMR, CCR #219, Certified
7 Court Reporter in the State of New Mexico, do hereby
8 certify that the foregoing pages constitute a true
9 transcript of the work session had before the said
10 PUBLIC EDUCATION COMMISSION, held in the State of New
11 Mexico, County of Santa Fe, in the matter therein
12 stated.

13 In testimony whereof, I have hereunto set my
14 hand on October 27, 2014.

15
16
17 *Cynthia Chapman*

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