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BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

PUBLIC MEETING

VOLUME THREE

December 12, 2014

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Santa Fe, New Mexico

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A P P E A R A N C E S

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

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1 THE CHAIR: All right. I call back into  
2 session this regularly scheduled meeting of the  
3 New Mexico Public Education Commission.

4 Secretary Bergman, may we have a roll  
5 call?

6 COMMISSIONER BERGMAN: Commissioner Pogna?

7 COMMISSIONER POGNA: Yes.

8 COMMISSIONER BERGMAN: Commissioner  
9 Toulouse?

10 COMMISSIONER TOULOUSE: Present.

11 COMMISSIONER BERGMAN: Commissioner  
12 Parker?

13 COMMISSIONER PARKER: Still here.

14 COMMISSIONER BERGMAN: Commissioner  
15 Peralta?

16 COMMISSIONER PERALTA: Here.

17 COMMISSIONER BERGMAN: Commissioner Gant?

18 COMMISSIONER GANT: Here.

19 COMMISSIONER BERGMAN: Commissioner  
20 Bergman is here.

21 Commissioner Shearman?

22 THE CHAIR: Here.

23 COMMISSIONER BERGMAN: Commissioner Carr?

24 COMMISSIONER CARR: Here.

25 COMMISSIONER BERGMAN: Madam Chair, you

1 have eight members present. You have a quorum.

2 THE CHAIR: Thank you. I do declare we  
3 have an official quorum to do business this morning.

4 The first school on the agenda this  
5 morning -- and, by the way, I want to thank everyone  
6 for their patience in waiting their turn to come  
7 before the Commission. I know some of you were here  
8 yesterday and had to make a trip back this morning.  
9 And we do appreciate it.

10 We try to be as expeditious as we can.  
11 It's like going to the doctor. They're going to  
12 take as much time with each patient as necessary; so  
13 sometimes we just have to wait.

14 We do appreciate it.

15 South Valley Prep is the first school up  
16 today.

17 Mr. Pahl, if you would like to go ahead?

18 MR. PAHL: Madam Chair, members of the  
19 Commission, South Valley Preparatory School was  
20 initially granted a charter by the PEC in October of  
21 2009; therefore, this is their first renewal.

22 The mission of South Valley Prep School is  
23 to provide a small, safe learning community so that  
24 students in the South Valley can engage in a  
25 rigorous and relevant academic curriculum. We

1 believe it is here, with -- or they believe it is  
2 here, within a unique family framework, where  
3 individual students' strengths can be cultivated  
4 while expanding academic horizons and fostering  
5 active citizenship.

6 The CSD recommends a five-year term of  
7 renewal, with conditions, to be determined through  
8 an improvement plan.

9 The school's grade has declined in the  
10 past three years from a B in 2012, to a C in 2013,  
11 to a D in 2014. They have complied with all  
12 provisions of law and are meeting all financial  
13 requirements.

14 The governance and administration of the  
15 school are stable.

16 The school provided a thorough and  
17 comprehensive analysis of its report card grades for  
18 the past three years and takes their decline in  
19 school grade very seriously. Student reading  
20 proficiency score in 2012 was 53 percent,  
21 55 percent, and 47 percent, in the last three years.  
22 Math proficiency scores have -- have declined and  
23 then increased over that three-year span, from  
24 28 percent, to 20 percent, and back up to  
25 25 percent.

1           When compared to Jimmy Carter Middle  
2 School, the closest district middle school,  
3 South Valley Prep students are scoring higher in  
4 both math and reading.

5           The school -- because of the school's  
6 school grade average of a C, we recommend a  
7 five-year term; though we recognize that because of  
8 the declining performance, that we'd like to work  
9 with the school through an improvement plan to  
10 ensure that they -- their future performance looks  
11 more like their past performance.

12           Thank you, Madam Chair.

13           THE CHAIR: Thank you, Mr. Pahl.

14           Good morning. We're glad you're here. If  
15 you would introduce yourselves, please, and you have  
16 five minutes.

17           MS. TRUJILLO: My name is Charlotte  
18 Trujillo. Commissioners, thank you for allowing us  
19 to be here this morning.

20           On my right, I have Bernadette Fritz, who  
21 is our vice chair of our governing council.

22           Thank you again for allowing us to be  
23 here, and thank you, especially, for allowing us for  
24 the last five years to provide a service to our  
25 community.

1           Five years ago, with a mission and a  
2 dream, we came before you, the PEC, asking to  
3 provide a small, safe middle school in a great  
4 community, the South Valley of Albuquerque.

5           And over the last four-and-a-half years,  
6 we have successfully created a small, family-style  
7 learning community, where all students are safe and  
8 all students learn.

9           We currently serve 156 middle-schoolers.  
10 Each year, we have carried a really long waiting  
11 list. Currently, we have just over 100 students on  
12 our waiting list; 73 of those students are for sixth  
13 grade only.

14           The school has not had to purchase any  
15 advertisement service for our lottery since our  
16 first year of operation. Almost all of our lottery  
17 applicants learn about our school from our families,  
18 current and past, and from people in our community.

19           We serve a high minority population; just  
20 over 90 percent of our students are Hispanic. A  
21 quarter of our students have been identified as  
22 English Language Learners, and almost a quarter of  
23 our students have IEPs. South Valley serves both  
24 ends of that special ed spectrum. Half of our  
25 students with IEPs are students with disabilities,



1 and the other half are gifted. So we serve both --  
2 both ends of that spectrum.

3 Each year, over 60 percent of our incoming  
4 sixth-grade students enter our school reading  
5 between one and three years below grade level.

6 South Valley Prep has had great success in closing  
7 the achievement gap for our students in both reading  
8 and writing.

9 A strategic plan to address math is  
10 currently in place. This strategic plan has already  
11 yielded significant gains in our students' math  
12 performance, measured by our short-cycle assessment  
13 that we take.

14 I would like to share with you a few great  
15 things that are happening at South Valley Prep. We  
16 have been recognized by the Title I Bureau for our  
17 high level of parent engagement at the middle-school  
18 level. We have recently been moved from the  
19 applicant status to candidacy status for  
20 accreditation by Advanced Ed.

21 We just entered the second year of an MOU  
22 with STEM Foundation that provides STEM after-school  
23 programming that helps us to address some of our  
24 math and science issues. The STEM Foundation has  
25 invited South Valley Prep to be an incubator for

1 future programming that they will have funded  
2 through a federal grant.

3 We also entered a second year of MOU with  
4 Southwest Collaborative Creations, that provides a  
5 series of parent and student workshops to build  
6 academic success in high school and college  
7 readiness.

8 Despite the fact that we don't have a gym,  
9 and we currently exist on less than an acre of  
10 land -- we have very small playgrounds -- our  
11 South Valley Prep students are three-time  
12 cross-country middle-school champions, three-time  
13 middle-school flag football champions, and two-time  
14 middle-school boys basketball champions.

15 We've been awarded a \$75,000 grant from  
16 the New Mexico Health and Wellness Bureau for  
17 after-school and summer-school enrichment  
18 programming. We have established a highly  
19 competitive robotics team, supported, in part, by a  
20 \$15,000 grant from the Math and Science Bureau at  
21 PED. We've already competed at New Mexico State and  
22 in Flagstaff, Arizona.

23 We have received a \$10,000 STEM grant from  
24 the Math and Science Bureau at PED that provided  
25 much-needed support in recruiting, hiring, and

1 retaining two additional high-quality math teachers.  
2 And we have just -- we've just been invited to apply  
3 for the Southwest Latino Men and Boys Initiative  
4 grant for a potential \$60,000 that we are proposing  
5 to use to support both our school-level advisory  
6 program and our collaborative effort with the  
7 Cottonwood Gulch Foundation, which provides  
8 leadership and team-building opportunities through  
9 an outdoor experiential program.

10 I could go on and on. What I want you to  
11 know from my heart is that we love what we do. We  
12 love our kids, and we love our community,  
13 particularly the South Valley. And given the  
14 opportunity, we will continue to work hard to  
15 provide our students and our families with a great  
16 school.

17 And thank you very much.

18 THE CHAIR: Thank you very much.

19 Appreciate your presentation.

20 Is there anyone in the audience who would  
21 care to speak? I see none.

22 Then let's move to Commissioners'  
23 questions or comments regarding the school.  
24 Commissioners?

25 Commissioner Bergman?

1           COMMISSIONER BERGMAN: I almost hesitate  
2 to bring this up. But they have one of these -- I'm  
3 going to call it a request to change their mission  
4 statement. I've looked at the form. It's the only  
5 one on there; it's not a multiple. So my  
6 recommendation is that we include it with this  
7 charter. But I'll go with the will -- but I wanted  
8 everyone to know it was a part of their application.

9           THE CHAIR: Would you just summarize that  
10 for the Commission, please, while you're at it?

11           COMMISSIONER BERGMAN: I can read it.  
12 They've made it about half of what it was, which a  
13 lot of schools have downsized. I'll read it.

14           "The mission of the South Valley  
15 Preparatory School is to provide a small, safe, and  
16 unique family learning community, where students are  
17 prepared for high school and beyond."

18           THE CHAIR: Okay. Thank you. Appreciate  
19 that.

20           Further comments or questions?

21           Commissioner Carr?

22           COMMISSIONER CARR: I'll just -- I'll just  
23 make a quick comment. I remember when we gave you  
24 your charter.

25           MS. TRUJILLO: I remember, too.

1 COMMISSIONER CARR: And I also remember  
2 there was a lot of community support. And I know  
3 you work with a special group of children. And --  
4 and I am concerned with your grade, as you are.

5 MS. TRUJILLO: I am, too.

6 COMMISSIONER CARR: But I -- I'm sure  
7 you'll figure out a way to get it going. And  
8 we'll -- of course, we'll be working with you, so...

9 MS. TRUJILLO: Commissioner Carr?

10 COMMISSIONER CARR: Yes.

11 MS. TRUJILLO: Just -- I don't think I  
12 need that. Sorry. Just so you know, I am, you  
13 know, certainly very concerned with our grade.  
14 We -- we attribute that decline directly to our math  
15 scores. We struggled in 2012 and 2013 to find a  
16 high-quality math teacher. We went through two math  
17 teachers that year; and then in 2013 and 2014, we  
18 went through three math teachers that were just not  
19 quality enough, providing our students with quality  
20 instruction.

21 With that grant that we received, the STEM  
22 grant for \$10,000, I was able to recruit two very  
23 highly-qualified math teachers. One is a licensed  
24 administrator, but was also a math coach. And the  
25 other one is, I think, considered the best robotics

1 coach in the state of New Mexico at this point. And  
2 he is phenomenal. And he has done a lot.

3 He's also my administrative intern. And  
4 so he's been working a lot, helping us -- helping  
5 me, in particular -- and helping us look into  
6 changing the culture regarding math and science at  
7 our school.

8 We have a great framework and a great  
9 culture when it comes to reading and writing and  
10 language arts. We haven't always had that culture  
11 for math. And so being able to have those two  
12 people on our staff, and our original math teacher,  
13 three licensed, highly-qualified math teachers --  
14 like I said earlier, we have already seen  
15 significant gains with the interventions that we've  
16 put in place this year; so I'm very, very happy with  
17 what's coming.

18 THE CHAIR: Commissioner Bergman?

19 COMMISSIONER BERGMAN: Since  
20 Commissioner Carr kind of touched on this, I thought  
21 I would note for the record that this is actually --  
22 amongst this group of renewal schools this year, is  
23 the first class from when Commissioner Shearman,  
24 myself, and Commissioner Carr was our first year on  
25 the Commission. So this is really the first time

1 we've had to see, at least in my opinion, how well  
2 we did on the schools we picked. I thought we did  
3 actually quite well, to tell you the truth, from  
4 what I've seen during all these last few days.

5 And I just wanted to note that. It's been  
6 fun to see the schools that I was first involved  
7 with coming back and wanting to take another  
8 five-year stab at it.

9 So I thought that was worthy of note.

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

12 MS. TRUJILLO: Thank you, Commissioner.

13 THE CHAIR: Commissioner Gant, did you  
14 have comments?

15 COMMISSIONER GANT: Madam Chair, members,  
16 yes. Yes, ma'am. Thank you.

17 I did have concern with the reading and  
18 the writing, the social -- according to what I'm  
19 reading, you -- you did not meet the requirements  
20 for that, did not pass that. And I am concerned  
21 with math; although you say you have an outstanding  
22 math teacher, and you had to have a \$10,000 infusion  
23 into your budget, how are you going to pay for that  
24 math teacher in the future, if you have to find  
25 \$10,000 to pay for it?

1 MS. TRUJILLO: Well, his salary was not  
2 part of that \$10,000. But it was an incentive for  
3 him to sign and commit to coming to our school.

4 I think once he has been there -- both of  
5 them -- they are very committed to our school. We  
6 do have some funding to offer them as a retention  
7 bonus. But I think that with the -- the investment  
8 that they have made, particularly Mr. Eddington in  
9 our robotics program, and working with students that  
10 have never had that opportunity, I think he is well  
11 invested in our school.

12 And so, you know, we'll find the money.  
13 We'll find the money. If I have to, we'll find the  
14 money. If it has to come from me, we'll find the  
15 money.

16 COMMISSIONER GANT: Madam Chair, members.

17 You know, with what I've said about the  
18 math and the reading and the social -- et cetera,  
19 and then I look at the report card, which I take  
20 sometimes with a grain of salt, current standing  
21 actually an F; school growth an F; and growth for  
22 lowest performing, an F. And with all that, I've  
23 got to say, "Okay, let's give them a three-year -- a  
24 three-year renewal, with conditions."

25 That's my take on it.



1 THE CHAIR: Thank you, Commissioner.

2 MS. TRUJILLO: May I comment on that?

3 THE CHAIR: Please do.

4 MS. TRUJILLO: I completely understand  
5 that, looking at the report card myself. I do feel  
6 strongly that with transition to the PARCC  
7 assessment and all we have done, and the  
8 anticipation of the possibility of everybody's  
9 scores going down next year in taking the PARCC, I  
10 ask you for the five years, so that I have five  
11 years of data to prove to you that we deserve to be  
12 open.

13 THE CHAIR: Comments?

14 Let me just say I hear you. We've heard  
15 probably every school -- while they've mentioned it  
16 or not, I think everybody's concerned about the  
17 PARCC. And we know the scores are going down. Mr.  
18 Pahl has brought that to us from the Charter School  
19 Division and from PED. Everybody is aware of it.  
20 So certainly, we understand your concern there.

21 My concern is with -- I'm looking at  
22 Page 44 of the final analysis from CSD. None of the  
23 goals were met, none of them. I'm looking at your  
24 downward trend and your report card and the  
25 snapshot.

1 I think you're a school that knows how to  
2 fight and will come back. And I certainly want to  
3 see you have that opportunity. But I think we need  
4 to see you again in three years and make sure that  
5 things are moving in the right direction.

6 So I agree with Commissioner Gant that  
7 three years, with conditions, will see you back  
8 here. And we know we're going to see some  
9 improvement; so that would be my recommendation and  
10 my agreement with Commissioner Gant.

11 Commissioner Bergman?

12 COMMISSIONER BERGMAN: I just think it  
13 would be interesting to note for the record that you  
14 may have all seen in the documents that somehow, the  
15 PED Assessment and Accountability Bureau made a  
16 mistake and confused South Valley Academy and  
17 South Valley Prep. Now, we're not -- we don't  
18 really look for excuses here; we look for solutions.  
19 But that might be -- there might be a little bit  
20 of -- they had some problems that was outside their  
21 scope, and it was not their -- really their fault.

22 I just thought that should be on the  
23 record.

24 And thank you, Madam Chair.

25 MS. TRUJILLO: Commissioner, I appreciate

1 that. And again, I understand. I do know that in  
2 terms of reading, the school had multiple measures,  
3 and it did make goals in using the Analytical  
4 Reading Inventory. We are showing great growth with  
5 our kids that are cohort kids that have been here  
6 over three years.

7 And my understanding was that I did make,  
8 I thought, at least three out of five of my specific  
9 goals that were in the -- in the charter.

10 THE CHAIR: I would just ask you to look  
11 at Page 44. That's where the summary is.

12 Any other comments, Commissioners?

13 Mr. Pahl?

14 MR. PAHL: Madam Chair, just a note on the  
15 goals: The CSD analysis provided in your binders,  
16 after the final review of all the information from  
17 the school, was that three of the five goals were  
18 met. I'm pulling up that page that you have now. I  
19 haven't quite gotten it, but -- trying to see where  
20 the confusion was. But I just confirmed with staff  
21 that three of the five goals were met.

22 THE CHAIR: There is confusion when first  
23 you say they're not met, and then you say they are  
24 met. How did they get met after you said they  
25 weren't met?

1 MR. PAHL: There's a two-phase process in  
2 the renewal application. So we did an initial  
3 application and then sent commentary back to the  
4 schools about, you know, whether they're not  
5 being -- we'll say, "You haven't met a goal."

6 If, to the school, they look at that and  
7 say, "Oh, we just need to provide a different  
8 information to show that," it's part of the process,  
9 and that's okay. The -- the information needs to be  
10 good information, and, you know, it's valid  
11 information.

12 But three of the five goals have been  
13 achieved by the school.

14 MS. TRUJILLO: Commissioner -- Chair --  
15 Chair Shearman -- excuse me -- I think some of the  
16 confusion came from the way in which we originally  
17 wrote our goals, which was year one, year two, year  
18 three. So there were multiple years of the same  
19 goal. The goal itself changed each year as we grew.  
20 And we tried to show growth -- additional growth  
21 each year. So I'm sure that probably added to the  
22 confusion.

23 THE CHAIR: Could be. Could be. I think  
24 we're going to need to work on our process a little  
25 bit. I'm not comfortable with added information

1 after a recommendation has already been put out.

2 That --

3 MR. PAHL: Not after a recommendation has  
4 been put out. We don't provide a recommendation  
5 after the first submission. We just provide  
6 feedback on the application, and after the second  
7 round, we provide a recommendation.

8 THE CHAIR: We're going to need to clarify  
9 that a little, I think.

10 Commissioner Carr?

11 COMMISSIONER CARR: I have difficulty  
12 giving this school a three-year, based on one of the  
13 schools that we increased to five years yesterday  
14 that didn't meet five of their goals. I don't  
15 remember exactly where the test scores were. If I  
16 remember right, they were fairly close.

17 I -- they're going to have to go through  
18 an extensive -- I forget what they call -- I'm glad  
19 I don't remember what this is called, because I've  
20 never had to go through it -- if you're a D or an F  
21 school.

22 MS. TRUJILLO: It's Priority Schools  
23 Bureau. We go through an instructional audit.

24 COMMISSIONER CARR: You have to go through  
25 that instructional audit. If they have significant

1 decrease any time in their scores or their goals or  
2 anything else peculiar goes on, we can pull your  
3 charter any time, if we have the right -- you know,  
4 if we have the right reasons.

5 I have a -- you know, if they had come  
6 across -- if they had come forth that their  
7 foundation had a bond, we'd be rethinking this, see?  
8 That's the issue I had yesterday.

9 So I -- I feel like I have to give them  
10 five years. And I -- I mean, I -- I know there's  
11 issues. And I would like to see a condition of an  
12 improvement plan. That's fine. But I can't vote to  
13 not give them five years.

14 MS. TRUJILLO: Commissioner Carr, I  
15 greatly appreciate that. We have had our  
16 instructional audit. Two areas were highlighted as  
17 of concern. One was that not all the teachers had a  
18 consistent template for lesson plans, which has  
19 already been addressed. And the second was that the  
20 Web EPSS had not been updated, which has since been  
21 updated.

22 Those were the only two areas of concern  
23 that were highlighted in our instructional audit.

24 COMMISSIONER CARR: Okay.

25 THE CHAIR: Commissioner Toulouse?

1           COMMISSIONER TOULOUSE:  Madam Chair, I  
2 think -- I want to concur with Commissioner Carr and  
3 say I -- as I kept saying yesterday on schools,  
4 we're going to look at the performance framework  
5 every single year.  So I don't have a problem with  
6 giving a number of people five years, because we're  
7 going to be looking at it every year.  We can  
8 fine-tune; we can change; we can close, you know.

9           So I think that shortening -- because I  
10 know how long it takes to get these done, and I know  
11 how much work goes into reviewing them from all of  
12 our staff and everybody, that if it's one that we  
13 can handle with another of our procedures, rather  
14 than to have to go through the whole re-charter.

15           As an editorial comment, I don't  
16 understand how kids are taught math today.  I did  
17 fine in math --

18           MS. TRUJILLO:  I agree.

19           COMMISSIONER TOULOUSE:  -- because we were  
20 told there is one way to do math.  Math is right, or  
21 math is wrong.  Now I look at my grandkids; I can't  
22 do their math.  When my grandson who was in high  
23 school, was at the end of his grade school years,  
24 and they were doing the everyday math, I had  
25 absolutely no idea, even with all of the cheat

1 sheets on that, how you can add the opposite  
2 direction without carrying and still get the right  
3 answer and things.

4 So how can parents help their kids? If  
5 I'm educated, you know -- I don't do a lot of math  
6 anymore, but I still can do math.

7 THE CHAIR: Not their math, though.

8 COMMISSIONER TOULOUSE: And so I look at  
9 what my grade school kids are doing. I have a  
10 problem with math test scores, period, unless we  
11 really look at how it's taught and what the kids get  
12 in their head. I think it's easier for kids with  
13 math to understand one way, rather than give them  
14 several options and say, "You choose to show your  
15 work."

16 You tell an eight-year-old to show his  
17 work, he doesn't necessarily know what that means.

18 So, anyway, thank you.

19 THE CHAIR: Commissioner Parker?

20 COMMISSIONER PARKER: Madam Chair,  
21 Commissioners, regardless whether it's three or five  
22 years, I look forward to the success you're going to  
23 have with the new programs you're putting in place.  
24 As a side note, part of the homework my third grader  
25 has is she must show me how to do the new math. It



1 is awesome. I love how graphic and visual it is.  
2 I'm totally into it. But I live in the visual  
3 world.

4 COMMISSIONER TOULOUSE: Madam Chair, he's  
5 visual. I'm a social scientist. I look at how it  
6 culturally impacts what you're doing. And one way  
7 to do it seems to culturally impact better. But I  
8 appreciate -- I have people in my family who are  
9 math- and science-oriented. Thank you.

10 THE CHAIR: Commissioner Bergman?

11 COMMISSIONER BERGMAN: Madam Chair, I  
12 think I would also -- I would like to note that I  
13 probably favor more a five-year renewal. I believe  
14 there will be enough safeguards that we will build  
15 into it. I believe we will include a specific and  
16 probably a detailed improvement plan to deal with  
17 these issues, so they can show to us that they know  
18 what they're talking about and that they have a plan  
19 to correct this.

20 And I believe they do. And I -- so I'm  
21 leaning towards the five-year, also. Thank you.

22 THE CHAIR: Further comments?

23 Hearing none, the Chair would entertain a  
24 motion.

25 Commissioner Bergman?

1 COMMISSIONER BERGMAN: Okay. Let's see.

2 Madam Chair, I, Commissioner Bergman, move  
3 that the Public Education Commission approve the  
4 renewal of the South Valley Preparatory School for a  
5 five-year term, with the following conditions:

6 That they provide a specific and detailed  
7 improvement plan to address the grade issues that  
8 are current;

9 And, second, that they agree to at least  
10 two annual monitoring visits by the Charter School  
11 Division.

12 And this is pursuant to the Charter School  
13 Act, Section 22-8B-6 and Section 22-8B-12.

14 THE CHAIR: Thank you.

15 You've heard the motion. Do we hear a  
16 second?

17 COMMISSIONER CARR: Second.

18 THE CHAIR: Motion by Commissioner  
19 Bergman, second by Commissioner Carr, to approve the  
20 renewal application of South Valley Preparatory  
21 School for a period of five years, with conditions,  
22 as noted on the official record.

23 Is there further discussion?

24 Hearing none, Secretary Bergman, may we  
25 have a roll-call vote?

1 COMMISSIONER BERGMAN: Commissioner  
2 Peralta?  
3 COMMISSIONER PERALTA: Yes.  
4 COMMISSIONER BERGMAN: Commissioner Carr?  
5 COMMISSIONER CARR: Yes.  
6 COMMISSIONER BERGMAN: Commissioner Pogna?  
7 COMMISSIONER POGNA: Yes.  
8 COMMISSIONER BERGMAN: Commissioner  
9 Toulouse?  
10 COMMISSIONER TOULOUSE: Yes.  
11 COMMISSIONER BERGMAN: Commissioner  
12 Parker?  
13 COMMISSIONER PARKER: Yes.  
14 COMMISSIONER BERGMAN: Commissioner Gant?  
15 COMMISSIONER GANT: No.  
16 COMMISSIONER BERGMAN: Commissioner  
17 Shearman?  
18 THE CHAIR: I yield to the will of the  
19 Commission, and I vote "yes."  
20 COMMISSIONER BERGMAN: Commissioner  
21 Bergman votes "yes."  
22 Madam Chair, that is a 7-to-1 vote in  
23 favor of that motion.  
24 THE CHAIR: Thank you.  
25 The motion to approve the renewal

1 application of South Valley Prep for five years,  
2 with conditions as noted, is approved.

3           Congratulations.

4           MS. TRUJILLO: Thank you very much.

5           THE CHAIR: The next school is the ASK  
6 Academy. Whenever you're ready to come up, please?

7           (A discussion was held off the record.)

8           THE CHAIR: Mr. Pahl, whenever you're  
9 ready.

10           MR. PAHL: Madam Chair, members of the  
11 Commission, the Attitude, Skills, and Knowledge  
12 Academy, also known as ASK Academy, was chartered by  
13 the State in 2009. The first year of operation  
14 commenced in 2010.

15           The school's mission includes an emphasis  
16 on science, technology, engineering, and mathematic  
17 curriculum.

18           Charter Schools Division recommends a  
19 five-year renewal term for ASK Academy Charter, due  
20 to the following factors:

21           The school has no material violations, and  
22 the CSD finds that the school operates efficiently  
23 in terms of governance procedures, its reporting  
24 duties, and organizational stability.

25           The school's three-year grade average is a

1 B, with the last two years, the school has earned an  
2 A school grade.

3 The school has not violated any provision  
4 of law, and the CSD is confident that the school's  
5 leadership and governance are sound.

6 The school has thoroughly and careful  
7 analyzed its progress and shortcomings during the  
8 last charter term and proposed measurable goals in  
9 SMART format, which may serve as an adequate  
10 foundation for negotiations if the school is  
11 renewed.

12 THE CHAIR: Thank you, Mr. Pahl.

13 Good morning. Nice to see you again.

14 MR. STEPHENSON: Yes, always.

15 THE CHAIR: Please introduce yourselves,  
16 and you have five minutes.

17 MS. DOVE: Good morning, Madam Chair. My  
18 name is Connie Dove. I'm Director of Advancement  
19 for the ASK Academy.

20 MR. BARBOUR: Good morning. I'm Daniel  
21 Barbour, B-A-R-B-O-U-R. I'm a director and a  
22 teacher at the ASK Academy.

23 MR. STEPHENSON: Good morning. I'm Paul  
24 Stephenson, founder and director of the ASK Academy.

25 On behalf of the ASK Academy, I am proud

1 to announce, in our fifth year as a  
2 sixth-through-twelfth science, technology, math --  
3 STEM -- school in Rio Rancho, New Mexico, we're  
4 currently enrolling 287 scholars, with future  
5 enrollments to go up to 600.

6 Our vision statement is, "Building  
7 relationships to create self-directed learners."  
8 Notice, that says nothing about science, technology,  
9 engineering, or mathematics. There's a reason for  
10 that. We believe the statement that if -- nobody's  
11 going to believe what you know or care until we know  
12 that you care. So we believe that building that  
13 relationship is first, regardless of the quality of  
14 the program that you have.

15 Mr. Barbour, what other innovations do we  
16 have at the ASK Academy?

17 MR. BARBOUR: In our second year, we were  
18 accredited by Advanced Education. We prepare our  
19 students for post-secondary high-paying jobs in both  
20 the biomedical sciences and the engineering fields,  
21 which is going to contribute to our future tax base  
22 and take advantage of the rich history of  
23 New Mexico.

24 Every scholar -- student -- chooses a  
25 career pathway of engineering and design or

1 biomedical sciences. They're identified by  
2 uniforms, and they have -- our visitors can talk to  
3 who they want to talk to.

4 Our project-based, self-directed learning  
5 has an emphasis on application technology to build  
6 critical thinkers. We use our STEM industry  
7 partners. Project-based learning activities with  
8 our entire freshmen with Sandia Labs to solve  
9 authentic problems. We're trying to break the mold  
10 and be a labor force for industry, where they can  
11 come and take advantage of the creativity of our  
12 young kids.

13 And then every year, we have a life-size  
14 Angry Birds competition that celebrates learning,  
15 where they get to actually shoot Angry Birds as  
16 water balloons or pigs.

17 MR. STEPHENSON: We also have a laptop,  
18 where every high school student has their own  
19 laptop, 24/7. We communicate with 21st Century  
20 technology educationally. We also emphasize  
21 research. Every single scholar on campus is taught  
22 research skills and design thinking. We have a  
23 two -- twice-a-year event called "ReCon." It's our  
24 research conference where community, parents,  
25 everybody comes and listens to the conclusions of

1 the scholar researchers on their personal, private,  
2 passionate questions in research that they have.

3 We partner with local universities and  
4 STEM partners in our area. An example of such is we  
5 have a NSF grant, partnering up with UNM and CNM,  
6 where currently, we have dual-credit scholars taking  
7 classes in MEMS, MicroElectroMachine [verbatim]  
8 Systems, as well as nano, getting into clean rooms  
9 and learning that through dual-credit opportunity.

10 Mr. Barbour?

11 MR. BARBOUR: We went to -- of course, we  
12 have to keep thinking about testing. Our ACT scores  
13 are better than the State average; and all of our  
14 ACT scores, except for one, are better than the  
15 national average, with our science ACT scores  
16 significantly above the national average.

17 We use our Discovery testing, and we use  
18 our short-cycle assessments to actually review our  
19 student data and to place our students and develop  
20 differentiated curriculum as we move forward.

21 MR. STEPHENSON: We have an intern  
22 program, where we have scholars on campus that are  
23 working with STEM partners, gaining that insight of  
24 learning experience of being on the job, ten hours a  
25 week, at the most.



1 MR. BARBOUR: We have a high percentage of  
2 our graduates going on to STEM and post-secondary  
3 careers.

4 MR. STEPHENSON: We have a high percentage  
5 of our -- two graduating classes that are entering  
6 post-secondary STEM programs.

7 MR. BARBOUR: A state-champion robotics  
8 program. And we also have what's very unique, is a  
9 career pathway class, 20 minutes a day, advising  
10 young people as they grow and try to become  
11 productive adults. It is "Who am I? What do I  
12 want? And how do I get there?"

13 It's unique to each year.

14 MR. STEPHENSON: Our -- the success that  
15 we've had in our first four years goes right to the  
16 staff that we have. We have incredible staff.  
17 We've received \$25,000 of STEM initiative money from  
18 PED to retain and attract. We have the Charter  
19 Teacher of the Year on our campus in the last couple  
20 of years. And the data shows that in our first four  
21 years -- it indicates that we have a school modeled  
22 to strongly reform public education that's  
23 sustainable; it's scalable; and it's replicable.

24 We are the ASK Academy, a STEM innovation.

25 Thank you.

1 THE CHAIR: Thank you very much.

2 Is there anyone in the audience who would  
3 care to speak at this point? I see no one.

4 Commissioners, do you have comments or  
5 questions?

6 Commissioner Carr?

7 COMMISSIONER CARR: Yes, good morning.  
8 I'm looking at your grade. And maybe it was in the  
9 paperwork somewhere; maybe there was an explanation  
10 somewhere. But I don't have a grade for graduation  
11 or college-and-career readiness.

12 MS. DOVE: That's actually --  
13 Commissioner Carr, that is because we don't have  
14 five years of data yet. So that's why it won't --  
15 we won't have one for another year, two years.  
16 Yeah.

17 COMMISSIONER CARR: So tell me again, what  
18 was your graduation rate, then, last year?

19 MS. DOVE: 87 percent, I believe.

20 COMMISSIONER GANT: 73.7.

21 COMMISSIONER CARR: Oh, you found it?

22 Okay. All right. Thank you. I'm fine.

23 THE CHAIR: Commissioner Bergman?

24 COMMISSIONER BERGMAN: Madam Chair, I  
25 would note again that -- I think I'll call these

1 amendments, because they did submit them separately.  
2 They're on two different forms.

3 And let me just give a brief recap of what  
4 they included with their application. They want to  
5 increase their grade levels from currently seven to  
6 twelve. And they want to add the sixth grade. And  
7 here's the reason for that. Rio Rancho Schools  
8 follow a K-5 elementary program and 6-through-8 in  
9 the middle school. Right now, since they can't  
10 accept sixth-grade students, that means kids that  
11 want to come to their school have to go to the  
12 Rio Rancho school for the sixth grade, and then can  
13 come over.

14 If that was my child, I wouldn't  
15 necessarily be comfortable with that situation,  
16 either. So that's why they want to add the sixth  
17 grade.

18 So -- and the other request they have made  
19 was they're changing their mission statement. They  
20 shortened it a little bit. But if you would like, I  
21 can read that into the record.

22 THE CHAIR: Please do.

23 COMMISSIONER BERGMAN: "The ASK Academy  
24 will emphasize science, technology, engineering, and  
25 mathematics, STEM, create a learning culture through

1 project-based learning experiences, 21st-century  
2 technology, research programs, relationship  
3 building, and a partnership program engaging  
4 scholars in the learning process. The ASK Academy  
5 will provide multiple opportunities for scholars to  
6 demonstrate attitudes, skills, and knowledge of the  
7 core standards through independent learning  
8 experiences," period.

9 Here again, it's just my personal  
10 recommendation. And I see Commissioner -- Director  
11 Pahl has his hand up. Here, again, we incorporate  
12 this; I'm not sure if it's necessary for us to ask  
13 them to come back again and do more paperwork and  
14 take up their time and our time.

15 So that would be my recommendation.

16 Thank you, Madam Chair. And whoever makes  
17 the motion -- I forgot on the last one. Let's  
18 mention these two specifically in our motion, just  
19 to be absolutely certain. Thank you.

20 THE CHAIR: Thank you, Commissioner  
21 Bergman.

22 Mr. Pahl?

23 MR. PAHL: Madam Chair, I think it was out  
24 of an abundance of caution that the school included  
25 those amendments in their application. Those were

1 heard and approved at the August PEC meeting. So  
2 there -- we can ask the school; but I don't think  
3 they're planning on implementing them until after  
4 their renewal.

5 But they do have -- the changes have been  
6 made to their charter; but that was in the August  
7 PEC meeting.

8 COMMISSIONER BERGMAN: I guess I'm having  
9 memory problems.

10 MS. DOVE: My apologies for the confusion.  
11 I thought they needed to be included, since it's  
12 different from our initial charter.

13 THE CHAIR: Commissioner Toulouse?

14 COMMISSIONER TOULOUSE: August was busy,  
15 remember? We kind of sandwiched it in with other  
16 stuff.

17 I want to ask, are you -- because of your  
18 curriculum, are you having the same problem as some  
19 of the other schools have had with students choosing  
20 to leave early for college?

21 MR. STEPHENSON: Yes. Well, it's a good  
22 problem, we feel, because our -- the academy we  
23 design is really emphasizing the student first.  
24 There are inherent issues of making decisions early.  
25 But we -- we side on the side of the family and the

1 child.

2 And if that's -- our curriculum does help  
3 them get there, as most schools do, if they wish to  
4 accelerate. But it is an impact -- it's a negative  
5 impact on graduation rate. But we're willing to  
6 take that hit for the sake of the kid.

7 COMMISSIONER TOULOUSE: That --  
8 Madam Chair, that was my point, that it's a problem  
9 in the numbers, not necessarily in the kids;  
10 although I will reiterate what I said last night to  
11 one of the groups. It isn't always in the social  
12 best interest of the child to enter early.

13 I know I would have had a much easier  
14 start into adulthood if I hadn't started college at  
15 16.

16 MR. STEPHENSON: And those are  
17 conversations we have with the family.

18 COMMISSIONER TOULOUSE: I thought I was  
19 ready, but the people I was going to school with the  
20 next year didn't necessarily see me as ready; so,  
21 thank you.

22 MR. BARBOUR: Madam Chair, Commissioners,  
23 we take that very seriously. We work on a  
24 transition with our kids. While the State requires  
25 dual enrollment, online, or AP class, we ask all of

1 our kids to take all three. So the transition for  
2 them, they can take as many dual-enrollment as they  
3 want; but they still have the safety of the Academy.  
4 Our valedictorian last year was actually -- stayed  
5 another year, because he was too young, and then  
6 received an appointment to the Air Force Academy.

7 THE CHAIR: Thank you. Let me just  
8 clarify that these -- these students who are leaving  
9 early, are they leaving with a diploma or with a  
10 GED?

11 MR. BARBOUR: The scholars that are  
12 leaving early to move forward, they're leaving with  
13 a diploma. We do have a -- some students that are  
14 going off to -- they're finding out that our  
15 curriculum is pretty rigorous; so we have scholars  
16 going off to other options and other modalities  
17 through maybe Connections Academy or Cyber Academy.  
18 But what's in their best good is they move forward  
19 with their life.

20 MR. STEPHENSON: Madam Chair, I would also  
21 like to add to that, we do have examples, as all  
22 schools do, that scholars get to a point in life,  
23 age-wise or social-wise, that the GED is really a  
24 better option for them. And so, again, we always  
25 side with counseling and guidance on the side of the

1 child.

2 And sometimes -- we have examples of  
3 scholars that leave our population -- all  
4 populations do -- where a child is choosing GED  
5 because of those reasons that -- for them. And we  
6 do side -- and, again, we're willing to take that  
7 hit on graduation rate for the sake of the child.

8 THE CHAIR: Thank for you that  
9 clarification. We've had some discussion with other  
10 schools that have had students leaving their school  
11 getting a GED and going straight into college. And  
12 as you said, there are drawbacks to that. And as  
13 long as you're counseling those students and making  
14 as sure as you can that they know what lies ahead,  
15 that's all any of us can do.

16 This is really not a question that came up  
17 as part of your renewal application, but I have to  
18 ask. I remember the first time you came before this  
19 Commission and asked for approval to become a  
20 charter school. And we turned you down. It was on  
21 the recommenda- -- it was our recommendation -- it  
22 was also the recommendation of CSD -- because we did  
23 not think that teachers could do that many new class  
24 preps. We thought they would reach a point of  
25 diminishing returns. We turned you down once.



1 MR. STEPHENSON: Madam Chair, with all due  
2 respect, I have no memory of --

3 THE CHAIR: I have a pitiful memory. I'm  
4 almost sure of that. But at any rate, my thinking  
5 process -- my thinking process was then you came  
6 back, and you brought some staff members with you,  
7 some teachers with you. And all together, they  
8 said -- you said, "Yes, we can do it. We can do  
9 those individual class preparations that are much  
10 more than the regular classwork, for a teacher."

11 And you said, "Yes, we can."

12 The teachers said, "Yes, we can," and we  
13 approved.

14 Am I right?

15 MR. BARBOUR: Madam Chair, I believe you  
16 have us confused with Explore Academy. Explore  
17 Academy is a colleague of mine, Justin Baiardo, that  
18 he brought a school that he would take his units and  
19 break them up into four --

20 THE CHAIR: You are absolutely right. Do  
21 the two of you look anything alike?

22 MR. BARBOUR: I actually hired that man  
23 because I thought he was a great teacher.

24 MR. STEPHENSON: They are both equally GQ  
25 attractive, yes, ma'am.

1 THE CHAIR: Okay. Let me start all over  
2 again, then. I'm very glad we approved your school  
3 the first time you came to us. You have done well.

4 Thank you so much. I apologize for the  
5 confusion. But I really -- I really was getting the  
6 two confused.

7 Thank you.

8 Commissioners, do you have -- Commissioner  
9 Parker?

10 COMMISSIONER PARKER: Madam Chair,  
11 Commissioners, this is more of just a comment. I  
12 really appreciate how you refer to your students --  
13 refer to your "scholars." It's very -- it makes me  
14 feel good that you hold them up there, not just in  
15 what you're teaching them, but just how you refer to  
16 them in the public world; so thank you.

17 The next is I recall how hard it was for  
18 me to take my Ds, to a B, anyway. And seeing you  
19 take yours to an A, you should be commended on that.

20 THE CHAIR: Thank you. Any further  
21 comments?

22 COMMISSIONER CARR: Quick question.

23 THE CHAIR: Commissioner Carr?

24 COMMISSIONER CARR: Did you copyright  
25 "scholar," because I think I want to steal it.

1 MR. STEPHENSON: We are an  
2 equal-opportunity theft --

3 MR. BARBOUR: If it's good for kids, it's  
4 good for everybody.

5 THE CHAIR: All right. Thank you.  
6 Any other comments?

7 Hearing none, the Chair would entertain a  
8 motion. I see Commissioner Parker is rustling  
9 papers; that's always a good sign.

10 Commissioner Parker?

11 COMMISSIONER PARKER: Madam Chair, I,  
12 Commissioner Parker, move the PEC approve the  
13 renewal of the charter application for the  
14 ASK Academy for a term of five years, pursuant to  
15 the Charter School Act, Section 21-8B-6 and  
16 Section 22-8B-12, with no conditions.

17 COMMISSIONER GANT: Second.

18 THE CHAIR: Thank you. We have a motion  
19 from Commissioner Parker, a second by  
20 Commissioner Gant, to approve the renewal  
21 application of the ASK Academy for five years with  
22 no conditions.

23 Is there any discussion?

24 Hearing none, Mr. Secretary, may we have a  
25 roll-call vote?

1 COMMISSIONER BERGMAN: Commissioner Carr?

2 COMMISSIONER CARR: Yes.

3 COMMISSIONER BERGMAN: Commissioner Pogna?

4 COMMISSIONER POGNA: Yes.

5 COMMISSIONER BERGMAN: Commissioner

6 Toulouse?

7 COMMISSIONER TOULOUSE: Yes.

8 COMMISSIONER BERGMAN: Commissioner

9 Parker?

10 COMMISSIONER PARKER: Yes.

11 COMMISSIONER BERGMAN: Commissioner

12 Peralta?

13 COMMISSIONER PERALTA: Yes.

14 COMMISSIONER BERGMAN: Commissioner Gant?

15 COMMISSIONER GANT: Yes.

16 COMMISSIONER BERGMAN: Commissioner

17 Shearman?

18 THE CHAIR: Yes.

19 COMMISSIONER BERGMAN: Commissioner

20 Bergman votes "yes."

21 Madam Chair, that is an 8-to-0 vote in  
22 favor of that motion.

23 THE CHAIR: Thank you. The motion to  
24 approve the renewal application of ASK Academy, five  
25 years with no conditions, is approved.

1                   Congratulations.

2                   MR. BARBOUR: Madam Chair, Commissioners,  
3 thank you for the privilege and the opportunity.

4                   THE CHAIR: Thank you.

5                   Next school is The Montessori Elementary  
6 School, please.

7                   Mr. Pahl, whenever you're ready.

8                   MR. PAHL: Madam Chair, members of the  
9 Commission, The Montessori Elementary School was  
10 established in 2005. The school currently serves  
11 students from kindergarten through eighth grade from  
12 Albuquerque and the surrounding areas.

13                   The Charter School Division recommends  
14 that The Montessori Elementary School be approved  
15 without conditions for a term of five years. The  
16 school has a State grade average of a C and has a  
17 current grade average of a B. Financial matters  
18 seem to be good -- in good order, and the school has  
19 not violated any provision of law. The school has  
20 analyzed its progress and proposed future goals for  
21 academic achievement.

22                   You'll note a little inconsistency with  
23 our recommendation on this school. For most schools  
24 that have -- have an average grade of a C, we've  
25 said five years and a -- and an improvement plan.

1 And potentially, if there are organizational issues,  
2 we're recommending a shorter term.

3 For the Montessori term, they've had  
4 three -- their last three school grades have been a  
5 B, a C, and a B. They seem to be on a good academic  
6 trend. And the way they treat their data and use  
7 that data to apply it to their organization and how  
8 they are training teachers and moving forward with  
9 their curriculum makes sense; so we have confidence  
10 in a five-year renewal without conditions.

11 THE CHAIR: Thank you, Mr. Pahl.

12 Good morning again. If you all would  
13 introduce yourselves, please, and you have five  
14 minutes.

15 MS. BESANTE: Thank you. My name is Mary  
16 Jane Besante, and I'm the principal/director of  
17 Montessori Elementary School.

18 MR. ALBRYCHT: Good morning. I'm Stan  
19 Albrycht. I'm the business manager for The  
20 Montessori Elementary School.

21 MR. LI: Good morning. My name is Jeff  
22 Li. I'm the president of the governing council of  
23 the Montessori Elementary School.

24 THE CHAIR: Welcome again. Whenever  
25 you're ready.

1 MS. BESANTE: Thank you. On behalf of the  
2 entire TMES school community, I want to thank the  
3 PEC and the PED for all the work that you do for the  
4 students of New Mexico.

5 We represent The Montessori Elementary  
6 School. TMES chartered in 2005 under APS with  
7 153 students, and we served grades K through 6. In  
8 2009, we rechartered under PEC and added Grades 7  
9 and 8. Now, in 2014, we've grown to 390 students.

10 TMES is strong and stable with the same  
11 administration and business manager since our  
12 opening in 2005. Our staff consists of 22 of the  
13 hardest working teachers I've ever met. When you  
14 walk into TMES, you will immediately notice that the  
15 halls and classrooms are quiet and peaceful. Peace  
16 is an important part of the Montessori method and  
17 the culture of TMES. TMES students are respected  
18 and respectful. Each classroom contains a "peace  
19 table," where students go to work out any issues  
20 they have with one another.

21 Many TMES families use the peace table  
22 method at home as a bridge between school and home.

23 Another important aspect is going out.  
24 Our students take meaningful field trips to connect  
25 classroom learning to the real world. At TMES,

1 third through fifth grades take overnight trips to  
2 Hummingbird Music Camp. At Hummingbird Music Camp  
3 in the beautiful Jemez Mountains, students practice  
4 their instruments, make music and art, which  
5 culminates in a music and art show in the great  
6 outdoors. At TMES, students tour New Mexico sites  
7 they studied in New Mexico history and get to  
8 experience the thrill of sleeping under the stars.  
9 Last year, we developed a cultural exchange with a  
10 school in Poland.

11 COMMISSIONER GANT: Three minutes.

12 MS. BESANTE: Thank you. Polish students  
13 traveled to New Mexico in the spring and fall of  
14 2014, and together with our students, they explored  
15 our beautiful state and studied Native Americans.  
16 The Polish students stayed with our TMES families.

17 In the spring of 2015, TMES eighth-graders  
18 will travel to Poland to study the Holocaust and  
19 stay with their Polish friends. Great things are  
20 happening at TMES, and I'm so glad to be part of it.

21 Thank you.

22 COMMISSIONER GANT: You still have two  
23 minutes.

24 THE CHAIR: Thank you very much.

25 MS. BESANTE: The pressure is on.



1 THE CHAIR: Anyone in the audience care to  
2 speak?

3 Seeing none, the Commissioners, do you  
4 have questions or comments?

5 Commissioner Bergman?

6 COMMISSIONER BERGMAN: I will start again.  
7 I have two documents here. But before I go through  
8 this, this time I'm going to ask. We have not  
9 already previously approved these requests, have we?

10 MR. PAHL: No, Commissioner Bergman.

11 COMMISSIONER BERGMAN: Thank you. They  
12 have asked -- and they're on separate forms -- they  
13 have asked to change their mission statement  
14 slightly. And that is because in their original  
15 charter, there was a reference in their mission  
16 statement to ORFF music, O-R-F-F, which I have never  
17 heard of, I'm afraid. And if you're doing this ORFF  
18 music, you have to have their -- you have to have an  
19 ORFF-certified teacher. And they have discovered  
20 that it's very hard, apparently, to find an  
21 ORFF-certified teacher; so they want to remove that  
22 reference and reference "general music" again.

23 The other change was, at their previous  
24 renewal, they were -- they were given permission by  
25 this Commission to add the seventh and the eighth

1 grade, but they did not change their school. So  
2 technically, they're still The Montessori Elementary  
3 School; but that could be confusing, because they  
4 are a middle school. So that's what they're wanting  
5 to do; they're wanting to change their name to "The  
6 Montessori Elementary and Middle School." And here  
7 again, it's a cleanup of that, and that's all.

8 Here again, my recommendation would be  
9 that we go ahead and include this. But if we do,  
10 whoever makes the motion needs -- since we have not  
11 previously done it, we'll need to mention these two  
12 items.

13 Thank you, Madam Chair.

14 THE CHAIR: Thank you. Nothing else,  
15 Commissioner Bergman?

16 COMMISSIONER BERGMAN: No, I'm good.  
17 Thank you.

18 THE CHAIR: Okay. And it's my  
19 recollection those are two separate amendment  
20 requests.

21 COMMISSIONER BERGMAN: Yes. They've got a  
22 number one and a number two, and they're on separate  
23 forms.

24 THE CHAIR: Thank you very much. Thank  
25 you very much.

1 Commissioner Carr?

2 COMMISSIONER CARR: Just a couple of  
3 questions. Did we ever -- did -- I think -- the PEC  
4 originally give you your charter in 2005.

5 MS. BESANTE: In 2005, we chartered under  
6 APS; and in 2009, we moved over to PEC.

7 COMMISSIONER CARR: That's what I thought.  
8 Okay. I -- something -- you know, I guess I didn't  
9 see in your mission statement and everything. But  
10 I -- if I remember right, I remember learning a lot  
11 about Montessori when you first came before us. You  
12 still hold to the -- the historical curriculum that  
13 was originally in Montessori?

14 MS. BESANTE: Absolutely. We are a  
15 Montessori school. But we've adopted -- we've  
16 looked at our scope and sequence and modified it  
17 somewhat to make sure we meet all the Common Core  
18 standards and the State mandates.

19 COMMISSIONER CARR: Very good. Thank you.

20 MS. BESANTE: Thank you.

21 THE CHAIR: Other comments or questions?

22 I just want to bring up one -- well, a  
23 couple of things, actually.

24 I noticed there was some confusion,  
25 perhaps, about your STAR short-cycle assessment.

1 It's not one I'm familiar with. Is it specific more  
2 to a Montessori school, or is it just the one that  
3 you all feel fits your students best?

4 MS. BESANTE: It works out great for us.  
5 It's put out by the Renaissance company; so it's  
6 Renaissance STAR in math. And we found it to be  
7 really helpful and easy to use.

8 THE CHAIR: Okay. And it is State -- it's  
9 on the State-approved list?

10 MS. BESANTE: It is on the State-approved  
11 list, yes.

12 THE CHAIR: I bring up -- I'm going to  
13 bring this up, Josh.

14 (The Chair consults with PEC counsel.)

15 THE CHAIR: Would you give us just a  
16 minute, please?

17 I do feel compelled to ask these  
18 questions.

19 I and the other members of the Commission  
20 received an e-mail with some complaints about the  
21 school. We received this so late, we really didn't  
22 have time to turn it over to the staff and ask that  
23 they investigate on our behalf.

24 So I will just ask you all -- and I know  
25 this is out of the blue, and you haven't had time to

1 prepare -- I would appreciate if you would respond,  
2 if you can.

3 The first, the budget lists the  
4 principal's salary at \$80,000 while her contract is  
5 \$100,000. Can you explain the difference?

6 MS. BESANTE: I'm going to allow our  
7 business manager to explain that, okay?

8 THE CHAIR: Okay.

9 MR. ALBRYCHT: Madam Chair, Commissioners,  
10 we break out the -- the principal's salary in a  
11 principal line item for her duties as principal, and  
12 we break it out under the 2100 function for her  
13 doing the -- 1000 function when she's in the  
14 classroom teaching; so we just break it out on the  
15 percentage of time that she spends doing one thing  
16 and the other.

17 THE CHAIR: Okay. So it's -- there are  
18 two different areas of responsibility, and each is  
19 paid separately?

20 MR. ALBRYCHT: Yes, ma'am.

21 THE CHAIR: Okay. There is also a budget  
22 question about the business manager's salary listed  
23 at \$64,000, while the contract is \$94,000.

24 MR. ALBRYCHT: Same thing. I break it out  
25 based on our duties.

1 THE CHAIR: And what are those duties?

2 MR. ALBRYCHT: I break out our percentage  
3 of time that we spend -- like when I do the business  
4 manager, it's about 60, 65 percent of the time.  
5 Other times, I'm doing the technology; other times,  
6 I'm doing the building; I'm doing human resources;  
7 I'm doing different things.

8 I break it out based on our time. It's  
9 more reflective of what we actually do on our  
10 budget.

11 THE CHAIR: The IT coordinator, DSL  
12 networking is a multi-year sole-service provider,  
13 receiving approximately \$60,000 per year with no  
14 bid. Is that accurate?

15 MR. ALBRYCHT: That is not accurate.  
16 We've bid out our IT every year.

17 THE CHAIR: Okay.

18 MR. ALBRYCHT: That has never been an  
19 auto-find. They check that out every year  
20 thoroughly.

21 THE CHAIR: If that service had been  
22 purchased through one of the Co-op services, would  
23 it have had to have been bid at that point?

24 MR. ALBRYCHT: Yes, ma'am. The Co-op  
25 service would actually go out and bid that service.

1 It would just jump on that -- the contract.

2 THE CHAIR: It approved the other --

3 MR. ALBRYCHT: Uh-huh.

4 THE CHAIR: Okay. There is a question  
5 about the purchase of the current building and the  
6 continuing lawsuit surrounding the vacant -- the  
7 vacating of the previous building. Can you speak to  
8 that?

9 MR. ALBRYCHT: Yes. The foundation is the  
10 one that is in the lawsuit, not the school.

11 THE CHAIR: Okay. So you have left one  
12 building and moved to another.

13 MR. ALBRYCHT: Right.

14 THE CHAIR: Did we approve that.

15 MR. ALBRYCHT: Yes, last year.

16 THE CHAIR: The building you're in, is it  
17 a lease building, a lease-purchase?

18 MR. ALBRYCHT: Madam Chair, yes, it is --  
19 right now, we're in a lease. We're in the process  
20 now of going to a lease-to-purchase with the owner.

21 THE CHAIR: Okay. Commissioners, you all  
22 received this same e-mail that I did. Do you have  
23 further questions regarding this?

24 COMMISSIONER CARR: Just one quick one.

25 THE CHAIR: Commissioner Carr?

1 COMMISSIONER CARR: I -- where is -- I'm  
2 trying to remember -- where is that -- I remember  
3 reading the e-mail. But was it anonymous?

4 COMMISSIONER PARKER: No.

5 COMMISSIONER CARR: It wasn't anonymous.

6 THE CHAIR: If it was anonymous, I  
7 wouldn't be talking about it.

8 COMMISSIONER CARR: And it is public  
9 record. And I have a hard time dealing with  
10 something like that, and especially if they're not  
11 willing to come here and speak for -- but just for  
12 general purposes.

13 The salary -- say, when you list a salary,  
14 does that also include their Social Security?  
15 Insurance? Retirement? So that's all included in  
16 that; right?

17 MR. ALBRYCHT: Yes.

18 COMMISSIONER CARR: And a lot of people  
19 get confused. You know, they -- if you're doing a  
20 budget, you know, a teacher may get \$50,000; but  
21 there's also another \$10,000, \$15,000 on there for  
22 retirement and other things included, and a lot of  
23 people don't realize that.

24 THE CHAIR: Anything -- Commissioner  
25 Parker?



1 COMMISSIONER PARKER: Madam Chair,  
2 Commissioners, were you aware of this e-mail?

3 MR. ALBRYCHT: No.

4 MS. BESANTE: No, we were not.

5 THE CHAIR: Commissioner Parker, I'm  
6 sorry. I did not hear you.

7 COMMISSIONER PARKER: I was just asking if  
8 they were aware of that e-mail.

9 THE CHAIR: Okay. I truly was not trying  
10 to blindside you. But I think if there are  
11 questions like that that come to this Commission,  
12 it's almost our duty to get answers, and I  
13 appreciate your cooperation.

14 Yes, sir.

15 MR. LI: Madam Chair and Commissioners, I  
16 would like to state that these items, informational  
17 and other, have been fully discussed within our  
18 council. And the members of our council are aware  
19 of this information that you've asked us.

20 THE CHAIR: Thank you very much. I --  
21 frankly, I didn't hear anything that I haven't heard  
22 as a school board member for years, that salaries  
23 are divided up from different sources because the  
24 person does different work; so -- but I think it  
25 was -- in my mind, it was appropriate to get those

1 answers on the record. And I appreciate that very  
2 much.

3 Commissioner Bergman?

4 COMMISSIONER BERGMAN: I just think it's  
5 important that you now know that there is someone  
6 out there that's asking these questions, so you  
7 won't be blindsided again.

8 MS. BESANTE: We were aware of that.

9 THE CHAIR: Ms. Matthews?

10 MS. MATTHEWS: Madam Chair, members of the  
11 Commission, I just want to be -- with full  
12 disclosure, that they know this particular problem,  
13 I can guess who the individual is on the e-mail.  
14 They're fully aware. They've tried to work with  
15 this individual, explaining to him -- this  
16 individual has been invited to finance committee  
17 meetings, has participated in finance committee  
18 meetings. Mr. Albrycht has spent a substantial  
19 amount of time, Mr. Li, explaining these situations  
20 to no avail.

21 As a former board member, I'm sure you get  
22 that. This has surfaced, and they have tried to  
23 deal with it internally; and apparently, he doesn't  
24 get the answer he's looking for.

25 THE CHAIR: Thank you. We're all trying

1 for full disclosure here and transparency. Thank  
2 you so much.

3 Commissioners, do you have further  
4 questions or comments?

5 Hearing none, the Chair would entertain a  
6 motion. I'm looking at --

7 COMMISSIONER PERALTA: I'll go with this.

8 THE CHAIR: -- Commissioner Peralta. He's  
9 reaching for papers.

10 COMMISSIONER BERGMAN: Remember the  
11 amendments.

12 COMMISSIONER PERALTA: Oh, Vince.

13 COMMISSIONER CARR: And the Alamo.

14 COMMISSIONER PERALTA: I, Commissioner  
15 Gilbert Peralta, move the PEC approve the renewal of  
16 the charter application for The Montessori  
17 Elementary School.

18 COMMISSIONER BERGMAN: Do we call it by  
19 its new name, or do we wait after this motion?

20 THE CHAIR: We have to approve it first.

21 COMMISSIONER BERGMAN: Okay, sorry.

22 COMMISSIONER PERALTA: I'm good?

23 COMMISSIONER BERGMAN: You're good.

24 COMMISSIONER PERALTA: Okay. For a term  
25 of five years with no conditions, pursuant --

1 THE CHAIR: No conditions?

2 COMMISSIONER PERALTA: No conditions.

3 That's correct; right? Pursuant to the Charter  
4 School Act, Section 22-8B-6 and Section 22-8B-12.

5 COMMISSIONER BERGMAN: And incorporate --

6 COMMISSIONER PERALTA: And incorporating  
7 the amendments to the application.

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

10 COMMISSIONER TOULOUSE: Second.

11 THE CHAIR: Motion by Commissioner  
12 Peralta, second by Commissioner Toulouse, to approve  
13 the renewal application of The Montessori Elementary  
14 School, including amendments, for a period of five  
15 years with no conditions.

16 Is there further discussion?

17 Hearing none, Mr. Secretary, may we have a  
18 roll-call vote?

19 COMMISSIONER BERGMAN: Commissioner Pogna?

20 COMMISSIONER POGNA: Yes.

21 COMMISSIONER BERGMAN: Commissioner  
22 Toulouse?

23 COMMISSIONER TOULOUSE: Yes.

24 COMMISSIONER BERGMAN: Commissioner  
25 Parker?

1 COMMISSIONER PARKER: Yes.

2 COMMISSIONER BERGMAN: Commissioner

3 Peralta?

4 COMMISSIONER PERALTA: Yes.

5 COMMISSIONER BERGMAN: Commissioner Carr?

6 COMMISSIONER CARR: Yes.

7 COMMISSIONER BERGMAN: Commissioner Gant?

8 COMMISSIONER GANT: Yes.

9 COMMISSIONER BERGMAN: Commissioner

10 Shearman?

11 THE CHAIR: Yes.

12 COMMISSIONER BERGMAN: Commissioner

13 Bergman votes "yes."

14 Madam Chair, that is an 8-to-0 vote in

15 favor of that motion.

16 THE CHAIR: Thank you very much. Your

17 renewal is approved for five years with no

18 conditions. And thank you again.

19 MR. ALBRYCHT: No problem. Thank you.

20 COMMISSIONER TOULOUSE: And Madam Chair, I

21 will be recusing myself from this next school

22 because of a family member having a possible

23 connection with the Flamenco Institute.

24 THE CHAIR: Mr. Secretary?

25 COMMISSIONER BERGMAN: Yes, I'm finding my

1 new sheet here. Thank you.

2 THE CHAIR: Anybody need a break yet?

3 COMMISSIONER TOULOUSE: Let's finish this  
4 one and take a break.

5 THE CHAIR: Do what?

6 COMMISSIONER TOULOUSE: Finish this and  
7 take a break, because that's the logical stopping  
8 point.

9 THE CHAIR: Next school is Tierra Adentro.  
10 If you would come on down to the table, please?

11 Good morning.

12 Mr. Pahl, when you're ready.

13 MR. PAHL: Madam Chair, members of the  
14 Commission, before I begin on our final school  
15 today, I would like to just make sure we're all on  
16 the -- we're all clear about the school's name. We  
17 refer to the school as Tierra Adentro Charter  
18 School. However, in their application materials,  
19 they often refer to themselves -- and we've referred  
20 to them in our analysis -- as the "New Mexico School  
21 of Academics, Art, and Artesanía." So we -- and  
22 maybe the school or the Commission might remember  
23 why there's a difference; but I'll be referring to  
24 them as Tierra Adentro during my -- during the rest  
25 of this part of the hearing.

1 THE CHAIR: Thank you very much.

2 MR. PAHL: Tierra Adentro was chartered by  
3 the State in 2009. Their first year of operation  
4 commenced in 2010. The school's mission is that  
5 the -- the Tierra Adentro -- Tierra Adentro's  
6 mission is to create an inclusive and thriving  
7 learning environment, comprised of a demographically  
8 and culturally diverse student population, with  
9 focus on academics, art, and artisanship, and the  
10 study of the cultures that comprise our rich New  
11 Mexican heritage, to ensure awareness, preservation,  
12 and progression of our cultural legacy.

13 The Charter Schools Division recommends a  
14 five-year term of renewal, without conditions, due  
15 to the following factors:

16 The school has no record of material  
17 violations.

18 The school's three year grade average is  
19 an A.

20 The school has not violated any provision  
21 of law.

22 And the school's analyzed its progress and  
23 shortcomings and proposed future goals in SMART  
24 format to assure continued growth for the next  
25 charter term.

1           Just a note on the performance of the  
2 school. As I mentioned before, the three-year  
3 report card average is an A. They progressed from a  
4 grade of a C in 2012, to an A in 2013, and a B in  
5 2014.

6           Their three-year growth of their highest  
7 performing students progressed from a C. And  
8 they've -- in 2012 -- and they've consistently  
9 maintained an A grade in the next two report cards  
10 of their highest performing students.

11           The school has outscored or equaled --  
12 equaled the neighborhood school, Albuquerque High  
13 School, in all areas for 2014 from the final school  
14 grade, school growth, and other metrics.

15           Thank you.

16           THE CHAIR: Thank you, Mr. Pahl. Again,  
17 good morning. If you all would introduce  
18 yourselves, please, you have five minutes.

19           MS. TORRES: My name is Veronica Torres.  
20 I am the executive director of Tierra Adentro  
21 Charter School.

22           MS. ARCHULETA: Good morning. My name is  
23 Teresa Archuleta, principal of Tierra Adentro.

24           MR. ENCINIAS: Good morning. My name is  
25 Joaquin Encinias, and I'm director of curricular



1 development in the trilateral approach at Tierra  
2 Adentro.

3 THE CHAIR: Please go ahead when you're  
4 ready.

5 MS. TORRES: Good morning, Madam Chair and  
6 members of the PEC. Thank you for allowing us this  
7 opportunity to introduce you to our school and to  
8 our community.

9 Tierra Adentro of New Mexico Charter  
10 School is a high achieving school that creates a  
11 thriving learning environment and preserves our New  
12 Mexican culture through collaborative partnerships  
13 with the National Institute of Flamenco, the  
14 University of New Mexico, the National Hispanic  
15 Cultural Center, and Sandia Labs STEM-Plus-Arts  
16 Program.

17 In its four years, Tierra Adentro has  
18 earned an average grade of an A on our State report  
19 card and has demonstrated the ability to take  
20 students who are below proficiency and help them to  
21 close the achievement gap. TANM has established a  
22 highly effective arts program, demonstrated by its  
23 invitation to perform with the Distinguished  
24 Concerts International in Carnegie Hall in New York  
25 City coming in January, along with the attendance

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1 and support in its community for its annual art  
2 shows and recitals.

3 In addition TANM performs at over  
4 20 performance events annually, showcasing the  
5 students' leadership and performance skills.

6 Supporting the achievement and growth of  
7 our students in core academics, as well as in the  
8 arts, is extremely important at TANM. To facilitate  
9 this progress, TANM has adopted a trilateral  
10 teaching technology, first introduced by the  
11 National Teaching Institute of Flamenco. This  
12 methodology focuses on technique, application, and  
13 theory of a clearly defined skill set, and is  
14 aligned to the Common Core State standards and the  
15 New Mexico State standards and benchmarks throughout  
16 the entire established curriculum at TANM.

17 The success of this methodology has been  
18 demonstrated consistently through the achievements  
19 of the students in the arts, where the majority of  
20 the students scored 80 percent or higher on all  
21 final exams.

22 Because of its success in dance and music,  
23 it is currently being methodically implemented into  
24 all core academic areas.

25 Consistent staff development training and

1 communication is essential to the full  
2 implementation of this method. As a staff, TANM has  
3 utilized the data, from short-cycle assessment,  
4 annual standardized testing, and final exams, to  
5 identify its areas of growth to determine ways to  
6 remediate them.

7 For example, currently, our student  
8 proficiency math is not acceptable. Our principal,  
9 Ms. Archuleta, is working with teachers to  
10 vertically and horizontally align their curriculum  
11 and to effectively use the data to determine Tier 2  
12 and Tier 3 interventions, when to apply them and for  
13 whom. All students are closely being monitored to  
14 determine the effectiveness of these interventions.

15 Furthermore, TANM is also monitoring the  
16 introduction, development, and mastery assessment of  
17 required standards through observation of teachers'  
18 classrooms.

19 In closing, we want to thank the Charter  
20 School Division for their support of the school for  
21 the last four years and its recommendation that the  
22 school be renewed for five years without conditions.  
23 We are ready to face new challenges and to continue  
24 to develop the trilateral methodology to encourage  
25 students to achieve excellence across the curriculum

1 and to continue to develop its place in the local  
2 and national community as a driving force in  
3 preserving our rich New Mexico heritage.

4 Thank you, Commission.

5 THE CHAIR: You have a few seconds left.

6 No?

7 Okay. Thank you very much.

8 Yes, Mr. Pahl?

9 MR. PAHL: Madam Chair, just a note on our  
10 final recommendation in your notebooks. I meant to  
11 clarify this earlier in my comments; but I'll offer  
12 it, anyhow. On the fourth paragraph, it states that  
13 the school's next term goals "are," as if they've  
14 been established already. Those are proposed goals.  
15 We recognize that those are the goals the school has  
16 formulated to go into negotiations.

17 But as it currently reads, it reads as if  
18 those are the goals for the next term, which has not  
19 been determined yet; so just wanted to make sure  
20 that was clear.

21 THE CHAIR: Appreciate that very much.

22 Thank you.

23 COMMISSIONER GANT: Do we have public  
24 input?

25 THE CHAIR: We do have time for any member

1 of the public who wishes to speak. Is there anyone  
2 who would like to speak?

3 Seeing none, Commissioners, do you have  
4 questions or comments?

5 Commissioner Carr?

6 COMMISSIONER CARR: I just have one.  
7 Thank you for what you do. And -- well, I should  
8 say two.

9 And, please invi- -- I foresee having some  
10 more time in my schedule. I hope that's true.  
11 Please invite me to your performances, because I  
12 really want to come to at least one.

13 Thank you.

14 MS. TORRES: We will definitely do that.  
15 Thank you, Commissioner.

16 THE CHAIR: Other comments or questions?  
17 There's just one thing I want to clarify. And it's  
18 on Page 11, talking about your student academic  
19 performance standards, Goal 1. And I note the MAPs  
20 assessments were used for two years, but because of  
21 a change of principal and a change of assessments,  
22 data was available for only one year.

23 I assume that has been corrected, going  
24 forward, because that's very important data for all  
25 of us. You're staying with the MAPs, and that

1 process and testing is back on track?

2 MS. TORRES: Yes, Madam Commissioner, it  
3 is. What happened is when we switched from NWEA to  
4 Discovery Ed, that's where we had the glitch in the  
5 data. And so from now on, we're using Discovery  
6 Education, as long as it's obviously State-approved;  
7 and the kids do take it three times a year.

8 THE CHAIR: Three times. Okay. Thank you  
9 very much for that clarification.

10 Anything else, Commissioners?

11 Commissioner Parker?

12 COMMISSIONER PARKER: Madam Chair,  
13 Commissioners, I just hope that whoever is  
14 listening, that they can see the connection with  
15 music and academic performance; whereas -- I hate to  
16 bring the attention to me -- my children in school  
17 have had to alternate art, one year; music, one  
18 year; art, one year. I think it's a disservice to  
19 them. And so whenever schools are able to prove  
20 that there's a connection, I think it's great.  
21 So...

22 MS. TORRES: Thank you, Commissioner.

23 THE CHAIR: Any other comments or  
24 questions?

25 Hearing none, the Chair would entertain a

1 motion.

2 COMMISSIONER CARR: I'll do it.

3 THE CHAIR: Commissioner Carr?

4 COMMISSIONER CARR: I'll borrow yours.

5 COMMISSIONER GANT: Uh-huh.

6 COMMISSIONER CARR: We had no conditions,  
7 and we had no --

8 THE CHAIR: Five years, no conditions is  
9 the recommendation.

10 COMMISSIONER CARR: Okay. Just want to  
11 make sure.

12 I, Commissioner Jeff Carr, move the Public  
13 Education Commission approve the renewal of the  
14 charter school application for Tierra Adentro for a  
15 term of five years, pursuant to Charter School Act  
16 Section 21-8B-6 and Section 22-8B-12.

17 THE CHAIR: Commissioner Carr, I'm sorry.  
18 I -- did you say five years and no conditions?

19 COMMISSIONER CARR: Let me add that. For  
20 five years, and without conditions.

21 THE CHAIR: Thank you very much.

22 Do I hear a second?

23 COMMISSIONER PARKER: (Indicates.)

24 THE CHAIR: Commissioner Parker?

25 Motion by Commissioner Carr, second by

1 Commissioner Parker, to approve the renewal  
2 application of Tierra Adentro for five years with no  
3 conditions.

4 Any discussion?

5 Hearing none, Commissioner Toulouse, you  
6 are abstaining from this vote?

7 COMMISSIONER TOULOUSE: Yes, ma'am.

8 THE CHAIR: Thank you.

9 Commissioner Bergman, may we have a  
10 roll-call vote?

11 COMMISSIONER BERGMAN: Commissioner  
12 Parker?

13 COMMISSIONER PARKER: Yes.

14 COMMISSIONER BERGMAN: Commissioner  
15 Peralta?

16 COMMISSIONER PERALTA: Yes.

17 COMMISSIONER BERGMAN: Commissioner Carr?

18 COMMISSIONER CARR: Yes.

19 COMMISSIONER BERGMAN: Commissioner Pogna?

20 COMMISSIONER POGNA: Yes.

21 COMMISSIONER BERGMAN: Commissioner  
22 Toulouse abstains.

23 Commissioner Gant?

24 COMMISSIONER GANT: Yes.

25 COMMISSIONER BERGMAN: Commissioner



1 Shearman?

2 THE CHAIR: Yes.

3 COMMISSIONER BERGMAN: Commissioner

4 Bergman votes "yes."

5 Madam Chair, that is a 7-to-0 vote, with  
6 one abstention, for that motion.

7 THE CHAIR: Thank you. The motion passes  
8 unanimately to approve, for five years, the renewal  
9 of Tierra Adentro, with no conditions.

10 Congratulations.

11 MS. TORRES: Thank you, Commissioners,  
12 Madam Commission, and members of the Commission.  
13 Thank you.

14 THE CHAIR: And we thank you for being so  
15 patient that you had to wait this long.

16 MS. TORRES: Thank you.

17 THE CHAIR: We appreciate it.

18 COMMISSIONER BERGMAN: Madam Chair?

19 THE CHAIR: Commissioner Bergman?

20 COMMISSIONER BERGMAN: We have hardly  
21 anybody here to hear this. But we've been saying  
22 for three days, "with no conditions"; and we all  
23 know there's all kinds of conditions when we approve  
24 a school. We expect them to perform and everything  
25 else.

1           So I've been a little nonplussed that we  
2 keep saying that. They're just not specific  
3 conditions. But I just thought I'd note that.

4           Thank you.

5           THE CHAIR: Maybe we should be saying "no  
6 additional conditions," whatever.

7           Commissioners, let's take about a  
8 ten-minute break and come back at 25 till 11:00,  
9 please.

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

11           THE CHAIR: If everybody's ready, I call  
12 back into session this regularly scheduled session  
13 of the New Mexico Public Education Commission. I  
14 believe we are now at Item 12, which is approval of  
15 updates to the new charter school application.

16           Mr. Pahl?

17           MR. PAHL: Madam Chair, over the break, I  
18 set down two application items: One is Part A; the  
19 other is Part C. Those are the items that we made  
20 changes to.

21           I want to thank Mr. Granata for his  
22 collaboration on the working on these together.  
23 It's -- we have a lot going on, and we -- we -- it  
24 was nice to have a collaborative partnership where  
25 we could make these changes.

1           There were a couple of items that I'll go  
2 over. And those are the ones that it was asked that  
3 myself and Mr. Granata collaborate on. The rest are  
4 rather technical changes that we made to the  
5 document; and you can see them on the document there  
6 underlined in red or blue, depending on who made the  
7 changes there.

8           But if you open Part A, which is your  
9 thinner document, that says "Part A" in front, one  
10 request that the PEC had of us was to -- on the very  
11 bottom of Page 1 of the application, the back side  
12 of the cover, you'll see the beginning. And this  
13 was clarifying what the PEC took into consideration  
14 when approving an application.

15           Josh did a great job of ensuring that this  
16 language is going to create that good legal  
17 foundation for us moving forward. And I'll just  
18 read that out loud.

19           It states that, "The PEC will make the  
20 final decision to deny, approve, or approve with  
21 conditions, charter school applications. The PEC  
22 makes its decision based on, but not limited to, the  
23 following:

24           "The application, the community input  
25 hearing, the capacity interview, and the CSD's

1 recommendation."

2 The other item that Mr. Granata and I were  
3 asked to collaborate on can be found on Page 5 --  
4 Page 5 -- and that was to state -- and you'll see  
5 this one is highlighted. And you'll find there a  
6 highlighted statement that states, "Attendance at  
7 technical assistance workshops are mandatory for new  
8 applicants."

9 We've bolded and italicized that; so it's  
10 very clear to applicants. And when we do receive  
11 those notices of intent, we'll make that clear from  
12 the front in our communication to applicants.

13 The rest of the changes are grammatical in  
14 nature, or we're just cleaning up some items. And  
15 you can see those in both your shorter document and  
16 Part C, the longer document.

17 Mr. Granata brought to my attention one  
18 additional change regarding the statute and what  
19 we're stating in the application. Rather than go  
20 over that change, I think it's worthwhile for  
21 Mr. Granata and myself to go over the application  
22 one more time, just to make sure we have everything;  
23 and we would bring any changes, if necessary, to the  
24 Commission, at the January work session. But these  
25 would be simply to comport with law.

1           We think we have everything we want in the  
2 application. And when I say "we think that," we  
3 think that because that's what we got from you all  
4 at the work session a few months back.

5           So if it please the Commission, I'd like  
6 to move forward in that sense, but note that the  
7 changes would be minimal.

8           THE CHAIR: Mr. Granata, did you have any  
9 comment?

10           MR. GRANATA: Madam Chair and the  
11 Commissioners, I'd just like to add that there is  
12 one other comment, which I've already discussed with  
13 Mr. Pahl, regarding a change. And on Page 7, if --  
14 for mission-specific indicators goals, I would just  
15 take out the word "the amended" -- the words, "the  
16 amended Charter School Act requires," and replace it  
17 with, "The PEC requires." And the one reason I ask  
18 that is those aren't changes necessarily required in  
19 the law; but those are requirements of the PEC. So  
20 I think it would be more accurate if we would change  
21 those words.

22           THE CHAIR: Everyone get that change on  
23 Page 7?

24           Other comments?

25           Commissioner Bergman?

1                   COMMISSIONER BERGMAN: Yes. I like that  
2 mandatory aspect on that one item, that the training  
3 is mandatory. But instead of waiting until it  
4 actually perhaps happens, maybe we should have a  
5 brief discussion, since most of us are here, what is  
6 going to be our protocol if an applicant does not  
7 come to their training session? What -- right now,  
8 I don't think there would be anything, quote, in the  
9 Charter School Act that would say that we could  
10 assess. So any ideas? I'm not sure what we can do  
11 for our protocol.

12                   THE CHAIR: I don't think we discussed  
13 anything like that when we were discussing making  
14 this training mandatory, because it's of such  
15 benefit to the applicants.

16                   Josh, do you have any suggestions for us?

17                   MR. GRANATA: Just one second.

18                   THE CHAIR: Okay.

19                   COMMISSIONER CARR: While he's --

20                   THE CHAIR: Commissioner Carr?

21                   COMMISSIONER CARR: I guess one  
22 possible -- possibility would be that -- that that  
23 board member can't serve, you know. They need to  
24 find somebody that's willing to do the training.  
25 That would be a simple way to do it.

1 THE CHAIR: I think this is --

2 COMMISSIONER BERGMAN: This is different  
3 training; this is for the new applicants.

4 COMMISSIONER CARR: Oh, for the  
5 application.

6 COMMISSIONER BERGMAN: For the applicants,  
7 to train them on a variety of things. This is  
8 separate from board member training. It's always  
9 been voluntary; and historically, my recollection is  
10 about half the schools have availed themselves of  
11 it, and the other half just sail on the wind and  
12 show up here and we think there's problems, then,  
13 with their applications.

14 It's just something the CSD has always  
15 tried to do to make it easy for the applicants; it's  
16 really easy for the applicants to attend that kind  
17 of training. So I've never understood their mindset  
18 when they don't attend the training. So I just  
19 thought it would be better to talk about it now  
20 rather than, here again, wait until something  
21 actually happens.

22 THE CHAIR: Commissioner Gant?

23 COMMISSIONER GANT: Madam Chair and  
24 members, you know, through a lot of these  
25 applications that you hear, "We didn't know." And I

1 would think after you hear that, you've given them  
2 the opportunity, if you've said it's mandatory --  
3 then when it comes, and they say that, "You had a  
4 chance. That is no excuse," you know.

5 And you take it from there. And you judge  
6 what they say, and you "don't know" is no longer an  
7 excuse. They have -- and, of course, they have a  
8 right to all the statutes and administrative codes  
9 of New Mexico, just like you all do. So there  
10 should never be an excuse for not filling the  
11 application correctly. You've given them all the  
12 opportunities. You can't take the horse and make  
13 him drink it.

14 THE CHAIR: Any other comment?

15 Commissioner Bergman?

16 Oh, I'm sorry. I didn't see you,  
17 Commissioner Toulouse.

18 COMMISSIONER TOULOUSE: I have a  
19 peppermint in my mouth. Sorry.

20 You know, I know that we can't absolutely  
21 turn them down with that; but I think we can  
22 consider the fact they didn't attend and maybe have  
23 someplace where they are told, you know, exactly  
24 what we've said, "The fact you didn't know refers  
25 back to this. And that will count -- you know, that



1 will not be taken into account that you didn't know  
2 if you did not attend," or something -- something  
3 like that. Because it just -- I mean, I can't  
4 imagine why you wouldn't want to attend, either to  
5 find out absolutely everything you could to make  
6 your application the best possible -- but then my  
7 ego has never been that kind of an ego. I've always  
8 availed myself of any bit of information I could  
9 get; so I don't understand it.

10 But I do think we ought to let them know,  
11 "It's on your head if you don't go"; not just that  
12 it's mandatory. But, "If you don't, there are  
13 likely to be consequences."

14 THE CHAIR: Thank you.

15 Mr. Pahl?

16 MR. PAHL: Madam Chair, I'll just go back  
17 to one of the changes that Mr. Granata and I made  
18 that the PEC makes its decision based on, but not  
19 limited to, those four factors. And attendance  
20 to -- at these trainings could be another factor.

21 THE CHAIR: To my mind, they're more a  
22 factor of the quality of the application. And as  
23 Commissioner Gant and Commissioner Toulouse have  
24 both said, when you say, "Well, I didn't know I was  
25 supposed to do that," well, "You missed your chance

1 to find out. You should have known it -- you know,  
2 how to do that."

3 So I think that would give us the perfect  
4 opportunity to evaluate the application under that  
5 light.

6 Commissioner Bergman?

7 COMMISSIONER BERGMAN: And I would suggest  
8 this to Matt and Julie that as a part of your  
9 introduction to these new applicants, since we've  
10 made that mandatory, I would like to hear from you,  
11 "This school attended the training sessions," or,  
12 "This school" -- or, "This applicant chose not to  
13 attend," so that I can -- because I'm probably going  
14 to ask them, based on what Commissioner Toulouse  
15 said, "Why didn't you guys take advantage of this  
16 free training that was offered to you to help you  
17 with this application?"

18 I'm at least going to put it in the public  
19 record that they didn't. "And why didn't you?" But  
20 I think it's important.

21 MR. PAHL: And if I can add to that real  
22 quick. In my head, the pressure is on CSD to make  
23 this training as valuable as possible, so there is a  
24 consequence for missing those; so we're really  
25 focusing on the quality of that training,

1 Madam Chair, to your point, that if they didn't  
2 attend the training, you can tell in that  
3 application.

4 So idea- -- know that we like that  
5 pressure to be able to -- to hopefully make it so  
6 you can really see the difference between those who  
7 trained and not. And then it's not really a  
8 question of whether they checked a box and attended  
9 training. It's a -- it's a good application, or  
10 it's not.

11 THE CHAIR: Thank you.

12 Josh?

13 MR. GRANATA: Madam Chair, Commissioners,  
14 piggybacking off of what both Commissioner Bergman  
15 has said and also Matt Pahl has said, the statute  
16 doesn't directly address this point. It's a fairly  
17 fine point. But the statute does say that the  
18 chartering authority can decline to approve a  
19 charter school that fails to meet the requirements  
20 of the Act or are otherwise inadequate.

21 And I believe that failing to attend the  
22 trainings that are -- the PEC is saying that are  
23 mandatory goes towards the inadequacy of the  
24 application.

25 I don't think that the Commission could

1 necessarily deny an application based solely on that  
2 one fact; but it is another factor that goes towards  
3 the overall consideration of the application.

4 So I would suggest leaving the words in  
5 the application kit as they are now and require the  
6 attendance.

7 THE CHAIR: Thank you very much for that.  
8 Commissioner?

9 COMMISSIONER TOULOUSE: Madam Chair, I  
10 wondered if the Commission could have an outline of  
11 what that training is, so that we would also know  
12 what was covered, again, so that when we're saying,  
13 "Well, you should have known," we know. I don't  
14 know if it's feasible for any of us to attend it;  
15 but certainly, to know exactly what's covered, so,  
16 again, we're double-covered if they say they don't  
17 know.

18 Thank you.

19 THE CHAIR: I think that's a good idea. I  
20 think I asked for a syllabus of the training last  
21 time. Probably, Commissioner Toulouse's outline  
22 idea is more realistic than mine; but some means for  
23 us to know what the training consists of.

24 MR. PAHL: We plan on -- Madam Chair, we  
25 plan on communicating with everyone we've gotten a

1 notice of intent from. And that will have the  
2 complete outline of when trainings will be, what  
3 they will be covering. You will receive the same  
4 information that schools receive.

5 THE CHAIR: Good. That's good.

6 MR. PAHL: Or -- sorry. They're not  
7 schools. Applicants.

8 THE CHAIR: Thank you very much.

9 COMMISSIONER BERGMAN: I agree with that,  
10 because I may wish to just sit in on a training,  
11 just to see what you're doing and see what the  
12 response is and see how the applicants respond as  
13 they hear what they're hearing. So, yes, keep us  
14 informed on that, too.

15 MR. PAHL: And Commissioners are always  
16 welcome.

17 THE CHAIR: Let me just ask about that,  
18 because we've been told in the past -- in the dim  
19 past -- that we should not attend the training.  
20 Would you like to weigh in on that?

21 Do you remember that?

22 COMMISSIONER BERGMAN: Yeah, as a matter  
23 of fact, yeah, I remember that.

24 MR. GRANATA: Madam Chair, Commissioners,  
25 I don't see any reasons why the Commissioners

1       couldn't attend. I'm not sure why that information  
2       was brought to the Commission previously.

3               THE CHAIR: We weren't sure, either.

4               MR. GRANATA: In my mind, I don't see any  
5       kind of conflict or inappropriateness on behalf of  
6       the Commission, especially if the Commission is just  
7       there as a spectator more than anything else.

8               THE CHAIR: Okay. Thank you for that  
9       clarification.

10              Okay. So today, we are considering  
11      approving Part A, the Introduction and Instructions  
12      in the New Charter School Application Kit. We've  
13      discussed the changes, modifications.

14              Are you ready to move forward with a  
15      motion?

16              COMMISSIONER BERGMAN: Do we want to do  
17      them separately, or can we not just do them  
18      together?

19              THE CHAIR: Matt asked that we wait on  
20      this one until January.

21              COMMISSIONER BERGMAN: Do we want to do  
22      that? Okay.

23              THE CHAIR: So let's just look at Part A.

24              COMMISSIONER BERGMAN: Part A. Okay.

25              THE CHAIR: The Chair would entertain a

1 motion.

2 Come on, Mr. Gant.

3 COMMISSIONER GANT: Madam Chair, I move  
4 that we -- that the Public Education Commission  
5 accept and approve the 2015 New Charter School  
6 Application Kit, Part A, Introduction and  
7 Instructions.

8 THE CHAIR: Thank you.

9 COMMISSIONER CARR: Second.

10 THE CHAIR: We have a motion. Do we have  
11 a second?

12 Motion from Commissioner Gant, second by  
13 Commissioner Carr, to approve the modifications and  
14 edits to Part A, Introduction and Instructions of  
15 the 2015 New Charter School Application Kit.

16 Any discussion?

17 May we have a -- no?

18 Do we need a roll-call vote? No?

19 MR. GRANATA: I don't think so.

20 THE CHAIR: Okay. I would ask that all  
21 Commissioners in favor of the motion, please say  
22 "Aye."

23 (Commissioners so indicate.)

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

25 (No response.)

1 THE CHAIR: The motion passes unanimously.  
2 Thank you very much.

3 On Mr. Pahl's recommendation, we're going  
4 to hold the -- what is titled, currently, the "2014  
5 New Charter School Application Kit, Part C,  
6 Application and Rubric," to the January 2015  
7 meeting.

8 And, Julie, I would just ask that maybe  
9 you might want to note changing that to 2015 on the  
10 first page of that.

11 MS. LUCERO: Madam Chair, members of the  
12 Commission, we will go through and correct all  
13 dates.

14 THE CHAIR: Thank you very much.

15 Okay. Do we need to vote on holding that  
16 one until January? Okay.

17 Next item on the agenda is Item 13, Report  
18 from Options for Parents and the Charter School  
19 Division.

20 We'll start with Schools of Concern.

21 Julie?

22 MS. LUCERO: Madam Chair, members of the  
23 Commission, the following is a list of schools that  
24 we are looking at closely to support them in turning  
25 around issues of concern.



1           The first school is Southwest Learning  
2           Centers. Southwest Learning Centers is a name that  
3           incorporates Southwest Secondary, Southwest  
4           Intermediate, and Southwest Primary, and Southwest  
5           Aeronautics, Mathematics and Science Academy, is  
6           listed as a School of Concern due to ongoing FBI and  
7           PED investigations.

8           While no update on the FBI investigation  
9           is available, PED continues to cooperate fully. The  
10          PED has taken over the board of finance for each of  
11          the schools, which means all expenditures that the  
12          school makes must have PED approval. And Deputy  
13          Secretary Aguilar and his staff are working to  
14          ensure appropriate fiscal controls are in place for  
15          the schools. This has begun with a review of those  
16          controls.

17          Further, PED is ensuring proper accounting  
18          controls are in place and has secured a forensic  
19          auditor to ensure what happens at the schools.

20                 (A discussion was held off the record.)

21           THE CHAIR: Go ahead.

22          MS. LUCERO: The next School of Concern is  
23          Health Sciences Academy. As was the case at the  
24          last PEC meeting, HSA was identified as a School of  
25          Concern due to significant staffing changes

1 immediately prior to the school's opening. The  
2 acting administrator and another teacher resigned  
3 just days before school was rescheduled to begin.

4 The school has hired a full-time  
5 administrator, Jacob Montaña. This is the school's  
6 fourth administrator since the summer. The initial  
7 school administrator is on contract to provide  
8 stability.

9 The next school is Anthony Charter School.  
10 The PEC voted yesterday to close this school. CSD  
11 staff will be working with the school's new  
12 administrator, Dr. Armendariz, to close the school.  
13 The current update on their improvement plan,  
14 Item 1, was completed. The school will have its  
15 EPSS plan uploaded by September 1st; that did occur.

16 No. 2 was partially completed. Discovery  
17 assessment scores were provided; but the idea of a  
18 plan and how to use the data was not.

19 No. 3: The first SIS -- SSIS -- was  
20 completed and turned in, as well.

21 4: All students' PEP plans were completed  
22 by (inaudible) 15th. CSD has all those plans and  
23 understands the use and implementation.

24 5: Specific individual plans to address  
25 college-and-career readiness, next-step plans, have

1 also been completed and updated.

2 And 6 is a date that will come May 30th.

3 And No. 7: The Priority Schools visit has  
4 been delayed due to the new administration  
5 turn-around, and should be rescheduled, if they feel  
6 appropriate, now in January.

7 THE CHAIR: Julie, could I just ask for a  
8 consideration of Item No. 1? As we discussed when  
9 we were reviewing this school, the EPSS plan initial  
10 upload was completed on September the 1st. But  
11 there has been no action on that EPSS plan since  
12 then, as there should have been.

13 So while this specific date was met, I  
14 would like for there to be a note that the school  
15 did not continue with uploading the EPSS plan, as is  
16 required by PED is my understanding.

17 MS. LUCERO: Madam Chair, yes, that is  
18 correct; it has not been updated since that initial  
19 upload.

20 THE CHAIR: Thank you very much.

21 COMMISSIONER BERGMAN: Madam Chair?

22 THE CHAIR: Commissioner Bergman?

23 COMMISSIONER BERGMAN: I would also like  
24 to note that -- of course, right now, we don't  
25 know -- they certainly have the option to appeal our

1 closure; so whatever that specified time. But if it  
2 comes to it, I think the intent of the CSD at this  
3 time, if we have to go into the closing procedure,  
4 which, you know, takes about six months, that if  
5 they're going to again contract that out perhaps to  
6 the person that has been doing that the last couple  
7 of times, it's important that the Commission members  
8 know that. It probably will be contracted out  
9 again.

10 THE CHAIR: And certainly, we would like  
11 to be kept updated on that procedure as it moves  
12 forward, the closure procedure.

13 MS. LUCERO: Madam Chair, yes, we will do  
14 that.

15 THE CHAIR: Commissioner Carr?

16 COMMISSIONER CARR: Questions. How much  
17 time do they have to appeal? Is it 30 days?

18 MS. LUCERO: Madam Chair,  
19 Commissioner Carr, I do believe it's 30 days.

20 COMMISSIONER CARR: Okay.

21 THE CHAIR: Josh?

22 MR. GRANATA: Madam Chair, Commissioners,  
23 it is 30 days, 30 days from the date that they  
24 receive the letter; so as soon as they receive a  
25 letter. I have 14 days from the decision to send

1 the letter. And so I'll be working on those, once I  
2 receive the transcripts. So that gives you an  
3 estimate.

4 COMMISSIONER CARR: Okay.

5 THE CHAIR: Any other comments? Okay.  
6 Please go ahead.

7 MS. LUCERO: The next School of Concern is  
8 Dream Diné. CSD was informed that Dream Diné  
9 Charter School's permanent campus was not yet ready,  
10 and the school began operation in a building that  
11 was not rated E-Occupancy. The School communicated  
12 with CSD regularly regarding its facility status,  
13 and continues to do so as updates become available  
14 or a request is made. The school found a temporary  
15 facility at Hogback Chapter House, and has a lease  
16 that can extend until December 15th. Due to delays  
17 of their permanent facility in Shiprock, the school  
18 requested a three-month extension on December 3rd.

19 THE CHAIR: Do we know the results of  
20 that? Or maybe I just need to turn the page over.

21 MS. LUCERO: The school plans to remain in  
22 Hogback Chapter House until their building is  
23 approved by CID Navajo Nation authorities. An  
24 e-mail from school representatives stated the school  
25 is working with CID to conduct a site visit prior to

1 December 19th, the final step for the school.

2 THE CHAIR: But we do not know yet if they  
3 got the extension to their lease, of the Hogback  
4 facility?

5 MS. LUCERO: Madam Chair, no, we do not  
6 know yet.

7 THE CHAIR: Okay. Please keep that on  
8 your radar, because we do need to be made aware  
9 of -- you know, if they don't get an extension to  
10 continue residing in that facility, they may be out  
11 on the street. And that's not acceptable.

12 MS. LUCERO: Madam Chair, the extension  
13 did not seem to be a problem; but we will keep you  
14 updated on that matter.

15 THE CHAIR: Okay. Thank you.

16 MS. LUCERO: The last school, New Mexico  
17 International School.

18 It was found the school had exceeded its  
19 classroom enrollment cap this year. PEC recently  
20 passed an amendment that puts the school's current  
21 enrollment in compliance with the charter.

22 THE CHAIR: Any questions to this point?  
23 Please go ahead.

24 COMMISSIONER BERGMAN: I'm just curious.  
25 As I'm thinking about that, at some point, when they

1 come up for renewal again -- I'm not sure what our  
2 protocol has been in the past. Will it be noted  
3 that they did have, at some point in that term, a  
4 material violation that was then corrected later?  
5 Or is it -- would we want that in their information?

6 I'm thinking we would. So we need to keep  
7 that in our mind as we talk about protocols and  
8 stuff like that.

9 THE CHAIR: Josh, please?

10 MR. GRANATA: Madam Chair, Commissioners  
11 and Commissioner Bergman.

12 From what I recall, we've -- the  
13 Commission has discussed this matter in a previous  
14 meeting. And the -- the Public Education Department  
15 was looking into whether or not they could sanction  
16 the school for -- for violation of this term. And,  
17 yes, it is a violation of a material term. In terms  
18 of the legal perspective, they have corrected this  
19 violation by bringing the amendment to the  
20 Commission.

21 So it was my understanding that the  
22 Commission was looking towards sanctioning the  
23 school, as well, in terms of whether or not PED can  
24 sanction them. And it was -- my recommendation  
25 would be to follow the recommendation -- or sanction

1 that the PED can impose upon the school.

2 And I believe that Mr. Pahl is still  
3 looking to see if the sanctions are appropriate and  
4 lawful.

5 THE CHAIR: Okay. And just to follow up  
6 on Commissioner Bergman's comment, I know, as we've  
7 gone through this renewal process, we've noted more  
8 than one school probably had a material violation.  
9 And we asked -- we pointed those out.

10 And it's my hope that CSD is noting those,  
11 red-flagging those in the school's file, so they  
12 will come to us when we do perhaps a performance  
13 framework renegotiation. At least we can have more  
14 information at that time.

15 MS. LUCERO: Madam Chair, members of the  
16 Commission, yes, in fact, we are keeping very good  
17 information on the schools that have violated, also,  
18 not turning improvement plans in on time, to  
19 consider at their time of renewal.

20 THE CHAIR: Good. Good. That's what we  
21 need.

22 Anything else? All right.

23 Julie, please -- do we need to wait on  
24 Matt for Item B, or did he give you that  
25 information?



1 MS. LUCERO: Madam Chair, I also have that  
2 information. And it's the CSD Staffing Update and  
3 Facilitator Contract.

4 Currently, we have a new staff member that  
5 we -- Mr. Pahl introduced earlier, Ms. Juliana  
6 Montoya. She has joined us and been with us for  
7 about two weeks. She joined us at a very difficult  
8 time and has done a really great job. We also will  
9 be interviewing for another position within the next  
10 two weeks. We're excited to have someone else on  
11 board. Staff has done a great job of getting  
12 through 22 renewals. But it would be helpful to  
13 have an additional person.

14 Also, an update to the preferred  
15 contractor. There has been a scope-and-sequence  
16 discussed with this preferred contractor for  
17 upcoming negotiation. And we will also have updates  
18 when the preferred contractor is available to start.

19 THE CHAIR: Okay. I just -- I can see the  
20 look on Commissioner Bergman's face, and it's the  
21 same thought that's going through my mind. These  
22 negotiations start the 21st of January. And there  
23 is work that needs to be done by this contractor  
24 prior to that; so the sooner, the better.

25 MS. LUCERO: Madam Chair, members of the

1 Commission, yes, we will be ready to go  
2 January 21st.

3 THE CHAIR: Okay. I hope before that.

4 MS. LUCERO: Yes, ma'am.

5 THE CHAIR: Thank you very much.

6 Any questions?

7 Commissioner Toulouse?

8 COMMISSIONER TOULOUSE: Madam Chair,  
9 Commissioners.

10 Ms. Lucero, how many vacancies do we still  
11 have, including the one you're interviewing for?

12 MS. LUCERO: Including the one we have  
13 that we'll be interviewing for, we have two total:  
14 One at an A position and one at an O position.

15 COMMISSIONER TOULOUSE: Thank you.

16 THE CHAIR: Thank you.

17 Anything else, Mr. Bergman?

18 COMMISSIONER BERGMAN: I'd just like to  
19 know, once we get them to this staffing level, then  
20 it's still going to be inadequate, in my personal  
21 opinion. And so then we have to start working on  
22 how many slots we can get for them in the future.  
23 So this is just the first step in a process that's  
24 going to take a while.

25 THE CHAIR: But they are good steps.

1 COMMISSIONER BERGMAN: They are good  
2 steps, yes.

3 THE CHAIR: Thank you.  
4 Anything else?

5 All right, Commissioners. Let's move to  
6 Item 14.

7 COMMISSIONER GANT: Madam Chair?

8 THE CHAIR: I'm sorry. Commissioner Gant?

9 COMMISSIONER GANT: Madam Chair, a point  
10 of personal -- this is it. I have to go to a  
11 meeting over in the Roundhouse. I assume you'll be  
12 done before I can get back here. The PSCOC. The  
13 PSFA audit findings are released today; so we're  
14 required to listen to them.

15 It's been a fun time, a real road trip.  
16 I'm still on the Commission till midnight,  
17 December 31st; so keep me in the loop. And have fun  
18 the next couple of years.

19 That's all I got. Bye.

20 THE CHAIR: Thank you. We're going to  
21 take a minute to tell Gene goodbye.

22 COMMISSIONER CARR: Madam Chair, I wanted  
23 to say publicly, it's been a pleasure to serve with  
24 Commissioner Gant for these six years. He is  
25 passionate in this, as we have all been able to tell

1 over the years. He's one of the hardest-working  
2 individuals I've ever been around. And he and  
3 Commissioner Parker are going to be missed on this  
4 Commission.

5 Thank you, Gene.

6 (Applause.)

7 (A discussion was held off the record.)

8 THE CHAIR: All right. If we're ready,  
9 let's move on to Item No. 14, which is Report on the  
10 LESC Subcommittee Meeting.

11 Really, all I have to bring to you today  
12 is that on Friday, December 19th, the LESC is  
13 scheduled to hear endorsed legislation, committee  
14 review, and discussion of -- discussion drafts of  
15 pending -- or of bills that they are considering  
16 moving forward into the legislative session; so  
17 that's Friday, December the 19th.

18 It's got 11:30 down there, but we all know  
19 how their meetings go, just like ours. You really  
20 can't put a time on anything, but I think there will  
21 be some bills pertaining to the PEC that will be  
22 discussed at that time.

23 I do again remind anyone who is going to  
24 any of the legislative session or any of the  
25 legislative committee meetings this year, please let

1 Beverly know. We're needing to keep a handle on  
2 this for budgetary reasons and to really know who is  
3 representing the PEC, and we need to get reports.

4 So just a reminder of that, please.

5 COMMISSIONER TOULOUSE: Madam Chair, I do  
6 want to say, on that, I may be up there frequently;  
7 but I will be up there, as I've told you before, for  
8 my enjoyment. It's a lot of fun to me to watch the  
9 interpersonal stuff going on. So I might  
10 specifically ask to not be there representing any of  
11 us, just there representing me.

12 So I don't know if Beverly still wants to  
13 know which days I'm there or not, because I won't be  
14 charging anything for that.

15 THE CHAIR: Unless it's going to impact  
16 the budget, we don't need to track it.

17 COMMISSIONER TOULOUSE: I do find it very  
18 amusing for me outside, because normally, I get to  
19 sit on the Senate Floor, and I get to hear  
20 everything going on. But I will try to be there.  
21 But if there is a reason I need to be there, let me  
22 know; but I still wouldn't be charging for that. I  
23 have a ride up, and I enjoy it. So thank you.

24 THE CHAIR: We appreciate your commitment  
25 and your willingness to do things for free.

1 All right. Let's move on to Item No. 15,  
2 Negotiation Calendar. That is Commissioner Bergman.

3 COMMISSIONER BERGMAN: Madam Chair, I'm  
4 actually going to wait until the January meeting to  
5 start asking people, because by then, we will have  
6 our new Commissioners on board. They'll be sworn  
7 in. And the first dates -- there's two dates there  
8 near the end of January; so I am asking folks,  
9 January 21st and 22nd. But that's going to be in  
10 Albuquerque. And if you don't know where that CES  
11 building is, it's near the corner of Jefferson and  
12 I-25. There's a big Drury Inn hotel there. There's  
13 a Residence Inn hotel there, and there's actually a  
14 couple of other hotels in that complex. They're  
15 just a couple of blocks -- they're just within a  
16 couple of two or three blocks from those hotels. I  
17 would stay in one of those if I was there.

18 I know CSD is working. I don't imagine  
19 you know which schools are going to be slotted in  
20 there, do you?

21 MS. LUCERO: Madam Chair, members of the  
22 Commission, no, we do not have specific schools yet,  
23 but we will soon, and we will keep you updated.

24 COMMISSIONER BERGMAN: All right. Thank  
25 you. So let's handle that at our January meeting.

1 And it is in Albuquerque, obviously -- we did that  
2 on purpose; so -- but it's better to do it then.  
3 But come prepared for the January meeting, and we'll  
4 start talking about everywhere we're going to go,  
5 Las Cruces and --

6 THE CHAIR: And sign up.

7 COMMISSIONER BERGMAN: -- and the dates  
8 and everything else, and then I'll get everybody  
9 organized on that. So that's where I'm at right  
10 now.

11 THE CHAIR: Thank you very much for that.  
12 As long as we're talking about calendar, could I ask  
13 that we look at the January meeting date right now?  
14 Our meeting is scheduled for January the 16th, which  
15 is a Friday. I would like to request a work session  
16 on January the 15th. You already heard reference to  
17 some items that we need to consider in the work  
18 session.

19 COMMISSIONER BERGMAN: The 14th or the  
20 15th?

21 THE CHAIR: The 15th.

22 COMMISSIONER BERGMAN: I thought the  
23 meeting was on the 15th.

24 THE CHAIR: According to what I have here,  
25 the meeting is on the 16th.

1 COMMISSIONER BERGMAN: I thought you said  
2 the meeting was on the 15th.

3 THE CHAIR: Lord knows what I said. The  
4 meeting is scheduled on the 16th of January. I'm  
5 requesting we schedule a work session on the 15th of  
6 January, the day before the meeting.

7 MS. FRIEDMAN: Madam Chair?

8 THE CHAIR: Beverly?

9 MS. FRIEDMAN: Do you think that it would  
10 be an entire day or half a day?

11 THE CHAIR: I would like to schedule a  
12 full day.

13 MS. FRIEDMAN: A full day?

14 THE CHAIR: Well, I'm trying to think what  
15 all we have: Replicated schools -- help me.

16 COMMISSIONER BERGMAN: Well, actually,  
17 yeah, that's probably going to -- if we're going to  
18 talk about those replications, that could take an  
19 extensive amount of time, yeah. That could take --

20 THE CHAIR: Anyone else have anything --  
21 any remembrance of what we were going to --

22 COMMISSIONER CARR: Well, two things: I  
23 think the Charter Division would like to do some  
24 training of our new members, which could happen on  
25 that day. And I know we're not going to take any



1 action that day; but that's the day before they're  
2 sworn in. And essentially, effectively, they take  
3 office right after midnight on December 31st.

4 But -- so, you know -- and, of course,  
5 then they can get sworn in on their own before they  
6 get here, as well. But it just -- I don't know.  
7 Maybe we should have the swearing-in that day. And  
8 also, that would encourage them to be there. Of  
9 course --

10 THE CHAIR: Can we do that in a work  
11 session? Well, of course, you've already got the  
12 swearing in set up, though, don't you --

13 MS. FRIEDMAN: I do.

14 THE CHAIR: -- on the 16th?

15 MS. FRIEDMAN: I do, Madam Chair.

16 COMMISSIONER BERGMAN: Why would it be  
17 necessary that they be sworn in to attend a work  
18 session. I would think -- they've attended  
19 meetings. I don't know that you have to be sworn in  
20 to be in a work session.

21 MS. CHAVEZ: Madam Chair, I'm going to be  
22 sworn in on the 31st, down in Las Cruces. Yeah.

23 THE CHAIR: And what about you? What  
24 are --

25 MS. ARMBRUSTER: Well, I could change and

1 sure do that. Is that --

2 COMMISSIONER CARR: It doesn't matter.

3 COMMISSIONER TOULOUSE: It doesn't matter.

4 MS. ARMBRUSTER: It doesn't matter to me.

5 THE CHAIR: The 16th, then, during the  
6 meeting is what you're planning on?

7 MS. ARMBRUSTER: Yeah. I changed, because  
8 they're doing the swearing in next Friday for the  
9 local candidates from Los Alamos, and they asked me  
10 if I wanted to do that. And I said, "Well, since it  
11 didn't matter, I said, 'Fine, I'll just do the  
12 16th.'"

13 THE CHAIR: It's up to -- whatever you  
14 want to do.

15 MS. ARMBRUSTER: Is it that you can't  
16 participate in the work session if you're not sworn  
17 in? What does it mean?

18 COMMISSIONER CARR: That's my question?  
19 They should be sitting up here with us, and they  
20 should be participating, so...

21 COMMISSIONER TOULOUSE: Madam Chair, we're  
22 not taking -- we're not taking any votes; so to me,  
23 they can participate, just as, you know, we've  
24 participated in the LESC subcommittee meetings.  
25 We're not a member of the committee. We don't vote

1 on their decisions, but we certainly -- the  
2 attendance of many of us has made an impact on that,  
3 and I think that's the same thing; we're working.  
4 So I think they have a perfect right, and -- to --  
5 you know.

6 THE CHAIR: Participate in the work  
7 session.

8 COMMISSIONER TOULOUSE: Yeah.

9 THE CHAIR: We don't take any votes  
10 anyway, so --

11 MS. ARMBRUSTER: So do you think it  
12 matters?

13 THE CHAIR: Your participation is invited.  
14 Let's put it that way.

15 MS. ARMBRUSTER: I wondered if it matters,  
16 so I can know what to do, so I can do whichever, if  
17 you can get reimbursed for spending the night,  
18 because I probably wouldn't drive to Albuquerque on  
19 Thursday and come and go home to Los Alamos and back  
20 again on Friday. I'd spend the night; so just  
21 that -- I'm wondering if that --

22 THE CHAIR: Let's ask Beverly. She's a  
23 lot more knowledgeable about that than we are.

24 MS. FRIEDMAN: Madam Chair, Commissioners,  
25 my understanding is, as Mr. Gant said, his term ends

1 on December 31st, and our new Commissioners' terms  
2 begin on January 1st. And the swearing-in is the  
3 legal time for them to be sworn in. And they have  
4 the choice.

5 And also, we're talking about some of our  
6 Commissioners who are sitting here today, who are --  
7 need to be re-sworn in for their new term in January  
8 that starts in January. Bottom line is that they  
9 will be paid. You will be paid for the work session  
10 and the meeting, even if you're not sworn in.  
11 You're a Commissioner.

12 MS. ARMBRUSTER: So then there's -- is  
13 there a reason -- unless Eleanor is not being -- is  
14 doing something beforehand, I don't need to do it  
15 just for me. I can --

16 COMMISSIONER CARR: And then I would like  
17 to add, too, I remember one year -- I don't  
18 remember -- I've only been sworn in twice here. But  
19 I think I did it ahead of time. And I think we had  
20 a judge from the --

21 MS. FRIEDMAN: Supreme Court.

22 COMMISSIONER CARR: Supreme Court. And  
23 you can still participate in the ceremony without --  
24 you know, just to be part of the whole thing, even  
25 though you've been sworn in earlier.

1 THE CHAIR: Your choice. Okay?

2 MS. FRIEDMAN: Madam Chair?

3 COMMISSIONER PERALTA: Please, I'd like  
4 some company.

5 MS. ARMBRUSTER: I was planning to come.

6 COMMISSIONER TOULOUSE: Commissioner  
7 Peralta, I'll be there, too.

8 COMMISSIONER PERALTA: Sorry, Carmie.  
9 Sorry.

10 MS. FRIEDMAN: Madam Chair, I'd just like  
11 to remind everybody who is being sworn in on the  
12 16th that I will have the forms for you to sign, and  
13 you have to bring \$3.00 so that I can file it with  
14 the Secretary of State.

15 COMMISSIONER BERGMAN: And be sure there's  
16 a Bible. You have to be sworn on a Bible, I think,  
17 don't you?

18 MS. FRIEDMAN: I'm leaving that up to the  
19 Judge.

20 COMMISSIONER BERGMAN: Is it up to the  
21 Judge.

22 MS. FRIEDMAN: He's the Chief Appellate  
23 Judge. I would think he knows how to do  
24 swearings-in.

25 COMMISSIONER BERGMAN: I've seen

1 individuals show up, and they didn't have a Bible,  
2 and they didn't bring one.

3 MS. FRIEDMAN: I don't know that that's  
4 part of the law, is it, Josh?

5 COMMISSIONER CARR: It's -- I -- I've  
6 never done it here. But when I got sworn in for  
7 other offices, I've done it. But it's not required  
8 in the State of New Mexico to use a Bible.

9 It's a nice -- nice touch.

10 COMMISSIONER BERGMAN: Maybe Chaves County  
11 is a little more conservative. They do it in Chaves  
12 County.

13 THE CHAIR: Let's get back to the  
14 discussion of the work session, whether they need a  
15 whole day or a half-day, and let's decide that so we  
16 can move on.

17 Do we want to limit this to a half a day?  
18 Then we'll do half a day, and we'll get as much done  
19 as we can. That would allow a lot of people to  
20 drive in that morning, too, rather than spending  
21 another night.

22 COMMISSIONER CARR: In that regard, if we  
23 did it in the afternoon, and if the Charter Division  
24 would like to do a training for the new members in  
25 the morning -- I don't want to make you come anymore

1 than you have to; but I think it's a -- it's a  
2 really good idea. And it also sets the example for  
3 the training that we want to see board members from  
4 foundation boards go through, as well.

5 So I -- just a thought, their training in  
6 the morning, and then we could attend that if we  
7 wanted to, as well, and then we can do our business  
8 in the afternoon.

9 THE CHAIR: Let me just ask Julie. Did  
10 you all have -- does CSD have training in mind for  
11 the new board members at that -- new Commission  
12 members at that time?

13 MS. LUCERO: Madam Chair, members of the  
14 Commission, we have discussed training. And we  
15 would solicit your ideas of anything that you might  
16 want included. But we do have specific things that  
17 we'd like -- that we have ready.

18 THE CHAIR: And would that morning work  
19 for the Division?

20 MS. LUCERO: Yes, that morning will work.

21 THE CHAIR: I'm going to ask Beverly to  
22 coordinate that with our new members and with CSD,  
23 and let's see if we can get it set up for that  
24 morning.

25 MS. FRIEDMAN: Yes, Madam Chair. I didn't

1 know that you wanted a work session. There's no  
2 room that is reserved in Albuquerque at that time.  
3 And so I'll have to work with APS, and if I can't  
4 get APS, we'll have to find another room someplace.  
5 I'm not sure where, though. We'll see.

6 THE CHAIR: Hopefully, they can  
7 accommodate us.

8 COMMISSIONER CARR: Madam Chair, Karyl Ann  
9 had a question.

10 THE CHAIR: Karyl Ann?

11 MS. ARMBRUSTER: So I just have two quick  
12 questions: One is about how long would the training  
13 be? And then could we go backwards from that, so  
14 that we don't have to be here, 'cause if you could  
15 be in Albuquerque at 10:00, that would make me  
16 happier than 8:30.

17 But I don't know. If it's a four-hour  
18 thing. Of course, I'll be there.

19 MS. LUCERO: Madam Chair, members, yes, we  
20 could make that work, right at 10:00, and have a  
21 lunch break to start the work session in the  
22 afternoon.

23 THE CHAIR: That was my thought. But,  
24 again, I'm going to ask Beverly to work with  
25 everybody, CSD and new members, and Eleanor Chavez,



1 as well, to see if we can -- how we can get that set  
2 up for everybody's benefit.

3 Okay. So let's -- if we're -- everybody  
4 is okay with that, let us now move on to the next  
5 item, which is Discussion and Possible Action on  
6 Report from the Chair. And that is Item 16.

7 I asked for that item to be put on the  
8 agenda, because there have been several letters back  
9 and forth between the State Auditor, Hector  
10 Balderas, and PED, as far as the investigation of  
11 the Southwest Learning schools, most recently  
12 concerning the forensic audit.

13 I believe all of those letters have been  
14 sent to all Commissioners, generally. I'm on the  
15 distribution list as Chair of the Commission. And  
16 when I get the letter, then I send it on to our  
17 attorney and ask that he send it on to you; or, he  
18 may ask me, in some cases, to send it on. But I  
19 always want to be sure there's -- we're on a good  
20 legal ground when we do that.

21 Back in November, I got to thinking that  
22 we have never corresponded with Mr. Balderas or with  
23 the State Auditor's Office concerning the receipt of  
24 these letters, or a position that PEC might take on  
25 what we can do and what we cannot do.

1           So I wrote this letter, and I sent it to  
2 Josh, asking for his approval of it, I guess is what  
3 I was asking for. And as time has gone by, it's --  
4 we're still waiting to -- to get that sent off.

5           I thought, as long as it's this close to  
6 the meeting, rather than -- if we could have gotten  
7 this done back in November or something, when the --  
8 when there was not a meeting of this Commission  
9 scheduled right around that time, I think Josh would  
10 have said, "Go ahead and send it."

11           But since we haven't -- I haven't seen  
12 it -- and here it is -- I'd like for you to read it,  
13 and I would like your approval or not, whatever you  
14 choose: Do you want this letter sent, or do you not  
15 want it sent?

16           So I think everybody has copies of the  
17 letter. And let's take a few minutes, if you need  
18 to read it, and then tell me where to go from here.

19           (A discussion was held off the record.)

20           COMMISSIONER CARR: I might add that my --  
21 you know, we're in transition time. Tim Keller will  
22 be the new State Auditor. Do we want to send a  
23 courtesy copy to him?

24           COMMISSIONER TOULOUSE: Madam Chair, do we  
25 want to add in here, because of our meeting --

1 because of not having the FBI final report, we have  
2 gone ahead and reauthorized them, with conditions,  
3 for two years, but are very much awaiting all of  
4 this other information so that there's an update to  
5 the status of the schools?

6 THE CHAIR: Okay.

7 COMMISSIONER BERGMAN: I'm not sure they  
8 would care about that. They don't even know about  
9 it, probably. We're -- while others are reading,  
10 I'll go ahead and make my comments now.

11 I frankly don't care whether we send it or  
12 not. We're really not involved in it. We've done,  
13 as Commissioner Toulouse has noted, our part of the  
14 process. It's PED and the schools and the FBI;  
15 they're the parties. And so I'm ambivalent  
16 regarding whether you should send it or not send it.

17 THE CHAIR: My thought was, we've been  
18 included in all of this correspondence, a courtesy  
19 copy of all this correspondence going back and  
20 forth. And to my mind, we owed -- or I felt like I  
21 owed -- Mr. Balderas a courtesy response saying, "We  
22 got your letters. We appreciate the information.  
23 And, essentially, we can't take any action at this  
24 point."

25 But I just -- I don't like people

1 corresponding with me that I don't respond in some  
2 fashion.

3 Commissioner?

4 COMMISSIONER TOULOUSE: And, Madam Chair,  
5 in one sense, we are a party to it, because we are  
6 the grantor of charters, and we have to take  
7 whatever action may come out of it regarding those  
8 schools down the road.

9 So I think we need to make sure,  
10 especially with a copy to Tim, that they're aware  
11 that we really are a player, that -- because we  
12 fight this all the time. What's PED? What's PEC?  
13 And when it comes down to any final action, it's got  
14 to be ours.

15 THE CHAIR: Any other comments?

16 Do you agree with sending the letter?  
17 That's really what I'm asking.

18 COMMISSIONER POGNA: Yes, I agree.

19 THE CHAIR: All right. I would appreciate  
20 a vote, particularly since we have it listed on the  
21 agenda as "Possible Action." I would just like it  
22 noted on the official record, please.

23 So I would move that the Commission  
24 approve the letter to State Auditor Hector Balderas,  
25 with the addition of a copy to Tim Keller, and with

1 the additional wording suggested by Commissioner  
2 Toulouse.

3 COMMISSIONER CARR: Second.

4 THE CHAIR: Second. Is that okay with  
5 everybody?

6 All right. Motion and second to approve  
7 the letter with those additions.

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

9 (Commissioners so indicate.)

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

11 (No response.)

12 THE CHAIR: And, Carmie, if you would send  
13 me that exact wording in an e-mail, I'll incorporate  
14 it in the letter.

15 COMMISSIONER TOULOUSE: I'll wordsmith it  
16 and send it to you.

17 THE CHAIR: I'll appreciate that. Thank  
18 you all very much. I appreciate -- I'd rather do it  
19 with everybody's full knowledge and approval as --  
20 as not.

21 The only other thing I wanted to bring up  
22 in my report is I asked -- Beverly sent this  
23 information out to our new Commissioners on how to  
24 find statutes and rules online. And then I asked  
25 that she send it to everybody.

1           It's terrific to find this information,  
2 much easier than the way I was struggling with.

3           Did you not get it, Tyson?

4           COMMISSIONER PARKER: Not when I started.

5           COMMISSIONER TOULOUSE: Neither did I when  
6 I started.

7           COMMISSIONER PARKER: It's a little late.

8           MS. FRIEDMAN: Well, Madam Chair and  
9 Commissioners, I've been working with Josh to update  
10 the legislative spiral-bound information that I have  
11 for Commissioners, because I know that the rules  
12 have changed. And so Josh and I are working on  
13 that, and we'll have a copy of that for every  
14 Commissioner in January, when the new Commissioners  
15 come on.

16           THE CHAIR: Good. Thank you very much.

17           MS. FRIEDMAN: But I worked with our PED  
18 attorney here. And they walked me through to get to  
19 those directions.

20           THE CHAIR: Good. Appreciate it.

21           The only other item I wanted to touch on  
22 was staffing. And I think Julie's pretty well given  
23 us that update.

24           I'll just say again, you know, we need  
25 that contract facilitator sooner rather than later.

1 We've talked about that.

2 MS. LUCERO: Yes, members of the  
3 Commission, we will have that complete and keep you  
4 updated.

5 THE CHAIR: Thank you so much. That's --  
6 that's really my report.

7 We're to Item 17, PEC Comments. We'll  
8 start on this side of the room.

9 Commissioner Peralta?

10 Before we do that, can I ask Beverly, have  
11 you heard anything more from Commissioner Conyers?

12 MS. FRIEDMAN: Madam Chair, Commissioners,  
13 not since yesterday. And I believe -- I sent all of  
14 you the copy of his e-mail.

15 THE CHAIR: Okay. I think we need to keep  
16 him in our prayers. It sounds like some pretty  
17 serious health issues.

18 Now, Commissioner Peralta? I apologize  
19 for --

20 COMMISSIONER PERALTA: Nothing,  
21 Madam Chair. Thank you.

22 THE CHAIR: Thank you, Commissioner  
23 Peralta.

24 Commissioner Bergman?

25 COMMISSIONER BERGMAN: I wish Matt was

1 here. I would just like to tell the Staff how much  
2 I appreciate what you did on those renewals. That  
3 is by far the heaviest workload this Commission has  
4 ever addressed, and it's obviously, by far, the  
5 heaviest workload that the CSD has had to address;  
6 and they did it on a short turnaround time.

7 And I know it was a daunting task, but you  
8 guys were outstanding. I appreciate your hard work,  
9 and let's do it again one of these days.

10 THE CHAIR: Let's not do 22 again.

11 COMMISSIONER PARKER: How about 33?

12 COMMISSIONER CARR: We won't have a  
13 choice.

14 THE CHAIR: I think we all echo that. We  
15 appreciate the work of the staff. We very much  
16 appreciate what you've done.

17 Josh, as long as I'm next to you, let's go  
18 right with you.

19 MR. GRANATA: Madam Chair, Commissioners,  
20 I would like to thank all of the Commissioners for  
21 the work that they did regarding these renewals. In  
22 particular, I'm thankful for all of the responses  
23 and comments that have been made on the record.  
24 That really makes my job easier, and it shows that  
25 the Commission is deliberating carefully regarding



1 all these matters.

2 When Commissioners explain on the record  
3 if they agree or if they don't agree, for me, that's  
4 helpful as an attorney. And I believe it's helpful,  
5 as well, to the schools; so I do thank you guys for  
6 the work that you've done.

7 THE CHAIR: Thank you very much. We  
8 appreciate the work you do. We know you -- we know  
9 we throw you curves fairly often.

10 MR. GRANATA: You certainly do.

11 THE CHAIR: Commissioner Carr?

12 COMMISSIONER CARR: First of all, I'd like  
13 to wish everybody a Merry Christmas and Happy New  
14 Year, since we won't be here.

15 Second of all, I would like to have an  
16 item put on the agenda for the next meeting for  
17 discussion and possible action in regards to how we  
18 handle contract negotiations.

19 And I don't want to go into detail about  
20 it today. I just -- I think we have -- I think we  
21 need to have a serious discussion about it.

22 THE CHAIR: Commissioner Carr, do you just  
23 want that on the agenda, or do you want it to be a  
24 work session item, as well?

25 COMMISSIONER CARR: Sure, yeah. I guess

1 it would be worthwhile to have it in both.

2 THE CHAIR: Josh?

3 MR. GRANATA: Madam Chair, I'd also think  
4 it's appropriate for probably the work session if I  
5 gave a brief presentation on OMA and IPRA  
6 guidelines, especially in light of the new  
7 Commissioners joining the Commission. I think it  
8 would be helpful.

9 THE CHAIR: Commissioner Bergman?

10 COMMISSIONER BERGMAN: Thank you. I would  
11 like to ask Josh if you'll research that issue.  
12 Mr. Carr and I obviously disagree on the contract  
13 negotiations and how they're supposed to be handled.  
14 So my impression is that Act is specific in that the  
15 negotiations are between the school and the PEC, not  
16 the CSD Staff. If you could research the statute  
17 and tell us, is that -- is that a correct  
18 interpretation, or is it that we just let someone  
19 else do the negotiations and then vote on them? I  
20 want that delineated if we're going to discuss it.

21 MR. GRANATA: I'll do so.

22 THE CHAIR: Okay. Thank you.

23 Anything else, Commissioner Carr?

24 COMMISSIONER CARR: No, nothing from me.

25 THE CHAIR: Commissioner Toulouse? Thank

1 you.

2 COMMISSIONER TOULOUSE: Madam Chair,  
3 absolutely nothing. I've said what I need to say,  
4 except thank you to the Staff; and also, Maureen,  
5 since Gene has left, tell him again, I said  
6 "Goodbye," and I will miss him.

7 And Commissioner Parker, I really will  
8 miss you and the comments back and forth. When  
9 you're at this big a table, you know, you get really  
10 dependent on the people close to you.

11 THE CHAIR: On your neighbors, huh?

12 COMMISSIONER TOULOUSE: So that's it.  
13 Happy Holidays, Merry Christmas, Happy New Year,  
14 whatever. I want out of here. Thank you.

15 THE CHAIR: Commissioner Parker?

16 COMMISSIONER PARKER: Madam Chair,  
17 Commissioners, first to the Staff, thank you for the  
18 information you've always provided me whenever I  
19 asked for it. Thank you for your hard work on all  
20 this stuff. It's -- you don't get much accolades,  
21 but you get a lot of grief. So thank you for  
22 working so hard.

23 Thank you for sharing your husband with  
24 us, because he's here, and at other things, quite  
25 often. And when he's here, he's not with you. And

1 I know how much he cares for you. So it was  
2 probably hard for him.

3 Thank you to the Commissioners for letting  
4 me jump in headfirst on all this stuff and helping  
5 me not look too stupid up here. I tried to go to as  
6 many things as I could. There were just a few  
7 negotiations that I was not able to; but I did the  
8 road show and did everything. So the new  
9 Commissioners, I recommend that you go to  
10 everything, because that's -- that's how you figure  
11 out what needs to be done.

12 A special thanks to our current  
13 leadership. To the Secretary, Chairwoman, and the  
14 Vice Chair, you guys are great examples for me to  
15 look to in terms of insight into what's going on  
16 here. You've proven your dedication to this  
17 Commission by how you've tackled difficult issues,  
18 as well as were very instrumental in shaping what's  
19 going on right now. Like I said, I tried to go to a  
20 lot of stuff; but no one went to more than you guys.  
21 So thank you very much.

22 And, Josh, thank you for your legal  
23 insight in confusing me on various issues throughout  
24 the year. Confused but legal, I guess; so -- and to  
25 Abby, who's not here right now, or, hopefully,

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1 she'll read this, or maybe someone's listening.

2 Cindy, for turning my stupid words into  
3 intelligent words. That was probably the hardest  
4 job out there.

5 And Beverly, thank you, as well, for all  
6 your help.

7 So with that, I just want to remind  
8 everyone that we're here for the kids. We're not  
9 here for further political aspirations or special  
10 interest groups. We're here for people like Lillian  
11 and Ella Parker.

12 THE CHAIR: What are the names again,  
13 Tyson?

14 COMMISSIONER PARKER: Lillian and Ella  
15 Parker; for Brecken and Alexandra Baxter; for Aiden  
16 Brown; for James and Rebecca and Sam Zorgman [ph];  
17 Ashton and Ainsley Capps. These are -- these are  
18 the scholars that we should be working for.  
19 Everyone else, like I said, has a voice; but these  
20 guys don't. So I hope that that rings true for the  
21 future.

22 As a parent and someone who is in the  
23 system right now, I do believe that everyone needs  
24 to know that that cantankerous environment that's in  
25 our education system outside this room, and

1 developing in this room, I think is very  
2 disappointing to myself, to other parents; and  
3 although the kids don't really see it firsthand,  
4 they're the end-user. They're who this is for.

5 And with that, I will shut up. So thank  
6 you.

7 THE CHAIR: Commissioner Parker, thank you  
8 for those kind words. You're right on target, as  
9 usual. And that's another reason why we're going to  
10 miss you.

11 Don't forget we have an Executive Session,  
12 so don't get too ready to leave yet.

13 Commissioner Pogna?

14 COMMISSIONER POGNA: Madam Chair, just an  
15 addition. Commissioner Parker and I were talking,  
16 and I mentioned to him that I have been coming here  
17 since I was elected in 1978 to the State Board of  
18 Education. And he told me he was five years old.  
19 That's terrible. I didn't know I had aged that  
20 much.

21 THE CHAIR: Thank you for that. That sort  
22 of sets everything in perspective, doesn't it?

23 All right. Again, we thank you for those  
24 kind words.

25 Thanks, everyone, for your work this year,

1 to the Staff and those who will be leaving now,  
2 Merry Christmas. Merry Christmas to you all, and  
3 we'll see you in January. And let's take an  
4 few-minute break, and then we will start our  
5 Executive Session.

6 COMMISSIONER TOULOUSE: Madam Chair, do we  
7 need a motion to go into Executive Session.

8 THE CHAIR: Yes, we do. Are you willing  
9 to make the motion, remembering to read everything  
10 that's on here?

11 COMMISSIONER TOULOUSE: If I can find it  
12 again. And I've got it all down in here, en masse.  
13 I'll try to go through all this stuff.

14 THE CHAIR: I know.

15 COMMISSIONER TOULOUSE: Madam Chair, I  
16 move that we go into Executive Session, under law,  
17 10-15-1(H)(7), regarding threatened or pending  
18 litigation.

19 Do I need to read the two items?

20 MR. GRANATA: (Indicates.)

21 COMMISSIONER TOULOUSE: A, Rio Rancho v.  
22 PED and PEC; and B, the Appeal from Columbus  
23 Community School. Thank you.

24 THE CHAIR: Thank you. We have a motion.  
25 We need a second.

1 COMMISSIONER BERGMAN: Second.

2 THE CHAIR: Motion and second to go into  
3 Executive Session, as has been noted on the official  
4 record.

5 Commissioner Bergman, may we have a  
6 roll-call vote, please?

7 COMMISSIONER BERGMAN: Commissioner Pogna?

8 COMMISSIONER POGNA: Yes.

9 COMMISSIONER BERGMAN: Commissioner  
10 Toulouse?

11 COMMISSIONER TOULOUSE: Yes.

12 COMMISSIONER BERGMAN: Commissioner  
13 Parker?

14 COMMISSIONER PARKER: Yes.

15 COMMISSIONER BERGMAN: Commissioner  
16 Peralta?

17 COMMISSIONER PERALTA: Yes.

18 COMMISSIONER BERGMAN: Commissioner  
19 Bergman says "Yes."

20 Commissioner Shearman?

21 THE CHAIR: Yes.

22 COMMISSIONER BERGMAN: Commissioner Carr?

23 COMMISSIONER CARR: Yes.

24 COMMISSIONER BERGMAN: Madam Chair, you  
25 have "Yes" votes in favor of going into Executive



1 Session.

2 THE CHAIR: The vote is unanimous to go  
3 into Executive Session. We will take a few minutes  
4 to get everybody settled, and then we'll begin our  
5 work in the Executive Session.

6 (Executive Session conducted.)

7 THE CHAIR: The PEC is out of Executive  
8 Session. No votes were taken; no decisions were  
9 made; no actions were taken.

10 Commissioners, we're at the next item on  
11 the agenda, which is Open Forum.

12 Beverly, did we have anybody that wants to  
13 speak?

14 MS. FRIEDMAN: Madam Chair, no.

15 THE CHAIR: Thank you very much.

16 Anything else from the Commissioners  
17 before we adjourn?

18 Commissioner?

19 COMMISSIONER POGNA: I want to thank  
20 Beverly very much for getting my footstool down  
21 under my table every morning, and the computer.  
22 Someday I will try and use it.

23 Thank you.

24 THE CHAIR: Thank you very much.

25 Anything else? Again, thank you all for

1 an interesting three days of hard work. Appreciate  
2 you all, and Merry Christmas. We'll see you in  
3 January.

4 Do I hear a motion to adjourn?

5 COMMISSIONER CARR: So move.

6 THE CHAIR: All in favor?

7 (Commissioners so indicate.)

8 THE CHAIR: Thank you. Goodbye.

9 COMMISSIONER BERGMAN: Second, I did  
10 second it. So you voted before I seconded it.  
11 That's fine.

12 (Proceedings concluded at 1:15 p.m.)  
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## 1 BEFORE THE PUBLIC EDUCATION COMMISSION

2 STATE OF NEW MEXICO

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7 REPORTER'S CERTIFICATE8 I, Cynthia C. Chapman, RMR, CCR #219, Certified  
9 Court Reporter in the State of New Mexico, do hereby  
10 certify that the foregoing pages constitute a true  
11 transcript of proceedings had before the said  
12 NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the  
13 State of New Mexico, County of Santa Fe, in the  
14 matter therein stated.15 In testimony whereof, I have hereunto set my  
16 hand on December 29, 2014.17  
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