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BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PUBLIC MEETING PROCEEDINGS

February 1, 2013

9:00 a.m.

Mabry Hall - Jerry Apodaca Education Building
300 Don Gaspar
Santa Fe, New Mexico

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A P P E A R A N C E S

COMMISSIONERS:

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

STAFF:

MR. TONY GERLICZ, Director, Options for Parents
MS. KELLY CALLAHAN, Manager, Charter School Division
MS. ABBY WEAR, Counsel for the CSD,
Assistant General Counsel for the PED
MR. MARK REYNOLDS, Counsel for the PEC,
Assistant Attorney General,
State of New Mexico
MS. BEVERLY FRIEDMAN, PED Liaison to the PEC

ALSO PRESENT: JUSTICE BARBARA VIGIL,
Supreme Court of the
State of New Mexico

MS. HILLARY NOSKIN, General Counsel,
Public Education Department

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1 February 1, 2013

2 THE CHAIR: If everyone could take their
3 seats, please, let's get started. I call to order
4 this regularly scheduled meeting of the New Mexico
5 Public Education Commission. Secretary Bergman,
6 could we have roll call, please?

7 COMMISSIONER BERGMAN: Commissioner Carr.

8 COMMISSIONER CARR: Yes, here. Sorry.

9 COMMISSIONER BERGMAN: Commissioner
10 Conyers.

11 COMMISSIONER CONYERS: Here.

12 COMMISSIONER BERGMAN: Commissioner
13 Peralta.

14 COMMISSIONER PERALTA: Here.

15 COMMISSIONER BERGMAN: Commissioner Pogna.

16 COMMISSIONER POGNA: Here.

17 COMMISSIONER BERGMAN: Commissioner Gant.

18 COMMISSIONER GANT: Here.

19 COMMISSIONER BERGMAN: Commissioner
20 Shearman.

21 THE CHAIR: Here.

22 COMMISSIONER BERGMAN: And
23 Commissioner Bergman is obviously here. So,
24 Madame Chair, you do have a quorum.

25 THE CHAIR: Thank you, Secretary Bergman.

1 We do have a quorum.

2 I will announce that Commissioner
3 Toulouse, one of your new Commissioners, called
4 earlier and said that there was an auto accident.
5 She was not involved in it, but her automobile is
6 sitting on the road trying to get through. So we're
7 not sure how long she will be to get here. But she
8 is on her way.

9 Our next order of business is the Oath of
10 Office for newly elected Commissioners. I would
11 love for Hillary Noskin, PEC General Counsel, to
12 introduce our honored guest for this morning.

13 MS. NOSKIN: Good morning, Commissioners.
14 Hillary Noskin, General Counsel for the Public
15 Education Department. And it is an honor and a
16 pleasure to introduce Justice Barbara Vigil to give
17 the Oath of Office today. Thank you.

18 JUSTICE VIGIL: Thank you.

19 THE CHAIR: How would you like to proceed?

20 JUSTICE VIGIL: Well, I think it's -- this
21 is a special time for the Commissioners-Elect. And
22 so perhaps they would want to step down in front of
23 the -- the bench there, one at a time, and do it
24 each one separately. So maybe we can start with
25 James Conyers, if that's okay.

1 THE CHAIR: May I ask, before we start the
2 swearing in, that everyone please turn your cell
3 phones off or -- to stun, or silence, or whatever
4 the case may be. Thank you.

5 JUSTICE VIGIL: And just for everyone's
6 information, Chief Justice Petra Maes -- Petra
7 Jimenez-Maes -- was under the weather today, so she
8 delegated her official duty to me this morning.
9 So -- and I will ask you to please raise your right
10 hand and repeat after me.

11 (Commissioner Conyers sworn into office
12 by Justice Vigil.)

13 (Applause.)

14 JUSTICE VIGIL: Congratulations.

15 COMMISSIONER CONYERS: Thank you.

16 (Commissioner Carr sworn into office
17 by Justice Vigil.)

18 (Applause.)

19 COMMISSIONER CARR: Thank you.

20 (Commissioner/Chair Shearman sworn into
21 office by Justice Vigil.)

22 JUSTICE VIGIL: Congratulations.

23 THE CHAIR: Thank you.

24 (Applause.)

25 JUSTICE VIGIL: All right. Thank you,

1 Beverly. Thank you, Commissioners.

2 THE CHAIR: Thank you very much, Justice
3 Vigil. Congratulations to Commissioner Conyers, our
4 one new, so far, sworn-in Commissioner. And welcome
5 back, Jeff, and welcome back, Carolyn.

6 Justice Vigil has graciously offered to
7 come back over when Commissioner Toulouse arrives
8 and will swear her in at that time so that we can
9 have all Commissioners able to vote this morning.
10 So thank you again.

11 Our next item of business is Item No. 4,
12 the Pledge of Allegiance and the Salute to the
13 New Mexico Flag. I will ask Commissioner Conyers to
14 do both, in the absence of Commissioner Toulouse.

15 (Pledge of Allegiance and
16 Salute to the New Mexico Flag conducted.)
17 (Commissioner-Elect Toulouse enters
18 Mabry Hall.)

19 THE CHAIR: Commissioner Toulouse is here.
20 And let's take a minute, catch our breath and get
21 her sworn in.

22 COMMISSIONER TOULOUSE: Well, I apologize.
23 There was an accident on I-40, so --

24 COMMISSIONER BERGMAN: Madame Chair, I
25 will mark Commissioner Toulouse present now, for the

1 record.

2 COMMISSIONER TOULOUSE: Grácias.

3 THE CHAIR: Have you caught your breath?
4 Are you ready to be sworn in?

5 COMMISSIONER TOULOUSE: Yeah. All ready.

6 THE CHAIR: Justice Vigil, please
7 continue.

8 (Commissioner Toulouse sworn into office
9 by Justice Vigil.)

10 (Applause.)

11 THE CHAIR: Again, Justice Vigil, thank
12 you very much.

13 And welcome.

14 COMMISSIONER TOULOUSE: Thank you.

15 THE CHAIR: Let's move on to item No. 5,
16 Statement of Aspiration. And there is a change.
17 Commissioner Bergman will be doing the statement
18 this morning.

19 COMMISSIONER BERGMAN: Thank you. The
20 Public Education Commission was first created by a
21 Constitutional amendment in 2002. They began
22 operations in 2003, and, of course, are finishing up
23 a decade of service. We operate under a series of
24 statutory duties granted to us by the State
25 Legislature. And we also operate under a set of

1 rules and procedures of the Public Education
2 Commission.

3 For the benefit of our new Commissioners,
4 and as a refresher for those of us who have been
5 here awhile, I am going to read an excerpt from our
6 rules and procedures just for everybody's
7 information today. And it has to do with our voting
8 process.

9 If a Commissioner wishes to abstain from a
10 vote, he or she shall state before the vote is
11 taken. Failure to announce his or her intent to
12 abstain before the vote is taken shall result in the
13 Commissioner's forfeiture of the right to abstain.

14 After the final vote has been announced,
15 an abstaining Commissioner shall state the reasons
16 for his or her abstention. And I was going to say
17 abstentions shall not be counted in the tally of the
18 vote.

19 Thank you, Madame Chairman.

20 THE CHAIR: Thank you,
21 Commissioner Bergman. It is interesting. We've all
22 read our policies and procedures. But some things,
23 since we don't do them very often, kind of slip --
24 slip our minds. So thank you for that reminder.
25 Appreciate it.

1 Next item on the agenda is Approval of
2 the -- of the -- well, I can't talk today -- are
3 there any changes or corrections to the agenda, as
4 presented?

5 I would like to make one. I received a
6 phone call from Deputy Secretary Aguilar yesterday.
7 And he said that he is really tied up pretty hard
8 and fast today in the Legislature, but that he would
9 try his very best to be here to give the report for
10 the Secretary. And he asked, whenever he shows up,
11 could we accommodate him to allow him to make that
12 report. And I felt like we could certainly do that.

13 So Item No. 10, Report from the
14 Secretary-Designate, is going to have to be rather a
15 floating item, in my mind, so that we can
16 accommodate Deputy Secretary Aguilar when he is able
17 to -- to be here.

18 Are there any other comments on the
19 agenda? If not, the floor is open for a motion to
20 approve.

21 COMMISSIONER POGNA: (Indicates.)

22 THE CHAIR: I'm looking at Commissioner
23 Pogna moving that the agenda be approved.

24 COMMISSIONER CARR: Second.

25 THE CHAIR: Seconded by Commissioner Carr.

1 Any discussion?

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

3 (Commissioners so indicate.)

4 THE CHAIR: Any opposed, same sign?

5 Motion carries.

6 We are to Item No. 7, Approval of the
7 Minutes. You've had those for a couple of weeks.
8 Are there any corrections or additions noted to the
9 minutes?

10 COMMISSIONER GANT: I move for acceptance
11 of the minutes as written.

12 COMMISSIONER CARR: Second.

13 THE CHAIR: We have a motion and second by
14 Commissioners Gant and Carr to approve the minutes.

15 I do have a couple of corrections, if I
16 might bring those up. I should have spoken sooner.

17 If I could direct your attention to
18 Page 97, about midway through the page, there is a
19 reference to "E-P-S." As a matter of fact, there
20 are two references. I believe that should be EPSS,
21 E-P-S-S.

22 On Page 117 -- oh, I'm sorry, never mind.
23 Page 122 is where I meant to direct your attention.
24 It's where the Chair said, "You have 13 minutes to
25 speak." And it should be "15 minutes." And it's up

1 at the very, very top of Page 122. "You now have
2 13 minutes to make your response to the PEC." That
3 should be "15."

4 Page 134, the word "connective" is used,
5 and it should be "corrective."

6 Page 165, the name in the record is
7 "Donna," D-O-N-N-A. It should be "Dawn," D-A-W-N.

8 Moving to the December 14th minutes,
9 Page 31, there is a reference to -- it should be
10 "IDEA B," I-D-E-A, B.

11 Page 47, the last paragraph on Page 47,
12 "Commissioner Sherman" should be "Shearman."

13 And the last correction I note is on
14 Page 62. Again, it should be "IDEA B." Those are
15 all the corrections I noted.

16 COMMISSIONER GANT: Do we need a motion to
17 accept?

18 THE CHAIR: You're amending your motion.

19 COMMISSIONER GANT: But someone has to
20 make a motion -- correct me if I'm wrong -- needs to
21 make a motion to accept the changes you've just
22 mentioned, because I've already put a motion in. So
23 someone needs to say, "Motion to accept the changes
24 as you've stated," with a second, and we vote on
25 that.

1 THE CHAIR: Okay, thank you.

2 Commissioner Bergman?

3 COMMISSIONER BERGMAN: I move that we
4 accept the minutes with the changes that you just
5 announced.

6 COMMISSIONER GANT: We have to do a motion
7 to my motion and vote on it first.

8 COMMISSIONER TOULOUSE: Madame Chair,
9 point of order. He can withdraw his original motion
10 as the seconder also withdraws it. And then he can
11 amend it. You don't have to do that vote.

12 COMMISSIONER GANT: We can do it either
13 way.

14 THE CHAIR: What would you prefer?

15 COMMISSIONER GANT: I withdraw my motion.

16 COMMISSIONER CARR: I withdraw my second.

17 THE CHAIR: The original motion and second
18 are withdrawn. May we have a new motion?

19 COMMISSIONER GANT: I move that we accept
20 the minutes, with changes noted by
21 Commissioner Shearman, for the 13th and 14th of
22 December.

23 THE CHAIR: Thank you.

24 COMMISSIONER CARR: Second.

25 THE CHAIR: Motion by Commissioner Gant.

1 Seconded by Commissioner Carr to accept the minutes,
2 with the noted corrections by Commissioner Shearman,
3 for both December 13th and 14th. All those in
4 favor, please say "Aye."

5 (Commissioners so indicate.)

6 THE CHAIR: All opposed. Motion carries.
7 Thank you very much.

8 Next item on the agenda -- let me get back
9 to the correct spot -- next item on the agenda is
10 No. 8, Reading of the Transcript of the December 13,
11 2012, Discussion of Horizon Academy West Charter
12 School Renewal and Revote.

13 I will turn the floor over to our
14 attorney, Mark Reynolds.

15 MR. REYNOLDS: Thank you, Madame Chair,
16 and members of the Commission.

17 In December, we had a two-day meeting,
18 December 13th, December 14th. The next two items on
19 the agenda for our meeting today, the renewal of the
20 charters for Horizon Academy West and for
21 North Valley Academy, were planned to be discussed
22 on Friday, December 14. On Thursday, December 13,
23 we had time; the schools were here; we had concerns
24 for bad weather the next day. The Commission
25 wondered if we could address those two items on the

1 13th instead of the 14th.

2 The Commission turned to me, and I gave
3 the okay to do that. I should not have done that.
4 The reason I should not have done that is that the
5 notice of the meeting, which I had not seen at the
6 time, but should have thought to look at,
7 specifically stated that those two items would be
8 discussed on December 13th and not December 14th.
9 [Verbatim.]

10 We, therefore, quite possibly, by
11 discussing that on the 13th instead of the 14th, had
12 an Open Meetings Act violation. So these next two
13 items on the agenda are to cure that possible
14 violation that we had.

15 What I will do is read the transcript of
16 the meeting from December 13th, in which we
17 discussed first, Item No. 8, the Horizon Academy
18 West charter. And then we'll move on to Item No. 9.

19 After I -- reading of the transcripts will
20 give anybody who came to the December 14 meeting
21 expecting to hear that discussion, but did not, the
22 opportunity to hear everything that was said at the
23 December 13th meeting, which is what the Open
24 Meetings Act gives people the right to do, to attend
25 and listen.

1 After I read the transcript, I will invite
2 the Chair to ask the Charter School Division and the
3 school, if they are present, if they would like to
4 add anything, say anything different or more from
5 what was said on the 13th. The Chair can then
6 invite questions, further deliberation from the
7 Commissioners, if they wish, and, at the conclusion
8 of that, take a revote on the -- on the issue.

9 I -- I will note that we do have three
10 people in attendance -- three Commissioners in
11 attendance today who were not in attendance at the
12 December meeting. Those Commissioners will hear
13 everything that was said at the December 13 meeting
14 after I read the transcript. The -- those
15 Commissioners have been provided all of the
16 documents that were provided to the Commissioners at
17 the December 13th and 14th meeting and will have the
18 opportunity to ask questions and have further
19 deliberation here today. So I believe everyone is
20 capable of making a decision on this item.

21 So, Madame Chair, with your permission,
22 I'll go ahead and read the transcript, and then
23 we'll take the next steps from there.

24 THE CHAIR: Please proceed.

25 MR. REYNOLDS: This is a portion of the

1 transcript from December 13th, 2012, a Meeting of
2 the Public Education Commission. I anticipate this
3 taking me -- I don't know -- maybe about ten minutes
4 to read.

5 "By Commissioner Garrison: I will call
6 this meeting of the Public Education Commission back
7 into order. I hope everyone had a wonderful lunch.
8 We will continue with Item No. 11 on the agenda,
9 vote on current charter schools, and we are at
10 No. 4, the Horizon Academy West in Albuquerque.

11 "I would like to ask Horizon Academy West
12 to come to the front table, and you will introduce
13 yourselves in a little bit. But first, we will
14 direct your attention to the Director of Operations
15 for Parents, Tony Gerlicz, to give the Charter
16 School Division evaluation and recommendation."

17 This is by Mr. Gerlicz: "Thank you,
18 Commissioner Garrison. This is Horizon Academy
19 West's tenth year in operation and their third
20 renewal, their second one in front of the Public
21 Education Commission. They were originally
22 authorized with Albuquerque Public Schools and have
23 been with the State for the last -- what would that
24 be? -- four years.

25 "After a thorough analysis, the Charter

1 School Division recommends approval of another
2 five-year term for the Horizon Academy West with no
3 conditions. And that is our recommendation. Thank
4 you."

5 By Commissioner Garrison: "Thank you,
6 Director Gerlicz. Please introduce yourselves --
7 and this does not count against your 15 minutes --
8 and then you will proceed to respond to the Charter
9 School Division recommendation. Good afternoon."

10 This is by Ms. Duran.

11 "Good afternoon. First, let me say thank
12 you so much for getting us on the agenda. We
13 appreciate being moved forward and the opportunity
14 to speak with you all today. I am Amy Duran, the
15 director of the Horizon Academy West. And to my
16 left is our principal, Cynthia Carter; and to my
17 right is our business manager, Deanna Cordova. I'd
18 also like to say again, we appreciate the
19 opportunity to be commissioned twice through the
20 PEC.

21 "We were one of the first charter schools
22 to be able to have the opportunity to be
23 commissioned through the PEC, versus our local
24 school district, which was Albuquerque Public
25 Schools. We've had a wonderful relationship with

1 the Charter School Division, and we feel like we
2 have a very good collaborative working relationship
3 at this point.

4 We opened our doors in 2002, and if I'm
5 still correct, we are the largest elementary charter
6 school in the state. We recently added a pre-K a.m.
7 and p.m. class to our roster, 40 kids total. Last
8 year starts our second year as a pre-K for the State
9 Department.

10 "We are also proud to be a B-rated school,
11 only three points away from an A, which we're
12 working very hard to attain at this point. And
13 we're also committed to high academic standards and
14 moving forward in the next five years working with
15 the PEC and the Charter School Division and beyond.
16 Thank you very much for having us today."

17 By Commissioner Garrison: "Thank you.
18 You now have 13 minutes [sic] to make your response
19 to the PEC. Please proceed."

20 By Ms. Duran: "If anyone has any specific
21 questions for us, we'd love to entertain them.
22 Other than that, we don't really have anything else
23 at this point."

24 Commissioner Garrison: "Thank you very
25 much. The Chair is going to open the floor for

1 questions and/or comments from Commissioners to the
2 Charter School Division or the applicant.
3 Commissioner Bergman."

4 This is by Commissioner Bergman. "Thank
5 you, Mr. Chair. Just one thing. The results speak
6 for themselves, but I had a question about part of
7 the analysis from CSD. It was on Page 14, under the
8 mathematics, your short cycle assessment. The very
9 last sentence says you experienced challenges in
10 Grades 1 and 2, while you did real well in 3 through
11 6. I was just curious. Have you been able to
12 identify why you had those challenges?"

13 By Ms. Duran. "We have. We have
14 identified the challenges in Grades 1 and 2,
15 essentially based upon the fact that the kids are
16 coming in. We're very proud of our efforts to
17 assess these children and their needs. This is when
18 kids are going through SAT team, Student Assistance
19 Team, to identify those needs, if needed, and also
20 maybe place an IEP during those times as well. And
21 we look towards third through sixth grade to really
22 identify those needs and to meet their needs, and
23 that's where you see the engagement with students
24 and really meeting them on their level and the gains
25 to progress throughout the upper years of school."

1 By Commissioner Bergman: "So have you
2 determined, is there anything you can do to increase
3 the first and second grades, or have you not gotten
4 to that point yet?"

5 Ms. Duran: "Absolutely. We're always
6 looking for other assessments, for other academic
7 measures to meet their needs and are working really
8 diligently with our teams to identify students'
9 needs and to address them specifically. It's
10 different for each child."

11 "Commissioner Bergman: Thank you, I was
12 just curious. Thank you, Mr. Chair."

13 "Commissioner Garrison: Thank you,
14 Commissioner Bergman. Commissioner Carr."

15 By Commissioner Carr: "I have a question,
16 Mr. Chair."

17 By Commissioner Garrison:
18 "Commissioner Carr."

19 "Commissioner Carr: It looks like you
20 have a great deal of success. I think you're
21 probably above the average when you look at fourth,
22 fifth, and sixth grade. Is there anything specific,
23 or what do you think you're doing that some other
24 schools aren't, because we have so many -- after
25 fourth grade, I mean, kids start falling off; I

1 mean, after third grade in some cases. So what
2 suggestions do you have for the rest of the schools
3 in our state that might help us out?"

4 By Ms. Duran: "It's funny you should ask
5 that, because we were here five years ago. The same
6 question was asked, and my response at that time
7 was, being a school for only five years at that
8 point, we don't have an aeronautics program, we're
9 not specialized in some really crazy kind of
10 technology. But what we do specialize in is really
11 centering on children's needs. And we're very proud
12 of the fact that we assess constantly.

13 "And so we're meeting students at their
14 level of need, whether it's at grade level, below
15 grade level, or accelerated. So we're able to
16 advance students within their grade level for
17 academic subjects according to their needs. We're
18 focused in on the smaller group to assess those
19 needs as well.

20 "So wherever their needs are, we feel like
21 we're really meeting them constantly."

22 "Commissioner Carr: Are you specifically
23 used differentiated education models?"

24 "Ms. Duran: Essentially, yes."

25 "Commissioner Carr: Okay. Makes total

1 sense to me."

2 "Ms. Duran: Thank you."

3 "Commissioner Garrison: Any other
4 questions or comments from the Commissioners?
5 Commissioner Bergman."

6 By Commissioner Bergman: "I just saw
7 something else that I wanted to comment on. At one
8 point, you had indicated that approximately
9 25 percent of your student population participate in
10 the community service. But then later, you say
11 100 percent do. And it sounds like -- and it sounds
12 to me like you might want to revisit that goal,
13 because it sounds like you didn't include a lot of
14 community service, which is why you arrived at --
15 but it doesn't sound right when you look at it, when
16 you say you're going to have 100 percent. And we
17 have only 25; but then later on, it turns out you
18 had 100 percent. Any thoughts on that?"

19 By Ms. Duran: "I'm glad you brought that
20 up, because there's been a point of contention
21 within our goal writing, I suppose you should say.
22 The goal was supposed to read that 100 percent of
23 students would have the opportunity to participate
24 in community service to groups such as our Wild
25 Friends group. We have an after-school group called

1 Crew. We have various things during the year where
2 all students are able to participate.

3 "And so we wanted to allow 100 percent of
4 our population to participate. But it's not
5 mandated. So at this point, we have about
6 25 percent of our population that's supporting
7 community service. But we also have things
8 schoolwide constantly. So even though it is not an
9 organized group, per se, it is an opportunity where
10 we contribute to our community."

11 "Commissioner Bergman: So that's kind of
12 like -- well, it was a little confusing to me,
13 because every school in the state, 100 percent of
14 the students have an opportunity to do a service
15 project. That doesn't mean they're going to do it.
16 So maybe that's what my confusion is coming in.
17 Anyway, thank you. Appreciate it."

18 This is by Commissioner Garrison: "Thank
19 you, Commissioner Bergman. Other questions or
20 comments?"

21 This is by Mr. Gerlicz: "Commissioner
22 Garrison, Commissioner Bergman, on that point,
23 which I think is also an excellent observation, this
24 is the kind of thing that the new SB 446 that we
25 enter into will allow us the opportunity to sit down

1 and dialogue, negotiate, and have exactly that kind
2 of question, and be much more specific and much more
3 professional about that detail and the goals.

4 "That's how we can see that new
5 legislation really assisting us. Thank you."

6 "Commissioner Garrison: Thank you for
7 that comment, Director Gerlicz. "

8 "Commissioner Carr: Mr. Chair, is it okay
9 if I speak?"

10 "Commission Garrison: Commissioner Carr,
11 of course, the floor is yours."

12 "Commissioner Carr: What just popped into
13 my head, too, is one of the reasons why we want
14 charter schools is because -- one of the reasons why
15 we have charter schools is to do something
16 different, maybe something that hasn't been done
17 before. And I don't know if we're doing a good job
18 and documenting and getting information out of --
19 you know, as far as to make sure people know about
20 practices that have been very successful in other
21 schools, so that other schools can take a look at it
22 and say, "Hmm, maybe we should have done some of the
23 things that they're doing."

24 So I don't know if we're addressing that
25 and actually getting that information out to other

1 schools or not, but it's something that we need to
2 think about."

3 By Mr. Gerlicz: "Commissioner Garrison,
4 Commissioner Carr, a great question. I'm currently
5 looking at my computer screen at the responses that
6 I have gotten back from a letter that I sent out to
7 all the charters asking for their number one
8 innovation that they believe they have contributed
9 to the field of education. And so far, I'm looking
10 at -- I'm not sure that Horizon is on here. South
11 Valley, Masters, AIMS, Anansi, Bataan. The list is
12 impressive, I might say.

13 "And I would invite you, Amy, and your
14 crew to send me what you believe is your number one
15 innovation, whether it's that that's gotten the
16 fourth grade reading hump, or whatever it is, as we
17 complete -- as we compile exactly this list of
18 innovations that are working."

19 "Commissioner Carr: Good."

20 "Mr. Gerlicz: Thank you."

21 By Commissioner Garrison: "Great news.
22 Thank you, Director Gerlicz. Thank you,
23 Commissioner Carr. The floor remains open."

24 By Commissioner Bergman: "Can I take one
25 more stab?"

1 "Commissioner Garrison: Commissioner
2 Bergman, of course, you can."

3 By Commissioner Bergman: "I'm working my
4 way through my notes, so I come to them as I come to
5 them. This is not an attack or anything like that.
6 But I'm more curious. Under the fiscal management
7 section, actually, your findings are low. But the
8 one note that was there was that you had a repeat
9 finding, and it was for expenditures exceeding
10 budget authority.

11 And I'm not an accountant, but that sounds
12 pretty major to me. Is that current, or has that
13 been taken care of in the past?"

14 By Ms. Duran: "It's been taken care of in
15 the past. We've had previous business managers and
16 are happy to say that we have been with our current
17 business manager for two years, and, as an employee,
18 four years. So we went through some trials and
19 tribulations early on and have sorted through those,
20 and that's why you see the decline in findings.

21 "We have really, really good hands around
22 our finances."

23 "Commissioner Bergman: I just wanted to
24 be reassured that I was not -- it was not current.
25 And you have reassured me. Thank you very much.

1 Thank you, Mr. Chair."

2 By Commissioner Garrison: "Thank you,
3 Commissioner Bergman. Any other questions or
4 comments from the Chair or from the Commissioners?
5 Seeing none, the Chair will entertain a motion.
6 Commissioner Shearman?"

7 By Commissioner Shearman: "Mr. Chair, I
8 move for approval of the renewal application of
9 Horizon West Academy with no conditions."

10 By Commissioner Carr: "Second."

11 By Commissioner Garrison: "The motion and
12 a second, seconded by Commissioner Carr. Is there
13 any discussion?"

14 By Commissioner Bergman: "Is that the
15 correct name? My form says 'Horizon West Charter
16 School.' I don't see any -- the word 'Academy'
17 there."

18 By Ms. Duran: "It's Horizon Academy West."

19 By Commissioner Garrison: "Thank you for
20 that correction. Horizon Academy West. Any
21 discussion on it? Seeing none, we will call for a
22 roll-call vote. Secretary Gant."

23 And in the transcript, Secretary Gant
24 called up the Commissioner's name, and then the
25 Commissioner will respond. And I will read through

1 it.

2 "Commissioner Peralta?"

3 "Yes."

4 "Commissioner Bergman?"

5 Bergman is "Yes."

6 "Commissioner Carr?"

7 Carr is "Yes."

8 "Commissioner Lopez?"

9 Lopez is "Yes."

10 "Commissioner Shearman?"

11 Shearman is "Yes."

12 "Commissioner Gant."

13 Commissioner Gant is "Yes."

14 Commissioner Garrison is "Yes."

15 By Commission Gant: "You have a 7-0 in

16 favor."

17 "Commissioner Garrison: It's unanimous.

18 The vote of the PEC is to approve the renewal

19 application without conditions for Horizon Academy

20 West. Congratulations. Thank you for your hard

21 work."

22 Madame Chair, that concludes the portion

23 of the transcript that deals with Horizon Academy

24 West. And I would invite you to ask the Charter

25 School Division or the schools if they would like to

1 say anything more than what was said at the
2 December 13 meeting.

3 THE CHAIR: Thank you, Mr. Reynolds.
4 Continuing in the order that we established in the
5 December 13th and 14th meetings, I will first ask
6 the Charter School Division if they have any further
7 comments.

8 MR. GERLICZ: Madame Chair, members of the
9 Commission, we have no additional comments. Nothing
10 has changed since that meeting. Thank you.

11 THE CHAIR: Thank you. I would ask the
12 representative for Horizon West Academy -- pardon
13 me -- pardon me -- Horizon Academy West -- if you
14 would stand, please, and let us know if you have
15 anything to add to the proceedings.

16 UNIDENTIFIED SPEAKER: We have nothing
17 further at this time.

18 THE CHAIR: Thank you very much.
19 Appreciate it. You may be seated. Commissioners,
20 are there questions from the Commissioners? Seeing
21 no questions from Commissioners, the Chair will
22 entertain a motion.

23 COMMISSIONER BERGMAN: Madame Chair?

24 THE CHAIR: Commissioner Bergman.

25 COMMISSIONER BERGMAN: Thank you.

1 Madame Chair, I move for approval of the renewal
2 application of Horizon Academy West with no
3 conditions.

4 COMMISSIONER PERALTA: Second.

5 THE CHAIR: I have a motion from
6 Commissioner Bergman, seconded by Commissioner
7 Peralta, to approve the application of Horizon
8 Academy West with no conditions. Mr. Secretary, may
9 we have a roll call vote, please?

10 COMMISSIONER BERGMAN: Commissioner Carr.

11 COMMISSIONER CARR: Yes.

12 COMMISSIONER BERGMAN: Commissioner
13 Conyers.

14 COMMISSIONER CONYERS: Yes.

15 COMMISSIONER BERGMAN: Commissioner
16 Peralta.

17 COMMISSIONER PERALTA: Yes.

18 COMMISSIONER BERGMAN: Commissioner Pogna.

19 COMMISSIONER POGNA: Yes.

20 COMMISSIONER BERGMAN: Commissioner
21 Toulouse.

22 COMMISSIONER TOULOUSE: Yes.

23 COMMISSIONER BERGMAN: Commissioner Gant.

24 COMMISSIONER GANT: Yes.

25 COMMISSIONER BERGMAN: Commissioner .

1 Shearman.

2 THE CHAIR: Yes.

3 COMMISSIONER BERGMAN: And

4 Commissioner Bergman says "yes." Madam Chair, by an
5 8-to-0 vote, the motion is approved.

6 THE CHAIR: Thank you,

7 Commissioner Bergman. It is unanimous. The vote of
8 the PEC is to approve the renewal application,
9 without conditions, for Horizon Academy West.

10 Congratulations.

11 We will now move to Agenda Item 9, the
12 reading of the transcript, December 13, 2012,
13 Discussion of North Valley Academy Charter School
14 Renewal -- Renewal and Revote.

15 Mr. Reynolds, please.

16 MR. REYNOLDS: Thank you, Madame Chair.

17 I'll proceed with the same process that we just had
18 for the prior agenda item. At the risk of everybody
19 being tired of my voice, this one is a little bit
20 longer, but I'll try to get through it as quickly as
21 possible, with also giving the reporter an
22 opportunity to keep up.

23 So, Madame Reporter, if you have a hard
24 time, please slow me down, if necessary.

25 THE REPORTER: Will do.

1 MR. REYNOLDS: This also is a portion of
2 the transcript from the December 13, 2012 meeting of
3 the Public Education Commission.

4 This is by Commissioner Garrison: "We
5 will continue with Item No. 11 on the agenda, vote
6 on seven current charter schools, and be hearing the
7 North Valley Academy. If you would all come up,
8 folks, to the front table, you'll introduce
9 yourselves in a bit.

10 "We will begin with Director Tony Gerlicz
11 of the Operations [sic] for Parents Division to hear
12 the Charter School Division's evaluation and
13 recommendation. Director Gerlicz."

14 By Mr. Gerlicz: "Thank you, Commissioner
15 Garrison, members of the PEC. North Valley Academy.
16 This is their third overall renewal process, their
17 second with the Public Education Commission. They
18 also began being authorized by Albuquerque Public
19 Schools. So you can see it's a school that's been
20 in existence for ten years.

21 "After a thorough analysis, this is a
22 little more challenging. However, we do believe
23 that approval with conditions for North Valley is in
24 order. And we've put a three-year restriction on
25 that approval so that -- so that they could address

1 the following conditions:

2 "Our recommendation is that North Valley
3 Academy negotiate a renewal contract with the Public
4 Education Commission, pursuant to 22-8B-9.1, that
5 they address the connective [sic] -- corrective
6 action for the material violations from the previous
7 charter, as part of the material terms of the
8 performance contract going forward.

9 "No. 2: They negotiate new academic and
10 performance goals that have rigorous metrics and
11 measures as part of the performance contract.

12 "That is our recommendation to the PEC.
13 Thank you."

14 "Commissioner Garrison: Thank you,
15 Director Gerlicz. Please introduce yourselves, and
16 after that, I will let you know when your time
17 commences for the 15-minute -- not rebuttal, I
18 always say 'rebuttal' -- comments on the Charter
19 School Division recommendations. Good morning."

20 This is by Mr. Fitzgerald: "Good
21 afternoon, Chairman, Commissioners. I'm Scott
22 Fitzgerald. I'm president of the governing council
23 of North Valley Academy. To my right is Stephanie
24 Belmore. She's the new principal of North Valley
25 Academy, and, along with serving with the PED, she's

1 a passionate leader, a lot of experience in
2 administration and digital education.

3 "To my left is Ray Barton, retired CEO of
4 St. Joseph Health Care. He's also a member of the
5 governing council. He's the chairman of strategic
6 planning and coordinator of our charter application
7 process. And, also, if there's time, we have
8 several teachers and parents who have come with us.
9 In respect of everybody's time, I'll just introduce
10 them."

11 "Commissioner Garrison: Introduce them."

12 "Mr. Fitzgerald: Okay. Sarah Pina is our
13 business manager. And Ms. Beasley is a third-grade
14 teacher. Mr. Wilkening is our seventh-grade and
15 eighth-grade literature. And I apologize. Jennie
16 Trinkaus is a parent."

17 "Commissioner Garrison: Thank you. And
18 thank you for coming. You have 15 minutes to
19 comment on the Charter School Division's
20 recommendation. You may proceed."

21 "Mr. Fitzgerald: Okay. I thought I'd
22 start out and just give you a brief background of
23 our school. We're pleased to be here and represent
24 the stakeholders of our school. We're a fairly
25 large charter school. We have approximately

1 480 students, about 50 teachers and staff, and
2 hundreds of parents and grandparents. I will give
3 you a brief background here, and Ms. Belmore will
4 take over after that.

5 "The North Valley Academy is located in
6 the North Rio Grande Valley in the Village of
7 Los Ranchos, pretty much in the heart of
8 Albuquerque. On our campus, about 80 percent of the
9 students are Hispanic, Native American,
10 non-Caucasian. About 60 percent qualify for free or
11 reduced lunch.

12 "In the past, North Valley Academy has
13 concentrated mainly on two areas of education. The
14 education philosophy was developing the whole child,
15 which really means focusing on individual
16 development of each child; and, secondly, was the
17 health and wellness, with teaching and practicing of
18 the principles of our charter, health and wellness.

19 "Our governing council, about a year ago,
20 asked all the North Valley Academy parents to
21 complete a comprehensive survey and give a letter
22 grade to many things, from the bathrooms, to
23 homeworks, to grounds, to curriculum, the teachers,
24 administration. We wanted to find out what the
25 stakeholders thought of our school.

1 "The results were really striking. The
2 most important feedback items were overwhelming
3 reasons for parents to bring their kids to our
4 school was for our core exceptional teachers. And
5 the second thing they were in favor of was
6 North Valley Academy parents feel very strongly that
7 developing the whole child and providing individual
8 attention to their students is really important. We
9 also do feel that the principles of health and
10 wellness are having a positive impact on their kids.

11 "Just as striking to us, however, was the
12 fact that a rigorous and challenging academic
13 program was not among their leading positives for
14 the school.

15 "Now, last year, when the PED distributed
16 its first preliminary report card in January of
17 2012, the growing concerns for the governance
18 council were pretty much confirmed. The State
19 preliminary grade for North Valley Academy was an F.
20 Okay? The North Valley Academy students and parents
21 were shocked. This is certainly not the grade that
22 our 500 students and families were expecting.

23 "Now, the irony of all this is that, when
24 the PED did issue that report card grade of an F,
25 they actually did North Valley Academy a great

1 favor. It woke us up.

2 "The New Mexico State report card for the
3 schools giving us an F is the best thing that
4 happened to the school in many years. As a result,
5 it became very clear to the governing council that a
6 new action plan was necessary. In addition to
7 offering exceptional teachers, developing the whole
8 child, and promoting health and wellness, it was
9 imperative that we raise our academic standards and
10 achieve higher education test scores.

11 "To help our school achieve these goals,
12 the governing council of North Valley Academy
13 brought in Ms. Stephanie Belmore. And with that
14 being said, I would like to introduce to you
15 Ms. Belmore, the new principal, and let her take it
16 over from here. Thank you."

17 By Ms. Belmore: "Thank you,
18 Mr. Fitzgerald. Good afternoon, Mr. Chair, members
19 of the Commission, and PED. As a result of the
20 foregoing months and my, actually, ten months there,
21 we have undergone an impressive transformation. And
22 'transformation' is the word that I choose, in that
23 that's what I use to measure in my ability to come
24 in and look at what could be done at the school.

25 "I have experience, as Mr. Fitzgerald has

1 stated, as an administrator, and I thought that
2 there was great value in what has already begun at
3 the school. This effort has resulted in a
4 completely unified leadership team at North Valley
5 Academy.

6 "I'll share with you that, as a school, it
7 is important to have the support of the board
8 members, and, not only that, the administrative
9 team. We have undergone lots of transformation with
10 regard to replacement of other folks on my
11 administrative team. We have hired a finance
12 director -- she was introduced earlier -- which I
13 believe is imperative to moving forward.

14 "The difference in our school over the
15 past 18 months is palpable. Virtually anyone who
16 visits our campus, from regulators, to our facility
17 inspectors, to substitute teachers and parents,
18 state that they have the idea that there is a
19 positive feel about what's going on in North Valley
20 Academy. They not only state that, but they also
21 state that there is a culture change and a shift.
22 And for this, I am very grateful.

23 "The focus of this effort of
24 transformation of the school's very culture has
25 already resulted in drastic improvement of the SBA

1 scores this past year. The current PED report card
2 grade for NVA is now A-B. The teachers and staff
3 have instituted a ploy to add over 100 hours of
4 extra time to the calendar schedule. We now have
5 blocks that are identified as health and wellness
6 and enrichment blocks that help support
7 underachieving students.

8 "Our teachers have taken extra effort and
9 work very hard at assuring that our teachers are
10 taught with interdisciplinary focus in our
11 classrooms. We also follow the Common Core and have
12 built upon that and introduced a higher level of
13 looking at the middle school, as per expectations,
14 to increase the population in that particular age
15 level.

16 "North Valley Academy has also been able
17 to retain a core of exceptional teachers, which,
18 coming in new, I welcome. NVA wants to demonstrate
19 to the Charter School Division and PEC that
20 individualized education and development of the
21 whole child, while concurrently raising the academic
22 standards, would be our hope.

23 Change is visible at North Valley Academy.
24 We aspire to be partners with PED -- I'm sorry. We
25 aspire to be partners with PED and PEC and those who

1 are dedicated to educational excellence, reform, and
2 innovation. Within my short few months, I have
3 contacted other administrators within the charter
4 world and have already looked at sharing
5 professional services to help budget concerns and
6 constraints. This, I am exceptionally happy about.

7 "We've got ASK Academy, that's not so far
8 away, that was the high-school level. So we're
9 looking at partnering with them in order to look at
10 our STEM initiative, which will be forthcoming.

11 "In short, we are allies. We are simply
12 seeking your support and encouragement to continue
13 what we have already started. North Valley believes
14 that PED did a thorough and very professional job in
15 gathering information and evaluating our school. We
16 agree with the support in both the staff report and
17 the staff recommendations that we have received.

18 "We believe that three years is enough
19 time to clearly demonstrate continued advancement in
20 academic performance as well as our commitment to
21 real innovation in the charter setting. The entire
22 North Valley Academy school community appreciates
23 your time and service to the opportunity to serve
24 the best interests of our students and family.

25 "At this time, I would like to share with

1 you also that we have Mr. Barton here. He was a
2 preliminary author of our application, and I will
3 ask him to address any questions that you might have
4 as well. Thank you."

5 "Commissioner Garrison: Thank you for
6 your presentation. The floor is open for
7 Commissioner questions and/or comments from the
8 Charter School Division or the applicant.
9 Commissioner Bergman."

10 By Commissioner Bergman: "I guess I'm the
11 designated first goer here. I don't mind. I rarely
12 talk. This is the only time I ever get to talk.

13 You talked about the turmoil and the
14 transformation, and you discussed it clearly in your
15 application. On Page 15, I saw a few things I just
16 wanted to touch upon. You noted that the
17 North Valley Academy has experienced a difficult and
18 fundamental transformation, and then, later, you
19 state -- and I'll find it here in a second -- this
20 18-month struggle that has been nothing short of the
21 school's internal struggle for its future identity.

22 "And then you close that little section
23 with, 'After more than a year of focused effort, a
24 unified leadership team is finally complete and in
25 place.'

1 "Now, my question is this: Is this new
2 governing council, are you guys in it for the long
3 haul? And you and the new administrators, are you
4 in it for the long haul if I'm going to vote 'yes'
5 on this application?"

6 By Ms. Belmore: "Thank you,
7 Commissioner Bergman. I will share with you that I
8 have spent 33 years in education, and I feel that
9 having children in my life not only gives me
10 purpose, but I will share with you that I do commit
11 to see this charter school through this turmoil into
12 a charter school that is reputable and gives
13 innovation to other schools.

14 "I always have believed, in my
15 administrative leadership, that we should share
16 great things, and I'm all about giving them away.
17 It was mentioned earlier about how we go about
18 sharing these things. I look to PED leadership and
19 commend them for their efforts to make that happen."

20 This is by Mr. Barton: "Commissioner
21 Bergman, Commissioner Garrison, I think that the
22 question is, we have been working on this question
23 because we've had so much governing council
24 turnover. I was chairman of the board during the
25 first year of this transition.

1 "The thing that we've identified more than
2 the issue of how long our governing council members
3 stayed is that we have not done a good job at all in
4 the transition and education of new members and the
5 planning for that. So what we've concentrated on --
6 yes, you see the leadership team. But what we've
7 been concentrating on and discussing at length is
8 beginning to identify our future transition members
9 now and starting to educate them, prepare them, so
10 that when we make those transitions, it is seamless.
11 Does that help?"

12 "Commissioner Bergman: Thank you. I just
13 wanted to hear you say it. I knew you would say it.
14 Thank you very much. Thank you. Mr. Chair."

15 "Commissioner Garrison: Thank you,
16 Commissioner Bergman. Commissioner Shearman."

17 This is by Commissioner Shearman: "I note
18 on Page 2 of the recommendation, the recommendation
19 that addressed corrective action for material
20 violations, I would like to ask Director Gerlicz
21 what are those violations."

22 By Mr. Gerlicz: "One of them,
23 Commissioner Shearman, is that North Valley Academy
24 exceeded their enrollment cap without going through
25 the proper -- I believe it's one of the material

1 violations. And that can be a serious matter if the
2 school is designed for a certain size and they have
3 gone over. There are revenue implications. There
4 are educational implications, and that has
5 implications for performance as well.

6 "So that was one of the material
7 violations. And I believe that that was the only
8 one that we feel can be easily corrected, but worth
9 noting. Thank you."

10 "Commissioner Shearman: I'm looking at
11 violations, plural, which made me wonder if there
12 were others than the enrollment cap."

13 "Mr. Barton: Mr. Chairman,
14 Commissioner Shearman, there were two listed in the
15 report. The one was the enrollment violation.
16 Absolutely, we did it. It was caught by the State
17 in preparation for the annual visit, and the school
18 and the governing council passed an approval of a
19 higher enrollment cap. That was brought to the PEC
20 at that time and approved.

21 "But I have read the transcripts of that
22 meeting very carefully several times, and you were
23 all absolutely correct in expressing anger that this
24 can't go on, and we worked very hard the last 12 or
25 18 months to make sure that all compliance is

1 dramatically changed at the school, and we feel
2 we're doing a good job of that now.

3 "There was a second item listed, which we
4 self-reported, and that was that, in our charter, it
5 calls for a teacher governance committee. And that
6 has never been formed at the school until we brought
7 it on to Ms. Belmore, and she has formed that, and
8 it's active and working for us."

9 By Mr. Gerlicz: "Commissioner Garrison,
10 of those two, Commissioner Shearman, and -- we
11 probably should be more judicious in borrowing the
12 language of the law that says 'material violations.'
13 One of those, we consider material, the enrollment
14 cap. The teacher governance, yes, but not really
15 material to the function of the school. It's
16 included in the plural."

17 By Commissioner Shearman: "Okay. I also
18 note, on Page 24, compliance issues. I'm really
19 shocked to see that many compliance issues. I
20 assume they've all been addressed" --

21 By Mr. Fitzgerald: "Yes, ma'am."

22 "Commissioner Shearman: -- "completely to
23 this point, but what procedures have you put in
24 place to see that this does not happen again?"

25 By Mr. Barton: "Commissioner Shearman and

1 Chairman Garrison, when we looked at forming a new
2 policy and procedure manual by which we operate, we
3 had three different policy-and-procedure manuals
4 that conflicted. And so we just started over. It
5 was impossible to determine which ones were the old
6 ones, and which ones were approved and new. So we
7 started over and we used the application process to
8 finish that and complete those in which we had never
9 been in compliance, such as the safety plan, the
10 security schools, the health-and-wellness plans.

11 "We have never completed those and had
12 those reviewed by the Bureau. Those are at the
13 Bureau. They received the initial review. We are
14 correcting some minor things, and they'll be done.
15 Everything else has been complied with now, through
16 the policies and procedures of the school. That's
17 our mechanism."

18 By Commissioner Shearman: "I just want to
19 say, the more I read your application, I get the
20 impression of a school in turmoil. And I think you
21 all have told us that you agree with that today.
22 Frankly, I'm a little reluctant to vote to approve
23 the renewal of a school in turmoil. I'm somewhat
24 reassured by what you have said today, that you are
25 addressing that, and you have a team in place that's

1 capable of addressing that. But I think three years
2 may be more than I'm willing to go. I'm almost
3 thinking another 18 months.

4 "Neither here nor there. I'm pleased to
5 see you have a team in place, and you know what your
6 problems are and that you are addressing them.
7 Thank you."

8 By Mr. Barton: "Mr. Chairman, can I
9 respond?"

10 "Commissioner Garrison: Commissioner
11 Shearman."

12 "Commissioner Shearman: Please do, yes."

13 "Mr. Barton: I think your concerns are
14 well-placed. We've stated this internally. If
15 we -- we'd been sitting here a year ago, in good
16 conscience, I could not recommend approval. If I
17 were to characterize this school now, it's not a
18 school in turmoil at this point.

19 "What we tried to do in the application
20 was to fully and completely disclose where the holes
21 were in the past, what has happened in the
22 transition, and where we are now. I think I can say
23 that with some authority, in that, in my executive
24 life, my role was a turn-around specialist of large
25 companies. That's why I came to Albuquerque to

1 St. Joseph Health Care. They were bankrupt, and we
2 turned them around.

3 "So I have turned around now about eight
4 different companies, going in where it was just
5 hopeless. And I'm a pretty good judge of when it's
6 stabilized. This organization is stabilized. And
7 the key, again, was the unified leadership team.

8 "The governing council is absolutely of
9 one mind, and I think that's probably the first time
10 that's happened in the school's history, based on
11 historical documents. So I would not characterize
12 this in turmoil at this point. The reason we wanted
13 to make sure -- we probably overdid that in the
14 application -- was full disclosure, make sure we --
15 clean slate. This is where we are now. But we --
16 but had we not made the transition and the turn this
17 last 12 to 18 months, I would absolutely agree with
18 you.

19 "One other quick comment, if I can,
20 Commissioners. And that is on the issue of three
21 years. I have served on commissions like this
22 before around the country. Personalizing a little,
23 my initial statement, as we started to put this
24 together, and as the primary author of all the
25 information, was the Commission should not approve a

1 five-year charter for this school at this point.

2 "However, it is my opinion it should not
3 also approve a one- or two-year. And, ironically, I
4 felt three years was the perfect term without any
5 conversation of that with PED. And the reason is
6 that you have some ups and downs as you make the
7 turn, and you need enough time to be able say,
8 without those bumps evened out, 'Let us show you
9 what we've done.' And if it's too short, it's
10 difficult to do. But we don't deserve longer.

11 "So when the recommendation came out of
12 three years, in my opinion, that was the perfect
13 time frame to demonstrate that."

14 "Commissioner Shearman: Thank you for
15 that reassurance."

16 "Commissioner Garrison: Thank you,
17 Commissioner Shearman. Commissioner Gant."

18 By Commissioner Gant: "Mr. Chair,
19 members. Okay, you say you have a team in place;
20 everything is stable. I want to know why you had so
21 much trouble with your governance council. Because
22 of my background on charter schools, serving on one
23 for eight years in a big school district and knowing
24 what goes on in school districts across the state,
25 and the fact that the state has actually taken over

1 because of turmoils in school boards, I want to know
2 why and what you did to change the turmoil."

3 By Mr. Barton: "Commissioner Gant,
4 Chairman Garrison. That's a really good question,
5 Commissioner Gant. And this is really very
6 different than all the corporate turnaround that
7 I've been involved in, a very different flavor.

8 "If we look back on any one thing, and you
9 say, 'What would you do differently,' clearly,
10 that's the right question to ask. I would have
11 been -- it would have been to move faster and move
12 sooner and more aggressively. I think we've bent
13 over backwards as a board to repeatedly try and make
14 sure everything was in on it, that there were
15 compromises, can we get everybody together and move
16 forward.

17 "There were never any acrimonious
18 relationships in the board or with the principal
19 through the process; rather, a difference of
20 philosophy and where we're going. The feeling of
21 the more status-quo philosophy was we had a kind of
22 down-home feeling here at the school. It's very
23 independent, very small for a public school, and it
24 feels good, and we think it's working.

25 "The parents, the feedback that they like

1 what the parents and children are getting, it's
2 true; they did. However, the three parent members
3 of the governing council, as we saw the scores year
4 after year, different parent members -- but
5 consistently, the parent members -- felt that we
6 were going the wrong direction in terms of our
7 academic performance. That was the issue. It never
8 went to bad feelings among governing council
9 members. Even those that resigned, the community
10 members -- still friends with two of those.

11 "So it was a difference of philosophy and
12 finally sorting out, what could this school become.
13 It's a good school for individual attention, a
14 really great school for teachers. That's why I
15 brought my two kids, 12 and eight, to that school.
16 But we were not focused in and did not have the
17 proper framework, my words, for being able to move
18 the academic platform.

19 "And I agree with the term that
20 Ms. Belmore used. You said to me, 'What one thing
21 could you point to in the last year that has changed
22 and made such a dramatic difference in your academic
23 performance in one year?'

24 "It's the culture. We really concentrated
25 on the kids, and I'm getting that culture change in

1 the kids."

2 "Commissioner Gant: Mr. Chair, thank you
3 for that."

4 "Mr. Barton: You bet."

5 "Commissioner Gant: On Page 7 -- you
6 don't have to look at it -- you show your
7 demographics scattered all over."

8 "Mr. Barton: Right."

9 "Commissioner Gant: You know, they all
10 come from South Valley through the North Valley to
11 the mountain. How are you able to make that a
12 cohesive school, with kids, parents, families,
13 scattered out so far?

14 "The second part of the question is, on
15 your governance council, are there representatives
16 from across the -- I'm looking at your charter --
17 across the miles of your district?"

18 By Mr. Barton: "Yes. In the governance
19 council, yes, it is. We're spread out all over the
20 place. It's actually created some problems in
21 getting together sometimes for committees and so
22 forth. Yes, we are. You're right. That's why we
23 did the scattered diagram is to show the dramatic
24 reach from Belen halfway to Santa Fe. I'm amazed at
25 the distance that some of our parents come.

1 "Probably the biggest challenge it creates
2 is making sure we get everybody to school on time
3 every day, because of all the driving and the
4 distances. And we really worked on that last year,
5 and I would say giving you my gut instinct, since
6 Ms. Belmore's arrival, we have improved our on-time
7 attendance probably 50 percent in the last year. If
8 they're not there, we can't do anything.

9 "As far as pulling it together and finding
10 some cohesiveness, I think it's the curriculum and
11 the focus of the school. In my opinion -- we can
12 ask Ms. Belmore to comment -- you had two schools
13 here before us that we know very well, and are close
14 to and are friends with. And we've shared some best
15 practices both ways. But we want to be sitting here
16 in three years where they are today.

17 "And that's our goal and our objective,
18 and whatever it takes for us to get there, that's
19 our primary goal."

20 "Commissioner Gant: Thank you."

21 By Commissioner Garrison: "Mr. Carr?"

22 By Commissioner Carr: "Mr. Chair, I have
23 a question about teacher turnover. How many
24 teachers do you have that have been with the school
25 since the beginning?"

1 By Mr. Fitzgerald: "Three?"

2 "Mr. Barton: An amazing number of our
3 teachers have only taught at North Valley Academy.
4 They came in as student teachers. They finished
5 their training, became certified and licensed, and
6 stayed. Surprising number. That does two things,
7 as you can imagine. On the negative side is that
8 it's inbreeding in one way. On the positive side,
9 you train them. You train them the way you want
10 them to do it.

11 "However, in the last 24 months, with
12 normal turnover and a couple of evaluations, we've
13 seen more replacement of teachers than they
14 previously had experienced in a similar period. In
15 my mind, that's been a very positive thing. And
16 what we were not doing very well is we were not
17 evaluating and motivating, setting up development
18 plans for teachers in the past.

19 "Again, another advantage of Ms. Belmore
20 is that she's a stickler on that; get in the
21 classroom, work with the teachers."

22 By Commissioner Carr: "And another
23 comment I have, I guess, what were you calling the
24 committee where you were including teachers?"

25 By Ms. Belmore: "The PAC."

1 "Commissioner Carr: Teacher governance.
2 You know, to me, that's a key. That's a
3 continuing -- that's a continuing, to me, key issue.
4 Based on studies, my experience if you don't get
5 teachers to buy in to what leadership wants, if
6 you're doing top-down and not including everyone in
7 those things, then it's not going to work. I don't
8 care how much you give orders from the top down.

9 "So I think that maybe that's one of
10 the -- it may not have looked -- maybe not
11 considering it a material violation, but it was
12 something that was promised to do -- and I think
13 it's a very important thing to do -- is to include
14 your staff as part of what's going on. Because when
15 they buy in -- and I think you know that. So I hope
16 you continue to do that.

17 "Another comment. I'm more inclined to an
18 18 months to -- I mean, I really want to, based on
19 what had been going on -- I would like us to take a
20 strong look at this a little sooner than three
21 years, personally, before I would really be
22 comfortable in voting 'yes' on this."

23 "Commissioner Garrison: Thank you
24 Commissioner Carr. Commissioner Shearman."

25 By Commissioner Shearman: "Can I just ask

1 for clarification? I've said so much in the last
2 month, and it's starting to run together. But
3 aren't there reporting dates set in the new
4 performance contract, or even the initial contract?
5 A thought that occurs to me, if we approve a
6 three-year contract, we're going to be hearing from
7 this school during that period of time rather than
8 just waiting until the next renewal cycle. So there
9 are deadlines in there for reports and so forth from
10 the school."

11 By Mr. Gerlicz: "Mr. Chair,
12 Commissioner Shearman, that's absolutely correct.
13 And that would be true not only for North Valley
14 Academy, but for every school that comes in under
15 this new legislation and new amended contract. The
16 advantage of that, additionally, is that, really,
17 even though we say three years, it's two years'
18 worth of data, because we'll begin year two when
19 looking at year three. As opposed to the other
20 school that we felt needed far more rigorous
21 attention immediately, at least we'll have two years
22 of data and annual reviews at that time."

23 "Commissioner Shearman: Thank you."

24 "Commissioner Garrison: Commissioner
25 Bergman. "

1 By Commissioner Bergman: "If everybody
2 else is done, I don't want to cut into anybody
3 else's time. This is more for Director Gerlicz and
4 General Manager Callahan. The little map you
5 mentioned, I thought that was really cool. Now, in
6 this next cycle of applications, could you guys at
7 least think about working on -- maybe we should
8 require a little placement map where the students
9 are coming from in those charter schools. Just
10 think about that. That's all I wanted to say.
11 Thank you. Thank you, Mr. Chair."

12 "Commissioner Garrison: Thank you,
13 Commissioner Bergman. Other questions --

14 "Director Gerlicz, thank you for that
15 clarification on the two-year data, three years,
16 36 months. It sounds scary until you clarify what
17 we're really looking at. Seeing no other questions
18 or comments, the Chair will entertain a motion."

19 By Commissioner Lopez: "Commissioner
20 Chair." [sic]

21 By Commissioner Garrison: "Commissioner
22 Lopez."

23 By Commissioner Lopez: "I move that we
24 approve the renewal of the contract of the
25 North Valley Academy Charter School for three years

1 with the following conditions:

2 "1, address corrective actions for
3 material violations from its previous charter as
4 part of the material terms of the performance
5 contract;

6 "And, 2, negotiate new academic and
7 performance goals that have rigorous metrics and
8 measures as part of the performance contract."

9 "Commissioner Shearman: Second."

10 "Commissioner Garrison: The motion has
11 been seconded by Commissioner Shearman. Is there
12 any discussion? Seeing none, we'll proceed with a
13 roll-call vote with Secretary Gant."

14 And then Secretary Gant calls out the
15 names and the Commissioners respond.

16 "Commissioner Peralta."

17 "Yes."

18 "Commissioner Bergman."

19 "Yes."

20 "Commissioner Carr."

21 "No."

22 "Commissioner Lopez."

23 "Yes."

24 "Commissioner Shearman."

25 "Yes."

1 "Commissioner Garrison."

2 "Yes."

3 "Commissioner Gant votes 'yes.' Six-one
4 in favor."

5 By Commissioner Garrison: "With the 6-1
6 vote, the vote of the Commission is to approve the
7 renewal application with conditions. The Commission
8 has approved the renewal application with the
9 following conditions that shall be included with the
10 material terms of the performance contract, to be
11 negotiated between the charter school and the
12 Commission, and shall be incorporated fully into the
13 renewal charter. Congratulations. Thank you for
14 your time today."

15 Chair Shearman, that concludes the reading
16 of the transcript for the portion that deals with
17 North Valley Academy. I now would invite the Chair
18 to ask the Charter School Division and the school if
19 they have anything to add, and then any further
20 deliberation by the Commissioners.

21 THE CHAIR: Thank you, Mr. Reynolds. I
22 would ask that the representatives of North Valley
23 Academy would stand, please, if they are here. And
24 I was remiss earlier. I didn't ask the
25 representatives of the previous school to introduce

1 themselves and to tell us your position with the
2 school. If you would take a moment to do that,
3 please.

4 MS. BELMORE: Thank you, Madame Chair,
5 Commissioners. Stephanie Belmore, principal of
6 North Valley Academy. And I have Mr. Barton,
7 governing council member, with me here today.

8 THE CHAIR: There are some folks behind
9 you?

10 MS. BELMORE: I've got some teachers as
11 well. We've got Monica Beasley; she is one of our
12 administrative interns, grade three. Mr. Wilkening,
13 our seventh- and eighth-grade teacher. My assistant
14 principal, Susan McConnell.

15 THE CHAIR: Thank you very much.

16 MS. BELMORE: Thank you.

17 THE CHAIR: Thank you. Again, I will
18 proceed in the same order as the original meeting,
19 and I will go first to the CSD and ask if they have
20 additional comments.

21 MR. GERLICZ: Madame Chair, members of the
22 Commission, we have no additional comments at this
23 time. Thank you.

24 THE CHAIR: Thank you. Representatives of
25 North Valley, do you have additional comments?

1 MS. BELMORE: Madame Chair, Commissioners,
2 we have no further comments.

3 THE CHAIR: Thank you very much. You may
4 be seated. Commissioners. Are there any questions
5 from Commissioners? Hearing none, the Chair will
6 entertain a motion. Commissioner Gant?

7 COMMISSIONER BERGMAN: Do you want -- I'll
8 do it.

9 THE CHAIR: All right. Mr. Bergman --
10 Commissioner Bergman, please.

11 COMMISSIONER BERGMAN: Thank you. Madame
12 Chairman, I move that we approve the renewal of the
13 contract of the North Valley Academy Charter School
14 for three years, with the following conditions:

15 1, address corrective action for material
16 violations from the previous charter as part of the
17 material terms of the performance contract.

18 And, 2, negotiate new academic and
19 performance goals that have rigorous metrics and
20 measures as part of the performance contract.

21 THE CHAIR: Do we have a second?

22 COMMISSIONER POGNA: Second.

23 THE CHAIR: We have a motion by
24 Commissioner Bergman, second by Commissioner Pogna,
25 to approve the renewal contract of North Valley

1 Academy with conditions as have been listed in the
2 official record.

3 Any discussion? Seeing none, we will
4 proceed with a roll-call vote. Secretary Bergman.

5 COMMISSIONER BERGMAN: Commissioner Carr.

6 COMMISSIONER CARR: No.

7 COMMISSIONER BERGMAN: Commissioner
8 Conyers.

9 COMMISSIONER CONYERS: Yes.

10 COMMISSIONER BERGMAN: Commissioner

11 Peralta.

12 COMMISSIONER PERALTA: Yes.

13 COMMISSIONER BERGMAN: Commissioner Pogna.

14 COMMISSIONER POGNA: Yes.

15 COMMISSIONER BERGMAN: Commissioner

16 Toulouse.

17 COMMISSIONER TOULOUSE: No.

18 COMMISSIONER BERGMAN: Commissioner Gant.

19 COMMISSIONER GANT: Yes.

20 COMMISSIONER BERGMAN: Commissioner

21 Shearman.

22 THE CHAIR: Yes.

23 COMMISSIONER BERGMAN: Commissioner

24 Bergman votes "yes." By a 6-to-2 vote,

25 Madame Chair, the motion is approved.

1 THE CHAIR: Thank you, Secretary Bergman.
2 With a 6-2 vote, the vote of the Commission is to
3 approve the renewal application with conditions.

4 The Commission has approved the renewal
5 application with the following conditions that shall
6 be included with the material terms of the
7 performance contract to be negotiated between the
8 charter school and the Commission, and shall be
9 incorporated fully into the renewal contract.
10 Congratulations, North Valley.

11 (Applause.)

12 THE CHAIR: I recommend that we take about
13 a ten-minute break and give Cindy's hands time to
14 revive. Let's come back at 25 after the hour.
15 Thank you.

16 (Recess taken, 10:15 a.m. to 10:28 a.m.)

17 THE CHAIR: If everyone's ready, we need
18 to bring this meeting back into session.

19 Item No. 10 on the agenda is Report from
20 the Secretary. And, as stated earlier, we're going
21 to delay that one until Deputy Secretary Aguilar's
22 arrival.

23 So we're to Item No. 11, which is CSD
24 Director's Report. Mr. Gerlicz, please?

25 MR. GERLICZ: Madame Chair, members of the

1 Commission, thank you. It's been a very full and
2 busy month in paradise in the Charter School
3 Division once again. And there continues to be no
4 rest for the weary.

5 Some of the highlights of our work in the
6 recent month have been that our staff has diligently
7 worked, edited, and agreed on a vision statement
8 that is in your packet, in our report, that will
9 guide our work for our duration that we are in
10 existence, or until that vision statement changes.

11 And that reads that "The New Mexico
12 Charter School Division supports and advances
13 vibrant and innovative public schools of choice
14 which are models of educational excellence and which
15 cultivate a passion for learning and respect for the
16 teaching profession. We envision our work
17 cultivating communities of passionate learners and
18 teachers who inspire educational excellence for
19 all."

20 And I congratulate my staff once again,
21 because in all of our work, we refer to this
22 document as it helps inform our task.

23 We are also working hard to have all of
24 that work reflected on our Web site. It's currently
25 not. It's a very information-based Web site that is

1 in the works.

2 We have reorganized ourselves into teams
3 as well. Rachel Stofocik, Shelly Cherrin form a
4 team of liaisons. And one of them have a primary
5 set of schools that they are responsible for; the
6 other one have secondary liaisons, so that they work
7 as a team for a total of about 24 schools.

8 Karen Ehlert, Brad Richardson form another
9 team. They have 24 schools. One is responsible for
10 the primary focus on 12 of them, the other for
11 secondary focus.

12 Kelly Callahan and I are a third team. We
13 have a total of eight schools, plus we're taking on
14 the districts, as, now, we need to turn our
15 attention to working with local school districts now
16 that SB 446 requires everyone to ratchet up their
17 oversight involvement.

18 So our work will be to work with school
19 districts in helping them realize what their true
20 work is. We find that many of them really do not
21 know. They tend to let their local charters alone,
22 which is fine for autonomy; we encourage that. But
23 they do have oversight responsibilities, and we'll
24 be working with that.

25 It's also the legislative session for us.

1 We have not been hit as hard as some of the other
2 divisions in the PED, for which we are very
3 thankful.

4 Last Friday, on January 25th, our staff
5 was together to conduct trainings with the five
6 schools that are under the new renewal under SB 446.
7 These are the schools that we approved -- that the
8 Public Education Commission approved in December.
9 We are now in the process of working with them to
10 understand the requirements of SB 446. The -- we
11 have a time line established for that. We'll be
12 happy to address that with any questions that the
13 Commission has.

14 But that workshop went very, very well.
15 The feedback that we got from the schools was that
16 it was very helpful. A lot of questions were
17 answered; a lot of questions were raised, which is
18 also very good. So we are thick into that process
19 as well.

20 And those are the highlights of the work
21 in our division. We continue to work very hard and
22 diligently, and I'm happy to entertain any questions
23 that you may have. Thank you.

24 THE CHAIR: Commissioner Gant.

25 COMMISSIONER GANT: Madame Chair, members.

1 Is there -- Director, have there been any
2 discussions outside of the leadership of the PED
3 with the legislators or what to help try to provide
4 you with more staff? I mean, we have discussed that
5 before here. But I don't know how far down the road
6 this has gone. Because you talk about all these
7 schools; now you're talking about the district
8 schools you have to visit and all this other stuff.
9 And you're just running out of people.

10 MR. GERLICZ: Commissioner Gant, members
11 of the Commission, thank you for that support. We
12 do have one application for an EAO, an educational
13 administrative operational assistant, in the
14 pipeline. And we are currently receiving
15 applications for that position. So that is in the
16 pipeline for one additional position.

17 We can certainly use additional
18 educational administrators -- excuse me -- not
19 assistants, but administrators. And those, I think
20 the best thing that I could say on that is, no, I
21 have not had any conversation with legislators about
22 that. But I have had quite a bit of conversation
23 internally in the Public Education Department.

24 COMMISSIONER GANT: Madame Chair, members.
25 Thank you. I would suggest that the Commissioners

1 who do have opportunity to come up here during the
2 session and they talk to legislators, particularly
3 ones in the education -- in the LESC, the Senate Ed
4 and the House Ed, that they put some words in there
5 to encourage them to step forward and to provide
6 more positions. I realize that there's a push to
7 kind of remain a flat budget or just a 5-percent
8 increase. But 5 percent does nothing for you at all
9 in personnel. That doesn't even buy you one.

10 So I would encourage my fellow
11 Commissioners, and others sitting in the audience,
12 because it impacts the charter schools. And it does
13 impact the traditional school districts themselves,
14 because, if you can't get your work done when it
15 comes time for renewals, the renewal application
16 will be incomplete. And that's just my view.

17 And the new applications, you know, you're
18 going to talk about the letters of intent here in a
19 minute. But even if half of those come, that's a
20 lot of work. And you need people to do it with. So
21 I just encourage people to step up and talk to their
22 fellow legislators.

23 MR. GERLICZ: Thank you, Commissioner
24 Gant.

25 THE CHAIR: Other comments or questions?

1 I just wanted to ask you. I -- I didn't hear
2 everything you said. Sometimes I lose it. But you
3 did mention that these -- the renewal -- pardon
4 me -- the 15 Notices of Intent are also online,
5 available to the general public to be read?

6 MR. GERLICZ: Madame Chair, members of the
7 Commission, that is correct. We have received
8 15 Notices of Intent to apply for new charter school
9 applications. And those are online. And where
10 online? Are they on the PEC or PED Web site? I'm
11 not exactly sure. But they are there somewhere.

12 MS. CALLAHAN: They're in the Charter
13 School.

14 MR. GERLICZ: They're in the Charter
15 School page of the PED Web site.

16 THE CHAIR: Thank you. I personally would
17 appreciate it if we could have a link from the PEC
18 Web page to those Charter School Letters of Intent.
19 I would appreciate that.

20 MR. GERLICZ: Madame Chair, I will be
21 happy to do that.

22 THE CHAIR: Thank you. Any other comments
23 from Commissioners? We see that Deputy Secretary
24 Aguilar has been able to make it to the meeting.
25 And his entrance is timely, because we're ready for

1 him to speak. We'll let you catch your breath and
2 ask you to go ahead when you're ready.

3 DEP. SECRETARY AGUILAR: Well,
4 Madame Chair, thank you very much. Welcome
5 everyone. Welcome new members. It's good to see
6 everyone here today. I'm changing my last name,
7 Madame Chair, to "Harvey," because I just came out
8 of a legislative hearing where I had to provide the
9 rest of the story. And it drives me a little crazy.
10 So...

11 THE CHAIR: No increase in pay for that.
12 So...

13 DEP. SECRETARY AGUILAR: No, ma'am, not at
14 all. Thank you so much. It's good to see everybody
15 here. I'm going to do the Secretary's Report.

16 And I really only have two items to talk
17 about today, Madame Chair. One is, again, an update
18 on Questa. Questa will be holding their school
19 board election next Tuesday, as everyone else will
20 be. The Secretary and the Hearing Officer
21 determined that it would be appropriate that once
22 the community was able to have a voice in thinking
23 about the issues and concerns that they had up there
24 and then having an election, that they would -- the
25 people's voice needed to be heard.

1 And so we anticipate returning the
2 authority to the board the first week in March. So
3 they have time to get here for the school boards'
4 training, that they have time -- we have a bucket
5 list of probably 30 items that they probably need to
6 start considering, starting with finding a new
7 superintendent; but also, you know, security issues,
8 staffing issues.

9 My area of expertise is finance. And it's
10 clear that they are-- their structure of staffing is
11 a little weak. The secretary and the Governor have
12 always pushed about putting more money in the
13 classroom. Questa is amazingly -- has most of their
14 money in the classroom, which is great. But they
15 have no administrators at the central-office level,
16 other than the superintendent. And so we're running
17 into problems with the federal programs, with
18 transportation and things of that nature, with head
19 teachers and whatnot taking over that. So it's part
20 of the bucket list of things that we want to
21 consider -- have them consider.

22 But we've resist- -- we have had requests
23 from the public to consolidate down to five members
24 and any number of things that they thought it would
25 be easy to talk PED into. And being prudent and,

1 again, wishing for the community to have their
2 voice, we have opted not to do those sorts of things
3 and wait till the new board is seated so that they
4 can make the decisions that are in the best interest
5 of their community. So that's the first piece.

6 The second piece, Mr. Gant, I -- I know
7 you're going to yell at me, so we'll just get it out
8 of the way. With regard to 1099s --

9 COMMISSIONER GANT: I'm not going to yell
10 at you.

11 DEP. SECRETARY AGUILAR: I have spoken to
12 DFA. And what they have told us is that 1099s are
13 issued to people, person- -- committee members,
14 board members -- that receive a per diem of \$95 or
15 more. The folks at DFA have indicated that there is
16 no -- and it's considered income.

17 The per diem for income is, for those
18 folks, again, the \$95 or more, because you don't
19 have to account for how it's spent. It is
20 non-employment compensation. But travel
21 reimbursements, flights, and all that sort of thing
22 are not covered under -- under the 1099.

23 So that's the reason you received one.
24 And I know it's probably not the answer you wanted
25 to hear. But I'm not the -- this is what comes out

1 of DFA. And they tell me that they're in alignment
2 with the IRS. I tend to believe them. So --
3 because they're pretty tough on me keeping things
4 straight. So I imagine they're pretty good at
5 keeping it straight as well.

6 So, Madame Chair, those are the two
7 issues. Today is Native American Day at the
8 Capitol. And so we're excited about -- our Indian
9 Ed program is working hard over there to participate
10 today.

11 And I know you've heard about it. But I
12 want to champion the news of New Mexico's graduation
13 rates. The graduation rates, as were posted this
14 week, as I'm sure most of you have heard, our
15 graduation rate is 70 percent -- has risen to
16 70 percent. It is a -- an increase of seven
17 percentage points over last year.

18 Most important part of that is that, in
19 the subgroups, it appears that our Native American,
20 Hispanic, and special needs population increased
21 upwards of 8 percent or more, while our Caucasian
22 population in graduation -- which is normally the
23 highest population in terms of achievement -- their
24 increase was 4 percent. And so we believe that
25 that's evidence of -- that we're actually getting to

1 close the achievement gap.

2 And so we think that the discussion of
3 education is on everybody's lips. I use what I call
4 my "mom test." My mom and I talk, and she says, for
5 the first time in memory, that education is the
6 conversation at the dinner table; it's the
7 conversation at the grocery store; it's the
8 conversation at church. And so we believe that
9 increasing that conversation, plus the
10 implementation of some of our initiatives, have been
11 very instrumental in doing that. And we look
12 forward to working with all of our stakeholders to
13 continue to improve the efforts and the
14 opportunities for our children.

15 So with that, Madame Chair, I stand for
16 questions. I was -- I'll be in and out this
17 afternoon. I know you're -- I don't know if you're
18 here all afternoon.

19 THE CHAIR: Don't think so.

20 DEP. SECRETARY AGUILAR: Don't think so?
21 I've got to get back -- I just received a call from
22 a legislator right now. I'm going to have to head
23 back over. I'll be available by phone or e-mail.
24 If you have any questions, I can pop back down.

25 COMMISSIONER GANT: I've got a question.

1 THE CHAIR: One quick question from
2 Commissioner Gant.

3 COMMISSIONER GANT: Madame Chair, Deputy
4 Aguilar. One thing I would request is, in all the
5 jobs I've had, whether it's been military or
6 corporate or school board, et cetera, when I
7 received travel reimbursement, I receive a statement
8 as to exactly what that reimbursement is for. Now
9 all we get is a piece of paper in the mail that says
10 so much was put in the bank.

11 Ms. Friedman fills out the form. But her
12 form is just a worksheet to go to the DFA to do the
13 work to get us the money. Their sheets will really
14 be the official, exactly what is for mileage, is for
15 lodging, is for whatever. And I was always used to
16 that. And I knew exactly what I spent in a year for
17 what.

18 I think we should be able to receive
19 something like that so we know exactly what we're
20 being reimbursed for, not just a -- it looks like a
21 check -- kind of looks like a check, and it says how
22 much, and it was put in the bank.

23 Thank you. I appreciate that part, but I
24 would like to know for what.

25 DEP. SECRETARY AGUILAR: And, Madame Chair

1 and Commissioner Gant. We do have all of the
2 packets. We could compile that information. DFA
3 does not. But we submit a voucher that goes over
4 that they then pay. And a voucher number is on
5 your -- on your payment.

6 So we can -- we can get you a detailed
7 voucher that you can align with each of your
8 payments. That wouldn't be difficult to do.

9 COMMISSIONER GANT: Madame Chair and
10 Deputy, I was just kind of thinking that should be
11 what comes to me in the mail from DFA. I know you
12 do the vouchers. I know Ms. Friedman does all the
13 work to put them together, and it's tedious, because
14 she ends up going back and forth asking questions
15 that shouldn't even have to be asked, because she
16 does it right, I'm quite sure.

17 But, just, what's the difference whether
18 they send one sheet of paper that says how much we
19 got, or a sheet of paper that says how much we got,
20 plus why we got it? I mean, it's a
21 computer-generated -- it's no work; it's a
22 keystroke.

23 DEP. SECRETARY AGUILAR: Madame Chair and
24 Commissioner, I'll queue that to financial controls,
25 and maybe they can figure out a way how to do that.

1 COMMISSIONER TOULOUSE: Madame Chair?

2 THE CHAIR: If you have time for one last
3 question?

4 COMMISSIONER TOULOUSE: It's not a
5 question; it's a clarification to this issue. The
6 federal government made a change at the Internal
7 Revenue Service about five years ago that required
8 all of these to be done. So what they're doing is
9 following exactly what the federal government said.

10 We went through this when I was on the CNM
11 governing board, with the same kinds of discussions.
12 And we clarified it all the way to D.C., that they
13 don't care on this other. However, you can take it
14 as work-related deductions. All you need is to have
15 verification, you paid a hotel room, or you bought
16 meals and that kind of thing. So you can do that.

17 But we made it go all the way to D.C. from
18 CNM, because there were seven board members there,
19 and seven of us who didn't like that change. So I
20 do know that it was a change back -- than it was --
21 so, again, it would be nice to have those so you can
22 do it. But you can use them as work-related
23 deductions. Thank you.

24 DEP. SECRETARY AGUILAR: Right.

25 THE CHAIR: All right. And we thank you

1 so much for taking time out of, I know, a very busy
2 day. And go ahead and get us some legislation
3 passed that we will just love.

4 DEP. SECRETARY AGUILAR: Madame Chair, I
5 will work on it. Thank you so much. Again, I will
6 be available by phone or e-mail if you need me.

7 THE CHAIR: Appreciate your availability.

8 COMMISSIONER TOULOUSE: Madame Chair?

9 THE CHAIR: Commissioner?

10 COMMISSIONER TOULOUSE: Madame Chair, I
11 wanted to let Mr. Aguilar get back over across the
12 street. But I do have an item I would like people
13 to look at on this graduation rate. Because it also
14 looks like it bumped because of that one year
15 dropping out the test.

16 I would like Public Ed to look at the
17 students who go on to college and see how they did
18 from this cohort of students, because you can get
19 that from the state schools, and see how many of
20 them still needed remediation and how many of them
21 finished a year at a community college or higher
22 education, to see if that's a real increase in
23 qualified graduates, or it's only because of the one
24 year where they transitioned from one form of
25 testing to another. Thank you.

1 THE CHAIR: All right. Director, is that
2 some information that you gather at this time?

3 MR. GERLICZ: Madame Chair, Commissioner
4 Toulouse, the answer is that we would have to do
5 some investigation and digging in order to get that.
6 And perhaps I could suggest Commissioner Toulouse
7 and I have a conversation after the meeting so that
8 I specifically understand the request.

9 THE CHAIR: Please --

10 COMMISSIONER TOULOUSE: Certainly.
11 Certainly.

12 THE CHAIR: -- do that. Thank you. All
13 right. We are at Item No. 12, Charter School
14 Amendments. Ms. Callahan.

15 MS. CALLAHAN: Madame Chair, at this time,
16 I'm going to go ahead and defer to Mr. Gerlicz, the
17 Director of Options for Parents.

18 MR. GERLICZ: Madame Chair, members of the
19 Commission, we have five charter school amendments
20 in front of us. The first is from the Aldo Leopold
21 School. I would ask the representatives from that
22 school to come forward. And as they're coming
23 forward, I'll give some background.

24 Aldo Leopold is in Silver City,
25 New Mexico. It's in their eighth year of existence,

1 and they're in their third year of a five-year
2 renewal cycle. Eric Ahner, who is the
3 independent -- has independent school leadership as
4 the head of the school, in our view, is doing a very
5 vibrant and excellent job running that school.

6 And he has requested -- and the school has
7 requested -- a lifting of the enrollment cap to
8 90 students, over time. And he will explain to you
9 how they intend, and why they intend, to reach that
10 enrollment cap in Silver City.

11 The Charter School Division has reviewed
12 all of the documents submitted by Aldo Leopold, and
13 it is our recommendation that that amendment be
14 approved. And I'll defer to the representatives to
15 explain a little further. Thank you, Madame Chair.
16 Madame Chair, would you like to --

17 THE CHAIR: I'm sorry. I'm reading the
18 document, and I'm forgetting that I'm supposed to be
19 running this. Please continue.

20 MR. AHNER: Thank you, Madame Chair, and
21 members of the Public Education Commission. Today
22 I'm here with Mary Lynne Newell, who is one of our
23 governing council members. She's currently in her
24 fifth year. I'm currently in my fourth year with
25 Aldo Leopold High School, and we're very excited to

1 bring three amendments to you that would help us
2 realize the addition of a middle-school program.

3 In short, the three amendments, one, our
4 name change from "Aldo Leopold High School" to
5 "Aldo Leopold Charter School." Second is adding
6 services to include six, seventh, and eighth grade,
7 and then, obviously, nine through twelve, as we
8 currently offer. And then a cap increase to realize
9 210 total, which is an additional 90.

10 But I'm going to talk more about that
11 later, because it's very nuanced and very critical
12 to what we're looking at.

13 To do a quick snapshot of history. In my
14 first year at Aldo Leopold High School, we had many
15 individuals come forward desiring addition of
16 middle-school services, many of which were parents,
17 staff members at our current school. And, in
18 exploring that a little bit, we launched an
19 electronic survey within Silver City to explore the
20 interest of us expanding to include middle-school
21 services. And about 40 individuals participated on
22 that, all of which were very supportive of the idea.

23 That happened to be our planning year for
24 the school. So I put that on the back burner. I
25 didn't feel like that was the right time to go

1 forward with the middle-school program, as we were
2 facing our first renewal.

3 About a year after that, we began plugging
4 forward with the idea of a middle school, and we
5 started the strategic planning session for our
6 school. And that practice took about a year, a year
7 and a half, to get through. And, then, in the
8 spring of '12, 2012, the governing council finally
9 approved our strategic plan. And one of the major
10 initiatives of the strategic plan was, in fact, to
11 realize middle-school services. And the middle
12 school was put into many different facets of our
13 strategic plan that addressed needs for development,
14 communication, facilities, and curriculum, where the
15 middle school had a section within each one of those
16 four.

17 Since that time, we developed a
18 community-based planning committee for the
19 middle-school program. It includes governing
20 council members. It includes school staff and
21 members in our community as well, to come up with
22 the executive summary that's before you that,
23 hopefully, you've had a chance to review.

24 The name change in adding sixth, seventh,
25 and eighth grade are pretty straightforward. When

1 we first explored what grades would we intend to
2 offer, our desire was actually to offer seventh and
3 eighth grade. Right now, there's only one middle
4 school program in Silver City, with the exception of
5 Cliff Elementary School, that goes through eighth
6 grade, and is about 30 miles outside of town, but
7 part of the consolidated district.

8 We didn't feel that we couldn't include
9 sixth grade, because one of our major facets of
10 having a middle-school program is offering school
11 choice. So to only do seventh to eighth grade would
12 only leave one choice within Silver City. We felt
13 it critical to keep sixth grade with our
14 middle-school program model. So we are now wanting
15 to include sixth, seventh, and eighth grade. That
16 certainly is speaking to the interests within our
17 community of us adding.

18 Internally, as a school, our greatest
19 desire to have a middle school is really based on
20 performance of our students. We consistently have
21 seen many of our students come in with a one- or
22 two-year gap between the performance in their grade
23 level. Our desire, in fact, is to have them come
24 into ninth grade with less of a gap, and our desire
25 is to start middle-school program services such that

1 we can close that gap before it starts to grow.

2 And we're seeing a significant growth in
3 that gap in sixth, seventh, and eighth grade. And
4 our hope is to not have that exist so that we can
5 reach a higher potential with our students'
6 performance by the time they graduate and move on to
7 the next level in their education.

8 More specifically, to the cap increase of
9 our school, we're currently 120 students, which is a
10 model of 30 students per grade level. And our
11 desire in the long-term is to add 30 for each sixth,
12 seventh, and eighth grade, which would take the
13 total to 210.

14 Some very critical pieces to realizing the
15 210 -- or the 90 for the middle school,
16 specifically -- is, number one, we don't want to
17 grow too quickly. We want to take our time and grow
18 our program so that it's being integrated into our
19 current curriculum and philosophy of the school. We
20 feel the middle-school program fits our mission and
21 vision very well. We don't feel like there's any
22 need to change the mission and vision of the school.

23 And the other very significant factor for
24 us is realizing the facility for the middle school.
25 We need to insure that we do have adequate

1 facilities for the middle school. We have an offer
2 from the President of Western New Mexico University
3 to use their land, a northern plot of land that they
4 have, to put portables on and have the middle school
5 there.

6 Our concern is whether or not we would
7 have those facilities up in time, so we have a
8 backup plan -- actually, two backup plans. We have
9 one space that we feel would be adequate for 50
10 students. It has not been approved by PSFA, so
11 we're working with them to potentially look at that
12 space as a possibility.

13 And the second alternative that is already
14 approved by PSFA is a portable owned by Silver
15 Consolidated. They have tentatively offered us that
16 space for the course of one year. It's a very small
17 space; it has two classrooms. It would realize
18 about 44 students, approximately. So if, in fact,
19 that's the space we're in, that would become our cap
20 for the first year. We would be limited by the
21 legal space that we're in.

22 If we have the adequate space, our
23 strategy is to be up to 50 students for the first
24 year, and then up to 90 thereafter. But, again, we
25 understand that the facility and the approval from

1 PSFA is going to drive our needs and our ability to
2 provide appropriate education for the first year,
3 and looking at what that might look like is a little
4 bit tricky.

5 But we're working with Western New Mexico,
6 not only for a middle school, but potentially having
7 middle-school programs on that plot, which would
8 help us realize the 2015 expectation of being on
9 publicly-owned property, because we're currently
10 leasing from a private entity.

11 Any details that I missed?

12 MS. NEWELL: I'd just like to say I'm a
13 parent of two children, both of whom have gone
14 through, or are going through, Aldo right now. They
15 also came up in kind of an alternative school
16 system, as did many of the students at Aldo. They
17 started in the Guadalupe Montessori School and
18 continued up there till sixth grade at the time they
19 went to sixth grade. Then they could transition to
20 an Erdkinder school, with similar philosophies, that
21 was seventh and eighth.

22 That school shut down in 2009. My son had
23 been able to go through it and go through Aldo. And
24 the transition was nice, and they all had similar
25 mission statements. It was very nice, good

1 learning, experiential learning.

2 My daughter, when she got up to seventh,
3 eighth grade, went through seventh grade there.
4 Eighth grade, it was not available. She ended up
5 skipping a grade to come into Aldo. And,
6 fortunately, she has thrived and does real well.
7 But for other students who aren't ready, you know,
8 they couldn't do that.

9 And so, right now, because that school has
10 ceased to exist, students come up through some of
11 these other programs, and they have to make the
12 choice to go into public -- the other public
13 schools. And we're, of course, a public school,
14 too, but a very different mission and philosophy
15 than what they're used to. And, then, when they
16 come to Aldo further on, there's kind of this gap
17 that I think really affects how they do.

18 And the parents -- I know the community is
19 very much supportive of the idea of Aldo doing a
20 middle-school program. I want to say they're almost
21 desperate for it. They really want to have a
22 choice. And, as a parent, I appreciate having those
23 choices.

24 THE CHAIR: Thank you very much for those
25 comments.

1 MR. AHNER: Thank you, Madame Chair.

2 THE CHAIR: Director Gerlicz, there are
3 three amendments here I see. Would you give us your
4 recommendation for each of those amendments, please?

5 MR. GERLICZ: Madame Chair, members of the
6 Commission, that is correct. There are three
7 distinct amendments. They are all wrapped into the
8 same movement that Director Ahner has just described
9 to the Commission. Because the name of the school
10 is the Aldo Leopold Charter High School, the move to
11 a middle school would necessitate a change, and we
12 feel that that is appropriate.

13 We feel that the leadership and the
14 results of the school are meritorious. They are
15 doing well. There appears to be demand for the
16 middle school. And what we have found in the past
17 is that, when we up the academic requirements at a
18 high-school level, it behooves the school to have
19 students in there earlier so that they can get
20 adjusted to those methods and those standards and
21 then be even more successful at the high-school
22 level.

23 So it is the Charter School Division's
24 recommendation that all three of those amendments be
25 approved. Thank you, Madame Chair.

1 THE CHAIR: Thank you for that.

2 Commissioners, do you have questions of either the
3 applicant or the CSD staff? Commissioner Gant.

4 COMMISSIONER GANT: Madame Chair, members,
5 Director, I guess I'm not opposed to the change
6 going to a middle school. I understand the logic,
7 rationale. I understand that. But my concern is
8 that yes, Western New Mexico wants to offer up a
9 portable. I don't know if PSFA has blessed it or
10 not. Maybe they have. Have they looked at it?

11 MR. AHNER: We're working with PSFA.
12 There are currently not portables on that space. So
13 it would be starting the initiative of putting
14 portables on that space. But we have communicated
15 with them our desire to go that direction. So we're
16 working with Western New Mexico as well as PSFA
17 toward that end.

18 Again, it's somewhat of a Catch-22. We
19 can't sign a lease officially until we have approval
20 to move forward with the middle-school program. And
21 the desire to move forward is contingent, obviously,
22 on an appropriate space.

23 COMMISSIONER GANT: Madame Chair? But one
24 of my issues is that, even backing up a little bit,
25 where are you getting the funding to buy the

1 portable if you're buying it, to put the
2 infrastructure in to support it. I mean, these are
3 big dollars.

4 MR. AHNER: Sure.

5 COMMISSIONER GANT: Two portables, you're
6 talking about two classrooms per portable, plus the
7 restrooms that are in these and anything else.
8 Right?

9 MR. AHNER: Correct.

10 COMMISSIONER GANT: So where is the
11 funding coming for that, because unless you have
12 that funding, I'm really reluctant with this plan.
13 Go ahead.

14 MR. AHNER: Sure. Currently Dr. Shepard,
15 the President of Western New Mexico University, has
16 offered the space and offered to forward the costs
17 of putting the portables in space, and then we would
18 lease that space and those portables from him to
19 help him realize costs.

20 COMMISSIONER GANT: Madame Chair? You're
21 saying the president of the University is saying,
22 "We will buy the portables, we will do the
23 infrastructure, and you will pay us lease?" Is that
24 what you're saying?

25 MR. AHNER: And then we would be leasing

1 from Western New Mexico university. That's correct.

2 COMMISSIONER GANT: Interesting. I guess
3 that's legal. I guess that lease payments can go to
4 universities, I assume?

5 MR. GERLICZ: Madame Chair, Commissioner
6 Gant, as far as we know -- and we certainly have a
7 lawyer here who could help us answer the legality of
8 the questions -- but leasing facilities from private
9 entities or public entities is certainly not
10 uncommon in the charter world, and in the other
11 not-for-profit world, either. So I would assume
12 that that would be legal. But I am not a lawyer.

13 The attractiveness of having a
14 six-through-twelve educational outfit, a school, on
15 a university campus is very, very appealing for all
16 parties, and we see that in our charter world. We
17 have a number of schools that offer dual credit and
18 dual enrollment, even, and it's been very beneficial
19 to us.

20 COMMISSIONER GANT: Madame Chair, I
21 understand that, sitting on the PSCOC as I do, this
22 would be the first lease assistance program to go to
23 a university. But that -- like you say, that could
24 be handled. What it amounts to, if they, in fact,
25 do this, would be the third -- the third early

1 college high school, if you will, in the state of
2 New Mexico. Because we have an early college high
3 school at New Mexico State. We're adding another
4 copy to that. Gadsden has one. So this would be
5 the third, which is very popular, because we have no
6 dropouts in three years with 350 kids. Nobody else
7 can say that.

8 So -- okay. I can buy that. But I also
9 want you to know that all the early college high
10 schools are south of 40. Thank you.

11 MR. GERLICZ: Madame Chair, Commissioner
12 Gant, at the risk of differing, we have a number of
13 charters north of I-40 that are early college as
14 well. We have the Masters program at the Santa Fe
15 Community College that offers dual-enroll. The AIMS
16 school, which we will hear from shortly, offers dual
17 enrollment. They're on the UNM campus. And the
18 blurring of the lines is very clear.

19 THE CHAIR: A little rivalry there.
20 Commissioner Toulouse, and then Commissioner Carr.

21 COMMISSIONER TOULOUSE: Madame Chair, my
22 question is, how close is this land from the
23 university to the rest of the university facilities,
24 because I think there can be a certain amount of
25 problem with putting college students -- I think

1 it's probably -- from -- a little easier than
2 putting high school students close to a campus. But
3 I think there is still the idea that kids from the
4 age of 12 on are going to be looking toward that
5 community.

6 I'm older, too, now. And I just wondered
7 how integrated it would be or how separate, or how
8 would you handle that piece? I think it's a good
9 idea. I know that that can be a problem.

10 MR. AHNER: Yes, ma'am. It's actually a
11 very critical question that we've looked into very
12 closely. To describe the property boundaries would
13 be very sophisticated. From the campus that we're
14 potentially looking to develop to the current campus
15 where students reside, is about a half a mile
16 through connected properties over the top of
17 Highway 180. So that kind of divides some property.

18 Their northern plot land -- or, actually,
19 multiple pieces of land that are connected -- are on
20 a piece of property that also have an athletic field
21 and track, and another facility that's used for
22 police trainings. So it's actually quite autonomous
23 from the rest of the property, which we like, for
24 the exact reasons that you've expressed, but close
25 enough so that the number of students that we have

1 that are participating in the dual enrollment
2 program have much easier access to the university
3 and the downtown area as well.

4 THE CHAIR: Commissioner Carr?

5 COMMISSIONER CARR: Madame Chair. Maggie,
6 you stole my question, one of them.

7 COMMISSIONER TOULOUSE: Sorry.

8 COMMISSIONER CARR: I also have concerns
9 about the middle school -- the middle school and
10 high school. Middle-schoolers today are very
11 different than they were 10, 15, 20 years ago. So
12 it sounds like you've addressed that.

13 And the other concern I have is -- I don't
14 know -- does anybody -- are there any -- is there
15 any opposition in the local community? Is there
16 anybody who -- from the local community who is
17 against this?

18 MR. AHNER: I'm sure that there is, sir.
19 Much to my surprise, none has come directly to my
20 attention. About three years ago, I expressed our
21 interest in expanding to middle-school services to
22 Mr. Dick Poole, the superintendent of Silver
23 Consolidated, to let him know our intent at that
24 time, and he was quite supportive. He has now
25 retired from Silver Consolidated Schools.

1 I met with the new superintendent,
2 Mr. Streib, to let him know our intent of placing
3 amendments in front of the Commission. He also is
4 supportive, to the extent that he also is willing to
5 lease us this space that's already E-occupancy
6 rated, to help us realize a permanent campus.

7 COMMISSIONER CARR: Okay. Thank you.

8 MR. AHNER: You're welcome. Thank you.

9 THE CHAIR: Any other questions from
10 Commissioners? Hearing none, the Chair would
11 entertain a motion.

12 COMMISSIONER PERALTA: Commissioner?

13 THE CHAIR: Commissioner Peralta.

14 COMMISSIONER PERALTA: Madame Chair,
15 members of the Commission, I move that the proposed
16 amendments, as put forth by the Aldo Leopold High
17 School, be approved.

18 THE CHAIR: Second?

19 COMMISSIONER BERGMAN: Second.

20 THE CHAIR: Moved by Commissioner Peralta,
21 second by Commissioner Bergman, to approve the
22 amendments by Aldo Leopold Charter School. All
23 those in favor, please say "Aye."

24 I'm sorry. Let me clarify. Do we need a
25 roll-call vote?

1 COMMISSIONER CARR: I think we do.

2 THE CHAIR: I'm sorry. Let me back up
3 there. We'll proceed to a roll-call vote with
4 Secretary Bergman. Thank you.

5 COMMISSIONER BERGMAN: Thank you.
6 Commissioner Carr.

7 COMMISSIONER CARR: Yes.

8 COMMISSIONER BERGMAN: Commissioner
9 Conyers.

10 COMMISSIONER CONYERS: Yes.

11 COMMISSIONER BERGMAN: Commissioner
12 Peralta.

13 COMMISSIONER PERALTA: Yes.

14 COMMISSIONER BERGMAN: Commissioner Pogna.

15 COMMISSIONER POGNA: Yes.

16 COMMISSIONER BERGMAN: Commissioner
17 Toulouse.

18 COMMISSIONER TOULOUSE: Yes.

19 COMMISSIONER BERGMAN: Commissioner Gant.

20 COMMISSIONER GANT: Yes.

21 COMMISSIONER BERGMAN: Commissioner
22 Shearman.

23 THE CHAIR: Yes.

24 COMMISSIONER BERGMAN: Commissioner

25 Bergman votes "yes." Madame Chair, by an 8-to-0

1 vote, the amendment has been approved -- or the
2 motion has been approved.

3 THE CHAIR: Thank you. By a unanimous
4 vote, the amendments presented by Aldo Leopold
5 School, are approved.

6 MS. NEWELL: Thank you very much.

7 (Applause.)

8 THE CHAIR: Next on the agenda,
9 Albuquerque Institute of Math and Science. Will
10 those representatives please come forward? If you
11 would introduce yourselves for the record, and if
12 your name is uniquely spelled, please spell it for
13 the reporter and tell us your position with the
14 school.

15 MS. SNIDER: Madame Chair, members of the
16 Commission, my name is Kathy Sandoval-Snider,
17 S-N-I-D-E-R. I am the director of Albuquerque
18 Institute for Math and Science, shortly known as
19 AIMS. To my left is general counsel for AIMS, and
20 the board makes him go with me to keep me in line.

21 MR. IVEY-SOTO: Thank you very much. My
22 name is Daniel Ivey-Soto. Last name is spelled
23 I-V-E-Y, dash, capital S-O-T-O.

24 THE CHAIR: Thank you very much for that.
25 Director Gerlicz?

1 MR. GERLICZ: Madame Chair, members of the
2 Commission, The Albuquerque Institute of Math and
3 Science, or AIMS at UNM, is/was, originally
4 chartered, you remember, as High Tech High back in
5 2004, and came in front of this Commission in 2006
6 for an amendment to change its name to AIMS at UNM.

7 They are located in a building on the UNM
8 campus. They currently serve six through twelve
9 grades. Ms. Sandoval, the principal, has been at
10 that school since the year 2016. This is a
11 school -- excuse me -- 2006. That's wishful
12 thinking, perhaps.

13 This is a school that has consistently
14 achieved very fine results academically in all
15 respects. There's a tremendous demand for the
16 school. And the amendment in front of us is in two
17 parts -- and, again, it's related: to increase the
18 enrollment cap from the current 360 students in
19 grades six through twelve, to 720 students in grades
20 six through twelve. And then the second amendment
21 is to get approval to inhabit a second building on
22 the University of New Mexico campus to house that
23 requested increase in enrollment.

24 So it is not to increase grades. It will
25 be a six-through-twelve grade school still, but to

1 be housed in two separate buildings. That's the
2 amendment in front of us. Thank you.

3 THE CHAIR: Thank you. Would you care to
4 make a presentation at this point?

5 MS. SNIDER: Certainly, Madame Chair,
6 members of the Commission.

7 THE CHAIR: Please use the microphone.
8 And you can lock that down with that clip there, if
9 you would prefer.

10 MS. SNIDER: Thank you. The Albuquerque
11 Institute for Math and Science has been -- we have
12 renewed once, and we are now in the seventh year of
13 that renewal. We'll be renewing again next year.

14 What we have noticed is that the rule that
15 allows for siblings is taking up most of our
16 sixth-grade class room right now. There's only
17 22 slots available for the community at large.

18 We are located at the University of New
19 Mexico, and our families are spread out across
20 Albuquerque, with a large concentration on the West
21 Side and in the South Valley; although, our families
22 stretch all the way from the East Mountains to
23 Santa Fe and all the way down to Los Lunas and
24 Peralta.

25 What we are noticing and getting some

1 feedback on from parents is a demand for
2 accommodation for new sixth-graders that would like
3 to come into AIMS. And so what we are asking is
4 that we have an additional site. The Daniels
5 Foundation has given us a grant of \$175,000 dollars
6 to help us replicate this program.

7 The program is extremely stable. My board
8 members -- I've got three of the seven board members
9 have been with me since 2006.

10 The average age -- or experience -- of the
11 board members on my board is between two and three
12 years. So there's not a lot of turnover. There's
13 not a lot of turnover, obviously, in the
14 administration. And there is not -- there is little
15 or no turnover in my instructors. Many of them have
16 been with me since 2006.

17 As a result, we have a stable community
18 and a stable philosophy, if you will. And we would
19 like to replicate that on another site in order to
20 accommodate the demand. We are asking that -- we
21 are working right now with the University of
22 New Mexico to grant us a site, just as they have on
23 the South Campus that we are located on now.

24 We cannot expand the South Campus -- the
25 South Campus building that we have, because we're

1 landlocked. There is no room to expand. We are
2 surrounded by other organizations. And so we would
3 like to explore going to the North Campus.
4 Obviously, I cannot -- just as with Aldo Leopold, I
5 cannot commit public funds until I have permission
6 from this Commission.

7 That's all I have. If you have any
8 questions, I would be happy to answer them.

9 MR. IVEY-SOTO: And, Madame Chair, members
10 of the Commission, you know, part of the success of
11 AIMS at UNM has been that we are, overall, a small
12 school, given that we service grades six through
13 twelve, that -- and that we have a common mission.

14 And -- and one of the things -- one of the
15 decisions that we have made, even though it costs us
16 in terms of SEG funding, is that, at this point, we
17 only admit children, for the most part, in the sixth
18 grade. Even when we have attrition of children who
19 leave in other grades, we don't replace those -- we
20 don't go to the public and have a lottery to replace
21 two or three positions in the tenth grade or
22 whatnot; because, what we found is that our program
23 is sufficiently intense -- as, in fact, the director
24 of the Charter School Division was talking about in
25 the last presentation, our curriculum is

1 sufficiently intense that if we -- if we start
2 admitting in the ninth, tenth or eleventh grades to
3 fill attrition vacancy, that those students can't
4 catch up.

5 And so we, for the most part, at sixth
6 grade, that's where you come in, and you're with us
7 the whole way.

8 We are -- I will note, by the way, we are
9 about a mile and a half south of I-40. But I will
10 also note that we have -- I think the last three
11 years -- 100 percent of our graduating class going
12 to four-year colleges and universities, which I
13 don't know if that's the -- the only time that
14 that's happened in New Mexico, but it's certainly
15 unique. And -- and it shows the strength of the
16 program that we have.

17 We also have most of our students
18 graduating with between 20 and 40 college credit
19 hours under their belt before they start university.

20 THE CHAIR: Thank you for that
21 information. Director Gerlicz, what is your
22 recommendation?

23 MR. GERLICZ: Madame Chair, members of the
24 Commission, after going through the documents
25 submitted by the AIMS at UNM School, it is our

1 recommendation that both of these amendments be
2 approved. Thank you.

3 THE CHAIR: Thank you. Are there
4 questions from Commissioners? Commissioner Bergman.

5 COMMISSIONER BERGMAN: I see you don't
6 have the documents in front of you. But, on Page 15
7 of the documents that were in our packet, the very
8 last sentence reads you will, in essence, double the
9 enrollment cap to 720 students by the year 2012.

10 That's obviously a misprint. What year do you
11 anticipate having 720 students?

12 MS. SNIDER: Commissioner Bergman, members
13 of the Commission, that is absolutely true. I did
14 catch that, and I sent it to Director Gerlicz
15 yesterday with a "Holy cow; please, that's not what
16 I want." By 2019, we would be full up. Thank you
17 for that.

18 COMMISSIONER BERGMAN: Thank you.

19 THE CHAIR: Commissioner Gant and then
20 Toulouse.

21 COMMISSIONER TOULOUSE: Madame Chair,
22 since Commissioner Gant is deferring to me --

23 THE CHAIR: Oh.

24 COMMISSIONER TOULOUSE: I realize I'm new,
25 so I'm asking more questions. But I do have a

1 background in the education community, and I know I
2 worked with the director here when she was working
3 with APS.

4 My only question is, will you be able, as
5 time goes on, to find the qualified teachers for the
6 level of classes you teach? Because I know that's a
7 very hard thing, whether it's for the lower level
8 college classes, or for the public schools in
9 general. And that would be my only concern with
10 taking on that many more students is you can give
11 them the same quality of education. Thank you.

12 MS. SNIDER: Madame Chair, Commissioner
13 Toulouse, that is also a concern of mine. However,
14 we are extremely fortunate at AIMS in that we have a
15 large number of applicants that have a desire to
16 work at my school. And, so, if I can, when I can do
17 this correctly, staff and myself will be spread out
18 over these two -- these two campuses.

19 It's absolutely vital that the mission of
20 the school and the culture of the school be
21 replicated. And to do that, you need to have
22 similar staff at both places until that culture can
23 be raised up.

24 THE CHAIR: Commissioner Gant.

25 COMMISSIONER GANT: Madame Chair, members,

1 for clarification -- and maybe I missed it; my old
2 eyes here -- but you talked about -- you mentioned
3 that you want to move to the North Campus.

4 MS. SNIDER: Uh-huh.

5 COMMISSIONER GANT: Is that correct?

6 MS. SNIDER: That is correct.

7 COMMISSIONER GANT: Have you had any
8 discussions at all with the leadership of UNM? Is
9 there any facilities at all up there?

10 MS. SNIDER: Madame Chair, Commissioner
11 Gant, thank you for that question. And yes, we
12 have. We have a formal MOU with the University of
13 New Mexico. And with that comes an understanding
14 that we want to maintain a relationship with the
15 University of New Mexico. We have had discussions
16 with the leadership of the University of New Mexico,
17 and we are in the process of identifying potential
18 places at the North Campus. That, obviously, would
19 be ideal.

20 COMMISSIONER GANT: Madame Chair, I know
21 this is going to sound picky and all that, but I
22 have to ask it.

23 Again, I serve on the PSCOC. And a lot of
24 the problems we're starting to see now -- because
25 you have reached the magic number, you've been

1 renewed, so you can go and get a capital outlay.
2 But my real question is back to the lease assistance
3 that -- and I've read many leases between charter
4 schools. In your charter school lease with UNM, is
5 it a wrap-around, where they pay the maintenance and
6 they pay everything like that? Or are you paying
7 utilities and maintenance and repair, et cetera,
8 et cetera? Because in many, the charter schools are
9 paying the whole ball of wax and dipping into their
10 operational dollars to keep the school open
11 physically.

12 Explain your relationship and your lease
13 with me.

14 MS. SNIDER: Thank you, Madame Chair,
15 Commissioner Gant. We -- it is a wrap-around; in
16 other words, if I understand your terminology, the
17 University of New Mexico provides all the
18 electricity, the heat, the maintenance, the upkeep,
19 the landscape, the garbage; they provide all of
20 that. And so, as a result, in our lease
21 reimbursement, our dollar-per-square-foot is -- is
22 within a -- it's not in the astronomical region.
23 It's one of the lower dollar-per-square-foot. We
24 are very fortunate with that.

25 COMMISSIONER GANT: I was just wondering,

1 because there's a lot of discussion about capping
2 leases. And I don't want you to get trapped into
3 something like that.

4 And the last question, Madame Chair, is
5 the University going to be responsible for any
6 renovation or expansion to the facilities they may
7 loan you -- they may lease to you?

8 MS. SNIDER: Madame Chair, Commissioner
9 Gant, my understanding is, yes, they will do the
10 renovation. There's not -- there's not a huge
11 amount of renovation that needs to be done
12 immediately, because I'm only adding a sixth grade
13 first. And then we will grow up over the years.

14 That allows a measured growth. It allows
15 conference of stability, and it also minimizes risk.
16 And so I always want to say that, with the grant
17 that we have received from the Daniels Foundation,
18 that will also assist. And so we're looking at
19 matching funds at this time.

20 COMMISSIONER GANT: Madame Chair. You're
21 correct in what a wrap-around is. It's all those
22 things. Thank you, Madame Chair.

23 THE CHAIR: Thank you. Are there other
24 questions? Commissioner Bergman?

25 COMMISSIONER BERGMAN: Thank you. Is that

1 Daniels -- is that a one-time deal, or do you think
2 they're going to come up with some -- are you hoping
3 or do you not know?

4 MS. SNIDER: I always hope, Commissioner.
5 I never plan or plot. I will tell you that if I do
6 this -- well, not openly. But I will tell you, if I
7 do this correctly, and I -- so far, I think I've got
8 a good batting average -- I believe that I will be
9 able to entice the Daniels to continue to fund us.

10 COMMISSIONER BERGMAN: Thank you. They
11 got the bucks. They ought to pony up some of them.
12 Thank you.

13 THE CHAIR: Are there other questions from
14 Commissioners? Hearing none, the Chair will
15 entertain a motion.

16 COMMISSIONER CARR: Madame Chair?

17 THE CHAIR: Commissioner Carr.

18 COMMISSIONER CARR: I move to approve the
19 amendment presented by the Albuquerque Institute of
20 the Math and Science.

21 COMMISSIONER PERALTA: Second.

22 THE CHAIR: Who seconded? I'm sorry.

23 COMMISSIONER BERGMAN: Commissioner
24 Peralta.

25 THE CHAIR: Moved by Commissioner Carr,

1 second by Commissioner Peralta, to approve the
2 amendment presented by Albuquerque institute of Math
3 and Science. May we have a roll-call vote?
4 Commissioner Bergman?
5 COMMISSIONER BERGMAN: Commissioner Carr.
6 COMMISSIONER CARR: Yes.
7 COMMISSIONER BERGMAN: Commissioner
8 Conyers.
9 COMMISSIONER CONYERS: Yes.
10 COMMISSIONER BERGMAN: Commissioner
11 Peralta.
12 COMMISSIONER PERALTA: Yes.
13 COMMISSIONER BERGMAN: Commissioner Pogna.
14 COMMISSIONER POGNA: Yes.
15 COMMISSIONER BERGMAN: Commissioner
16 Toulouse.
17 COMMISSIONER TOULOUSE: Yes.
18 COMMISSIONER BERGMAN: Commissioner Gant.
19 COMMISSIONER GANT: Yes.
20 COMMISSIONER BERGMAN: Commissioner
21 Shearman.
22 THE CHAIR: Yes.
23 COMMISSIONER BERGMAN: Commissioner
24 Bergman votes "yes." Madame Chair, by an
25 eight-to-nothing vote, the motion is approved.

1 THE CHAIR: Say that again,
2 Commissioner Bergman.

3 COMMISSIONER BERGMAN: By an
4 eight-to-zero -- forgive my English -- the amendment
5 is approved.

6 THE CHAIR: Thank you.

7 COMMISSIONER BERGMAN: I'm thinking
8 baseball.

9 THE CHAIR: The motion to approve the
10 amendments presented by Albuquerque Institute of
11 Math and Science is unanimous. Congratulations.

12 MS. SNIDER: Madame Chair, Commissioners,
13 thank you.

14 (Applause.)

15 THE CHAIR: Next, I would invite the
16 representatives from the Ralph J. Bunche Charter
17 School to come to the table, please. Good morning.

18 MS. WILSON: Good morning.

19 THE CHAIR: If you would introduce
20 yourselves, please spell any unique names, and give
21 us the position you hold with the school, please.

22 MS. WILSON: Good morning. I'm Penne
23 Wilson. That's P-E-N-N-E. I am -- good morning. I
24 am Penne Wilson, P-E-N-N-E. I am principal of Ralph
25 J. Bunche Academy. And with me is Terry Locke,

1 T-E-R-R-Y, L-O-C-K-E, who is secretary of the
2 governing council.

3 MR. LOCKE: Good morning.

4 THE CHAIR: Thank you very much.
5 Director Gerlicz.

6 MR. GERLICZ: Madame Chair, members of the
7 Commission, it was I who asked that this agenda item
8 be placed on the agenda. And I have to give thanks
9 to one of my staff members, Karen Ehlert, for
10 bringing it to my attention.

11 And what she brought to my attention was
12 the following: that Ralph Bunche was chartered by
13 the Albuquerque District in the year 2006. They
14 were renewed by the Secretary as a State-chartered
15 school in March of -- excuse me -- renewed by the
16 PEC as a State-chartered school in March of 2011 for
17 three years, and they're in their second year of
18 that three-year cycle. Their charter expires in
19 June of 2014.

20 And when the PEC renewed Ralph J. Bunche's
21 charter, the school was to submit new goals to be
22 approved by the PEC. They have done that. They did
23 that at that time.

24 But, at the time, the Charter School
25 Division was undergoing fairly significant personnel

1 change. My position was empty and in transition, as
2 were a number of other positions. And that agenda
3 item never got in front of the Public Education
4 Commission.

5 So when that was brought to my attention,
6 we immediately moved to bring the approvment
7 [verbatim] of the said goals that are in your packet
8 in front of the PEC so that the Ralph J. Bunche
9 school can be evaluated on those goals by not only
10 the Charter School Division, but by the Public
11 Education Commission.

12 We have looked at those goals. We have
13 worked with the school on those goals, and it is the
14 Charter School Division's recommendation that those
15 goals be approved. Thank you, Madame Chair.

16 THE CHAIR: Thank you, Director Gerlicz.
17 Your presentation, please.

18 MS. WILSON: Good morning, Madame Chair,
19 members of the Commission. Ralph J. Bunche was
20 tasked with revising its goals with two things in
21 its sight. Number one, we had to revise them
22 downward, and we wrote them so that they would
23 reflect the term of the charter. And the goal for
24 student achievement was written so that it would
25 reflect two years of growth, because, in reality,

1 there are only two years in which the students'
2 performance is judged before the next renewal is due
3 in October. So we revised them with that in mind
4 and changed the dates.

5 We also -- when we were asked to write the
6 goals the first time, we were told to reach for the
7 stars. The second time we wrote them, we were asked
8 to make them realistic in terms of our student
9 population and where they come to us.

10 Ralph J. Bunche is a charter that is
11 primarily African-American and Hispanic. They
12 comprise over 90 percent of the population.
13 Ninety-five percent of our student population
14 receives free, reduced lunches.

15 So we revised the goals. Basically, the
16 only major revision was the dates. And we revised
17 the student goal to 45 percent to give us that
18 reachable goal that we can be evaluated against. We
19 are doing very well against those goals at this time
20 and did make a 20-point jump in reading last year.
21 So we think we're well on target and well in range.

22 THE CHAIR: Thank you. And, Director
23 Gerlicz, have you said you -- CSD does recommend
24 approval?

25 MR. GERLICZ: That is correct, Madame

1 Chairman.

2 THE CHAIR: Thank you. Questions from
3 Commissioners?

4 Well, I have a couple of questions, since
5 we're dealing with goals. I know that surprises
6 everyone.

7 I have to say I -- I have real problems
8 with these goals. Your Goal No. 1, "45 percent of
9 students will meet grade-level standards by
10 May 2013," you've explained the percentage, which I
11 question in my notes is -- doesn't sound very
12 ambitious to me. My other concern with this is
13 what's the measure?

14 MS. WILSON: The measure for the goals is
15 the SBA. The target goals for the State this year
16 are 46 percent for math and 52 percent for --
17 56 percent for reading. And so my question, in
18 writing the goals, was should we just make them
19 match the State performance goals.

20 But our students come in very low. Many
21 of our children have never experienced any preschool
22 education at all. So they come virtually as clean
23 slates to us. It does take us a while to raise
24 those students up. And, then, many of our students
25 once -- we are a commuter school, basically, because

1 we are in downtown Albuquerque. We are at Central
2 and San Mateo, basically. So many of our students
3 come to us from 14 of the 18 zip codes in
4 Albuquerque.

5 We get many students who are unhappy and
6 non-performing in their current situations. We
7 raise up their scores and make them become
8 successful, and then their parents no longer wish to
9 make the drive so they can perform back in their
10 home schools. So we become the fix-it school. And
11 we're doing very well at fixing them. But, then,
12 that drive into town becomes very -- very long.

13 THE CHAIR: Thank you for that. Your Goal
14 No. 2 is, "Average academic growth for all students
15 will be one year by May 2013." Again, what are you
16 using to measure?

17 MS. WILSON: We're using the SBA. But we
18 also use DIBELS from K through 3 to give us targets
19 and to define what we need to work on. We also use
20 MAP testing, and we've used that for last year and
21 this year. That was the major reason we didn't make
22 a change to any other testing, so that we could give
23 two years of growth, so we could have a consistent
24 measure.

25 So even though the State recommended a

1 different short-term cycle, we felt that it would
2 not be in our best interest to make that change at
3 this time. You need to be able to see two years of
4 growth in our children. So we are using the SBAs as
5 our -- I'm sorry -- the SBAs, which are required.
6 We are using MAP testing from K through 8, and we
7 are using DIBELS from K through 3.

8 THE CHAIR: Your next goal is, "75 percent
9 of students who exit the eighth grade will be
10 high-school-ready by May 2013."

11 Again, what are you -- how do you know
12 that? How do you measure that?

13 MS. WILSON: We're going to use the SBAs
14 again, and we're using the MAP testing. This is our
15 second year with eighth-graders. Last year was our
16 very first year. So the eighth-graders that we have
17 are now at -- most of them are charter schools or at
18 private schools when they made that transition from
19 us.

20 So we are going to follow them and see how
21 well they've done so we know what to do. But we
22 only have one set into high school at this time.

23 THE CHAIR: And my last question has to do
24 with your "average daily attendance rate will be
25 95 percent." Again, I understand you take roll

1 every day in class. But what measures are you going
2 to use to verify this 95 percent, because that is
3 pretty ambitious, and to -- to verify that and
4 report it?

5 MS. WILSON: Other than daily attendance?
6 We follow our kids very closely, and if they are
7 having a problem attending, then we want to know
8 why, and we want to help parents get them there.
9 Again, because we're a commuter school, we have to
10 really help parents find ways to make sure that
11 they're there every day. But we do focus on that.

12 And we also do a breakfast from 8:30 to
13 9:00 so that we can make sure that, by the time
14 we're ready to start with strong instruction,
15 they're all there.

16 THE CHAIR: Okay. Let me just make you
17 aware of my concerns. When you come back to us for
18 renewal, when your school comes back to us for
19 renewal, these goals are primarily what we will be
20 looking at; other things now, because of 446. But,
21 primarily, we're going to look at these goals.

22 And if I'm on the Commission when these
23 goals come to me, it's going to be, "45 percent of
24 students will meet grade-level standards by May
25 2013." It doesn't tell me here how that's going to

1 be measured, how it's going to be verified,
2 anything.

3 So, at that time, perhaps you would not be
4 at the school any longer. Who knows? Things
5 change. And the new person might say, "45 percent
6 of the students meet grade-level standards, period;
7 take my word for it." That's absolutely out of the
8 box, worst case scenario.

9 But my point is, I don't think you have
10 given us everything here that this Commission would
11 need to adequately renew, or to even look at a
12 renewal application to know whether or not your
13 school has met, truly, what the goals are. I need
14 more information, personally.

15 MS. WILSON: Along with the strategic plan
16 was included a score card that spells out
17 everybody's responsibilities, the time lines, and
18 how everything will be measured. We weren't asked
19 to submit that. It is in the charter application,
20 however, the whole strategic plan, with all of the
21 time lines and whose responsibilities. There is a
22 score card that accompanies this strategic plan.

23 THE CHAIR: Would you care to respond to
24 that, please?

25 MR. GERLICZ: Madame Chair, that was not

1 something that we looked at, and that was not
2 something that I was aware of. My specific
3 intention in this matter was to make sure that the
4 PEC was aware that these goals that were required to
5 be approved were approved, without going deeply into
6 the strategic plan of the school or any of the other
7 functions of the school. It was strictly focused on
8 these goals.

9 Certainly, that will be part of the
10 anal- -- the entire analysis come their renewal
11 application cycle, which begins in the fall. Thank
12 you, Madame Chair.

13 THE CHAIR: Well, personally, I want the
14 goals to say what the goals need to say. And I
15 would not think looking in another place would
16 really fit my personal need of, "Here are the goals;
17 here's what the school said it was going to do, how
18 it was going to do it, and to what level."

19 I want it in the goals. I, personally,
20 would prefer that this school come back to us at our
21 next meeting with truly complete goals. Are there
22 other questions or concerns from Commissioners?

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

25 COMMISSIONER POGNA: Madame Chair?

1 THE CHAIR: Commissioner Pogna.

2 COMMISSIONER POGNA: I move to approve the
3 goals amendment presented by Ralph J. Bunche Charter
4 School.

5 THE CHAIR: Do we have a second?

6 COMMISSIONER TOULOUSE: Madame Chair, I'll
7 second.

8 THE CHAIR: Second by Commissioner
9 Toulouse. Motion by Commissioner Pogna, second by
10 Commissioner Toulouse, to approve the amendments
11 presented by the Ralph J. Bunche Charter School. We
12 will have roll call, Commissioner Bergman.

13 COMMISSIONER BERGMAN: Commissioner Carr.

14 COMMISSIONER CARR: Yes.

15 COMMISSIONER BERGMAN: Commissioner
16 Conyers.

17 COMMISSIONER CONYERS: Yes.

18 COMMISSIONER BERGMAN: Commissioner

19 Peralta.

20 COMMISSIONER PERALTA: Yes.

21 COMMISSIONER BERGMAN: Commissioner Pogna.

22 COMMISSIONER POGNA: Yes.

23 COMMISSIONER BERGMAN: Commissioner

24 Toulouse.

25 COMMISSIONER TOULOUSE: Yes.

1 COMMISSIONER BERGMAN: Commissioner Gant.

2 COMMISSIONER GANT: No.

3 COMMISSIONER BERGMAN: Commissioner
4 Shearman.

5 THE CHAIR: No.

6 COMMISSIONER BERGMAN: While I agree with
7 Commissioner Shearman's thoughts, I think I will
8 vote "yes" in this instance.

9 Madame Chair, the vote is six to two in
10 favor of approval of the motion.

11 THE CHAIR: Thank you, Secretary Bergman.
12 By a vote of six to two, the amendments presented,
13 the goals presented by the Ralph J. Bunche Charter
14 School, are approved. Thank you.

15 MS. WILSON: Thank you very much
16 Madame Chairman, and Commissioners. We'll do our
17 best to make you proud.

18 THE CHAIR: Thank you.

19 Please excuse me if I mispronounce the
20 name. I don't roll R's very well. If the
21 representatives from the La Resolana Charter School
22 would please come forward, introduce yourselves, and
23 give us your position, please.

24 MS. MONTROYA: Good morning, Madame Chair
25 and Commissioners, fellow Commissioners. My name is

1 Justina Montoya. I am the principal at La Resolana
2 Leadership Academy. With me today are Rick Rios,
3 who is our performance management specialist, and
4 Eileen Montoya, who has worked with us on
5 professional development for the last two years.

6 THE CHAIR: Thank you, and good morning.
7 Director Gerlicz.

8 MR. GERLICZ: Madame Chair and members of
9 the Commission, La Resolana Leadership Academy is
10 here in a very similar position to the Ralph J.
11 Bunche School. They were chartered in 2006 as well.
12 They were renewed by the PEC in 2010 for three years
13 and are in their second year of that three-year
14 cycle. Their charter also expires in June of 2014.

15 And the similar situation has occurred
16 that, when the PEC renewed La Resolana, they were to
17 submit goals for approval by the Public Education
18 Commission. And those goals were never brought in
19 front of the Public Education Commission until they
20 were brought to my attention just recently, similar
21 to the last situation.

22 It was at that moment that we contacted
23 the school, talked to Ms. Montoya, the principal,
24 who was very responsive in submitting those goals to
25 us. Those are the goals that are in the packet.

1 The school leadership will give a presentation on
2 how they arrived at the goals. We have worked with
3 the school, and it is the Charter School Division's
4 recommendation that those goals be approved for the
5 remainder of the charter school's charter. Thank
6 you, Madame Chair.

7 THE CHAIR: Thank you. Your presentation,
8 please?

9 MS. MONTROYA: Madame Commissioner,
10 Commissioners, thank you for the opportunity to be
11 here today. When we were renewed, we took the
12 decision and order from the Secretary, and that --
13 the remainder of that spring and summer, developed
14 the three goals that you have with -- in front of
15 you today.

16 One of the steps that we took to insure
17 that we have the data that we needed to fulfill
18 those goals, to begin working on those goals, and to
19 work toward fulfillment of those goals, was that we
20 switched our short-cycle assessment from the DORA
21 and DOMA, which was an online reading and math
22 assessment that we had used in previous years; and
23 we switched to the NWEA MAPs so that we could have
24 better data and data that the Public Education
25 Department was more familiar in working with. So

1 last year, we switched to the NWEA MAPs, and we have
2 tracked the data for our students.

3 Part of the work in developing the goals
4 that are in front of you today is that, you know,
5 we -- the kids that come to La Resolana Leadership
6 Academy are significantly behind in their reading
7 and math, anywhere from three to five years. So our
8 work is grounded in the fact that we have so much
9 catch-up to do with them when they come to us and
10 enroll in our school.

11 In the past two years, we have had an
12 increase in sixth-grade students. So, you know, in
13 the three years before we came to the Commission,
14 our sixth grade was our smallest class. Now, that
15 class is full. Our seventh- and eighth-graders,
16 although we do have a stable cohort with them, a
17 small cohort, we have kind of taken on the role as a
18 drop-in school for those students. If they get into
19 trouble or they're not in school or there are family
20 issues involved that put them at a higher risk, we
21 end up with those kids.

22 So part of our work has also been grounded
23 in engaging students and reengaging them in the
24 educational process.

25 The first goal that you have, "50 percent

1 of all -- of the students will increase the minimum
2 of 1.5 grade levels per year in math and reading, as
3 measured by the NWEA short-cycle assessments," we
4 have the data to confirm that we are meeting this
5 goal, that we are working toward meeting this goal.
6 Mr. Rios will address this if you want specific
7 information on it. But the NWEA MAPs has really
8 given us good information on the skill levels of our
9 students.

10 The second goal is, "To improve principal
11 and teacher effectiveness through professional
12 development by 2014. Last year as part of our work
13 to address this goal, we spent the majority of our
14 professional development time last year helping our
15 teachers and the staff in our school and/or
16 governing council understand what it means to work
17 with at-risk students, who this population is, the
18 barriers they face in being successful in education,
19 and what issues they come to our school with;
20 because many times, what's happened with our kids in
21 the past -- in their past school experiences -- is
22 that, because of their difficult behavior and their
23 lack of engagement in school, they've been tossed
24 off, and they have not made the progress in school
25 that they need to. So understanding how to address

1 those issues was an important part of our
2 professional development last year, is ongoing this
3 year.

4 This year, our professional development
5 has been to increase the effectiveness of our
6 teachers in the classroom. And so we have
7 designated collaboration time for our teachers to
8 work specifically with Eileen Montoya -- and she
9 will talk more about what those programs have
10 been -- and then increase -- the third goal is,
11 "Increase family and parent involvement by
12 25 percent by 2014."

13 Getting parents involved in the school has
14 always been an issue for us. We do have -- and I
15 can say this, because we follow up with parents for
16 the main parental involvement that we need -- and
17 that is attendance, 100-percent participation in the
18 attendance at the individual learning plan
19 conferences at the beginning of the school year,
20 which informs parents about the skill levels and
21 concerns that we have with behavior and other issues
22 so that we are all on the same page as we move
23 forward.

24 And we also have 100-percent participation
25 in our fall and our spring parent conferences,

1 because if we have parents that don't show up, we
2 follow up with them with phone calls. And if, for
3 some reason, we still can't get them in, we will
4 work with them beyond the designated time to come in
5 and meet with us or to participate by conference
6 call with the teachers and with myself to make sure
7 that they are fully aware of their students'
8 progress, because we need their support.

9 I hope that the Commission will approve
10 our goals today. We've worked hard to improve our
11 instructional program. Our professional development
12 and the measurement for the work that we've done
13 since the last approval is that when our initial
14 grade came out -- our initial school grade was given
15 last January -- it was a D. When they were
16 recalculated, we came up to a C. It is a low C, but
17 we are still within that range. And our goal is to
18 move forward with our school grade. Thank you.

19 THE CHAIR: Thank you for that
20 information. Director Gerlicz, your recommendation
21 is for approval; is that correct?

22 MR. GERLICZ: It is, Madame Chair.
23 La Resolana, like Ralph J. Bunche, serves a
24 population that has never been successful in the
25 Albuquerque Public Schools. Their demographics bear

1 that out, and their history bears that out. And the
2 reason that the Charter School Division recommends
3 approval is that we have La Resolana and Ralph J.
4 Bunche coming up for renewal in their cycle very,
5 very soon, in which we will do an in-depth analysis
6 of their schools. And we see these schools -- or
7 these goals -- as a step in the right direction. On
8 that basis, we recommend approval.

9 THE CHAIR: Thank you very much. Are
10 there questions from Commissioners? Commissioner
11 Gant.

12 COMMISSIONER GANT: Madame Chair, members,
13 just a couple of questions here. In Goal No. 2 --
14 and I'm looking at your chart, and I'm looking at
15 the -- and you're talk- -- it's over the output
16 measures, okay? And it's PED school grade, target
17 is an A. Very laudable. Everybody wants to be an
18 A. But it says the staff is responsible for that.
19 Is not the principal responsible for the grade?

20 MS. MONTOYA: Well, it is the
21 leadership -- I'm sorry, Commissioner --
22 Madame Chair, and Commissioner Gant. It is the
23 leadership role in that development. However, the
24 staff, in my mind, is in the classroom working
25 directly in the trenches with the kids. And so

1 there has to be 100 percent buy-in of everyone on
2 the staff, from the top to the bottom.

3 And so -- but it all does start with the
4 leadership, and it all ends with the leadership, so
5 that we can fix the wording in that to reflect that.
6 But it is inclusive of every staff member in the
7 school. In our school, with the students that we
8 serve, we have to be able to provide a family-like
9 environment, where they feel safe and secure in
10 order to be able to move forward in their -- in
11 their education. And so that's -- that's what that
12 means.

13 COMMISSIONER GANT: Well, one of my
14 concern -- one of my concerns -- Madame Chair, one
15 of my concerns with this was we now have coming out,
16 I believe, the school grading system, A through F.
17 And we have the teacher evaluation system coming
18 out. Now, teacher evaluations are being held to the
19 standardized tests that all teachers don't give. So
20 this is where my concern -- it -- it -- it's putting
21 a lot of onus -- if you say, yes, it's leadership's
22 problem, but it's done in the classroom, it's
23 putting the onus on the teacher.

24 I mean, I'm just a little concerned that
25 when it doesn't make an A and it doesn't make a C,

1 or a B, that the teachers' evaluations are going to
2 reflect what, in essence, to me, is a whole school
3 problem, not a teacher problem. See what I'm
4 saying?

5 MS. MONTROYA: Yes, sir, I do understand
6 your concern. However, we're in this together. And
7 it's a collaborative effort. And I am 110-percent
8 responsible for what happens in my school in working
9 with my teachers, and in no way would I ever put the
10 full burden of failure on my staff. I work -- I try
11 my very best to work in the most ethical manner and
12 to keep up with the compliance issues and make the
13 best efforts that we can collaboratively to move our
14 school forward.

15 This is not a one-person operation, and it
16 certainly doesn't begin and end with the teachers in
17 the classroom. However, they spend the majority of
18 the time with their teachers in the classroom. And
19 so we have put measures in place for the teachers,
20 and we have supported them through collaboration and
21 professional development so that we can move forward
22 as a school. I would never ever put my staff on
23 the -- on the hot seat for failure.

24 Other -- one thing, Commissioner, that I
25 would like to tell you as well is that we have --

1 we've had really good stability in our school in
2 terms of the classroom teachers that we have. Where
3 our teachers started out as Level 1, they have now
4 progressed to Level 2. And so our kids are getting
5 the benefit of that experience in the classroom
6 with -- with their experience and movement through
7 the licensure system.

8 COMMISSIONER GANT: Thank you.
9 Madame Chair, the one piece -- maybe I'm missing it,
10 going blind -- the one element that I'm not seeing
11 in any of this -- maybe I'm wrong, please correct me
12 if I am -- I don't see the board of governance.
13 Where is their responsibility for insuring goals are
14 met? I mean, they are your board of governance.
15 Maybe I've missed it here. But, I mean, they need
16 to be standing -- excuse me. As like a board -- a
17 school board, they are responsible, along with the
18 superintendent, for all that happens or fails to
19 happen.

20 MS. MONTROYA: Madam Commissioner,
21 Commissioner Gant, yes, our governing council is
22 supportive of our work. I do keep them informed
23 when we meet with them about the progress of the
24 school and everything involving the daily operations
25 of the school.

1 Rick Rios, here to the right of me, will
2 also address that question.

3 MR. RIOS: Madame Chair, Commissioner
4 Grant [verbatim]. I'm not exactly sure what you're
5 seeing on your screen. But we submitted our
6 strategic plan. It's a one-page strategic plan or
7 strategy map, and if you have that in front of
8 you -- and it looks similar to this document right
9 here. (Indicates.)

10 You'll notice that this strategic plan or
11 map starts at the very bottom with the first
12 strategy: Leadership in government. That is the
13 board's on -- this is the board's plan. And they're
14 involved in helping us achieve the three goals.

15 The leadership and governance strategy, if
16 you will, goes across all three goals in this
17 particular plan. In their support of each of the
18 goals, the objectives, or, how the EPSS would call
19 it, action steps is described in this map.

20 So if you look at leadership and
21 governance and look across, those are the things
22 that they're doing in support of the goals, along
23 with approving the plan. So they have skin in the
24 plan along with the school.

25 COMMISSIONER GANT: Madame Chair, I

1 appreciate that. I should -- I stand corrected.
2 But it's just one of my things.

3 The last question I have deals with
4 this -- and it's just something that rubs me wrong,
5 and maybe you can make it happen -- is down in
6 Goal 3, the first item, 100 percent. I mean,
7 really. I mean --

8 MS. MONTOYA: Really.

9 COMMISSIONER GANT: I mean, what happens
10 if -- you know -- I've been at this a long time.
11 School board member for eight years; this, I've been
12 for six years, et cetera. And that has been one of
13 my biggest problems: Parent participation, never
14 making it happen. And you say you're going to get
15 100-percent participation. And what happens if you
16 don't?

17 MS. MONTOYA: Commissioner Gant, I've also
18 been in education for 25 years, and I've also been a
19 leader in every school that I've worked at and
20 participated in hundreds of parent-teacher
21 conferences. And, for me, this is the most
22 important part of parent involvement is for parents
23 to be in attendance at those three conferences every
24 year, at a very minimum, because it informs them of
25 their students' skills and of their standing in the

1 school.

2 We do have 100-percent involvement with
3 that. We have parent sign-in sheets. And where we
4 have had to make exceptions for those parents who
5 have not been able to come in, for example, for an
6 individual learning plan conference, we will conduct
7 those conferences by telephone with a legal guardian
8 or parent.

9 So that has -- that is a very important
10 piece of -- of parent involvement for me.

11 Where we -- where we have a hard time with
12 parent involvement, we do have activities during the
13 school year where we get minimal to medium parent
14 involvement. Our graduation ceremonies at the end
15 of the year are very well attended, standing room
16 only. And our -- so our goal is always to bring
17 parents into the school as often as we can.

18 But I can promise you today that, with
19 those three conferences, it is 100-percent
20 involvement by either a parent or a legal guardian.
21 It may not be that for other activities. But this
22 is an important one for student success.

23 COMMISSIONER GANT: Thank you.

24 THE CHAIR: Commissioner Toulouse.

25 COMMISSIONER TOULOUSE: Madame Chair, on

1 your parent conferences, do you have alternative
2 schedules? Because I know the problem is when you
3 have parents who work, who are on hourly wages with
4 no time, they can't get in. I mean, it's either you
5 feed the kids tonight, or you go to school and talk
6 about them.

7 And so I'm hoping that you have an
8 alternative schedule for some of those parents.

9 MS. MONTTOYA: Madame Commissioner,
10 Commissioner Toulouse, yes, we do. And that is why
11 we have 100-percent participation, because many of
12 our parents are either, like you said, hourly wage,
13 working on shifts, you know, work through the night
14 and come in the day, and their days and nights are
15 turned around. So we do go the extra mile to make
16 sure that we do get them involved in any way that we
17 can.

18 And so we have alternative schedules that
19 go beyond the scheduled calendar time that we have
20 to work with our parents, because it's not about
21 having them meet that schedule during a calendar
22 day; it's about having their participation. And
23 that is the most important piece for us. Thank you,
24 ma'am.

25 THE CHAIR: Excuse me just for one minute.

1 If you'd like to go ahead, please do. I have to
2 confer over here.

3 MR. RIOS: Madame Chair, Commissioners,
4 I'd like to address Commissioner Grant's [verbatim]
5 concerns about parent involvement. We also
6 submitted a score card. In that score card for
7 parental involvement, we have four different
8 targets. One of the targets is family and parent
9 participation in conferences, and we are achieving
10 the 100 percent right now through the -- well, she
11 described.

12 But that's not enough for the school
13 because they're a drop-in school, and we have to get
14 parental involvement, and we know the research that
15 says the more involved the parent or guardian is
16 with the student, the more successful the student
17 will be. So we've set some other targets for us in
18 terms of participation to include family/parent
19 volunteerism in the school, family/parent
20 participation in school governance, family/parent
21 participation in school activities.

22 We feel if we get those parents involved
23 in the school on a regular basis, it will be better
24 for the child and for the family itself, and the
25 grades will improve. So we have four different

1 targets for that particular goal.

2 COMMISSIONER GANT: Madame Chair?

3 THE CHAIR: Commissioner Gant.

4 COMMISSIONER GANT: Madame Chair, yes, I
5 saw those other three additional goals. And it's
6 very laudable. It's just that I was going to
7 address the 50 percent, because I personally find
8 that that 50 percent is going to be rather hard to
9 do.

10 MR. RIOS: We're in agreement that's a
11 stretch. But we have to do it.

12 MS. E. MONTOYA: I figured I might as well
13 say something since I'm sitting here, right? I'm
14 Eileen Montoya. I've been in education for 35 years
15 and have been working with some charter schools a
16 lot more the last five or six years. This is the --
17 I worked at La Resolana two years ago as a teacher.

18 And I must say that -- that I am living
19 proof to say that the school has done better every
20 year. I now work there as a consultant. I come in
21 once a week and more when needed. But I just have
22 to say that this principal has been proactive, and,
23 in a positive manner, has worked with the
24 professional community, engaged them to learn about
25 the population, learn about at-risk kids and what

1 they bring to the school, what they bring to the
2 teachers, and what we, as a community, can do to
3 help them learn. And with that type of
4 professionalism, she has seen an amazing improvement
5 in the culture and the learning environment at the
6 school.

7 And I'm a witness to that. And I'm now
8 able to say that this is a good school. I recommend
9 this school for any family that has a middle-school
10 child, because they have gone through hit and miss,
11 "Let's try this, let's try that." But now we have
12 found what really works for middle-school-program
13 kids.

14 That's hands-on engagement. This school
15 does project-based learning, where kids learn
16 reading and math through a project that they love
17 learning. They do service learning, which is
18 teaching them to make a connection from school to
19 success in the community and in a career.

20 So I must say that, with that, we're also
21 using systems. And the systems approach means we
22 identify kids at lower levels. We give them
23 targeted instruction, align them to teacher
24 observation, and doing a lot of what the State is
25 doing now to improve teacher effectiveness through

1 principal effectiveness.

2 That's my piece. And if you want more
3 information on other types of professional
4 development that I've done, I'd be glad to share
5 that. Thank you.

6 THE CHAIR: Thank you. Are there
7 questions from other Commissioners? Hearing none,
8 the Chair will entertain a motion.

9 COMMISSIONER CARR: Madame Chair?

10 THE CHAIR: Commissioner Carr.

11 COMMISSIONER CARR: I move to approve the
12 goals amendment presented by La Resolana Leadership
13 Academy. Sorry, if I mispronounced it.

14 THE CHAIR: Do we have a second?

15 COMMISSIONER PERALTA: Second.

16 THE CHAIR: We have a motion by
17 Commissioner Carr, seconded by Commissioner Peralta,
18 to approve the amendment goals presented by
19 La Resolana Leadership Academy. We will now have a
20 roll-call vote. Commissioner Bergman.

21 COMMISSIONER BERGMAN: Commissioner Carr.

22 COMMISSIONER CARR: Yes.

23 COMMISSIONER BERGMAN: Commissioner
24 Conyers.

25 COMMISSIONER CONYERS: Yes.

1 COMMISSIONER BERGMAN: Commissioner
2 Peralta.
3 COMMISSIONER PERALTA: Yes.
4 COMMISSIONER BERGMAN: Commissioner Pogna.
5 COMMISSIONER POGNA: Yes.
6 COMMISSIONER BERGMAN: Commissioner
7 Toulouse.
8 COMMISSIONER TOULOUSE: Yes.
9 COMMISSIONER BERGMAN: Commissioner Gant.
10 COMMISSIONER GANT: Yes.
11 COMMISSIONER BERGMAN: Commissioner
12 Shearman.
13 THE CHAIR: Yes.
14 COMMISSIONER BERGMAN: Commissioner
15 Bergman votes "yes."
16 Madame Chair, by an eight-to-zero margin,
17 this motion has been approved.
18 THE CHAIR: Thank you. The vote to
19 approve the goals amendment presented by La --
20 MS. MONTOYA: Resolana.
21 THE CHAIR: -- Resolana --
22 MS. MONTOYA: Resolana Leadership Academy.
23 THE CHAIR: -- La Resolana Leadership
24 Academy is unanimously approved. Congratulations.
25 MS. MONTOYA: Thank you, Commissioners.

1 THE CHAIR: Thank you.

2 Will the representatives from Alma d'Arte
3 Charter High School please come forward?

4 MR. HARTSHORNE: I think I can still say
5 good morning.

6 THE CHAIR: Just barely.

7 MR. HARTSHORNE: For another 30 seconds.

8 THE CHAIR: Please introduce yourself and
9 your position at the school.

10 MR. HARTSHORNE: Yes, ma'am.
11 Madame Chair, members of the Commission, I am Mark
12 Hartshorne. That's H-A-R-T-S-H-O-R-N-E. And I am
13 chief administrative officer and principal at Alma
14 d'Arte Charter High School in Las Cruces.

15 THE CHAIR: Thank you very much. Director
16 Gerlicz.

17 MR. GERLICZ: Madame Chair, members of the
18 Commission, Director Hartshorne is here to request
19 an amendment to change the mission statement of Alma
20 d'Arte Charter School. As you can see in the
21 documents, their original mission statement is a
22 long, rambling mission statement. And they are
23 proposing that it be reduced to a one-sentence
24 succinct. It is our view that that will not
25 compromise their establishment of goals relative to

1 their mission. Those will still be intact. And so
2 we recommend approval of this amendment.

3 Thank you, Madame Chair.

4 THE CHAIR: Thank you. Are there
5 questions from Commissioners? Hearing none, the
6 Chair will entertain a motion.

7 COMMISSIONER CARR: Madame Chair?

8 THE CHAIR: Commissioner Carr.

9 COMMISSIONER CARR: Move to approve the
10 amendment presented by Alma d'Arte Charter School.

11 COMMISSIONER BERGMAN: Second.

12 THE CHAIR: Motion by Commissioner Carr,
13 second by Commissioner Bergman, to approve the
14 amendment presented by the Alma d'Arte Charter
15 School. Roll-call vote. Commissioner Bergman.

16 COMMISSIONER GANT: Madame Chair.

17 THE CHAIR: Commissioner Gant.

18 COMMISSIONER GANT: Madame Chair, just a
19 little word of kindness to Mark Hartshorne. He was
20 a principal at one of our major high schools down
21 there. For an unknown reason, he retired. I wasn't
22 happy with that, but he retired, and moved off to
23 Colorado. And he got smart and came back to
24 New Mexico.

25 But then he took over Alma d'Arte. And

1 I've got to tell you, in my view -- just my view,
2 Mark -- that things have gone for the better. And a
3 lot of improvements have happened since you've gone
4 over there, because of your attitude for children,
5 which is, "Children first, always first."

6 And that's -- and I just have to tell
7 people here at the -- at the Commission that a lot
8 of good things have happened to this school. And I
9 had my doubts many years ago that this school would
10 survive. But, with Mark at the helm -- and this
11 little one-word thing captures it all. And that's
12 why I do support it. Thank you.

13 COMMISSIONER TOULOUSE: Madame Chair, just
14 as a correction. I look at the date of submission
15 here on my copy. And I don't think we're two years
16 ahead yet. So I'm assuming that was "13," just as
17 a --

18 MR. HARTSHORNE: Yes, ma'am. I appreciate
19 that.

20 COMMISSIONER TOULOUSE: -- for the
21 official record. Thank you.

22 MR. HARTSHORNE: And I do want to thank
23 Commissioner Gant for his remarks. Certainly, he
24 and I have a 20-year association of friendship and
25 colleague. And so, again, I appreciate your words,

1 Gene. And, you know, we have a lot of evolution
2 going on at Alma in the last few years, I think in a
3 real positive direction.

4 To piggy-back on Mr. Gerlicz's remark
5 about what the revised mission statement does for
6 us, we wanted to insure that we had a mission
7 statement that described what kids were going to
8 look like -- students were going to be when they
9 finished with our program. And the previous mission
10 statement didn't do that.

11 With this revised statement, absolutely
12 all of our goals, our objectives, our actions, our
13 entire focus, if anybody ever questioned -- I mean,
14 typically, they don't. But if there's a question in
15 the school, why are we doing this programmatically,
16 why are we making this change, why is this item
17 under consideration, we simply point at this mission
18 statement and say, "This helps us graduate artist
19 scholars prepared to succeed."

20 So it's the basis of everything else we're
21 doing and the entire evolution that's taking place
22 at the school, which you will see in a year's time
23 because we're up for renewal, be bringing that
24 document to you.

25 But it absolutely enables us to tie

1 everything together that we're doing and along the
2 graduation line. Since the comment has been made --
3 or the topic has been commented upon previously
4 today -- our latest four-year cohort graduation rate
5 is 92.4 percent. And for several consecutive years,
6 our cohort graduation rates have been above
7 90 percent. And that's not because we are getting
8 students that are walking into us very accomplished;
9 although, we do definitely have a trend towards kids
10 that are more accomplished in an academic sense.

11 But our -- our people, our relationships
12 that we have with our kids and their families, and
13 our programming in the arts is exactly what's doing
14 that. So we're very proud of that. And since I was
15 here this morning, I just had to bring that up. But
16 I thank you for your consideration.

17 THE CHAIR: Thank you. Thank you. Let us
18 proceed with our roll-call vote.

19 Commissioner Bergman.

20 COMMISSIONER BERGMAN: Commissioner Carr.

21 COMMISSIONER CARR: Yes.

22 COMMISSIONER BERGMAN: Commissioner
23 Conyers.

24 COMMISSIONER CONYERS: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Peralta.

2 COMMISSIONER PERALTA: Yes.

3 COMMISSIONER BERGMAN: Commissioner Pogna.

4 COMMISSIONER POGNA: Yes.

5 COMMISSIONER BERGMAN: Commissioner

6 Toulouse.

7 COMMISSIONER TOULOUSE: Yes.

8 COMMISSIONER BERGMAN: Commissioner Gant.

9 COMMISSIONER GANT: Yes.

10 COMMISSIONER BERGMAN: Commissioner

11 Shearman.

12 THE CHAIR: Yes.

13 COMMISSIONER BERGMAN: Commissioner

14 Bergman votes "yes."

15 Madame Chair, by an eight-to-zero vote,
16 this motion has been approved.

17 THE CHAIR: Thank you. Unanimously
18 approved are the amendments presented by Alma d'Arte
19 Charter School to change their mission statement.
20 Congratulations.

21 MR. HARTSHORNE: Thank you very much,
22 Commissioners.

23 THE CHAIR: Thank you.

24 MR. GERLICZ: Madame Chair?

25 THE CHAIR: Let me -- is it on the agenda,

1 or can I bring up something first?

2 MR. GERLICZ: You may bring up something
3 first. It has to do with the visitors that are with
4 us.

5 THE CHAIR: That's exactly where I'm
6 going. Commissioners, we've got a group of young
7 people, outstanding young people, that have been in
8 our audience for quite a long time. And they have
9 certainly behaved themselves in an exemplary manner.

10 Since it is getting past the noon hour, I
11 suspect they're very hungry, and they probably need
12 to get back to school besides all of that.

13 We have several attorneys in the room
14 present. Could we -- they are originally scheduled
15 for our Open Forum segment of the agenda. Would it
16 be permissible, and would you prefer that we move
17 this group up to speak to us right now?

18 MR. REYNOLDS: Madame Chair, I certainly
19 believe that is permissible, yes.

20 THE CHAIR: Consensus-wise, is that
21 agreeable to the Commissioners? Wonderful.

22 Would the students and the sponsor from
23 the Albuquerque School of Excellence ROBOTIC Team
24 please come forward, introduce yourselves and the
25 students, and tell us all about their wonderful

1 accomplishments.

2 MR. CETINKAYA: Madame Chair,
3 Commissioners, good afternoon.

4 THE CHAIR: Please spell your name for the
5 reporter.

6 MR. CETINKAYA: My name is Ahmet,
7 A-H-M-E-T; and last name, Cetinkaya,
8 C-E-T-I-N-K-A-Y-A. I'm the principal of Albuquerque
9 School of Excellence. And I'd like to take this
10 opportunity and meet with all of you and share our
11 accomplishment with the Robotics Team last -- this
12 past Saturday, in the statewide competition. First
13 Lego League, they got first place. We brought their
14 work right here, in Programming, with a perfect
15 scoring.

16 And then we have -- Albuquerque School of
17 Excellence is serving 316 kids, located at northeast
18 part of Albuquerque, and then grades first through
19 ten; and we will be adding a grade every year. We
20 are in year three.

21 And then they got another first place last
22 year, too, our Robotics Team, in a Teamwork award.
23 So I'd like to start with the first -- Jacob Boskin
24 [ph].

25 JACOB: I've always loved Legos, and I've

1 especially liked robots.

2 THE CHAIR: I'm sorry. Please use the
3 microphone, so we can all hear you.

4 JACOB: I've always liked Legos, and I've
5 always liked robots. So I decided to join the team
6 at Albuquerque School of Excellence. And it has
7 been very fun. I've done this for two years now;
8 this is my second year. And both of the years,
9 we've gotten an award.

10 MR. CENTINKAYA: And then we have
11 Kimberly.

12 KIMBERLY: I joined Robotics because I
13 thought it would be fun and I wanted a challenge.
14 And I'm really glad that we won the programming
15 award, because our robot, "STEVE" -- he is really
16 good. He might be bipolar.

17 MR. CETINKAYA: Yeah. We have Loren
18 Hernandez.

19 LOREN: Okay. So, first of all, STEVE
20 stands for "Senior Tech Evolutionary Vehicular
21 Explorer." That's STEVE, our robot. I joined
22 Robotics this year because I thought it would be
23 really fun. And it was actually very, very cool for
24 me to be in Robotics this year.

25 MR. CETINKAYA: And then we have Crystal.

1 CRYSTAL: I like Robotics because I'm up
2 to the challenge, as well as Kimberly is. And it
3 just sounded interesting since we were able to make
4 robots out of Legos. So I was really glad that we
5 won an award this year.

6 MR. CETINKAYA: And then we have Mikhail
7 Sosi [ph]

8 MIKHAIL: Hello. My name is Mikhail Sosi
9 [ph]. I'm in seventh grade. And I enjoy Robotics
10 because it was something to do in my free time, and
11 because I like Robotics, and, just, that would sound
12 fun. Legos are cool, so -- yeah.

13 MR. CETINKAYA: And then we have Skyler.

14 SKYLER: I actually learned about Robotics
15 in my old school after -- in my old school, when I
16 was -- because I was going to come to this school.
17 And I was really excited because I was, like, "Wow,
18 a robot. Who else -- who gets to build robots?"

19 So -- but, so, I've been here for two
20 years. And we built STEVE. And we've been doing
21 competitions. I don't know what to say.

22 MR. CETINKAYA: And then Nathaniel.

23 NATHANIEL: Hi, everybody. My name is
24 Nathaniel. And I joined Robotics because I
25 figured -- I was told that the -- you had to program

1 the robot. And I was really into programming
2 Python -- do any of you guys know Python? Well --
3 and I also joined it because I had this kit before.
4 And it was fun playing with it.

5 MR. CETINKAYA: And then we have Robotics
6 coach, Mr. Dadebayev.

7 MR. DADEBAYEV: Hi, and thank you for
8 having us today. And I'm teaching them their
9 computer class, too, and then teaching them as a
10 coach for the Robotics for two years. And then this
11 is great to work with them, and then they did a
12 really hard job this year, too. And then they won
13 this award. And thank you again for supporting us
14 and having us today.

15 MR. GERLICZ: Can we see STEVE in
16 operation?

17 THE CHAIR: The name is "STEVE," the
18 Robot?

19 SKYLER: Yes. He runs -- he runs
20 different missions on a set course. And every year,
21 it changes. So we have --

22 NATHANIEL: She said he can go over there.

23 SKYLER: We have to plug him in the
24 computer, and then we have to program sets of
25 different movements. And this is an example.

1 (Robot executes set of movements.)

2 SKYLER: That was one of the missions he
3 ran at competition. And if we had been on the
4 actual set table, you would have seen him push
5 quilts and pick up things, and so --

6 COMMISSIONER TOULOUSE: Madame Chair?

7 THE CHAIR: Outstanding. Commissioner
8 Toulouse?

9 MR. GERLICZ: What was the competition?

10 MR. CETINKAYA: It's First Lego League.

11 COMMISSIONER TOULOUSE: I'd like to see
12 what the other robot does, too.

13 MR. GERLICZ: That's the award.

14 THE CHAIR: It's rather robotic-looking.

15 COMMISSIONER TOULOUSE: But, no, I
16 congratulate these kids a lot. I have one grandson
17 who's only seven, and he is already doing this kind
18 of -- trying to do things. And he will be beyond me
19 in about two years. I give him that much yet.

20 So I applaud all of you for taking the
21 time to do this and enjoy it. Whether you win or
22 not, I bet you like it anyway. And the winning is
23 the icing on the cake. Thank you.

24 SKYLER: And there's several different
25 competitions. The young kids go to Junior FLL,

1 which is less complex. And they do -- and there's
2 competitions for them. And then there's FLL. Then
3 for high school, there's FTC, First Tech Challenge,
4 which is like a huge field, like the size of this
5 room. And they have much bigger robots that do
6 other things. So there's several different
7 competitions for different age groups.

8 MR. GERLICZ: And in this competition, the
9 name of this competition?

10 MR. CETINKAYA: First Lego League.

11 MR. GERLICZ: First Lego League. And
12 there's actually a league of this sort of thing, and
13 then it results in a competition?

14 MR. CETINKAYA: We won this in the
15 statewide one.

16 MR. GERLICZ: For middle school?

17 MR. CETINKAYA: For middle school. This
18 is for middle school.

19 SKYLER: There's a bunch of competitions,
20 and then it goes up to International, and then teams
21 from all different countries will compete.

22 MR. GERLICZ: That was my next question.
23 Since you won this competition, then that continues
24 on to the national level?

25 MR. DADEBAYEV: Actually, we won the

1 statewide. And then in the judging -- judges of the
2 New Mexico, they decide who will go to the World
3 Championship. Because there is four awards. And
4 then we won one of them, and then each, like,
5 different teams can won [verbatim] -- like, won from
6 the one category. And we won the programming award.

7 There is a project award, and there is
8 design awards. And then, at the end, like, they're
9 going to -- if they send us an e-mail that to
10 represent our state, you can go to the World
11 Championship, and we can go.

12 MR. GERLICZ: Good luck.

13 MR. DADEBAYEV: Yes. Thank you.

14 MR. CETINKAYA: Thank you.

15 THE CHAIR: Comments from other
16 Commissioners? Well, you are an outstanding group.
17 I am so impressed with what you have done. Please
18 keep it up. Continue to make New Mexico proud. And
19 we look to see your face in -- what is it --
20 Scientific American, perhaps? And we thank you for
21 waiting so patiently to show us your stuff.

22 MS. CALLAHAN: Thank you for coming.

23 (Applause.)

24 THE CHAIR: Now, Commissioners, my next
25 question is, do we want to break for lunch and come

1 back for these last few items, or do we want to work
2 through them and do lunch after we finish?

3 COMMISSIONER POGNA: Lunch after we
4 finish.

5 COMMISSIONER BERGMAN: Go forward and do
6 lunch.

7 THE CHAIR: Go forward? Go forward?

8 COMMISSIONER TOULOUSE: Madame Chair,
9 could we have about a ten-minute break again?

10 THE CHAIR: That's a good idea. Let's
11 take about a ten-minute break. We'll come back and
12 finish up our agenda. Thank you.

13 (Recess taken, 12:15 p.m. to 12:30 p.m.)

14 THE CHAIR: All right. We're back in
15 session. Next topic on the agenda is the Draft of
16 the Memo of Understanding between PED, CSD, and
17 Public Education Commission Regarding PEC Duties.

18 And we will ask Abby Wear, CSD Counsel, to
19 begin the presentation.

20 MS. WEAR: Hi. I'm happy to use the
21 microphone if you can't hear me. But without an
22 audience, I imagine that you can.

23 The impetus behind this MOU is the new
24 charter schools law that charges PEC with duties
25 never before specifically charged in statute to you.

1 And I took a look at that and realized that you were
2 not in a position, nor did you have the resources,
3 without the help of CSD.

4 In this case, we're talking about
5 specifically closure protocols. But 446 also talks
6 about suspension and non-renewal and
7 renewal-with-conditions protocols. That's something
8 we'll address a little bit more down the road, maybe
9 at the March 8 meeting.

10 In order -- we've got two schools that the
11 PEC ordered to be closed at their last meeting. And
12 in order to move forward with those closure
13 protocols, we need CSD to have the delegated
14 authority in order to do that. So this MOU before
15 you is one that I handed -- that I updated you with
16 this morning is just that, delegating to CSD that
17 they have -- for the schools that you've already
18 ordered closed -- those two, specifically, is what
19 we're talking about -- that they can go ahead and
20 develop these procedures and protocols to insure
21 that closure in a smooth and orderly manner as the
22 statute requires. And I'm happy to answer any
23 questions.

24 THE CHAIR: Okay. Kelly, do you have
25 anything that you would like to add to this

1 discussion at this point?

2 MS. CALLAHAN: Madam Chair, Commissioners,
3 just that one of the things that we're facing is an
4 incredibly tight time line for closure procedures to
5 happen. Because these schools were not renewed as
6 of December, they must be closed by the end of this
7 fiscal year, which is June 30th, 2013. And it's now
8 already February. It's a considerable task to close
9 schools.

10 With Academia de Lengua y Cultura, this
11 school was proposing to come to the Commission as a
12 renewal school. However, they -- they were
13 previously chartered by APS. So APS is actually
14 doing the bulk of the work in the closure procedures
15 for Academia. We are working with APS to make sure
16 that our I's are dotted and our T's are crossed in
17 terms of following all the regulations and
18 guidelines. APS has actually gone through a closure
19 that they did last year with another school. So
20 they have done these procedures.

21 With Village Academy, we needed to wait
22 until the time line of the appeal process expired
23 before we could really do anything, because they had
24 that in -- by statute, the right to appeal. And so
25 we are facing an incredibly tight time line in terms

1 of notification to parents and community, as well as
2 establishing what's going to happen with any of the
3 assets of the school in terms of the employees and
4 their benefits. We -- there's a lot of information
5 that has to be defined for the school and the school
6 community.

7 So if there's any way that we can expedite
8 this forward, it would help us in trying to make
9 sure that the school community is adequately
10 informed and has all the information it needs in
11 order for those students to be allowed to attend
12 school somewhere else, and then gives them plenty of
13 time.

14 But the other issue is the transfer of
15 students usually happens sometime in February or
16 March is when transfers to other schools happen,
17 traditionally, in traditional public schools. So we
18 want to make sure that we get the -- as much
19 opportunity to have the choice that they can have to
20 make good decisions for their families.

21 So, anyway, that is just information --
22 thank you, Madame Chairman.

23 THE CHAIR: Thank you, Kelly. So let
24 me -- we visited about this a little bit yesterday.
25 I just want to be clear. This MOU truly is just for

1 this particular point in time, to get the closure of
2 this particular school -- because of the tight time
3 line, this particular school completed, with CSD
4 having the authority to go ahead with the procedures
5 and the -- and so forth to get this done.

6 Then we're going to have, at our next
7 regular meeting, a new MOU from you that is going to
8 take us through that point into the future. And it
9 will be somewhat different from this; correct?

10 MS. WEAR: Correct. It will probably also
11 likely include -- the statute also now charges you
12 with developing and overseeing and insuring not only
13 closures, but renewals of conditions, suspensions.
14 So that MOU will also likely include those elements
15 as well.

16 THE CHAIR: Okay. Then one thing that
17 catches my eye that I don't know if it's really a
18 concern -- but if -- would we not be terminating
19 this MOU at the March meeting when we're looking at
20 a new one?

21 MS. WEAR: Do you mean in the termination
22 clause, does it specifically articulate?

23 THE CHAIR: I'm looking at the 120 days in
24 the termination clause, because, to me, this MOU is
25 really only good for this particular activity that

1 needs to happen right now with the closure of
2 Village Academy. Then we need a whole new MOU, as
3 you just said, for all of the activities and
4 responsibilities going forward. So this MOU truly
5 is self-terminating, in my view, when the new MOU is
6 approved, I'm thinking, at the March meeting.

7 MS. WEAR: It can be. We can write a
8 sunset provision in there, or we can leave it that
9 you give us -- after -- after we show you the
10 closure procedures for Village Academy, that you
11 then say, "Okay, that's good; you know, this is the
12 notice to terminate the MOU." We can do it either
13 way.

14 THE CHAIR: I'm just concerned that it
15 says, "must have 120 calendar days' notice."

16 MS. WEAR: Uh-huh.

17 THE CHAIR: I'd rather that were not
18 there. I don't want to get caught up in any kind of
19 legal quagmire. I think if this were a
20 self-terminating MOU, upon the acceptance of the new
21 one, I would feel better about it.

22 MS. WEAR: Uh-huh.

23 THE CHAIR: Now, other Commissioners?
24 Your concerns or thoughts?

25 COMMISSIONER CARR: Madame Chair, I have a

1 question.

2 THE CHAIR: Commissioner Carr.

3 COMMISSIONER CARR: If it comes up, who --
4 if Albuquerque's public schools are bearing the
5 brunt of some of this work, who absorb- -- are they
6 absorbing the extra cost of that? How does that
7 work?

8 MS. CALLAHAN: Madame Chair,
9 Commissioner Carr, the -- in terms of the closure
10 costs itself, yes, the Albuquerque Public Schools is
11 responsible, because the charter actually doesn't
12 expire until June 30. So they are still under the
13 auspices of the Albuquerque Public Schools. So they
14 will absorb that.

15 The main thing that we're looking at is
16 just insuring that the process is taking place --
17 because they did apply to the Public Education
18 Commission, we -- you know, there isn't direct
19 oversight, but we're acting in the role of Charter
20 Schools Division assistance to districts that are
21 local authorizers. And because there is this -- you
22 know, a bit of a bridge that -- that they came to
23 the Public Education Commission, and the fact that
24 they have also appealed is -- but they did present
25 an appeal.

1 And so there is still a possibility that
2 the PEC may become involved. And so we're trying to
3 communicate with the Albuquerque Public Schools
4 staff and -- and make sure that we -- if, for some
5 reason, we end up having to take on some
6 responsibility, to be able to have a smooth
7 transition. So -- but right now, the charter is in
8 APS's purview until June 30, 2013.

9 COMMISSIONER CARR: Well, Madame Chair and
10 members, I have another -- so this is something that
11 I haven't considered much. I don't know -- and we
12 have not talked about. Because, in Albuquerque,
13 they can absorb some cost. If -- I don't expect
14 that to happen. If Moreno Valley High School up in
15 the Cimarron school district were to close -- I
16 don't see that happening; but if it were -- that
17 would be a tremendous burden upon the local district
18 to -- I know they would recoup it, maybe, with, you
19 know, additional students.

20 But it's something -- like, we need to
21 maybe think about, especially with the great number
22 of charter schools that we have now, about those --
23 those costs that could come about with the closures
24 and the effect that it's going to have on,
25 especially, smaller districts.

1 MS. WEAR: Well, unfortunately, if they
2 are locally chartered, the law doesn't give the
3 chartering authority a choice. They have to be sure
4 that everything is done in a smooth and orderly way,
5 as far as student records and distribution of
6 property.

7 COMMISSIONER CARR: Yeah, I understand
8 they don't have a choice. But it's something
9 that -- you know, I mean, a lot of the rural school
10 districts operate on emergency funds every year. So
11 they're going to have to say, "Hey, we need
12 emergency" -- because they're going to be asking for
13 more emergency money -- "Hey, we've got this school
14 closing, and, my gosh, we're going to end up closing
15 just to close a school."

16 You know, I -- I'm just throwing it out
17 there as a consideration. I don't think it's
18 something that I have thought about before, and I
19 don't think it's anything we've talked about before,
20 and something maybe we need to talk to the
21 legislature about.

22 MS. CALLAHAN: Madame Chair,
23 Commissioner Carr, just a comment. You know, part
24 of the 2-percent money that the -- that the schools
25 pay to the authorizers is to offset costs. But I

1 don't think there's ever been any contemplation
2 about the costs of closing; i.e., if the
3 distribution of assets will require budget folks to
4 be involved, will require, you know, the purchasing
5 folks to be involved, the auditing department. I
6 mean, there's a lot of unintended consequences of
7 what may happen in -- as a result of a closure
8 that -- that maybe haven't been, you know, thought
9 about.

10 And, so, Commissioner Carr, I absolutely
11 agree. As part of, I think, what we'll do in our
12 closing procedures is, as we identify some of those
13 things -- because now because of 446, there has to
14 be identified what is used -- the 2 percent used for
15 by the authorizer. And, in some states, according
16 to NACSA, they actually make a school do a
17 set-aside -- Commissioner Shearman, I don't know if
18 you remember, in that -- one of the -- one of the
19 states, that they ask the school to set aside an
20 additional 1 or 2 percent of their money as an
21 emergency fund in case of closure.

22 So those may be -- you know, those may be
23 other things that we have to look at as we get into
24 this closing procedure, because it is -- it's really
25 difficult to anticipate what all the costs --

1 either -- the ones that are very obvious; but there
2 also may be some hidden costs that we don't know
3 about, soft costs. So it's definitely something
4 that we will take into consideration and try to
5 identify as best we can through the closing
6 procedures.

7 THE CHAIR: All right. Thank you for that
8 clarification.

9 COMMISSIONER BERGMAN: Madame Chair?

10 THE CHAIR: Commissioner Bergman.

11 COMMISSIONER BERGMAN: Let me offer a
12 suggestion. Instead of changing this draft again,
13 might we not, in the next MOU, in the "Termination"
14 section, have some kind of language that says that
15 that MOU supercedes and replaces this one that we
16 approve? Then we don't have to change this one
17 again; we just do it that way. Would that be
18 possible?

19 MS. WEAR: I don't see why not. But I
20 definitely hear what you're saying about the
21 120 days. I'd like to -- you know, so that we can
22 proceed with Village Academy, I'd like to be in a
23 position to get a vote on this today.

24 And I'm just wondering, Mark, if you think
25 that we could -- what do you -- what's your --

1 MR. REYNOLDS: I think that we can make
2 amendments to this, have it on the record that if
3 the Commission so decides to approve it with the
4 amendments, and then delegate to the Chairperson the
5 authority to sign it. And then we can go back and
6 write the amendments and get them in front of
7 Carolyn.

8 One simple change that we could make is,
9 in that termination language, just simply saying,
10 "This MOU may be terminated by agreement of the
11 parties," comma, "or with 120-day notice by either
12 party." And that would take care of that problem.

13 THE CHAIR: That would fix it.

14 COMMISSIONER BERGMAN: Yeah.

15 THE CHAIR: Okay. Is there further
16 discussion of -- you're recommending that as part of
17 the motion?

18 MR. REYNOLDS: Exactly, yes.

19 THE CHAIR: Whoever chooses to make the
20 motion.

21 MR. REYNOLDS: And, Madame Chair, if I
22 may -- and the reason I think we might want to -- it
23 may not be a big deal to make that change. I have a
24 suggestion for a couple of other changes.

25 I don't know how the CSD will feel about

1 them. But if you read in Section 2, "Party A
2 Responsibilities," the second paragraph says, "PEC
3 retains authority to approve these processes and
4 protocols and must do so at a subsequent meeting,
5 such process and protocols being developed by CSD."

6 From a legal standpoint, I'm fine with
7 mandating ourselves to deal with it at the next
8 meeting, because this law is in place, and we need
9 to get it done. But that could be read to mandate
10 that we must approve, as opposed to disapproving or
11 modifying. I don't think that's the intention of
12 the Commission.

13 MS. WEAR: That wasn't the intention of
14 the drafter, either. I'm not sure that I agree that
15 that's what it says, but --

16 MR. REYNOLDS: So the suggestion I would
17 have -- I don't know, Abby, if you or the CSD have a
18 problem with it -- would be to write to say, "PEC
19 retains authority to approve, disapprove, or modify
20 these processes, and must do so at the next
21 meeting."

22 MS. WEAR: That was the intention, so I
23 have no problem with spelling that out.

24 MR. REYNOLDS: Other than that,
25 Madame Chair, those are the only suggestions I have

1 for it.

2 THE CHAIR: Thank you for those. Let me
3 make sure I got the one on -- on Section 6 -- I'm
4 sorry -- 7. Your suggestion was, "This MOU may be
5 terminated by either party, or with 120 days' --
6 calendar days' notice"?

7 MR. REYNOLDS: No. Sorry, Madame Chair, I
8 probably wasn't very clear. My suggestion would be,
9 "This MOU may be terminated by agreement of the
10 parties... ." And then just so it all reads right,
11 it doesn't sound like you need 120 days' notice if
12 you have agreement of the parties, it will read,
13 "This MOU may be terminated by agreement of the
14 parties or with 120 days' notice by either party."

15 THE CHAIR: Or 120 calendar days' notice.
16 Okay.

17 COMMISSIONER GANT: By either party.

18 MR. REYNOLDS: You've got to take that "by
19 either party" and move it till after "120 days'
20 notice."

21 THE CHAIR: Okay. Does everyone have that
22 down and -- one more time?

23 Let me read what I have, Mr. Reynolds,
24 and, Abby, if you would check me, please. "This MOU
25 may be terminated by agreement of the parties or

1 120 calendar days' notice."

2 MR. REYNOLDS: Say, "or," comma, "with
3 120 days' notice," comma, "by either party."

4 THE CHAIR: Oh. You want "by either
5 party" after.

6 MR. REYNOLDS: Exactly. Otherwise, it
7 sounds like you need 120 days' notice even with the
8 agreement of the parties, which doesn't make any
9 sense.

10 THE CHAIR: Okay. You read it, please.

11 MR. REYNOLDS: My suggestion is, "This MOU
12 may be terminated by agreement of the parties or,"
13 comma, "with 120 days' notice by either party,"
14 period.

15 THE CHAIR: All right. And then --

16 COMMISSIONER BERGMAN: Let's redo the
17 other one, yeah.

18 THE CHAIR: In Section 2, paragraph 2,
19 "PEC retains authority to approve, disapprove, or
20 modify these procedures and protocols...", and so
21 forth. Okay?

22 MR. REYNOLDS: Yes.

23 THE CHAIR: All right. Further
24 discussion. Commissioner Gant?

25 COMMISSIONER GANT: Just -- Madame Chair,

1 just a point of interest for your calendars. And I
2 won't be able to come up for this one. But on
3 Friday, the 22nd, is when this one school will have
4 its meeting -- or hearing meetings. So you might
5 want to put that on your calendars. Some of you may
6 want to come and speak to it or not.

7 THE CHAIR: Before the Secretary, you're
8 saying?

9 COMMISSIONER GANT: It's on Friday, the
10 22nd.

11 MS. WEAR: March 22nd.

12 COMMISSIONER GANT: You're right. Old
13 age. Friday, March 22, at 9:00, in Mabry Hall.

14 THE CHAIR: March?

15 COMMISSIONER GANT: March 22, at 9:00 to
16 12, in Mabry Hall.

17 THE CHAIR: Okay. All right. Anything
18 further? The Chair will entertain a motion.

19 COMMISSIONER BERGMAN: Madame Chair?

20 THE CHAIR: Commissioner Bergman.

21 COMMISSIONER BERGMAN: I move that the
22 Public Education Commission approve the Memo of
23 Understanding between PED, slash, CSD and PEC, with
24 the notations that we have changed as amendments.
25 Anything else?

1 MR. REYNOLDS: That are on the record.

2 COMMISSIONER BERGMAN: That are on the
3 record.

4 MS. WEAR: Do they need to empower the
5 Chair to sign it?

6 MR. REYNOLDS: I think it's probably a
7 good idea to delegate the authority to the Chair to
8 sign it.

9 COMMISSIONER BERGMAN: And delegating the
10 authority to the Chair to sign it, period.

11 THE CHAIR: Do we have --

12 COMMISSIONER GANT: Second.

13 THE CHAIR: Commissioner Gant, second.
14 Commissioner Bergman made the motion, Commissioner
15 Gant seconded, to approve the MOU as amended with
16 Chairperson having authority to sign the MOU.

17 Further discussion? Commissioner Bergman,
18 shall we have a roll-call vote, please?

19 COMMISSIONER BERGMAN: Yes, ma'am.
20 Commissioner Carr.

21 COMMISSIONER CARR: Yes.

22 COMMISSIONER BERGMAN: Commissioner
23 Conyers.

24 COMMISSIONER CONYERS: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Peralta.

2 COMMISSIONER PERALTA: Yes.

3 COMMISSIONER BERGMAN: Commissioner Pogna.

4 COMMISSIONER POGNA: Yes.

5 COMMISSIONER BERGMAN: Commissioner

6 Toulouse.

7 COMMISSIONER TOULOUSE: Yes.

8 COMMISSIONER BERGMAN: Commissioner Gant.

9 COMMISSIONER GANT: Yes.

10 COMMISSIONER BERGMAN: Commissioner

11 Shearman.

12 THE CHAIR: Yes.

13 COMMISSIONER BERGMAN: Commissioner

14 Bergman votes "yes."

15 Madame Chair, by an 8-to-0, vote that
16 motion is approved.

17 THE CHAIR: The motion to approve the MOU,
18 as amended, with the Chair of the Commission
19 authorized to sign, passes unanimously.

20 Let's move on to Item No. 14, PEC
21 Business. Topic (a) is Committee Reports. The only
22 committee report I have is Legislative Committee.
23 And Commissioner Carr will bring that to us.

24 COMMISSIONER CARR: I met with the
25 Director of the LESC yesterday.

1 COMMISSIONER GANT: Pull your mic closer.

2 COMMISSIONER CARR: Oh, okay. I met with
3 the Director of the LESC yesterday, Frances Maestas.
4 She gave me the update on the proposed legislation
5 that the LESC is moving forward for us. Mary Jane
6 Garcia is going to introduce that bill to the floor
7 in a few days, and we'll have a number then. And
8 we'll try to get it out to everybody with the exact
9 wording.

10 So for new members, I don't know if we
11 have -- I don't have a copy of -- of what we gave
12 the legislature, but we'll have the exact wording
13 from the legislature pretty soon. Have -- okay. So
14 we'll see how that goes. And if you want to lobby
15 for that, you can get the bill number and talk to
16 your legislators and -- and support it.

17 The other topic -- oh, well. And then I
18 will defer to Commissioner Gant in just a second to
19 tell us about the -- the bill for moratorium in just
20 a second.

21 But I have the -- something that I
22 presented several times is a Constitutional
23 amendment that I would like for us to -- it's a
24 resolution to support a Constitutional amendment.
25 And I've been, you know, told there's various issues

1 and things that we'll work on the -- I don't know
2 who's going to be with me on the legislative
3 committee right at this moment -- but that we want
4 to get -- we want to work with the LESC, make sure
5 we get this wording correctly.

6 But the intentions are quite clear. And
7 I'll just -- I'll read -- everybody should have a
8 copy of the page that says, "Constitutional
9 Amendment."

10 "Be it resolved that the New Mexico State
11 Legislature" -- and, of course, for our purposes, we
12 can -- for voting, we could state "PEC", but -- the
13 "State Legislature supports an amendment to our
14 State Constitution giving oversight, regulatory
15 authority to New Mexico Public Education Commission
16 in regards to budget, licensing and policy;

17 "Be it further resolved that the Secretary
18 of Education be appointed..." -- and this is a
19 little change based on some members of the LESC's
20 recommendation. "Be it further resolved the
21 Secretary of Education be appointed by the Public
22 Education Commission and have a New Mexico Education
23 Administration Certification."

24 That requires a minimum of six years of
25 teaching in the classroom. And most administrators

1 have more than that.

2 "And be it further resolved that if a
3 vacancy occurs on the Public Education Commission,
4 the Public Education Commission shall appoint a
5 resident from the district in which that vacancy
6 occurs to the position, until the next regular
7 election."

8 Now, some of the issues that were brought
9 up to me of concern is that, right now, the Public
10 Education Department falls under -- is a cabinet
11 under the Governor. Before the 2003 amendment, it
12 was a separate entity that was overseen by the State
13 Board of Education, and the Superintendent of
14 Education, who was appointed by the State Board at
15 that time.

16 And the difference also is that there were
17 ten elected members and five members that were
18 appointed by the Governor. Members of the LESC --
19 concern about not going back to five appointments
20 from the Governor.

21 And so we have to make sure that -- you
22 know, that there are certain things stricken. They
23 will -- it is a huge change. In 2003, it was a huge
24 change. And this is something that won't -- that
25 will require a vote by the people. And my

1 intention, that it not -- you know, it wouldn't even
2 take effect -- or wouldn't be voted on until the
3 2014 election, which would take us into the next
4 administration, whoever that is. And then the State
5 Legislature would have to enact statute to conform
6 to the State Constitution, which would be in great
7 detail.

8 I've been working on this for well over a
9 year. And -- and giving it more -- you know, the
10 more and more thought I give it, I have told the
11 LESC members that I'm not -- you know, not married
12 to the exact wording. And we can be open -- you
13 know, this is still going to be living and breathing
14 for a little while until we all -- you know, we
15 might want to make some changes.

16 One of the things that I thought about was
17 most people don't even know what the Public
18 Education Commission is. But if you say, "Formerly
19 the State School Board," then they go, "Oh." And
20 everybody understands that school board, local
21 school boards, you know, have control over their
22 local districts, and they -- they elect -- they
23 don't elect -- they select a superintendent for the
24 local.

25 So if we were to operate like that, one of

1 the thoughts that I had was maybe change the wording
2 as well. But it's a matter of semantics. But it's
3 also important that people understand what we do.

4 So even changing the wording to -- back to
5 State School Board and Superintendent of Education,
6 I think, adds a great deal of clarity to the general
7 public. That's what they know, for the most part,
8 and they understand that. And so be open to looking
9 at changing that.

10 But it wouldn't change the intention, the
11 intention being that the Public Education Department
12 be -- have the oversight of a State Board, and that
13 the -- or the Superintendent be selected and have
14 minimum professional requirements met.

15 And having said that, also, there are six
16 reasons against the current law that are listed in
17 the documents that I've given you. And, with that,
18 I would like to ask for a vote of support for this
19 resolution.

20 THE CHAIR: Commissioner Carr, is that a
21 motion?

22 COMMISSIONER CARR: Yes. Do you want me
23 to make that in the form of a motion?

24 MR. REYNOLDS: Madame Chair and
25 Commissioner Carr, I'm sorry to interrupt. But we

1 have an Open Meetings Act problem here. So I
2 apologize for this. But a body can't vote on an
3 item unless it's listed with reasonable specificity
4 on the agenda. And I don't see this on the agenda
5 listed with any type of specificity.

6 So, under the Open Meetings Act, you can
7 decide it, but it would have to be put on the agenda
8 for an actual vote. So I apologize, Commissioner
9 Carr, but I have to give that advice to the
10 Commission.

11 COMMISSIONER CARR: I feel like that we're
12 not voting on, say, we're closing a school or
13 accepting a school or something. We're voting on a
14 resolution that we're supporting. So you guys -- I
15 mean, yeah, I certainly don't want to put us in a
16 position where it looks like we're violating the
17 Open Meetings Act. And I know we are going to meet
18 again in March. And so if that's the consensus of
19 the Commission, then -- then so be it.

20 THE CHAIR: Commissioner Gant?

21 COMMISSIONER GANT: Madame Chair, please
22 correct me if I'm wrong. You can talk about this as
23 Commissioners. You can go talk to your legislators,
24 as an individual. You don't have to tell them that
25 you're on the Commission. You don't have to tell

1 them what you -- you could just tell them you're a
2 taxpayer from the State of New Mexico, and you have
3 concerns that the Public Education Commission -- the
4 Constitution needs to be changed to better suit what
5 the Public Education Commission is and give it more
6 power to do its job.

7 Forget that you're a Commissioner. I
8 believe you can do that. Am I not correct?

9 MR. REYNOLDS: I think that's generally
10 correct. And I would say -- you don't even have to
11 have -- you wouldn't have to hide the fact that
12 you're a Commissioner, either; only that, until the
13 Commission takes a vote on it, you shouldn't
14 represent that you're representing the voice of the
15 Commission on this, that you are representing your
16 personal view.

17 THE CHAIR: Okay. I think that was an
18 oversight on our part when we put this agenda
19 together, because we did intend -- we knew this was
20 coming up and that you were going to ask for a vote.
21 And we should have been more specific.

22 So, Beverly, if you will help us when we
23 put the next agenda together to be sure we get this
24 correctly listed on the agenda so that it can be
25 voted on? Commissioner Bergman?

1 COMMISSIONER BERGMAN: Thank you. I just
2 have a concern. And my concern is we are trying to
3 do some other things. And I'm afraid we're going to
4 get too many hands in the pie and too many things --
5 one is liable to affect the other. And that, I do
6 have a concern about that. Thank you.

7 COMMISSIONER GANT: Madame Chair.

8 THE CHAIR: Commissioner Gant.

9 COMMISSIONER GANT: Madame Chair, I
10 understand Commissioner Bergman's reluctance. I
11 understand it. But, in reality, after these number
12 of years that I've walked these halls up here, and
13 seen what does happen and get through, I rather
14 doubt -- maybe I'm wrong. Maybe there's enough
15 power in the LESC to make it happen -- we may not
16 even see this as a top bill or anything like that
17 until next year.

18 COMMISSIONER TOULOUSE: Madame Chair, may
19 I ask a question?

20 THE CHAIR: Wait, wait, wait, wait.
21 Commissioner Gant, have you finished?

22 COMMISSIONER GANT: And so I think we can
23 talk about this in March, vote on it in March, and
24 still go through the year pushing on our
25 legislators, because the legislators are not going

1 to change this year. They're in now for two years.
2 So we can start really pushing on it. And I
3 understand Commissioner Bergman's concern about it
4 at this point. Thank you.

5 THE CHAIR: Commissioner Toulouse.

6 COMMISSIONER TOULOUSE: Madame Chair, my
7 concern is, do we have a sponsor lined up -- or does
8 the LESC have a sponsor lined up for this? Because
9 if we wait, and it becomes our initiative, March 8
10 is too late to do anything this year anyway, because
11 it's past the midpoint. So unless we have
12 somebody -- and it would be a memorial. Do we have
13 somebody who's willing to put in a memorial or a
14 dummy one that can pick up after we vote.

15 And, otherwise, unless we can really tie
16 this very brief comment in here with the budget and
17 all, with getting somebody to agree that this really
18 is a budget bill, we won't be able to do this until
19 year after next.

20 COMMISSIONER CARR: Madame Chair, yes, we
21 don't have to have a memorial. But that would be --
22 that would be nice. And, with something like this,
23 you have to start talking about it, you know, unless
24 you're somebody like Governor Richardson, who can
25 work miracles beyond miracles about getting certain

1 things passed, whether you like it or not. This is
2 something that has to sink in. It takes time.
3 And -- and people need to be made aware of it over
4 time.

5 And I was -- in my conversations I've had
6 with the members of the LESC is that they -- they
7 pass a lot -- I mean, a lot of proposed amendments
8 pass during the 30-day session. And that's where I
9 expect it to end up. However, you know, things
10 change and everything. I mean, it could. But --
11 and it wouldn't matter they're -- because it's not
12 going to go up -- it's not going to be -- it
13 wouldn't be on the ballot until 2014 after the
14 30-day session next year anyway.

15 So -- and there has to be some wordings --
16 you know, we have to get the wording, you know.
17 That continues to change, you know. With once it,
18 you know, goes through these committees, the bills
19 get changed a little bit here and there, too, to
20 make sure that they're worded correctly.

21 But that's fine. Yeah, I recognize the
22 long-term process.

23 And the other thing that I want to just
24 point out is that, in your packet that was added,
25 there's -- there's statutes, and then there's

1 background on the amendments going back to the '50s,
2 you know, to give you background on it, because if
3 you go back twenty years or so, the system was
4 statewide-elected at that time, too. So there's
5 been a lot of changes over the years.

6 And those amendments are pretty simple,
7 you know. That's -- that's the nature of the
8 Constitution is that -- and then the statutes may be
9 20 or 30 pages based on one paragraph in the
10 Constitution. And that's -- and that's fine.

11 So I think that's -- that's all,
12 Madame Chair.

13 THE CHAIR: Okay. Thank you. All right.
14 Before we get away from the Committee Report item, I
15 think this might be a good place to announce
16 committee and liaison assignments. It's not an
17 action item; it's just an information item. But we
18 need to get those set. Everyone sent in their
19 requests on what committees and so forth they'd like
20 to serve on, and I tried to honor those as much as I
21 could. Let me -- Beverly, I will give you this
22 after I get it announced, and you can perhaps send
23 it out.

24 First of all, our committee assignments:

25 And I pretty much kept the chairmanship of those

1 committees as they were for continuity of effort and
2 added some people as I could.

3 Charter School Committee will have Vince
4 Bergman as Chair. Members are Millie Pogna, Carolyn
5 Shearman, and Gene Gant.

6 CTE is Gene Gant, Chair, and James
7 Conyers. Jim, is that satisfactory with you, I
8 hope?

9 COMMISSIONER CONYERS: Yes.

10 THE CHAIR: Strategic Planning. Gilbert
11 Peralta remains Chair. Carmie Toulouse and James
12 Conyers. I thought that was a good place to start
13 you all out.

14 Legislative Committee. Jeff Carr will be
15 serving as Chair. Vince Bergman, Gene Gant, Carolyn
16 Shearman. And, I will ask Carmie Toulouse to lend
17 her expertise to that committee.

18 Liaison Assignments, Legislative Education
19 Study Committee. Carolyn Shearman, Gene Gant, Vince
20 Bergman, Jeff Carr, Millie Pogna.

21 New Mexico Indian Education Advisory
22 Counsel. And Millie has given us the information
23 that that committee -- that council has only met
24 once.

25 COMMISSIONER POGNA: Pardon?

1 THE CHAIR: Did you not say that that
2 Commission, the Indian Education Advisory Council,
3 has met only once?

4 COMMISSIONER POGNA: I only received one
5 notice last year.

6 THE CHAIR: Right. We may want to spend
7 this year and evaluate our participation in that
8 council and what -- if you think it's worth it. I
9 will ask you and Gilbert Peralta to serve on the
10 Indian Education Council.

11 New Mexico Coalition of School
12 Administrators. Jeff Carr, Vince Bergman, Carmie
13 Toulouse, Gilbert Peralta.

14 New Mexico School Capital Outlay Council.
15 Gene Gant and Vince Bergman.

16 New Mexico School Insurance Authority.
17 Millie Pogna, Carmie Toulouse, Gilbert Peralta.

18 New Mexico School Boards Association.
19 Gilbert Peralta, James Conyers, Carolyn Shearman.

20 New Mexico State Library Commission. Gene
21 Gant, Millie Pogna.

22 And, in discussion with Commissioner Gant,
23 he tells me that the New Mexico Commission on
24 Technology in Education, that is not needed as a
25 separate entity, that it's covered in the CTE

1 Committee assignments.

2 So I hope those are satisfactory with
3 everyone. If they're not, please let me know.

4 COMMISSIONER BERGMAN: You're going to
5 give this list to --

6 THE CHAIR: Beverly.

7 COMMISSIONER BERGMAN: She talks faster
8 than I write. I got behind, and I'm lost.

9 THE CHAIR: I'm sorry. Yes, I'll give it
10 to Beverly, and she can e-mail it out to everyone.

11 COMMISSIONER POGNA: On the NMPSIA, you
12 had four people?

13 THE CHAIR: Three. No. You, Carmie, and
14 Gilbert.

15 MS. POGNA: (Unintelligible) just one
16 delegate.

17 THE CHAIR: Well, I'm just trying to have
18 everything covered more clearly. And my reasoning
19 there, Commissioner, was just to make sure that if
20 one person cannot attend, perhaps someone else can.
21 Okay. Is that -- so I'll get this to Beverly for
22 distribution.

23 Anything else on Committee Reports? All
24 right.

25 Let's move on, then, to PEC Calendar.

1 Ms. Friedman.

2 MS. FRIEDMAN: Madame Chair and
3 Commissioners, in your notebook, there is a
4 tentative calendar of PEC meetings. And you will
5 notice that these are basically the same ones that
6 we looked at in December.

7 There are a couple of changes. And many
8 of those changes are basically revolving around the
9 Charter School Division and their need for approvals
10 at different times, especially -- well, basically,
11 throughout the entire year. And so if you would
12 like to look at those dates, the next date that
13 we -- that we have suggested is the March 8th
14 meeting. And at that one, my understanding is that
15 we would be going through some of the contracts for
16 the charter schools.

17 The next one is April 26. And then
18 June 7. And then the week of meetings throughout
19 the state for possible new charter schools is set
20 for August 20 -- excuse me -- August 19 through the
21 23rd.

22 The approval meeting or denial meetings in
23 September, on the 26th and the 27th of September.

24 On November 1st would be your meeting, and
25 it would be around the same time as the Coalition of

1 Charter Schools Association meeting.

2 And then the renewal meeting on
3 December 12 and 13. And those are the meetings that
4 are suggested.

5 THE CHAIR: Commissioners, do you have
6 questions, concerns, Commissioner Bergman.

7 COMMISSIONER BERGMAN: Madame Chair, we do
8 this every year. The tour in August, what -- set in
9 that week, I just want to point out that school will
10 undoubtedly have started that week, and that always
11 makes it harder for Commissioner Carr and
12 Commissioner Peralta to be with us on the tour
13 because they're teachers, or principals.

14 I always know about the time lines that
15 you guys have. And the CSD have really rigid time
16 lines. So let's -- here, again, is there any way to
17 move it up a week? Or is that -- are we just boxed
18 in with all the stuff we've got to do?

19 THE CHAIR: Before you -- I know you're
20 going to look that up. Let me just say that the
21 12th, I have a meeting that I have to attend. And
22 so -- you know, I know we make -- everybody's time
23 comes into play here. I could not be there on the
24 12th, which means I probably could not be there on
25 the morning of the 13th, either.

1 So let's hear, Kelly, what your time line
2 looks like.

3 MS. CALLAHAN: Madame Chair,
4 Commissioners, the issue about the road trip that we
5 take for the new schools in the community input
6 hearings, we just -- we schedule it that time -- I
7 don't think there's a reason not to be flexible.
8 The biggest thing that we have is the submission is
9 July 1st. So the complete analysis and preliminary
10 recommendations and all of that information needs to
11 be completed a few days before that -- that road
12 trip, so the Commissioners have an opportunity to
13 review the application and the review analyses prior
14 to those community input hearings.

15 So, depending on the number of
16 applications that we get, historically, we receive
17 50 percent of the applications from the Notice of
18 Intent. And so that you're looking at seven,
19 possibly eight applications that -- but we could
20 also get 15. It just -- we don't know. That's a --
21 that's a wild card for us.

22 And so I don't see why we couldn't adjust
23 the time. We may not need a full week, you know,
24 depending on, again, the number of applications that
25 we receive and the places -- and, geographically,

1 where they're located. So if a number of the
2 Notices of Intent are from Albuquerque, we may not
3 have to do the road trip that we had to do this last
4 year, going to every part of the state that's
5 available in the fifth largest state in the country.

6 And so the -- as far as that, we just kind
7 of gave as much time as we could to insure that
8 there's adequate time to do the complete analysis
9 and turn it around so the Commissioners can have it
10 prior to the -- the road trip. And so that --
11 that's the reason for that.

12 If we move it back, it actually is -- is a
13 little better on the other side, because then, we
14 have a little more time prior to the approval
15 meeting to get the final recommendations and
16 information to the Commission. So, Tony, I --

17 MR. GERLICZ: Madame Chair, Kelly, I don't
18 disagree with any of what you're saying. Moving it
19 up a week is doable, depending on the schedules of
20 others.

21 COMMISSIONER BERGMAN: Yeah. My intent is
22 not to get it to where Commissioner Shearman can't
23 come. One, she's going to be presiding at these
24 meetings. If she doesn't, Mr. Gant will, or I will.
25 Now, I don't want --

1 MR. GERLICZ: Now, I could possibly see,
2 Madame Chair, if you're not available on the 12th or
3 the 13th, that we start on the 14th.

4 COMMISSIONER BERGMAN: We've never split
5 it up before. There's no law says we can't, other
6 than involving you guys.

7 THE CHAIR: I don't intend to infer that
8 my participation is more important than any others.
9 I don't like to miss any of these hearings is really
10 the point I want to make. But whatever works out
11 for the majority of the Commission, that's what
12 we'll do. Commissioner Gant, you had a comment.

13 COMMISSIONER GANT: Madame Chair, members,
14 my only comment is that I believe we've discussed
15 that in reference to the past, that we want the
16 evaluations and what has been turned in on 1 July,
17 which, this year, is Monday, that that's the end of
18 the inputs from the charter application, and we're
19 not running down the road chasing -- sending
20 81 pages of stuff to us to read before we get to see
21 that, et cetera, et cetera, et cetera.

22 So I want you all to have as much time to
23 review and finalize. And I think, for me, I need
24 maybe at least three days, maybe four, to
25 regurgitate everything that you send out. I mean,

1 I'm not a speed-reader. So I just -- I'm just being
2 frank. But I do want us to remember that we have
3 talked -- that when the application hits CSD's desk,
4 that's it.

5 So that's just my comment on this. If we
6 go for the 12th, you're backing up to get it to the
7 Commissioners on the 5th, which means you have to
8 have it done on the 2nd of August, which gives you
9 only a month. Now, if you end up -- you have --
10 three of the applications are all -- like we had
11 five last year from one person -- you're going to
12 have three applications from the same people, I
13 understand -- so you're going to see those. Now, if
14 the others fall out, I'm not sure.

15 So we may see more than 50 percent coming
16 in this time. Two of them are -- or three of them
17 are redos, so that you're up to six already. So --

18 THE CHAIR: They look pretty sure, yeah.

19 COMMISSIONER GANT: So you're up to six
20 already. And that virtual, you know is going to
21 come. So now you're at seven. You've hit the
22 50 percent. So there's going to be a couple more
23 that you don't even know about.

24 So giving you only one month to do
25 75 percent of them is really going to put you in a

1 bind. And that's just my comment.

2 THE CHAIR: Comments from, questions,
3 anyone else?

4 The thought that occurs to me is if we
5 could approve this as a tentative calendar, and
6 then, as we get closer to time when those
7 applications actually do come in and we know how
8 many we're going to be dealing with, then perhaps
9 would be the time to look at the dates for the road
10 show and make any changes that we might want to at
11 that time when we have a little bit more knowledge.
12 Just a suggestion.

13 MR. GERLICZ: Madame Chair, I think I've
14 lost a little sight as to the reason that we're
15 investigating moving it up a week. And that's for
16 Commissioner Carr's and Commissioner Peralta's
17 availability. But if we move it up one week,
18 they're still out of pocket, are they not?

19 THE CHAIR: It depends on when school
20 starts. And I'm not sure anyone even knows that
21 yet.

22 MR. GERLICZ: But even before school
23 starts, these are administrators and teachers that
24 are involved in meetings.

25 THE CHAIR: That's true.

1 COMMISSIONER PERALTA: Yeah,
2 Commissioner Shearman, that is -- it's really hard
3 to tell at this point. We're in the process now of
4 just getting our master scheduling going on here,
5 you know, this coming month and what have you.

6 So it's hard to tell when. It seems like
7 every year, though, we always start sooner and
8 sooner. So we're looking at the first week in
9 August or whatever. But, from my perspective, I
10 kind of like the idea -- I know that in my first
11 year as a Commissioner, I hit all five days. And
12 then last year, I kind of focused it down because of
13 my new assignment this year, that I pretty much
14 focused on the days where my districts, you know,
15 were -- or the schools were opening up -- or trying
16 to open up in my respective districts. I made sure
17 I attended those.

18 From my perspective, I kind of like the
19 idea of -- throwing it out -- that maybe we could
20 break it up so that if I did miss school on a
21 Thursday or Friday, I was able to get back the
22 following week on a Monday, Tuesday, just to kind of
23 tie things up and then just continue on the latter
24 part of the next week, so that at least I get a
25 chance to show my face in the middle at some point

1 of that five-day tour.

2 THE CHAIR: All right. Thank you.

3 COMMISSIONER CARR: Madame Chair, I
4 concur. If we -- yeah, if we shot for the 14th,
5 15th, and 16th, and we had to go that next -- so if
6 I'm not missing a whole -- like, I know this is --
7 that's going to be the first week of school, the way
8 it is there now, and -- which is impossible -- I
9 mean, that's just, you know, impossible. That's
10 just -- you know -- but if -- but if it was only a
11 few days in that first week, that might be
12 different.

13 And depending -- of course, depending on
14 where we have to go, that makes a difference, too.
15 But I like starting -- I like breaking it up, 14th
16 15th, 16th, and then adding the 19th and 20th, if we
17 needed to.

18 THE CHAIR: Is that a possibility, say,
19 Thursday and Friday of one week, and then Wednesday,
20 Thursday, Friday, the next week? It seems like to
21 me in the past we've talked about doing it that way,
22 and it's -- the folks have always said, you know,
23 that's -- that would make it more difficult and
24 certainly would push back all the rest of the dates.

25 But I -- I don't know. Could -- again,

1 could we move ahead with this tentative calendar,
2 and then, as we get closer in time and know a little
3 bit more what we're doing, maybe work on those dates
4 at that time, when we know, when we have more
5 information? All right. The Chair will entertain
6 such a motion, if anyone is ready to do that.

7 COMMISSIONER GANT: Madame Chair, may I,
8 please?

9 THE CHAIR: Commissioner Gant.

10 COMMISSIONER GANT: I agree that maybe we
11 ought to wait till we know exactly when -- or how
12 many applications are coming in, which is 1 July.
13 And my comment to Mark -- or question to Mark:
14 Could we not just say in the motion that the
15 Commission gives to the ESC the authority -- or the
16 authority to set the calendar for that week or split
17 week -- they give us the authority to go ahead,
18 based upon what we, as the ESC -- we don't have to
19 have a full meeting to vote on the calendar, is
20 where I'm going?

21 MR. REYNOLDS: That is absolutely correct.
22 For the purposes of the law and the Open Meetings
23 Act, that is going to apply here. What's important
24 is just that you give notice of that meeting, proper
25 notice of that meeting, once it is set. So if

1 you're doing it tentatively or delegating the
2 authority to somebody else to set it is fine. Just
3 make sure that proper notice of the meeting, once it
4 is set, is done.

5 COMMISSIONER GANT: Okay.

6 THE CHAIR: Then may I ask a procedural
7 question? If the Executive Committee is given the
8 authority today by the Commission to set that time,
9 would it be a violation of the Open Meetings Act for
10 us to come up with a couple of different scenarios
11 and send them out to all Commissioners and ask them
12 to respond, perhaps to Beverly, so that we can
13 choose the one that is most popular among the
14 Commissioners? If we say, "We'll do it all the week
15 of the 19th, or we'll do it the 15th, 16th, and the
16 22nd and 23rd, two choices, which one would you
17 prefer," can we do that by e-mail?

18 MR. REYNOLDS: I see nothing wrong with
19 the administrator communicating with the members of
20 the Commission to determine their best dates, their
21 preferred dates for a meeting, then getting back to
22 her, her studying it. And, once again, once they're
23 set, proper notice of that is made; that's what's
24 important.

25 THE CHAIR: Okay, good. Thank you. All

1 right. Are we ready for a motion? Commissioner
2 Gant.

3 COMMISSIONER GANT: Madame Chair and
4 members, I move that we accept the calendar as given
5 to us, except for the week for the community
6 meetings, and that those dates will be finalized
7 later on in the early part of August and be provided
8 to meet the Open Meetings Act at that time.

9 THE CHAIR: Did you say it's going to be
10 done by the E.C.?

11 COMMISSIONER GANT: And the dates -- I'll
12 add -- and the dates for the trip, the community
13 visits -- yeah -- of the community visits will be
14 set up by the E.C. with the authority given by the
15 rest of the Commission.

16 THE CHAIR: All right. Do we have a
17 second?

18 COMMISSIONER POGNA: Second.

19 THE CHAIR: Motion by Commissioner Gant,
20 second by Commissioner Pogna, to approve the
21 tentative Public Education Commission calendar for
22 2013, with the dates in August for the community
23 input hearings to be set by the Executive Committee
24 with input from the full Commission. Did I relay
25 that correctly?

1 COMMISSIONER GANT: Yes.

2 THE CHAIR: All right. Do we need a roll
3 call, or a voice vote will do?

4 MR. REYNOLDS: Voice vote is fine on this.

5 THE CHAIR: All right. All those in favor
6 of the motion please say, Aye.

7 (Commissioners so indicate.)

8 THE CHAIR: Any opposed? Motion carries.
9 Thank you very much.

10 Kelly, do you have a printed time line of
11 some kind to share with us today? We talked about a
12 time line the other day, and I --

13 MS. CALLAHAN: Madame Chair,
14 Commissioners, what I have is the contract time line
15 for the renewal schools that has been updated and
16 changed, again, because of the fluidity process, of
17 the fact that we're breaking new ground with this
18 process. And Director Gerlicz is handing out --
19 again, it stays in draft, because we've had to do
20 some changes just, again, because of procedures,
21 times, need to get groups together, and -- and it is
22 very, very compressed.

23 And so Director Gerlicz explained
24 yesterday to the Executive Committee that when we
25 met with the schools on Friday, there was concern

1 about being able to adequately notice a governing
2 council meeting to go over the terms of the
3 contract. And that is a very legitimate request,
4 because they do need to get their governing councils
5 involved, because the president is responsible as
6 the signatory on the contract.

7 So what we've done is we've actually taken
8 two time lines, because we did have schools who were
9 in process already and prepared to go forward with
10 their GCs. And we had a couple of other schools
11 that needed to extend the time. And so we've done
12 two separate time lines. There's an early option,
13 and then there's an extended option.

14 So the three schools that have elected to
15 do the time line, as it previously was published,
16 are Horizon West, Media Arts, and North Valley
17 Academy. And so they will be prepared, according to
18 the time line, February 21st and 22nd to do the
19 face-to-face negotiations with the Public Education
20 Commission, Charter School Committee, and any other
21 interested Commissioners.

22 And then Anthony Charter School and
23 Cottonwood have asked for extensions in order to
24 fulfill the obligations to their governing councils
25 to be involved in the worksheet process, the

1 negotiation process, which then would put their
2 negotiations at March 21, 22 -- and it's nice that
3 February and March have exactly the same dates, so
4 we didn't have to do much changes. But that would
5 put, then, the final approval meeting, barring an
6 impasse, for the PEC, to April 26.

7 And because we have extended the time line
8 for the 30-day contract notice, and -- and everybody
9 agreed to the May 31st, we're still within our time
10 line. So we felt that this was -- this was a
11 reasonable request. And, because we want to do this
12 correctly, we want to make sure that the terms --
13 that everybody understands the terms of the
14 contracts, that the schools, the governing councils,
15 and the PEC worked to make sure that we are doing
16 this very thoroughly and with fidelity.

17 So, anyway, this is the time line that --
18 so there's two -- two sides: the early option on the
19 left -- far left corner -- left hand, and then the
20 extended option for the schools that are taking more
21 time with their governing councils.

22 Are there any questions for Tony or
23 myself?

24 THE CHAIR: Okay. Thank you. And this is
25 just information only. So we don't need to vote on

1 that.

2 I was remiss in not bringing up one thing
3 when we were looking at the calendar, that March 8th
4 meeting. I know you've all received information
5 through e-mail about the Secretary's decision on the
6 New Mexico Connections Virtual Academy. She has
7 overturned our decision.

8 Particularly for new members, we have
9 30 days in which to respond, to have a meeting to
10 respond to that. And I did ask Abby to clarify.
11 Those are workdays, not calendar days. So our
12 March 8 meeting will suffice to deal with that issue
13 as well. So we'll still be in compliance with that
14 March 8 meeting. Okay.

15 Beverly, we've covered the calendar?

16 MS. FRIEDMAN: Yes.

17 THE CHAIR: All right. Let's move on to
18 PEC budgets. Beverly, I'll ask you again.

19 MR. FRIEDMAN: Madame Chair and
20 Commissioners, I have discussed with each of you
21 individually; I gave you a budget sheet that I have
22 developed for you. And on that sheet, it has some
23 information that I use in doing your budgets. And
24 one of the first lists is the encumbrance. And that
25 is the amount of money that has been placed in your

1 account, or encumbered by me for you for your
2 in-state travel.

3 There are two categories for that: One is
4 mileage, and one is per diem. And the mileage is
5 what it says, the actual mileage. And per diem can
6 be in two different areas. Per diem can be either
7 the meeting day rate, which, for Commissioners, is
8 \$95; or, it can be accommodations and meals.

9 And I asked Mr. Aguilar, when he came to
10 speak to the 1099s, because I still am not clear
11 myself as to which one you will get the 1099 for, I
12 was told that if you claimed accommodations and
13 meals, that you would not get the 1099. I am not
14 sure what that status is specifically.

15 But those are your two options. If you
16 don't claim meals and accommodation, it is a flat
17 rate of \$95 for meeting-day rate.

18 And so those are the two areas. And
19 you'll notice that there's a remaining balance.
20 That remaining balance is based on the information
21 on that chart. And the information on the chart
22 should be through the December two-day meeting.

23 And those are my records. And, as a
24 couple of you have mentioned to me, you still
25 haven't been paid for the November or December

1 meetings. Those do take a while through our system,
2 and then they go over to the Department of Finance
3 and Administration, DFA, for approval. And then
4 there is a check that is sent to you.

5 I spoke to one of our finance people after
6 your comment this morning, Mr. Gant. And one of the
7 ladies told me that she thought that what they could
8 do is, with the checks that you receive, or with
9 your notices, that they would have an itemized list
10 for you.

11 The other option is the forms that I send
12 you, the three copies, the two white and the pink
13 copies; those are the breakdowns. And so if you
14 want to make a copy of that, that tells you how that
15 money is broken down, by mileage and either by
16 perfect diem -- and your per diem, either
17 meeting-day rate or accommodations and meals. And
18 so I can provide you with some of that information,
19 if you wish. I have records for all of you in my
20 files.

21 But coming from Finance, it probably would
22 be more succinct and more accurate. Sometimes I
23 make errors in adding and things like that. It may
24 not be to the penny.

25 But, anyhow, those are your expenses from

1 July of this fiscal year, and they will be through
2 June 30 of this fiscal year. And I have to, with
3 the two new Commissioners, close out the other
4 Commissioners who left and add the two new
5 Commissioners. And then with the increase in
6 legislative travel and for some other travel, I did
7 have to ask for an increase to your budget.

8 And I -- Mr. Aguilar gave us that
9 increase. It was about \$5,000. And, so, if there
10 are any other increases, I do have to go to him to
11 ask for that. We did pay Mr. Vigil for his services
12 through the appeals hearings in December. And
13 you'll notice, I -- not on yours -- but I gave
14 Commissioner Shearman a listing for Bean &
15 Associates for transcription of meetings. And so
16 those are the main expenses for Commissioners at
17 this point.

18 THE CHAIR: Thank you. Any questions?
19 All right. Thank you very much, Beverly.

20 MR. FRIEDMAN: Uh-huh.

21 MR. REYNOLDS: Madame Chair?

22 THE CHAIR: Yes.

23 MR. REYNOLDS: If I may, I feel like
24 sometimes I'm causing more problems than I'm helping
25 to solve. But returning back to the PEC calendar,

1 there is -- there could still be an issue with this
2 30 days. And I understand it's been the practice of
3 the PEC and the PED that you have 30 working days in
4 which to act upon the Secretary's decision.

5 However, I do understand that this Commission -- or
6 at least some Commissioners are at least considering
7 the possibility of appealing that decision. And I
8 know we have to make a decision of whether or not we
9 can do that and whether or not, if we want to.

10 And I do know the statute under which you
11 appeal calls for 30 days. And then that 30 days is
12 read as calendar days, not working days.

13 So if this Commission was to decide that
14 they had standing to appeal and wanted to do that,
15 that would need to be filed within 30 calendar days,
16 not working days, in which case your March 8th
17 meeting might -- I think is outside of the time
18 frame.

19 COMMISSIONER GANT: The 28th --
20 Madame Chair, the 28th of February is the 30th day.

21 THE CHAIR: You've counted calendar days,
22 and the 28th of February would be the 30th day.

23 COMMISSIONER GANT: Someone can
24 double-check that if they'd like. But that was my
25 stubby pencil, so --

1 MR. REYNOLDS: What I can do,
2 Madame Chair, is I can go back and research the
3 whole time-frame thing. And if The Executive
4 committee decides they need to call a special
5 meeting or something like that, they can. We can
6 keep the March 8 meeting. But the Commission needs
7 to be aware, if you want to act upon it, you may
8 have to call a special meeting within the 30 days of
9 when the Secretary's decision came down.

10 THE CHAIR: Okay. Thank you for that --
11 for that heads-up.

12 Kelly and Tony, could I ask you about the
13 March 8th date? Is that set in stone? What happens
14 on March 8th? Why did we choose that date?

15 MR. GERLICZ: Well, we chose that --
16 Madame Chair and members of the Commission, we chose
17 that date long ago. The agenda is being formed for
18 that date. The agenda already includes those five
19 schools that we renewed in December. The period of
20 negotiations for their contracts will be terminated
21 and need -- or concluded by that time and will need
22 to be approved by that March the 8th meeting.

23 If the question is can we move it further
24 up, it would just be a matter of logistics and
25 contacting all of those schools to do that. I don't

1 think that that's an impossibility, unless I'm not
2 thinking right.

3 MS. CALLAHAN: Well, we need to look at
4 that calendar.

5 THE CHAIR: My thought is if that
6 March 8th day is not absolutely set in stone, if we
7 could then perhaps change it to February the 26th or
8 the 27th -- I don't think we want to meet on
9 actually the 30th day and box ourselves in. If we
10 could move it back to say, the 26th, that way,
11 whatever the Commission chooses to do will be within
12 the correct time frame.

13 MR. GERLICZ: Madame Chair and members of
14 the Commission, as I am looking at the time line,
15 that March the 8th would be the meeting in which the
16 PEC would need to approve the negotiations, which
17 means that you would need to receive all the
18 materials at least a week ahead of time. And we
19 have put in this current time line of negotiations
20 the week of February 25th to March the 1st for the
21 final governing boards of the renewing schools'
22 decisions.

23 So I can see how telescoping that would be
24 a challenge. We have set dates for February 21st
25 and 22nd, with the PEC and the schools, for that

1 negotiation face to face. If we were to move the
2 March 8th meeting to the 26th, it would telescope
3 all of those negotiations. It's not impossible, but
4 it would be a challenge.

5 MR. REYNOLDS: Madame Chair, if I may, the
6 special meeting may be the way to go. It can be
7 called with whatever your Open Meetings Act
8 resolution says. But I think it's three days'
9 notice. If it's very difficult for members to
10 attend, some can attend by teleconference. So there
11 are some accommodations that we can make for a
12 shorter notice type of special meeting, which may be
13 the least intrusive way of going about dealing with
14 that issue.

15 THE CHAIR: I'm sorry. I'm choking to
16 death. You say three days, though. And it does not
17 have to be an emergency meeting for three days'
18 notice?

19 MR. REYNOLDS: I haven't looked at this
20 Commission's Open Meetings Act resolution. And so
21 I'm sure, within there, it will say what type of
22 notice you provide for a special meeting. It's
23 usually three days. It could be five days. But
24 that's the notice that's usually called for for a
25 special meeting.

1 THE CHAIR: If you would research that and
2 give me some -- your firm thoughts on that, then
3 we'll take it from there.

4 MR. REYNOLDS: Sure.

5 COMMISSIONER CARR: Madame Chair. So,
6 yeah, that would -- if -- if we're just going to get
7 together and do a fairly quick vote, and I could do
8 it by teleconference and actually come in March 8,
9 that would be good.

10 THE CHAIR: Okay. I think what I'm
11 hearing is, "Let's leave the calendar the way we
12 have it approved." If the EC wants to propose
13 having a meeting earlier than that to consider the
14 Secretary's decision, then everyone will be
15 contacted, and we'll see what will be the best way
16 to do that.

17 COMMISSIONER BERGMAN: Let me just ask our
18 counsel a question. Can all -- could it be just a
19 teleconference with all of us calling into one
20 number, or is that out?

21 MR. REYNOLDS: The Rules of Procedure
22 don't allow for that. And also the Open Meetings
23 Act is kind of behind the times and frowns upon
24 that, and they like to see in-person meetings. And
25 the language of the Open Meetings Act is that if it

1 is difficult or impossible for a member to attend,
2 then they can attend by teleconference, as long as
3 they can hear them, and everybody can hear what they
4 say. That's what the Open Meetings Act says.

5 THE CHAIR: Okay. Good try. Thank you,
6 though, Mr. Reynolds, for that information.

7 I think we are to Memberships. Again,
8 I'll turn it over to Beverly.

9 MS. FRIEDMAN: Madame Chair and
10 Commissioners, in your notebooks, there's
11 information on two of the organizations that you
12 currently -- well, I will -- you belong to, the
13 National Association of Charter School Authorizers,
14 NACSA, through the Charter School Division of the
15 Public Education Department. The Charter School
16 Division pays the dues. And their staff and the
17 Commission, by those dues, are members of NACSA.
18 And there is no -- there are no dues that come out
19 of the Public Education Commission account.

20 And NACSA, as you well know, is the
21 charter school authorizing group for the nation, and
22 is highly recommended by the CSD for your
23 participation.

24 The second group is NASBE, the National
25 Association of State Boards of Education. And the

1 information on NASBE is in your notebook. The dues
2 for this current year, which begin in January -- you
3 are no longer members as of January 1; you paid the
4 dues for last year. So the dues for this year
5 are -- right now, they are \$16,000 -- I forget the
6 last part of it -- \$16,703, for the year dues for
7 NASBE.

8 And we can deduct \$5,000 from those dues,
9 which are included by the National Organization for
10 Professional Development, which means that they
11 would pay for your travel and registration to a
12 conference, \$5,000 worth, which is usually about two
13 members going to a national conference throughout
14 the year.

15 And that information about NASBE, I asked
16 the Executive Director to write a description of the
17 reasons that you should belong to NASBE. And it's
18 in your notebook. And it's the same information
19 that you saw for the December meeting. But your --
20 the question today is whether you want to continue
21 the membership in NASBE. And, at this time, there
22 is approximately \$2,000 to \$3,000 in your budget.
23 And so there is not funding to fund the dues to
24 NASBE.

25 But, if you wish to participate in that,

1 we can talk -- Commissioner Shearman and I can speak
2 with Mr. Aguilar to see if there is funding that we
3 could use for those dues, if you so vote.

4 THE CHAIR: Thank you, Beverly.
5 Commissioner Gant.

6 COMMISSIONER GANT: Madame Chair, members,
7 I would recommend that -- that we -- that you and
8 Ms. Friedman talk to Deputy Aguilar and see if there
9 is going to be any money before we even start voting
10 whether we want to pay for it or not. We could
11 probably make the vote in March or the February, and
12 still be covered for everything. But why make a
13 vote and not have the money? So let's just make --
14 it's, like, let's have the money in place or not.

15 And then what I also suggest, at that
16 meeting when we decide to join these organizations,
17 we decide, and not wait till like we did in the fall
18 this last year as to who's going where and when. We
19 need to make that at the next meeting we have as to
20 who's going to the NASBE conference and who's going
21 to the NACSA conference.

22 THE CHAIR: Thank you. Any other
23 comments, Tony?

24 MR. GERLICZ: Madame Chair and members of
25 the Commission, forgive me if I'm crossing a

1 boundary here. But I had a thought just about that,
2 in looking at the expense of joining NASBE, which is
3 quite a significant expense, and just wondering if
4 an argument could not be made that that's -- that's
5 quite a chunk of money. And if we took -- instead
6 of that, applied that money to have members of the
7 Commission attend a National Charter Schools
8 conference or the national NACSA conference -- and
9 those are the two charter school organizations that
10 I think are the most vibrant ones in our country --
11 that that -- that possibly would be money very well
12 spent for the Commission.

13 And, again, I have no idea how strongly
14 the Commission feels about NASBE.

15 THE CHAIR: Thank you.

16 COMMISSIONER POGNA: Madame Chair?

17 THE CHAIR: Bergman, Pogna.

18 COMMISSIONER BERGMAN: I just -- yeah,
19 I -- each year, I've gotten -- had a few more
20 questions about what we're actually getting from
21 NASBE for that money. We're getting a lot of
22 e-mails. But I -- and Andrew went every year to the
23 conference. But I just wonder -- I'm just throwing
24 it out. I'm not -- are we really getting what we're
25 paying for in that thing? Just everybody think

1 about that for a while.

2 THE CHAIR: Commissioner Pogna?

3 COMMISSIONER POGNA: Madame Chair, I don't
4 think we can afford it. I do not think it's of
5 great value to us. It -- for about 25 years, I
6 attended the NASBE conference. But we were members
7 of NASBE. And -- but now, we don't have the
8 association or the -- it is -- they are a different
9 value to us.

10 And this is precisely what I was going to
11 suggest. I would rather go to a charter school
12 conference; it would be of more value to me in what
13 we do. I don't think that NASBE is of value to us
14 at this time.

15 THE CHAIR: Okay. Thank you.

16 COMMISSIONER CARR: Madame Chair?

17 THE CHAIR: Commissioner Carr.

18 COMMISSIONER CARR: I -- I know -- yeah,
19 Andrew was the most probably outspoken proponent of
20 staying in this organization.

21 I think, based on where we want to move
22 to, I would like to maintain that connection. But I
23 also agree with Commissioner Pogna. I mean, at this
24 present time, based on the authority that we have to
25 act on right now, that, you know, maybe you're

1 correct. But I would add that there is training for
2 new members that they pay for in July that's worth
3 more than the dues that we're going to pay out,
4 if -- if we have people that -- and, matter of fact,
5 I didn't get to go the first time. I was interested
6 in going to it. And it's usually in July.

7 And they -- well, they pay for everything
8 but the travel. But I don't -- I'm not sure how
9 that works. But they do pay for the registration.
10 I think -- I understand -- I think it's an important
11 connection that we maintain. I -- I think most of
12 us want to move back to where we -- this board once
13 was. And being a member of that organization
14 would -- would be a great deal of benefit.

15 I -- dropping out of it temporarily, I
16 understand, based on money, I know we could -- I'm
17 sure we can always go back.

18 THE CHAIR: I'm sure.

19 COMMISSIONER CARR: I'm sure they're not
20 going to turn us down. But, so -- I -- and I don't
21 know how the new members feel about going to new
22 training in July.

23 But -- but I'm willing -- I'm -- I hate --
24 I hate to give it up. But I understand why, maybe,
25 it's not money well spent at the moment.

1 THE CHAIR: Commissioner Gant.

2 COMMISSIONER GANT: Madame Chair, members,
3 I do agree with maybe we need to temporarily step
4 away from NASBE and pick up on what Mr. Gerlicz
5 said, try to spend the money better at some school
6 board -- not "school board" -- charter school
7 conferences. And you can get a lot of -- I had the
8 opportunity way back early on to go to a charter
9 school conference back in Savannah -- I think that's
10 where it was. But it was a very good conference.
11 So I would recommend we go that direction.

12 THE CHAIR: I think I would agree with
13 that recommendation. I was able to go to the
14 National Charter School conference this year in
15 Memphis. And it was outstanding; it really was.

16 So if this meets with your approval, then
17 Beverly and I will meet with Deputy Secretary
18 Aguilar, see what kind of money we can come up with,
19 and, if he would approve it, to be used for
20 Commissioner travel to this national conference.

21 I would also ask that all the
22 Commissioners refer to your -- your Rules of
23 Procedure, little handbook; should have one at every
24 notebook. Travel information is there. And if you
25 would acquaint yourself with those. And then if you

1 would like to travel in the next year, let me know,
2 and we'll talk about that when we know a little bit
3 more about the money situation.

4 Okay? Is everyone comfortable with -- I
5 can't believe we don't have to pay dues for NACSA.
6 We always have before, it seems like to me. Have we
7 not? I thought we had. Maybe I was just confused.
8 But I'm thrilled that we are members; we do get a
9 lot of benefit from them. So --

10 MS. FRIEDMAN: Commissioner Shearman and
11 Commissioners, we do pay dues. But it's paid
12 through the Charter School Division.

13 THE CHAIR: I thought we paid dues
14 separately. So I'm glad for that clarification.

15 Any other comments or issues with Item 14
16 on the agenda? Commissioner Bergman?

17 COMMISSIONER BERGMAN: Mr. Gerlicz, if one
18 of those conferences happens to be in Hawaii, please
19 call me immediately.

20 MR. GERLICZ: The next one is in
21 Anchorage, Alaska.

22 THE CHAIR: I'll go to that one. Okay.

23 We're to Item 15, "PEC Comments." Let me
24 just go around the room and see if anyone has
25 anything left to bring to us. Welcome, again,

1 Commissioner Toulouse. Do you have anything to
2 share?

3 COMMISSIONER TOULOUSE: Madame Chair, I
4 think I've probably talked enough today. And I
5 would say, I have been to new-member training of
6 things before. And I've done so many, it wouldn't
7 be helpful to me. What would be more helpful is
8 some face time for me with these folks here one day,
9 after the session, where I can park. If I can
10 simply come up and talk to staff here, it would do a
11 lot better training for me than sending me to some
12 conference, having spent a lot of time doing that.
13 But, otherwise, I'm very happy to be here.

14 I hope I didn't talk too much. But I -- I
15 tend to feel -- I've got two years, because this was
16 an unfinished term. I've got to have my input now.
17 Thank you very much.

18 MS. WEAR: And I'd just like to let you
19 know that there will be some training that Mark and
20 Bev and I will be giving all of you at the March 8
21 meeting, specific to --

22 COMMISSIONER TOULOUSE: Madame Chair,
23 there are just some details. They're overall
24 things, not the smaller things that I would like to
25 get a handle on, so I don't sound too stupid coming

1 up. I know, as a new person, I can be stupid for a
2 while. But after that, you have to show you have a
3 pretty high learning curve. So that's the time I'm
4 asking for. So thank you.

5 THE CHAIR: As one who went through this
6 not too long ago, it is a steep learning curve, and
7 I appreciate your willingness to take it on.
8 Commissioner Carr?

9 COMMISSIONER CARR: No, ma'am.

10 THE CHAIR: Commissioner Gant.

11 COMMISSIONER GANT: Madame Chair, members,
12 a couple of comments. One is for information.
13 Senator Kernan is -- has a bill in the hopper; I
14 think it's 336.

15 THE CHAIR: Three thirty-eight.

16 COMMISSIONER GANT: Three thirty-eight --
17 338 -- which is calling for a moratorium on virtual
18 schools until things can get worked out. The
19 moratorium would last till 2014.

20 The other bill that I find interesting --
21 and there are a lot of ed bills that are
22 interesting, but this one impacts the school
23 districts, and I want to know if it impacts the
24 charter schools. It's a bill by Representative
25 Baldonado. It's House Bill 91.

1 And, basically, what he wants to do is
2 limit the -- the contract a school board can place
3 upon a superintendent for one year and tells them
4 what the salaries are going to be. It tells them
5 how many days they can have for leave. It goes on
6 and on and on and on.

7 Well, we need to watch that, because, in
8 my view in dealing with superintendents now for
9 25 years, you're not going to get a superintendent
10 to come to the state of New Mexico for a one-year
11 contract. It's not -- any of them that's got their
12 salt -- is worth their salt -- they're not going to
13 come to New Mexico for a one-year contract.

14 But, in reading this again -- old-age
15 sight here -- I see nothing -- we do have directors
16 of charter schools. It's like a superintendent.
17 And they -- we all talk about the State-chartered
18 charter schools, but, actually being a district, if
19 you will. So, to me, it's the same thing. Are they
20 going to carry it to the charter schools? Are we
21 going to have a double standard here?

22 They talked about the salary for a
23 superintendent will be no more than what the
24 Governor gets paid. Well, I'm quite sure I know one
25 charter school that's paying more than what the

1 Governor is getting paid, okay?

2 So I just find this was real interesting.
3 And I would like, if you would, Mr. Gerlicz, check
4 out -- is this going to impact charters also? I
5 find it interesting.

6 MR. GERLICZ: Commissioner Gant, I would
7 be happy to check it out. It has not come across my
8 desk for a bill analysis yet, which is interesting.
9 My immediate reaction is here's one of the
10 wonderful, wonderful advantages that charters have.
11 We have that independence not to -- we can sign
12 waivers that the governing councils will enter into
13 an agreement with their directors of schools or
14 principals of schools as they see fit, which is a
15 huge advantage organizationally. So I can't see it
16 affecting charters. But I will definitely be very
17 interested in reading the bill.

18 COMMISSIONER GANT: That's it.

19 THE CHAIR: Okay. Thank you.

20 Commissioner Bergman?

21 COMMISSIONER BERGMAN: (Indicates.)

22 THE CHAIR: Commissioner Pogna?

23 COMMISSIONER POGNA: (Indicates.)

24 THE CHAIR: Commissioner Peralta?

25 COMMISSIONER PERALTA: No, thank you.

1 THE CHAIR: Commissioner Conyers, again,
2 welcome. We appreciate you and look forward to
3 working with you.

4 COMMISSIONER CONYERS: Thank you. I've
5 enjoyed being here and being part of this. And I --
6 as you say, I think there is a tall learning curve
7 here. Thank you.

8 THE CHAIR: Thank you very much. If there
9 is nothing else to come before this group, I would
10 entertain a motion to adjourn.

11 MR. REYNOLDS: Madame Chair, you need to
12 see if anybody's here for the Open Forum.

13 THE CHAIR: Oh, that's right. We skipped
14 Open -- no, we didn't. We had Open Forum, and no
15 one has signed up. Are we done? Scared me to
16 death.

17 COMMISSIONER POGNA: I move to adjourn.

18 THE CHAIR: I have a motion to adjourn.

19 COMMISSIONER CARR: Second.

20 THE CHAIR: Thank you all very much.

21 (Proceedings concluded at 2:00 p.m.)
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25

1 BEFORE THE PUBLIC EDUCATION COMMISSION

2 STATE OF NEW MEXICO

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5
6
7 REPORTER'S CERTIFICATE

8 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 NEW
12 MEXICO PUBLIC EDUCATION COMMISSION, held in the State
13 of New Mexico, County of Santa Fe, in the matter
14 therein stated.

15 In testimony whereof, I have hereunto set my
16 hand on February 11, 2013.

17
18
19 -----
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