

1                   BEFORE THE PUBLIC EDUCATION COMMISSION  
2   STATE OF NEW MEXICO

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6                   TRANSCRIPT OF MEETING PROCEEDINGS  
7   August 19, 2010  
8   10:05 a.m.  
9   Bataan Memorial Building  
10    407 Galisteo, 2nd Floor  
11    Santa Fe, New Mexico 87501

12           BEFORE COMMISSIONERS:

13           MR. M. ANDREW GARRISON, Chair  
14           MS. CAROLYN SHEARMAN, Vice Chair  
15           MR. EUGENE GANT, Secretary  
16           MS. KATHRYN KRIVITZKY  
17           MR. VINCE BERGMAN  
18           MS. CARLA LOPEZ  
19           MR. JEFF CARR  
20           MS. MILLIE POGNA

21           SECRETARY OF EDUCATION MS. SUSANNA MURPHY

22           REPORTED BY: Jan A. Williams, RPR, NM CCR 14  
23   Bean & Associates, Inc.  
24   Professional Court Reporting Service  
25   201 Third Street, Northwest, Suite 1630  
   Albuquerque, New Mexico 87102

(143J) JAW

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



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

1 THE CHAIR: We call this meeting to order of  
2 the New Mexico Public Education Commission for  
3 August 19th. We're going to start off with roll call.

4 Secretary Gant, would you please take roll.

5 (Roll call.)

6 SECRETARY GANT: We have a quorum.

7 THE CHAIR: I do not see the United States  
8 flag nor the New Mexico flag, but let's stand and do  
9 the pledge of allegiance.

10 (Pledge of Allegiance, Salute to the New  
11 Mexico Flag, and Statement of Aspiration.)

12 THE CHAIR: Thank you, Commissioner Lopez.  
13 Very profound.

14 Before we do the approval of the agenda, I'd  
15 like to welcome Secretary of Education Dr. Susanna  
16 Murphy.

17 SECRETARY MURPHY: Thank you, Mr. Chair and  
18 members of the Commission, and good morning to  
19 everyone here in the audience today. It is my  
20 distinct pleasure to be able to serve in this position  
21 from now and through the end of Governor Richardson's  
22 administration.

23 There are numerous charges on my plate as you  
24 can imagine. One of those, of course, is to foresee  
25 that all of the great things that have been

1 implemented by the governor in his reform initiatives  
2 are carried through in this administration with  
3 intensity and action.

4 But also I'm charged with making sure that we  
5 prepare for transition for the next administration  
6 that will be upon us. And in that transition  
7 planning, it must take into consideration many, many  
8 issues, not just what occurs internally at the Public  
9 Ed Department for the next cabinet secretary's needs,  
10 but to really reflect the voice of the fields, the  
11 issues that are at hand for public education in our  
12 state and what folks in the field and stakeholders  
13 would like to share with regard to what needs to  
14 continue and be built upon so that we don't lose  
15 ground for the initiatives that have been put in  
16 place.

17 We pass the baton so to speak, building on  
18 those initiatives. And in that sense that's a huge  
19 charge, making sure that our state continues to move  
20 forward.

21 So it's an absolute pleasure for me to be  
22 able to serve in this position with my past experience  
23 with state government and with transition period  
24 dynamics. And I'm really pleased to be able to work  
25 with our Public Education Commission in this capacity

1 of their advisement to the Secretary of Education.

2 Nothing has changed with regards to protocol.

3 And I say this because as a new face comes on board,  
4 and staff have dealt with this as well, they say are  
5 we still doing it the way we used to do it. Yes.

6 That's how we avoid chaos, because there is so much on  
7 my plate with regards to my own learning curve and  
8 then moving the organization forward.

9 We've got wonderful staff, wonderful  
10 Commissioners here to work with. And the work that  
11 you perform is so critical. So all those protocols  
12 are absolutely critical so we can continue this work.  
13 So I just needed to state that because it's the first  
14 time I'm sitting with the Commission.

15 And I want to make sure, you know, that  
16 everybody hears that message. And it's strictly a  
17 need that's a process need, because folks do ask that  
18 question. And it's part of transition.

19 So I'm just building that clarity for all  
20 concerned. And I see we do have some of our LFC folks  
21 here. It's good to see you here this morning, I'm  
22 glad that you joined us here this morning as well.

23 So with that once again I look forward to  
24 working with the Public Education Commission and being  
25 a part of this team. And I look forward to the

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



MAIN OFFICE  
201 Third NW, Suite 1630  
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e-mail: info@litsupport.com

1 guidance that you will provide the Secretary as we  
2 continue to move forward doing what we know is best  
3 for public education in our state. So, Mr. Chair,  
4 thank you.

5 THE CHAIR: Thank you so much. Item No. 5  
6 is approval of the agenda. The chair will entertain a  
7 motion for approval of the agenda.

8 MS. SHEARMAN: Mr. Chair, I so move.

9 THE CHAIR: Moved by Commissioner Shearman.

10 COMMISSIONER POGNA: Second.

11 THE CHAIR: Seconded by Commissioner Pogna.  
12 All those in favor say aye.

13 (All in favor so indicate.)

14 THE CHAIR: Opposed, no. The agenda stands  
15 approved.

16 Item No. 6 is open forum. And we're about  
17 three minutes away from that. It's a timed item. And  
18 I don't know that we have a sign-in sheet. We do.  
19 It's back here. Has anyone signed up?

20 I just want to say a couple of things. First  
21 we want to thank the Legislative Finance Committee for  
22 their efforts in doing this report. If we don't  
23 assess where we are in the State of New Mexico, we  
24 cannot make a path of where we want to be.

25 And the Charter School Division, the

1 Secretary of Education, the Public Education  
2 Department along with this Public Education  
3 Commission, we all have to work together. We have  
4 been working together.

5 And we called this meeting today in order for  
6 us to get further input to see how we can move forward  
7 for the children of New Mexico. And, Commissioner  
8 Lopez, I thank you again for that statement of  
9 aspiration because those were the things that were in  
10 my mind and in my heart when I was driving up here to  
11 Santa Fe this morning, thinking about what is the  
12 finish line here.

13 The finish line isn't for any adult in here.  
14 The finish line is for those children of New Mexico  
15 that need us. And we've heard all the things about  
16 politics and how the sausage is made and you can't  
17 make everyone happy and all those things. Well, you  
18 know what, we're here, we're all here in different  
19 capacities.

20 And if we look at that finish line, that  
21 finish line is for the children of New Mexico. We  
22 will figure out the best way. We will continue to  
23 forge a path for excellence in New Mexico. We do not  
24 need to be No. 47 out of 50 states here in the United  
25 States of America. We can be No. 1. But we have to

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1 believe it and we have to push for it.

2 We have two minutes? Any other Commissioners  
3 with just a quick comment?

4 Anyone that came in late that would like to  
5 sign up to speak for open forum? Did you sign up yet?  
6 You have not? Pass that over so he can sign it.

7 Thank you, sir.

8 I'm thinking of some housekeeping items. The  
9 nearest facilities are where? Just out the door?  
10 This scares me, because I keep thinking of Leslie  
11 Nielson movies. Don't let me walk away with this on.  
12 Thank you. Some people got it.

13 MR. CARR: Mr. Chair, should we get a couple  
14 of chairs? Where are they going to sit?

15 THE CHAIR: I think that's probably  
16 comfortable, in those chairs there. Then we can give  
17 them one of the microphones. I think we're at about  
18 time.

19 Item No. 6, open forum. This is a timed  
20 item. Public comments and observations regarding  
21 education policy and governance issues as well as the  
22 strategic plan for education are heard at this time.  
23 There's a four-minute time limit per presenter.  
24 Persons from the same group and having similar  
25 viewpoints are asked to select a spokesperson to speak

1 on their behalf. Multiple and repetitious  
2 presentations of the same view will be discouraged.

3 We would like to call up Karen Phillips  
4 representing Red River Valley Charter. Thank you.

5 MS. PHILLIPS: Mr. Chairman and members of  
6 the Commission and Dr. Murphy, I am pleased to have  
7 the opportunity to speak to the Commission today and I  
8 thank you.

9 I understand that the subject of this hearing  
10 is primarily directed to the results of LFC audit, a  
11 report that I have read with interest and about which  
12 I will make a few comments.

13 First, although I'm not familiar with all the  
14 schools that were mentioned in the report and thus  
15 cannot agree or disagree with all the criticisms that  
16 have been leveled against them, I was struck by the  
17 fact that overall there are a number of significant  
18 omissions from the report.

19 It would seem to anyone reading the report  
20 that charter schools are, regardless of their many  
21 positive attributes, painted with the same broad  
22 brush. In particular I took note of the schools that  
23 were not mentioned in the report, such as Moreno  
24 Valley High School, Anansi Charter, Taos Charter, all  
25 of which I am familiar with and who do an outstanding

1 job of educating our children.

2 I was pleased that the report did not single  
3 out Red River Valley Charter School for particular  
4 criticism. But then it would have been nice to have  
5 had mentioned the many outstanding things that we have  
6 accomplished during the last ten years we have been in  
7 existence.

8 The Red River Valley Charter School was  
9 established in 2000 by a group of parents concerned  
10 about providing quality community education in Red  
11 River. They did so in response to the Questa  
12 Independent School District's stated intention to  
13 close our local school.

14 Let me emphasize the community aspect of what  
15 they were concerned with, believing strongly that  
16 given our unique geographic and economic situation as  
17 a resort community, that the loss of an elementary  
18 school would have a tremendous effect on the entire  
19 community.

20 During these last ten years, this has not  
21 changed. And the people of Red River have  
22 overwhelmingly supported our school with money, time,  
23 and other resources. Our parents are among the most  
24 involved in any school which I have ever been  
25 associated.

1           However, it pays our school short thrift to  
2 think of it as merely a convenience since we occupy a  
3 rather rarified position among New Mexico schools,  
4 charter or otherwise, in having achieved AYP in each  
5 of the last nine consecutive years.

6           While I would not suggest that is the main  
7 criteria for excellence, I will note that it does  
8 indicate that we are providing quality education  
9 according to the standards that we have been asked to  
10 meet.

11           Given our district's schools' continued  
12 failure to achieve AYP, we provide a choice for  
13 parents seeking a rigorous academic alternative. At  
14 this time half of our students travel to our school  
15 from Questa and other communities.

16           Secondly, I would like to mention that  
17 although the LFC does suggest that there's a capital  
18 drain by charter schools, the simple fact is that Red  
19 River is among the most dilapidated facilities in New  
20 Mexico. The Questa district owns our land and  
21 buildings.

22           Most of the buildings were originally  
23 installed as temporary structures. We did receive  
24 funding for a multipurpose building/science lab that  
25 has been recently completed. And, furthermore, we are

1 replacing our buildings with a Questa bond or a school  
2 bond. We received 600,000. The district received  
3 \$5.4 million from the same bond.

4 I also was going to go through -- we don't  
5 have any audit findings, but our district does. We  
6 also clean our own rooms. We do our own maintenance.  
7 Our district owns our land.

8 And fourth, I cannot speak to as far as other  
9 schools mentioned in the report. But our district,  
10 our authorizer leaves us out of things, denies us our  
11 Title 1 money, delays all of our programs with  
12 signatures. We just went through a demolition  
13 process. It was delayed for months before we could  
14 get the demolition done.

15 Finally I think that as a charter school, we  
16 are also a public school. And the residents of the  
17 town of Red River currently provide 70 percent of the  
18 tax base for the Questa schools.

19 THE CHAIR: Your time is up. Thank you. We  
20 really appreciate your giving us copies of this.  
21 Thank you.

22 I'd like to call up Kelli Hulslander, Los  
23 Puentes Charter. If you would state your name.

24 MS. HULSLANDER: Oh, sure. My name is Kelli  
25 Hulslander, I work at Los Puentes Charter School. And

1 also at the current moment, I'm a graduate student,  
2 earning my Master's in administration for education.  
3 So I've done unfortunately a lot of research this  
4 summer and this report kind of lends to it.

5 But I believe and I think that our  
6 administration at our charter school agrees that  
7 there's always room for improvement. And we're just  
8 saying at the moment, based on the report, that we  
9 don't think the equitable funding formula is where it  
10 needs to be improved.

11 Because if you reference Dr. Murphy's memo  
12 towards the report, she has stated that this charter  
13 school serves 3.1 percent of the students but received  
14 2.8 percent of the overall revenues.

15 And also the LFC report which you have  
16 provided says that it's about 4 percent of the  
17 students statewide are certified charter schools,  
18 which is about \$116 million in funding. But if you  
19 base that on the \$2.9 billion budget, it's still 4  
20 percent.

21 So I'm thinking that the equitable formula  
22 isn't very equitable, because 4 percent of the  
23 students are certified charter schools and we only  
24 receive 4 percent of the funding. So I'm not quite  
25 sure why we're switching the funding formula.

1 THE CHAIR: Thank you. Richard Harkay or  
2 Harkavy, I'm not sure.

3 MR. HARKAVY: Michael.

4 THE CHAIR: Oh, I'm sorry. Michael. From  
5 ATC.

6 MR. HARKAVY: Yes, sir.

7 THE CHAIR: Good morning.

8 MR. HARKAVY: My name is Michael Harkavy, I'm  
9 a parent of August Harkavy of ATC. I'm also a  
10 substitute teacher in the Santa Fe school system.

11 I'm new to all of this. But my background is  
12 as a strategic planner in the global communications  
13 media business. And so I went through the document,  
14 looking at it more as a business plan, a business  
15 proposal, rather than as an educational document  
16 because I wanted to take it from the point of view  
17 where I was comfortable.

18 And here are some of my conclusions about  
19 your report. One, it's a process that's ten or  
20 15 years old. And it is a process that's very active  
21 which means that it's dynamic, it's growing, which  
22 means that oversight management and cost is in that  
23 same flux, if you will.

24 We're all looking at the same problem,  
25 however, which is how do we make the children

1 successful, which is the profit in the business model  
2 that I'm trying to put across here.

3 But then I didn't pay too much attention to  
4 the fiscal part because I felt that that's in a sense  
5 tactical to the strategic goals and objectives. But I  
6 did look for the real value of the document. And I  
7 found that there were two points that were very  
8 important.

9 One, it seems as if the ability of the  
10 Commission to disseminate the takeaway, the positive  
11 takeaway from the charter schools is hard to do. How  
12 do you take what they offer in terms of innovation and  
13 the educational laboratory and how do you put that  
14 into the larger school system because the report says  
15 I'm not quite sure how to do that.

16 And then the other big point was how do you  
17 adequately measure the performance within the charter  
18 schools, because those are the two big questions that  
19 I concluded in the document. Everything else was  
20 about how do we manage it, how do we pay for it.

21 But I felt that if we really had the ability  
22 to disseminate information to the larger school  
23 system, that would be a very good thing; and if we  
24 really knew how to measure the performance.

25 And my conclusion was that we probably need

1 to do more work in terms of what are the metrics for  
2 measuring performance, because I looked at the CREDO  
3 document which seemed broad and I looked at the State  
4 of California document from 2007, which had pretty  
5 good drill down on how you sort of deconstruct  
6 performance. But you have different levels of  
7 performance.

8 And so from a business perspective, I think  
9 we have a very solid mission. I think we have good  
10 goals and objectives. But I think the metrics need to  
11 be retooled for the process which began maybe back in  
12 '92 or '97. But today you're looking at a different  
13 world. And this is what I do. But I do it for  
14 entertainment companies, not school systems.

15 So my recommendation is pretty  
16 straightforward. Let's build the metrics that are  
17 important. Because the people in the schools are  
18 educators, they're not necessarily financial people.  
19 And the financial situation is the outcome of a  
20 legislative process that probably predates some of  
21 these people.

22 So even deconstructing the whole process into  
23 its various parts I think would be helpful for  
24 everybody. But certainly those two points, how do you  
25 take the information, put it into the larger school

1 system, and how do we truly measure individual  
2 performance on an equitable basis. That's what I'd  
3 like to say. Thank you.

4 MR. SAYLOR: Thank you, sir. Richard Saylor,  
5 Saylor Properties.

6 THE CHAIR: Good morning.

7 MR. SAYLOR: Good morning. My family has  
8 gotten involved very heavily in the charter movement  
9 and definitely have believed in it for ten years now  
10 and built some of the very first charter schools in  
11 Albuquerque. One of them is Southwest Secondary and  
12 Primary Learning Center on Candelaria.

13 I have some charts I would like all of you to  
14 look at in terms of performance. They've achieved AYP  
15 virtually every year for every grade since the  
16 inception of the program. It is an exemplary  
17 facility. I just wanted to take issue with some of  
18 the points in the committee report that talked about  
19 how the money wasn't being spent wisely.

20 The facility that they have is a  
21 state-of-the-art facility. Six and a half million  
22 dollars has been invested in that facility. And look  
23 at the results that they are creating.

24 Some other things. I think the Charter Act  
25 originally was set up and just tied the charters'

1 hands behind their back from day one. They're not  
2 allowed to sign a lease for more than a year; they're  
3 not allowed to borrow any money to create facilities  
4 or improve facilities; and because of the  
5 anti-donation clause, they can't use any public  
6 funding to improve their facilities if they're  
7 privately owned.

8 The legislature has mandated that they need  
9 to be -- all the charter schools must be in private  
10 facilities at first by 2010, which was an absurd goal  
11 considering that not one dime was ever allocated for  
12 that purpose. And now they've moved that goal back to  
13 2015. And as yet I haven't seen any funding which  
14 will either allow them to purchase existing facilities  
15 or create new facilities with that money.

16 In the meantime, just APS in Albuquerque has  
17 been given over \$700 million to build schools. And  
18 the charters have not participated in almost any of  
19 that money. The lease reimbursement is the only  
20 lifeline that the schools have to even have a shot at  
21 being in a quality facility. Most of the charter  
22 schools are in shopping centers, old rundown post  
23 offices, and other facilities which have been  
24 band-aided to create something to be able to compete.

25 I built two gymnasiums at a cost of \$2

1 million apiece that are regulation gyms,  
2 exemplary facilities, multipurpose, with cafeterias  
3 and so forth. And yet we don't get one dime of  
4 funding for that kind of a facility. The only funding  
5 the charter schools get are children that are sitting  
6 in a desk on the 40th day.

7           And I think you really need to look at a lot  
8 of these things. And also, for example, one of my  
9 schools, one of the largest charter schools in the  
10 state, El Camino Real Academy, they've got 97 percent  
11 free and reduced lunch.

12           And I think, when you start comparing apples  
13 to apples, you really need to look at the student  
14 populations to understand how very different many of  
15 the charter schools are. They end up with a lot of  
16 kids that just didn't work in APS or other similar  
17 kind of facilities and they're thriving in charter  
18 schools and they're doing very well. So I just think  
19 that if you could just look at some of these  
20 facilities.

21           Also here is a metric I think you should take  
22 a look at. When you look at the funding, APS just had  
23 a new facility they spent \$110 million on that I think  
24 houses potentially fully built about 3,000 kids. Take  
25 a look at what some of these charter schools cost.

1 Okay. And then look at how many kids they serve.

2 For example, El Camino Real Academy was sized  
3 for 800 kids and it's about a 12 and a half million  
4 dollar facility. Take a look at that ratio and relate  
5 that back to costs. APS, they don't have leases  
6 because the bond money buys their schools. But all of  
7 the charter schools are paying rent on private  
8 facilities in most cases.

9 So I certainly hope you'll take a look at  
10 some of those issues and be fair when you're analyzing  
11 these charter schools, because they're doing a great  
12 job. And the kids are thriving and the parents and  
13 the staff are doing everything that they can to  
14 provide a quality education for those facilities and  
15 those kids. Thank you.

16 THE CHAIR: Thank you, sir. Lisa Grover from  
17 the Coalition of Charter Schools.

18 MS. GROVER: Good morning, Mr. Chairman,  
19 members of the committee. It's nice to see you all  
20 again. I'm Dr. Lisa Grover, I'm the CEO of New Mexico  
21 Coalition for Charter Schools. And we represent the  
22 charter schools of the state, many of whom are here  
23 today.

24 And while our disagreement with the report is  
25 fairly well-known at this point, I would encourage you

1 to look at some of the other comments, the comparison  
2 of performance to district schools versus charter  
3 schools, the funding mechanism that was cited in the  
4 report without looking at a national report recently  
5 done by Ball State University which cites that  
6 statewide charter school students receive \$909 less  
7 per student than a district would receive for funding  
8 those same students.

9 Again I believe there was a lot of omissions  
10 in the LFC report. But that's not my purpose here  
11 today. My purpose here today is to formally request  
12 that myself and members of our state leaders council  
13 come back in October to present our analysis of the  
14 LFC report. This report is gathering national  
15 attention.

16 The New Mexico Coalition for Charter Schools  
17 is a partner with the Building Charter School Quality  
18 initiative, which is a national project in partnership  
19 with the National Alliance of Public Charter Schools,  
20 the National Association of Charter School  
21 Authorizers, CREDO at Stanford, and the Colorado  
22 League of Charter Schools.

23 The Building Charter School Quality project  
24 has offered to help the coalition create a detailed  
25 analysis of this report, pointing out some of the

1 points that we may agree with as well as detailing  
2 those points that we are in disagreement vis-a-vis the  
3 funding formula, vis-a-vis state statute, and  
4 vis-a-vis some of the performance comparisons found in  
5 the report.

6 That report will be completed by  
7 September 20th. And I would also request that  
8 alongside me that I bring someone from the national  
9 Building Charter School Quality project who is happy  
10 to help present the analysis that will be done of this  
11 report.

12 Again I think the reason this LFC report is  
13 attracting national attention is that we have been  
14 seen as a vibrant charter school state. The executive  
15 and the legislative branch largely has been supportive  
16 of charter schools specifically in the last six years.

17 And I think following some of the sweeping  
18 recommendations of this report will absolutely take  
19 school reform back ten years. Some people will be  
20 happy to see that. But the 14,000 students enrolled  
21 in charter schools and those parents and teachers and  
22 administrators and governing council members will not  
23 be very pleased with that.

24 So again we will have our detailed analysis  
25 done in the next month. And I will request that we be

1 put on the agenda in October. And I thank you for the  
2 opportunity to address you as well as on behalf of my  
3 colleagues. Thank you very much.

4 THE CHAIR: Thank you. That concludes the  
5 open forum.

6 Item No. 7 on the agenda, discussion on the  
7 Legislative Finance Committee report: "Program  
8 Evaluation of New Mexico Charter Schools."

9 I want to give each Commissioner an  
10 opportunity to summarize points and give their  
11 opinion, if you would like, on the Legislative Finance  
12 Committee report as it relates to your district and  
13 the State of New Mexico.

14 I want to conclude that by letting folks know  
15 that the Legislative Finance Committee program  
16 evaluation concentrated on three objectives:  
17 Oversight, resource allocation, and student outcomes.

18 And so if we can direct our comments or  
19 opinions to those three things, we can have a little  
20 bit of synergy and a little bit of organization in  
21 what we hope will be a final product as far as the  
22 Public Education Commission stance on the LFC report.  
23 So I will open up to summaries from Commissioners.  
24 Who would like to start?

25 SECRETARY GANT: I'll start it I guess,

1 Mr. Chair.

2 THE CHAIR: Commissioner Gant.

3 SECRETARY GANT: I did attend the meeting  
4 when this report was submitted. And I know that we  
5 have the two individuals that presented that report in  
6 this room. And I don't know if we're asking them to  
7 speak today or not.

8 But one issue that keeps coming up, why the  
9 16 schools, why not all of them. Well, there's a very  
10 good reason for that. If they want to address it  
11 later, I think it would be worthwhile for all the  
12 Commissioners to know exactly why. They did explain  
13 that in the meeting, why they picked the 16. And it  
14 was part of their methodology.

15 Also I think that listening to the report  
16 that day and then people bring up the Ball State  
17 report, I think the LFC representatives, Mr. Sallee  
18 and Mr. Craig, could address their methodology versus  
19 Ball State and explain exactly why there's a  
20 difference between them. And they should have a right  
21 to do that.

22 I do believe that the report addressed a lot  
23 of things and a lot of problems that are in my  
24 district. My district covers Gadsden and Las Cruces  
25 public schools. And there were problems noted in that

1 thing that really caused me a great deal of concern,  
2 things that should not have been happening.

3 I think that we should address the facilities  
4 tightly, the budget process. And one recommendation I  
5 would like to make is I don't know how this process is  
6 going to end up and how the recommendations.

7 I believe the Secretary of Education, the  
8 PED, was tasked by the legislators to come up with a  
9 recommendation that will go forward for legislation  
10 next spring. That's how I understand it.

11 I would recommend before that happens that  
12 all stakeholders sit around the table, representative  
13 stakeholders sit around the table and discuss this  
14 with the PED. And it should not be just put together  
15 on the top and forced down as it was the original way  
16 the charters were put into this state.

17 Stakeholders down in the district did not  
18 have a say how the charter situation started way back  
19 when. I think that the district, the superintendents,  
20 the administrators, some school board members, the  
21 coalition, and the PED should need to sit around the  
22 table and discuss this report and come up with a  
23 recommendation, not just the PED come up with a  
24 recommendation, that will go forward to the  
25 legislators to straighten out the statutes and rules

1 that we have to live by. And that's about all I have  
2 to say at this time.

3 THE CHAIR: Commissioner Bergman.

4 MR. BERGMAN: Thank you. I'm Vince Bergman,  
5 I represent District 8, which I'm from Roswell, Chaves  
6 County, Lincoln, Otero, Sierra, and parts of four  
7 other counties.

8 And as I read this report, I was somewhat  
9 disappointed that -- and noted that there was not  
10 really any distinction -- right now there are two  
11 wings to this. There are the locally authorized  
12 schools and there are these state authorized schools.  
13 The PEC has only been involved in this for the last  
14 three years. And in government time that's just  
15 beginning.

16 Dr. Duran and his charter school staff has  
17 been implementing very rigorous standards on the  
18 application process, on the renewal process. But  
19 we're still in our infancy on that part of the  
20 situation.

21 I've only been on this Commission for  
22 20 months. So I have seen about two-thirds of the --  
23 I've been here two-thirds of the time. And this  
24 Commission has been involved in it. I have already  
25 watched the process evolve, I've watched it get

1 better.

2 As we finish this cycle this week, we just  
3 have been traveling around the state having our  
4 hearings on the new application. And as this cycle  
5 ends, I'm sure they will sit down as they did last  
6 year and reevaluate the process, reevaluate our  
7 application criteria, reevaluate our approval  
8 criteria. And it will be changed by the cycle again  
9 next year.

10 I'm excited by the changes I'm seeing. I'm  
11 excited by the rigor I have seen in our process. I'm  
12 not certain that the same rigor is there in the  
13 locally authorized one. But that is their problem,  
14 we're not involved in that.

15 Like I say we're growing each year in the  
16 number of schools around the state authorization  
17 system. We're something in the thirties I believe, 33  
18 or 34 or something like that, which means that the  
19 majority of the charter schools in the district right  
20 now are still under local control.

21 So I'm sure that will be looked at at an  
22 appropriate time. I would have liked to have seen --  
23 a lot of attention was paid to the financial aspects  
24 of it, particularly the audits or lack thereof.

25 Under the state authorized schools, I know

1 they're going to be audited each year as a part of the  
2 overall PED audit. So there's going to be a great  
3 deal of oversight in that area for the state  
4 authorized schools on an annual basis.

5 So some of these issues are already being  
6 addressed. I firmly believe that. And they will  
7 continue to be addressed in the future with a great  
8 deal of oversight and a great deal of rigor.

9 I believe we're going in the right direction.  
10 Are there things that need to be done? Certainly  
11 there are. But those things will be accomplished as  
12 we go forward, as we evolve and as we get more deeply  
13 immersed in what's going on. Thank you.

14 THE CHAIR: Commissioner Shearman.

15 MS. SHEARMAN: Thank you. I'm Carolyn  
16 Shearman, I represent District 9. That's the far  
17 eastern side of the state from Loving at the -- the  
18 bottom, that's not the best word in the world, but  
19 it's the only one I can come up at this moment,  
20 through Tucumcari.

21 I agree with Commissioner Bergman, that I do  
22 believe the process is certainly getting better. But  
23 it's still very new. I'm very concerned about  
24 oversight of existing charter schools. From my  
25 perspective the state charter charter schools -- we

1 see that process. The district charters we don't.

2 But I think one thing that's going to  
3 certainly hamper us going forward is the lack of  
4 staff. We add more charter schools every year or  
5 certainly that's been the trend so far. But no staff  
6 is added to help with the oversight of all of those  
7 schools. And there's a lot to look at.

8 Simply the education program is very detailed  
9 and takes a great deal of knowledge and time to  
10 thoroughly understand. The finances, where I think  
11 you either spend your money wisely for the benefit of  
12 the kids or your school is very likely to fall apart  
13 or at the very least not serve your kids very well.

14 So I'm really concerned about as we go  
15 forward, what that's going to look like, how good a  
16 job we can do in oversight, how good a job CSD can do  
17 in oversight with their limited staff and limited  
18 funding.

19 Resource allocation, I know there are all  
20 kinds of issues. I'm from a small district. I am  
21 concerned with small school funding. It's really  
22 exploded. It's taking a lot of money.

23 I just -- I know it was originally intended  
24 for the small school districts who were rural, who had  
25 no choice. If they had 20 kids in their school or if

1 they had 100 kids in their school, they had to provide  
2 the best education they could. And it was very  
3 difficult to do with the funding that they were  
4 allocated. So additional funding was provided.

5 I really read the section in the report on  
6 small schools that choose to be small. And we all  
7 know small classrooms, pupil-teacher ratio is where  
8 the rubber hits the road. That's where it's  
9 important. So I'm not convinced thoroughly that a  
10 larger school is a problem as long as the classroom is  
11 small and that the teacher has that opportunity to  
12 focus on each child in that classroom.

13 So I think a lot more study needs to be done  
14 on the small school funding as well as growth to make  
15 sure that we truly are adequately funding each child  
16 and their unique needs and the needs of that school.

17 And then student outcomes, as much as I'm not  
18 a real fan of No Child Left Behind, the one thing it  
19 has done for us is to give us scores that -- the same  
20 test, though it may be flawed, the same test is given  
21 to every student. So at least we have some sort of  
22 valid measure to know what our students are doing from  
23 year to year.

24 And I fear that that may go away. And then  
25 we don't really have that published performance

1 standard to look at. I know there are others. But  
2 this is the one that I recognize and that I know about  
3 that is the same test for every child. And you can  
4 say that test is not fair for every child, but that's  
5 a discussion for another day.

6 So outcomes are very important to me. And I  
7 use those AYP scores a great deal when I look at  
8 renewal of the school or simply to tell me personally  
9 how a school is doing. Other things as well, but  
10 that's a big part of it.

11 So I think we've got a big job to do. I  
12 think the PEC is committed to being part of that job  
13 and to being part of the solution going forward, how  
14 we're going to do it. And I will say I'm one of those  
15 people, I like for things to be clean so you can look  
16 at them fairly.

17 And we have so many variables here, I'm not  
18 sure how we're going to wrap our arms around all of  
19 that. But I think we can. But I do want to make the  
20 point as Commissioner Gant did that I would love for  
21 PEC to be at the table when these discussions are held  
22 and the decisions are made. Thank you.

23 THE CHAIR: Thank you, Commissioner Shearman.  
24 Commissioner Carr.

25 MR. CARR: I never bypass a chance to talk.

1 I'm a full-time classroom teacher. I am a holistic  
2 learner and I tend to look at things -- I know we're  
3 here to look at charter schools specifically. But,  
4 you know, I think if we were having a -- we weren't  
5 having these shortfalls financially, I'm not sure if  
6 we would even be having this discussion.

7 And my major concern as a classroom teacher  
8 for over 20 years has always been for the student.  
9 And I don't care where they get their education. I  
10 want the opportunity for every child to have the best  
11 education possible. And I don't really care where  
12 they get it as long as they're getting it.

13 I think, you know, a major thing that I've  
14 always seen throughout my career throughout my entire  
15 life is oversight. And we're looking at saving money  
16 here. Yes, obviously we have a problem with  
17 oversight.

18 I think all of you want to see excellent  
19 charter schools in operation. I don't think any of  
20 you would like to see a charter school that's  
21 operating and not doing its job, because one bad  
22 charter school gives all charter schools a bad name.  
23 Just like one bad public school gives -- you know, may  
24 give all the other public schools in the community a  
25 bad name as well.

1           So it's all in our best interests to see  
2 excellence everywhere. How are we going to get there?  
3 The staff of the PED has been drastically cut.  
4 They're on furlough days. Where are we going to get  
5 the money for that oversight? We do need it. And  
6 charter schools aren't the only ones who need  
7 oversight.

8           I've never worked in a public school that  
9 didn't need more oversight. And I've never seen --  
10 you know, it doesn't hurt. I don't care how good you  
11 are, you know, and I don't care how good of a teacher  
12 you are. If you want people to come in and tell you  
13 how to improve it, even if you're already doing a good  
14 job, you want to do a better job. Right?

15           So if you're doing a good job and you're  
16 excellent, as long as it's not a witch hunt, you know,  
17 you shouldn't be fearful of oversight. I would like  
18 to see a lot more. I don't think -- honestly I don't  
19 think we're going to see any because we don't have any  
20 money.

21           And we're going to have to find money. We've  
22 been grossly underfunded for well over 20 years  
23 according to the commission that was put out by the  
24 governor just about -- I forgot how much years ago.  
25 That showed that we were grossly underfunded by about

1 what, \$300 million a year.

2 And since then we've been cut I believe close  
3 to 19 percent and higher education I believe even more  
4 than that. And that is a huge problem. The  
5 teacher-pupil ratio comes into play the ninth time a  
6 school fails AYP.

7 We're probably not even going to get to the  
8 ninth time before the present form of No Child Left  
9 Behind is drastically changed, because guess what, if  
10 we have to change the teacher-pupil ratio, it's going  
11 to cost a lot of money, isn't it? And that's what  
12 people have been screaming about for over -- at least  
13 100 years.

14 Everybody knows that fewer students in the  
15 classroom per teacher is the best environment. I've  
16 seen no studies that say that 50 students per teacher  
17 is good. I don't know if you have or not. Maybe the  
18 Senate Finance Committee. Sorry.

19 So I was looking. And, you know, the other  
20 thing -- and the one thing good to me about No Child  
21 Left Behind, because I am not a fan of it. And I  
22 would urge any of you to read Diane Ravitch's book who  
23 was a member of George W. Bush's administration and  
24 was highly supportive of charter schools and choice  
25 and testing and all that.

1           But her main criticism was over the narrow  
2 focus of testing that is provided in that. But the  
3 one good thing -- the only good thing that I liked  
4 about it is having high quality people. People who  
5 are highly qualified teaching in our schools. And we  
6 don't only need -- not just highly qualified teachers.  
7 We need highly qualified people at every level. And  
8 they need to be held accountable.

9           I see superintendents move from place to  
10 place from year to year, maybe even five months. I  
11 see people who you are not certified being fired in  
12 one place and automatically hired somewhere else. And  
13 it's not just New Mexico, it's the entire country.

14           We need a great deal of oversight on a lot of  
15 areas. And I'm not really -- I'm not for picking up  
16 one particular area. You know, we're dealing with  
17 charter schools here specifically. So professional  
18 accountability is extremely important.

19           We have to -- I would encourage all of you  
20 please, I mean I spent as many days as I could at the  
21 state legislature, special session, regular sessions.  
22 Please fund our schools, please don't put our kids  
23 last, please take care of our children.

24           And I encourage all of you to do that.  
25 Probably many of you already do that. And our

1 children -- it's an old line. But I guess our  
2 children should come first, our children are our  
3 future. And education is part of our economy. It's  
4 so important. I'm going to end with that. Thank you.

5 THE CHAIR: Thank you, Commissioner Carr.  
6 Commissioner Pogna.

7 MS. POGNA: I'm Millie Pogna, I represent  
8 Eastern Albuquerque out through the East Mountains. I  
9 have not had any input concerning this legislative  
10 report. I do hear from charter school parents who are  
11 very pleased with the charter schools their children  
12 are attending and what a difference it has made in  
13 their lives.

14 I also am very appreciative and commend  
15 Dr. Duran and the charter school department for their  
16 rigorous evaluations of the charter school  
17 applications and their oversight. I really only hear  
18 good news. I hear the positive. Thank you.

19 THE CHAIR: Commissioner Lopez.

20 MS. LOPEZ: I'm Carla Lopez and I represent  
21 basically Santa Fe County and Sandoval County. I've  
22 been on the Commission for just about a year. And  
23 before that back in the nineties I served on Santa Fe  
24 Public School's Board of Education.

25 And I tend to sort of -- it's my nature to

1 take the big broad view here. And I can't help but --  
2 well, I have three things I want to say.

3 One is in the year that I've been on the  
4 Commission, my hat is off to the division. The work  
5 that they do is really amazing. The applications that  
6 we go through and what we have to evaluate and what we  
7 have to read, it's like stop, stop sending us so much.  
8 I mean it's really -- have no doubt that it's  
9 rigorous, it's well thought out, they reevaluate every  
10 year.

11 You know, when I first got on the Commission,  
12 they were reevaluating what they had done and  
13 improving it, of course, with our input. So they are  
14 absolutely on the right track to Dr. Duran and his  
15 staff.

16 I know that when I was on the Board of  
17 Education at the public schools here in town, we  
18 approved four public schools including I think one of  
19 first in the state. And we had no clue what we were  
20 doing and we were ordered to do it. It was just  
21 approve them, you have to approve them.

22 And we were also ordered -- we had no  
23 oversight at all. And then one of our charter schools  
24 collapsed basically, violated every possible financial  
25 rule they could violate. And we were told that, well,

1 we couldn't do anything about it except that  
2 ultimately we were responsible. So there's still that  
3 push/pull going on with the charter schools that we're  
4 trying to get our way through.

5 The one thing that I would really, really  
6 like to see in this report or in our response is  
7 whatever real good things -- well, two things. One is  
8 there has to be a measure obviously besides test  
9 scores.

10 My husband is a district court judge in here  
11 in town and he has children's court. And he says he  
12 never sees charter school students in his courtroom.  
13 They just don't come in. So somewhere a measure like  
14 that would be a good thing I think.

15 And the other thing that I really want to see  
16 is the best practices. We have to figure out a way  
17 for those best practices to get back into the  
18 traditional public schools, because we're  
19 shortchanging all those other thousands of kids who  
20 aren't getting all the good stuff that's going on in  
21 charter schools. Thank you.

22 THE CHAIR: Commissioner Krivitzky.

23 MS. KRIVITZKY: Good morning. I'm Kathryn  
24 Krivitzky, I represent Albuquerque's center part of  
25 it, basically from Kirtland up through Corrales. This

1 is my fourth year on the Commission.

2 And I read the report from the LFC with  
3 possibly a different eye than some other people since  
4 I am a charter school person. I started a charter  
5 school ten years ago and still serve as the business  
6 manager and a teacher. And I see nothing but good  
7 things from our charter school and from many of our  
8 charter schools that are in the Albuquerque area and  
9 also around the state.

10 I just wanted to say that when I first read  
11 the LFC report, I was a little bit overcome with the  
12 fact that it was all negatives, no positives, when we  
13 in the charter world see so many positives. And it's  
14 usually all about the students and the parents and the  
15 programs that we run.

16 When I read the PED response, I was thrilled,  
17 because what it brought up was the positives that we  
18 are able to accomplish with so little money and so few  
19 people. And I was pleased to see that Dr. Grover  
20 mentioned we have over 14,000 charter school students  
21 right now, kindergarten through high school,  
22 succeeding in our communities where they may not have  
23 before. And like many of your schools, my school  
24 serves students who would be lost in the system. And  
25 so I think that's who we're serving.

1           I was hoping that this report would have more  
2 to do with how the programs serve those kinds of  
3 students rather than making it again an attack. I  
4 felt it was an attack on the charter schools and  
5 making us responsible for the shortfalls in the  
6 budgets of the state or the budgets of our school  
7 districts. That is their responsibility. We run our  
8 own budgets, we run our own schools.

9           And so as far as our state schools, I think  
10 that the Charter School Division has done an amazing  
11 job with their oversight, with their analysis of the  
12 charters, with having us go to hearings, listening and  
13 being face to face with charter school developers, and  
14 then their oversight as the schools develop. As  
15 Commissioner Bergman said, we've only been doing this  
16 for three years so we're doing our best.

17           As far as resource allocations, I think  
18 Dr. Duran says it best. The money follows the  
19 student. Students aren't born with the local district  
20 tattooed to their forehead. They belong where they  
21 want to go. Their parents need that choice.

22           And as far as student outcomes go, I think we  
23 can all agree that looking at AYP, it's not the only  
24 way. If we look at short-cycle assessments and if we  
25 look at students coming out of the juvenile justice

1 system or students with special needs, charter schools  
2 overwhelmingly handle those students, treat them  
3 fairly and give them an education they deserve. So  
4 thank you for your time.

5 THE CHAIR: Thank you, Commissioner.

6 I want to preface my comments and opinions  
7 before we move forward with deciding how we want to go  
8 about making our observations formally known to the  
9 Secretary of Education Susanna Murphy.

10 But my background is born and raised in the  
11 South Valley of Albuquerque. And I attended and  
12 graduated from Rio Grande High School. And I'm 100  
13 percent Hispanic. That's a joke. And I went to the  
14 University of New Mexico, I earned three degrees from  
15 UNM. Two of them are in education.

16 And so my background makes me look through  
17 many different lenses. And so when I look at a  
18 report, I'm looking at an analysis. I'm not looking  
19 at someone trying to put me down. It's not about me.

20 Like I said there's a finish line. They're  
21 the children of New Mexico out there. And so an  
22 analysis -- it's supposed to look at the stuff that  
23 maybe people don't want to look at. The LFC has the  
24 statute of authority to look at things like this, to  
25 look at education, to look at budget.

1           And so with that said I'd like to see the  
2 other side of the coin, which is the charter school  
3 administrators, the coalitions, and folks who have  
4 another view. It's never going to be perfect, I  
5 assure you. And it is like the sausage being made in  
6 the legislature.

7           But market analysis was kind of picked on by  
8 people. There should be a market analysis. And some  
9 folks ask, well, where is this money? Here is the  
10 agency response from the PED. And this makes sense  
11 too. So it's neither for nor against in my opinion.

12           The market for charter schools is best  
13 determined by students on waiting lists who want to  
14 attend a charter school, not on the real estate values  
15 in the area. I thought while that was profound, I  
16 really didn't agree with the real estate values in the  
17 area being examined because I don't know that that's  
18 the market analysis that the Legislative Finance  
19 Committee was putting forth.

20           And when I think of a market analysis through  
21 this lens as the chair of the Public Education  
22 Commission, I have to look at my district. I do  
23 represent right where I grew up it's District 1 of  
24 Albuquerque.

25           And when I look at charter schools in New

1 Mexico, I see that Albuquerque Public Schools is --  
2 the LEA, the Local Education Agency, is very unique.  
3 Albuquerque is the largest city in the state, which  
4 means there's more public buildings than I see in  
5 Wagon Mound when I pass through there. It just is  
6 what it is in that regard.

7           When I look at the map which was provided to  
8 me by Albuquerque Public Schools -- this is a map.  
9 And it was given to me by APS. These are the charter  
10 schools in Districts 1, 2, and 3. I'm in District 1  
11 and there are 14. In District 2 there are four. In  
12 District 3 there's about 25. So 48 schools, 48  
13 charter schools in this huge geographic state. Out of  
14 75 schools, 75 to 80 schools, 48 are right here --  
15 right there in Albuquerque.

16           And so that to me would be cause for a market  
17 analysis, not to see are we building too many, but to  
18 look at these things. When I'm going to turn in a  
19 charter application and we don't have the horses to  
20 pull this wagon in the charter schools division, there  
21 are only eight folks.

22           So let me just throw this out as my opinion.  
23 What charter schools exist, what innovative curriculum  
24 are they using, what is the enrollment of that charter  
25 school, what grade levels are they serving, and then

1 what about all public schools. What's the proximity  
2 between charter schools and the Local Education Agency  
3 schools. Those are the things that I would like to  
4 see.

5 So market analysis. Recommendation by LFC, I  
6 think absolutely. And I have put this forward before.  
7 But it's only an idea until we get the budget and we  
8 get the staff to do it and do it right.

9 Some of the other things that I looked at in  
10 relation to oversight is I looked at the Public  
11 Education Commission. Some are educators, some are  
12 not. I have two education degrees. But I serve the  
13 local government as a health and wellness  
14 administrator. So while I'm teaching, I am not in the  
15 public sector teaching children.

16 And so we all have different backgrounds.  
17 But we all have a learning curve as Dr. Murphy so  
18 aptly stated. When we get put in different positions  
19 or we run for office, we have a learning curve. We're  
20 just human beings.

21 And so if we can create the process and make  
22 that as perfect as we can, then the human beings that  
23 get put into these places or that they get elected  
24 into these positions, they can identify themselves as  
25 quickly as possible so we can make the best decisions.

1           The Public Education Commission is the only  
2 elected body in this state whose budget is tied to one  
3 of the state departments. Our budget resides in the  
4 Public Education Department.

5           What does that mean for the PEC? Well, for  
6 me it means that the National Association of State  
7 Boards of Education who have selected folks from the  
8 PED to serve -- from the PEC on national levels in  
9 national positions, I was only able to attend one out  
10 of the three.

11           And that's okay. When there's budget cuts  
12 like there are at this time, things are going to  
13 happen. But I'll tell you what, I would have loved  
14 for the PEC to make a decision and be able to have the  
15 budget to make a decision on our budget to say where  
16 are we going to allocate funding.

17           Are we going to send people to the National  
18 Association of the State Boards of Education to learn  
19 about innovative curriculums, to see what's ranked the  
20 best in the nation? What about internationally? The  
21 world is smaller now. I want to know what's going on  
22 in Asia in regards to education. I want to bring  
23 these back to New Mexico.

24           I want to bring some of the great programs  
25 that we have in New Mexico and take them to the

1 national level. We're trying to do it. The PED is  
2 trying to do it. Legislators are trying to do it.  
3 Local education agencies are trying to do it. We need  
4 to work together. We can't be divisive.

5 I'm going to move to another document here.

6 One of the things with -- I'm going to refer  
7 to this map one more time. One of the things that I  
8 was looking at, when I saw this map, I compared it to  
9 the Public Education Commission's district map that's  
10 on our website. And there's a lot to be desired on  
11 that map.

12 I don't know what House district or Senate  
13 district certain charter schools are popping up at or  
14 where even public schools are. And I know there's new  
15 legislators, there's freshman legislators coming in  
16 all the time. We need to close that learning curve  
17 gap for everybody, because the better decisions that  
18 we all can make, the better we can move forward  
19 together.

20 I'll give you an example of New Mexico.  
21 There's a Standing Education Committee. We have the  
22 Legislative Education Study Committee. We have the  
23 Legislative Education Study Committee staff. We have  
24 the Legislative Finance Committee. We have the Public  
25 Education Commission. We have the Public Education

1 Department. We have the Charter Schools Division.

2 And we can go on and on and on.

3 With one swoop Albuquerque Public Schools --  
4 and I wanted to thank Dr. Nicki Gallegos and Mark  
5 Tolley from APS for giving me this map. I don't know  
6 who your information technology person is, but tell  
7 them thank you.

8 I was able to make some inroads and to  
9 network a little bit to see who was in the House that  
10 is in that district and what is their position or what  
11 information do they have that will help me make a  
12 better decision. And there are overlays. This  
13 doesn't show you much. I have it on the computer  
14 here.

15 But the overlays of the House districts, the  
16 APS schools, the charter schools, you almost have to  
17 separate things out. Well, why can't we have that on  
18 the website at the state level. We should have it.  
19 And I'm going to push to get that on there.

20 And we're making inroads on the website. I  
21 see errors on it all the time, because people change  
22 positions. I see Dr. Veronica Garcia on the  
23 alphabetical listing, I still see Don Moya on there  
24 when I was looking at it early this morning. But it  
25 is what it is. We're human beings.

1           Yes, human beings create statutes, they  
2 create rules. But the bottom line is human beings  
3 need to work with other human beings and we need to  
4 work together. I thought a Charter School Division  
5 not only for what Dr. Lopez said --

6           MS. LOPEZ: Thank you.

7           THE CHAIR: You're welcome. Commissioner  
8 Lopez said about the things that they turn out in  
9 regards to new applications, the self-reporting  
10 paperwork that we have to look at. And it's a lot to  
11 look at, let me tell you. And I appreciate that it's  
12 a lot to look at, because that means that folks are  
13 doing their best at the state level for the children  
14 of New Mexico.

15           And we're in the process right now of  
16 making -- having a decision-making meeting on  
17 September 9th. And I look forward to that meeting,  
18 because I know we have done our best as human beings  
19 to make that happen.

20           The compliment that I wanted to give was on  
21 the website. They're doing the best that they can to  
22 flesh out what are the best practices in New Mexico.  
23 I know a memorandum went out to all charter schools of  
24 New Mexico from the Public Education Department  
25 through the Charter Schools Division to get

1 information from the charter schools administrators.

2 Charter school administrators, you're part of  
3 this thing too. It's all part of the equation. Send  
4 those in, please take the time. I don't care if you  
5 get a committee or if it's just the lead person does  
6 it. Fill those things out, because the more  
7 information we get, the less folks that are feeling  
8 that they're left out in a report.

9 I think this is a process. The LFC report in  
10 2010, is that the end of things? That's the beginning  
11 of things. So I applaud them for getting this done,  
12 because now we're all in the room having a great  
13 discussion. And it's about the children of New  
14 Mexico.

15 There were a couple other things. But I am  
16 in disarray here because I am crazy. So let me look  
17 through here at some of the comments that I had.

18 The resource allocation. I don't know that I  
19 know enough about the state equalization guarantees  
20 and the things that are always changing. But I do  
21 know, in order to get that figure, we need to know  
22 what the enrollment is at schools. So I would love to  
23 see that information on the website.

24 And when people apply, there is a statutory  
25 sentence that states that PEC, the Public Education

1 Commission, must make a determination on whether this  
2 charter school is in the best interests of the  
3 community, of the Local Education Agency, and  
4 students.

5 And I received legal counsel. Maybe this is  
6 something that is my opinion or recommendation to  
7 legislators, that we tidy that up a bit so it's not so  
8 ambiguous and capricious, so we can quantify that,  
9 what does that mean.

10 So if a market analysis is done or an  
11 educational analysis, whatever we want to call it, is  
12 completed, that it is thorough and that it is not just  
13 people's opinions. That it is solid.

14 I have things highlighted in green here that  
15 I agree with the recommendations. I thought one of  
16 the items that they stated, the LFC -- when I say  
17 they, the authors of the report, "Charter authorizes,  
18 they receive 2 percent of the charter schools' state  
19 equalization guarantee funds but place it in their  
20 operational funds it does not account for direct  
21 services provided to charter schools."

22 I don't know if that's statewide. I know  
23 there was a certain methodology. I even put on the  
24 October meeting agenda recommendations to definitely  
25 have the New Mexico Coalition of Charter Schools there

1 to respond and have the Legislative Finance Committee  
2 respond about methodology, because as Commissioner  
3 Gant said, there is validity to all of this. We can't  
4 just operate in factions.

5 The recommendations about freezing approval.  
6 I don't know that that's in anyone's purview unless a  
7 lot has changed. So I have that in red. I'm not for  
8 or against. I'm just a human being here trying to  
9 make decisions with the best information that I am  
10 forwarded.

11 Clarifying growth thresholds needed to  
12 qualify for growth unit adjustments. I think we can  
13 improve a lot of the processes. And it's very  
14 difficult, because again we're looking at charter  
15 schools in public buildings, the fact that all charter  
16 schools need to be in public buildings by 2015.

17 I don't know who is not in a public building  
18 right now that needs to be crossed over. So that's  
19 information that I would hope I can work with in the  
20 Public Education Department, the PED, and the CFC to  
21 flesh out.

22 Here is one of the items kind of for APS. It  
23 states here "The Charter School Act," this is Section  
24 22-8B-11 NMSA 1978, "has enacted capital startup  
25 schools of no more than 15 schools opening in a year

1 and a maximum of 75 charter schools in a five-year  
2 period."

3 I can guess the rationale, but I don't know  
4 for sure what the rationale was. But I know that  
5 there's a different environment in Albuquerque Public  
6 Schools than some of the small rural areas. So I  
7 don't know if we can paint that rule with such a broad  
8 brush when we look at individual districts. And  
9 again, if you're for or against, it's just reality.

10 The authority for evaluation is aptly stated  
11 by the Legislative Finance Committee under Section  
12 2-5-3 NMSA 1978. And I paraphrased earlier very  
13 badly, "To examine laws governing the finances and  
14 operations of the departments, agencies, and  
15 institutions of New Mexico and all of its political  
16 subdivisions, the effects of laws on the proper  
17 functions of these governmental units and the policies  
18 and costs. LFC is also authorized to make  
19 recommendations for a change to the legislature."

20 That says it all. That's a pretty big charge  
21 and I commend them for it.

22 Something that I have in yellow that I don't  
23 know enough about. The recommendation of statutory  
24 change to amend Section 22-8-23 NMSA 1978, "To clarify  
25 that charter schools are special public schools and

1 exempt from receiving small school size adjustment  
2 units; and consistent with other past LFC staff  
3 recommendations, the Legislature should limit small  
4 school size adjustments to rural isolated schools."

5 I think that would -- that should be given  
6 more study in order to flesh that out. Some of these  
7 recommendations are asking for clarification, "Clarify  
8 the growth required to qualify for additional units  
9 based on the size of the school district or charter  
10 school." So let's clarify it.

11 Here is a regulatory recommendation, "PED may  
12 consider placing limits on how many schools for whom  
13 licensed business officers may provide services." I  
14 know there's contractors out there that provide  
15 services for more than one school. That should be  
16 further studied.

17 It also states here "PED may also consider  
18 better clarification on expected business practices  
19 for licensed business officers." And I think in the  
20 agency response that PED did respond to that, that  
21 count there, about things that are being done already.

22 More statutory and regulatory changes. If  
23 you have not read this report, it's 69 pages. Read  
24 it. Everyone read it. Not just the folks who you  
25 think may have a direct effect on this report. The

1 children of New Mexico, there's a direct effect on  
2 them.

3 Not just this report, but learn new  
4 processes. Get involved at the state level. Call  
5 your legislator. Talk to your business folks. See  
6 what's working in your community. I'm always for a  
7 socioecological model, looking at family, your  
8 immediate environment, to a friend, organizational,  
9 moving out towards higher education, universities and  
10 colleges. And then at the top you always have  
11 government. So look at everything, see how we can do  
12 the best that we can do.

13 Here is a regulatory change where it's just  
14 not in anyone's purview right now under the law, "The  
15 public education local school districts should  
16 consider not approving any pending applications until  
17 a new system of rigorous approval and oversight can be  
18 established and facilities issues resolved."

19 Let's continue to be rigorous and make sure  
20 that we get the approval and oversight systems always  
21 improving. I don't think it will ever be stagnant.  
22 But the facilities issues, they're coming up tomorrow,  
23 that's 2015.

24 And lastly I didn't see the results of the  
25 surveys that the Public Education Commission did. I

1 know some were interviews over the phone with three  
2 Commissioners and then three other Commissioners which  
3 includes myself. We turned in a survey, a written  
4 survey via email.

5 And I guess here is my point on this. That's  
6 a total of six. There's ten Public Education  
7 Commissioners. And so I guess teachers know what the  
8 grade is there, and that's a D minus at best. We all  
9 need to do our work. We all need to do our homework,  
10 we need to come to work every day, we need to take  
11 care of business.

12 And so, Public Education Commission, we can  
13 do better. The State of New Mexico, we can do better.  
14 Legislators, please identify yourself with this -- all  
15 the education issues that you can, looking at budget  
16 constraints. We do not want to cut education. But we  
17 can't just raise our hand and say, hey, throw us  
18 money, we're education. Let's all do our due  
19 diligence and work together to make sure that the  
20 finish line is finally reached.

21 I want to open up to any other Commissioners  
22 that perhaps didn't have the opportunity or forgot a  
23 piece they wanted to mention in regards to their  
24 comments or opinions? Is there anything else from any  
25 Commissioner?

1           There will be a discussion on the next agenda  
2 item.

3           MS. SHEARMAN: Are we going to go through the  
4 recommendations?

5           THE CHAIR: I did want to get a  
6 recommendation from Dr. Murphy on our process as far  
7 as perhaps having -- this is the schedule right now.  
8 On September 9 we're having a decision-making meeting  
9 on the charter school applications that are before us  
10 now.

11           So between now and then -- I don't think  
12 today we're going to flesh this out. I wanted to have  
13 this forum today so we can at least voice some of the  
14 opinions that we have from each of our respective  
15 districts on this report.

16           A report from us, the PEC's report, not  
17 Andrew Garrison or not Mr. Bergman. It's going to be  
18 the Public Education Commission stance on the LFC  
19 report on hopefully, I'm hoping, how we can all move  
20 forward to improve needs to be turned in.

21           As far as the format, I can leave it up to  
22 legal and Dr. Murphy to whatever your pleasure is on  
23 how that is done. I want it to be after September 9th  
24 so we can take care of the business at hand with these  
25 charter school applications. And so I don't know if

1 you have a comment or recommendation how you would  
2 like that advice from us.

3 SECRETARY MURPHY: Thank you, Mr. Chair. As  
4 you said earlier, there are three components that are  
5 our focus here from the report. You said that earlier  
6 in your opening comments.

7 And perhaps the best thing you can do is  
8 focus on those three areas of the report and come up  
9 with some of your responses of how you would like to  
10 offer guidance to the Secretary in your advisement  
11 role.

12 And that really has to be a voice of the  
13 Commission coming through your chair and then  
14 forwarding that information to the Secretary. And  
15 then we can take that guidance -- it's the same  
16 protocol. Take that guidance and move it through our  
17 processes of the Public Education Department and get  
18 our staff to move around that guidance and move  
19 forward.

20 I think you are absolutely correct,  
21 Mr. Chair. And in listening to all of the comments  
22 and the concerns expressed here today by the audience  
23 as well as our Commissioners, that this is a team  
24 effort. And there are components of that LFC report  
25 that -- and I had stated at the LFC hearing that are

1 things we need to take a very good look at. And we  
2 should be thankful for this kind of external sight  
3 that is given to us as we are trying to constantly  
4 improve education.

5 We've had some particular comments here from  
6 folks in the audience. And I was taking some notes  
7 about -- and I think it was this gentleman here from  
8 ATC, with your strategic thinking and the way that you  
9 were looking at the report.

10 Those are the kind of comments that I hope  
11 the Commission has taken to heart, about how to look  
12 at a report of this nature. And I think, Mr. Chair,  
13 you have also done that same thing, take it in the  
14 context of a larger view, strategically how do you  
15 move, how do you deal with the process issues that  
16 have been put before us, to really think about;  
17 because at the end of the day, it is about the  
18 children. That's the finish line that Mr. Chair has  
19 talked about.

20 And as we are growing and moving, we have to  
21 make sure support processes are growing and moving  
22 with that movement so that we can ensure high  
23 accountability, high rigor, integrity of action. You  
24 know, the governor supports charter schools. We all  
25 know that. But the support comes with high

1 accountability and an expectation of results.

2           And all of that should translate back into  
3 the larger system. That was the whole purpose of the  
4 creation of charter schools. And so when we're not  
5 capturing that, you know, we better figure out quickly  
6 what's it going to take.

7           And quite frankly as we're growing, we need  
8 to think about resource to grow with the movement so  
9 that we can hang our hat on at the end of the day that  
10 we've done our job, that we've done the oversight,  
11 that we've listened to the voices that are telling us  
12 these are some things we better take a look at and not  
13 run from them. At the end of the day, that's what  
14 helps the entire system improve.

15           So I would suggest for your deliberations  
16 that you really take into consideration what you've  
17 heard here this morning, what you've heard from each  
18 other, and then look at those three areas; and as a  
19 group come forward with the advice you would like to  
20 put forward through the chair as your voice and so  
21 that we can move it forward from there.

22           THE CHAIR: Thank you, Secretary. We'll move  
23 to item No. 8 in the agenda, the discussion and  
24 adoption of a PEC response to LFC report, "Program  
25 Evaluation of New Mexico Charter Schools." That was

1 some good input right there, because it started to  
2 make me formulate how we're going to do this. And I  
3 will expect to lean on the expertise of legal counsel  
4 when I put this forward here.

5 I'd like to recommend that after this  
6 discussion that we -- at the end of today, we will not  
7 have formulated a response that's ready to be given to  
8 the Secretary of Education as advisement from the  
9 Public Education Commission.

10 But I would like the homework to be that each  
11 Commissioner finalize a written opinion from the  
12 perspective of their district that they serve the PEC  
13 on, looking at these three things, oversight, review  
14 the site governance as well as authorization,  
15 oversight and monitoring functions for charter schools  
16 by both the state and local school board chartering  
17 authority.

18 And you can obviously see that I'm not making  
19 things up here. These are the items on the  
20 Legislative Finance Committee report. Resource  
21 allocation would be the second area. "Review school  
22 funding, resource allocation and spending practices of  
23 charter schools including the human resources  
24 environment. And thirdly, student outcomes. Assess  
25 the performance of students participating in charter

1 schools including comparisons to traditional public  
2 schools."

3 In addition to that, we have listings in each  
4 area -- we have key findings first of all. And then  
5 key recommendations. And then we have  
6 recommendations, statutory change, and regulatory  
7 changes in each one of the sections of the report.  
8 And I would like a response from those areas also from  
9 each Commissioner.

10 I can condense that information. And the  
11 executive committee can put together the report to  
12 turn in. Is there any recommendation from legal  
13 counsel on that process? I know everything needs to  
14 be transparent. I think it is. We've discussed the  
15 report.

16 MR. BROWN: Mr. Chair, I'm Willie Brown,  
17 Public Education Department general counsel. I just  
18 passed a note to the Secretary. But in order to move  
19 forward -- can you not hear me?

20 Good morning again, Mr. Chairman, members of  
21 the Commission, Madam Secretary. I am Willie Brown,  
22 general counsel for the Public Education Department.

23 In order for you to move forward on I guess  
24 your recommendations of what your next steps are  
25 vis-a-vis the LFC audit report, you really have to put

1 a motion on the table as to what your next steps are  
2 going to be.

3 I did suggest perhaps a template, because  
4 what I heard you suggest earlier is a process that  
5 involves a recommendation made by individual members  
6 to the Secretary. And if that is a process that you  
7 choose to follow, then you need to suggest a format  
8 that will be followed.

9 And basically what I heard you say earlier is  
10 three-pronged with the oversight as to student outcome  
11 and the resource allocation. You might have a  
12 category or other categories so it's clear to your  
13 members, even after somebody makes a motion and it's  
14 voted on, of what they're doing and what you want to  
15 be presented to the Secretary and what you expect the  
16 Secretary to do.

17 I guess the PEC staff or the Secretary or the  
18 Charter School Division is going to take these  
19 recommendations and I guess scrub them into some kind  
20 of a rough draft document for discussion at the next  
21 meeting and discussion, vote, and presentation, if  
22 that's where you're going. But you have to do a  
23 motions that is approved.

24 THE CHAIR: Thank you. Thank you, Mr. Brown,  
25 I appreciate that. Commissioner Shearman.

1 MS. SHEARMAN: If I could make a suggestion  
2 following Mr. Brown's recommendation. If each one of  
3 us would take the report, not the executive summary,  
4 but the report itself and each area where there is --  
5 where there are recommendations, if we would respond  
6 to each one of those recommendations in writing as to  
7 our opinions, our thoughts, our whatever; and once  
8 that document is completed, then that would be  
9 forwarded on to Mr. Chair for compilation I would  
10 assume by the executive committee into an overall  
11 report, initial report, preliminary report that then  
12 could be looked at by the entire body and perhaps then  
13 scaled down into a more readable size that still  
14 brings everyone's opinion and thoughts to the table.

15 And once that is completed at a meeting and  
16 voted on as complete and either we all accept it or we  
17 don't, then that finalized report then would be sent  
18 on to the Secretary for her consideration. Would that  
19 work?

20 MR. BROWN: Mr. Chair, members of the  
21 Commission, Commissioner Shearman, you cannot  
22 communicate your recommendations to one another. That  
23 would constitute a violation of the Open Meetings Act.

24 So I started with what I heard before, the  
25 premise or suggestion that your comments go directly

1 to the Secretary. And she cannot even communicate it,  
2 you know, what everybody said to one another. That  
3 would violate the Open Meetings Act. You can't do  
4 that.

5 But you can submit it to the Secretary for  
6 compilation, if you will, on whatever structure or  
7 outline or particulars that you want to address. You  
8 can do that. But you just can't send it to Mr. Chair.

9 MS. SHEARMAN: I bow to your advanced  
10 knowledge.

11 MR. BROWN: I don't know how advanced it is.

12 THE CHAIR: I'm going to call a brief recess  
13 so Commissioners have an opportunity to formulate a  
14 motion. Is that okay to do?

15 MR. BROWN: Individually. But you can't talk  
16 to one another. You're making policy I think.

17 THE CHAIR: I just want someone to have the  
18 right wording. So can we discuss that now as far as  
19 formulating the motion?

20 MR. BROWN: You're in an open meeting now.  
21 So yes, you can discuss it.

22 MR. CARR: Mr. Chair, I think we should -- if  
23 we're going to start this discussion -- I guess we  
24 already have. I think it's fine that we just do it  
25 right here in the open, in front of everybody. That's

1 the way we're supposed to do it.

2 I think one of the things that we should  
3 include in our response is we've been in this process  
4 for three years. I've been on the Commission for  
5 going on two years into this process.

6 And all along the way Dr. Duran would  
7 probably be very helpful in this process as an expert  
8 witness, in looking at all the issues that were  
9 brought up all along in the last three years and some  
10 of our frustrations in accepting new charter schools  
11 and renewals and all of that.

12 And I know a lot of our biggest issues was  
13 that, you know, I think we felt an overriding lack of  
14 authority. And in that we've had to work in a very  
15 narrow focus. Now, we've had to do that because  
16 that's the law. The charters.

17 So what I'm saying here is I believe there  
18 needs to be changes in the charter school law that  
19 will actually allow the PEC and maybe even the PED  
20 also, the Charter Schools Division, maybe to have  
21 more -- a little bit more authority, a little bit more  
22 leeway in granting or asking for things from charter  
23 schools themselves.

24 And we should be asking for them to find more  
25 ways to increase funding instead of always be looking

1 at ways to continually cut. Almost every school in  
2 this state is down to nothing, down to bare bones.

3 I think if we cut again, they're just going  
4 to -- you know, the only programs that -- you know,  
5 there's a lot of programs that we do in the schools  
6 that are not required. We're not required to have  
7 football, basketball, soccer, and all those types of  
8 things.

9 We're getting down to the nitty-gritty where  
10 we're going to end up having 50 students per teacher  
11 in the classroom. And that's about the only ways  
12 we're going to be able to cut.

13 The PEC needs a little bit more maybe -- you  
14 know, more additional funding to do its job, to be  
15 able to go to charter schools and see firsthand what  
16 they're doing. We work on a very limited budget and  
17 have been since before the budget crisis. So that's  
18 some things that I would like to see in the response.

19 SECRETARY GANT: Mr. Chair, this is  
20 Commissioner Gant. I believe our focus is the LFC  
21 report. Not financing, not classroom size, et cetera.  
22 The report. We need to focus on that. If the only  
23 way we can get the PEC Commissioners, all ten of them  
24 I hope or eight, is that we do what the counsel said,  
25 send them to the Secretary.

1           But I'm going reiterate what I -- say again  
2 what I said earlier. Before all this goes to the  
3 legislators, if we do not have at the table all of the  
4 stakeholders discussing this thing together, then it's  
5 going to be force fed down on the districts again.

6           And I'll say this also again. It says that  
7 we are the Public Education Commission, we are not the  
8 public charter school commission. We represent every  
9 student in the State of New Mexico one way or another.  
10 So we should be at the table, the district at the  
11 table, the school board, the superintendent, whoever,  
12 the coalition, CSD, the PED, all at the same table  
13 talking.

14           Now, if we're going to get through this,  
15 let's have a motion that we send the stuff, our  
16 information, our comments, incomplete or complete, to  
17 the Secretary. She can put them together. But we  
18 need to have a meeting of all the stakeholders  
19 somewhere between now and October, because come  
20 October legislator comments and everything they're  
21 going to do in January is already set in concrete;  
22 after the next LFC meeting, you can count on it,  
23 there's nothing going to change.

24           And my last comment. Are we going to ask the  
25 LFC representatives to make any comments about their

1 report? They are the third leg in this stool. We've  
2 heard from the coalition, we've heard from ourselves,  
3 we've heard from the charter school folks sitting out  
4 here. But they're the ones that put the report  
5 together. They ought to be able to say something in  
6 front of us I think.

7 MS. LOPEZ: Did you hear what the  
8 Commissioner just said about hearing from the LFC?

9 SECRETARY GANT: The LFC people. We've heard  
10 from everybody else in here but the people who put the  
11 report together.

12 THE CHAIR: Well, here is the situation. We  
13 don't have them on the agenda. They would love to  
14 speak. I'm not against them speaking at all, I would  
15 love to hear from you. But not being at agenda this  
16 morning, you weren't asked to speak.

17 MR. SALLEE: Mr. Chairman, Charles Sallee,  
18 the deputy director for program evaluation and  
19 Legislative Finance Committee. If you have questions  
20 that you would like to direct to us or if you do want  
21 us to make comments, we would be happy to oblige the  
22 Commission.

23 THE CHAIR: Thank you for that. And I'm  
24 going to call a ten-minute recess. And then we'll  
25 continue with item No. 8, the discussion and adoption

1 of a PEC response. We're in recess.

2 (Recess.)

3 THE CHAIR: Thank you for your patience with  
4 that elongated recess.

5 The chair reserves the right to invite folks  
6 to speak. This is not public forum or open forum for  
7 the whole place to come give another opinion. But we  
8 do want to invite the Legislative Finance Committee to  
9 say a few words about their report on the charter  
10 schools in New Mexico.

11 MR. SALLEE: Thank you, Mr. Chairman and  
12 members of the Commission. Again for the record my  
13 name is Charles Sallee with the Legislative Finance  
14 Committee. I won't take up very much of your time  
15 because I know you all have the report and have read  
16 through it.

17 I did want to take a quick opportunity to  
18 cover a couple of topics. Overall our process,  
19 whether we're looking at charter schools or other  
20 governmental entities, is to improve and how do we  
21 improve within the resources that we have, because at  
22 the end of the day we're in agreement that this is  
23 about students and students getting the kind of  
24 education they need to be able to achieve a very  
25 difficult worldwide and Albuquerque economy.

1           So with that said I also wanted to cover a  
2 couple of other points about the report. It does  
3 cover all charter schools. That was the intent of the  
4 project. So when we looked at the funding formula and  
5 the charter schools' impact on the funding formula, we  
6 looked at all charter schools. We did that analysis  
7 for all charter schools.

8           When we looked at administrative costs of  
9 charter schools, we looked at all charter schools. We  
10 did select -- and when we looked at student  
11 performance, we looked at all charter schools and all  
12 school districts with the available information that  
13 is out there for judging student performance, as  
14 imperfect as it may be.

15           We did select some charter schools for  
16 specific site visits to help us better understand how  
17 they operate in the larger policy context and how  
18 resource allocation decisions are made at the ground  
19 level.

20           And we interviewed council members for those  
21 charter schools. It was a broad representation of  
22 schools that were both urban, rural, state authorized,  
23 locally authorized, had good financial audits, didn't  
24 have good financial audits, were new, had been  
25 established for a long time, and had a very diverse

1 mission for what they were trying to accomplish.

2           The final issue that I'd like to -- oh, the  
3 other thing, Mr. Chairman, is we do have in the  
4 appendix our rationale for how we viewed the Ball  
5 State study which took all revenues and how much  
6 charter schools had access on a per-student basis  
7 based on all the -- including capital outlays,  
8 including federal funds.

9           We didn't choose to use that document to  
10 inform some of our resource allocation conclusions  
11 because not all those revenues are available on a  
12 statewide basis. Impact aid money for Native American  
13 children in Bernalillo can't be allocated by the state  
14 to kids in Las Cruces.

15           So to look at that -- the same thing with  
16 some of the property tax revenue for maintenance  
17 costs, HB-33 as you know. The amount of revenue  
18 generated in some areas of the state is substantially  
19 more than in other areas. Not all that property tax  
20 base is available to everybody in the state.

21           The state has made progress at making  
22 revenues including capital outlay revenues available  
23 to charter schools. It's not where people necessarily  
24 want it to be. So there's still possible further  
25 improvement in that particular area.

1           We focused a lot of our financial analysis in  
2 this report on the impact of charter schools within  
3 the funding formula. You hear a lot about money  
4 follows the student. It does under the funding  
5 formula.

6           But there's also a number of components  
7 within the funding formula that are not related to  
8 individual student characteristics. Are big  
9 adjustments in the funding formula based on the size  
10 of the school that the student attends, based on the  
11 size of the district, based on whether that district  
12 or school or charter school is growing.

13           And those have big impacts on the amounts of  
14 funding that charter schools and school districts get.  
15 So a lot of charter schools are getting about as much  
16 money as some of our very smallest school districts in  
17 the state because of those adjustments.

18           So as more charter schools come on line and  
19 there's not more money and they're generating more  
20 money per student, that means everybody else's funding  
21 goes down. The amount of per student funding will  
22 decrease. That's just the way the funding formula  
23 works. So that's something to keep in mind and  
24 consider.

25           That's why we had recommended, just as we are

1 doing for the school districts when we looked at them,  
2 that local decisions sometimes can impact other school  
3 districts' and charter schools' funding. So when we  
4 found school districts that were basically painting a  
5 line down the middle of the building to qualify for  
6 small school size adjustments to get extra money,  
7 that's at the expense of everybody else.

8 When school districts decide to keep very  
9 small schools within 50 or 100 yards of each other and  
10 generate a lot of extra money, that's at the expense  
11 of everybody else. And we've been raising it now for  
12 a couple of years. When Albuquerque Public Schools  
13 was generating a lot of extra special education money  
14 inappropriately under the funding formula, that was at  
15 the expense of everybody else.

16 So we've been highlighting these things as a  
17 theme when we're looking at education and bringing  
18 attention to them and recommending changes for  
19 consideration by policymakers to make that money  
20 available more on a student basis statewide.

21 If the Commission members have any other  
22 questions they'd like me to address, I would be happy  
23 to do that. And I appreciate the opportunity to meet  
24 with you today.

25 THE CHAIR: I would rather not get into a

1 question and answer. If there's a general question or  
2 something that someone is dying to ask, I guess we'll  
3 allow one. Is that you?

4 MR. CARR: One, Mr. Chair. And it's a simple  
5 question. The answer is complicated, not the  
6 question. I haven't had a chance to study this as  
7 much as I would like. But the one question is on  
8 oversight. Of course, there's nothing on there -- I  
9 mean is there anything to show how much it's going to  
10 cost to increase oversight?

11 MR. SALLEE: Mr. Chairman, Commissioner, not  
12 specifically in the report. But it will cost more.  
13 The more you have, the more -- it has been  
14 acknowledged here this morning, the more resources may  
15 be required or the PED will need to do more with what  
16 it has.

17 It's not just the divisions that have more  
18 responsibilities as we're adding more charter schools,  
19 because basically they function as a local education  
20 agency. They're component units, they're part of  
21 PED's initial audit. They will reflect on PED's  
22 financial audit. The state has to reimburse them.

23 There's a whole administrative -- indirect  
24 administrative cost over in school budget in the  
25 Administrative Services Division that will also have

1 an impact in a time of declining revenues statewide.  
2 So that will be difficult in my view for PED.

3 MR. CARR: Okay.

4 THE CHAIR: Thank you, Mr. Sallee. I  
5 appreciate your input. Thank you, Commissioner Carr,  
6 for turning the microphone off when I'm speaking. My  
7 wife would have done that a long time ago, but she's  
8 not here.

9 Thank you, Mr. Sallee, for your input on the  
10 Legislative Finance Committee report.

11 The chair will entertain a motion for  
12 adoption of a Public Education Commission response to  
13 the LFC report. Commissioner Shearman.

14 MS. SHEARMAN: I move that the Public  
15 Education Commission Commissioners provide their  
16 written response to each recommendation contained in  
17 the LFC report of July 2010; that such a written  
18 response keyed to the findings and recommendations  
19 contained on pages 14 through 40 of the referenced  
20 report -- I don't think that's a complete sentence.

21 Commissioners' responses shall be provided to  
22 the Secretary of Education, Susanna Murphy, not later  
23 than September 21st, 2010, after which Secretary  
24 Murphy and appropriate PED staff will compile a draft  
25 report for discussion and approval by the PEC at a

1 future meeting.

2 THE CHAIR: Do we have a second?

3 MR. BERGMAN: Second.

4 THE CHAIR: A motion by Commissioner Shearman  
5 and seconded by Commissioner Bergman. Is there any  
6 discussion?

7 MS. KRIVITZKY: What format are you looking  
8 for, electronic, hard copy?

9 MS. SHEARMAN: My thought was that we would  
10 ask PED staff to compile a template based on the  
11 recommendations contained in the report.

12 For instance, if you look at page 14 which  
13 was the first page containing a recommendation of the  
14 full report, excluding the executive summary, that we  
15 would ask that that template begin with the word  
16 recommendations, then underneath that statutory  
17 changes, and then the body of the suggested change.  
18 Then under that room for Commissioners' comments,  
19 opinions, concerns, whatever.

20 Then the next recommendation be listed so  
21 that each Commissioner has a chance to respond to each  
22 individual recommendation contained in the report.  
23 And that that be disseminated electronically by PED to  
24 each of the Commissioners. And then the response from  
25 Commissioners would be also by electronic means.

1 MR. CARR: Mr. Chair, I would also like to  
2 ask that Dr. Duran, you or your staff, that your staff  
3 make sure you leave plenty of room so that it's  
4 open -- good. Yeah, I don't want to see any of those  
5 little boxes. Thank you.

6 MS. LOPEZ: Mr. Chair, I would like to see if  
7 we could amend the motion a little bit so that the  
8 template also includes a place where we can give our  
9 top three or our top five, because I really think that  
10 this report is really -- it's about the details.

11 And we all know that we're -- I think almost  
12 everybody here has agreed that we don't have enough  
13 staff to do any more oversight. And without that we  
14 can respond to these things and give it our best  
15 opinion and really work at it.

16 But I want to be very clear at the end of the  
17 day that I want more money for the staff, you know,  
18 those kinds of recommendations. I want this stuff  
19 to -- the best practices to somehow be going back to  
20 the regular public schools, those kinds of  
21 recommendations, if I'm making myself clear.

22 So a box on the template that just says,  
23 okay, what are your top three to five things that you  
24 want to be in this response. Does that make sense?

25 THE CHAIR: In relation to the date, the

1 September 21st date that you have on the motion, I --  
2 as chair I'm looking at September 9th as our  
3 decision-making meeting for the charter school  
4 applications and that we reduce our number from 12 to  
5 nine for people retracting their applications.

6 So I'd like this response to be given before  
7 the work of the next legislative session is already  
8 complete. I don't want to do all this work and then  
9 it's all for naught because, oh, if we would have  
10 received that in September, not October or November,  
11 we could have put the PEC's input to better use.

12 So we do have two days reserved,  
13 September 9th and the 10th, for the charter school  
14 application decision-making meeting. And historically  
15 speaking, from past experience, we can finish those  
16 nine. And I don't see that it would take more than a  
17 day and a half.

18 We could spend some time on this to discuss  
19 the results of the individual Public Education  
20 Commissioners' responses and get everything organized  
21 so that we can forward our advisory report, our  
22 response report to Secretary of Education Murphy. So  
23 that's open for discussion.

24 MS. KRIVITZKY: Would that give them enough  
25 time, though, because they have to compile our

1 responses? Does that give the department enough time  
2 to compile our responses? Aren't we turning them  
3 directly in to the Secretary's office?

4 They have to compile them and then I guess  
5 put them in a more formal format and then for us to  
6 get it back. I mean that's more of the time crunch,  
7 not us getting our work done.

8 SECRETARY MURPHY: Mr. Chair and members of  
9 the Commission, I'm looking over at staff. And their  
10 heads are going up and down, because if this is  
11 computerized, we can work the magic. And also those  
12 boxes that expand in the template so that you wouldn't  
13 have to worry about being limited. They'll expand  
14 with your entries.

15 And then thinking in terms of the thought  
16 about adding an area for the top three, top five, that  
17 may be helpful because we can do some analysis to see  
18 how that fleshes out in what we're seeing across the  
19 Commission's thinking. So we could consider that as a  
20 viable part of the template. It's up to the  
21 Commission.

22 MS. SHEARMAN: So are we amending the motion?  
23 The template is not part of the motion.

24 THE CHAIR: It needs to be.

25 MR. CARR: Do we need a second with regard to

1 the motion to amend?

2 SECRETARY MURPHY: And with regards to the  
3 timeline, you know, we just need to make sure we get  
4 the information so that we can turn it out and  
5 expedite it back to everyone within the process so  
6 that we're ready to move forward. So we really have  
7 to think about those issues. Any suggestions?  
8 Beverly Friedman being one of your staff members.

9 MS. FRIEDMAN: Chair, Secretary, and  
10 Commission, basically it depends on when I get the  
11 input from all of you to put the information together.

12 Chair Garrison, Secretary, and Commissioners,  
13 Beverly Friedman, liaison to the PEC. When I get your  
14 information from you, then I will put the report  
15 together. And it is critical to get that information  
16 as soon as possible.

17 We will have a conference call with the  
18 executive committee approximately the 27th of August  
19 for setting the agenda for the meetings scheduled for  
20 the 9th, and 10th. And so by then we will have a very  
21 good idea as to whether this particular response will  
22 be ready at that time. If it is not ready at that  
23 time, then your next meeting is scheduled for  
24 October 22nd.

25 THE CHAIR: So the dates that I would like to

1 consider -- we're at August 19th right now. Before  
2 the September 9th and 10th agenda can be put out, we  
3 have to have an executive committee meeting. So that  
4 needs to have a ten-day notice, public notice for the  
5 September 9th and 10th decision-making meetings.

6 So just depending on how quickly we can get a  
7 template out, I guess that question would be for  
8 Commissioner Shearman, from now until when can the  
9 template be developed and finalized and distributed?  
10 She's typing right now. Oh, who is going to develop  
11 it? I'm sorry. How long would it take to develop the  
12 template and get it to us?

13 MS. FRIEDMAN: Commission Chair, probably --  
14 what's today. Thursday? By Monday. Possibly  
15 tomorrow. Depending on how fast we can do it.

16 THE CHAIR: Okay.

17 MS. FRIEDMAN: And what I'm considering is,  
18 you know, not boxes. I'm just going to put, you know,  
19 Commission blank with your name and put your response.  
20 And so you would just type in your response at those  
21 appropriate places.

22 MS. SHEARMAN: Mr. Chairman.

23 THE CHAIR: Commissioner Shearman.

24 MS. SHEARMAN: I was a schoolteacher for a  
25 lot of years. I'm sure you've all noted that.

1 I think it might be helpful to actually list  
2 each recommendation and then under that allow space  
3 for the Commissioners' responses. That way we don't  
4 miss any of them and we get everybody's input to the  
5 chair.

6 MS. FRIEDMAN: Yes.

7 MS. SHEARMAN: Thank you very much.

8 THE CHAIR: So we're only missing two  
9 Commissioners today. And so we get this let's say at  
10 the latest Monday, the 23rd. We definitely have to  
11 have a meeting of the executive committee by Monday,  
12 the 30th, in order to adhere to state statute as far  
13 as getting the public notice out for the September 9th  
14 and 10th meetings.

15 So that gives us from Monday, the 23rd, until  
16 Friday, the 27th, or Thursday, the 26th, for  
17 Commissioners to fill out these templates. It's not a  
18 big deal for me, I've already answered this stuff on  
19 my computer. I just need to change the format and cut  
20 and paste. So that's up for discussion as far as  
21 those deadlines. It's aggressive, but it is what it  
22 is.

23 MS. LOPEZ: A week from today.

24 MS. SHEARMAN: A week from today.

25 THE CHAIR: That would be Thursday,

1 August 26th. The Commissioners can turn those in to  
2 Beverly Friedman.

3 Then that way, in the executive committee  
4 meeting of Monday, August 30th, we set that agenda.  
5 And then all that information can be distributed to  
6 Commissioners as far as their reading, reading each  
7 one of the Commissioners' comments and responses.

8 MS. FRIEDMAN: If I might make a comment,  
9 Mr. Chair. Then at that meeting on the 30th, if there  
10 are some problems with compiling that information, we  
11 can certainly discuss it at that meeting also.

12 THE CHAIR: Yes. Thank you.

13 MS. SHEARMAN: So we're saying they're going  
14 to Beverly Friedman and not to the Secretary?

15 SECRETARY MURPHY: It can come to the  
16 Secretary.

17 THE CHAIR: Or a designee. What would you  
18 like?

19 SECRETARY MURPHY: At this point we can go  
20 ahead and forward them to Beverly.

21 At this point, because time is of the  
22 essence, you can go ahead and send them to Beverly  
23 because she directly works with the Office of the  
24 Secretary as well. So that would work. And then she  
25 and I are always in communication every day. So she

1 can keep me informed as to how it's tracking and so  
2 forth. So that would work.

3 THE CHAIR: So the motion has been put forth  
4 and seconded. After discussion we're amending this  
5 thing. So it's going to have to be reread so we can  
6 put it to a vote. And we're getting the proofreading  
7 from a teacher right now.

8 MS. SHEARMAN: I'm glad none of my students  
9 are here. So you're asking me to read the motion as  
10 amended?

11 MS. KRIVITZKY: Can I just ask one more sort  
12 of process question here.

13 THE CHAIR: Hold on. Hold that thought.

14 MS. KRIVITZKY: Just as I guess a format  
15 question, if there are Commissioners who have opinions  
16 that do not agree with each other, will all those  
17 opinions be presented in this work or will it just be  
18 a consensus?

19 I mean I know we're going to look at the  
20 final and decide. But I'm assuming all opinions will  
21 be in there? I can tell so far that we don't all  
22 agree with each other.

23 THE CHAIR: Yes, absolutely. That's the  
24 purpose of doing it.

25 MS. KRIVITZKY: Okay. So all the opinions

1 will be in there.

2 THE CHAIR: And then we'll discuss and form  
3 the written responses in total.

4 MS. KRIVITZKY: Okay. Thank you.

5 THE CHAIR: Are you set to reread that?

6 MS. SHEARMAN: I think so. I move that the  
7 Public Education Commission Commissioners provide  
8 their written responses to each recommendation  
9 contained in the LFC report of July 2010, that such  
10 written responses be keyed to the findings and  
11 recommendations contained on pages 14 through 40 of  
12 the referenced report.

13 The Commission responses shall be provided to  
14 Beverly Friedman not later than August 26, 2010, after  
15 which Secretary Murphy and/or her designee and  
16 appropriate PED staff shall compile a draft report for  
17 discussion and approval by the PEC at a future  
18 meeting.

19 PED staff are asked to build a template for  
20 the Commissioners' use that follows the  
21 recommendations as listed in the report and includes a  
22 space at the end of the template for the Commissioners  
23 to summarize their top concerns.

24 MS. LOPEZ: Second.

25 THE CHAIR: We have motion and a second. Is

1 there more discussion on the amended motion? I  
2 thought that I heard Commission staff. Did you say  
3 Commission staff?

4 MS. SHEARMAN: It says PED staff.

5 THE CHAIR: Okay. Well, I need to get to  
6 that somehow so I can do this right.

7 Is there any more discussion? The question  
8 is on the adoption of the motion that the PEC  
9 Commissioners provide their written responses to each  
10 recommendation contained in the LFC report of  
11 July 2010, that such written responses be keyed to the  
12 findings and recommendations contained on pages 14  
13 through 40 of the referenced report.

14 Commissioners' responses shall be provided to  
15 the Secretary of Education, Susanna Murphy, through  
16 Beverly Friedman not later than August 26th, after  
17 which PED staff, Secretary Murphy, or a designee will  
18 compile a draft report for discussion and approval by  
19 the PEC at a future meeting.

20 PED staff is asked to build a template for  
21 the Commissioners' use that follows the  
22 recommendations listed in the report and includes a  
23 space at the end of the template for the Commissioners  
24 to summarize their top concerns.

25 All those in favor of the motion say aye.

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(All in favor so indicate.)

THE CHAIR: Opposed say no. The ayes have it  
and the motion is adopted. Thank goodness.

The chair will entertain a motion to adjourn.

MR. CARR: I move we adjourn.

THE CHAIR: Moved by Commissioner Carr.

MR. BERGMAN: Second.

THE CHAIR: Seconded by Commissioner Bergman.  
All those in favor say aye.

(All in favor so indicate.)

THE CHAIR: Opposed, no.

The meeting is adjourned.

(Proceedings adjourned at 12:40 p.m. by  
unanimous vote of all Commissioners.)

