



MINUTES
Las Cruces Public Schools Board of Education
Regular Meeting

Tuesday, February 2, 2016 • 4:00 p.m.
LCPS Administration Building Board Room • Televised by LCPS.TV

I. INTRODUCTION

A. Call to Order

Sra. Maria A. Flores called the meeting to order at 3:59 p.m.

B. Roll Call

Roll call was taken by Mrs. Barbara Hall. Those present:

- Sra. Maria A. Flores, President
- Mr. Chuck Davis, Vice President
- Barbara Hall, Secretary
- Mr. Maury Castro, Member
- Mr. Ed Frank, Member

Superintendent Stan Rounds was also in attendance and André Gonzales, Student Advisor, was in attendance.

C. Approval of Agenda

A motion was made by Mrs. Barbara Hall and seconded by Mr. Chuck Davis to approve the agenda. The motion passed unanimously.

II. SUPERINTENDENT'S REPORT

1. Discussion of Suspending NMTEACH Growth Plans

Tracie O'Hara, Director of Human Resources, shared an update on NMTEACH growth plans and provided a comparison summary between Las Cruces Public Schools, Albuquerque and Santa Fe Schools. In December 2015, the court enjoined the State from applying the portion of the evaluation system that has adverse consequences on teachers who have less than effective evaluations. The entirety of the teacher evaluation system was not enjoined and the district may use teacher evaluations as the basis for teacher growth plans, but does not have to automatically impose consequences that flow from the growth plan as was previously required prior to the injunction. It is the district's practice to use the procedure as outlined in the negotiating agreement. The tools utilized by LCPS are the most teacher friendly in comparison to Albuquerque and Santa Fe schools. There was a discussion regarding the five observations listed for LCPS. Superintendent Rounds stated none of the three districts use the value added model; it is the principal's review of the employee that is used. He added that no teacher has been terminated while under his employ due to value added model scores. Mrs. Hall suggested having a peer teacher to assist teachers with low performance.

Bruce Hartman, Vice-President NEA-LC, spoke regarding Albuquerque's procedure in suspending growth plans based upon teacher evaluations after the injunction. Mr. Frank would like to get information to staff. Jo Galván will work with Mr. Frank in preparing a joint statement decelerate the concern. Mary Sanchez, President NEA, stated the district originally had plans to place teachers on growth plans due to value added model scores. Due to the language outlined in the bargaining agreement, teachers were not placed on growth plans.

2. Public Budget Summit

a. Cash Balance

Mr. Terry Dean shared a presentation which outlined the cash balance and revenue. Superintendent Rounds stated this is the first of several discussions for the budget summit. The total new revenue

is \$30 million. Superintendent Rounds also stated that he is currently trying to secure \$20 million for public schools at the legislative session. Cash balance is a key factor in the district's rating on bonds. The initial projection for cash balance is \$5 million. A revenue projection was also provided which reflected an increase of \$980,651 from the previous year. Mr. Castro asked why was there an increase in costs since 2013. Superintendent Rounds said the increase was in staff, TNE, utilities and other costs of business. Mr. Davis asked for a white paper. The Superintendent will provide a white paper through the finance committee.

b. Staffing

Dr. Elizabeth Marrufo, Chief Human Resources Development Officer, provided a chart with an overview of staffing and enrollment for elementary, middle and high schools on the 80th day. The chart also identifies the pupil-teacher ratio (PTR) as well as the pupil administrator ratio (PAR). The 80th day information will be used to project staff allocations for the 2016-2017 school year.

Sra Flores asked if there is plan to put an assistant principal at Sunrise Elementary School. Dr. Marrufo said that the position is part of the budget discussion for the Board. Mr. Davis would like to hear community comments and Sra. Flores noted the staff versus enrollment ratios for Oñate and Centennial High Schools.

Amy Simpson, NEA-LC Representative, spoke with regard to the chart provided by Dr. Marrufo. She cautioned the community that good teachers are leaving and trainings are low. She provided a chart to Board members of a cash balance study conducted by NEA. Superintendent Rounds invited Ms. Simpson and others to share in a discussion regarding budget projections as part of the budget summit. André Gonzales said there are no counselors at Arrowhead Park Early College High School and Arrowhead Park Medical Academy which is a great concern of the Student Advisory Council. Dr. Marrufo shared that district level personnel are providing services in addition to social workers at those schools.

Irma Valdespino, President CSEC-LC, spoke regarding her request for a budget summit and her invitation to Patrick Sanchez, President NEA-LC and Sra. Flores to participate in the discussion. She stated the item on the agenda is not a budget summit and would like request a true budget summit as agreed upon by CSEC and the Superintendent. Superintendent Rounds is happy to meet with individuals; not a group as a group would be too large to review the budget in bite-size pieces. Mr. Castro suggested groups should send a representative to meet with the Superintendent. Superintendent Rounds said the budget advisory committee was developed for the purpose of getting critical information out to the public timely. Ms. Valdespino discussed a document signed by herself and the Superintendent regarding a budget summit and would like to abide by agreement. The Superintendent reminded Ms. Valdespino that the agreement is between CSEC-LC and himself; not all large groups. Patrick Sanchez supported the Superintendent's statement.

III. OTHER REPORTS

A. Finance

1. None

B. Instruction

1. EQ New Mexico Discussion and Presentation

André Gonzales, Student Advisor, shared a presentation from Equality New Mexico which advocates for creating safe zones for all students who may experience bullying at school. The group centers upon and is led by people who are Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ). Amber Royster, Executive Director of EQ New Mexico providing data in creating a safer environment for students. Safe zone programs began in the early 1990's and the data shows increased attendance at safe zone schools; a benefit to all students. There are costs affiliated with implementing the program. There was a discussion regarding the implementation of safe zones at college campuses. Superintendent Rounds stated he hopes students find a safe zone in all of our classrooms despite the issues. Sra. Flores would like a policy developed. Jo Galván will work on a policy that aligns with that of Santa Fe Schools.

C. Operations

1. None

IV. BOARD ITEMS

A. *New Business*

1. *Discussion and Approval of Continued Use of Existing Law Firms to Provide General Legal Services*

Sra. Flores stated Las Cruces Public Schools has three law firms that are utilized by the district and the Board: (1) Cuddy & McCarthy; (2) Walsh Gallegos; and (3) Modrall Sperling. The three law firms were selected through the Request for Proposal process in 2012 to provide legal services which are reflected in the June 19, 2012 board meeting minutes. She also stated this item was placed on the agenda for clarification purposes due to the concerns expressed at the last board meeting. Sra. Flores stated she did not recall firing Andy Sanchez of the Cuddy & McCarthy law firm. She simply reached out to use Elena Gallegos from Walsh Gallegos to do work for the Board. She added that LCPS policy states she can use any attorney; therefore, as Board President she acted within her powers. She also stated that Board members were not in agreement with Mr. Sanchez and therefore she unilaterally sought out other counsel.

Mr. Frank said that LCPS has an existing policy in this regard, and therefore he felt a vote was not necessary. Mrs. Hall reminded Board members that LCPS policy states that the Board President can *consult* with attorney; it does not say that the President can unilaterally fire an attorney and hire a new one as Board counsel. She shared that Andy Sanchez called her and advised that he was fired by Sra. Flores. Mrs. Hall also questioned the work Mr. Sanchez was currently doing for the district, and Sra. Flores stated he could continue to work on matters through the end of January. Sra. Flores also stated that Ms. Galván was to follow up with Mr. Sanchez on the matters he was working on to finalize them. Mr. Castro said there was no reason for the Board to vote again on something that was previously voted on; and said he believes the Board did not violate the law.

The item will be tabled and removed for consideration from the agenda. A new Request for Proposal process will go out in April and the existing law firms will have to submit their proposal for a legal services agreement with the District.

A motion was made by Mr. Maury Castro and seconded by Mr. Ed Frank to table the agenda item. A second motion was made by Mr. Maury Castro and seconded by Mr. Ed Frank to table the agenda item permanently. The motions passed unanimously.

2. *Discussion of One Law Firm to Serve as Board Counsel to include matters of School Board Governance and Operations and Board Powers and Responsibilities as set forth in Section 22-5-4 NMSA and Board Policy*

Sra. Flores stated Policy BDG provides that legal counsel for the Las Cruces Public Schools is appointed to serve the Board of Education. Therefore, all Las Cruces Public School attorneys serve the Board of Education. In addition the policy states that the Board President and Superintendent are authorized to consult with the Board's attorney(s) as needed. She said the policy does not state that the Board President or Superintendent must confer with one another or obtain Board approval before consulting with the Board's attorney, or agree upon which attorney to be consulted. Sra. Flores added that when she consulted with Ms. Gallegos of Walsh Gallegos, she did so under the authority given to her by Policy BDG and that she shared with Superintendent Rounds her decision to consult with Ms. Gallegos. Sra. Flores recommended the Board vote to use one counsel in representing the Board on board governance matters.

Mrs. Hall agreed to the continued use of the three existing law firms. Mr. Frank stated he felt there was no need to use one firm as board counsel, he would like to utilize all three firms; and Mr. Davis stated he felt the Board should appoint one firm to act as counsel for the Board of Education. Superintendent Rounds suggested the board approve of the use of one firm as Board counsel for clarity purposes and to eliminate suspicion that the Board President is acting solely in engaging one firm as counsel.

3. *Selection and Approval of One Law Firm to Serve as Board Counsel*

Sra. Flores recommended one law firm to serve as Board counsel to handle matters of Board governance, operations, powers and responsibilities to avoid future controversy. She suggested the Walsh Gallegos law firm. There was a discussion regarding the Request for Proposal process

in April for the 2016-17 school year. The three existing law firms are currently approved to provide legal services through June 2016. A motion was made by Mr. Maury Castro and seconded by Mr. Chuck Davis to use the law firm of Walsh Gallegos as board counsel. Mrs. Barbara Hall abstained from the vote. The motion passed.

4. *Discussion and Comment regarding Secretary of Education's Directives to Board of Education*
Sra. Flores stated she did not feel the Board needed training on the Open Meetings Act or on the duties and responsibilities of Board members; but indicated Board members would comply with the directive by Secretary Skandera and will attend mandatory trainings if they have to. Although she believes the letter written by Secretary Skandera is filled with inaccuracies, she is committed to working with state agencies to address the concerns outlined in the letter from Secretary Skandera.

André Gonzales shared a statement from the Student Advisory Council (SAC) that the Council supports the school Board, and asks that they not to fall into political rhetoric and keep on task with students. He also invited Secretary Skandera to meet with students and community members with regard to the allegations. Mrs. Hall said the Board needs to offer transparency to the community and Mr. Davis shared his belief of the Secretary's allegations to be unfounded, and stated the record needs to be clarified. Mr. Castro suggested a resolution refuting Secretary Skandera's allegations and said he welcomes an investigation by the Attorney General. Mrs. Hall responded that before the Board refutes the allegations outlined by Secretary Skandera in her letter of January 26, 2016, Board members should re-read and understand the allegations as there are truths to them. She pointed out several of the allegations outlined in the Secretary's letter for response from the Board President. Mrs. Hall shared her concern that the Board is practicing rolling quorums, and asked Sra. Flores how Board members Castro and Frank knew to meet with attorney Elena Gallegos. Sra. Flores responded that she called Mr. Castro and Mr. Castro then called Mr. Frank. Sra. Flores and Mr. Davis had lunch with Ms. Gallegos prior to bringing her to Central office to meet with staff and Board members Castro and Frank. Mrs. Hall also asked if the attorney hired to conduct the investigation of the Superintendent was an approved law firm by the board. There was no response.

5. *Approval to Direct Board Counsel to Prepare Response to Secretary of Education's Directives to Board of Education to Include Review of Allegations, Advise Board, and Prepare Response*
A motion was made by Mr. Maury Castro and seconded by Mr. Ed Frank to direct board counsel to prepare a response to the Secretary of Education's directives to the Board of Education to include a review of the allegations, advise the board and prepare a response. The motion passed unanimously. Mrs. Hall stated she would like to see a draft of the response to Secretary Skandera prior to it going out.

B. Old Business

1. *Approval of Resolution Authorizing Sale of School Bonds, Series 2016A*

Mr. Paul Cassidy, RBC Capital Markets, shared a PowerPoint presentation that outlined the funds in General Obligation School Bond Series 2016A and Refunding Bonds Series 2016B. He explained there is \$15,000,000 in General Obligation School Bonds and \$2,645,000 in General Obligation Refunding Bonds Series 2016B. Mr. Cassidy also provided a savings analysis and maturity schedule for bonds and discussed the District's bond rating as well as the criteria used in the bond rating. Moody's rating report was also shared with Board members, and Mr. Cassidy stated the District's bond rating was maintained because of the presentation provided by Superintendent Rounds and Mr. Terry Dean to Moody's. A motion was made by Mr. Chuck Davis and seconded by Mr. Maury Castro to approve the Resolution Authorizing Sale of School Bonds, Series 2016A. The motion passed unanimously.

2. *Approval of Resolution Authorizing Sale of General Obligation School Refunding Bonds, Series 2016B*

A motion was made by Mr. Maury Castro and seconded by Mr. Chuck Davis to approve the Resolution Authorizing Sale of General Obligation School Refunding Bonds, Series 2016B. The motion passed unanimously.

V. PUBLIC INPUT

Debbie Romero, first grade teacher, spoke regarding state statute that provides for an educational assistant in classrooms with more than 21 students and asked the Board to consider lowering the student/teacher ratio when developing the budget.

Dr. Earl Nissen, stated his belief the District should demand a town hall meeting with Secretary Skandera because of all the controversy and stated she should attend as part of her duties as a public servant.

Bruce Hartman, Vice-President NEA-LC, spoke in support of the Board of Education in listening to staff and students. He stated the Board is responsible for the success of the district. Glenn Landers, community member, also spoke in favor of the Board. He accused the Superintendent of providing misinformation to the Secretary of Education and called upon the Superintendent to resign. He requested Board members to do everything they can to remove the Superintendent from his duties.

Jo Galván, Chief Communications Officer, stated the comments made by Mr. Landers were inappropriate. She also stated the LCPS Board of Education has never allowed personal comments against an employee to be made, and that the Board should not continue this practice.

VI. BOARD MEMBER BUSINESS

A. Board Member Reports

Mr. Frank stated he has not participated in any rolling quorums and that he works hard to ensure he does not violate the Open Meetings Act. Mr. Frank stated that perhaps Secretary Skandera needs training on the Open Meetings Act as she does not seem to understand it.

Mrs. Hall visited LEAP. Mr. Davis stated the meeting tonight's meeting was interesting and he will reflect on the discussions. Mr. Castro stated his support of Sra. Flores in her capacity as President of the Board of Education.

B. Student Advisor Report

André Gonzales shared his support of Board members and discussed an incident that occurred at Centennial High School. He stated the Student Advisory Council concerned with decisions made that could have potentially put students in danger. District administrators should be more transparent with parents and students.

VII. ADJOURNMENT

A motion was made by Mr. Chuck Davis and seconded by Mr. Maury Castro to adjourn the meeting. The motion passed unanimously. The meeting was adjourned at 7:00 p.m.

Board President

Secretary

Minutes taken by Tina Gonzalez.