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BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
COMMUNITY INPUT HEARING
Academic Opportunities Academy
August 20, 2015
8:30 a.m.
Deming Public Schools Board Room
1001 South Diamond
Deming, New Mexico

REPORTED BY: Cynthia C. Chapman, RMR-CRR, NM CCR #219
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A P P E A R A N C E S

COMMISSIONERS:

MR. VINCE BERGMAN, Vice Chair
MS. KARYL ANN ARMBRUSTER, Member
MS. PATRICIA GIPSON, Member
MS. CARMIE TOULOUSE, Member

STAFF:

MS. KATIE POULOS, Director, Charter Schools Division
MS. JULIE LUCERO, General Manager, Options for
Parents

1 VICE CHAIR BERGMAN: Ladies and gentlemen,
2 again, I apologize for my technical colleagues and
3 their trouble getting on, because they had their
4 notes and everything there.

5 But we're now on, so I am going to call
6 this Community Input session of the New Mexico
7 Public Education Commission for Academic
8 Opportunities Academy into session.

9 Today is Thursday, August the 20th, 2015.
10 And we are not using the mics, you might notice.
11 Apparently, there's a buzz today. So we're going to
12 have to speak up; be sure everyone hears us.

13 Before I go any further, please mute or
14 vibrate or buzz your cell phone, so we don't have
15 those interruptions. If you have any other
16 electronic devices, please quiet them somehow. I
17 appreciate your cooperation on that. It's great to
18 be in Deming this morning. I certainly want to
19 thank the Deming Public Schools for being --
20 allowing us to use this great facility for our input
21 hearing this morning. Very nice of them. We
22 greatly appreciate it.

23 I'm going to do a little different kind of
24 roll call this morning. My name is Vince Bergman,
25 I'm the Vice Chairman of the Public Education

1 Commission. Our Chairwoman, Commissioner Shearman,
2 until this year, had never missed one of these
3 hearings for the past six years. But she has a
4 health issue, and she's having a terrible problem
5 because her doctor said she can't drive; and so she
6 can't go anywhere.

7 So she sends her regrets and is sorry she
8 couldn't be here this morning.

9 I would ask -- start over here to my
10 right.

11 Commissioners, please identify -- oh, I'm
12 in District 8. I live in Roswell. I have the
13 southern counties, Chavez, Otero, running all the
14 way up to Mora County.

15 Please identify your district and say a
16 little bit about them.

17 COMMISSIONER ARMBRUSTER: I'm Karyl Ann
18 Armbruster from Los Alamos. My district is No. 4,
19 which covers Los Alamos, some part of Santa Fe,
20 Corrales, Rio Rancho, a little bit of Albuquerque
21 and Jemez, but not all of it. And it's just kind
22 of -- I think I pick up everybody's little
23 half-districts.

24 COMMISSIONER TOULOUSE: I'm Carmie
25 Toulouse. I represent District 3 in Albuquerque.

1 And it's the bulk of Albuquerque. So as I tell each
2 group, I have most of the State-chartered charter
3 schools and most of the APS-chartered schools in my
4 district.

5 I don't have the South Valley. I don't
6 have the far Northeast Heights. I don't have the
7 West Side, except for one little chunk of it that
8 runs up along the county line in Paseo.

9 So it's a very -- but it goes to the
10 river. So I have the Downtown area; I have the Old
11 Town area; I have the whole North Valley.

12 So I have where most of the charter
13 schools are located.

14 And I am not an educator by practice. I'm
15 a bureaucrat. I spent 30 years in State government.
16 So my expertise in most of these is understanding
17 purchasing and budgets and those kinds of things.

18 But I'm learning rapidly. I know higher
19 ed; so now I'm learning K through 12.

20 COMMISSIONER GIPSON: Hi. I'm Patti
21 Gipson. I represent District 7, which is all of
22 Doña Ana County, plus a smidgen of Otero County.
23 And I am a career educator.

24 VICE CHAIR BERGMAN: Thank you,
25 Commissioners.

1 I will note for the record that we have
2 four Commissioners present. We therefore satisfy
3 the legal statutory requirements for these kind of
4 hearings.

5 And I'll just add that I always love the
6 way the Legislature designs all our districts. As I
7 said, I live in Roswell. Believe it or not, I have
8 one precinct in Socorro County. I'm not sure even
9 where it is. And I have two precincts in Bernalillo
10 County; and I know where they are. They touch on
11 Torrance County, because Torrance County is in my
12 district.

13 But it's an interesting process how they
14 do -- divide that up. And the district -- or the
15 precinct that the Commissioner has mentioned about
16 Otero County, that comes from mine -- that's the one
17 precinct I don't have in Otero.

18 COMMISSIONER GIPSON: That I don't have.

19 VICE CHAIR BERGMAN: So they have to make
20 the numbers match somehow.

21 Commissioner Ambruster, would you lead us
22 in the Pledge of Allegiance, please, and I'll do the
23 Salute to the New Mexico Flag.

24 (Pledge of Allegiance and Salute to the
25 New Mexico Flag conducted.)

1 VICE CHAIR BERGMAN: Thank you.

2 Today, I'm not going to forget it. We do
3 have a very short agenda for this hearing today. Do
4 we have a motion to accept the agenda?

5 COMMISSIONER TOULOUSE: So move.

6 VICE CHAIR BERGMAN: Commissioner
7 Toulouse?

8 Do I have a second?

9 COMMISSIONER ARMBRUSTER: Second.

10 VICE CHAIR BERGMAN: Commissioner
11 Armbruster?

12 All in favor, say "Aye."

13 (Commissioners so indicate.)

14 VICE CHAIR BERGMAN: All opposed?

15 (No response.)

16 VICE CHAIR BERGMAN: So we have taken care
17 of that.

18 All right. Before we actually get into
19 the hearing, I do have a statement that I will read.

20 This meeting is being conducted pursuant
21 to New Mexico Statutes Annotated, Title 22, Section
22 8B-6J, 2009.

23 The purpose of these Community Input
24 hearings that will be held from August 17th through
25 August 21st, 2015, is to obtain information from the

1 applicant and to receive community input to assist
2 the Public Education Commission in its decision
3 whether to grant the proposed charter applications.

4 According to this section of the law, the
5 Commission may appoint a subcommittee of no fewer
6 than three members to hold a public meeting. We
7 have satisfied that.

8 According to law, these hearings are being
9 transcribed by a professional court reporter. The
10 total time allocated to each application is
11 90 minutes, which will be timed to ensure an
12 equitable opportunity to present applications.

13 During the hearing, the Commission will
14 allow for community input about the charter
15 application. The time for public comments will be
16 limited to 20 minutes. If you wish to speak
17 regarding the application, please sign in at least
18 15 minutes before the applicant's presentation.

19 A sign-in sheet is back there by the door.

20 Please be sure that you indicate on the
21 sign-up sheet whether you are here in opposition or
22 support of the charter school.

23 The Commission chair, or in this case, the
24 acting chair, based on the number of requests to
25 comment, will allocate time to those wishing to

1 speak. If there are a large number of supporters or
2 opponents, they are asked to select a speaker to
3 represent common opinions.

4 We will try to allocate an equitable
5 amount of time to represent the community
6 accurately.

7 The Commission will follow this process
8 for each community input hearing:

9 The Commission will ask each applicant or
10 group to present at the table in front of them.
11 They will be given 20 minutes to present their
12 application in a manner they deem appropriate.

13 The Commission will not accept any written
14 documentation from the applicant; but the applicant
15 may use exhibits to describe their school, if
16 necessary.

17 However, the setup time for exhibits,
18 et cetera, will be included in the 20 minutes.

19 Following the applicant's presentation,
20 the local school district representatives, which
21 includes the superintendent, administrators, and
22 board members, will be given ten minutes to comment.

23 Subsequently, the Commission will allow
24 20 minutes, as noted, for public comment as
25 described above.

1 Finally, the Commission will be given
2 40 minutes to ask questions of the applicants.

3 Commissioners, are you ready to proceed?

4 Then let us do so.

5 I will ask the applicant to come forward.

6 And I see he's already sitting here.

7 I would ask that, for the record, that you
8 please state the name of your school, your name,
9 your -- your -- your role in the school, the names
10 of the founders of the school, and any other person
11 who is here today on behalf of your school.

12 You will have 20 minutes to present your
13 information, and that clock will not start until
14 after you've done your introduction.

15 MR. CASAVANTES: Good morning,
16 Commissioners. Our school --

17 VICE CHAIR BERGMAN: Hold on a sec.

18 MR. CASAVANTES: Oh, I'm sorry. I'm
19 sorry.

20 VICE CHAIR BERGMAN: Yeah, that's a good
21 idea. We've had some confusion. If you have
22 founders here that have signed up to speak, they
23 need to speak during your 20-minute allocation.
24 They're not -- they're not a part -- they're public;
25 but they have to speak during your 20 minutes.

1 I just want to announce that.

2 Go ahead. Sorry.

3 MR. CASAVANTES: Okay. No problem. My
4 name is Mark Casavantes, C-A-S-A-V-A-N-T-E-S. And I
5 am one of the founders. Ben Tice is a founder from
6 Carrizozo, New Mexico. And Wes Clarkson is also a
7 founder, and he is in Carlsbad, New Mexico.

8 Is there another component that I was
9 supposed --

10 VICE CHAIR BERGMAN: Have you identified
11 the founders as they exist right now?

12 MR. CASAVANTES: Yes, sir.

13 VICE CHAIR BERGMAN: All right. You all
14 got that? Are you ready, Katie, to --

15 MS. POULOS: I am.

16 VICE CHAIR BERGMAN: You have 20 minutes,
17 sir, to begin.

18 MR. CASAVANTES: Thank you very much,
19 Commissioners. I want to first say we wish Chairman
20 Shearman a speedy recovery in her health issues and
21 want to thank the Commissioners, the New Mexico
22 Public Education Commissioner [verbatim], the
23 Commission, the PED, Charter School Division,
24 Dr. Dan Lere, the Deming Public Schools, and
25 everyone that showed up for this public meeting.

1 I'm grateful, and I thank you all for coming.

2 We are committed to improve education. I
3 know that great improvement in education is
4 possible. We've worked hard towards this objective,
5 and we will continue to work hard towards
6 accomplishing this objective.

7 I cannot wait till the day that we have a
8 charter school and can show the world the
9 improvements we will be able to make in the
10 communities we serve.

11 And I think we do have a unique charter
12 school application. It's also creative and
13 effective. We have been told that our application
14 did not meet this criteria; but I think I would be
15 hard-pressed to find another charter school that
16 matches what we're trying to do.

17 There may be some other schools that have
18 components of our ideas; but I don't think
19 collectively, there's a charter school that has all
20 our components.

21 Our application was designed to solve
22 major education problems that students face. It was
23 not designed to make anyone rich; nor was it
24 designed to be easy.

25 It was -- you know, some of the components

1 of our -- which we think are creative is developing
2 a metric, which we call "Learning Per Second," which
3 I think nobody is doing -- it was developed by us --
4 to measure how fast students are learning. And --
5 and base -- and that's based on the requirements of
6 how much a student should learn in a given school
7 year, and then just breaking that down into smaller
8 increments and measuring it in smaller increments to
9 see that they're on track at any given point.

10 We're also working on a development of
11 another metric called "Retention" to see how long
12 students retain a lesson, so that we can study and
13 evaluate lessons to improve the long-term retention
14 of that knowledge and skills.

15 Best of my knowledge, there is not another
16 charter school that is going to offer a computer
17 programming component like we have, in New Mexico.
18 They may have some classes in it; but I don't think
19 that to the extent and the duration, there is -- in
20 the middle schools, particularly -- there is a
21 computer programming component.

22 We strongly believe that all students
23 should graduate from high school able to earn a
24 self-sustaining income, not only for themselves, but
25 for their families, because we seek to end poverty

1 in the communities that we serve. And I think
2 that's a very important component to improving
3 education. It -- you know, not everybody's going to
4 college, and we want them to be ready to go to
5 college; but if they can't, for whatever reason, we
6 wish them to be able to earn a self-sustaining
7 income.

8 Okay. We developed this model to be more
9 efficient and not waste the students' time. When a
10 student has failed in a regular public school, they
11 are put to the beginning of the school year. Our
12 plan is to find out where they left off and continue
13 from there. That will save a significant amount of
14 time when you multiply that over a lot of other
15 students, okay?

16 Also, we believe that as soon as a student
17 is capable -- has fully completed the requirements
18 of a grade level, that they're able to move to the
19 next grade level. That also prevents the holding
20 pattern, that the brightest students that the
21 schools have are in a holding pattern and not able
22 to progress. And we think that should be
23 eliminated.

24 And we also want to empower our teachers
25 to -- our classes are going to be -- the teacher is

1 going to be empowered to prepare the lesson as
2 necessary, take the time necessary to prepare an
3 excellent lesson. They will have up to 90 minutes
4 per session to teach the lesson to their fullest
5 capacity necessary, so that those students are
6 successful. And -- and then they can dismiss
7 students as they see fit and not waste their time,
8 once they've been able to have all the necessary
9 skills to be successful in that area.

10 And if more than one session is necessary,
11 the teacher is empowered to schedule more than one
12 session. This -- this eliminates a lot of the
13 problems that public schools have, where they're
14 just on the time clock, and the class period ends,
15 and they've got to go to the next class, and so
16 forth. We are breaking all those cycles, okay?

17 Many countries around the world have an
18 extended day. And if you look at -- you know, they
19 either have extended days or extended years. And we
20 believe that's an important component of our school
21 for many factors.

22 One is our students are not released when
23 their parents are still at work, and unsupervised,
24 to the community. I think that eliminates a lot of
25 issues due to lack of supervision, crime, drugs,

1 bullying, gangs, and other issues that maybe occur.
2 And it allows for us to remediate the problems that
3 many students would have. Many students are two,
4 three grade levels behind and getting further
5 behind. They're on their way to becoming a dropout
6 and having -- and being a problem to our society.

7 We wish to try to solve that problem --
8 okay? -- and catch these students up. And even with
9 a two-hour-per-day extended day, it would take three
10 years to recover a student one school year. But
11 that's -- you know, I'd like to do better than that.
12 But I see that that's -- that's a significant chunk.
13 And we hope -- you know, we've thought also about
14 having an extended year; but, you know, funding and
15 all that would have to be available to do that sort
16 of thing. But I think that the extended day is an
17 important component for the school.

18 And then for those students that are
19 caught up, we plan to provide computer programming
20 instruction. And we're developing that curriculum,
21 and we've discussed the curriculum with the
22 New Mexico -- NMSU Computer Science Department. And
23 we -- once this is finished, we're going to continue
24 to have meetings with them and fully develop that
25 curriculum.

1 We're finding a lot of issues and so forth
2 about what to teach and so forth that's appropriate
3 for the grade level. Java is the charter -- is the
4 computer programming used by NMSU; but that's way
5 over the head of a middle school child, okay? I've
6 tried to learn a little bit of it, and I -- it's a
7 challenge.

8 So we're looking for a bridge program -- a
9 bridge computer language. And we've looked at
10 Python, and we've looked at JavaScript and C++ and
11 some others; and we're working on that. And that's
12 an area that, once developed, I think would be a
13 strong component of our curriculum.

14 And part of the reason that the -- we were
15 not able to fully complete it is that when we
16 went -- attended the meetings with the Charter
17 School Division, we -- our mission statement was
18 changed; and in doing that, it required us to throw
19 out about a third of our application and restart on
20 a lot of areas.

21 And like I said, the computer programming
22 aspect is -- is a challenging component, and I think
23 it would be a very important component and will
24 align with New Mexico State University -- I mean,
25 NMSU -- and it will prepare students to be able to

1 be employable, if this program was continued through
2 a high school program.

3 We know that there are some areas of
4 that -- of our application that needs to be
5 providing additional detail and maybe some revision.
6 And we'd like to be able to communicate with the
7 Charter School Division, Commissioners, anyone else
8 that's interested, the Deming Public Schools, on any
9 improvements, corrections, or anything that would
10 make the charter school better, and that our plan is
11 to continue to work towards approval of a charter,
12 even if it takes one or more years from now.

13 Thank you very much.

14 VICE CHAIR BERGMAN: You're finished with
15 your time, then?

16 MR. CASAVANTES: Yes, I am. Yes, I am.

17 VICE CHAIR BERGMAN: Thank you for your
18 presentation. At this point, it is time for the
19 local school district to be given their opportunity.
20 I would ask if there is someone from the Deming
21 Public Schools to come forward. Come forward,
22 please. Please identify -- you can -- if you'd
23 rather sit?

24 MR. LERE: I will. I'm just walking
25 around.

1 MS. POULOS: It's hard to get through.

2 VICE CHAIR BERGMAN: Identify yourself and
3 your role.

4 MR. LERE: My name is Dan Lere. I'm
5 Superintendent of Schools for Deming Public Schools.
6 First of all, welcome to Deming. I appreciate you
7 visiting us here for this hearing.

8 I have reviewed all the paperwork
9 submitted by the applicant. And we have some pretty
10 significant concerns.

11 I'll start off with our first one is
12 curriculum. We feel that they have focused in on a
13 very narrow focus of curriculum with a strong
14 emphasis on computer programming. We see this as an
15 intense occupational training in a very technical
16 field for 12-to-14-year-olds. We believe that that
17 demonstrates somewhat of a lack of knowledge of
18 child development and child -- and adolescent
19 cognition.

20 They're planning on 300 hours per year of
21 computer programming. That's fully 25 percent of
22 instructional time. And the reason that that's
23 important is that we see this as, compared to our
24 middle school students who come out of Red Mountain
25 Middle school, these students will have 900 hours

1 less of regular instruction time by the time they
2 get to ninth grade than our students coming out of
3 Red Mountain.

4 Now, the applicant spoke of the extended
5 year -- extended day program; but if you read all of
6 the documents, you will see that they're -- in their
7 budget revisions, they have indicated that they have
8 insufficient funds to support that extended day. So
9 there really will be a loss of 900 hours in a
10 three-year period of instructional time by the
11 students, which we think will put those students at
12 a distinct disadvantage when they go to ninth grade,
13 that they will be significantly behind in language
14 arts, reading, science, social studies.

15 They may be strong in computer programming
16 and algebra; but our fear is that they're going to
17 be weak in many of the other areas because of the
18 lack of instruction time.

19 He also mentioned about this being
20 continued through the high school. We have no
21 intentions of doing this kind of intense computer
22 programming instruction at our high school. Our
23 high school is a comprehensive high school. We have
24 a strong vocational program. We have strong fine
25 arts and music, art programs. We -- we try to

1 teach -- we have many, many AP classes, honors
2 classes.

3 We simply do not have the room, nor the
4 desire, to convert our high school curriculum into a
5 computer programming-based program. So students
6 going through this program would get three years of
7 intense computer programming and may not be exposed
8 to much of that again until they go to college four
9 years later.

10 It seems that this occupational training
11 is -- may be appropriate for young adults, post-high
12 school, or even late high school. We do not see it
13 as appropriate for 12-, 13-, and 14-year-olds.

14 They also -- in the paperwork, you'll see
15 that they're -- we believe that they have
16 insufficient programs to meet the needs of middle
17 school students. They have no dual language
18 program; they have eliminated that out of their
19 application. As you know, we have a very high
20 percentage of monolingual Spanish students in this
21 district. If they have no dual language program --
22 in the budget, you will see they have no money for
23 translators or an interpreter, which indicates to me
24 that all instruction is going to have to be in
25 English, which will eliminate a lot of students

1 having the possibility of going to this school,
2 simply because they don't speak the language.

3 They do not have a STEM or a STEAM
4 program; that has been eliminated. And that would
5 fit well with computer programming, if they had it.
6 They also have no developed program -- at their own
7 admission, in their own paperwork, they have no
8 developed curriculum for the fine arts, art, or
9 music. They have no developed program for physical
10 education; nor do they have facilities for that.

11 The curriculum instruction that they do
12 have in their program seems to be based on a very
13 long list of computer software programs. There were
14 20-plus computer programs that were listed as both
15 the basis of their curriculum and their instruction.

16 Anybody who's attempted to take an online
17 class realizes that that takes a certain amount of
18 self-discipline; it takes a certain amount of
19 commitment. And there's also, in this proposal, no
20 indication as to the amount of time a student would
21 spend in the classroom, versus how much time they
22 would spend online. Both things are talked about;
23 but there's really no specifics as to what that time
24 split would be.

25 They also mentioned a scope and sequence

1 plan, which they are going to use from another
2 entity; but they also admitted in their paper that
3 they haven't got a copy of that scope and sequence
4 yet.

5 I find it interesting that you would adopt
6 a scope and sequence that you hadn't seen yet; so I
7 have some concerns about that.

8 So that's the curriculum part.

9 And the staffing part, we also have some
10 concerns. The application states that they are
11 going to have a 20-to-1 ratio. But if you read
12 their Intent to Submit letter, and if you analyze
13 their budget, it indicates a 40-to-1 ratio. They
14 strongly emphasize throughout their application that
15 this is going to be an individualized education with
16 individualized instruction and a lot of small group
17 work. I find it hard to believe that you would be
18 able to accomplish that with a 40-to-1 ratio.

19 We have about a 25-to-1 ratio here in
20 Deming, and we still have teachers that struggle to
21 individualize education to students that need it.
22 So I think that's another misunderstanding as to how
23 the dynamics work in the classroom, especially with
24 sixth-, seventh- and eighth-graders.

25 The other issue we have with staffing is

1 in order to have staff that would be able to do
2 this -- this intense training in computer
3 programming, you're going to have some pretty highly
4 trained people. And they're going to have to want
5 to come here to Deming and work in this school.

6 I can tell you, if my -- if -- I don't
7 know if Nancy Patterson is here; but we have --
8 she's my HR director. We have a very, very
9 difficult time attracting and retaining qualified
10 teachers in this school district. Last year, out of
11 350 teachers, we had 55 on alternative license. We
12 expect a similar number this year.

13 I think that it is maybe unrealistic for
14 this proposal to expect that they're going to hire
15 highly trained, technical people into these fields.
16 They're going to be hard to find; they're going to
17 be hard to convince to come teach here in Deming,
18 and it's going to be even more difficult for them to
19 retain them. So I think that could be a big issue
20 for them.

21 They also indicate, in their application,
22 that they would hire a TESL-endorsed bilingual
23 teacher. If you look in the budget, there is no
24 money in the budget for that position.

25 Lastly, they have -- I think they have

1 some real facility issues. They have no facility at
2 this time. They have a lot that they have
3 considered leasing. They've talked about getting a
4 building built that is leased.

5 I can't find anywhere in their paperwork
6 or in their budget and everything that there's
7 indication as to how they're going to pay for this.
8 So I think that that's a pretty big loophole right
9 there.

10 I do want to make a comment about their
11 application. In one of the sections, they have
12 listed current status of education in Deming. If
13 you read that section, you will see that it is
14 completely void of any statistics. It has no survey
15 results. It is merely a list of hearsay comments by
16 disgruntled students that say that -- that claim
17 that there is bullying and racism and massive
18 failure of students at Deming High School.

19 I would -- I would say to them -- I would
20 request from them -- I would like to see their
21 survey results that support those conclusions. I'd
22 like to see some sort of data that they have
23 gathered that states that is the climate at that
24 school. I would love to see that, because I know
25 better. I know that that is not the case at that

1 school.

2 My guess is that you could go to any high
3 school in this whole country, and you could find a
4 few students who would say some bad things about
5 their high school; and I think that's exactly what
6 happened here.

7 The paper says, "A few students have told
8 us there's bullying."

9 "Some students have told us that there is
10 racism."

11 "Some students have told us that teachers
12 don't answer questions."

13 That is -- that is purely hearsay, and I
14 would request that they remove that from that
15 document, because there is -- they have no evidence
16 to support that whatsoever.

17 I think from what you heard from the
18 applicant earlier and from the information I've
19 presented, to us, it's clear that they are not ready
20 to open a charter school that would meet the needs
21 of the students of this community. And in fact, we
22 believe that would actually put students behind into
23 their ninth and tenth grade and would actually
24 reduce their chances of graduating from high school.

25 So on behalf of the school district, I

1 would -- I would -- we would not be in favor of
2 granting the charter for this charter school.

3 VICE CHAIR BERGMAN: Thank you,
4 Mr. Superintendent. I appreciate your comments very
5 much. And once again, thanks for having us in this
6 nice room today.

7 MR. LERE: Thank you for coming.

8 VICE CHAIR BERGMAN: We are now at the
9 part for public comment.

10 Can you bring me the list, please, Julie?

11 The list indicates that we have two
12 individuals that wish to speak. We're going to hear
13 public comment from the community of Deming. As we
14 noted earlier, there's a full 20 minutes available.
15 So I guess, theoretically, I could give ten minutes,
16 if you really wish to go on for ten minutes, making
17 comments. But that would be the limit, I can assure
18 you.

19 So the first name on the list is Sarah
20 Bottomley.

21 Please identify yourself, which I just
22 did.

23 MS. BOTTOMLEY: That's fine. My name is
24 Sarah --

25 VICE CHAIR BERGMAN: Please say it for the

1 record, please.

2 MS. BOTTOMLEY: My name is Sarah
3 Bottomley. And I'm retired, and I have a Bachelor
4 of Science in Computer Science and a Bachelor of
5 Arts in Music Performance; but I have never done any
6 educating beyond tutoring.

7 And I talked with Mr. Casavantes about
8 volunteering to tutor the kids as they worked on the
9 computer on their lessons.

10 I'd like to clear up one thing. Am I
11 allowed to ask a question and see if either of those
12 two can answer it?

13 VICE CHAIR BERGMAN: No.

14 MS. BOTTOMLEY: Well, my understanding was
15 that the computer time was when the students went to
16 botany class, learned about botany, and then got on
17 the computer, and there was designed, through the
18 package that he hasn't bought yet, all the botany
19 material, where they could chunk through and drill
20 themselves. And they can do it slowly if they don't
21 understand, and they can repeat a question if they
22 don't understand, and they can go on quickly and go
23 back to the teacher and say, "I'm done," and say,
24 "I'm ready for the new material," if they do
25 understand.

1 That was my understanding. And, of
2 course, in addition, the computer classes are going
3 to be taught.

4 When I first talked with him about what
5 computer classes we were going to teach, I was
6 imagining the things that I learned, which was
7 systems programming, which was not what he has any
8 intention of teaching middle-school kids. He wants
9 to teach them to run these little programs where you
10 type in commands to draw lines and circles, and then
11 you can move them. And so it's sort of like an
12 introduction to animation. It's not college-level
13 computer programming.

14 That is to get the kid to understand that
15 you tell the computer what to do; you write a
16 program, and then you run it, which I think is an
17 excellent introduction to computer programming. I
18 think it's unfortunate that they have no computer
19 instruction in the high school; because when I was
20 in college, the kids that had had some computer
21 experience had a tremendous advantage.

22 Okay. One of the things, when computers
23 got on the desktop, and everybody had a computer,
24 and I saw that you could get online -- all this
25 stuff, you know, happened throughout my life -- I

1 thought, "Oh, this is great. The kids can all learn
2 their stuff online. Everybody can learn at their
3 own pace. Everybody can learn what they're
4 interested in."

5 Why don't we put French classes, German
6 classes, engineering, you know, anything that's
7 where the largest amount of the material is
8 information, rather than, you know, psychology or
9 history or something, where a lot of it is
10 interpretation, and it needs to be done by a
11 teacher?

12 But there's no reason why kids can't do a
13 lot of their drill and take the burden off of the
14 teacher. You know how teachers have to repeat
15 things and say, "Okay. Now, you, Johnny, you answer
16 it. Now, you, Sarah, you answer it," which wastes
17 the time of all the other kids that are sitting
18 there waiting?

19 So the two big advantages that I want to
20 make sure to point out of a system where the teacher
21 gives the lesson and the kid does the drilling on
22 the computer and at their own pace, the two
23 advantages is you don't have smart kids sitting
24 there in class listening to the same material over
25 and over so that the other kids can catch up; and

1 number two is you don't have a kid that is
2 unprepared and doesn't have the foundation,
3 listening to material that he can't possibly
4 understand and going home and knowing that.

5 So it puts -- it rewards a student based
6 on his merit, rather than based on how old he is,
7 shoving him to the next grade level with poor
8 grades. And it gives everybody the opportunity to
9 do what they want to do with their life.

10 So those are my comments.

11 VICE CHAIR BERGMAN: Thank you very much.

12 There is one other name on the list, and I
13 can't read the last name. So pardon me. Is it
14 "Georgine Bonalas" [ph]?

15 MS. GONZALES: Georgina Gonzales.

16 VICE CHAIR BERGMAN: Please -- you've got
17 a soft voice; you're going to need to speak up.

18 Please identify yourself for the reporter.

19 MS. GONZALES: My name is Georgina
20 Gonzales. I'm here from El Paso. I'm here to
21 support Academic Opportunity Academy. If it wasn't
22 because of Opportunity Academy, I wouldn't have
23 graduated from college. And there's other students
24 that are currently receiving their -- their
25 associate's or other degrees from Academic

1 Opportunity.

2 And I'm thankful for that -- for Academic
3 Opportunity and Mark for helping me. So that's all
4 I had to say.

5 VICE CHAIR BERGMAN: Thank you for your
6 input.

7 We are now finished with that portion of
8 our agenda. We are now down to the Public Education
9 Commission question period.

10 We will have 40 minutes to ask those
11 questions.

12 Katie, are you ready?

13 MS. POULOS: Uh-huh.

14 VICE CHAIR BERGMAN: All right. Start the
15 time on that, please. I think I'll get the ball
16 rolling on this one.

17 Right in the very beginning, on Page 3 of
18 your application, the Superintendent did already
19 note in his remarks, you showed a student-teacher
20 ratio of 40-to-1. That -- that, of course, is a
21 statutory violation of the limits in this State.
22 Schools can approach the Secretary and request a
23 waiver; but I have never seen her allow anyone to
24 put 40 children in a classroom.

25 And below that, you did say that that

1 would be above the normal ratio. And it certainly
2 is.

3 And then you say you will hire additional
4 teachers when it's financially feasible to do. So
5 to me, that suggests a lack of understanding of what
6 we're trying to accomplish. Every school has to be
7 financially competent; but every school works with
8 the money they have, and they have to be able to
9 hire the teachers. So that's to take care of the
10 kids, and that's what they take care of.

11 So I wanted to note that, okay? And that
12 was not the only place you used the term
13 "financially feasible."

14 MR. CASAVANTES: Do you want me to respond
15 to that?

16 VICE CHAIR BERGMAN: No, sir, you cannot.

17 MR. CASAVANTES: Okay.

18 VICE CHAIR BERGMAN: And then I want to go
19 to the academic performance indicators, slash,
20 goals. We use both terms for that.

21 You stated we, of course, require each
22 applicant to provide indicated academic performance
23 indicators and goals. We have a very time-tested
24 format. It was right in the instructions that we
25 asked.

1 So in the beginning of your application,
2 when you came to that section, you said you did --
3 you decided not to put any goals in your
4 application, and you said something about CSD staff.

5 Now, I've worked with CSD staff, and I
6 seriously doubt that they told you not to put any
7 academic performance indicators in your application.
8 I don't know if that's what you were referring to or
9 not; but that would surprise me, because I've sat in
10 many performance contract negotiations with them.
11 And they're just like me. They insist on strong and
12 rigorous and smart academic performance indicators
13 for the school.

14 The reason why we ask applicants to do
15 that is because that shows us that you have the
16 capacity to understand assessment, the ability to
17 figure out how you're going to teach the kids and
18 how they're going to perform well in your school.

19 So that kind of threw me for a -- and I
20 will then note that later on, you switched again and
21 you threw in some academic performance indicators in
22 another section of the application; and that, at
23 least, satisfied that requirement.

24 But as I read those -- in that section --
25 I'll come to them when I read my notes later -- they

1 still were not in the SMART format that we ask for.
2 Some of them were not even measurable -- you've got
3 to be able to measure them when you have a goal --
4 and in many cases were not rigorous. It's -- so
5 that was what I noted.

6 And you mentioned Python in your comments.
7 You used -- you indicated that there was some
8 assessment there, and that CSD pointed out in their
9 analysis, there is no assessment of Python,
10 apparently; so that kind of concerned me.

11 You talked about having a pre-AP test for
12 your kids. The College Board doesn't do a pre-AP
13 test. And that also concerns me.

14 And one of the -- your goal for Algebra 1
15 apparently is not informed instruction during the
16 year; that's only an after-the-fact situation. And
17 that concerned me.

18 And then when you did provide -- you
19 apparently proposed a pass rate of 5 percent. And
20 that is certainly not rigorous.

21 I've got the ball rolling. I'm now going
22 to take a breath here, and, Commissioners, do any of
23 you have questions for --

24 COMMISSIONER GIPSON: Oh, Lord.

25 VICE CHAIR BERGMAN: Commissioner Gipson,

1 would you like to start us off, please?

2 COMMISSIONER GIPSON: I guess. I mean, I
3 read through this application more times than I
4 think I'd like to admit to, to try to understand it.

5 I looked at a number of the programs that
6 you were using, or mentioned you might use, to teach
7 programming; and I had a number of concerns with
8 them.

9 One of them -- at least one of them pairs
10 middle-school students with an adult in cyberspace,
11 and has open chat rooms. And you did make a mention
12 that there would have to be parental approval. But
13 I have serious concerns with even looking at
14 programs that would partner up unknown adults out
15 there with sixth-, seventh-, and eighth-graders.

16 So that's -- and I just have a real
17 concern over why are we choosing -- and you
18 mentioned in your statement that you're looking for
19 computer -- you're looking at the computer
20 programming aspect, and you think it'll be an
21 important component; but in your application that is
22 the reason why you're setting this up.

23 So I've got a confused message here about,
24 in your statement, you think it would be an
25 important component; but in your application, that

1 is the reason you're setting up this school, to
2 teach sixth-, seventh-, and eighth-graders who have
3 no opportunity to go out into the workforce.

4 We don't want them to go out in the
5 workforce. I will applaud you for trying to work
6 with sixth-, seventh-, and eighth-graders. I
7 absolutely will. I taught high school my entire
8 career. I would have had no career trying to work
9 with sixth-, seventh-, and eighth-graders; so I
10 truly -- you know, I appreciate anyone who's willing
11 to devote that time to those challenging folks.

12 But at the same time, I just -- you know,
13 I don't think they're ready for -- and I don't think
14 they even have a mindset for a career. And why are
15 we pigeonholing them into computer programming as
16 what they want to do? Sixth, seventh and eighth,
17 ninth and tenth grade should be opening up the world
18 to these students to show them what they can do, not
19 forcing them, when their brain isn't even fixed yet,
20 to say, "This is what I want to do," and then they
21 get into high school or whatever and say, "I don't
22 like this"; but this is -- this is all they've been
23 given.

24 I have grave concerns about your
25 student-teacher ratio. It fluctuates. It's not --

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1 it's not budgeted for. And in the capacity hearing,
2 you -- I do believe, when you were so significantly
3 over budget, you said you were going to cut staff to
4 make up for the budget losses.

5 And you don't have a budget for a
6 building. And a building -- and you -- you know,
7 you mention speaking with -- I forget his name from
8 NMSU. But there's no clear understanding that this
9 is -- this is a partnership with them. And so I
10 guess I'm not taking everyone's time.

11 I have concerns with you using Edmentum.
12 You mention a number of studies; but if you look at
13 those studies, there's ads on the side and notations
14 that they were sponsored by Edmentum; so that when
15 I've looked at state school boards and their
16 analysis of Edmentum, they consistently mention that
17 Edmentum does not provide rigor; so that you're
18 using -- your use of Edmentum, I don't -- and it's
19 come up with a number of other schools, as well.
20 And I don't think there's -- there's rigor there.

21 And using -- I don't even know what AP
22 classes sixth-, seventh-, and eighth-graders would
23 be taking. I taught AP my entire career; so I don't
24 know what -- but you're mentioning using AP tests as
25 an end-of-year; but unless you're an exceptional

1 student, a sixth-, seventh-, or eighth-grader is not
2 going to be taking an AP course, or -- or using the
3 ACT, the SATs. Those would be given, at best, maybe
4 at the end of the seventh grade or eighth grade; but
5 it's not an assessment of what was done during the
6 school year. And, you know, the lack of indicators
7 not -- in that application was startling, to say the
8 least. I'm done for now.

9 VICE CHAIR BERGMAN: Thank you. And, yes,
10 I -- we'll be going back and forth, I'm sure. So
11 I'm going to jump back in here, as I get to a page
12 with my notes on them.

13 COMMISSIONER GIPSON: I know. Me, too.

14 VICE CHAIR BERGMAN: And you did mention
15 this in your comments. You rewrote your mission
16 statement after meeting with the CSD.

17 I seriously doubt if they asked you to
18 rewrite your mission statement; but you said you had
19 to throw out a third of your application. That is
20 not normally their role. I don't -- I'm not sure --
21 I just wanted to comment on that.

22 If you rewrote it -- I assume you rewrote
23 it for your own purposes; but -- I want to then
24 reference, at one point in your application, you did
25 mention New Mexico Connections Academy. And they

1 are one of the two statewide virtual schools in this
2 state. And they are the ones that you were trying
3 to get a scope and sequence from, which they didn't
4 share with you; and that is correct.

5 But the thing that was troubling for me
6 with what you proposed there is that they were
7 insisting that their teachers teach your students.

8 Well, I understand why they might make
9 that insistence. And I am not a lawyer; but I don't
10 believe one charter school's teachers can be
11 teaching another charter school's students, because
12 the first thing that occurred to me is a funding
13 issue there.

14 You've got your students under your SEG
15 funding. If New Mexico Connections pays teachers to
16 teach classes to your students, I'd almost bet my
17 entire life on the fact that they're going to insist
18 on counting those students as a part of their
19 enrollment. And we're talking about a
20 double-funding issue there; and so, as a non-lawyer,
21 that just sounds illegal to me.

22 And you also used the term, when you were
23 talking about that -- I think it was a little later
24 on -- you called that a "dual enrollment" situation.
25 I don't believe we have dual enrollment between

1 comparable schools. Dual enrollment always talks
2 about students in high school taking college
3 courses.

4 Well, your sixth-, seventh-, and
5 eighth-graders aren't going to be taking college
6 courses; so I don't believe dual enrollment was the
7 correct terminology there. So that certainly
8 concerned me a little bit.

9 Ah, yes. And you even touched on this a
10 little bit. You were talking about doing your
11 curriculum mapping and things like that. You kept
12 citing a nonexistent way to assess that and to
13 handle that. And you said, "We will develop that
14 curriculum mapping software later."

15 Well, you're going to start a school year
16 without that -- without that curriculum mapping.
17 It's just -- and there's no guarantee that you would
18 actually be able to develop a suitable software
19 program for that. That sounds very -- as I've
20 already noted -- I'm not a computer person -- but it
21 certainly sounds very complicated to me.

22 And a lot of what you proposed in that
23 curriculum area, here, again, was with a limited
24 number of teachers. And I -- here, again, I found
25 that troubling.

1 I'm going to, here, again, dig through my
2 paperwork a little bit.

3 Commissioner Toulouse, do you have
4 something?

5 COMMISSIONER TOULOUSE: I have a couple of
6 things, Mr. Chair.

7 Mr. Casavantes, I want to first say, I
8 feel your sincerity, and I see it in here. And I
9 think you honestly want to teach kids. I would
10 suggest -- and, again, I'm not the educator. I
11 spent 12 years with higher ed on the CNM
12 governance -- Governing Board. But having spent
13 30 years in human service programs, looking at
14 these, having children and having grandchildren
15 going through school, I would think -- and I think
16 you picked the worst age to try to do anything with,
17 and I do -- again, as Commissioner Gipson said, I
18 salute you for that -- I would look at redeveloping
19 this as a STEM or STEAM program. And you can still
20 put your emphasis on the computer.

21 I'm serious. This is what the needs are.
22 I don't see kids around here being able to go get
23 jobs with being able to just do programming. Almost
24 everybody can program now. And you're going to have
25 to look at them -- kids do. I mean, I guarantee

1 you. My two-year-old grandson took -- and he knew
2 enough. He was looking at my pictures, and he did
3 some stuff I couldn't fix. And my nine-year-old
4 grandson gets right in there in the system, and he
5 can do it. He doesn't even think he's doing
6 something. Kids can learn those.

7 I had a concern, having worked for many
8 years with computer systems and having started out
9 completely computer illiterate when I worked in the
10 Human Services program, and went through the first
11 food-stamp online program.

12 And when we put all the other programs on,
13 then I was developing systems. And, no, I didn't
14 know programming languages; but I knew how to read
15 the process of it.

16 But I do know that if you're going to
17 really get a job in programming, you have to have at
18 least some knowledge of computer languages. And I
19 think, like anything else, kids learn languages
20 easier than older people do. And I would think some
21 basic computer language needs to be a part -- if
22 you're going to train them to be computer
23 programmers.

24 But if you're going to use the ability to
25 program to teach them other skills that are in the

1 engineering, math, arts area -- you know, computer
2 animation, those things -- then they need the
3 programming.

4 But I just -- I think your -- I think your
5 heart is in the right place; I think your mind is
6 going the right way. But I think it needs to give
7 them a whole compact area to use these skills you
8 want to teach them in.

9 And so I would like to see you rethink it
10 in that way, maybe work with the Charter Schools
11 Association folks to do this and bring your
12 sincerity back to working with these kids.

13 I mean, I have two grandsons that are
14 going to be in mid-school pretty soon. And I'm not
15 looking forward to it, especially with one of them
16 who's in a charter school, a dual language school,
17 and that's the only thing keeping him out of trouble
18 now in a classroom is he's got to do everything in
19 two languages.

20 And so I think there is a group of
21 students, whether they're in Albuquerque, whether
22 they're in Deming or El Paso or Carlsbad or
23 Silver City, or anywhere else, that will respond to
24 this. But I think it needs to be a package.

25 MR. CASAVANTES: Appreciate it. Thank

1 you.

2 VICE CHAIR BERGMAN: Okay. Commissioner
3 Ambruster?

4 COMMISSIONER ARMBRUSTER: Yes. Well, I'd
5 like to say that I was a teacher for 39 years in
6 special education and middle school.

7 COMMISSIONER GIPSON: God bless you.

8 COMMISSIONER ARMBRUSTER: And I feel so
9 much better, because I know that they're all going
10 to love me more, because I just said that.

11 I love those children; I have become like
12 them.

13 But I do want to say thank you for
14 submitting this, because I can see that you spent a
15 lot of time writing this and thinking about it.

16 I have some concerns, of course, also.

17 One is -- now, you're the -- my
18 understanding from reading this is that you are
19 currently the superintendent of an AOA school in
20 El Paso, and that you would -- I hate these
21 things -- one of the other -- two of the other
22 founders -- one lives in New York, and one lives in
23 someplace -- Carlsbad, I think? -- El Paso?

24 So those people are helping with this
25 founding kind of thing, but they're not going to be

1 here, I guess. You will be here, and Mr. Tice, if
2 I'm saying these names correctly.

3 So I'm understanding -- and I know you
4 can't talk -- but I'm assuming that.

5 VICE CHAIR BERGMAN: He can answer a
6 question. If you have a specific question for him,
7 he can certainly talk.

8 COMMISSIONER ARMBRUSTER: Oh, thank you.
9 Okay.

10 Is this -- just briefly, is this, what you
11 wrote for us, what are you doing currently that's
12 being successful in Texas?

13 MR. CASAVANTES: In Texas, it's a little
14 bit different. I'm working with basically from
15 kindergarten to adults. I am working with the Navy
16 in getting these students to prepare for the ASVAB
17 exam. And I've helped students graduate from
18 community college in various degrees.

19 I am helping with students that are in --
20 needing grade-level recovery, and have helped some
21 students that have been significantly behind be
22 successful.

23 COMMISSIONER ARMBRUSTER: Is that the
24 school's mission, or are you kind of personally
25 doing that?

1 MR. CASAVANTES: I'm personally doing
2 that. That's -- that's -- and I have -- and I have
3 some students that have done some of the computer
4 programming aspects at the school, as well. They --
5 they -- primarily having them use Code.org, which,
6 starting off, is I've had students as young as first
7 grade being able to work on that. And they seem to
8 like it.

9 And -- and then I've had other students
10 working on Khan Academy, the computer programming
11 component, as well.

12 COMMISSIONER GIPSON: Can I just jump in
13 for a second?

14 MR. CASAVANTES: Yeah, sure.

15 COMMISSIONER GIPSON: The question really
16 is, what is AOA in El Paso? That's --

17 MR. CASAVANTES: We're also trying to
18 start a charter school in El Paso and writing
19 applications to the Texas Education --

20 COMMISSIONER GIPSON: But currently, AOA
21 in El Paso is --

22 MR. CASAVANTES: We kind of are helping
23 some students in various --

24 COMMISSIONER ARMBRUSTER: It's not really
25 a school, as such; it's more like a tutoring thing?

1 MR. CASAVANTES: Yes, yes.

2 COMMISSIONER ARMBRUSTER: It's not a
3 school where kids go and do whatever they do.

4 Okay, that's fine. I didn't understand
5 that.

6 MR. CASAVANTES: Sorry. I didn't --

7 COMMISSIONER ARMBRUSTER: So as a
8 middle-school teacher -- no applause; that's fine --
9 I'm not sure, you know, in terms of credit, at least
10 in New Mexico, they don't actually get credit. So
11 there's a number of students for a number of
12 reasons -- they don't care; they don't want it; it's
13 not important; it doesn't count -- who don't do
14 really well in middle school.

15 It's certainly important that they do.
16 But the credit recovery isn't really -- they can
17 still go on to high school. We try not to tell them
18 that. So I hope we're not publishing that. But
19 really, they can go on to high school, even if they
20 bail all their subjects. It's not -- not as --
21 credit recovery, which is imperative in high school.

22 And so I also wanted to say that I admire
23 that you were going to pay teachers an additional
24 5 percent. I think that's one of the issues right
25 now with getting teachers; because if you're really

1 very good at computers, you probably would not go
2 into teaching for \$34,000.

3 You can do many -- and I can just tell
4 that you -- just, in general, to make the
5 Superintendent feel better -- just in Los Alamos, I
6 know of four teachers, two special ed and two math
7 teachers, who left that. And they left because they
8 were minimally effective. And so they thought, "Oh,
9 wait. I'll just go into social studies, because I
10 can be more effective in social studies by the
11 rubric, not by design."

12 And one went to the Lab; one went to
13 regular ed, because that's just the way things go.

14 So I looked at the extended day, which is,
15 really, we're talking about 20 -- ten hours a week.
16 And I just made up a number. So I said \$40,000,
17 which is a Level II teacher. So that's really about
18 a dollar an hour that that teacher would get for
19 working two extra hours.

20 And then I saw -- and I may be incorrect
21 on this, but I -- the kids would come at 8:00. They
22 have -- school kind of starts at 8:00 with
23 announcements and that type of thing. And they're
24 going to 6:00. But somewhere in there, they're
25 going to have to have dinner, because they're not

1 going to go from lunch to 6:00.

2 And I'm just thinking that that's good to
3 have that for the credit recovery. But, again, I'm
4 not sure that credit recovery is -- tutoring, yes;
5 but I'm not sure if credit recovery is the thing
6 that we would want to do on that.

7 So let me let you go a second, and then
8 I'll come back.

9 VICE CHAIR BERGMAN: Thank you very much.
10 We will do that.

11 I want to move on to your Section 504
12 plans. In their preliminary analysis of your
13 application, CSD noted that in that area, that your
14 application was incomplete and/or inadequate. And
15 they question that you had not identified who -- who
16 will identify, who will evaluate, and who will serve
17 the students with 504 plans.

18 Can you tell me who's going to do that,
19 and how are you going to do that?

20 MR. CASAVANTES: We're going to have a
21 special ed teacher as one of the first teachers that
22 would be hired. The first one, I believe, we put as
23 a TESL-endorsed teacher, and the second would be a
24 special ed teacher. And they would be involved in
25 those issues: identifying, monitoring.

1 And as far as diagnosticians and all the
2 other required services, we would plan to contract
3 that out. And I believe that was in the
4 application.

5 VICE CHAIR BERGMAN: Okay. Thank for you
6 that.

7 There were a number of questions in the
8 English Language Learner section. The analysis of
9 the CSD staff was that there seemed to be a lack of
10 understanding in that area of -- either that, or you
11 just did not give enough information to show that
12 lack -- or to show that level of understanding on
13 it.

14 MR. CASAVANTES: Okay.

15 VICE CHAIR BERGMAN: I normally can
16 formulate a lot of really great questions for
17 applicants; but I went over this all again last
18 night, and I just had a hard time even finding
19 questions I could ask you because of the -- there
20 were just -- throughout the application, there was
21 just a lack of information.

22 You had 250 pages; but there seemed to be
23 a lack of information in that. You accomplished
24 some of that by you had five standard paragraphs,
25 and you put those five standard paragraphs in every

1 section. And that actually almost gave me a
2 headache, tell you the truth. I think that added 40
3 or 50 pages to your application.

4 We're not interested in length of an
5 application. In fact, we discourage that. We don't
6 do it very heavily. But I would have much rather
7 you do those 40 pages for some real solid
8 information and research.

9 You used -- in one place, you talked about
10 a Marzano Group. The staff noted that the
11 research -- that research was done for Edmentum,
12 which you talk about throughout your -- but it was
13 paid research. Sometimes that might call into
14 question when research is paid for, that there might
15 be a potential bias there; so that concerned staff,
16 and it certainly concerned me.

17 Like I say, I just had a hard time. I
18 think I'll pause again.

19 And, Commissioner Toulouse?

20 COMMISSIONER TOULOUSE: I have a question.

21 MR. CASAVANTES: Sure.

22 COMMISSIONER TOULOUSE: You have, on the
23 one section here, where you're talking about the
24 additional money that you plan to pay your staff.
25 And you say, "We" -- that you are anticipating

1 additional federal money which is not included in
2 your budget, what federal money are you anticipating
3 that would do that?

4 MR. CASAVANTES: Well, we -- we point out
5 a couple of things. We just submitted a grant for
6 \$100,000 for a start-up. We'll know in about a
7 month where that stands.

8 I've talked to a couple of other funders,
9 like the Daniels Fund, about proposals for -- for
10 grants. Daniels Fund, of course, told us that we
11 first have to --

12 COMMISSIONER TOULOUSE: They're not
13 federal; so...

14 MR. CASAVANTES: I understand. But you're
15 asking about funding.

16 COMMISSIONER TOULOUSE: You said "federal
17 funding"; so I was specifically asking.

18 MR. CASAVANTES: I know the food service,
19 the transportation -- there are several other funds,
20 and they all contribute to the budget, so to speak.
21 And then, also, there may be a start-up grant from
22 New Mexico and so forth. And none of that is in the
23 application.

24 And so we know that there's more money
25 available for the school to operate and that some of

1 these items that are -- the line items and so forth,
2 are -- we tried to fit the -- fit the budget, the
3 money variables the best we could with -- with the
4 dollars available.

5 And the other thing I just want to quickly
6 mention about the -- the teachers. Can we also plan
7 to use educational aides? And that also will reduce
8 the -- the staff-to-student ratio, and that they
9 would be used in the main academic space, which
10 would -- we want to have the lowest student-teacher
11 ratio possible for the school.

12 And with limited funding, it -- you know,
13 you can get more staff with educational aides to
14 assist and monitor the computer operations and
15 provide that support. And -- and I think that
16 addresses some of the concerns.

17 COMMISSIONER TOULOUSE: Just be careful
18 of -- that any ongoing expenses need to be funded
19 with ongoing anticipations, and not things like
20 start-up funding.

21 The other thing I had -- I can't find
22 where I marked it now. But I think in your
23 personnel policies, when you were talking about the
24 discipline of employees, that they wouldn't -- at
25 different levels, but they would meet with the

1 principal or the head of your school or whatever,
2 and a social worker. And I know having been in
3 management a long time, it's usually not appropriate
4 to have another person in on most disciplinary
5 discussions.

6 Definitely, I -- you know, I don't know if
7 you just took what you were doing with students,
8 where it would be appropriate to have a social
9 worker, and put it in with the personnel reg;
10 because, to me, that would be very inappropriate.
11 Unless you're in a very, very specific circumstance,
12 it needs to be a private discussion, or you're in
13 all kinds of personnel problems.

14 MR. CASAVANTES: Must have been a
15 cut-and-paste.

16 COMMISSIONER TOULOUSE: So that probably
17 is -- you copied it over?

18 MR. CASAVANTES: Yes, I think so. Sorry.

19 VICE CHAIR BERGMAN: Commissioner Gipson,
20 did you --

21 COMMISSIONER GIPSON: She just took one of
22 my -- I had a question of whether the social worker
23 was going to be a certified administrator; because
24 you did have them involved in a number of employee
25 situations.

1 But I had a question about your grading
2 system, which was an "A" or an "I," and how that's
3 going to translate over to Deming Public Schools
4 when a student's going into high school.

5 VICE CHAIR BERGMAN: That sounds like a
6 question. So you may respond to that.

7 COMMISSIONER GIPSON: It is. I'm sorry.

8 MR. CASAVANTES: Well, you know, I've
9 looked at a lot of ideas to try to improve things.
10 And one of the things was this standard of 70 as
11 acceptable. And if you're going to try to improve
12 the academic rigor of a school and so forth, and
13 require -- and one of the problems that students
14 have, often, is that they just know enough to be
15 dangerous, and keep moving along the system until
16 the point they fall apart.

17 And if a student has mastery of their
18 content as they progress, they're able to be more
19 successful. I've talked to students, who -- in
20 college, when they get the placement tests, and they
21 go for the most advanced class they can test into,
22 because they don't want to take courses, and they
23 test in a course where they barely can make it --
24 and if they don't fail that class, they fail the
25 next class.

1 So we're wanting them to have a higher
2 level. And we plan to transition it. And we're
3 willing -- we're thinking of adjusting it, as
4 necessary. But with about 90 school days, and -- so
5 first started at 70, and a few days later, 71 and
6 72, and so forth, until you reach a 90, and that the
7 students would be having an A or -- in progress.

8 And, of course, when they transfer to
9 Deming Public Schools and they end with us, we could
10 easily put the 80s as B's and the C's and so forth,
11 and transfer them to Deming Public Schools.

12 But within our school, we are planning to
13 have "A" and "I."

14 COMMISSIONER GIPSON: So you're keeping
15 two sets of records?

16 MR. CASAVANTES: No. It's just that we
17 know what their current performance mastery is. And
18 we're using "A" and "I" within the school while
19 they're here with us. But when they transfer
20 somewhere else, you can send -- because we know no
21 other school is using that system, we would say,
22 "Okay, you had a B or you had a C."

23 COMMISSIONER GIPSON: How do you know you
24 had a B? That's what I'm asking. Are you keeping
25 two separate records? So how did I know they had a

1 B?

2 MR. CASAVANTES: The "I" would include all
3 the masteries below 90; so if they had 84, 74, just
4 like everything else is graded, it would be the same
5 criteria. It's just that with us, anything other
6 than a 90 would be an "I."

7 But we're grading their work and know what
8 percentage mastery they have and are keeping the
9 data, just like you would do in any other school.

10 COMMISSIONER GIPSON: Okay. Well, just
11 one more.

12 VICE CHAIR BERGMAN: Good. Okay, go.

13 COMMISSIONER GIPSON: I have a concern
14 over your lack of being able to get a governance
15 council, because you indicated -- and on the
16 application, even yourself, all the addresses are
17 out of state. And so I had a -- and if you were on
18 the governance council, you can't be an
19 administrator at the school.

20 MR. CASAVANTES: Uh-huh.

21 COMMISSIONER GIPSON: Because that
22 violates New Mexico State law. And you indicated
23 that, you know -- and I -- honestly, I had some
24 personal concern about advertising on Craigslist for
25 a governance council.

1 MR. CASAVANTES: Uh-huh.

2 COMMISSIONER GIPSON: That's just -- but I
3 have a concern that you don't have anyone. At least
4 on the application, you said you don't have -- you
5 have been unable to find anyone from the local
6 Deming area to serve on a governance council.

7 MR. CASAVANTES: It's been a problem in
8 Deming; but I have people from Roswell. I have
9 people from Las Cruces. I have people from Anthony.
10 And they are willing to serve. But within Deming.

11 And I've had newspaper advertisements and
12 so forth. And I have -- and I've had public
13 meetings in Deming and so forth. Nobody from Deming
14 has come forward.

15 At the capacity meeting, Mr. Paco Wong,
16 who owns Paco Wong's restaurants, is on our board.
17 And he has a ranch in Anthony, New Mexico. And he's
18 willing to serve as a board member in New Mexico.
19 He's currently serving on our Texas board; but he's
20 willing to resign that position to be -- you know.
21 And I'm going to resign my position as soon as I'm
22 compensated.

23 But until I'm compensated, I'm -- I'm
24 acting as -- the role of president of the board.
25 And that -- you know, I'm not going to violate any

1 law. I'm going to resign when it's appropriate,
2 like I said, as soon as we get compensation. I'm
3 not intending to be part of the New Mexico board at
4 all; only in the transitioning requirements to
5 establish a new board.

6 And I don't know. I was thinking there
7 was some misunderstanding about -- about that. We
8 do currently have a board. It does -- and -- and --

9 COMMISSIONER GIPSON: I understand that.
10 But currently, the board has no New Mexico
11 residents.

12 MR. CASAVANTES: It has one. It has one,
13 Paco Wong has a residence in El Paso, and he also
14 has a ranch.

15 COMMISSIONER GIPSON: I'm looking at the
16 application. And the application --

17 MR. CASAVANTES: Some of that might have
18 changed during the -- during the -- well, yes. Paco
19 Wong became a new board member during the
20 application.

21 COMMISSIONER GIPSON: So -- because the
22 application that we received has no New Mexico
23 residents in it. And I'll also say that I think,
24 even my short time here, we have -- I have seen -- I
25 can't speak for anyone else -- that it's

1 increasingly difficult, I believe, when you have a
2 governance council that is not local.

3 MR. CASAVANTES: I understand. I'm all --

4 COMMISSIONER GIPSON: So that that becomes
5 problematic for dealing with the school when
6 you've -- when you've got absentee board members,
7 you know. And it just -- I guess my personal
8 opinion, that maybe it's indicative of support for
9 the school if you can't find local people to sit on
10 the governance council. That's just a -- you know,
11 my thought.

12 MR. CASAVANTES: Appreciate it.

13 VICE CHAIR BERGMAN: Is that it, Patti?

14 COMMISSIONER GIPSON: Yeah, for now.

15 VICE CHAIR BERGMAN: And since she
16 expanded on it, that struck me, also. To me, the
17 lack of a response from the community of Deming,
18 which is where you want to put your school, is
19 certainly indicative to me that there is just not a
20 lot of interest in this school in Deming.

21 There is -- we have other schools,
22 certainly, that have -- everybody resides -- the
23 governing council, not all of them reside in the --
24 in the community where the school is; but there
25 should be some representatives from the -- because

1 that's the people that know the school.

2 I live in Roswell. I know very little
3 about the Deming schools. I know very little about
4 the makeup here of the Deming schools.

5 So, yes, that is concerning.

6 Katie, how much time we got left?

7 MS. POULOS: About three minutes.

8 VICE CHAIR BERGMAN: Oh, wow. Actually,
9 we will probably run over a little. We allow
10 ourselves a little bit of flexibility, because we
11 want to fully explore each application. So we may
12 run a little over today.

13 But I mentioned the ELL, for instance. I
14 finally found the statement in the preliminary
15 analysis, which the CSD review team provided. And I
16 know they've provided it to you.

17 In the area of ELLs, they noted that, "The
18 applicant does not provide a budget description that
19 meets the needs of ELL students."

20 How -- I can assure you, in New Mexico,
21 you're going to have ELL students. Every school in
22 this state has them. And it's not -- we don't say,
23 "Well, we don't have the money; so we're not going
24 to have ELL students."

25 You're going to have ELL students, and

1 then you find the money to educate them.

2 So how -- how -- it said you did not
3 have -- you did not provide for materials, training,
4 or staffing.

5 Please -- please just talk briefly about
6 that. That is a question, yeah.

7 MR. CASAVANTES: Well, my opinion is
8 that -- well, first of all, I put in the application
9 one of the first teachers we would hire would be a
10 TESL-endorsed teacher. And then our -- our staff,
11 we anticipate to -- and I think in this area, you
12 could get bilingual-educated and teachers that could
13 teach their content area in both languages, if
14 necessary. So our teachers will be bilingual.

15 But I didn't place that in the
16 application. But we intend to have bilingual
17 speaking teachers.

18 VICE CHAIR BERGMAN: In the area where you
19 discussed the rationale and things for assessment,
20 you had a very limited plan for how you're going to
21 assess the kids. And that's -- I know we debate in
22 this state how many tests, how much time and all
23 that. But we have to have some method to assess the
24 students to know whether they're progressing
25 academically or not.

1 So until everything changes, we do the
2 testing. And that's -- so you have to -- it says
3 you had a limited plan for that. That concerned me.

4 Throughout your application, you made
5 references to high school students. You're not
6 going to be a high school. You propose to be a
7 sixth, seventh, and eighth grade. That concerned
8 me.

9 In the area for corrective actions -- and
10 that's a -- all the areas in this application are
11 extremely important. But when you come up short,
12 you have to have a corrective action plan.

13 And I -- and I noted earlier about the
14 contract performance/contract negotiations.

15 VICE CHAIR BERGMAN: I have sat in on all
16 but three of those, the 48 that we have done in this
17 state so far. I understand that all schools will
18 not necessarily meet their academic performance
19 indicators. So when you don't meet it, you have to
20 have a corrective action plan of, "How are we going
21 to meet those goals in the next cycle?"

22 So you were very limited there. And here,
23 again, the CSD staff said that you were unable to
24 identify corrective measures during the capacity
25 interview. That concerned me.

1 That -- and here, again, it just showed a
2 lack of understanding, I think, of what is really
3 necessary to operate a quality, successful charter
4 school, or any school for that matter, in the State
5 of New Mexico.

6 And there's certainly one other thing I
7 wanted to get, is -- do you have some?

8 COMMISSIONER TOULOUSE: Unh-unh.

9 VICE CHAIR BERGMAN: Commissioner Gipson,
10 do you have any?

11 COMMISSIONER GIPSON: No.

12 VICE CHAIR BERGMAN: Commissioner
13 Armbruster?

14 COMMISSIONER ARMBRUSTER: Go ahead. And
15 then I -- you can use it.

16 VICE CHAIR BERGMAN: Oh. You -- at one
17 point, you called your proposed school a "nonprofit
18 corporation." And New Mexico schools are not
19 corporations. That's -- there, again, that
20 displayed to me a lack of understanding of the
21 process.

22 And I think, here, again, the staff review
23 noted that you -- that because you're from Texas,
24 you did make frequent references to Texas, also, in
25 your -- and you, at one point, actually said you

1 would train your governing council members in Texas.

2 No, sir. I haven't asked a question on
3 that one. I'll ask you a question and let you
4 answer it in a second.

5 MR. CASAVANTES: Okay. Thank you.

6 VICE CHAIR BERGMAN: We don't train our
7 governing council members in Texas. They're trained
8 in New Mexico. So I will now ask you, since you
9 obviously have something, why did you say you would
10 train them in Texas?

11 MR. CASAVANTES: Well, I had communication
12 with the Region 19 in El Paso, Texas. And they told
13 us that they would -- they would allow our Texas and
14 New Mexico board members to be train- -- we planned
15 to supplement the training, not to -- to -- we plan
16 to have all the training that's necessary in
17 New Mexico; but they would also be able to attend
18 the training we have in Texas provided by Region 19
19 at no additional cost, and that they were welcome.
20 And that's why it was there.

21 VICE CHAIR BERGMAN: Okay. I could
22 understand that. But I would say, because Texas and
23 New Mexico's statutory requirements are probably --
24 there's a lot of differences in them, that that
25 would be a -- it just would not work. We don't

1 train our governing -- for whatever -- whether it's
2 well-attended or not, we train them here in
3 New Mexico by people that understand New Mexico
4 charter school law and all the other associated
5 departmental concerns that have to go in there.

6 So I wanted to be sure I talked about
7 that.

8 It's already been discussed. I was also
9 concerned about the lack of local persons on your
10 governing council, and, as I've already stated, why
11 that would concern me.

12 Your description of how the governing
13 council would monitor the outcomes in your school
14 was deemed to be inadequate by the review team.

15 You had a limited description of a plan to
16 hire an administrator here in New Mexico; again,
17 from the review team.

18 You actually mentioned us in several
19 different places. We -- you indicated here -- and
20 you have -- you have attended many of our public
21 meetings, as is the right of anyone to do. But I
22 think you made a reference or two that you would do
23 whatever the PEC wants.

24 Well, that's nice, too. We expect that.
25 But we don't set the statutory requirements. The

1 State Legislature does that.

2 Your organizational chart, I thought, was
3 inadequate. You actually had -- on your chart, you
4 had students unlisted, apparently -- you had the
5 campus improvement team, the computer advisory
6 group, the assistant principal, the office manager,
7 social workers, teachers, and educational aides,
8 were all -- the students were reporting to all those
9 people.

10 I think that's an under- -- they are
11 perhaps all above the student, everything in a
12 school affecting students. But the students don't
13 report to the community advisory group. And that
14 also showed a lack of understanding, to me.

15 And -- oh, this is -- this is what I
16 wanted to be sure to get into the record.

17 In the area of job descriptions, when you
18 were talking about licensure requirements -- and it
19 does -- for your business manager, you actually said
20 one of the requirements for your business manager
21 would be working knowledge of PIEMS and related
22 reports.

23 Well, PIEMS is a Texas reporting system.
24 And certainly, our business manager in the state is
25 not going to report to Texas; he's going to report

1 to the -- to your governing council.

2 That concerned me, showed a lack of
3 understanding of how we're doing things here in
4 New Mexico. I definitely wanted to get that in.

5 Now, I -- I could talk about the budget
6 for a long time, but I'm not going to.

7 There were so many areas in your budget
8 that you just -- you had this -- proposed this over
9 here in the application; but when you go and compare
10 it to your budget, you had no -- just like with
11 ELL -- you had no funding for it. It's got to be
12 funded. Everything has to be funded.

13 The Superintendent here wrestled with
14 that. He gets "X" amount of dollars from the State,
15 and he's got to figure out how to educate the kids
16 with that.

17 It's not a question, "Well, I'm not going
18 to do this, because I don't have the money; and I'm
19 not going to do that."

20 It has to be done with the available
21 money. So keep that in mind, should you -- as we go
22 forward. It -- there has to be money for it.

23 Your professional development plan, the
24 CSD review team indicated that they consider that to
25 be inadequate.

1 The review team noted that there is no
2 demonstrated understanding of the New Mexico School
3 Personnel Act and its requirements.

4 Here, again, if you're going to operate a
5 school, you've got to understand the personnel
6 requirement and meet the statutory requirements.

7 And I -- I'm not finding it. I wanted to
8 comment on it. I know at some point in here, I
9 remember seeing that you said, "Public would not be
10 allowed to speak."

11 And the public is always allowed, with
12 their -- I think that's -- if I can find it, I'll
13 actually --

14 MR. CASAVANTES: That's definitely not our
15 intention.

16 VICE CHAIR BERGMAN: Commissioner
17 Toulouse? I want to try and find that; because I
18 remember seeing that.

19 COMMISSIONER GIPSON: It might be with the
20 Open Meetings Act. It might be in that section.

21 COMMISSIONER TOULOUSE: My concern, again,
22 for a procedural thing is the conflict of interest
23 statement. The State has a very clear law that is
24 the minimum that you have to go by. And it's pretty
25 extensive on who is connected and related and what

1 an interest is.

2 And, basically, you're letting --
3 according to this, is you're going to let your
4 governing board decide what's a conflict of
5 interest. And that's -- I doubt the law works that
6 way in Texas, either.

7 I know here in New Mexico, with everybody
8 being related to everybody else, it can get
9 difficult, and/or -- you know. And then -- or
10 they're in business with somebody's relative, and
11 you get -- and it isn't just the small towns. I can
12 guarantee you in Albuquerque, everybody here jokes,
13 because I recuse myself from about half of our votes
14 because I have a relative either working in a
15 charter school or working with a charter school.

16 And I have a large family; but I don't
17 think it should be that large. There are some of
18 them in public school; but -- and so you really do
19 have to be careful, because you can get into awful
20 community hassles if people perceive that you have a
21 conflict.

22 Because I also worked in very small
23 counties. I ran the welfare office in Torrance
24 County. So you have Estancia, Moriarty, and
25 Mountainair. And the conflicts with all of that,

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1 and everybody up and down the mountains is related,
2 you've got to be really, really careful how you
3 deal -- found it?

4 VICE CHAIR BERGMAN: No, I -- so I'll --

5 COMMISSIONER ARMBRUSTER: If you want to
6 keep looking, I'll say a couple more things.

7 VICE CHAIR BERGMAN: Go ahead. I can't
8 find it.

9 COMMISSIONER ARMBRUSTER: I'm a little
10 confused; but at the same time, I see how much work
11 you've put into this and how much thought you've put
12 into this. But in general, what I would address is
13 when you're doing an application, and you're
14 concerned about bullying -- and I know that you have
15 bullying; I know that Los Alamos has bullying.

16 If there's a place that doesn't have
17 bullying, there's only dead kids. There's just no
18 possibility of that.

19 So I think you might want to address how
20 that would be handled. It's certainly a major topic
21 in -- every place in the world, not just, you know,
22 in Deming or in New Mexico.

23 The other thing is also, you talked about
24 character development. Of course, how can you argue
25 against character development? But, again, I'm

1 not -- and I might have missed it. It was a long
2 application. I was reading what you were going to
3 do or how that was going to be instituted.

4 Was there going to be an advisory period,
5 or -- I may have missed it. So let me give you that
6 information.

7 The other thing is that, you know, I
8 don't -- I'm not sure about where the teachers
9 stand. And you didn't mention whether you would be
10 entertaining a union to set up for you terms and
11 conditions of employment and discipline procedures
12 or time, prep periods, whatever; that's an option
13 here in New Mexico; I know it is not in Texas.

14 And I gather that you are -- you are
15 trying to set up the AOA to be a Texas charter
16 school, as well as New Mexico?

17 MR. CASAVANTES: Are you asking me a
18 question?

19 COMMISSIONER ARMBRUSTER: That's a
20 question.

21 MR. CASAVANTES: AOA exists in Texas right
22 now as a 501(c)(3). I know, in New Mexico, you
23 become a part of the State, and that you -- and it
24 has to be completely separate, okay?

25 The thing is that during the transition

1 period, we have the New Mexico -- the Texas portion,
2 501(c) -- and it exists and it's in full place, and
3 it's -- and so forth.

4 But the transi- -- there's going to be a
5 transition. And I think this is where everybody
6 gets, I guess, hung up on. It's going to be a
7 transition, where it will be split apart like a
8 dividing cell, and there will be a New Mexico
9 portion and a Texas portion. And the only
10 interaction we plan to have is exchange of
11 information, like we had a good idea or something
12 like that.

13 We're not going to put any -- there's no
14 supervision. There's no -- there are two separate
15 entities that have no interaction with each other,
16 other than to learn better ways to do things or
17 something like that. And if an MOU is necessary to
18 indicate that information, we will gladly prepare
19 such a document. And any -- any references to Texas
20 is from right now until we eventually become a
21 separate entity in New Mexico.

22 COMMISSIONER ARMBRUSTER: So let me
23 restate. Your goal is to open a charter school in
24 New Mexico, but not to incorporate what you already
25 know about Texas and open a charter school in Texas?

1 You're choosing New Mexico over Texas?

2 MR. CASAVANTES: No, we plan to have both;
3 but the entity in Texas will stay in Texas.

4 COMMISSIONER ARMBRUSTER: Sure.

5 MR. CASAVANTES: And that there will be a
6 transition to the New Mexico entity, which will be a
7 separate, individualized -- individual entity, you
8 know, that reports to Santa Fe and has no contact
9 or -- other than to -- let's say we found this
10 program that you might like, and it would help your
11 students, et cetera.

12 But, I mean, I don't see any -- any other
13 activity that would come from Texas. But we --
14 everything is in the -- would be in the transition.
15 Currently, right now, we have no New Mexico entity,
16 you know; and eventually, we will.

17 COMMISSIONER ARMBRUSTER: And the other
18 comment -- and I know that CSD looked at this -- is
19 if you are a student with a 504 plan, you don't
20 necessarily have to have a special ed teacher. You
21 have accommodations. Because you're not getting
22 paid for 504 plans; you're getting paid for IEPs.

23 MR. CASAVANTES: Uh-huh.

24 COMMISSIONER ARMBRUSTER: And so I was
25 having a little difficulty finding this IEP business

1 and how the kids were going to be least restrictive
2 environment, get the free and appropriate education;
3 but I don't think that was addressed as well as you
4 might have wanted to do that.

5 MR. CASAVANTES: Okay.

6 COMMISSIONER ARMBRUSTER: And I wanted to
7 address the comment that the young lady made over
8 there. And I think that attests to your tutoring
9 ability and how you've helped people, and I want to
10 commend you on that. That's really wonderful when
11 you can do that. Thank you.

12 MR. CASAVANTES: Thank you.

13 VICE CHAIR BERGMAN: Thank you,
14 Commissioner Ambruster.

15 I've got a couple of things, and then
16 Commissioner Toulouse has something.

17 The CSD review team, in the area of the
18 lottery, which is vitally important -- if -- of
19 course, the lottery doesn't kick in until you get
20 more applicants in your enrollment cap. But you
21 have to know how to do it if you have to do it.

22 They noted that your application provided
23 an inadequate description of the lottery procedures,
24 or what is provided does not comply with State
25 statutes. So that was a concern.

1 And then just briefly on the budget again,
2 the review team noted that you did not provide an
3 adequate five-year budget. There were numerous
4 errors in the budget plan. And I suspect if I did
5 an educational budget, there would probably be
6 errors in my plan; it is a very complex process; but
7 they were still there. And they went on to say that
8 there was an inadequate budget narrative. So that's
9 very important.

10 And they closed by saying all of these
11 combined together, indicated a lack of
12 understanding, again, of how we budget here in
13 New Mexico.

14 Commissioner Toulouse?

15 COMMISSIONER TOULOUSE: I have a follow-up
16 question on your connection with Texas. Are you,
17 right now, as of this moment, a part of the Texas
18 entity?

19 MR. CASAVANTES: Yes.

20 COMMISSIONER TOULOUSE: Okay. Then that
21 brings up to me a question. And it's a legal
22 question, because I don't -- haven't seen this
23 before. But right now, State law doesn't let
24 somebody set up a second school -- whatever your
25 school is -- outside of a school district. You can

1 have several within a school district, but not in
2 others.

3 We've already had to be addressing this,
4 and it's been in court, and no decision. And
5 nobody's done it yet.

6 I have a real problem, then, whether this
7 could even be done without you already being
8 separate from that entity. At least it looks like
9 you want a local board. But right now, your board
10 isn't. And so that was one of the concepts behind
11 the State. We didn't want chain schools coming in
12 here and for-profit schools coming in here.

13 And I know one of the major architects of
14 the original Charter School Act in New Mexico was
15 Representative Rick Miera, who has just resigned.
16 And he is very clear that the intent, and then some
17 additional amendments they made, was to keep each
18 one a local school, so that if you had more than
19 one, it had to, each one, be a totally local school.

20 You could share ideas, you know. You
21 could go back and forth. We're wrestling with some
22 ideas right now about what is replication; in other
23 words, we have a marvelous sign language academy in
24 Albuquerque that's recognized by Gallaudet
25 University in Washington, D.C., as to the only way

1 they think schools should be run for
2 hearing-impaired children. We would love to see
3 that replicated; but not run out of Albuquerque,
4 just provide the help to do it and extend it.

5 There's this fine line between. So right
6 now, with all of this, I have a major concern with
7 all of this, that there would to be need to be some
8 sort of legal opinion, if we were looking to go
9 forward with this, as long as you are part of that
10 entity. Sorry.

11 MR. CASAVANTES: No, I understand.

12 VICE CHAIR BERGMAN: Commissioner Gipson,
13 do you have anything further?

14 COMMISSIONER GIPSON: No, I'm sufficient.

15 VICE CHAIR BERGMAN: Commissioner
16 Armbruster, do you have anything further?

17 COMMISSIONER ARMBRUSTER: No, thank you.

18 VICE CHAIR BERGMAN: Thank you. I will
19 note for the record that we did run a little bit
20 over. We have the statutory responsibility to say
21 "Yay" or "Nay" on the approval or denial of an
22 application, and I allow that flexibility so we can
23 fully explore some of this application and give you
24 an opportunity to answer any questions that were
25 made.

1 We are now -- at this point, I will read
2 this. Please pay attention closely.

3 Any member of the public, including the
4 applicant, may submit written input following this
5 hearing. Now I will tell you, on written input, if
6 you mail it to Santa Fe, it's not going to get there
7 by the deadline; so it's going to have to be done
8 e-mail or fax or something.

9 You ask where are you going to send it?
10 On these agenda forms that are laying over here,
11 there's two paragraphs at the very bottom there that
12 give you the name of the PED employee that you
13 should e-mail or fax those comments to.

14 You may do that, send -- written comments
15 can be sent to the Commission via the PED website,
16 mailed -- and I just addressed that -- or
17 hand-delivered. The details and addresses are
18 listed on the handout on the agenda sheet.

19 And please do this: Make sure you
20 identify what school -- or what application you're
21 commenting on. You'd be amazed how many people make
22 comments and don't identify who they're commenting
23 on, so the staff doesn't know -- "Where do I put
24 this?"

25 And now, here's the key thing. Please

1 note that any written input must be received by no
2 later than 5:00 p.m. on the third business day
3 following the hearing on the application on which
4 you wish to comment.

5 And for Academic Opportunities Academy,
6 that would be Tuesday, August 25th, 2015. And,
7 again the time is 5:00 p.m.; not 5:01 or 5:02.
8 While I was flexible on our time, the folks up in
9 Santa Fe -- as we all know, they're not flexible on
10 anything. 5:00 p.m. please, you may make additional
11 comments that way.

12 Again, I appreciate your taking the time
13 to submit this application and all the hard work you
14 did on it.

15 Again, I appreciate Deming, and we'll be
16 back here tomorrow, actually, for another hearing.
17 And I appreciate that.

18 We are -- and one other thing to read
19 here. Again, the Public Education Commission -- and
20 this is the really important part, too -- will meet
21 in Santa Fe September 24th and 25th, 2015, to render
22 its decision on approval or denial of this and the
23 other new charter school applications.

24 So we'll look forward to seeing some of
25 you in Santa Fe during that occasion.

1 Anything further? I'm going to recess
2 this community input hearing that is being held here
3 in Deming. We will be driving to Silver City in
4 just a few minutes. We have a hearing there this
5 afternoon, and then we will come back, and, as I
6 noted, we'll finish up here tomorrow morning.

7 This is -- for the members of the
8 Commission, I have always found it interesting. I
9 call it "the tour." We started in Gallup Monday
10 morning, and we were in Albuquerque and then came
11 here. We have had occasions --

12 COMMISSIONER GIPSON: Don't forget Grants.

13 COMMISSIONER TOULOUSE: San Fidel.

14 COMMISSIONER GIPSON: San Fidel. Don't
15 forget San Fidel.

16 VICE CHAIR BERGMAN: I could never say I
17 haven't been to San Fidel. Hopefully, any of you
18 know where -- it's about 25 miles east of Grants,
19 out in a field, I believe, off the road, anyway.

20 COMMISSIONER TOULOUSE: Well, it was on
21 66, being -- because I remember in college, it was
22 one of the little bars that if you stopped, they
23 didn't ask you for your ID. The bar is closed now.

24 VICE CHAIR BERGMAN: Ah-ha. Ms. Toulouse
25 has led a wide and varied life.

1 But, anyway, yeah -- but I enjoy it.
2 We've got a beautiful state we live in. In just the
3 last four days, I've seen every climate zone in
4 every part of the state we have.

5 And I've lived in this state since 1957.
6 There's a reason for that. Because I love this
7 state. And I love the people in it, which is why I
8 chose to serve on this Commission.

9 You folks may not be aware, but we have no
10 salary. We are all considered to be volunteers. We
11 do this because we care about kids. We care about
12 the schools, and we care about people. So, again,
13 thank you. We're temporarily recessed.

14 Superintendent, thank you for your input.
15 We will -- like I say, we will now be moving on to
16 Silver City. Thank you, folks, for being here.

17 (Proceedings in recess at 10:15 a.m.)
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1 BEFORE THE PUBLIC EDUCATION COMMISSION

2 STATE OF NEW MEXICO

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6
7 REPORTER'S CERTIFICATE

8 I, Cynthia C. Chapman, RMR, CCR #219, Certified
9 Court Reporter in the State of New Mexico, do hereby
10 certify that the foregoing pages constitute a true
11 transcript of proceedings had before the said
12 NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the
13 State of New Mexico, County of Luna, in the matter
14 therein stated.

15 In testimony whereof, I have hereunto set my
16 hand on August 28, 2015.

17
18
19 *Cynthia Chapman*

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