

Date: August 18, 2015

To: District Members of the Public Education Department

Re: Approval of the New Mexico Gateway Academy

Members,

My name is Jeff Adkins and I attended the public meeting August 18, 2015 for consideration of the New Mexico Gateway Academy. I am a life resident of the State of New Mexico and a Graduate of Robert O Anderson school of management from the University of New Mexico. I have been fortunate enough to run my own business in New Mexico for the last 25 years. I strongly urge you to approve the New Mexico Gateway Academy's Charter. I believe that you should approve the charter for the following reasons.

First: It provides a forward thinking alternative with a focus on vocation. It will provide students with skills they need to compete in the work force.

Second: The founding members have a **proven** track record. Cotton Wood Classical Preparatory School for example, is one of the very best Public schools in the United States. Susan, Mari, and Janet played instrumental rolls in getting one of the state's most successful schools up and running. The only positives for the state in the past four years in regards to public education in spite of New Mexico's dismal ranking of 49th for education.

Third: Business leader's say it is greatly needed. There are not enough skilled workers in the state. I liked the idea that the school will provide vocational certificates. As a result, I believe job placement with mentoring industries will be greater and would **keep jobs in New Mexico**.

In conclusion, I believe that these women, given your approval, will do everything in their power to make the New Mexico Gateway Academy a model for online public education that the rest of the country can follow. We all know how badly New Mexico needs better education for the youth of this state. Sadly, our state is doing our children a disservice by not providing the education they deserve. Are you, as our leaders going to continue with the same old status quo, which has landed this state a ranking of 49th in the nation? Or, are you, as our leaders, going to stand up for the youth of this state? How many different times do we hear that another industry will not move to New Mexico because of our unskilled workforce even when the state offers tax incentives? That is a problem that you as our leaders can start to fix, I believe, by approving this charter.

Regards, Jeff

August 21, 2015

VIA EMAIL WITH CONFIRMATION REQUEST

New Mexico Public Education Commission
c/o Ms. Linda Olivas
300 Don Gaspar
Santa Fe, NM 87501

Re: New Mexico Gateway Academy's Application for Charter School

Dear Commissioners:

Thank you for hearing our proposal for a new charter school to be known as the New Mexico Gateway Academy ("NMGA") on August 18, 2015. As members of the public, we the founders of NMGA, would like to make the following comments concerning our application, primarily to clarify misinformation that was made on the record by Commissioners and to which the founders were not given the opportunity to respond.

1. From comments by the PEC, it is the impression of the founders that PEC was critical of the school for the curriculum vendor identified in the application and the impression that somehow the founders had made a commitment on behalf of the future Governing Council of NMGA if the charter application is approved. To clarify, the founders are only private individuals with no collective authority to bind the charter school; only the governing body after approval can bind the school to a particular vendor contract. In developing our educational plan, we also considered curriculum providers Connections and Edgenuity, but neither of these providers offered a curriculum that integrates both core academics and a college and career preparation as envisioned by the founders. With our mission in mind, we identified K12 as the curriculum that integrates both aspects of our vision. However, if another qualified vendor is identified through the appropriate procurement process after approval, that vendor may be chosen. Again, we as individuals are not in a position to make a binding decision on the curriculum provider with which the school will contract.

The 2015 PEC charter application demands substantial detail regarding the school's "Curriculum, Instructional Program, Student Performance Standards". The application requires that the description of our curriculum, educational program and performance standards be "researched-based clear, comprehensive, cohesive, reasonable, and innovative, and clearly align with the New Mexico Common Core State Standards and the school's mission". The level of detail called for in order to provide a full detailed response, we believed necessarily required identifying at least a potential curriculum provider. In addition, the detailed five-year budget, asks for specific information about expenses, necessitating that we consider the cost of curriculum and the other associated expenses to deliver the curriculum. Had we not had some basis for making the estimate, the applicant could not have made a sound financial forecast.

2. We are very concerned about the assertion that our charter school would be "privately managed"; coupled with the suggestion that K12, would manage our school. We are very clear that the Charter Schools Act prohibits a charter school from being managed by a for-profit

company. A thorough reading of the Organization section of our application provides no evidence for the assertion that this school will be controlled by a management company. The assertion belies the information contained in the organization chart, the governing body's bylaws, and the personal investment and commitment that each of our founders and founding board members have made to this school should it be approved. We have all worked very hard to bring our vision for this unique educational opportunity to fruition and have no intention of handing management over to anyone other than a well-qualified head administrator whom the governing body will select.

3. There was also negative commentary about selecting a curriculum provider from out of state. This is a perplexing criticism given that schools across New Mexico use all manner of educational materials including curriculum, text books, and assessment instruments developed and sold by out of state companies. To name a few that are ubiquitous throughout schools in New Mexico: NWEA (Oregon), Discovery Education Assessments (Discovery Education (Maryland)); not to mention the hundreds of text books on the NMPED state approved instructional materials list that include educational materials from out-of-state companies such as: Houghton Mifflin Harcourt (Illinois); McGraw-Hill Education (Ohio); Pearson Education (New York), Cengage Learning (Kentucky); and Learning, Educators Publishing Services (Massachusetts), to name only a few.

4. Negative reports from newspaper articles about K12 as a company were presented to the Commissioners to disparage K12's reputation and, thereby imply that the online curriculum was not an informed choice by the applicant. However, this information was outdated and anecdotal, and, as admitted by one Commissioner, "not based on data available." When we were selecting a proposed curriculum, we looked at other online schools in New Mexico and how these schools were performing. What we found was that New Mexico Virtual Academy, which uses the K12 core curriculum, received a "B" in 2013-2014 (last reported grade on PED website); when that same year (2013-2014 – only data available on PED website) only 30% of New Mexico schools overall scored a "C" or above. This was persuasive, particularly when we examined the rigor of the K12 curriculum, compared to IDEAL New Mexico, and the others previously mentioned.

5. We offer the following response to the Commissioner's comment suggesting that Mr. Sheahan, director for the Central New Mexico Boys and Girls Club, *might* have a conflict of interest, if New Mexico Gateway Academy were to work together on projects with the nonprofit, or even if it provided free space for NMGA's testing sites. Significantly, the Boys and Girls Club partner with Albuquerque Public Schools and other New Mexico public schools in much the same manner. The Commissioner's assertion was accusatory and baffling because of the important work the Boys and Girls Club does around our State.

We examined the Charter Schools Act and other statutes in the context of these accusations. We found that there is no provision of law applicable to charter schools that would create a conflict of interest, or even an appearance of a conflict of interest, were Mr. Sheahan to serve on the NMGA governing body and NMGA subsequently enter into joint activities with the Boys and Girls Club. We considered Section 22-8B-5.3 NMSA 1978, in light of the assertion, and in the context that Mr. Sheahan would have no financial interest in such associations as contemplated.

As the CEO of a nonprofit, offering facilities and other activities that would benefit NMGA for which there is no remuneration to the nonprofit, cannot give rise to a “financial interest” to a specific individual as contemplated by the statute. The statutory prohibition anticipates several circumstances that do not arise in the proposed relationships described by Mr. Sheahan on behalf of the nonprofit he directs. First, the governing body member must have some financial interest in the nonprofit. Just because a person is employed by a company, does not necessarily give rise to a financial interest. However, more importantly, the conflict only arises when the school contracts directly (i.e., pays money) for professional services, goods or facilities. Here all benefits Mr. Sheahan kindly offered on behalf of the Boys and Girls Club were without remuneration, and, therefore, no conflict as defined by the statute, exists. It is common knowledge that public schools associate and partner with private nonprofits throughout our educational system in New Mexico.

Finally, the PEC member’s baseless accusations that Mr. Sheahan was acting “unethically and illegally” by offering to serve on the NMGA governing body is clear evidence of some personal bias or self-interest in speaking out against the applicant. Public officers are required by the Government Conduct Act to conduct themselves “in a manner that justifies the confidence placed in them by the people, at all times maintaining the integrity and discharging ethically the high responsibilities of public service.” NMSA 1978, §10-16-3(C)

6. There were also assertions the proposed school “discriminates” against a two-parent working family, because the program requires a learning coach to be accessible to the student. However, the Charter School Act specifically calls for charter schools, “to provide parents and students with an *educational alternative* to create new, innovative and more flexible ways of educating children within the public school system”. NMSA 1978, §22-8B-3 Parents are not required to send their children to a specific charter school and all public schools are not required to accommodate each individual family’s particular circumstances. NMGA will be, as are all charter schools, just one option available for parents who choose to send their students to the school. NMGA does contemplate a different level of involvement of parents/guardians in their student’s education. Every family circumstance is different and every parent/guardian makes a choice about the degree of personal involvement to make in their child’s life. NMGA is just an option, when considering which choice to make. One’s personal circumstances that preclude him or her from making a particular choice does not constitute discrimination.

7. There was a question about whether NMGA could effectively participate in the current PARCC assessment. Numerous schools throughout New Mexico successfully completed the PARCC assessment this year online, including the virtual schools that are particularly versed in administering assessments over the Internet. NMGA has every confidence that it can successfully manage yet another assessment platform online.

8. A Commissioner also asserted that the “data shows” online schools underserve minorities. However, the Commissioner did not disclose the research upon which she was relying and we do not find a report or any assessment that supports her concerns. If the Commission would provide the data to which she is referring, we can then respond to that specific data. Our attempts to find conclusive data supporting or discrediting her position were unsuccessful.

9. A question arose concerning the use of operational dollars that are typically spent on brick and mortar facilities. First, the founders have no information as to sums spent by the various school districts and charter schools across the state to compare whether its proposed budget disproportionately applies funds received to educational programs as opposed to facilities and building operations. Because it is an online school, it is true that less money is directed to non-academic purposes. However, there are non-traditional, academic support expenses related to operating the individualized online learning program offered by the applicant, including Internet technology investments such as Internet availability, computers and peripherals, ongoing technology assistance, software licensing fees, online learning platforms, professional development unique to online education delivery, etc. Also, the school is not free from the traditional expenses of supporting a facility, it will be operating a learning center. However, be assured that any savings from minimalizing facility costs will be directly invested into delivery of the academic program.

Sincerely yours,

Janet deVesty, Founder
On behalf of the New Mexico Gateway Academy Founders

Cc: Susan Unser
Mari Adkins

