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BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
PUBLIC INPUT MEETING
INDIGO HILLS CHARTER SCHOOL
August 21, 2012
8:00 a.m.
6600 Palomas Avenue, Northeast
Albuquerque, 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. M. ANDREW GARRISON, Chair
- MS. CAROLYN SHEARMAN, Vice Chair
- MR. EUGENE GANT, Secretary
- MS. CARLA LOPEZ
- MR. VINCE BERGMAN
- MR. MICHAEL CANFIELD
- MS. MILLIE POGNA

STAFF:

- MS. KELLY CALLAHAN, Director, Charter School Division
- MS. CORDELIA CHAVEZ
- MR. BRAD RICHARDSON
- MS. KAREN EHLERT
- MS. CHELLEY CHERRIN

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1 THE CHAIR: Good morning, everybody. The
2 Public Education Commission meeting, August 20
3 through 24, community input meeting is now in
4 session. This meeting is being conducted pursuant
5 to New Mexico Statutes Annotated, Title 22, Section
6 8B-6J, 2009.

7 The purpose of these community input
8 hearings that will be held from August 20 through
9 August 24, 2012, is to obtain information from the
10 applicant and to receive community input to assist
11 the Public Education Commission in its decision
12 whether to grant the proposed charter applications.

13 According to this section of the law, the
14 Commission may appoint a subcommittee of no fewer
15 than three members to hold a public hearing.
16 According to law, these hearings are being
17 transcribed by a professional court reporter. The
18 total time allocated to each applicant is 90
19 minutes, which will be timed to insure an equitable
20 opportunity to present all applications.

21 During the hearing, the Commission will
22 allow for community input about the charter
23 application. The time for public comments will be
24 limited to 20 minutes. If you wish to speak on
25 behalf of the applicant, be sure to sign in at least

1 15 minutes before the applicant's presentation.
2 Now, I already have the -- this sign-up sheet here.
3 If anyone wants to add to that, we'll allow.

4 Please be sure that you indicate on the
5 sign-up sheet whether you are here in opposition or
6 support of the charter school. The Commission
7 Chair, based on the number of requests to comment,
8 will allocate time to those wishing to speak. If
9 there are a large number of supporters or opponents,
10 they are asked to select a speaker to represent
11 common opinions. We will try to allocate an
12 equitable amount of time to represent the community
13 accurately.

14 The Commission will follow this process
15 for the community input hearing. The Commission
16 will ask each applicant or group to present at the
17 table in front. They will be given 20 minutes to
18 present their application in the manner they deem
19 appropriate. The Commission will not accept any
20 written documentation from the applicant, but the
21 applicant may use exhibits to describe their school,
22 if necessary. However, the setup time for exhibits
23 will be included in that 20 minutes.

24 Following the applicant's presentation,
25 the local school district representative or

1 representatives will be given five minutes to
2 comment. Subsequently, the Commission will allow
3 20 minutes for public comment, as I have already
4 described.

5 And, finally, the Commission will be given
6 45 minutes to ask questions of the applicant. I
7 guess I should do a roll call with Secretary Gant.
8 I don't even know if we did a roll call yesterday.
9 So let's do a roll call.

10 COMMISSIONER GANT: Okay. Commissioner
11 Bergman.

12 COMMISSIONER BERGMAN: Here.

13 COMMISSIONER GANT: Commissioner Canfield.

14 COMMISSIONER CANFIELD: Here.

15 COMMISSIONER GANT: Commissioner Lopez.

16 COMMISSIONER LOPEZ: Here.

17 COMMISSIONER GANT: Commissioner Pogna.

18 COMMISSIONER POGNA: Here.

19 COMMISSIONER GANT: Commissioner Shearman.

20 COMMISSIONER SHEARMAN: Here.

21 COMMISSIONER GANT: Commissioner Garrison.

22 THE CHAIR: Here.

23 COMMISSIONER GANT: Commissioner Gant.

24 You have a quorum.

25 THE CHAIR: Thank you, sir. Better late

1 than never; right?

2 COMMISSIONER GANT: Yeah.

3 THE CHAIR: This morning, we're going to
4 hear three applications from the Albuquerque
5 community. And I'd like to ask Indigo Hills Charter
6 to come up front to present. Before we start your
7 clock, I want you to state, for the record, your
8 name, the name of the school, and the name of the
9 founders of the school, please. Good morning.

10 MR. SLOTA: Good morning. My name is
11 Stephen Slota. I'm one of the founding committee
12 members for Indigo Hills School. In presence, as
13 far as members as well, we have Kaylock Sellers. We
14 have Ann Banek. We have Joseph McCarty. We have
15 Robert Crandall. And those members who are not
16 present today, including Orlando Lucero, Dr. Sara
17 Livingston, Joseph Yar, Dr. Gigi Yu.

18 And, at this point in time, I want to
19 thank you very much for providing us the opportunity
20 to present to you today regarding Indigo Hills.

21 THE CHAIR: Let me just make sure that we
22 have everything set. You can go ahead and proceed
23 with your 20-minute presentation, sir.

24 MR. SLOTA: Thank you. Again, my name is
25 Stephen Slota. My role is founding member of the

1 committee and future board member of the
2 Indigo Hills Charter School. My children are also
3 part of the opportunity that this school would be
4 able to provide.

5 I want to make sure that I can state that,
6 in full disclosure, although not on the ASD
7 spectrum, my children are gifted with exception, and
8 my participation in this role is in the vein of
9 being able to provide opportunity for those children
10 like mine in the future.

11 What we'd like to do is present the
12 purpose of this school, what we believe we would be
13 able to provide to the community, and how we believe
14 we would be successful.

15 What I would also like to add is that,
16 during the process of questions and answers, we
17 would be able to rely upon those other members who
18 are present to help in making sure that we have
19 accurate reflection to the answers of those
20 questions that the committee might have.

21 As demographics, the PED, in 2010, stated
22 that there were 10,000 registered home-schooled
23 students in the State of New Mexico. Many of the --
24 there were many reasons cited. Primarily, the
25 reasons were bullying, anxiety, and preference for a

1 more rigorous academic program. Bullying has been
2 cited as a major cause for absenteeism, stomach
3 ailments in children, and disenrollment in the
4 public school setting.

5 In 2012, the CDC reported that one out of
6 88 children have been diagnosed with being on the
7 autism spectrum, as opposed to, in 2000, there were
8 1 out of 150. The population apparently has grown
9 due to a recognition of what the spectrum involves
10 and the diagnoses and acceptance of what is called
11 "autism spectrum disorder."

12 In the state of New Mexico, there have
13 been, at this point in time, as we are aware of,
14 1,500 students identified as having been on the
15 autism spectrum, from mild to severe range. And as
16 is indicated by the CDC numbers, the numbers
17 involved are growing in New Mexico as well.

18 The vision of Indigo Hills School is to be
19 a diverse learning community of parents, teachers,
20 staff, students, and local citizens actively
21 collaborating to create a welcoming and secure
22 multisensory learning environment where children can
23 be successful. Indigo Hills School addresses the
24 unique needs of neuro-diverse students, including
25 students that are, quote, unquote, "typical," as

1 well as students with developmental delays, those
2 children who are on the autism spectrum, those with
3 dual exceptionalities and giftedness, for children who
4 are in grades kindergarten through sixth grade. We
5 aspire to become a full -- a model full-service
6 community school and a leader in the delivery of
7 innovative, exemplary educational programs and
8 special education services for our students. As we
9 progress, we should hope to be able to provide the
10 PEC the keys to success as to how we would be able
11 to address that vision.

12 Our mission is to foster a safe,
13 stimulating, and vibrant student centered learning
14 community for kindergarten through sixth-grade
15 students, where cultural diversity and
16 neuro-diversity are celebrated daily. We declare
17 ourselves to be a bully-free campus. We educate
18 each student through individualized, challenging
19 programs with an inclusive dignified, and
20 least-restrictive environment that encourages
21 respect and trust.

22 Indigo Hill promotes administrative and
23 educational effective programs and practices, and
24 strategic innovation to engage the students'
25 families and staff in our collaborative process.

1 Children with ASD are one of the most
2 vulnerable populations and face bullying at an
3 alarming rate. The projected enrollment of
4 Indigo Hills School's first year of 2013 to 2014 are
5 kindergarten through fourth grade. We expect an
6 enrollment population of 95 students; through the
7 second year, 119, grades kindergarten through fifth
8 grade. In our third year, kindergarten through
9 sixth, attaining our six grades; 140 in our third
10 year; 154 in our fifth year; and 168 -- I'm sorry --
11 154 through our fourth year; 168 through our fifth
12 year.

13 Through this process, we are indicating an
14 average student-to-teacher ratio of no more than 20
15 to 1.

16 We have a number of keys to success that
17 we would like to propose that provides us the
18 opportunity to address the needs of the community
19 and the student as well. First is a professionally
20 trained staff to recognize autism spectrum. We will
21 have a Child Find team that addresses the need of
22 the community for all students and families to
23 reduce special education identification.

24 We feel that is important, as new rules
25 and regulations go into place, that identification

1 could potentially impact the opportunities for
2 addressing the needs of those students with autism.

3 We'll have a minimum of a part-time
4 clinical services director, and a psychologist who
5 can provide a therapeutic educational environment
6 and conduct both psychological and education
7 evaluations as needed for quality services.

8 Secondly, we would have built-in
9 reasonable accommodations, based upon the IEPs of
10 the individuals and PEPs for each student through
11 Indigo Hills School.

12 Thirdly, we would provide a leading ASD
13 support group for students, siblings, families, and
14 community. We feel this is very important, as the
15 diagnosis of ASD and the individual aspects for each
16 student would be able to be specifically addressed
17 for those students in the group.

18 Those keys to success will allow us to
19 identify and assist any of those other individuals
20 provided the opportunity to attend Indigo Hills
21 School, not specifically for those on the autism
22 spectrum disorder, but all of those students who
23 would be able to be provided the opportunity to be
24 involved with Indigo Hills School.

25 Fourthly, the careful academic goals with

1 a financial planning process: We understand
2 concerns addressed with some of the things related
3 to the school as far as the funding is concerned.
4 We would be highly sensitive to that funding
5 process, the academic goals being addressed in
6 conjunction with the overall financial stability of
7 the school as time goes on.

8 Number five, we would have a social skills
9 curriculum for all students. Students identified as
10 gifted or with -- within the spectrum often
11 experience transition problems as a major challenge.
12 And, as a result, they experience underachievement.
13 Transition at Indigo Hills School begins from the
14 first day of our children entering school and
15 prepares them for the highest quality of life. It
16 has been shown that the earliest detection and
17 addressing of needs of the child produces the
18 greatest opportunity of success in learning and
19 social skills development.

20 Among those things that we address within
21 that curriculum are community experiences, daily
22 living, assistive technologies, related services,
23 functional evaluations. The earlier we are able to
24 address those needs, the better we have identified
25 what needs to be taken care of for those

1 individuals, and the better we would be able to
2 support the families, the students, and the
3 community in general.

4 And finally, our sixth key to success is a
5 bilingual education strategy. Pardon me. In
6 kindergarten, we would have a full immersion,
7 dual-language Spanish as the curriculum, in which we
8 would be able to provide an opportunity for those
9 individuals to learn in that dual-language capacity.
10 In particular, students who are on the autism
11 spectrum pick up at a very young age and prune at a
12 very young age, "pruning" meaning being able to,
13 or -- a -- a lack of additional capacity providing
14 that dual-language full immersion in kindergarten
15 allows us to be able to address further growth and
16 opportunities in developing language in the spectrum
17 disorder children at a much younger age.

18 We would have academic Spanish classes
19 provided for in all -- all additional grades, one
20 through six. And we would have special attention to
21 English as a Second Language for those students who
22 are identified as needing the services.

23 Our curriculum is based upon the Cambridge
24 International Primary Curriculum. It is
25 world-renowned, internationally-recognized. To

1 support that, we would be also implementing the
2 New Mexico State Standards for Core Knowledge. The
3 curriculum with Cambridge is fully aligned with the
4 Common Core Standards.

5 And, finally, we would also involve Reggio
6 Emilia as our educational philosophy, believing that
7 the environment is the third teacher; through that
8 process, being able to generate an environment that
9 enhances the learning process for the students who
10 are involved in the school.

11 We are honored to have as one of our
12 founders Dr. Gigi Yu, as I mentioned earlier, who is
13 a professional Reggio Emilia trainer, recognized
14 locally as very prolific in her abilities to provide
15 those trainings and opportunities within schools.

16 Through our assessments, we would use
17 annual New Mexico State testing, the NWEA MAP
18 testing and curriculum, with built-in assessments
19 such as Cambridge, FROG, ALEKS, and Lexia.

20 In those curriculum assessments, we would
21 also be able to provide professional development
22 opportunities for -- for the teachers, building upon
23 their knowledge base and providing them abilities to
24 continue to address the issues of the student
25 population as time goes on in the most effective

1 manner, developing an opportunity to train and teach
2 with the most current learning available.

3 And our governance, we have SMART goals
4 for the school and for the governing council --
5 those "SMART" goals being the acronym for "specific,
6 measurable, attainable, relevant, and timely" -- in
7 making sure that the governing board -- the
8 governing council -- provides an opportunity to be a
9 support, but also a monitor for the school in being
10 able to provide the services, the education needed
11 by the school and by the -- the population in
12 general. We would also make sure that those who are
13 on the governing council attended mandatory board
14 trainings.

15 It is recommended from Brian Carpenter, a
16 well-recognized advocate for board training,
17 especially as it relates to charter schools, that
18 the governance trainings be provided in addition to
19 the base mandatory position outlined for the
20 governance board. So we would be looking at
21 insuring that not only meeting minimum standards,
22 but, enhancing those opportunities and training to
23 make sure that the governance is in line with what
24 needs to happen in regulation, but also enhancement
25 of the opportunity to support Indigo Hills School.

1 We've developed planning and evaluation
2 tools to succinctly align our efforts and measure
3 the progress on an annual basis, financially as well
4 as educationally.

5 We are aware that there are some
6 challenges that we face at Indigo Hills School.
7 First, our budget for opening the school is based on
8 operational standards in full awareness that federal
9 stimulus dollars would not be available at the
10 outset of that school. We fully understand that an
11 appropriate facility needs to be identified and
12 implemented in line with Fire Code compliance, ADA,
13 E-Occupancy -- I apologize -- and that the
14 requirements in obtaining PS- -- PSFA support and
15 approval.

16 We are in the process of identifying
17 sites, working with a realtor locally to make sure
18 that we have the best opportunity available in the
19 facilities we would be able to exist in.

20 And, finally, the founding committee is
21 fully prepared to transition to a governing board
22 and hire the executive director to make sure that
23 all requirements are met. We are aware that there
24 is a lottery, that the student population would not
25 potentially be fully focused on just those students

1 who are in the autism spectrum disorder; but through
2 the information that I have provided, I hope that we
3 can make it understood that it would not be
4 exclusively focused on ASD, that we would focus on
5 the entire student population and the community in
6 general.

7 We do have opportunities to partner with
8 other groups locally to make sure that we are able
9 to meet our goals financially, physically, as well
10 as developmentally.

11 In closing, I want to make sure that I can
12 thank you once again for providing us the
13 opportunity to present Indigo Hills School. We have
14 been honored and appreciate the opportunity to
15 address questions and concerns at this point in
16 time.

17 THE CHAIR: Thank you for your
18 presentation.

19 MR. SLOTA: Thank you.

20 THE CHAIR: The local school district. If
21 there is a representative from the Albuquerque
22 Public School District, please come forward.

23 For the record, state your names and the
24 roles you play at the school district. And let's go
25 ahead and let's switch out the applicant so that

1 they can be comfortable, in their five minutes, to
2 comment about the application.

3 The Commission will not accept any
4 documentation at this meeting. There will be
5 instruction on turning in documentation by a
6 deadline. Please introduce yourselves.

7 MS. MENAPACE: Mr. Chairman, members of
8 the Commission, my name is Carrie Robin Menapace.
9 I'm Albuquerque Public Schools' Policy Analyst.

10 MR. HENDRICKSON: Mr. Chairman, members of
11 the Commission, I am Ruben Hendrickson, Executive
12 Director of Budget and Planning.

13 MR. TOLLEY: And Mark Tolley, Director of
14 Charter and Magnet Schools for the District.

15 THE CHAIR: Good morning. You may
16 proceed.

17 MS. MENAPACE: Thank you, Mr. Chairman and
18 members of the Commission. We come today to talk to
19 you about several reasons why the Albuquerque Public
20 Schools would prefer that you not approve the
21 charter that is before you today. We have both
22 general, overall reasons why we feel it is not in
23 the best interest of the local district or the
24 community; and then we also have specific reasons
25 about why we feel this charter fails to meet the

1 purpose of the Charter School Act for different and
2 innovative programs.

3 So we'll do a very cursory overview of
4 some of our general feelings, and then go into some
5 of the specifics about this charter in particular.

6 Primarily, there's documentation and data
7 that we'll provide to you when the written comments
8 can be provided. But we feel that there are some
9 very inherent disadvantages -- or advantages for
10 charter schools that exist when it comes to funding
11 and the way that the funding formula has been
12 written in the State of New Mexico.

13 Specifically, we feel that the 1-percent
14 growth size enrollment and the weighting that
15 charter schools can get from that 1-percent growth
16 enrollment provides an opportunity for charter
17 schools to keep their enrollment at numbers where
18 they can force themselves, actually get those
19 weightings within the funding formula that local
20 traditional schools can't. And that actually
21 creates a premium of funding for charter schools.

22 We have a lot more information that you'll
23 see in the slides we'll give you upon written
24 comment, and we also have our budget director here,
25 so you can ask more questions about that if you

1 should have them.

2 We also feel the small-school-size
3 adjustment is an inherent advantage that the charter
4 schools can get in the funding formula, where they
5 can choose to keep their numbers at below 400 in
6 order to provide another premium. In fact,
7 Albuquerque-based charter schools right now, if you
8 look at their SEG funding and the amount of funds
9 they receive from the State, are the fourth largest
10 district in the State of New Mexico. They are
11 outranking many, many districts in the state. And
12 it's largely, in part, because of this funding
13 premium that they can receive through things within
14 the funding formula.

15 Additionally, in general, we feel that, as
16 of right now, it is irresponsible for us to be
17 supportive of any new charter schools due to the
18 facilities issue. Right now, in Albuquerque Public
19 Schools, we have about a \$3 billion need in assessed
20 capital needs for both our locally authorized
21 charter schools and our traditional schools.

22 We feel that we can't overburden an
23 already overstretched funding source to have more
24 facilities and more per membership distribution come
25 out of our local bond money for charter schools that

1 we can't necessarily control how they actually spend
2 those funds.

3 So those are our overall general concerns
4 that we'll express again to you as the day goes on
5 and in a little more detail.

6 But we also have some specific concerns
7 about Indigo Hills in particular. We feel that
8 primarily, Indigo Hills, while it has a very, very
9 noble population that it wants to serve with
10 children who are on the autism spectrum, maybe
11 diagnosed with Asperger's and are gifted with
12 exceptionalities, we feel that, unfortunately, this
13 doesn't meet the purpose of the Charter School Act
14 to have different and innovative programs.

15 The charter school plans to serve
16 95 students in their first year of operation and
17 increase that to 168 students within five years.
18 Albuquerque Public Schools currently serves
19 618 students with autism in over 70 dedicated
20 classrooms.

21 The charter from Indigo Hills specifically
22 says that the school will be serving those students
23 in an inclusion-based setting classroom.
24 Albuquerque Public Schools uses this model in all of
25 those 70 classrooms in our district already.

1 Therefore, we feel that the overall purpose of the
2 Charter School Act to innovative and different
3 programs may not be met in this case.

4 Additionally, Albuquerque Public Schools
5 has just completed a new multi-million-dollar
6 facility to serve students who are on the autism
7 spectrum or who may have Asperger's, which is
8 adjacent to Highland High School. Our special
9 education department has required annual training
10 for every teacher in order to identify Asperger's
11 and to have strategies to have those children within
12 those classrooms.

13 We're also the first district in the state
14 to really be transitioning to the Common Core
15 Curriculum early. That Common Core Curriculum is
16 supposed to be serving all of these populations for
17 diversity, for cultural relevance. And so we feel
18 that we're also doing that.

19 Additionally, Albuquerque Public
20 Schools -- there was a lot of discussion about
21 bullying in the presentation. We have embarked upon
22 new strategies, new ways to control bullying on our
23 campuses. We're doing community forums. Our Board
24 of Education is very interested in making sure that
25 that problem becomes solved.

1 So we feel that Albuquerque Public Schools
2 is serving the population --

3 MS. CHAVEZ: Time is up.

4 MS. MENAPACE: -- and, therefore, we do
5 not feel it meets the innovative --

6 THE CHAIR: Thank you, Albuquerque Public
7 Schools, for your comments.

8 Public comment. We will now hear public
9 comment from the community of Albuquerque. And the
10 first name is -- I have Carrie down, and it's M.
11 Carrie M.? Oh, so it was you all? Got you. So no
12 one has signed up to speak.

13 Was there anyone that wanted to speak
14 before the Commission that didn't get a chance to
15 sign up? Seeing none, we will move forward to the
16 Public Education Commission question period. The
17 Chair has opened the floor for questions by
18 Commissioners of the applicant.

19 So whoever you want here at the front
20 table, please come on up. And you can move chairs
21 if need be.

22 MR. SLOTA: Mr. Chairman, would we be able
23 to provide an opportunity to have individuals
24 specifically come up and address those questions as
25 need be, or --

1 THE CHAIR: Yeah. I'd rather have you up
2 here so we save time.

3 MR. SLOTA: So have everybody up here all
4 at once?

5 THE CHAIR: Sure. And I want to thank
6 NMAA for the wonderful microphone. This is probably
7 the easiest setup that we've had.

8 MS. CHAVEZ: It's our setup.

9 THE CHAIR: I have to thank you. I didn't
10 want to do that.

11 MS. CALLAHAN: Plenty of time in the van.

12 THE CHAIR: That's true. The floor is
13 open for questions from Commissioners. Commissioner
14 Crandall -- what did I say? I'm thinking of Del
15 Crandall over here. I know. I was thinking that
16 this gentleman --

17 MR. CRANDALL: Del Crandall is my uncle.
18 I'm Rob Crandall.

19 THE CHAIR: You're Rob. So Del has been
20 involved with the Albuquerque Dukes, all that stuff.
21 So you took me back to my childhood, Rob.

22 Commissioner Michael Canfield.

23 COMMISSIONER CANFIELD: Thank you
24 Mr. Chair. I just had a quick question about the
25 coverage of -- the APS coverage. And I don't know

1 that I saw in your application the detail of your
2 ability to serve the community that wasn't being
3 served now. So do you have any comments for us in
4 relation to how you can do it better or different?
5 What's the problem, how come it's not being solved
6 right now or addressed right now? Anything along
7 this line?

8 MS. BANEK: My name is Ann Banek. We want
9 to make it a real community school, family input,
10 parent involvement. So we're going to open it up to
11 have meetings for parents, just training for
12 parents, community, staff. And it's going to just
13 address basically the specific needs of all the
14 students that are in the school.

15 COMMISSIONER CANFIELD: So you don't feel
16 that that's being met now in the community.

17 MS. BANEK: Well, we have -- in dealing
18 with many parents that we've talked to, you know, in
19 going through the process of this application,
20 unhappy parents with a lot of APS schools with not
21 having that being met, those needs being met.

22 DR. McCARTY: Hi, there. My name is Joe
23 McCarty, and I'm a psychologist. Some of what we
24 had in our plan for Indigo Hill -- one thing that I
25 felt very strongly about was the component of social

1 skills training in every classroom. Now, right now,
2 this is something -- I'm aware of several families
3 that have requested this in APS. And what they're
4 often told is, "We don't have the training for it;
5 we don't have a mechanism for it. We have high
6 standards that we are teaching to, and there's no
7 time in our day for it."

8 Social skills training has an effect on
9 several of the groups that we're talking about here.
10 A three-minute lesson twice a week in basic relating
11 improves classroom atmosphere. It gets kids to take
12 more ownership of the classroom, of the school, to
13 step in if they think there is unfairness or
14 bullying happening; whereas, typically, most kids
15 don't know how to react and they step aside. But
16 when you have social skills training, you present to
17 them, "Here's a positive way to relate; here's the
18 correct way to advocate for your needs," you're more
19 likely to see kids feel ownership of the
20 interactions that are going on around them.

21 For the kids with Asperger's and with
22 autism, initially, you can put out a whole lot of
23 fires early on by teaching them a whole lot of the
24 skills that they aren't learning by passive
25 observation that their peers may be. But by

1 explicit teaching, it helps them with social
2 maturity. It helps them with picking up cues and
3 with blending in.

4 Beyond that, at the level of bullying,
5 bullying seems to take off when, especially in the
6 earlier grades, you have a whole lot of kids who are
7 passive spectators who aren't sure what to do, who
8 aren't sure how to step in. The special skills
9 training helps basically people who might be victims
10 learn better ways to advocate. It helps the people
11 who might resort to bullying learn a more positive
12 way of advocating for their needs.

13 In all of the studies I read with social
14 skills training in the classroom, behavioral
15 referrals drop by 70 to 90 percent, and bullying
16 tends to be one of the big things that disappears in
17 these classrooms. So I would point to that as one
18 thing that we are proposing to put into this.

19 Beyond that, I did hear APS say that they
20 are going to have training for their teachers in
21 working with kids on the spectrum. I think that's
22 terrific. I don't know what the training is, and
23 I'm not sure what the timetable is as to when they
24 will start to implement it.

25 We are looking for this to be an emphasis

1 in our personnel from the ground up. If APS is
2 doing that as well, I think that that's terrific. I
3 think that the more of that we have in our
4 community, the better. But I can only speak for
5 what our plans are with our model.

6 That's some of what occurred to me. Was
7 there more in the curriculum that you believe would
8 address it? I know we've had conversations about
9 Cambridge and Reggio and especially with gifted.

10 THE CHAIR: I want to interrupt real
11 quick. Commissioner Canfield, was your question
12 answered?

13 COMMISSIONER CANFIELD: It was. Thank
14 you, Mr. Chair.

15 THE CHAIR: Let's continue. Are there
16 other questions? Commissioner Gant.

17 COMMISSIONER GANT: Mr. Chair -- read my
18 lips. Anyway, picking up on what Commissioner
19 Canfield said -- and I note in your budget, of
20 course, there's nothing in here for rental for a
21 building. I know you're looking. That's what you
22 said. But where do you want to put the facility?
23 Do you have a general location? I mean, you're
24 talking about autism, Asperger's, et cetera, being
25 your focus, and that's across the -- I would believe

1 across the City of Albuquerque? So where are you
2 looking to put a facility where parents can get to
3 your school quickly, easily, without not taking a
4 lot of time off work?

5 MR. SELLERS: Commissioner Gant, I believe
6 that what we're trying to do is create a partnership
7 with -- well, my name is Kaylock Sellers -- create a
8 partnership with Pathways Academy, which is a
9 private school right now serving autism and
10 Asperger's students. They've approached us. We've
11 already had discussions. There are facilities right
12 next to them. And we've been talking about
13 developing just a larger campus, with our public
14 school adjacent to their private school.

15 So it would be on potentially the north
16 end of town of Albuquerque.

17 COMMISSIONER GANT: Sir, not being from
18 Albuquerque, I have no clue where that is.

19 MR. SELLERS: Do you recall the address?

20 MS. BANEK: It's off of Jefferson. It's
21 pretty easy access off the freeway. I don't know
22 the exact address.

23 COMMISSIONER GANT: All I know is
24 Jefferson that runs up into the commercial, the
25 business district and the warehouses and all that.

1 Is that where you're talking about putting a school?

2 MS. BANEK: Do you know where -- the
3 Boston Pizza and the "25" area? It's on the other
4 side. There's a school over there that we have been
5 meeting with.

6 COMMISSIONER GANT: Okay, thank you. So
7 you're -- I guess you want to be in conjunction with
8 that school? You're going to work together with
9 that school? Explain that, what you were just
10 talking about with a private school.

11 MR. SELLERS: Well, what we're hoping is
12 to develop a campus where -- they already exist
13 there. They're a private school, and we would have
14 our public school next to them. There are several
15 buildings there that are available. We'd hope to
16 perhaps share some resources as well.

17 This is still in development, of course.
18 They've also indicated to us that they would be --
19 since we don't have the planning funds for
20 '12-'13 -- to advance us some funds to help us get
21 established in terms of facility, slight
22 renovations, utilities, things like that; and then,
23 of course, reimbursing them once we get our '13-'14
24 funding.

25 COMMISSIONER GANT: I would be very

1 careful with that. But I'll leave that to you.

2 I noted in your budget that you -- and in
3 your narrative -- that you plan to -- autistic
4 people -- children -- Asperger children and other
5 special needs children need a lot of IEPs and the
6 professional staff to go with that. But you're
7 planning to contract it all?

8 MS. BANEK: No. We're -- we're looking at
9 dual-certified teachers. The special ed teachers
10 will be in the classroom working with the regular ed
11 teachers. And each child, if they're not on an IEP,
12 will have a PEP. That's why we want the small class
13 size.

14 COMMISSIONER GANT: So where do you --
15 well, I'm talking about SLPs, OTs, PTs, counselors,
16 diagnosticians; you name it. You're planning to
17 hire those, on a contract?

18 MR. SELLERS: There is a related service
19 budget in our five-year plan. I believe it's under
20 "Other Specialists" or -- I can't remember the exact
21 line item right now. So there will be some related
22 services who are not part of staff providing
23 services and diagnostics and things like that.

24 COMMISSIONER GANT: Well, I'm looking at
25 your budget. And it -- the format is not one that

1 any of the other applicants have used. And I see
2 nothing that specific- -- addresses these
3 professions. The only item I have is on line 29,
4 Other Professional Services, for \$48,375 in the
5 first year, and it goes up to -- it goes down,
6 actually -- well, it actually goes up and then back
7 down again. So is that the line item?

8 MR. SELLERS: Commissioner Gant, yes.
9 Yes.

10 COMMISSIONER GANT: And you feel, with
11 your special population -- do you know how much an
12 SLP goes for on a contract?

13 MR. SELLERS: Well, that budget reflects
14 the operational funds. It doesn't reflect any
15 additional funding; so any IDEA funding we might get
16 or any grants that we may eventually apply for. So
17 that's strictly the operational budget, the SEG
18 budget.

19 COMMISSIONER GANT: Understand that. But
20 my question, again: Do you know what the current
21 contract rate is for an SLP?

22 MR. SELLERS: It's very expensive.

23 COMMISSIONER GANT: Very.

24 MR. SELLERS: Very, very expensive. We're
25 hoping for that additional funding. The budget that

1 was asked to be presented with our application was
2 strictly based upon SEG funding.

3 COMMISSIONER GANT: Who did your budget?

4 MR. SELLERS: I did.

5 COMMISSIONER GANT: Where did you get the
6 format?

7 MR. SELLERS: The format was provided to
8 us.

9 COMMISSIONER GANT: From whom?

10 MR. SELLERS: I'm assuming from the
11 Charter School Division.

12 COMMISSIONER GANT: I'm looking at Charter
13 School Division, and I'm getting a negative.

14 MS. CALLAHAN: Commissioner, Mr. Chair,
15 that is not the budget format that was given to the
16 applicants. It would have been in the application
17 packet. So I'm not sure where they got it. Maybe a
18 previous application?

19 COMMISSIONER GANT: Thank you. All right.
20 I note you -- I can't find a custodian. You're not
21 hiring a custodian. You don't have a line item for
22 it or money in a line item.

23 MR. SELLERS: That wouldn't be a salaried
24 position. It would be something that we would
25 contract out.

1 COMMISSIONER GANT: You have a line 43,
2 Advertising and Marketing, for \$15- -- \$15,750.
3 Explain what you're going to do with that money.

4 MR. SELLERS: That would be mostly for
5 hiring of staff.

6 COMMISSIONER GANT: Explain, please.

7 MR. SELLERS: Well, advertising for staff
8 to start the school.

9 COMMISSIONER GANT: You know that's SEG
10 money.

11 MR. SELLERS: Yes.

12 COMMISSIONER GANT: And you know the
13 prohibition of using SEG for advertising?

14 MR. SELLERS: I -- my understanding is
15 that was -- that applies to promoting the school.
16 But in terms of employment --

17 COMMISSIONER GANT: All right. Auditing,
18 line -- on yours, is 26. Considering the size of
19 the budget, you're going to spend almost \$23,000 --
20 or clear up to \$25,000-plus a year on auditing?

21 MR. SELLERS: That may be overstated.

22 COMMISSIONER GANT: Okay. You're going to
23 hire a contract nurse also?

24 MR. SELLERS: I believe that there is a
25 position for nurse as a salaried position. I don't

1 believe it's full-time in the initial few years.

2 COMMISSIONER GANT: I see teachers,
3 assistants, department chair. I don't see a nurse.

4 MR. SELLERS: If it's not included in
5 there, then that would be something that would be
6 contracted out.

7 COMMISSIONER GANT: Thank you, Mr. Chair.

8 THE CHAIR: Thank you, Commissioner Gant.
9 Other questions? Commissioner Shearman.

10 COMMISSIONER SHEARMAN: Thank you. I --
11 before we get started, I just want to note that the
12 questions that we ask, certainly, from my
13 perspective, and I think everyone else's, too, is
14 simply to understand your application better and to
15 convince ourselves that either this school is viable
16 or it's not.

17 Also, when we look at goals, we look at
18 what you're trying do with the school; but also,
19 within mind that if you are successful in being
20 authorized to begin, in five years or six, you'll
21 come back for renewal. And when you come back for
22 renewal, then we look at these goals and we
23 determine, Did you reach your goal? Were you
24 successful?

25 So I get real excited about goals and how

1 they're written in light of can we use that in a
2 realistic renewal application.

3 But the first thing I wanted to go to,
4 when you were indicating the enrollment numbers for
5 your school, I'm looking at the application on
6 Page 4. And it starts with the first year of
7 126 students, going up to the fifth year of
8 175 students. And I don't believe that's what I
9 heard you say.

10 MR. SELLERS: The numbers on the budget
11 are more accurate.

12 COMMISSIONER SHEARMAN: In the
13 application.

14 MR. SELLERS: Yes. So the budget
15 enrollment numbers are the correct numbers.

16 COMMISSIONER SHEARMAN: So the budget was
17 based on the numbers in the application, the higher
18 numbers.

19 MR. SELLERS: This question came up during
20 our capacity interview. There's actually a
21 discrepancy there. The numbers are lower. So it's
22 95 first year, and then it proceeds up from that.

23 COMMISSIONER SHEARMAN: So the budget was
24 based on the lower number?

25 MR. SELLERS: Yes.

1 COMMISSIONER SHEARMAN: Okay.

2 MR. SELLERS: Yes.

3 COMMISSIONER SHEARMAN: I would note also
4 that I think you're using an old form here for your
5 application. And so not every -- not everything
6 that we're looking for have you answered in this
7 application.

8 I would also note, on Page 5, you -- first
9 sentence, you have an indication of New Mexico
10 International School as the name of the school in
11 that goal. "Performance: By the end of the
12 2014-'15 school year and thereafter, students at
13 New Mexico International School who have been in
14 attendance....," and so forth.

15 MR. SELLERS: That is an error. It's a
16 typo. My apologies.

17 COMMISSIONER SHEARMAN: Perhaps -- well,
18 did -- did they assist you in writing this
19 application perhaps?

20 MR. SELLERS: No, no. I'm not aware of a
21 New Mexico International School.

22 COMMISSIONER SHEARMAN: Okay. All right.
23 Back to Page 4. Student Performance, SMART Goals,
24 Academic. It says, "By the end of 2015-'16,
25 students at Indigo Hills School who have been in

1 attendance at the school for five consecutive years
2 will perform proficient or above on the English
3 Standards Based Assessment."

4 I'm not familiar with the English
5 Standards Based Assessment. Are you referring to
6 the New Mexico Standards Based Assessment?

7 MS. BANEK: Yeah, I'm sure that's what it
8 is.

9 COMMISSIONER SHEARMAN: And which section?
10 There's --

11 MS. BANEK: Excuse me?

12 COMMISSIONER SHEARMAN: The New Mexico
13 Standards Based Assessment, I don't think there's a
14 section that is on English. There's reading -- help
15 me.

16 MS. BANEK: Language arts, yeah. Maybe
17 that's what it was in reference to.

18 COMMISSIONER SHEARMAN: Language arts.
19 Okay. My concern there is not only is the
20 New Mexico Standards Based Assessment going away and
21 being replaced by the PARCC exam, but you're tying
22 yourself to one goal that is going to be based on --
23 the end of the fifth year, on the New Mexico
24 Standards Based Assessment. And even if it was
25 given, that exam is not given until spring, March or

1 April.

2 The decision for renewals is in December,
3 the previous December. You would have no
4 information to give us for this goal in renewal. So
5 that -- to my mind, that's a big hole in your -- in
6 your application.

7 Let's go to Page -- the next page, please,
8 Academic Fiscal Accountability. I have it on
9 Page 5. And it says, "Indigo" student -- "School
10 will demonstrate that all students can perform in
11 their least restrictive environment with access to
12 the general curriculum with fiscal prudence."

13 I don't understand that, that term.

14 MR. SELLERS: Although I think it's stated
15 rather poorly, I think it's just basically
16 emphasizing that whatever resources we have, we're
17 going to use them to the best of our abilities to
18 provide a quality education. It is stated poorly.

19 COMMISSIONER SHEARMAN: Thank you. And I
20 apologize. I've been mispronouncing the name of
21 your school, as Mr. Chairman has just made me aware.
22 Indio.

23 MR. SELLERS: Indigo.

24 COMMISSIONER SHEARMAN: Indio -- well, now
25 I'll really mess it up.

1 THE CHAIR: Just go, go, go.

2 COMMISSIONER SHEARMAN: Just go, go, go;
3 all right. Page 33-34 -- well, I've lost it. I
4 don't know. I've -- I'm sorry. I've lost it. My
5 highlighting has gone away.

6 All right. Let me ask you about your
7 staffing plan. I note you have eight teachers. But
8 I can't find a number for special ed teachers.

9 MS. BANEK: Well --

10 MR. SELLERS: There are special ed
11 teachers in the budget each year. I believe it
12 starts at about one or one-and-a-half and increases
13 over the period of five years to about two, in
14 addition to the regular ed teachers.

15 COMMISSIONER SHEARMAN: Well -- and I
16 certainly don't doubt you. But I can't find it,
17 because all I can see are teachers. And then I --
18 this is an abbreviated budget form, and it doesn't
19 have everything here. So perhaps you're planning on
20 it, but it's not -- it's not here in this budget.

21 Let me go back to ancillary services. I
22 truly am on Page 33. It's down at the bottom.
23 "Will arrange with licensed professionals to provide
24 services through Cooperative Educational Services
25 and other professionals in the field."

1 And I think this is what Commissioner Gant
2 was also asking you about. Again, I don't -- I
3 don't find this specifically in the budget, where
4 you're going to pay these ancillary people, even if
5 it's on a contract, unless it's just a lump sum
6 somewhere.

7 MR. SELLERS: I believe it's listed as a
8 line item of our professional services or something
9 similar to that.

10 COMMISSIONER SHEARMAN: So it's there in
11 contract. Okay.

12 The other thing I was looking for is a
13 staffing plan, information on school days, school
14 year. And I didn't find it.

15 You say that 95 to 98 percent of the lease
16 will be paid with lease assistance funds. That
17 comes from Page 106. But I didn't find the
18 remainder budgeted in your budget. Even 2 to
19 5 percent is going to be a significant amount, I
20 would think.

21 MR. SELLERS: It's probably under rentals,
22 land, and buildings, that line item.

23 COMMISSIONER SHEARMAN: I did not see
24 that. Mr. Gant, do you see it?

25 COMMISSIONER GANT: It's line 31. There's

1 nothing there.

2 COMMISSIONER SHEARMAN: Okay. Okay. I
3 believe that's all my questions. By the way, I did
4 want to say, I am impressed by your plan, by the
5 students you hope to serve. I think there is a --
6 probably a very valid need. And I would hope that
7 those students could get the services they need.

8 THE CHAIR: Other questions? Thank you,
9 Commissioner Shearman. Commissioner Gant? Another
10 question.

11 COMMISSIONER GANT: On line 38 -- or
12 correction -- line 8 of your operating expenditures
13 budget, you identify a department chair. I don't
14 find the job description either in the basic
15 document or in the -- in the Appendix D. Who is the
16 department chair? What is a department chair? What
17 do they do? Or what does he or she do for \$38,000.
18 No, for \$55,000. I'm sorry.

19 MR. SELLERS: I believe our original
20 thought was it would be a teacher, and probably a
21 teacher working maybe .4 in the classroom and then
22 .6 in this position, for administrative purposes.

23 COMMISSIONER GANT: Well, you're carrying
24 it at a full FTE.

25 MS. BANEK: Yeah. And they would also

1 help as far as coaching, instructional coaching, and
2 on professional development also.

3 COMMISSIONER GANT: Okay. Again, I ask.
4 Where is the job description that would normally be
5 included as part of the application?

6 MS. BANEK: Okay. I assumed it was in
7 there.

8 COMMISSIONER GANT: Thank you.

9 THE CHAIR: The floor is still open.
10 Commissioner Bergman?

11 COMMISSIONER BERGMAN: It's hard to get to
12 me. I'm on the far east end here.

13 THE CHAIR: That's okay. I needed my
14 exercise stretching break.

15 COMMISSIONER BERGMAN: Thank you,
16 Mr. Chair.

17 You specifically talked about parental
18 involvement briefly in your remarks. But the note I
19 wrote to myself, as I read your application -- I'll
20 read it here. It says, "Parental involvement plans,
21 mostly nonexistent." That was my impression as I
22 read your application. Can you give me some
23 specific ideas of how you would involve parents in
24 your school?

25 MS. BANEK: Yeah. We want to have, like,

1 a community room that they can come to for
2 information, like a library, training. And our --
3 Dr. McCarty would take part in that and help with
4 that, because we really believe that we need the
5 parents and their input. They know their children
6 as well or better than we do. So we need that to
7 make their education as strong as possible.

8 COMMISSIONER BERGMAN: Okay. How are
9 you -- parental involvement. Everybody wants to
10 have it in every school. And it's always difficult,
11 because a lot of parents don't want to volunteer.
12 How are you going to get them to come to this room?

13 MS. BANEK: Like I said, hopefully, some
14 informative meetings, you know, the library --
15 invitations as best we can, you know. The
16 children -- a lot of parents will show up if their
17 children are there to perform and have something to
18 share. That's usually, you know, a good way to get
19 them in.

20 COMMISSIONER BERGMAN: Okay, thank you. I
21 think most of my other questions have been
22 addressed. So I want to thank you.

23 THE CHAIR: The floor is still open for
24 questions. Are there any other questions of the
25 applicant from Commissioners?

1 Seeing none, any member of the public,
2 including the applicants, may submit written input
3 following this hearing. Written comments can be
4 sent to the Commission via the Public Education
5 Department main Web site at ped.state.nm.us, through
6 the following: Through the Calendar listing on the
7 front PED Web page, through the Public Comments
8 section on the front PED Web page; using the link
9 ped.state.nm.us/comments. You will be directed to
10 an e-mail format in which to write your comment.
11 Make sure you identify the school you're commenting
12 on in the drop-down menu.

13 Please note that any written input must be
14 received by no later than close of business on the
15 third business day following the hearing on the
16 application you wish to comment on; in short, three
17 days.

18 I want to thank you for your presentations
19 and for your hard work in preparing the application.
20 Thank you very much.

21 MS. McCARTY: Thank you, Mr. Chair, and
22 the committee.

23 THE CHAIR: I'm going to call a ten-minute
24 recess.

25 (Proceedings in recess at 9:05 a.m.)

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5 transcript of proceedings had before the said
6 NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the
7 State of New Mexico, County of Bernalillo, in the
8 matter therein stated.

9 In testimony whereof, I have hereunto set my
10 hand on August 29, 2012.

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