

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
PUBLIC INPUT MEETING
ACADEMIC OPPORTUNITIES ACADEMY
August 24, 2012
8:00 a.m.

Riverwalk Recreation Center, Power House Room
400 Riverwalk Drive
Carlsbad, New Mexico

REPORTED BY: Cynthia C. Chapman, RMR-CRR, NM CCR #219
Bean & Associates, Inc.
Professional Court Reporting Service
201 Third Street, NW, Suite 1630
Albuquerque, New Mexico 87102

JOB NO.: 5156K (CC)

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492



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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

COMMISSIONERS:

MS. CAROLYN SHEARMAN, Vice Chair
MR. EUGENE GANT, Secretary
MS. CARLA LOPEZ
MR. VINCE BERGMAN

STAFF:

MS. KELLY CALLAHAN, Director, Charter School Division
MS. CORDELIA CHAVEZ
MR. BRAD RICHARDSON

1 VICE CHAIR SHEARMAN: I call back into
2 session this meeting of the Public Education
3 Commission.

4 Commissioner Gant, will you do a roll
5 call, please?

6 COMMISSIONER GANT: Commissioner Bergman.

7 COMMISSIONER BERGMAN: Here.

8 COMMISSIONER GANT: Commissioner Lopez.

9 COMMISSIONER LOPEZ: Here.

10 COMMISSIONER GANT: Commissioner Shearman.

11 VICE CHAIR SHEARMAN: Here.

12 COMMISSIONER GANT: Commissioner Gant. We
13 have the quorum we need.

14 VICE CHAIR SHEARMAN: Again, we do
15 apologize for being late. I just knew this building
16 was right on the river. It wasn't. And so we
17 toured Carlsbad, somewhat; it was very nice. Let me
18 give you some general information on how the meeting
19 is going to be conducted this morning, and then
20 we'll get started.

21 This meeting is being conducted pursuant
22 to New Mexico Statutes Annotated, Title 22,
23 Section 8B-6J, 2009. The purpose of these community
24 input hearings that will be held from August 20th
25 through August 24th, 2012, is to obtain information

1 from the applicant and to receive community input to
2 assist the Public Education Commission -- oh, I'm
3 not close enough; okay, thank you -- to assist the
4 Public Education Commission in its decision whether
5 to grant the proposed charter application.

6 According to this section of the law, the
7 Commission may appoint a subcommittee of no fewer
8 than three members to hold a public hearing.

9 According to the law, these hearings are being
10 transcribed by a professional court reporter.

11 The total time allocated to each applicant
12 is 90 minutes, which will be timed to insure an
13 equitable opportunity to present applications.

14 During the hearing, the Commission will
15 allow for community input about the charter
16 application. The time for public comments will be
17 limited to 20 minutes. If you wish to speak on
18 behalf of the applicant, please sign in at least
19 20 minutes before the applicant's presentation.

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

24 The Commission Chair, based on the number
25 of requests to comment, will allocate time to those

1 wishing to speak. If there are a large number of
2 supporters or opponents, they are asked to select a
3 speaker to represent common opinions. We will try
4 to allocate an equitable amount of time to represent
5 the community accurately.

6 The Commission will follow this process
7 for each community input hearing: The Commission
8 will ask each applicant or group to present at the
9 table in front. They will be given 20 minutes to
10 present their application in the manner they deem
11 appropriate. The Commission will not accept any
12 written documentation from the applicant, but the
13 applicant may use demonstrative exhibits to describe
14 their school, if necessary. However, the setup time
15 for exhibits, et cetera, will be included in the 20
16 minutes.

17 Following the applicant's presentation,
18 the local school district representative or
19 representatives will be given five minutes to
20 comment. Subsequently, the Commission will allow
21 20 minutes for public comment as described above.
22 Finally, the Commission will be given 45 minutes to
23 ask questions of the applicants.

24 Commissioners, are you ready?

25 (Commissioners so indicate.)

1 VICE CHAIR SHEARMAN: Mr. Casavantes,
2 please come forward. You already are; thank you.
3 For the record, please state the name of your
4 school, the names of the founders of the school, and
5 any other person who is here today on behalf of the
6 school. You will have 20 minutes to present
7 information about your application.

8 And let me just ask all speakers today.
9 If you have a unique spelling of your name, please
10 spell it for the reporter so that it will be
11 accurate in the record. Thank you. Please go
12 ahead.

13 MR. CASAVANTES: Good morning. Would you
14 also want to make clear that this is the same
15 meeting of same kind, and you answer the same
16 questions, or --

17 VICE CHAIR SHEARMAN: Yes. Thank you for
18 that reminder. This is the fifth application of
19 this applicant. This is our fifth meeting with that
20 applicant. It may be very likely that the
21 Commission will not ask all of the questions that we
22 have asked in previous meetings. We already have
23 gotten the responses and know the answers.

24 If there is a question in your mind that
25 we have not asked in this meeting, please be

1 directed to the PEC Web site where the transcripts
2 of all these meetings will be available starting in
3 about a week's time.

4 The first meeting with this applicant was
5 in Deming, and if you would like to see an absolute
6 complete record with all of the questions that were
7 asked at that meeting, please direct yourself to
8 that Web site.

9 Thank you. Thank you for the reminder.

10 MR. CASAVANTES: Yes, ma'am. Thank you.
11 My name is Mark Casavantes, C-A-S-A-V-A-N-T-E-S. I
12 am a founder of Academic Opportunities Academy. My
13 other founder is Wes Clarkson. And we have a new
14 addition as of yesterday evening, Carlos Hernandez.
15 He spoke on our behalf in Anthony and in Alamogordo.

16 Is that the introduction?

17 MS. CHAVEZ: Go ahead.

18 MR. CASAVANTES: Oh, you want to continue?
19 Okay, yes, ma'am.

20 Good morning, Commissioners. We -- we are
21 going to be asking that you consider our application
22 with -- with conditions for the Deming and Anthony
23 applications, and to not approve the other locations
24 in New Mexico. We believe that the faults that our
25 plan has can be corrected, and that the need in

1 those two communities is very great, and that we can
2 be a very contributing factor to improving the
3 education in those areas, and that it would be in
4 the best interests of New Mexico and those
5 communities and the children in those communities
6 for our charter to be at those two locations.

7 VICE CHAIR SHEARMAN: May I ask you to
8 name those locations again?

9 MR. CASAVANTES: Deming and Anthony.

10 VICE CHAIR SHEARMAN: Deming and Anthony.
11 Thank you.

12 MR. CASAVANTES: Yes, ma'am. Yes, ma'am.

13 Okay. I was asked prior to this meeting
14 that the gentleman had a concern about how we were
15 going to move students from test -- from the main
16 academic space to testing.

17 And since we're going to be using tablet
18 computers, messages can be sent sort of in the form
19 of an instant message when a class is going to meet
20 and where, so that the student can be pulled out to
21 go to a particular class, and that, in these
22 classes, the students that are pulled out in this
23 class would -- would be needing instruction in a
24 particular area.

25 One of the things that happens in the

1 traditional classroom is that there are students
2 that do not need instruction. They already learned
3 it. Sometimes the instruction is over the heads of
4 some of the other students because they are further
5 behind. And I think, in this classroom setting,
6 you're addressing the needs of the students more
7 appropriately by having a pullout program for -- for
8 the students.

9 Another question was asked about kind of
10 how we're going to have the curriculum and
11 activities. And we're going to have a spectrum of
12 activities, like projects and reports and -- and
13 writing assignments and math problems and
14 problem-solving, the spectrum of problem -- of
15 projects that you find anywhere. And they were
16 going to be developed by our staff. They are
17 currently being developed by Mr. Clarkson.

18 Mr. Clarkson has worked in the field of
19 curriculum writing and has published a few textbooks
20 in math and one in -- bilingual medical vocabulary
21 book. And with his relationships with these
22 companies that -- that he generates questions for,
23 we're going to be able to purchase questions from
24 them at a reasonable price. And that's one of
25 the -- that they were going to be loaded into our

1 database.

2 Our database is going to be like a --
3 similar to the kind of reports you would see on
4 TD Ameritrade or other programs of that kind, where
5 we're going to provide a lot more detail on the
6 performance of each of our students on all the
7 curriculum areas in the State of New Mexico and see
8 how they're progressing in each one. And we're
9 going to -- the reports are going to be customized
10 for parents, maybe in a simpler form, with icons.
11 And they also would be available to get the data
12 that the teachers see on their particular child or
13 children.

14 We believe that this information would be
15 very helpful in -- in guiding instruction, seeing
16 how effective the instruction is, and improving --
17 and also the feedback to students. They will see
18 how they are progressing.

19 One of the metrics that you were alluding
20 to -- one of those was progress. And under AYP,
21 they measure how much a student is progressing in a
22 given school year. And, basically, that you could
23 break down the time elements to -- we hope to get it
24 as small as possible, but maybe at least to the day,
25 "How much progress did you make today in your

1 curriculum towards completing a particular grade
2 level," so that we can see that each day, the
3 student is progressing towards -- towards meeting
4 their -- the yearly progress requirements.

5 We plan to have a main academics space,
6 where most of the students' work is done and guided
7 through instructional aides. And that teachers will
8 be pulling students out from that main academic
9 space to have classes.

10 The classes are going to be without a bell
11 schedule. The teacher is going to have the ability
12 to take the time necessary to teach the lesson to
13 its completion without the constraints of bell
14 schedules, so that -- so that the students would get
15 the full lesson necessary to be successful. Some of
16 the issues, like lunch period, they may have a break
17 and then reconvene the class after -- after lunch,
18 if that is -- if that is to occur.

19 We're going to have an extended day,
20 where -- and our goal is to have all the work
21 completed in school so that it is not a requirement
22 to take any work home. A lot of parents either do
23 not -- or lack the ability to provide -- I know a
24 lot of parents do have that ability, but many do
25 not. And so we are planning to have an extended day

1 so that all the work is done in the school, and that
2 when the -- when the parents pick these children up,
3 they have completed their work for the day.

4 We plan to have a requirement that
5 students earn either a 90 or repeat their work
6 again. Okay? We believe that this will raise the
7 academic standards of all our students and make a
8 significant change in their education.

9 If a student was retained in the regular
10 school year, they were retained all the way to the
11 beginning of the school year. Our plan is to find
12 out where they are in the continuum of the school
13 year and progress them and catch them up to the
14 current grade levels.

15 Also when a student completes the
16 requirements for a particular grade level in a
17 particular subject, the next day, they would be in
18 the new grade level. So they would be able to
19 progress at their own pace through their -- and
20 that, in this system, it doesn't cause disruption by
21 having a student -- you don't have to change their
22 schedules; you don't have to -- you don't have to
23 reassign them or anything like that. And it allows
24 them to progress in each particular subject. So a
25 student could be in two or three grade levels in

1 their subjects.

2 One of the things I think I should address
3 is the dual credit. And I know you had the concern
4 about them starting in the sixth grade. Well, one
5 of the things is we are not having the -- you know,
6 it is our goal to have our students to complete high
7 school -- high school and associate's degree upon
8 graduation. But it's not a graduation requirement.
9 And that if a student was not able to -- to be able
10 to do the work at that level or determined not to do
11 it at that level, I think it's appropriate that they
12 wouldn't, and that we set up something along the
13 lines where that -- like, the New Mexico State
14 University was wanting to have a test, and if they
15 passed the tests, they would be permitted to take
16 the classes; if they do not pass these tests, then
17 they are not permitted to take these classes.

18 They would have progress towards an
19 associate's degree, but possibly not -- not complete
20 the degree. But it's our goal, and it was our
21 intention and desire, to -- to have them complete --
22 and we would strive for that. But it may not be
23 appropriate for all students.

24 The two fields that we chose was nursing
25 and computer programming, because it wasn't that we

1 were trying to say that all students go to college;
2 we were looking at all the possible fields that the
3 students could pursue; and, that these two fields
4 are subjects that they could be self-sustaining upon
5 graduation.

6 And I think that's a concern that the --
7 that many students that graduate from high school
8 are not able to sustain themselves upon graduation.
9 They get maybe some very low-paying jobs. Many are
10 unemployed. And there are some that I'm sure get
11 some good-paying jobs. But -- but I think it's a
12 concern that needs to be addressed; and that we are
13 attempting to do that.

14 And then, as a charter school, we're
15 dealing with a population of 300 and possibly
16 expanding to 400, that out of a community of this
17 size, I think that we could find that number of
18 students. And that the charter is to fulfill a
19 niche, not necessarily solve everyone's problems or
20 desires in a community; and that that's part of the
21 choices that the community -- that a charter school
22 can provide is that we are one of the choices
23 available to a community. That concludes my
24 remarks.

25 VICE CHAIR SHEARMAN: Thank you.

1 Commissioners, I'd like to take just a
2 couple-of-minute recess so that I can confer with
3 Director Callahan, please. So we're in recess for
4 about five minutes.

5 (Recess taken, 8:30 a.m. to 8:50 p.m.)

6 VICE CHAIR SHEARMAN: I call this back
7 into session from recess. I thank you for your
8 patience. We wanted to check with legal counsel to
9 make sure we were proceeding in a legal way.

10 Legal counsel advises us that we may --
11 don't have to -- but we may proceed with community
12 input from the school district and the community.
13 And I assume that those of you who have signed up to
14 speak, as well as the Superintendent, do want to
15 speak. However, if anyone chooses to withdraw that
16 has signed up to speak, that's fine, too.

17 So if -- if everyone is okay with this,
18 we'll move ahead. Mr. Perkowski, if you'll come
19 ahead representing the local school district. For
20 the record, please state your name and the role you
21 play at the local school district. You will have
22 five minutes to comment on this application.

23 MR. PERKOWSKI: Madame Chair, members of
24 the Board, I'm Gary Perkowski, P-E-R-K-O-W-S-K-I.
25 And I am the Superintendent of Schools in Carlsbad.

1 We are very appreciative of you being in Carlsbad.
2 It's always good to get people to come down and
3 visit with us in Southeast New Mexico. Even though
4 a couple of you are from Southeast New Mexico, we're
5 still glad to have you.

6 We are here in opposition to the issuance
7 of this charter school. We do not feel it's
8 something that's needed here in this area at all.
9 We have a very -- very effective school district.
10 We have a lot of people here that are working very
11 hard. You can see behind me, we have support of not
12 only the rest of the administrators in the school
13 district, but we have a State Representative here.
14 We have the two City Council people here. The Mayor
15 expressed his regrets; he had another -- a
16 commitment that had he had go to. We have the
17 Chamber of Commerce, who have a resolution they
18 would like to present to you.

19 It is something in Carlsbad that we just
20 feel is not needed. We've been moving very closely
21 with A-to-F grading. We've been moving up. We've
22 got an "A" school in Carlsbad. Most of our schools
23 have moved up here in Carlsbad. Most of the schools
24 have improved over the last year.

25 We have worked very closely with Santa Fe

1 and the PED on Common Core and the new evaluation
2 system, and we're doing our best to keep the school
3 district as one of the leaders in the state of New
4 Mexico.

5 We won't take a lot of your time today,
6 because I -- I know that this has been withdrawn for
7 Carlsbad. But we still have some people that would
8 like to get some things on the record, and we will
9 get them up here, if you don't mind, and take a few
10 minutes of your time. But we will also have some of
11 those people, I think, that will pull their names
12 and not participate today.

13 So at this time, I would like to call
14 the -- the president of the School Board, if he
15 would like to come forward and address you. That's
16 Mr. Steve West.

17 MS. CHAVEZ: Three minutes.

18 VICE CHAIR SHEARMAN: We have three
19 minutes remaining?

20 MS. CHAVEZ: Yes.

21 MR. WEST: We have a resolution that was
22 passed by the School Board on Tuesday, a unanimous
23 vote. I don't know if it's better for me to read
24 it, or should I just give you a copy of it? What
25 would be better to enter it into the record?

1 VICE CHAIR SHEARMAN: We cannot accept
2 written input during the meeting. However, there is
3 a means for you to send that to us, and we'll give
4 that to you at the end of the meeting.

5 MR. WEST: "Whereas, the Carlsbad
6 Municipal Schools is requesting assistance and
7 support in addressing concerns we are facing with
8 the new virtual charter schools, and;

9 "Whereas, there are at least two charter
10 schools advertising and attempting to enroll
11 students from the Carlsbad Municipal School
12 District, and;

13 "Whereas, these new virtual charter
14 schools/academies claim they are not taking any
15 funding from CMS; however, our school district is
16 funded on a per-student formula, and the loss of any
17 student means loss of funding, and;

18 "Whereas, we are not aware of the
19 standards on which these virtual schools are basing
20 their curriculum and instruction, and;

21 "Whereas, Carlsbad students leaving our
22 accredited schools to attend these virtual schools
23 may not receive the level of rigorous instruction
24 for college and career readiness, and;

25 "Whereas, there is no need for a virtual

1 charter school, as CMS currently offers virtual
2 opportunities to high school students in need of
3 such alternative-type learning environments, and;

4 "Whereas, our virtual program assigns a
5 teacher who meets with students face to face and
6 provides support and gives instruction at their
7 level of need based on New Mexico Standards and the
8 National Common Core State standards, and;

9 "Whereas, students are also given the
10 opportunity to enroll and attend elective courses
11 such as physical education, band, art, et cetera.
12 Students participating in our virtual program
13 graduate with a Carlsbad High School diploma and not
14 a, quote, 'generic, cyber diploma.'

15 "Now, therefore, be it resolved that the
16 Board of Education of the Carlsbad Municipal Schools
17 supports retaining students and opposes the
18 institution of external virtual charter schools from
19 being established in Carlsbad."

20 And this was passed by unanimous vote
21 Tuesday of this week, on the 22nd.

22 VICE CHAIR SHEARMAN: Thank you very much.

23 MR. WEST: Are there any questions? Thank
24 you.

25 THE REPORTER: All right. I'll take a

1 copy of that. Thank you very much.

2 MS. CHAVEZ: You have one minute.

3 VICE CHAIR SHEARMAN: Any other
4 representatives of the District? We have one minute
5 left.

6 MR. PERKOWSKI: At this time, I'll
7 introduce Ms. Kelli Barta, who is our Director of
8 Secondary Education. I'm not sure she's ever done
9 anything in one minute. We will see.

10 MS. BARTA: I bet I can. I bet I can.

11 MS. CHAVEZ: You've got 40 seconds.

12 MS. BARTA: Okay. Carlsbad Schools offers
13 multiple opportunities for students, based on
14 tailored learning, everything from virtual to
15 extended day, alternative school for emotional
16 support, a strong dual-credit program with
17 15 different offerings of course study. We have a
18 strong RTI program to support those in need of
19 learning and extended learning for high-level
20 learners.

21 Is that it?

22 MS. CHAVEZ: You have 12 seconds.

23 MS. BARTA: We have a very strong AP and
24 pre-AP program that we are continuing to develop,
25 and it is evolving and improving constantly.

1 MS. CHAVEZ: That's it. Good job.

2 VICE CHAIR SHEARMAN: Thank you. We're to
3 the section on public comments. I have nine people
4 signed up. We have 20 minutes. So let's go two
5 minutes each. First on the list is Robert Defer. I
6 hope I pronounced that correctly.

7 MR. DEFER: Yes, ma'am, you did. I am
8 Robert Defer, D-E-F-E-R. I'm the Executive Director
9 of the Chamber of Commerce here in Carlsbad. I also
10 have a resolution that is very similar to the one
11 that was read. I'd like to present, if that's
12 little --

13 VICE CHAIR SHEARMAN: Would you use the
14 microphone, please, so everyone can hear you? I
15 think you may have to take it off and just make it a
16 hand mic.

17 MR. DEFER: Do we start all over in the
18 introduction and everything? Again, my name is
19 Robert Defer with the Chamber of Commerce. I do
20 appreciate the time to be able to come and share
21 with you some information that we have. I have a
22 resolution that has been signed by the president of
23 our board. Her name is Judi Waters, and she signed
24 this last week on behalf of the Chamber of Commerce.
25 I would like to present that -- I know you said we

1 could mail those in, but do you want me to mail this
2 in, or --

3 VICE CHAIR SHEARMAN: I think the court
4 reporter took the first copy to help her with her
5 records. It's up to her if she wants it or needs
6 it.

7 THE REPORTER: I'll take it.

8 MR. DEFER: Thank you very much, ma'am. I
9 just want you to understand that the Chamber of
10 Commerce is very much behind the Carlsbad school
11 system. We are supporting them in all that they do,
12 because we have seen a growth in our community
13 because we have also seen a growth in our students.
14 Their learning ability has increased, and we're
15 excited about that.

16 Because of our environment here, we need
17 students to not only learn, but we need them to come
18 back to Carlsbad. And that's one of the goals of
19 our school system, that they not only learn, but
20 they come back here. And we're excited about that.

21 We know that they're serving the correct
22 curriculum and information so that they can continue
23 their education on into college. And that also
24 excites us.

25 So I just want you to understand that the

1 Carlsbad Chamber of Commerce does support the
2 municipal school system in retaining the students
3 that we have here, and that we are in opposition to
4 having a virtual charter school come into our
5 community.

6 VICE CHAIR SHEARMAN: Thank you.

7 MR. DEFER: Yes, ma'am.

8 VICE CHAIR SHEARMAN: The next name on the
9 list is Steve West.

10 MR. WEST: I already spoke.

11 VICE CHAIR SHEARMAN: Oh, okay. Thank
12 you. Ron Singleton.

13 MR. SINGLETON: Madame Chairman, thank you
14 for the opportunity to address this Commission. I'm
15 on the School Board here at Carlsbad. And I only
16 have one or two things I would like to address. My
17 main question is why? Why do we need another
18 charter school to be in Carlsbad when we have one
19 that works adequately fine for us?

20 The other question is, is since I've been
21 on the Board, the State budget has continually
22 dwindled in education to now that we're 10 percent
23 below what we used to be when I started. It'll just
24 be another drain on our finances, which hurts our
25 students bad. It will go into our special ed

1 program. We will have to lose money out of our
2 special ed budget to help this program along. We
3 have to support things out of our budget.

4 So it's tough to try and balance a budget
5 now in this time. But 10 percent of our budget has
6 been taken from us. And all I hear on the School
7 Board is, "More, more, more," but with no more
8 money. So unfunded mandates are not very much fun
9 to try and work with.

10 So I would -- I would speak against this.
11 Thank you, ma'am.

12 VICE CHAIR SHEARMAN: Thank you.
13 Mr. Perkowski, you're next on the list, but you've
14 already spoken. Kelli -- is that Bartlett? -- oh,
15 that's you? Okay, thank you.

16 Ron Christopherson [ph]? Did I butcher
17 it?

18 MR. CHRISTOPHERSON: Yes, that's all
19 right. You're not the first; you won't be the last.

20 VICE CHAIR SHEARMAN: All right.

21 MR. CHRISTOPHERSON: My name is Ron
22 Christopherson, C-H-R-I-S-T-O-P-H-E-R-S-O-N. Good
23 morning, Madame Chair, Commission members. Welcome
24 to Carlsbad. Thank you for your due diligence in
25 what has been a weeklong effort to seek input that

1 will impact the education of all of New Mexico's
2 children.

3 I have been a -- a veteran teacher of the
4 Carlsbad Municipal School system for the past
5 26 years, and --

6 VICE CHAIR SHEARMAN: Oh. Use the
7 microphone, please. I'm sorry.

8 MR. CHRISTOPHERSON: -- have recently
9 finished all but my doctoral dissertation to earn an
10 Ed.D. in educational leadership, and have moved into
11 a leadership role with Carlsbad's current district
12 charter school. And there are a couple of -- of
13 points of concern.

14 You'll note on the sign-up sheet, I
15 scratched out the word "Opposition" and wrote the
16 words, "Concerns and questions." I'm not opposed to
17 charter schools. I just have some questions and
18 concerns in regard to the document that you're going
19 to be making decisions based on, either now or in
20 the future.

21 So a few questions. In the executive
22 order -- the executive summary, Mr. Casavantes
23 indicates the school communities that the five
24 charter schools would be moving into. And he
25 lists -- lists all five of them, but then indicates

1 that they are moving into -- would like to move into
2 schools that are currently attended -- are --
3 currently attend schools in three districts instead
4 of five. And then he lists two charter schools in
5 Las Cruces and one charter school in Anthony, and
6 fails to mention that Carlsbad has a charter school.

7 So I don't know if -- the first question
8 should be is -- is this organization even aware that
9 we have a charter school, and that it's a district
10 charter school? And, unlike what's written in the
11 document that talks about an adversarial
12 relationship between a district charter school and
13 the districts around the state of New Mexico, we
14 have something very unique and very special with
15 this charter and this school district, that the AOA
16 Academy [verbatim] talks about having the ability to
17 reach out to kids that aren't currently being
18 served. Our charter school is doing that in this
19 town, with the support of the school district.

20 I'm impressed to see both the
21 Superintendent and the School Board President and
22 members of the School Board on the charter's campus.
23 We had those dignitaries actually not only show up
24 at last year's graduation, but were guest speakers
25 at the graduation. So that shows.

1 MS. CHAVEZ: Madame Chair, time is up.

2 VICE CHAIR SHEARMAN: Thank you for your
3 comments, sir. Your time is up.

4 COMMISSIONER GANT: Just lay the mic on
5 the table.

6 VICE CHAIR SHEARMAN: Yeah, just lay it on
7 the table. Cindy Holguin?

8 MS. HOLGUIN: Hello. My name is Cindy
9 Holguin. I'm the CEO of Jefferson Montessori
10 Academy's charter school here in Carlsbad.

11 I would have to say that we -- we do set
12 the example in the State of New Mexico with the
13 charters and the district. We have a great
14 relationship. Our Superintendent, Gary Perkowski,
15 really supports us. And what it is more is he
16 supports Carlsbad kids. And I would say that we --
17 we don't need another charter school, because
18 there's already the need -- there's another
19 alternative need.

20 As well as Carlsbad schools have the
21 opportunity to take online classes and as well as
22 college classes. So -- and I wouldn't see the
23 purpose of having another charter school when you --
24 we have those things right here.

25 I think it's great that they care about

1 education and wanting student success, but so do we.
2 And I think that Carlsbad is a wonderful community.
3 We support our schools here, and I just want to make
4 sure that -- because we are a district charter
5 school and not a State, a lot of you don't know us
6 as a charter school. But I would have to say the
7 District has provided us a school and treats us
8 really good. There's no adversarial, like there
9 used to be when charter schools started.

10 And I just wanted to share that with you,
11 to let you guys know that our charter school and the
12 Carlsbad Municipal Schools are all excellent
13 schools, and you don't need anything other than
14 this. Thank you.

15 VICE CHAIR SHEARMAN: Thank you very much.
16 Edward Rodriguez.

17 MR. RODRIGUEZ: Good morning. My name is
18 Edward Rodriguez, R-O-D-R-I-G-U-E-Z. And I am not
19 associated with the Carlsbad Schools. I work for an
20 oilfield company here in the area. And I'd like to
21 thank Mr. Casavantes for his presentation. But
22 having coached for years, I also know that every --
23 every coach has a game plan, and the team always
24 wins in that game plan. But when we hit the field
25 and things start going wrong is when -- when we

1 really need to have a plan in place.

2 And I just saw some areas where I would
3 have some concern as a parent. As a taxpayer, I'm
4 concerned with the money that will be drawn from the
5 Carlsbad Municipal Schools into this virtual high
6 school. We do have the JMA. We also have some
7 church-based schools. Those church-based schools
8 believe in themselves so much that they're willing
9 to stand alone, stand on their own and not take any
10 money from the schools.

11 Another concern I have regarding the
12 virtual high school is the draw on the district for
13 special needs. If they have, in that virtual high
14 school, a student with special needs, if they have
15 Title 1 needs, if they have other physical therapy
16 needs, if they want to take a -- an elective course,
17 will the District get money for that student, or
18 will they just have to provide that service?

19 Without having all of that in place and
20 having been spelled out, as a taxpayer, a person
21 that puts a lot of money into this district, I've
22 got some real concerns about bringing someone in
23 that's not addressing those very important needs in
24 my world. Thank you.

25 VICE CHAIR SHEARMAN: Thank you very much.

1 And the last speaker is Jason Shirley.

2 MR. SHIRLEY: Good morning.

3 VICE CHAIR SHEARMAN: Good morning.

4 MR. SHIRLEY: I'm Jason Shirley, S-H --
5 I'm sorry. I'm Jason Shirley, S-H-I-R-L-E-Y. I am
6 City Councilor in Carlsbad. And thank you guys for
7 coming out today. We appreciate it so much. On
8 behalf of the City of Carlsbad and Mayor Dale
9 Janway, we are in full support of the Carlsbad
10 Municipal Schools. We think that they are doing an
11 outstanding job in our community, and we -- as has
12 been said dozens of times today, we don't feel that
13 we have any need for additional charter schools. So
14 thank you so much.

15 VICE CHAIR SHEARMAN: Thank you for those
16 comments. That's the end of the list for public
17 comment.

18 MS. CHAVEZ: Madame Chair?

19 VICE CHAIR SHEARMAN: I'm sorry?

20 UNIDENTIFIED SPEAKER: May I speak? May I
21 speak, please?

22 VICE CHAIR SHEARMAN: Do we have time
23 left?

24 MS. CHAVEZ: Yes, there's eight minutes
25 left.

1 VICE CHAIR SHEARMAN: Could I get you to
2 sign on the list so we're official here?

3 UNIDENTIFIED SPEAKER: I'm sorry.

4 VICE CHAIR SHEARMAN: Representative
5 Brown, it's nice to have you here today. We'll be
6 glad to hear from you.

7 REP. BROWN: Do I need to hold the
8 microphone closer?

9 VICE CHAIR SHEARMAN: Yes, you do.

10 REP. BROWN: The acoustics in this room
11 are not so good. Madame Chairman, members of the
12 Commission, I'm State Representative Cathryn Brown.
13 I represent the district here in this area. My
14 district is also now a little bit into Artesia.

15 But I'm -- I'm speaking today in
16 opposition to the proposal for this virtual charter
17 school. In -- I -- just a little history quickly.
18 I'm in the novel position of having been one of the
19 founders of the current charter school here in
20 Carlsbad, Jefferson Montessori Academy. And when
21 that school was in its initial effort, there was a
22 great deal of interest in the community to have a
23 charter school. And I was not State Representative
24 at the time. I was just a parent here in the
25 district, and, as an attorney, was asked to come in

1 and help volunteer some hours to help with the
2 charter school launch. And so I did have a hand in
3 drafting the charter.

4 But, at that time, there was really, truly
5 a great deal of interest. And my sense of the
6 community now is that there is not a clamor for
7 another charter school or any other alternative at
8 this time.

9 You've heard testimony this morning that
10 there are a great many options in Carlsbad for
11 students. And I just want to issue a vote of
12 confidence regarding the Carlsbad Municipal Schools.
13 I believe the district is doing an outstanding job
14 of trying to meet the needs of students as diverse
15 as the student body is in the district; and that
16 with the -- the assistance of the charter school and
17 as well as some expansion of services in the private
18 school sector, I believe that the needs of the
19 community are being met, and very well at that.

20 So with that, I would just say that I
21 don't think that this is the time for an expansion
22 of another public program. Thank you.

23 VICE CHAIR SHEARMAN: Thank you very much.
24 If I could just make a point of clarification,
25 please. There is an application before this

1 Commission for a virtual school in New Mexico.
2 However, it is not this application. This is for a
3 stand-alone, on-the-ground charter school. But
4 since Mr. Casavantes has told us that he is
5 withdrawing the application for Carlsbad, I think
6 it's a moot point.

7 But there -- I sense there is some
8 confusion, so I just wanted to make sure that you
9 know the application for the virtual school is
10 presented by other founders, and is still in the --
11 in the running, I guess the word is.

12 That is the conclusion of the public
13 comments section. Mr. Casavantes, if you'd like to
14 come back up to the table, please. I would assume
15 that Commissioners probably do not have any
16 questions for the applicant, since it's been
17 withdrawn?

18 Mr. Casavantes, I am told that we need a
19 formal letter of withdrawal from you for those three
20 districts.

21 MR. CASAVANTES: Yes, ma'am.

22 VICE CHAIR SHEARMAN: And if you would get
23 that to Ms. Callahan, to Director Callahan, and with
24 copies to all the PEC members, we would appreciate
25 it.

1 MR. CASAVANTES: I appreciate -- and also
2 appreciate you clarifying that I was not a virtual
3 school. I appreciate that.

4 VICE CHAIR SHEARMAN: And, as Commissioner
5 Gant reminds me, the official minutes being taken by
6 our reporter also do clarify that Mr. Casavantes has
7 withdrawn his application from Carlsbad and the
8 other two locations. But we still need it in
9 writing, signed from you, please.

10 All right. We are at the closing. Let me
11 give you this information. If you would like to --
12 if any member of the public would like to send
13 information to the PEC, any member of the public,
14 including the applicant, may submit written input
15 following this hearing. Written comments may be
16 sent to the Commission via the PED main Web site at
17 ped.state.nm.us, through the calendar listing on the
18 front PED Web page, through the Public Comments
19 section on the front PED Web page, or by using the
20 link, www.ped.state.nm.us/comments.

21 You will be directed to an e-mail format
22 in which to write your comment. Make sure you
23 identify the school you're commenting on in the
24 drop-down menu. Please note that any written input
25 must be received by no later than the close of

1 business on the third business day following the
2 hearing on the application you wish to comment on.

3 We thank you for your presentation and
4 your hard work in preparing your application.
5 Commissioners, is there any other business to come
6 before us today?

7 COMMISSIONER GANT: No, let's go home.

8 VICE CHAIR SHEARMAN: Then I declare this
9 meeting and these hearings adjourned.

10 (Proceedings adjourned at 9:10 a.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492



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

1 REPORTER'S CERTIFICATE

2 I, Cynthia C. Chapman, RMR, CCR #219, Certified
3 Court Reporter in the State of New Mexico, do hereby
4 certify that the foregoing pages constitute a true
5 transcript of proceedings had before the said
6 NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the
7 State of New Mexico, County of Eddy, in the matter
8 therein stated.

9 In testimony whereof, I have hereunto set my
10 hand on September 4, 2012.

11
12
13 _____
14 Cynthia C. Chapman, RMR-CRR, NM CCR #219
15 BEAN & ASSOCIATES, INC.
16 201 Third Street, NW, Suite 1630
17 Albuquerque, New Mexico 87102
18 License Expires: 12/31/12
19
20
21
22
23
24

25 Job No.: 5156K (CC)

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492



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