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BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

IN THE MATTER OF:

THE ALBUQUERQUE SIGN LANGUAGE ACADEMY

TRANSCRIPT OF PROCEEDINGS
CHARTER SCHOOL PUBLIC INPUT HEARING
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A P P E A R A N C E S

COMMISSIONERS:

- MS. CATHERINE SMITH, Chair
- MR. M. ANDREW GARRISON, Vice Chair
- MS. MILLIE POGNA, Secretary
- MS. KATHRYN KRIVITZKY
- MS. CAROLYN SHEARMAN
- MR. VINCE BERGMAN
- MR. JEFF CARR

STAFF:

- DR. DON DURAN
- MR. SAM OBENSHAIN
- MR. MICHAEL C DE BACA
- MR. RUDOLPH ARNOLD, Attorney for PED
- MS. PATRICIA BUSTAMANTE, Attorney for PEC
- MS. MARJORIE GILLESPIE
- MS. CORINA CHAVEZ

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1 THE CHAIR: Good morning. I'm going to --
2 to take this moment to have our -- I called you to
3 order. I'm going to have a roll call. And we
4 have -- Ms. Shearman, if we start with you, if you
5 would just tell everybody who you are and what your
6 district is, and we'll come down this way.

7 MS. SHEARMAN: Thank you, Madam Chair.
8 I'm Carolyn Shearman. I represent District 9. It's
9 the far eastern part of the state from Loving up
10 through Tucumcari.

11 MR. BERGMAN: I'm Vince Bergman. I
12 represent District 8. I live in Roswell. That
13 includes Chaves County and part of seven other
14 counties.

15 MR. GARRISON: Good morning. I'm Andrew
16 Garrison. I represent District 1, which is the west
17 side of Albuquerque -- to be coy about that --
18 District 1.

19 MS. POGNA: I'm Millie Pogna from
20 Albuquerque. And my district is from about
21 San Mateo to Torrance County and northeast.

22 MS. KRIVITZKY: I'm Kathryn Krivitzky. I
23 represent Albuquerque also, District 3. And I'm the
24 center part of Albuquerque.

25 MR. CARR: I'm Jeff Carr, and I represent

1 District 10, which is maybe close to the largest
2 district in area. And it goes from northern
3 Santa Fe all the way up to Taos and then all the way
4 across to Clayton, which is the state line of Texas.

5 THE CHAIR: And I'm Catherine Smith. I
6 represent District 6, which is the southwestern part
7 of New Mexico, with the exception of Doña Ana and
8 Sierra Counties. And we welcome all of you here
9 this morning. That comprises our roll call, and we
10 do have a quorum present.

11 I will tell you that the law says that we
12 will hold these hearings for state-chartered charter
13 schools in the district in which the charter school
14 wishes to operate. And prior to this year, it was
15 deemed that we had to have a quorum of the
16 Commission present in each one of these communities.

17 Well, we got down to -- I've forgotten --
18 I know it was at least eight, and I think it was
19 seven Commissioners, and the Attorney General's
20 Office told us that we still had to comprise our
21 majority, our quorum, on the full ten. And that
22 became somewhat of a problem for us.

23 And so we went to the legislature, and
24 they very graciously recognized the problem and
25 changed it to three Commissioners. Now, I believe

1 we had four in Las Cruces, and so we were just fine
2 with that. But -- and I certainly believe that had
3 we had to have had six, we would have had
4 Commissioners who would have stepped forward and
5 would have done it.

6 But a whole week of -- out of a person's
7 life gets to be problematic for those folks who
8 still have to go out and work for a living each and
9 every day.

10 In just a moment, I'm going to ask
11 Mr. Jeff Carr to lead us in the pledges to the
12 flags. But at this morning, and at this time, I
13 would like, in honor of Senator Ted Kennedy, for
14 Mr. Carr to say the -- lead us in the pledges to our
15 country and to our state.

16 (Pledge of Allegiance and Salute to
17 the New Mexico Flag.)

18 THE CHAIR: Thank you, Dr. C de Baca.
19 Dr. Duran, at this time, would you like to introduce
20 yourself and others.

21 DR. DURAN: It would be a pleasure. I
22 would like to introduce -- they're moving furniture
23 presently. But Marjorie Gillespie is working in our
24 Albuquerque office, and Corina Chavez is working in
25 the Santa Fe office. Sam Obenshain is our coffee

1 man, does great work, and we're going to keep him
2 for a little bit longer. Our attorney, Mr. Arnold,
3 is here. And Dr. Michael C de Baca. We made him an
4 official "Doctor" last year, I think it was. We
5 dubbed him a "Doctor." Actually, Ms. Smith did.

6 THE CHAIR: Oh. I was the one that
7 granted that degree. You're very welcome, sir.

8 DR. DURAN: And we have our stenographer
9 and all-around good person, Ms. Cindy Chapman. And
10 then we have the PEC attorney that will be helping
11 the PEC, and that's Ms. Bustamante. And I think
12 that's it. Thank you, Ms. Smith.

13 THE CHAIR: Thank you very much. And I
14 think we'll probably be hearing from most of the
15 rest of you during the morning. I'm going to start
16 out the meeting by saying to you, at this time, or
17 in a few minutes, we are going to be looking at what
18 the Albuquerque Sign Language Academy has to
19 present. And because we need to have time for the
20 interpreter to be able to sign for this, we're going
21 to try to keep me slow and make it possible for
22 those people who need that kind of assistance to be
23 able to follow the proceedings.

24 So those of you out in the audience, if
25 I'm going too fast, caution me, and I'll try to slow

1 down somewhat. Okay?

2 The statement for the hearing. The
3 purpose of this hearing is to solicit both written
4 and oral input on the purpose -- on the proposed
5 charter. In accordance with the Charter Schools
6 Act, quote, "The Commission shall receive
7 applications for initial chartering and renewals of
8 charter for charter schools that want to be
9 chartered by the State and approve or disapprove
10 those charter applications." And that's a citation
11 from 22-8B-16, New Mexico Statutes Annotated, 1978.

12 In addition, the Charter School Act states
13 that the chartering authority shall hold at least
14 one public hearing in the school district in which
15 the charter school is proposed to be located to
16 obtain information and community input, to assist in
17 its decision whether to grant a charter school
18 application. Community input may include written or
19 oral comments in favor of, or in opposition to, the
20 application from the applicant, the local community,
21 and, for state chartered schools, the local school
22 board and school district in whose geographic
23 boundaries the charter school is proposed to be
24 located. And that's a citation from 22-8 B-6,
25 parentheses J, New Mexico Statutes Annotated, 1978.

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1 In a few minutes, we will be hearing from
2 the Albuquerque Sign Language school. When we do
3 so, we will ask those presenters, for the record, to
4 state the name of the school, the name or names of
5 the founder or founders of the school, the proposed
6 grade levels to be served and membership projection
7 of the school.

8 When you come forward, or as you're seated
9 at the table now, we will request that you state for
10 the record a brief description of the school, the
11 reasons you believe this school will benefit the
12 children and citizens of this community and any
13 other information that you would like the Commission
14 to know about your application.

15 You have 15 minutes, so please be as
16 precise as you can during this time.

17 And Dr. C de Baca has the time chart over
18 here. And he will start giving you some early
19 warnings and almost a final warning there that will
20 occur. Also, for Ms. Chapman's benefit and ours,
21 ultimately, that's to see that the record is
22 accurate, we will ask you to please state your name
23 and spell it for the recorder so that we have that
24 in accuracy. And this is true not only for the
25 presenters, but during the community input part of

1 the meeting, that those of you who desire to speak
2 will do the same thing.

3 So at this time, I will ask the
4 Albuquerque Sign Language people to commence with
5 your presentation. Thank you.

6 MS. MARTINEZ: Good morning. My name is
7 Jennifer Martinez, J-E-N-N-I-F-E-R, M-A-R-T-I-N-E-Z.

8 MS. THOMPSON: I'm Jennifer Thompson,
9 J-E-N-N-I-F-E-R, T-H-O-M-P-S-O-N.

10 MS. SILVA: I'm Kimberly Silva,
11 K-I-M-B-E-R-L-Y, S-I-L-V-A.

12 MS. VOGT: I'm Sarah Vogt, S-A-R-A-H,
13 V-O-G-T.

14 MR. MARTINEZ: I'm Raphael Martinez,
15 R-A-P-H-A-E-L, M-A-R-T-I-N-E-Z.

16 THE CHAIR: Please.

17 MS. THOMPSON: My name is Jennifer
18 Thompson, and I'm one of the founders of the
19 Albuquerque Sign Language Academy, along with those
20 that you see here. Together, we are administrators,
21 parents with strong ties to the deaf and hard of
22 hearing community. Our goal is to create a school
23 that's dedicated to improving educational outcomes
24 for deaf and hard of hearing and hearing students.
25 The ASL Academy will provide students a rigorous,

1 standards-based, bilingual education program which
2 utilizes American Sign Language and English to
3 achieve academic excellence, a school which supports
4 family involvement and promotes multicultural
5 community projects.

6 The ASL Academy is unique in that it will
7 be a charter school specifically created to address
8 the needs of the underserved special population of
9 deaf children. However, the target population for
10 the ASL Academy will not only be deaf and hard of
11 hearing children, but their siblings, children of
12 deaf adults, visual learners, or any student that
13 would benefit from a bilingual, visual approach to
14 learning.

15 The ASL Academy will open initially to
16 students in kinder through fourth grade and expand
17 to pre-K through eighth grades, with projected
18 enrollment of 80 students. The ASL Academy will
19 provide a focused program for students who have
20 traditionally experienced poor educational outcomes.
21 The ASL Academy will be conveniently located in the
22 central part of Albuquerque and has worked with
23 County officials to secure a location that's close
24 to the interchange. We offer a choice to families
25 within the Albuquerque Metro and surrounding areas

1 that provides a high quality option to families who
2 are currently dissatisfied with their current lack
3 of choice, or those who believe the unique
4 educational program provided by the ASL Academy is
5 better suited to their child.

6 Our school offers a bilingual program
7 combining American Sign Language, which is the third
8 most used language in the United States, a true,
9 distinct language with its own grammar and syntax,
10 along with English, to create students that are
11 fluent in both languages, a school that expands the
12 critical mass of peers for deaf and hard of hearing
13 children which is unlike any program currently
14 offered in our state.

15 Additionally, our school offers a
16 community dedicated to family education, including
17 parent groups, educational workshops, school and
18 community events, and collaboration with families to
19 insure a strong academic program for children.

20 The ASL Academy has developed a sound
21 educational program to achieve academic excellence
22 through bilingual education. Our program includes a
23 standards-driven, research-based curriculum that
24 will be delivered to students in classes with a low
25 pupil-teacher ratio by highly qualified staff

1 members. Classes will be rich in technology, and
2 staff will receive weekly professional development
3 specific to our student population.

4 All the students will have an
5 individualized program and goals provided in a
6 personalized learning program for regular education
7 students, or an IEP for special education students.
8 They will be developed yearly by teachers, family,
9 and support staff of the ASL Academy. Staff will
10 collaborate regularly with families, community
11 members, and each other, to insure that we are
12 providing a program with high expectations.

13 The ASL Academy will operate on a
14 year-round schedule and offer specialized programs
15 during our inner sessions to keep children learning
16 and engaged throughout the year. We will strive to
17 provide a nurturing environment where students can
18 expand their peer group and work together to develop
19 cooperative relationships to further enrich and grow
20 the school program and their lives.

21 We envision an all-encompassing hub for
22 students to enrich their knowledge and honor the
23 role of families in the lives of their children. In
24 order to create a school that has increased
25 accountability and active networking, the Academy

1 has set up an innovative approach to school
2 leadership. The trilateral leadership team will
3 consist of an administrator, executive director,
4 family and community programs coordinator, and is a
5 reflection of our school's philosophy that honors
6 family and community.

7 Each team will be -- each team member will
8 be responsible for managing both staff and
9 programming for designated aspects of the school.
10 It's essential that each member of the team work
11 collaboratively to create a school where all
12 entities are carefully accounted for and acknowledge
13 that students are essential to achieving our
14 mission.

15 The governing board includes qualified
16 individuals from the hearing and deaf community,
17 professionals and parents whose directive expertise
18 provides a solid foundation for growth. The ASL
19 Academy has also set up some partnerships with
20 several local and state entities, including YDI,
21 Bernalillo County and La Familia. Our school will
22 be a charter designated to address those
23 underserved, overlooked, low incidence population of
24 deaf students, and the founders are aware of the
25 complexities of special education funding and the

1 legal requirements involved in serving this
2 population.

3 We will prepare and adopt an annual budget
4 in accordance with all the statutory requirements
5 and contract with Michael Vigil, through New Mexico
6 Coalition of Charter Schools, to run the business
7 and financial aspects and insure compliance and
8 fiscal responsibility. We plan to aggressively
9 pursue grants and estimate that we will receive
10 substantial funding beyond the SEG revenue, and it
11 will be used to offset the costs for running a
12 specialized school to focus on our population.

13 Students at the ASL Academy will have
14 targeted goals to increase the scores on NM-SBA and
15 State-mandated tests. And students will get a
16 strong foundation in the lower grades so they can
17 become successful participants in their high school
18 programs, which would lead to a higher graduation
19 rate and allow students to go to college
20 functionally literate.

21 The ASL Academy offers a choice to
22 students and families within the greater
23 metropolitan area. This year, my son -- my hearing
24 son -- had numerous opportunities and numerous
25 schools to choose from. And, as a parent, I was

1 able to make an informed decision at a school that
2 would meet his needs. This choice needs to be made
3 available to families of deaf and hard of hearing
4 children as well.

5 We're devoted to establishing strong
6 relationships between family, community, and school,
7 and dedicated to improving education to create an
8 exemplary program for all children, a program that
9 breaks the pattern of low expectations to deaf and
10 hard of hearing students. In New Mexico, there's an
11 educational bill of rights for children who are deaf
12 and hard of hearing that insures a deaf/hard of
13 hearing child's communication, language, and
14 educational needs are fully and fairly addressed.

15 The current educational outlook for these
16 children remain dim with these glaring statistics.
17 A deaf and hard of hearing person graduates on
18 average with a third-grade reading level. Thirty
19 percent of deaf and hard of hearing students leave
20 school functionally illiterate and the reason NM-SBA
21 scores show little or no growth and that many deaf
22 children are making little or no gains in their
23 current setting. This is our chance to break these
24 trends and provide students and families with an
25 educational opportunity equal to that of hearing

1 students.

2 To further address the need for the ASL
3 Academy, I would now like to turn the presentation
4 over to Kimberly Silva.

5 MS. SILVA: Hello. My name is Kimberly
6 Silva. My son is Thomas. He is nine years old.
7 He's deaf and he has other needs as well. I also
8 have a set of twins who are six years old and
9 hearing. I am currently serving my second term, and
10 I'm a member of the Deaf Education Review Task
11 Force.

12 Thomas was born prematurely and had a very
13 rough start, to say the least. He spent the first
14 three months of his life in the hospital, literally
15 fighting to stay alive. Because of his other
16 issues, he was not able to seem deaf until he was
17 eight months old. When the audiologist told us, we
18 were shocked and, quite honestly, scared out of our
19 minds. We had no prior knowledge or experience with
20 deafness.

21 What we learned was that 90 percent of
22 deaf and hard of hearing children come from hearing
23 families. And these families are often just as lost
24 and confused as we were. We quickly started working
25 through the system, connecting with local agencies

1 that offer support, and we began asking for answers,
2 guidance, suggestions, anything that would help us.
3 What we found was that we were right in the middle
4 of a very polarized debate, the oral approach versus
5 the signing approach. We also found that the
6 existing programs were determined to promote their
7 agenda, whether it benefited the child and family or
8 not.

9 All we wanted was to be able to
10 communicate with our son. Whether through sign
11 language or spoken language, we didn't care.
12 Language was the key. Communication. Fortunately
13 for us, we didn't listen when the experts told us
14 not to sign with him, and we continued teaching
15 Thomas ASL, and his language flourished. Thomas
16 started attending the New Mexico School for the Deaf
17 preschool here in Albuquerque when he was two years
18 old. It's a program that serves deaf and hard of
19 hearing children from age two through kindergarten.

20 When he was 3, I started to panic because
21 I started thinking about next steps. What happens
22 when he graduates from preschool? I was shocked to
23 find out that the experts expected me to send my
24 six-year-old, medically fragile son off to a
25 residential school that, in reality, would not even

1 be able to accommodate him because of his special
2 needs. I started thinking of families in a similar
3 situation. Just because our children are deaf does
4 not mean they need to be shipped off and sent away
5 from their families in order to receive an
6 education.

7 I began to explore options for Thomas in
8 Albuquerque, and I started familiarizing myself with
9 the facts even more. New Mexico has about 600 deaf
10 and hard of hearing children in the entire state.
11 Approximately 125 of those children attend a
12 State-sponsored program in Santa Fe, and 160,
13 roughly, are served by APS. Keep in mind we're
14 talking about 160 of 90,000 students, obviously, a
15 low incidence population.

16 At the same time, the 2003 Deaf Education
17 Task Force report came out, and the information
18 provided in that report literally made us sick to
19 our stomachs. Our deaf and hard of hearing students
20 graduate, on average, third-grade reading level.
21 Thirty percent leave high school functionally
22 illiterate. Only 8 percent go on to graduate from
23 college. As a parent, I was outraged and shocked.
24 And all I could think was we have to do more.

25 I began meeting with experts in the field,

1 as well as with top leaders in Santa Fe. My
2 father-in-law was a State representative for
3 22 years, so we were lucky in that people were
4 always willing to listen. They were sympathetic and
5 supportive. The truth of the matter is they didn't
6 know what the solution was either. Because I was
7 determined to keep Thomas in Albuquerque with me and
8 our family, I began working with NMSD Albuquerque
9 staff to create new solutions.

10 I -- we suggested the possibility of a
11 satellite program here to third grade, since NMSD
12 has the resources and we have the population. We
13 were denied. When Thomas was in kindergarten, a
14 partnership was formed between NMSD staff and APS
15 staff so that the teacher could collaborate and work
16 together with the children. That program lasted one
17 year. And when the leadership changed, the program
18 dissolved.

19 Last year, we met with APS officials,
20 including board members, special education
21 directors, governmental liaisons, as well as APS
22 charter school officials, and we discussed the needs
23 of our children and how they were being underserved
24 and overlooked. They agreed and said our cause was
25 worthy and that they would get back to us. We never

1 heard from them.

2 We submitted a proposal to start an
3 alternative school for our children within APS. We
4 were denied.

5 Finally, we began researching the
6 possibilities of a charter school. When you look at
7 the purposes of charter schools, they speak directly
8 to our deaf and hard of hearing children. We are
9 the perfect niche population for a charter school.
10 We want our children to attend a school where they
11 feel confident and proud of their abilities, where
12 they feel comfortable in their environment, and they
13 feel that they actually belong at home and at
14 school. Most importantly, we want them to receive a
15 good education to reach their maximum potential.

16 Quite honestly, we simply want them to be
17 able to read and write. We believe we can create
18 that environment. And we are only trying to provide
19 families of deaf and hard of hearing children
20 another option, another choice here in Albuquerque.

21 You see, we are not trying to close down
22 the State-sponsored program. NMSD Is the absolute
23 right choice for some families with deaf and hard of
24 hearing children. We are not trying to prevent
25 children from using spoken language and being

1 mainstreamed into their neighborhood school. We
2 just want an environment that is supportive of
3 families, where language is the focus and there are
4 high expectations for these children, a place that
5 promotes family and community building here in
6 Albuquerque. Not to mention I want my hearing twins
7 to sign so they can communicate with their brother.
8 We have to support the entire family.

9 The exciting and great thing about this
10 opportunity is that our group truly recognizes our
11 children's potential. We know how smart and
12 talented and deserving these children are. This is
13 a -- we also recognize that this is a very difficult
14 task. This is a fabulous group of children that
15 have so much to offer the world. I believe, without
16 a shadow of a doubt, that I was meant to be Thomas'
17 mom. I know that I was meant to stand up and fight
18 the good fight, that I was meant to connect with
19 these wonderful people and embark on this great
20 adventure.

21 The truth of the matter is my son, Thomas,
22 will be fine no matter what, because we're involved,
23 informed, well aware of our rights, and we're
24 willing to do whatever it takes for him to be
25 successful. We fight for the other children, the

1 children whose families are merely trying to survive
2 and keep their heads above water, the children whose
3 families are still trying to accept the fact that
4 they even have a deaf or hard of hearing child, the
5 Spanish-speaking family that is learning English as
6 well as ASL, the families with special needs
7 children that oftentimes have a list of other issues
8 to contend with. Those are the children and
9 families that we fight for.

10 We are honored and privileged to come
11 before you and represent this group. And we are
12 excited about the possibilities that the ASL Academy
13 will offer. We truly see how great it could be, and
14 we are willing to do the work because they are our
15 children. We believe all the pieces are falling
16 into place for this program. We have top-notch deaf
17 educators, strong deaf community leaders, willing
18 and determined parents, and a group of key
19 stakeholders that are eager and excited to stand up
20 and rally around these children.

21 If ever there was a time that this was
22 going to happen, it is, and should be, now. We
23 cannot continue to accept mediocrity. We cannot
24 allow another teacher to tell a child, "Say it or
25 point. Don't use sign to me." We cannot allow

1 another child to feel ashamed because they use sign
2 language. We cannot continue to do the same things
3 over and over again and expect different results.
4 We cannot fail another generation of deaf and hard
5 of hearing children. Thank you.

6 THE CHAIR: Does that conclude your
7 presentation?

8 MS. SILVA: Yes, ma'am.

9 THE CHAIR: And to see where we are. At
10 this time, then, the local school board and district
11 representatives, we would like to hear from you
12 folks. And we would request that you state your
13 reason this charter school application should be
14 approved by the Commission, and/or reasons why this
15 charter school application should be denied. You
16 have ten minutes, so please be as precise as you can
17 during your time. And I see my friend, Dr. Gallegos
18 back there, up here now. Good morning, J.P.

19 DR. GALLEGOS: Good morning, Madam Chair,
20 Commissioners, Dr. Duran and staff, ladies and
21 gentlemen. I've provided a letter that I would like
22 to read into the record in a minute. But before
23 I -- before I read that, I'd like to share with you
24 some of the challenges that we faced in APS in
25 trying to come up with a recommendation around these

1 new schools that are coming to you to be chartered.

2 Our staff started the process by looking
3 at the -- at the what then were nine applicants, and
4 came to me with some ideas about, well, we've got to
5 be looking at whether these schools are unique.

6 We've got to be looking at whether these schools are
7 providing services that are duplicate services to
8 something we already provide, and that, if they're
9 not unique enough or if they're providing duplicate
10 services, we should stand in opposition.

11 And I asked them, "So, what does unique
12 mean to you?" And as we talked, it became pretty
13 evident to me that unique is in the eye of the
14 beholder. Everybody thinks their idea is unique,
15 and to them, it is. So we had no way to disagree
16 with that, nor should we, in my opinion. If they
17 believe it's unique and they have a unique way to
18 respond to it, then that is what they want to do.

19 Duplicating services. This is a really
20 good example of what would have been difficult in
21 terms of duplicating services. American Sign
22 Language Academy -- and I'm very saddened to hear
23 all the history that I was not part of in terms of
24 the things they tried to get APS to do in terms of
25 partnership. I can't tell you why all that

1 occurred, because I was not at the table. Nor did
2 anyone report any of that to me. But I'm sure they
3 had reasons why they could not support this idea.

4 However, as we -- as we -- so, as we went
5 through the process, we decided, you know what?
6 It's really not our role. That's why they came to
7 you, to determine whether they are unique, whether
8 they should be chartered. That's your role. It
9 really wasn't our role to go through the process of
10 trying to determine viability. That's Don's and
11 staff's role, to determine viability, because we
12 didn't think it was our job to go deep into those
13 applications and do that.

14 But it does put us in a very awkward
15 position all the time, you know. Should we be
16 supportive or nonsupportive? Are they unique? Are
17 they duplicating efforts? You know, all of these
18 issues for us are symptoms of the fact that we still
19 have lack of clarity around your role as authorizer,
20 our role as authorizer, but, more importantly, what
21 all our roles are around providing support to these
22 schools. And we're still trying to move through
23 that.

24 You know we have a seven-member board.
25 You know boards are elected officials. Many of you

1 have been there in an election. I've been an
2 elected official. And elected officials have their
3 own way of looking at things and doing things. And
4 our board has never really come to grips with the
5 idea of what our work ought to be with charter
6 schools. Some support them just all the way, and
7 some would rather not have them, quite frankly. And
8 because they've not been able to come together in a
9 real good policy way, we, as staff, still struggle
10 with what our role is.

11 When I took over the work of charter
12 schools as one of the departments I supervise during
13 the past year, it was my belief, having been at the
14 table, Catherine, when we first started this
15 conversation around charter schools, that these are
16 public school children and that we ought to figure
17 out the answer. If we're not getting direction from
18 our policy-makers or from the state law, then we, as
19 advocates for children and families, ought to figure
20 it out.

21 So we have moved very quickly to try to
22 come up with ways to try to support our charter
23 schools. That -- and as we went through that, we
24 got a new superintendent that was very public about
25 being not crazy about charter schools.

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1 Today, I can tell you that our
2 superintendent -- we are preparing letters for him
3 to send out to all of the schools that are being
4 renewed by APS, that are up for renewal, and
5 inviting them to come in and renew again with us and
6 to partner with us. And we are defining what that
7 means in terms of partnering. We will go to our
8 board in September with recommendations about what
9 that partnering would look like for us.

10 That's a long way from where we were a
11 year ago. And maybe had we been there, some of
12 these folks wouldn't have to come to you. They
13 would be coming to us, and we would find a more
14 effective way to work with them, partner with them.
15 So I say all of that to let you know that it's hard
16 for me to stand here and with all my friends back
17 here -- I have a lot of friends in the audience --
18 to oppose them, because they obviously came here
19 with lots of good ideas and with much, much good
20 intent.

21 So we are clearly not in opposition to
22 what they are doing. We are opposing the fact that
23 we still have issues around charter schools in
24 New Mexico that have not been resolved. The capital
25 outlay issue continues to be a problem. We are

1 finding some solution for some of them, but not all
2 of them. We know it's our -- the expectation that
3 we will find them.

4 And until those things are resolved, we
5 will continue to say that we're opposed. And so at
6 this point, let me go read -- I can read the letter,
7 or I can just enter it into the record, however you
8 would like.

9 DR. DURAN: However you would like.

10 DR. GALLEGOS: I think I've pretty much
11 said what my letter says.

12 DR. DURAN: He's not sure whether you want
13 him to read the letter.

14 THE CHAIR: Yes. I understand that. But
15 what's your suggestion on that?

16 MR. CARR: Everybody else needs to hear
17 it.

18 THE CHAIR: Is it all right to accept it
19 for the record? All right. That would be fine,
20 then. Thank you, Dr. Gallegos.

21 DR. GALLEGOS: You're very welcome.

22 THE CHAIR: Thank you. Okay. Thank you.

23 DR. GALLEGOS: And we wish you the best on
24 your decisions. We know how difficult they are.

25 THE CHAIR: Thank you. We wish you the

1 best also.

2 Do we have -- that's -- Dr. Gallegos is
3 the district representative. Do we have a local
4 board member here? Okay. We're now to the place of
5 community input. Public comments and observations
6 regarding the application will be heard at this
7 time. There will be a four-minute time limit per
8 presenter. Persons from the same group and having
9 similar viewpoints are asked to select a
10 spokesperson to speak on their behalf. Multiple and
11 repetitious presentations of the same view will be
12 discouraged.

13 And so if you would come forward if you
14 want to speak. And, again, I'll ask you to state
15 your name and spell your name for our recorder. So,
16 Dr. Duran -- oh. You've fixed a podium this time.
17 That is really nice. So, yes, we would like to be
18 able to hear from the public now. Yes, ma'am.

19 MS. MARTINEZ: Good morning. Hi. My name
20 is Co Martin, C-O, M-A-R-T-I-N. And my first
21 master's is in special education, and I have more
22 than two decades in-the-classroom experience. Much
23 of that time, I've been head teacher, special ed
24 department chair. And frequently, our low incidence
25 needs children, specifically, hard of hearing and

1 deaf, have been more of a challenge to me than any
2 of my other students because I don't sign. I don't
3 speak ASL. I wished I did. But even doing the best
4 I can, trying to provide for their needs, I've been
5 more than challenged.

6 When I served as the special education
7 program specialist for the seven schools in
8 Moriarty, again, this was my greatest challenge.
9 I'm currently the head teacher at West Mesa High
10 School. Again, this is my greatest challenge. So
11 providing an opportunity for these children, not
12 only to become bilingual, but for their siblings,
13 who learn as well, begins a whole new generation of
14 bilingual households.

15 And to me, if a student is bilingual, I
16 don't care which two languages it is. That opens a
17 whole side of their brain that they don't get any
18 other way. So not only is this school important for
19 our deaf and hard of hearing students, it's
20 important for the whole family, and, as she said,
21 starting a new generation. And so please consider
22 this. Because if I had a student, I would be right
23 here with them. And having served these students, I
24 know that this is very important, and it's a huge
25 challenge for me to do with my limited abilities and

1 my limited resources. Thank you.

2 THE CHAIR: Thank you. Yes, ma'am.

3 MS. FORD: Madam Chair, members of the
4 committee, my name is Tara Ford, T-A-R-A, F-O-R-D.
5 And I'm a lawyer here in Albuquerque. And I
6 represent families of children with special needs.
7 I'm also a parent of an eight-year-old hearing child
8 here in APS. And there's a couple of things that I
9 know that I think are relevant to your
10 consideration. One is, as has already been
11 mentioned, the statistics regarding our ability to
12 educate children who are deaf in New Mexico are
13 really devastating.

14 The other thing that I don't think has
15 been underscored is that the discrimination
16 experienced by students who are deaf and people who
17 are deaf is still very real and has a very heartfelt
18 impact on children and on their families. So for
19 that reason, I'm here to encourage you to give
20 serious consideration to this proposal, because it's
21 important to improve the strategies available to
22 children and their families to really support
23 children who are deaf academically.

24 It's also really important to make sure
25 that families who have children who are deaf have

1 choices about how to educate their children.

2 And, finally, on a personal note, the
3 segregation experienced by children who are deaf
4 really can be bridged. And this charter offers new
5 hope about how to bridge those gaps in our society.
6 My daughter got very interested in Helen Keller and
7 Annie Sullivan when she was in first grade. And as
8 a result of that, we started to look at where we
9 might be able to find somebody to help us learn ASL.
10 And we went to the school for the deaf and found
11 that the school for the deaf and APS had a class for
12 children who are siblings of deaf children.

13 But we were not able to participate in
14 that class. And so we were able to hire a tutor
15 independently so that my daughter could pursue that
16 interest. But the community focus of this charter
17 school really offers us a new opportunity, as a
18 society, to really have meaningful integration
19 between hearing students and deaf students. Thank
20 you very much.

21 THE CHAIR: Thank you. Yes, ma'am.

22 MS. MARTINEZ: Hello. I'm going to stand
23 right here. My name is Lynn Martinez, L-Y-N-N,
24 M-A-R-T-I-N-E-Z. I'm a deaf woman, and I'm standing
25 here so Thomas can see me sign, because, of course,

1 ASL is his first language, too. I'm actually an
2 educational assistant for the Albuquerque Public
3 Schools program, and I support the ASL Academy
4 because I think that the children can develop
5 substantially in an environment such as that.

6 We need people that understand the needs
7 of the deaf students. They need to understand deaf
8 culture. The APS, right now, the program that we
9 have right now, it's really heartbreaking, you know.
10 Administrators walk into our classroom. They
11 don't -- well, walk in. They walk out. They don't
12 really visit. They don't ask the children what
13 they're doing.

14 There's a language barrier between our
15 administration and our children. There's a language
16 barrier between most of the staff and our children.
17 What I feel is there's no interest in our children.
18 And it affects the kids. If you think the kids
19 don't understand that, even if they're a young age,
20 they do. They can see the body language. They can
21 understand that. You know, I don't see myself
22 represented in this school. No one cares about me.
23 It's really heartbreaking.

24 We need consistency. Every year, our
25 administrators change. Our instructors change.

1 There's no consistency in reading programs and math
2 programs in our instruction. The kids don't have
3 any consistency. And it's very important for that.

4 Deaf people all around the world need to
5 have a first language. They need to have a first
6 language before they can have a second language.
7 American Sign Language is their first language, and
8 they need to have native signers teaching them that
9 language before they can understand English.

10 We need the community involvement for
11 language development. We need a language-rich
12 environment. We need to build their self-esteem.
13 We need to build these children's confidence, and we
14 need to have a bond between the students and the
15 community, the parents, the instructors.

16 I think we can build this community with
17 the ASL Academy, and I think the focus needs to be
18 on the children. If my children were allowed to go
19 to this school, I would certainly let them attend.
20 Thank you very much.

21 THE CHAIR: Thank you. Yes, ma'am.

22 MS. ROBICHEAUX: My name is Renee
23 Robicheaux, R-E-N-E-E, R-O-B-I-C-H-E-A-U-X. And I'm
24 a sign language interpreter for the public schools.
25 I support the ASL Academy. On the first point is

1 that they support a cultural model as opposed to a
2 pathological model of deafness. A lot of people see
3 deafness as an impediment. There is something
4 lacking or wrong with a child. The ASL Academy is
5 looking more towards the cultural model, where
6 there's nothing wrong with the child. They just
7 speak -- they have a different language. It's a
8 visual language.

9 They also -- the Academy has high
10 expectations for these kids. They know they need to
11 learn language one before they can acquire language
12 two. You need American Sign Language before you can
13 learn English. And that's the key is literacy. The
14 way that you learn language -- no one taught me
15 English. I can hear. I learned English
16 incidentally. Deaf children also learn language
17 incidentally, if they are surrounded by people who
18 know their language, who can sign, who are fluent
19 native signers.

20 These kids -- I work with these kids every
21 day. I've been in the classroom. And I've seen the
22 fifth-grade boy in the back of the room with all of
23 the hearing kids. And everyone's taking turns
24 reading from the history book, and there's the young
25 child, the fifth-grade deaf child who cannot read.

1 And when it comes to his turn, he has to pass. And
2 it's the most heartbreaking thing you ever want to
3 see.

4 The ASL Academy, with their plans -- they
5 have a business plan. They've outlined that to you.
6 They can give these children a place where they see
7 themselves. They see adults. They look like me.
8 They are like me. They're deaf like me. And
9 there's nothing wrong with that. We just have a
10 different -- deaf people have a different language.
11 It's visual. It's the same as Japanese and German.
12 It's just a different language. It's not a
13 pathological, "Something-is-wrong-with-me" view.

14 I've seen these kids in the classroom.
15 You know, it breaks my heart every day to see that
16 they're the last child picked for the game. "Oh.
17 That's the sign language kid. We're not picking
18 him," you know, and the impression felt by not only
19 the student, but also the staff, you know. The ASL
20 Academy, I think, has the power to lead. And that
21 power to lead is going to come from a strong
22 principal.

23 And I think whoever the principal of this
24 academy would be will be bilingual and bicultural.
25 And you cannot separate the two. You have to have

1 bilingualism and biculturalism together to make
2 these kids succeed.

3 I'm really emotional about this because,
4 really, I'm talking myself out of a job here,
5 because if they have the ASL Academy and everyone
6 signs, they don't need an interpreter, you know.
7 But it's so important to me that I do stand up and
8 speak for them, because I believe in them. And I
9 believe in their vision. And I believe in the
10 vision of NMSD in Santa Fe. But I believe that
11 these parents should have another option and not
12 have to ship their kids off on a two-hour commute on
13 a daily basis.

14 And the gentleman from APS was talking
15 about lack of clarity. I think that APS does have a
16 lack of clarity about what these children need. I
17 think these parents know exactly what these children
18 need. I think these educators know exactly what
19 these children need. And I know in my heart I know
20 exactly what these children need. They need to see
21 themselves reflected in the adults in the role
22 models in the school which they attend, a bilingual,
23 bicultural academy. Thank you.

24 THE CHAIR: Thank you.

25 MS. BACA: Good morning, Commissioners,

1 Madam Chair. My name is Julie Baca, J-U-L-I-E,
2 B-A-C-A. And I'm the Deputy County Manager for
3 Bernalillo County. And so I am no expert in this
4 field, in the educational field. But I am offering
5 the facility for this -- for this very worthy cause.
6 We've been working on this for probably two, three
7 years now. And I think timing is everything. Last
8 night, the Commission approved the purchase of a
9 beautiful building at 2400 Wellesley, which is
10 centrally located. Bus lines are accessible. It's
11 right behind Rudy's Barbecue on Carlisle.

12 And like I say, the Commission approved it
13 last night. It -- the Stanford Health Clinic will
14 be occupying that facility. It's a 60,000
15 square-foot facility. But we have made room for
16 this -- for this charter school. And so I'm just
17 here to let you know that Bernalillo County is in
18 total support of this effort.

19 To the extent that we can, we have, you
20 know, a Parks and Rec Department that can offer some
21 awesome recreational -- recreational opportunities
22 for the children. We have an inclusion manager that
23 can, you know, help, like I say, to the extent that
24 we can. I don't know that we can do it. But if we
25 can, we will try to make it happen. We will be the

1 fiscal agent for any funds that are received for
2 renovating the facility. And, like I say, we will
3 be the administrator of the project, so to renovate
4 the facility for the school. So that's why I'm
5 here. And I thank you so much for hearing our case.
6 Thank you.

7 THE CHAIR: Thank you.

8 THOMAS SILVA: My name is Thomas. And my
9 last name is "Silva." And the reason I'm here --
10 well, first, I want to say hi. And hi to my mom,
11 because she's here, too. And I want to say that I
12 am in support of a new school, because I want
13 everyone to sign. I want people to sign. And if
14 everyone signs, then, you know, Julio -- I can go to
15 school with Julio and Ben and Cheyenne and all my
16 friends. And even my hearing friends would be able
17 to sign, not just my deaf friends.

18 I want more friends, like hearing friends.
19 And so then I want everyone to sign, like the
20 principal and -- let's see. What else? I think
21 that maybe -- that maybe that if everyone signs, it
22 would really help me. And Julio could come back to
23 my school, if we had a school where everyone could
24 sign. And I would really like that.

25 And -- he's mentioning a boy named Julio

1 who went to the deaf school in Santa Fe. And the
2 reason that Julio went to the deaf school in
3 Santa Fe was because the parents had no other
4 option. They struggled. They struggled. The
5 parents -- they didn't support what was going on in
6 the school that we're in presently, so they sent him
7 to a more natural American Sign Language environment
8 where NMSD -- mostly everyone signs.

9 MS. ROBICHEAUX: The entire campus signs,
10 which is what Thomas is advocating for now.

11 THOMAS SILVA: I want everyone from my
12 school to sign, from the cafeteria lady to the coach
13 to the principal.

14 MS. ROBICHEAUX: And Thomas said, "Yeah.
15 That's what I said."

16 THOMAS SILVA: And Julio -- and I miss
17 Julio, you know. And maybe if he comes back, he can
18 calm down and he won't have behavior issues, because
19 he had communication problems at our school because
20 so many people didn't sign. And he could calm down.

21 And I want the assistant principal and the
22 coaches to sign. And I want all the people to sign.
23 That would be so cool.

24 MS. JOHNSTON: Good morning. My name is
25 Leticia Johnston, L-E-T-I-C-I-A, J-O-H-N-S-T-O-N.

1 The mission of the charter school is to address
2 specific needs that are not currently available in
3 the regular public schools in New Mexico. The ASL
4 Academy vision is to provide those who would benefit
5 from the visual language of ASL but do not
6 necessarily meet every criteria for the current
7 guideline of NMSD or APS.

8 My daughter, Melinda, is one of those
9 individuals who has struggled to meet these
10 requirements. Although not everything is understood
11 about her medical situation, Melinda has fluctuating
12 hearing loss that ranges from moderate severe to
13 borderline normal. In the past her situation has
14 not had a simple solution within the programs
15 currently offered to deaf and hard of hearing
16 students because of their requirements for
17 qualification.

18 In August 2008, at the school she had
19 attended for two years, Melinda received nine
20 audiograms, each different from the others. At
21 first, her hearing seemed to show improvement to the
22 point that it didn't appear she needed deaf and hard
23 of hearing services. A month later, her hearing
24 dropped to a moderate level of hearing loss, which
25 then qualified her for services. The school

1 requested that we get a specialist to evaluate
2 Melinda.

3 According to the ENT, Melinda would
4 continue throughout her life to have problems with
5 fluctuating hearing loss due to her development in
6 utero. Her ear structure is compromised. Because
7 of the ENT report, Melinda was granted permission to
8 continue services through that program during the
9 2008-2009 school year.

10 Later, in March of 2009, we met to decide
11 services through the IEP. The most recent audiogram
12 showed that Melinda had borderline normal hearing,
13 which disqualified her from services. What we did
14 not understand was that she had so many audiograms,
15 she learned how to be a good audiogram tester. Not
16 only did she figure out the routine of answers, she
17 was also learning how to manipulate getting out of
18 testing.

19 Because of this, most of the later tests
20 probably do not accurately represent Melinda's
21 fluctuating hearing loss. Because of this, we
22 requested opinions from another ENT and two
23 audiologists to get more information regarding the
24 true picture of Melinda's hearing loss. These
25 professionals studied Melinda's case, reviewed her

1 records, and also conducted a personal evaluation.
2 They concluded that Melinda's internal ear structure
3 is compromised in ways we still do not fully know.

4 This is just one of the many battles we
5 have dealt with to provide Melinda what she needs to
6 reach her full potential. She already has many
7 struggles due to being medically fragile due to
8 trauma before she was born. This charter school
9 would allow our daughter, and others like her, to
10 benefit from visual, as well as spoken, English
11 language in a way that allows their individuality to
12 determine their educational needs. Thank you.

13 THE CHAIR: Thank you. Yes, sir.

14 MR. SILVA: Good morning. Thank you very
15 much. I'm Daniel Silva, D-A-N-I-E-L, S-I-L-V-A. I
16 served in the legislature 22 years up through this
17 past year. And the first thing I want to do is
18 thank you for your service. I know what it means to
19 the people of the State of New Mexico for the good
20 work that you do. And I appreciate, and I'm sure
21 everybody here, appreciates what you do.

22 One of the things that I was not able to
23 do in Santa Fe -- and a lot of legislators try to
24 help, Representative Saavedra, Representative
25 Varela, Representative Trujillo and others -- took a

1 lead in trying to get this school open here in
2 Albuquerque, because the region is so big here, the
3 population is getting big. And there is a
4 tremendous need for this kind of a school.

5 And I know that you have to make many
6 decisions every time, and the needs are there. But
7 I think this is one thing that I hope that you
8 really take into consideration and get done for the
9 benefit of these kids. My grandson, Thomas here,
10 has -- my daughter-in-law, my son, the rest of the
11 family, have all supported this, because they see
12 and they realize the tremendous need that there is
13 for these kids.

14 And it's not about my grandson. It's
15 about all the other kids that don't have the
16 opportunity to speak up and ask for this kind of --
17 of good and service that will help this community
18 tremendously. And I thank you and appreciate your
19 hard work.

20 THE CHAIR: Thank you, sir. Is there
21 anyone else? At this time, then --

22 DR. DURAN: There's --

23 THE CHAIR: Yes. Thank you.

24 MS. GONZALES: First thing I want to
25 say -- sorry, because my English is not really good.

1 I'm from Hispanic family. I'm learning English and
2 sign language because I have my son who's deaf, and
3 he go to the school at New Mexico School for the
4 Deaf in Santa Fe. And I love that he's doing things
5 that I didn't think he was going to do, like, he got
6 a life.

7 But it's too hard for me, because he have
8 to spend in there all week. If he don't want to
9 stay all week over there, they have to get up like
10 at 5:30 in the morning and then come home like at
11 5:30 in the afternoon. So he gets so tired. And
12 sometimes it's too hard, because he have to spend
13 over there all week. And I'm missing a lot of
14 things with him.

15 So I wish they can have a school here or
16 more help, because the same thing, because I want my
17 family to -- I'm sorry -- to learn sign language,
18 because we can get communicate with him. So --
19 sorry, my English is too bad. Thank you. My name
20 is Sonia. My son is Gabriel Gonzales, and he goes
21 to the New Mexico School for the Deaf in Santa Fe.
22 And I know a lot of families that feel the same that
23 I.

24 THE CHAIR: Thank you, ma'am. Is there
25 anyone else? Then, at this time, we move to

1 Section 9 of the agenda, where the Public Education
2 Commission has the opportunity to address any
3 questions that the Commissioners may have of the
4 Applicant. And you're coming forward. Thank you
5 very much.

6 Please keep your responses as brief as
7 possible to allow for questioning from other
8 Commissioner members. And so at this time, the
9 Chair will ask are there Commissioners who have
10 questions or comments that they wish to make?

11 Mr. Bergman.

12 MR. BERGMAN: I noted in your application
13 that the estimate for, probably, I guess it's
14 statewide, number 600 people that are perhaps being
15 underserved or not being served. And I understand
16 that many of them are probably in far parts of the
17 state. And so here, again, their options are
18 limited; either a residential program or, as you
19 pointed out, separate the families.

20 But you indicated that there's 120 in the
21 New Mexico School for the Deaf. That could have
22 been approximate. And 160 in APS, and yet you only
23 hope to serve 40 to 80 students. That actually
24 seems a little modest to me. Is there a reason why
25 you chose to keep the number that low?

1 MR. MARTINEZ: I can. It's modest, but
2 our ambition doesn't reflect that. We would love to
3 serve more. The thing is is I think on the onset of
4 any program, I think there's change. Change is
5 always hard. And I think, especially in the deaf
6 community that, as was spoken earlier, that there's
7 some mistrust in the hearing community, and people
8 aren't really sure what is the real purpose of this
9 group.

10 Because, as was stated earlier, a lot of
11 times you find agendas more -- more the driving
12 force of actually helping kids. So I think the deaf
13 community has become somewhat leery of things that
14 pop up new. So we initially started conservatively
15 with 40 students. But if we get -- as we grow, we
16 would love to accept anybody that comes around.

17 So that's a conservative estimate. But
18 it's not because we don't want these kids.
19 Basically, we're going to build a program. People
20 trust us, and when they come, we will accept.

21 MR. BERGMAN: So you have a dream, then.

22 MR. MARTINEZ: Absolutely. We have a
23 dream.

24 MR. BERGMAN: Thank you.

25 THE CHAIR: Oh. We need your name.

1 MR. MARTINEZ: Oh. Raphael Martinez.

2 THE CHAIR: Thank you. You hadn't been up
3 here before. So thank you very much. Mr. Bergman?

4 MR. BERGMAN: Thank you.

5 THE CHAIR: Anybody else?

6 MR. CARR: Madam Chair?

7 THE CHAIR: Mr. Carr.

8 MR. CARR: I guess some of the things that
9 came into my mind as you were talking -- and, again,
10 also, I am thrilled from the depths of my heart to
11 see people so passionate about helping children in
12 any situation. As always, I just want to say that
13 to people who come forward with these great plans.

14 And I know we already have -- we have the
15 New Mexico School for the Deaf. Philosophically --
16 and I understand the reasons you would want to bring
17 them out of -- bring them out of other situations.
18 How would it affect children, and how does it affect
19 children, to be sort of kind of isolated from the
20 main -- I guess what you want to call the
21 mainstream? Is -- are -- do you have plans to make
22 sure that, I guess, when they come out, you know,
23 when they go out into the workforce, hopefully,
24 they're going to get good jobs, and they're going to
25 go to college and all those things, that they're

1 going to be fully prepared for that?

2 MR. CARR: Yes.

3 MS. MARTINEZ: I'll take that question.
4 Jennifer Martinez. As Kim had stated, 90 percent of
5 children who are deaf and hard of hearing come from
6 hearing families. And traditionally, institutional
7 schools have been the answer. There was no -- there
8 was no option. People didn't really know what to do
9 with their children. And this was for children with
10 other disabilities as well. They would be sent away
11 to institutions.

12 Times have changed. And we are concerned
13 with exactly what you're talking about, this social
14 isolation. The culture in Santa Fe is very
15 deaf-focused. And I think we're in a new era. We
16 have kind of new ways of thinking. A lot of parents
17 want their children home with them. Family is
18 important to us. It's very important. We want our
19 hearing siblings. I have a hearing daughter as
20 well. We want them all to interact together. We
21 want them to not feel that they have to be sent away
22 and isolated. They need to be a part of the bigger
23 world, the bigger picture.

24 And that's the dream we have. Deaf,
25 hearing, hard of hearing, we're all people, as Kim

1 says all the time. We're all people. Our kids have
2 to be able to grow up in society. We want them to
3 go to college. We have high expectations.

4 And that -- the programs now are very much
5 segregated. Deaf and hard of hearing and hearing
6 children are not welcome. They don't qualify. So,
7 really, one of the key aspects of our program is
8 that deaf, hard of hearing, and hearing children can
9 attend. There's -- that isolation will break down.
10 The language barriers will break down, because all
11 the children will learn to sign.

12 We've seen other models, hearing students
13 being bilingual. It's fabulous for hearing students
14 to learn a second language. There's examples of
15 research and other schools that exist now where you
16 go into those classrooms. All the kids are signing.
17 You can't pick out which kid is deaf and which kid
18 is hearing. Because it's such a low incidence
19 population, we need to build that community. We
20 need to not just say, "Thomas, sorry. You have four
21 deaf friends that you've been friends with since
22 preschool, and you get to be friends with them to
23 high school," (sic) because there's no bilingual
24 program at APS. The other kids aren't learning sign
25 language. The classes change every year.

1 The other issue with residential schools
2 is -- as was noted in the application, is a history
3 of sexual abuse incidents that are commonly in
4 institutional programs. That's not only in
5 Santa Fe. That's nationally. You have a population
6 of special needs children that are isolated from
7 their families. These things can occur.

8 And that's a concern of mine. These
9 children, as mentioned, have, you know,
10 communication issues, other special needs. And we
11 would prefer that they be included with their
12 families, that we work with families. That's our
13 priority.

14 MR. MARTINEZ: If I can expand on that
15 just a bit. By design, we go to the eighth grade.
16 And we grow to the eighth grade. And our vision is
17 that these children are prepared to go to any other
18 home schools and function and be excellent students,
19 be outstanding members of that school community.

20 So our idea is not to teach them just for
21 when they're at our school. Our idea is to prepare
22 them for what is beyond, what sits beyond the
23 school.

24 MR. CARR: Okay. I'm through, Madam
25 Chair.

1 THE CHAIR: Thank you. Ms. Shearman.

2 MS. SHEARMAN: Madam Chair, thank you.
3 Mine is always the budget. So could we go there,
4 please. I think we can start with your revenue
5 budget, please. And just a question on my part. I
6 notice in Year One, you would hire four special
7 education teachers. Then in Year Two, in addition
8 for those four special education teachers, you would
9 add an early childhood teacher. And I'm just
10 curious why you wouldn't have your early childhood
11 teacher beginning with the first year.

12 MS. MARTINEZ: The second year, we add the
13 preschool program. And so that teacher would be
14 focused on the three- and four-year-old program.
15 The second year, we expand to fifth grade, and then
16 we also add a preschool program.

17 MS. SHEARMAN: I --

18 MR. MARTINEZ: One of the reasons --

19 MS. SHEARMAN: I missed that. I did. I
20 apologize. I missed that. It's right there. Thank
21 you. Okay. Now, let's go to money. That was a
22 question in the preliminary review that the Staff
23 did on your middle school principal, that you had
24 the salary listed at \$62,000, and it should be
25 \$70,000.

1 And I'm -- I'm not sure where that is in
2 the budget. There are -- and I'm not that familiar
3 with those numbers, probably if I knew the numbers
4 better. But you've got, in 2300, 51000, 110, 1113,
5 you have an administrative associate for \$62,000.
6 And then you have, in 24, 51100, 1112. And I don't
7 know which one is your middle school principal, or
8 for what those two positions are.

9 MS. MARTINEZ: Let me just respond real
10 quickly. I'm not sure if you received those. I
11 e-mailed those yesterday. These were our responses
12 to the concerns noted in the official analysis.

13 DR. DURAN: I don't think the Commission
14 has had a chance to review them generally.

15 MS. MARTINEZ: I brought copies. I can
16 pass them out.

17 DR. DURAN: They have them on their
18 e-mail.

19 MS. MARTINEZ: We just noted, when we
20 expand through middle school, because we're
21 envisioning a rather small population, we're not
22 adding a middle school principal at that time. We
23 will still have -- the administrative assistant will
24 oversee those classes. We just noted that there
25 will be a clarification made that the administrative

1 salary will be based on an elementary school
2 principal level salary rather than the middle school
3 salary, because that wasn't clear at that point.

4 MS. SHEARMAN: Can you do that if they're
5 administering middle school grades?

6 DR. DURAN: Yes. The law is that you get
7 an administrative credential K-12. So you can be an
8 elementary principal and have no experience in high
9 school, as long as you're administrator licensed.

10 MS. SHEARMAN: But the salary level.

11 DR. DURAN: The salary depends on the
12 level of the highest level. So if they have a high
13 school level, they have to stay a high school level.
14 So a program, like the program being offered here,
15 is going to be a multilevel school. So they have --
16 they can hire a person who has a credential. But
17 they have to pay the highest, as designated by the
18 State legislature.

19 MS. SHEARMAN: And that would be the 70,
20 rather than the 62?

21 MS. MARTINEZ: So we would adjust that
22 budget at that point.

23 MS. SHEARMAN: So which one is that on
24 your budget? Is that 51100? Is that in the 2300
25 series or the 2400 series?

1 MR. MARTINEZ: That would be the --
2 principal. It would be the 2400 series.

3 MS. SHEARMAN: 2400?

4 MR. MARTINEZ: Yes.

5 MS. SHEARMAN: Okay. And so the 2300
6 series --

7 MR. MARTINEZ: Would be the other two
8 administrative leadership positions. We would have
9 two others. We have our family coordinator and
10 our --

11 MS. MARTINEZ: Executive director.

12 MS. SHEARMAN: Okay. It just shows one
13 here.

14 MR. MARTINEZ: It should have -- I think
15 the other one is down in the -- just a moment. The
16 other is in the -- let's see. 3300 series?
17 Extended services to students.

18 MS. SHEARMAN: Thank you. I've got that
19 one marked, too.

20 MR. MARTINEZ: That's our family and
21 community person.

22 MS. SHEARMAN: All right. Okay. Thank
23 you for that. Let me see. In the 2500 series,
24 Other Professional Services at \$25,000?

25 MR. MARTINEZ: I think that was the social

1 worker.

2 MS. SHEARMAN: Social worker?

3 MR. MARTINEZ: Yes, ma'am, who would take
4 care of our counseling services and others.

5 MS. SHEARMAN: Okay. And I believe you've
6 already answered that question. And then the big
7 one in my mind is your budget doesn't balance.

8 MR. MARTINEZ: Right. We have money left
9 over. Is that correct?

10 MS. SILVA: Yes.

11 MS. SHEARMAN: I was taught in accounting
12 you couldn't do that. It has to balance.

13 MR. MARTINEZ: What it was was we thought
14 we were being fiscally responsible in that we had
15 money left over in case of other needs, being that
16 all of this is somewhat guesswork when you're
17 dealing with special ed students, because you don't
18 know what services will be required or requested --
19 mandated through IEP. So when we set through the
20 ancillary and got through different services, we
21 were -- we had more money than we spent, which, to
22 me --

23 MS. SHEARMAN: That's nice.

24 MR. MARTINEZ: It is nice. But we will
25 definitely adjust in -- in actuality, to make sure

1 everything balances.

2 MS. SHEARMAN: Yeah. Because, you know,
3 then, that brings in all kinds of questions. What
4 are you doing with that money? Is it just going to
5 disappear? You know. So there's fiscal
6 responsibility there that --

7 MR. MARTINEZ: If I can say this. I think
8 we'll have no problem spending money.

9 MS. SHEARMAN: Just as long as you're
10 aware of it.

11 MR. MARTINEZ: Yes. We're aware.

12 MS. SHEARMAN: Those are my questions,
13 Madam Chair. Thank you.

14 THE CHAIR: Thank you very much.
15 Ms. Krivitzky.

16 MS. KRIVITZKY: I have one more budget
17 question very quickly. I notice in the 31400, which
18 is Special Capital Outlay, which is legislative
19 monies, you put \$100,000. Has somebody already
20 lobbied for that and already -- you've been promised
21 that, or is that just wishful thinking?

22 MR. MARTINEZ: Where is this?

23 MS. KRIVITZKY: It's in your revenues.

24 MS. MARTINEZ: At this point, that's
25 wishful thinking.

1 MS. KRIVITZKY: Okay.

2 THE CHAIR: Pardon me? What was your
3 response?

4 MS. MARTINEZ: That's wishful thinking at
5 this point. We intend to go to the legislature and,
6 you know, present information concerning our
7 students and what other programs in the state
8 receive as far as money per student.

9 MS. KRIVITZKY: Can you tell me what you
10 were going to use that for. What would you use it
11 for?

12 MS. MARTINEZ: As we had talked about
13 before, our -- many of our students have special
14 needs, including being deaf and hard of hearing.
15 They're a very expensive population to educate early
16 on. They require a lot of specialized equipment,
17 audiology booths, hearing aid systems within the
18 classroom. There's a lot of specialized curriculum
19 that will need to be purchased. And then there's,
20 again, children with other special needs that we're
21 also anticipating, for, you know, therapies and
22 things like that.

23 So, again, we anticipate that we will have
24 many things that we can use the money on -- for.

25 MR. MARTINEZ: Especially tied to

1 facility, when you're looking at issues dealing
2 with -- where you have to involve physical
3 therapists, occupational therapists, any type of
4 equipment and/or settings, you know, maybe a gym
5 setting where -- and the equipment tied therein
6 would fall in that.

7 MS. KRIVITZKY: And I just wanted to --
8 can you just give a real brief synopsis of the
9 trilateral leadership. Who -- you know, how -- oh,
10 is there any one person who is -- you know, The buck
11 stops here? Or is it always three people will
12 always agree on everything that gets done?

13 MR. MARTINEZ: If I can refer to the --
14 there's a history why we created that. And what it
15 is is, again, when you start exploring the different
16 options to deaf -- or to deaf education, you find
17 very polarized views of what should be done. A lot
18 of times, that's dictated by a person making
19 decisions and then holding everybody else to that
20 agenda.

21 And we experienced that -- not just
22 through one side, it's through different
23 organizations have done that. So in our thinking,
24 we wanted to make sure that we set up a leadership
25 model that has its own checks and balances embedded

1 in that so that we don't lose sight of our vision
2 and mission of the school, which is all-inclusive,
3 you know, get -- expanding that mass of people who
4 can communicate within ASL.

5 As far as the buck stops here, we're
6 confident that that tri-leadership group will be
7 collaborative and, you know, reach agreements that
8 are beneficial to the school.

9 MS. KRIVITZKY: Which one will be hired by
10 the governance council?

11 MR. MARTINEZ: The academy administrator.

12 MS. KRIVITZKY: The administrator is the
13 only one hired by --

14 MR. MARTINEZ: Right, to be in compliance
15 with state law.

16 MS. KRIVITZKY: Thank you. That is all.
17 Thank you.

18 THE CHAIR: Thank you. Anybody else?

19 MR. BERGMAN: Madam Chair, I just have a
20 little note I made to myself here. I just noticed,
21 especially with your start-up costs, it's going to
22 exceed perhaps your SEG money, and you're going to
23 look at grants, and you've provided a list. There's
24 always a certain danger in relying on grants. You
25 may either not receive them, or if you receive them

1 and you go back for follow-up grants, you may not
2 get the follow-up grants. I assume you have a plan
3 to cope with this if that happens. What is that?
4 Maybe a tough question.

5 MR. MARTINEZ: Yes, we do. We are going
6 to aggressively pursue grants. You're exactly right
7 on that, including the start-up grant, that -- you
8 know, that we're applying for now, if, upon
9 approval, on top of the IDEA grant and other grants
10 kind of designated for populations with needs or at
11 need. Okay?

12 But, as stated earlier in our
13 presentation, this is a time, I think, when there's
14 been a coming together of resources, not by design,
15 almost by coincidence, as far as political
16 resources, educational resources. So we're going to
17 use any leverage we have to lobby any entity that's
18 out there that's willing to help us with our cause.

19 And, you know, we have political
20 connections. Not to say that I'm connected. But
21 what I'm saying is -- I'm saying we're going to be
22 aggressive in pursuing anything and partnering with
23 any company -- any organizations that are willing to
24 support what we do.

25 MS. MARTINEZ: And I will say, we've --

1 it's amazing. When people hear our story and hear
2 the cause, people are willing -- are willing to
3 help. And not to say that goodwill, you know,
4 necessarily ties to money. But, you know, one of
5 the things we talked about, we came in under budget.
6 That is something that we're concerned about. And
7 so we don't want to sort of put, you know, pie in
8 the sky out there and overestimate and think that
9 we're not eventually going to be able to get that
10 money.

11 There's a lot of special education money,
12 a lot of grant money. Our school is a unique
13 program nationally. And I think it's going to get a
14 lot of attention. And we're going to be able to
15 find the funding.

16 MR. BERGMAN: And you mentioned a
17 confluence of events. But there also is a dark
18 cloud on the horizon, because, in October, I suspect
19 we're going to have to see a special session and
20 this state's facing a \$400 million shortfall -- or
21 \$700 million, depending what number. So that's not
22 going to help. There's going to be a lot of cutting
23 done. And where they're going to cut, of course,
24 none of us know at this time.

25 MR. MARTINEZ: And being an educator, I

1 know that we would have our necks stuck out there.
2 Agreed. I can tell you we're going to be aggressive
3 in our pursuit of going after money. So --

4 MS. SILVA: And also -- I'm Kimberly
5 Silva. We need to be clear. There are things that
6 need to change that are really big in regards to the
7 money following the child. When you look at NMSD's
8 program, they have a huge budget, \$15 million a year
9 for 125 kids. One hundred twenty-five kids get
10 \$15 million a year.

11 My son doesn't benefit from that because
12 he doesn't go to that program. None of the kids in
13 his class benefit from that. To me, that is
14 something we need to address, too. That money
15 should follow a child, because when the powers that
16 be go to lobby for that money or go to the
17 legislature to represent that group, they always
18 say, "All children that are deaf and hard of hearing
19 have access to this and this and this and this."
20 But, in reality, we're talking about one-fifth of
21 the population. And that is something that we are
22 also pursuing, because that's not fair. That's not
23 right. That's not equitable. And that's key.

24 MR. BERGMAN: Thank you. Thank you, Madam
25 Chair.

1 THE CHAIR: Thank you. Ms. Shearman.

2 MS. SHEARMAN: I just -- I apologize. I
3 missed something here I wanted to ask you about.
4 There were some issues raised in the preliminary
5 review where you had some things that were contrary
6 to statute. Perhaps you've already addressed those.
7 But let me just ask you, as I have them highlighted.

8 In the section on how the school will be
9 governed, the last sentence -- part of that sentence
10 is plans for the CG -- no; GC -- the GC to make
11 hiring decisions beyond one individual is not
12 permitted by statute. You've addressed that?

13 MR. MARTINEZ: We addressed that. Yes.

14 MS. SHEARMAN: The next one, plans for the
15 trilateral leadership team to serve as ex officio
16 board members. Not permitted by statute. You've
17 addressed that. Down below that, the GC's power to
18 recruit, oversee, and evaluate. The leadership team
19 oversteps allowable authority. You've addressed
20 that?

21 MS. SILVA: Yes, ma'am.

22 MS. SHEARMAN: One more farther down.
23 Governing board responsibilities. That first bullet
24 listed in the sample bylaws. This oversteps hiring
25 authority of the GC.

1 MS. MARTINEZ: Correct.

2 MS. SHEARMAN: Next one. A description of
3 the process for filling board positions. Trilateral
4 team would be able to provide a tie-breaking vote.
5 It's not permitted. You've addressed that.

6 MS. MARTINEZ: Yes.

7 MS. SHEARMAN: Okay. Thank you very much.

8 THE CHAIR: Thank you. I -- they asked
9 all the questions I probably would have asked. But
10 I'm still having a moment over what -- as I read
11 through your application and all those things, I had
12 a difficult time ascertaining -- the sign language
13 is certainly considered a separate language, the
14 same as French would be or whatnot. And then you
15 keep talking about bilingual. And I'm not certain
16 that you ever used the term "trilingual." I can't
17 remember. But you're talking, in essence, in many
18 times about a school that would be trilingual? Are
19 you not? You would have English, you would have
20 sign language, and you probably would also have
21 people who were able to teach and communicate in --
22 I think I saw Spanish mentioned several times there.

23 MS. THOMPSON: Yes. Yes.

24 THE CHAIR: So it would be those three
25 languages, that if children come to school with the

1 inability to speak English, for example, they -- at
2 least if they have Spanish as a language, that would
3 be one. And, of course, we know many things that
4 have to do with the civil rights laws and whatnot
5 concerning the languages. And I won't borrow
6 trouble for you on trying to locate those people who
7 would teach those.

8 But I just wanted that clear in my mind,
9 that you were basically saying that you're well
10 aware that you are using sign language as -- for my
11 definition at least -- a third language, and saying
12 that ordinarily, that English and Spanish would
13 be -- in this community, would be the languages that
14 you certainly would expect teachers to -- or at
15 least some teachers to be able to communicate with
16 children? Am I accurate in that?

17 MS. THOMPSON: It's actually -- for us,
18 American Sign Language and English are the first
19 languages, and Spanish would then be the third
20 language is what we were looking at. Because our
21 focus will be -- we will have instruction for
22 portions of the day in American Sign Language. But
23 we do want to have that available through therapists
24 or teachers that speak Spanish as well, to help with
25 evaluations and working with the Spanish population

1 as well, and families that are Spanish. Obviously,
2 in New Mexico, we have a large Hispanic population
3 as well.

4 THE CHAIR: Thank you. Is there anybody
5 else? Oh, let's see. I think we're to the --
6 basically, to just about the conclusion of our
7 hearing.

8 I will tell you this. The Commission
9 encourages continued public input in writing until
10 September 1, 2009, at 5:00 p.m. Written comments
11 should be sent to the Public Education Commission in
12 care of Beverly Friedman, 300 Don Gaspar Avenue,
13 Santa Fe, New Mexico, 87501. Or you may e-mail
14 comments to Beverly Friedman at bev.friedman@state.
15 nm.us. And so I believe I will say thank you,
16 ladies and gentlemen, very much.

17 (Proceedings concluded at 9:23 a.m.)
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BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

IN THE MATTER OF:
THE ALBUQUERQUE SIGN LANGUAGE ACADEMY

REPORTER'S CERTIFICATE

I, Cynthia C. Chapman, RMR, CCR #219, Certified Court Reporter in the State of New Mexico, do hereby certify that the foregoing pages constitute a true transcript of proceedings had before the said PUBLIC EDUCATION COMMISSION, held in the State of New Mexico, County of Bernalillo, in the matter therein stated.

In testimony whereof, I have hereunto set my hand on September 2, 2009.

Cynthia C. Chapman, RMR, CCR #219
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