

BEFORE THE PUBLIC EDUCATION COMMISSION  
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS  
COMMUNITY INPUT HEARING  
EXPLORE ACADEMY  
August 20, 2013  
10:00 a.m.

New Mexico Activities Association  
6600 Palomas Avenue, Northeast  
Albuquerque, New Mexico

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

## COMMISSIONERS:

MS. CAROLYN SHEARMAN, Chair  
MR. EUGENE GANT, Vice Chair  
MR. JAMES CONYERS, Member  
MS. CARMIE TOULOUSE, Member  
MS. MILLIE POGNA, Member

## STAFF:

MR. TONY GERLICZ, Director, Options for Parents  
MR. BRAD RICHARDSON  
MS. KAREN EHLERT  
MS. RACHEL STOFODIK

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1 THE CHAIR: By my clock, it is 10:00, and  
2 I think we need to get started.

3 First of all, I would like to welcome you  
4 all here today. I would also like to ask that, if  
5 you have electronic devices, that you please turn  
6 them to "silent" or "off" or whatever. Let me get  
7 this bit of information out of the way, and then  
8 we'll get started.

9 This meeting is being conducted pursuant  
10 to New Mexico Statutes Annotated, Title 22, Section  
11 8B-6J 2009. The purpose of these community input  
12 hearings that will be held from August 19 through  
13 August 21st, 2013, is to obtain information from the  
14 applicant and to receive community input to assist  
15 the Public Education Commission in its decision  
16 whether to grant the proposed charter application.

17 According to this section of the law, the  
18 Commission may appoint a subcommittee of no fewer  
19 than three members to hold a public hearing.  
20 According to law, these hearings are being  
21 transcribed by a professional court reporter.

22 The time allocated to each applicant is  
23 90 minutes -- to each application is 90 minutes --  
24 which will be timed to ensure an equitable  
25 opportunity to present applications. And Brad is

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1 our timekeeper.

2 During the hearing, the Commission will  
3 allow for community input about the charter  
4 application. The time for public comments will be  
5 limited to 20 minutes. If you wish to speak to --  
6 regarding the application, please sign in at least  
7 15 minutes before the applicant's presentation. And  
8 I already have the sign-in sheet here.

9 The Chair, based on the number of requests  
10 to comment, will allocate time to those wishing to  
11 speak. If there are a large number of supporters or  
12 opponents, they are asked to select a spokesperson  
13 to represent common opinions. We will try to  
14 allocate an equitable amount of time to represent  
15 the community accurately.

16 The Commission will follow this process  
17 for each community input hearing:

18 The Commission will ask each applicant or  
19 group to present at the table in front. They will  
20 be given 20 minutes to present their application in  
21 the manner they deem appropriate. The Commission  
22 will not accept any written documentation from the  
23 applicant, but the applicant may use demonstrative  
24 exhibits to describe their school, if necessary.

25 However, the setup time for exhibits, et cetera,

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1 will be included in the 20 minutes.

2 Following the applicant's presentation,  
3 the local school district representatives, which  
4 include the superintendent, administrators, and the  
5 school board, will be given ten minutes to comment.

6 Subsequently, the Commission will allow  
7 20 minutes for public comment, as described above.  
8 Finally, the Commission will be given 40 minutes to  
9 ask questions of the applicants.

10 Commissioners, are we ready to proceed?

11 COMMISSIONER GANT: Let's go.

12 (Commissioners so indicate.)

13 THE CHAIR: Explore Charter School. You  
14 are forward at the table. Thank you very much for  
15 that. For the record, please state the name of your  
16 school, the names of the founders of the school, and  
17 any other person who is here today on behalf of your  
18 school. You will have 20 minutes to present  
19 information about your application. And the 20  
20 minutes will begin after you introduce yourselves.  
21 So, please, go ahead.

22 MR. BAIARDO: My name is Justin Baiardo.  
23 I am the school's founder.

24 MS. McCARTY: I'm Vicky McCarty. I will  
25 be the proposed principal of Explore Academy.

1 MS. ROBINSON: I'm Mary Robinson. I'm on  
2 the interim Governance Board for Explore Academy.

3 THE CHAIR: Thank you. Please begin.

4 MR. BAIARDO: Members of the Commission,  
5 thank you for the opportunity to speak to you once  
6 again. Having gone through this process before,  
7 narrowly missing approval last year, we have worked  
8 to present to you a stronger proposal for your  
9 consideration.

10 Explore Academy represents an educational  
11 model designed for the future. It utilizes shorter  
12 courses, combined with great diversity, for students  
13 to choose their own educational pathways. In this  
14 way, education, for the first time, can become truly  
15 customized.

16 Over the span of four years, the Explore  
17 Academy, with students enrolling in over  
18 150 seminars, and given the three versions of each  
19 seminar from which each student can choose, we can  
20 truly say that no two students will ever have the  
21 same educational experience at our school.  
22 Education has thus become personalized.

23 No other school, public or private, across  
24 the city or the state, or this nation, as far as I  
25 have found, offers anything close to the

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1 individualized education that Explore Academy can  
2 offer. By allowing students the choice in how they  
3 learn, research strongly suggests that student  
4 achievement will be significantly increased. Such a  
5 school, where each student is treated as an  
6 individual, where they can pursue courses that  
7 parallel their individual strengths and interests,  
8 is truly in the best interest of students and their  
9 community.

10 With greater individualism in educating  
11 our students comes greater accountability. Consider  
12 the traditional semester-based system. Students  
13 take courses which last approximately 18 weeks and  
14 receive a letter grade that represents the  
15 mathematical average of how the student performed  
16 across the scope of that semester. But what does  
17 that grade really tell us? What does that grade  
18 reveal about that student's level of comprehension?

19 As an educator, I am more than familiar  
20 with this problem. And it is persistent across the  
21 educational landscape, in how students can fail  
22 multiple components of a given class, yet still come  
23 out at the end deemed proficient in all the  
24 standards provided therein.

25 If the goal of the school is to educate

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1 students and to insure that they've achieved their  
2 required competencies, then it is surprising how  
3 little accountability is actually placed in  
4 determining what students know. And most schools, I  
5 would argue, don't know what their students know.

6 In stark contrast with Explore Academy's  
7 model, students are assessed in a more specific  
8 manner and are held accountable for each standard,  
9 as dictated by the State. They're held to higher  
10 standards and must prove their proficiency in each  
11 standard before we award them credit. A school of  
12 this type, where students are held to higher  
13 standards of accountability, is surely in the best  
14 interest of both students and their community.

15 Earlier this year, during the State of the  
16 Union address, the President proposed a high school  
17 redesign initiative as a call to rethink teaching  
18 and learning and put in place new and innovative  
19 learning models that are rigorous, focused, and  
20 provide real-world experience.

21 The initiative suggests that -- and I  
22 quote -- "Students learn best when they are engaged  
23 in complex projects and tasks that are aligned with  
24 their interests."

25 This description describes the core

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1 philosophy of Explore Academy. Our academic  
2 philosophy represents a shift toward educating the  
3 individual and providing the education that prepares  
4 them for their future. And, while most schools  
5 attempt to focus their educational practice on the  
6 individual, budgetary limitations and the rigid  
7 nature of the system of the traditional educational  
8 model prevents such flexibility. It requires, in  
9 essence, a redesign. And Explore Academy can meet  
10 that challenge.

11 Having been through this process before, I  
12 wanted to address some of the concerns raised in our  
13 application last fall. We reflected on every  
14 critique, both from the application review team and  
15 from the Commission, and took the steps necessary to  
16 resolve each of those concerns specifically in the  
17 area of facility renovations, which was a major area  
18 of concern, actually.

19 Having been provided this year to reflect  
20 and streamline the school's proposal, we have become  
21 fortunate in finding a building which would require  
22 no outlay in facility costs as it already meets the  
23 standards for educational occupancy.

24 Furthermore, we have assembled a team with  
25 a wealth of diverse experience in the areas of

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1 education and business, including our administrator,  
2 who is new to our team, who has had experience --  
3 has had a founding role in the opening of three  
4 major high schools in the Albuquerque area, as well  
5 as a strong support system of charter school  
6 founders and directors. Together, I am confident  
7 that we can meet the challenges that lay before us.  
8 I'm quite excited to finally see this school become  
9 a reality.

10 Specifically, however, I wanted to address  
11 a concern from last year, that Explore Academy  
12 offers nothing new compared to what options exist  
13 for parents in the Albuquerque area. In terms of  
14 choice in education, as I have previously stated, no  
15 school offers even a fraction of the level of choice  
16 and attention to the individual student that Explore  
17 Academy can offer. And, thus, no other school can  
18 compare in how students allow students to create an  
19 educational experience which is both specific and  
20 unique to the individual.

21 Even the largest of high schools, with a  
22 large collection of teachers, still provide their  
23 students with very little choice in how they receive  
24 their education and, thus, advance their students  
25 through curricula that has little to no diversity.

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1 In this area, by allowing students to customize  
2 their education, Explore Academy truly distinguishes  
3 itself.

4 This customization is compounded when one  
5 considers the school's focus in college preparation.  
6 Granted, many of the schools in the area are college  
7 prep in nature, and some offer specific areas and  
8 focus, such as science and engineering. But none  
9 offers students the chance to explore from over 30  
10 different career pathways across all disciplines,  
11 where students can truly investigate their  
12 interests, strengths, passions, all before stepping  
13 on a college campus.

14 As it relates to the Albuquerque area, the  
15 level of college preparation is directly tied to  
16 what local school the student is forced to attend.  
17 APS has shown a decline in their ACT scores over the  
18 last three years; although, really understanding the  
19 specifics of this issue requires a deeper look. If  
20 one was to remove the data from the District's top  
21 three performing high schools, La Cueva High School,  
22 Eldorado High School, and Sandia High School, the  
23 District's average ACT score would drop below the  
24 State average.

25 It can, thus, be said that these three

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1 schools disproportionately elevate the District's  
2 data when it comes to college preparation, and,  
3 thus, the remaining 70 percent of the population are  
4 limited by what their local schools can offer.

5 As previously stated, no other school  
6 offers the standard of accountability that we can  
7 offer with our shorter courses and more specific  
8 forms of assessment. With this system, we can  
9 pinpoint with great precision the areas in which  
10 students excel and those in which students need  
11 assistance.

12  
13 MS. McCARTY: Thank you, Commission. I  
14 appreciate your listening to us today. I want to  
15 let you know that I was not looking for a new job.  
16 I was approached and was a little skeptical at  
17 first, because I just thought that I was getting  
18 close to retirement, and I'm -- I was not looking  
19 for a new challenge.

20 However, after speaking with the founder,  
21 Justin, and Mary, and looking at the application, I  
22 became very excited about the challenge of opening a  
23 new charter school.

24 As Justin alluded to, I've worked at three  
25 high schools in the Albuquerque area. I was -- I

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1 opened La Cueva High School in 1986. That year, I  
2 came in as a new teacher. And I -- I've seen the  
3 hiccups that come along with opening a new school.

4 In 1997, when Rio Rancho opened, that's  
5 also when I came on to a brand new high school. And  
6 I also was on the committee for the second largest  
7 high school in Rio Rancho, which is Cleveland High  
8 School, served on the committee of the planning  
9 stages of that school. So I feel like I do have  
10 experience in opening a new school, even though  
11 charter is a little different, and I understand that  
12 there will be challenges with that.

13 But I -- what excited me about this  
14 Explore Academy was two things: The curriculum, the  
15 variety of curriculum that we are going to offer.  
16 Similar to what Rio Rancho initially had in place  
17 for their curriculum was different options for  
18 students to take their core classes.

19 Also, the variety of -- or the fact that  
20 the classes are shorter in nature. So you're  
21 breaking up a semester into four seminars. So if a  
22 student fails one seminar, they still have an  
23 opportunity to take an additional seminar in the --  
24 in the duty day, in the class day, and they also  
25 will have the opportunity for tutoring.

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1           So I loved the fact that you can take so  
2 many different variations of the core curriculum at  
3 this Explore Academy.

4           The second thing that drew me to this  
5 school is the people that are on board this endeavor  
6 already. Obviously, Justin -- I worked with Justin  
7 at Rio Rancho High School. He is a visionary, and  
8 he is an excellent science teacher at Rio Rancho  
9 High School. I was one of his observers at the time  
10 when I was at Rio Rancho. And I know the quality  
11 teaching that he does. He likes to plan activities  
12 for students that are not typical in a classroom.  
13 He involves the entire school for certain projects  
14 that really give an -- a hands-on learning  
15 experience for students.

16           So I think he's done an excellent job in  
17 writing this proposal and the application. And so  
18 that's another thing that excited me.

19           Mary Robinson, sitting to my left, also  
20 was a teacher at Rio Rancho High School when I was  
21 at Rio Rancho. I also was her observer. She has  
22 developed the forensic -- forensics curriculum, not  
23 just for Rio Rancho District, but for the State of  
24 New Mexico, again, an innovative, stellar teacher.

25           The other people that are on our board

1 that have already committed for the board and our  
2 executive -- administrative executive are people  
3 that I've worked with in the past that I just feel  
4 are quality people. And I believe that quality  
5 people are what makes any organization work well.

6 So I'm excited about working with those  
7 people. I'm excited about the concept of the  
8 Explore Academy and the curriculum that we're going  
9 to be offering.

10 As far as the interview, I've only been on  
11 this -- I guess, in this -- involved with this group  
12 for about a month. And, so, I felt like, when we  
13 did the interview, of course, I'd only been on board  
14 for a couple of weeks. So I'm still learning more  
15 and more about the Academy and what our philosophy  
16 is. But, when we did the interview, I felt like  
17 there was a couple of things that needed a little  
18 more clarification.

19 And, possibly, one of those might be the  
20 budgets. I feel like Justin and our business  
21 manager have done a great job putting the proposed  
22 budget together. And Michael Vigil, who is the  
23 business manager -- he is -- he's experienced with  
24 working with budgets for charter schools. So I feel  
25 like that's certainly an advantage for us coming

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1 into this new proposal.

2 We -- we -- I think Justin alluded to,  
3 we've already addressed some of those concerns that  
4 the Commission had last year, and we've got a good  
5 plan in place.

6 In addition to that, we are working with a  
7 grant writer. The grant writer that we are working  
8 with that -- she has experience at Adelante  
9 organization. She was instrumental in securing over  
10 \$3 million in grants for Adelante. And, so, we are  
11 working with her. She's kind of led us in some  
12 directions as to what grants to apply for, and  
13 she'll also be helping us in writing some of those  
14 grants.

15 As far as the building goes, one of the  
16 questions that they asked in the interview was what  
17 we would do if we didn't have a building to open our  
18 doors. And we felt like, in a way, that was kind of  
19 a moot point for us, because we have two buildings  
20 that the owners have committed for us if we are  
21 interested in securing those buildings.

22 So we are still looking. We still want to  
23 find an ideal location for our school. But, if --  
24 if something else doesn't come forward, we feel like  
25 we have two options in place with owners that have

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1 said that they would help us in the start-up -- the  
2 start-up funding and improvements.

3 Both facilities -- one already has a  
4 charter school in it that will be moving out at the  
5 end of this year. We feel like we can move right  
6 into that. And it does meet educational occupancy  
7 standards. The other one is also -- is approved for  
8 a charter school, or any kind of school like that,  
9 in it. So we feel like we've got a handle on the  
10 building. We are still looking for an ideal  
11 location.

12 And, then, as far as curriculum and  
13 writing the curriculum, I know that there was some  
14 question as to how we're going to write this  
15 curriculum in a year. I wanted to let you all know  
16 that we, the three of us, have all been involved in  
17 curriculum writing. Like I told you, Mary has had  
18 an approved curriculum for the State of New Mexico  
19 in forensics. Justin has written science  
20 curriculum. I have written PE and health  
21 curriculum, and I also oversee the English  
22 department at Cleveland High School now, and so I've  
23 been very involved in, you know, the Common Core  
24 training and writing curriculums for that.

25 So we want to hire teachers that are

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1 Level 2 and Level 3 certified, so that they are  
2 veteran teachers, teachers that are experienced with  
3 writing curriculum. And we feel like we also want  
4 teachers -- we want to hire teachers that have a  
5 variety of experiences so that they can add to those  
6 flavors, or flares, of the different core classes  
7 that we want to offer.

8 We're excited about this prospect. And  
9 thank you again for listening to us today.

10 MS. ROBINSON: I would like to highlight  
11 some areas of the curriculum that really reflect  
12 Explore Academy's philosophy. And the first one of  
13 that is accountability. When we first started  
14 discussing creating a college preparatory charter  
15 school, one issue that kept coming up was the fact  
16 that we really don't know what our students know  
17 when they exit our semester courses, or our yearlong  
18 courses. And so we really wanted to have an  
19 accountability piece in there. And we think that  
20 the structure of the school, the way that we've  
21 redesigned it into these seminar courses, have done  
22 that.

23 Students will be more accountable for the  
24 standards that they're learning, or taking. Instead  
25 of a whole semester, a year of chemistry, it's like

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1 taking a unit out of chemistry; say, it's building  
2 equations, and we're making that into a 22-day  
3 seminar. So students will be taking five seminars  
4 per day for 22 days. And, so, it's less  
5 coursework -- or less topics, but deeper level of  
6 learning in that.

7 In terms of the accountability of that,  
8 they may not exit from that seminar until they've  
9 shown proficiency in all the standards that are --  
10 that are all those common standards that are covered  
11 in that seminar.

12 Justin alluded to the fact that, you know,  
13 when students pass the class, they're deemed  
14 proficient in all those standards, and yet they  
15 aren't. And so this insures that accountability for  
16 the student to move on, to move forward.

17 The second part of the curriculum that is  
18 integrated into the philosophy is that of choice.  
19 So when students start out in their -- in their  
20 academic pathways at Explore Academy, they're really  
21 designing their own way. Each core course will be  
22 offered in up to three different themes, or flavors.  
23 And, so, students will be choosing those based on  
24 their own interests, based on their own learning  
25 styles.

1           The core curriculum will be the same. But  
2           there will be different themes and different ways,  
3           like, statistics is taught, or certain components of  
4           chemistry or Shakespeare. So they can choose. And  
5           this will be outlined in the program of studies for  
6           the students to do that.

7           So it's really -- we discussed a  
8           differentiated curriculum, in itself, but, also,  
9           differentiated within the classroom to address  
10          special needs.

11          We will have two special ed teachers there  
12          to -- to help the students along. We've built in  
13          tutoring within the school day. We've all been at  
14          schools where, you know, tutoring is required  
15          after -- required after school or at lunch, and it  
16          really is not effective. And, so, we've built that  
17          into the school day. So a student can self-select  
18          to go there. A case manager or a teacher can  
19          require that a student go to -- go to tutoring. And  
20          there will be teachers and special ed teachers to  
21          help those students keep on track.

22          Even if a student did fail a seminar, it  
23          doesn't set them back significantly. Again, these  
24          are 22-day seminar courses. And, so, they could add  
25          on a sixth seminar, you know, in a future -- in a

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1 future unit or in a future term. And it really  
2 wouldn't set them back, like failing chemistry  
3 would, where students get really discouraged if  
4 they're failing such a big core class like that.

5 So we think that that is, you know, part  
6 of the differentiation and choice as well.

7 We feel that -- that having this -- this  
8 unique pathway that students are choosing will, you  
9 know, galvanize them to be more motivated in their  
10 learning and more committed to learning those  
11 standards.

12 And, then, the third component of the  
13 curriculum is college readiness. And it's not just  
14 that we are having a course in ACT preparation in  
15 the spring of their junior year. We're actually  
16 embedding it in the curriculum. Starting in the  
17 sophomore year, they will be able to choose career  
18 pathways, academic focus areas, in areas of interest  
19 that they have passion in. And they're also  
20 required to branch out a little bit into other  
21 areas, not just ones that they, you know, tend to be  
22 good at and focused on.

23 We will also have those kind of  
24 college-preparatory type seminars, ACT prep, SBA, or  
25 PARCC preparation pathways to college-type seminars,

1 where we're helping them, you know, start thinking  
2 about college in their junior year, you know, how to  
3 write the college essays, that type of thing.

4 We have a dual-enrollment requirement for  
5 graduation, as well as an academic service  
6 requirement that they'll be volunteering in the  
7 field that they're interested in, getting a real  
8 flavor of what they might see in college, in  
9 addition to the elective courses that, again, are  
10 from their sophomore year on, for three years, are  
11 really enhancing these core courses, these  
12 80 core -- 80 possible core seminars that they could  
13 take over their four years at Explore Academy.

14 So, to kind of summarize the differences  
15 that a student at Explore Academy would experience  
16 versus a traditional -- okay, a traditional,  
17 obviously, the core structure, taking out the  
18 seminars versus a traditional schedule. The class  
19 size; we're keeping it small. We think that's most  
20 effective to reach every student. Fifteen to  
21 seventeen is our goal, versus the 25 to 32 seen in a  
22 typical APS school.

23 Again, the accountability piece is really  
24 important to us. We will know exactly what the  
25 students know when they exit our classes and

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1 contract that efficiently.

2 So we think that students having the  
3 freedom to navigate their own path and choose how  
4 they learn the standards will increase their  
5 motivation and commitment to their own education.  
6 Thank you.

7 THE CHAIR: Thank you very much. Any  
8 other comments? You have a few seconds left. No?  
9 We thank you very much for that presentation.

10 Next is the local school district. And we  
11 would ask that you vacate the table and let them  
12 have it, if they so choose. Again, please introduce  
13 yourself, and you have ten minutes.

14 MR. TOLLEY: My name is Mark Tolley. I'm  
15 director of charter and magnet schools for  
16 Albuquerque Public Schools.

17 Madame Chairman, members of the  
18 Commission, I'd like to, first of all, say that,  
19 although, for the last few years, you've heard  
20 nothing but "no" from APS, it is a different time  
21 within APS. I feel like if there was a viable  
22 application that addressed the needs of District  
23 students that we weren't providing, we would  
24 actually support it.

25 The Explore Charter application uses some

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1 arguments as a case for its uniqueness that I'm not  
2 sure are true or relevant.

3 The first one is, "The system in place at  
4 the high school in the Albuquerque area operate on  
5 the traditional semester schedule and, thus, provide  
6 a low level of specific academic accountability, the  
7 cumulative effects of which compound to produce the  
8 low reading and math proficiencies described in the  
9 application. Explore Academy's system departs from  
10 the traditional exemption semester structure, and  
11 will thus demand greater accountability for each of  
12 its students, leading to significant higher levels  
13 of academic performance compared with their peers  
14 within the greater school district."

15 I'm not sure on the justification of  
16 blaming the semester system on low academic  
17 accountability or greater student control. Within a  
18 semester system, APS has, and has had, schools  
19 operate on six-, nine-, 12-week sessions, and has  
20 used a variety of time structures, including block  
21 scheduling and modified block scheduling.  
22 Additionally, the District continues to offer  
23 students choice within the system. E-Academy, for  
24 instance, and Career Enrichment Centers, are just  
25 two of the secondary programs offered to students at

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1 every comprehensive high school within the City to  
2 provide students with academic choice.

3 The academic -- the application goes on to  
4 cite the declining success rate of the District  
5 around college readiness. Over the last decade, it  
6 states, as graduation rates within the District have  
7 slowly risen, ACT scores of graduating seniors have  
8 begun to decline. The application cites composite  
9 ACT averages at APS from the year 1999-2000 to the  
10 year 2011 to 2012, stating that although the average  
11 has remained consistent for the last eight to ten  
12 years, it has significantly dropped the last two  
13 years, dropping from an average ACT District score  
14 of 21 to 20.5.

15 I'm not a statistician, but this doesn't  
16 seem like seven standard deviations of change, and  
17 I'm equally sure that this drop is within the range  
18 of nonsignificant.

19 Additionally, considering that APS  
20 comprehensive high schools take all students, not  
21 just college-bound students, the average is actually  
22 impressive.

23 The authors continue to build on their  
24 argument by saying that only three of the 12 APS  
25 high schools have ACT scores higher than the

1 national average of 22.1, Eldorado, La Cueva, and  
2 Sandia High School. I think they missed Early  
3 College Academy in their calculations.

4 They state that these three schools house  
5 30 percent of the District's high school students  
6 and disproportionately represent 40 percent of the  
7 ACT test-takers. None of these arguments takes into  
8 account the number of other APS high schools that  
9 have students take the Accuplacer as a measure of  
10 college readiness, as not all students who go to  
11 college take the ACT.

12 When one removes these schools from the  
13 District ACT data, the District's composite average  
14 drops one full point, from 20.3 to 19.3. Again,  
15 considering not all schools or all data sources,  
16 like the Accuplacer are considered here, based on  
17 the author's summary of APS comprehensive schools,  
18 it would seem the author is actually making a fairly  
19 strong case for the APS comprehensive high school  
20 system in preparing students for college readiness,  
21 just using the ACT data.

22 The applicant's author goes -- the  
23 application's author goes on from this point to  
24 attack Early College Academy, the District's  
25 college-prep magnet. The application states, "But,

1 as a magnet school, Early College Academy is not  
2 equipped to handle college preparation for the  
3 entire district."

4 It's not intended to. Early College  
5 Academy programming is offered to every student in  
6 each of the comprehensive high schools, and provides  
7 shuttle service to and from each comprehensive  
8 school. And the District has just opened our APS  
9 school at CNM, the Nex+Gen Academy, our virtual  
10 school at eCADEMY, and also has just opened --  
11 actually, had our opening yesterday for the  
12 international Baccalaureate program at Sandia. This  
13 does not even include the additional APS charters,  
14 like South Valley Academy, who have a very high rate  
15 of success transitioning students to college.

16 In other words, I think it's a weak  
17 argument to bill the sale of a new untested, untried  
18 program on the failures of the comprehensive system.

19 On Page 7 the application states, "This  
20 makes education customizable to a level not seen in"  
21 Albuquerque area -- "in the Albuquerque area and  
22 educational institutions, both public and private."

23 I believe this is economies of scale. I  
24 question how a school of this size will be able to  
25 provide all that they promise.

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1 I ask, had the proposed model been seen  
2 anywhere citywide, statewide, nationwide, it would  
3 have been a better, more appealing argument to a  
4 potentially very viable educational model for the  
5 author to propose using his classroom experience and  
6 data as a foundation starting point, and then to  
7 propose working within a district or school to  
8 expand the model and build some data.

9 Finally, I believe the model may have  
10 great educational merit. But I'm not convinced that  
11 the founders have the -- at least, based on the  
12 arguments outlined -- have the knowledge to take  
13 these principles and concepts school-wide, as they  
14 would be challenged -- they would be -- can't read  
15 my own word there -- they would be challenged by the  
16 capacity needed to develop district policies and new  
17 infrastructure, as well as educating a teaching  
18 staff on an entirely new concept.

19 I'm very familiar with these people. I've  
20 worked with them. I was part of the staff that  
21 opened Rio Rancho in 1997. They are excellent  
22 teachers. I think there is some educational merit  
23 in the program. My biggest question is the capacity  
24 to actually carry this program out in such a small  
25 environment.

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1           My other question is for the founders that  
2           have been so instrumental in being a part of  
3           Rio Rancho School District, why they're proposing  
4           this school in the Albuquerque Public School  
5           District. Thank you very much.

6           THE CHAIR: Thank you. We'll now hear  
7           public comment from the community. And I have four  
8           people on the list. Did we miss anyone? All right.  
9           Four people at -- I'm losing it -- 20 minutes. Is  
10          that correct, Brad? All right. Four people.

11          So each person may have five minutes, if  
12          you choose. First person on the list is Daniel  
13          Barbour.

14          Good morning.

15          MR. BARBOUR: Good morning.

16          THE CHAIR: Please spell your name for the  
17          record.

18          MR. BARBOUR: D-A-N-I-E-L, B-A-R-B-O-U-R.

19          Madame Chair, members of the Commission,  
20          thank you very much for today. I come to you as a  
21          charter school leader. And the one thing that's  
22          impressed me about this application is they have  
23          taken the model of an elementary school report card  
24          of mastery-based education and trying to apply it to  
25          a high school, where we look at the standards of the

1 shorter classes. They're going to require course  
2 grades and exit exams.

3 To do that, and to take this curriculum  
4 and to break it up into units of credit is going to  
5 require an incredible and thorough dissection of the  
6 Common Core Standards to make sure that those  
7 standards are within each of those classes as they  
8 move forward. They're allowing for a choice of  
9 learning styles that scholars, students, have the  
10 ability to learn their way.

11 We can all think back about how we learn  
12 different ways. Some of us learn by voice. Some of  
13 us learn by pictures. Some of us learn by our hands  
14 or tactile learning. So they're attempting to go  
15 after those different styles in an institutionalized  
16 way. The shorter time periods of a month, if a kid  
17 gets behind by illness or personal setback, they  
18 have the ability that that one month may have to  
19 start over, but they don't have to spend the next  
20 two-and-a-half months trying to get back on track  
21 and keep up with the work that they've had, and then  
22 maybe not make it at the end of the semester.  
23 They've taken time, and they've restructured it for  
24 our students in a way to learn.

25 They've included two free periods during

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1 the day to allow the kids that intervention, where  
2 they may not have that support at home, or where  
3 they may have activities afterwards. And then, not  
4 only with those two free periods, they've given the  
5 kids access to professionals and competent people  
6 within those curriculums that can teach them and  
7 help them.

8 This is an incredible staff. As a former  
9 supervisor and colleague of these three, like  
10 Mr. Tolley said, they are fantastic educators. They  
11 were some of my shining stars at the school where I  
12 was before. Their integrity is second to none.  
13 There is no way that they would compromise integrity  
14 as they move forward with this.

15 They have excellent support of a business  
16 office. The business office -- as we well know,  
17 managing of the financing is what gets our charter  
18 schools in trouble. And they have a very  
19 experienced group that understands the segregation  
20 of duties within the Vigil group.

21 It's with great excitement and enthusiasm  
22 that I recommend the Commission approve the  
23 Explore Academy. Thank you.

24 THE CHAIR: Thank you. Sam Obenshain.

25 Good morning.

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1 MR. OBENSHAIN: Good morning. Sam  
2 Obenshain, O-B-E-N-S-H-A-I-N.

3 Madame -- Madame Chairman and members of  
4 the Commission, I am here to speak on behalf of the  
5 Explore Academy. I have been familiar with  
6 Mr. Baiardo's work from my time at PED and have  
7 worked with him over the past few years as a mentor  
8 in working through some of the concerns that the  
9 Commission had articulated in previous iterations of  
10 the application.

11 Before I speak specifically about the  
12 application in front of you, I did want to comment,  
13 in general, as an educator, not necessarily a  
14 charter educator or a traditional educator, or a  
15 district educator. But, as an educator in general,  
16 I believe the -- I see much value in the  
17 possibilities that are out there. I can't see  
18 anything that would detract from the District  
19 options. I can't see anything that would detract  
20 from the overall landscape of our educational  
21 offerings by approving an application like this.

22 In the past few years, I have seen the  
23 change from the District's stance in terms of  
24 options that they have provided for students across  
25 the District. I commend APS for their efforts. I



1 think that was one of the main tenets of the charter  
2 movement was to try and influence the larger  
3 district to provide options for kids that weren't  
4 available.

5 I just wanted to remind you all that  
6 charter schools are not for everybody. So, the idea  
7 that we can provide some innovative programs does  
8 not mean we are necessarily going to overtake a  
9 District's population. There are many, many  
10 positives and attributes of traditional schools that  
11 charters have no intention of emulating.

12 The value that I see in the Explore  
13 Academy really is in alignment with the initiatives  
14 of the State educational reform efforts. I believe  
15 that the Explore Academy embodies the concept, as  
16 has already been mentioned, of mastery learning and  
17 student accountability. I think they do it in a way  
18 that is innovative, but, also, in a way that has not  
19 been done before. And I -- I commend them for those  
20 efforts.

21 The Academy also aligns very well with the  
22 initiative of college and career readiness in a way  
23 that I don't think we've seen in any other  
24 intentional application or any other charter school  
25 that's currently in existence.

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1           The other thing that I did want to offer  
2   to you -- and I've already offered to Mr. Baiardo --  
3   that, as the leader of the Cottonwood Classical  
4   Preparatory School, I have offered my mentoring to  
5   him and his faculty and administrative group in the  
6   areas of curriculum development, college  
7   connections -- we already have some very significant  
8   connections that we've made with post-secondary  
9   institutions.

10           Pedagogical support. We've used Paideia  
11   methodology, which incorporates seminar instruction,  
12   and we're willing to work with him and his faculty  
13   to do some of that training, as well as, if you have  
14   not had a chance yet to come by our new facility, we  
15   have a new facility here off of Jefferson and Paseo,  
16   and we have already started conversations with  
17   Mr. Baiardo in supporting him in some building  
18   acquisition strategies.

19           So I wanted to offer that to you all to  
20   let you know that Cottonwood, as a newly renewed  
21   school, is in support of mentoring innovative  
22   programs, and we would like to be seen as a group  
23   that helps incubate innovative ideas across the  
24   state.

25           With that, I wholeheartedly support the

1 Explore Academy's application. Thank you.

2 THE CHAIR: Thank you. Jesse Pickard. Is  
3 it "Jesse"?

4 MR. PICKARD: "Jesse." Good morning,  
5 members of the Commission. My name is Jesse  
6 Pickard. It's J-E-S-S-E, P-I-C-K-A-R-D.

7 You've heard plenty of people speak to the  
8 academic plan -- academic plans for the Explore  
9 Academy. I'm going to speak a little bit to the  
10 business aspect.

11 My position on the Board is business  
12 oversight. My experience, I'm currently the CEO of  
13 APIC Solutions, a security and technology integrator  
14 for government and educational agencies. Prior to  
15 this company, I was the president of a large  
16 nationwide real estate and mortgage brokerage firm.

17 In today's tough economic times, we all  
18 don't need to be reminded of the issues, both, we  
19 face, personally, and businesses. And this is  
20 charter school, but it is still a business.

21 Mr. Baiardo has chosen a fantastic  
22 business manager, and, between myself, my expertise,  
23 and Mr. Vigil, I can assure you, as long as I am on  
24 this Board, I will guarantee the fiscal -- being  
25 fiscally responsible.

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1           You know, I was very much involved with  
2 three charter schools, most recently Cottonwood  
3 Classical in their inception back -- I guess it's  
4 been about five years ago. I was involved in the  
5 design and the building acquisitions and the  
6 technology aspects of that school.

7           Starting a charter school is a huge  
8 undertaking. There are a lot of business aspects  
9 that the administration don't -- they don't think  
10 about. It's not their expertise.

11           The Explore Academy has built a fantastic  
12 team academically. Well, they've now also done --  
13 since last year, they've done the same thing on the  
14 business side. My unique experience brings to this  
15 school a new way of looking at things. I've taken  
16 several small companies and brought them to their  
17 maturity. I've done that with four companies since  
18 1998.

19           I, personally, plan -- I have no --  
20 nothing keeping me from sitting on this Board for  
21 the duration of the school for as long as it sits.  
22 And, when Mr. Baiardo asked me to take this position  
23 on the Board, it was absolutely my pleasure, as I've  
24 sat on several boards, both for APS, for multiple  
25 charter schools, and the City of Albuquerque.

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1 Thank you.

2 THE CHAIR: Thank you. Dr. Robert J.  
3 Olix.

4 DR. OLIX: Madame Chair, members of the  
5 Commission, my name is Dr. Robert J. Olix. For the  
6 record, I have a doctorate in the psychological  
7 foundation of education, and a master's decree in  
8 curriculum instruction. Also, I served in various  
9 teaching and administrative positions as a  
10 professional educator in New Mexico for 26 years  
11 prior to my retirement in 2012. And I would like to  
12 speak to you today briefly regarding the curriculum  
13 model proposed on the Explore Academy's application.

14 As some of you may recall, I was  
15 previously an education administrator in the Charter  
16 Schools Division. And, in the summer of 2011, I was  
17 chairman of a panel that interviewed Mr. Baiardo and  
18 other supporters of what was then called the  
19 "Electus Academy," whose charter application  
20 contained a curricular plan that was, I believe, the  
21 precursor of the curriculum instruction included in  
22 the Explore Academy application.

23 At that time, all three of the  
24 professional educators on the panel agreed to  
25 recommend approval of the Electus Academy

1 application. We were intrigued by the curriculum  
2 plan. We saw it had a potentially valuable  
3 innovation in education.

4 However, that recommendation was  
5 subsequently reversed by PED administration before  
6 it got to the Commission decision-making meeting.

7 I found it interesting that my friend Mark  
8 Tolley indicated his opinion that the school would  
9 be too small to make all the innovations. And two  
10 years ago, the PED administration reversed their  
11 decision because they thought the school would be  
12 too large. So they're kind of getting bookended  
13 here.

14 This year, I have again reviewed the  
15 Explore Academy application and the curriculum plan,  
16 as well as other features, and I find that they are  
17 even more thoroughly developed and improved versions  
18 of the application that the panel recommended for  
19 approval two years ago. In my professional opinion,  
20 the curriculum structure proposed by the  
21 Explore Academy provides an important opportunity to  
22 utilize student interest and choice in academic  
23 subjects as a viable alternative to the traditional,  
24 mandated sequence of courses and topics that are  
25 found in most high schools.

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1           In addition, the Explore Academy's system  
2 of selective course sequencing will challenge both  
3 students and teachers to employ higher levels of  
4 accountability in order to combine and coordinate  
5 the knowledge gained across courses and topics in a  
6 thematic format.

7           In education, we often talk at length  
8 about restructuring schools. I would suggest that  
9 the curriculum design of the Explore Academy takes  
10 restructuring to a deeper level by questioning how  
11 we organize the instruction of academic subjects,  
12 and by offering an alternative method that allows a  
13 student to become an active and motivated  
14 participant in sequencing or her own academic  
15 learning, which is an experience that will also  
16 serve students well when they pursue higher  
17 education.

18           The implementation of the program of  
19 studies would also provide valuable data that could  
20 lead to and support other alternative methods of  
21 instructional organization and might well open up a  
22 productive discussion of new methods of teaching.

23           Based on these considerations, I recommend  
24 approval of the Explore Academy Charter School  
25 application, because I believe that this school will

1 provide students with some valuable innovation in  
2 educational practice that will lead to student  
3 academic success, and, also, be in the best  
4 interests of students and the community. Thank you.

5 THE CHAIR: Thank you. Those were all the  
6 names that were on the list for community input. So  
7 we're now to the section where the Public Education  
8 Commission questions, and this will be for 40  
9 minutes. And we'll -- I trust Brad to keep us on  
10 track. So, Commissioners, do you have questions?

11 COMMISSIONER GANT: I do. But go ahead.

12 THE CHAIR: Commissioner Pogna.

13 COMMISSIONER POGNA: One question.

14 This --

15 THE CHAIR: Oh, I'm sorry. Would the  
16 founders please come back up to the table?

17 Thank you. Now, please go ahead.

18 COMMISSIONER POGNA: You'd be opening your  
19 school for one year for nine and tenth grades?

20 MR. BAIARDO: What's that?

21 MS. ROBINSON: Correct.

22 MR. BAIARDO: Yes, first year. Yes, ninth  
23 and tenth; then phase in, yes.

24 COMMISSIONER POGNA: And then expand more  
25 as the years go -- okay.



1 THE CHAIR: Commissioner Conyers?

2 COMMISSIONER CONYERS: I'm intrigued by  
3 the concept that you're wanting to allow a lot of  
4 choices. Although, I did see a TV program recently  
5 which said that having too many choices may not be a  
6 good thing, or as good as we think. But that's  
7 something to take a look at.

8 The other thing, though, is I worked most  
9 of my career as a high school counselor. And with  
10 high school students, you know, choices are good.  
11 However, they need help in making those choices.

12 I also subscribe to a counseling theory  
13 called "Choice Theory," which says, if you make  
14 better choices, in general, you'll have better  
15 outcomes.

16 What's your process for helping your  
17 students make those better choices in courses, or  
18 whatever other choices they have?

19 MR. BAIARDO: Yeah. "Choice Theory" is an  
20 essential component of our application. I mean,  
21 William Glasser's work, we cited at many different  
22 points in the application, and especially as it  
23 relates to education. "Choice Theory" has been  
24 shown to provide significant more -- or significant  
25 higher levels of achievement in the students if they

1 can choose how they learn.

2 Yeah, the counseling piece is obviously  
3 very critical. We plan to hire a counselor for the  
4 first year and try and stay under -- or right at  
5 that -- the American School Counselor's Association  
6 recommended 250 students per counselor.

7 The second year, as we phase in our new  
8 grades, we're looking to hire a second counselor  
9 right away and have a part-time -- or a teacher who  
10 will operate half-time as a teacher and half-time as  
11 a college counselor, so we can focus on that and not  
12 necessarily mix that with the academic counseling  
13 that the two counselors would be directed to advise  
14 students on what courses to take.

15 There's a registration process. We will  
16 provide students with a program of studies in the  
17 spring before the following year when they register  
18 for courses. And, through that process, they'll  
19 have time with their parents to look over what  
20 courses they should take next. And, then, during  
21 the summer there will be a weeklong registration  
22 week, where not only counselors, but teachers, will  
23 be there for students and parents to visit and talk  
24 to counselors about maybe "what course best fits my  
25 learning style."

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1           We plan to do learning style assessments  
2   on students, if they want, to see, well, maybe they  
3   fit -- maybe they're more tactile. Or if they're  
4   very, very strong readers, they can take a course  
5   that's devoted to much more reading or writing.

6           So that weeklong registration period in  
7   the summer is going to be important for students to  
8   talk to counselors and to staff members to find what  
9   fits them best. That's what we're looking to do is  
10  trying to find a customized fit for each student.

11           I agree that too many choices can be  
12  overwhelming, and it can actually begin to cloud the  
13  picture. That's why we've organized our curriculum  
14  in terms of tiers, where we're not going to allow  
15  every student to essentially take any course they  
16  want at any given time. We're going to have a  
17  tier-based system, where there will be choices among  
18  several different courses they can take at any given  
19  time, so that they are kind of guided, rather than  
20  just throw them out there and say, "Here, you've got  
21  all these choices for all these courses. Good  
22  luck." We'd rather provide them with a little bit  
23  of guidance -- a little bit of structure in how they  
24  approach the registration process and how they're  
25  choosing courses year in and year out.

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1 COMMISSIONER GANT: Okay. Thank you.

2 THE CHAIR: Commissioner Toulouse?

3 COMMISSIONER TOULOUSE: I'm new to this  
4 Commission, and I don't come from K-through-12. My  
5 background is a long-time bureaucrat and in higher  
6 education.

7 But I know, first of all, if I could have  
8 chosen to follow my own learning style, I might have  
9 done better. But there are things I would never  
10 have learned, that when I got in the real world, you  
11 have to learn to adapt to somebody else's. I am  
12 visual. But 30 years as a bureaucrat, I had to  
13 learn to deal with policies and procedures, and I  
14 learned how to do that by sometimes, in school,  
15 having to learn something the way I wasn't as good  
16 with.

17 How does your system allow for students to  
18 still realize that when they get out there in the  
19 world, it's not all going to be "what's easiest for  
20 me," so that you have to learn to do that? Is there  
21 a way that your system does that?

22 MS. McCARTY: Well, I think that  
23 there's -- you know, the way the -- if every class  
24 has three choices, there's still differences in  
25 teacher styles, as well as the flair of that course.

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1 And, so, let's say that a student chooses a class  
2 that has a certain flavor or flair, possibly the  
3 higher reading, or something like that; but the  
4 teacher and their delivery is not necessarily  
5 meeting their needs. If they wanted to take a  
6 different teacher the next seminar, they could do  
7 that.

8 And, so, I think there's still going to  
9 be -- or if a student failed in a class that maybe  
10 the flavor of the class was what they wanted, but,  
11 again, that teaching style was a little bit  
12 different, you know, maybe it wasn't meeting their  
13 needs, they could choose, for the next-month  
14 seminar, a different teacher and a different flair.

15 So I think that there will be a lot of  
16 that. I think students will -- there will be times  
17 when they stick with one teacher the whole semester.  
18 There will be other times when they decide that they  
19 just want a little bit more variety. And that's  
20 what -- what's beautiful about this curriculum is  
21 that they will have that choice.

22 But I agree. I absolutely agree, that  
23 there's still going to be many of those learning  
24 experiences where something didn't work out, or --  
25 but we think we've built, some strategies in, those

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1 two empty periods during the day for the tutoring  
2 and possibly credit recovery, that they will have  
3 opportunities to be in different, varied classes and  
4 learning styles.

5 MR. BAIARDO: To address your point, if I  
6 can continue, the most choice that the school plans  
7 to offer is a lot in the core curriculum, where, if  
8 a student is taking the standard English, social  
9 studies, mathematics, and science courses, they'll  
10 have lots of different ways to approach the  
11 different requirements that are set forth before  
12 them.

13 But, as they get into the latter half of  
14 their sophomore year, especially their junior and  
15 senior year, they will have to commit -- there is  
16 obviously exploration within this. But they'll  
17 commit to what we call career pathways or degree  
18 programs, where the students will be put into, by  
19 their choice, a degree program that is preparing  
20 them for college.

21 And, in those classes there, while they'll  
22 choose what degree programs may be best aligned to  
23 their strengths and interests, those programs will  
24 be very rigorous in nature to try and prepare them  
25 for that transition into college, where we're giving

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1     them not only a glimpse into the academic  
2     expectations of what college brings, but, also, the  
3     insight into different fields that they want to  
4     explore.

5             I think a lot of students -- as high  
6     school teachers, a lot of us know that kids want to  
7     do something, but, oftentimes, don't understand what  
8     it takes to do that, or what it means to pursue a  
9     career. And, so, we're trying to provide them that  
10    insight before they even graduate, so when they step  
11    onto a college campus, they will have had at least  
12    some experience that, "Well, I like this, and I  
13    definitely don't like this, so I'm going to begin to  
14    explore in this area."

15            So, in those areas, we're going to  
16    definitely hold the kids' feet to the fire a lot  
17    more. Those courses would be offered at what we  
18    would call the college level or a college transition  
19    level, where they're much more rigorous and  
20    academically challenging in nature, because, when  
21    they get to college, as you mentioned, no one is  
22    going to be nice to them. They're there, and  
23    they're thrown in.

24            And it is -- you know, it is -- it's a  
25    nameless system in a lot of ways, where you're a

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1 number, and you're in a big class, and you never get  
2 to know your teacher, like you do in high school.

3 We're not going to throw them into the  
4 deep end, per se, but we want to make that  
5 transition into that program a little easier for  
6 them, so that, as most students -- I mean, I think  
7 the dropout rate of college freshmen is somewhere in  
8 the 30s or 40s in terms of percent. That's a  
9 troubling percentage. That shows most students  
10 aren't ready to that that step into college.

11 So we want to give them nurturing to allow  
12 them to pursue areas they're interested in, but, at  
13 the same time, we don't want to do a disservice to  
14 them by coddling them and not by challenging them  
15 with a rigorous curriculum that will, like you said,  
16 prepare them for real-world experiences.

17 COMMISSIONER TOULOUSE: The other thing I  
18 wanted to touch, and it's similar to that. You  
19 talked about volunteering. Are you looking at it in  
20 a framework, such as service learning as an approach  
21 to it, so that it ties in more? Or just go out and  
22 find a place and volunteer and let us know? I like  
23 the service learning model; I'll admit that, and  
24 that's why I'm asking that.

25 MR. BAIARDO: Sure. The academic service,

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1     which we feel is a huge component, will not only  
2     allow kids to go out and explore and to get some  
3     experience outside of school with internships, where  
4     they're volunteering in different entities based on  
5     their interest; but it also -- one thing that the  
6     application hits very strongly on is that we want  
7     that academic service, especially for upper  
8     classmen, we want those students to provide service  
9     back to their own school, where the upper classmen,  
10    for a large part, are the ones tutoring the  
11    underclassmen.

12                 We feel that every student should have a  
13    strength in at least one area, and they should use  
14    that area to help students -- younger students --  
15    to -- in areas where tutoring or mediation is  
16    required for kids that may have -- or be struggling  
17    in that area, whether it be math or English or  
18    whatnot.

19                 So there's a lot of different points of  
20    academic service, yeah. But it would be voluntary,  
21    but they would receive credit for it, so...

22                 COMMISSIONER TOULOUSE: Okay.

23                 THE CHAIR: Thank you. Commissioner Gant?

24                 COMMISSIONER GANT: Good morning, Madame  
25    Chair, members. First, what I'm going to start with

1 is addressed on Page 163 of the application, at  
2 Page 55 of the appendices, which is the Appendix F,  
3 "Student Discipline Policy."

4 In reading through that -- and it's just  
5 my take on it -- to me, I find it -- these two  
6 sections weak. Section 6 -- correction --  
7 Section 6.11.2 is "Student Rights and  
8 Responsibilities" under the New Mexico  
9 Administrative Code. These two sections in the  
10 application and your appendices do not address --  
11 which are in the code -- suspensions, expulsions,  
12 and, in particular, under 6.11.2.12, suspensions and  
13 expulsions of students with disabilities.

14 I'm asking, why is this not addressed?  
15 There is nothing that I can find -- I know I'm blind  
16 and old. But I don't see anything in the  
17 application that discusses students with  
18 disabilities in this area of discipline. It's just  
19 not there. Explain to me why, please.

20 MR. BAIARDO: Well, we feel that, to some  
21 extent, the -- the application -- we want to treat  
22 every student equally. And, yes, some students have  
23 modifications in their individual education plans.  
24 And, depending on -- and having worked in special ed  
25 before, we -- Vicky and I both know that one has to

1 determine whether a specific behavior is linked to a  
2 student's disability. And that needs a  
3 manifestation hearing to go through that, to see,  
4 well, is a student misbehaving because of his or her  
5 disability, or is a student misbehaving through what  
6 we call conscious malicious efforts? That part in  
7 the application, we will have to address during the  
8 planning year to make sure that we are in compliance  
9 with the State statutes.

10 MS. McCARTY: I want to say one more  
11 thing. When -- you know, I know, because I've  
12 worked at Rio Rancho High School and Cleveland for  
13 the last 20 years basically. And every year, we  
14 change our discipline matrix. Every year, we  
15 address issues with the discipline matrix. We have  
16 a system in place, and new things occur, like the  
17 electronic cigarette came up last year. We didn't  
18 have that problem before, and now we've got kids  
19 trying to smoke the electronic cigarette.

20 We have to make adjustments. We figured  
21 that this was a plan, a system, trying to have a  
22 system that was kind of proactive, and you develop  
23 these point systems. But I feel like that's going  
24 to be a work in progress. And I do have a special  
25 ed background. I oversaw the special ed department

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1 at Rio Rancho for one year, and I taught special ed  
2 classes for over six years.

3 And, so, I do understand that students  
4 with disabilities are going to be looked at a little  
5 differently. And, obviously, if there is, you  
6 know -- if it's not a manifestation of their  
7 disability, then we look at regular discipline. If  
8 it is, then we look at creative ways of disciplining  
9 those students, working with those students.

10 Every student is individual. We -- we  
11 plan on looking at it case by case. But I see that  
12 discipline plan as an evolving document. And, so,  
13 we'll be -- we will be looking at that closely. And  
14 if something is not working, then we will work on  
15 fixing that.

16 COMMISSIONER GANT: But don't you think it  
17 would have been good to at least address the need to  
18 look at special ed students and their issues  
19 surrounding suspension, just at least address it in  
20 the --

21 MS. McCARTY: Yeah, probably. But it's --  
22 you know, again, we're working at this. And it's --  
23 again, the whole process is going to be evolving.  
24 So we'll learn by fire, and we'll just keep plugging  
25 away until we get it right. Absolutely.

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1 COMMISSIONER GANT: All right. The next  
2 question also is -- deals with SpEd students. And  
3 as you have mentioned, you've dealt with SpEd  
4 students for a number of years. We all have, and  
5 either through education or personal experience in  
6 families.

7 It is stated, on Page 72, "A student who  
8 earns a 1 or 2 on any standard at the conclusion of  
9 a given seminar, no matter what their overall  
10 average score, must repeat the seminar."

11 It is also stated, on Page 74 of the  
12 application, that the students who obtain academic  
13 credit, "Each student at Explore Academy must earn  
14 either a 3 or a 4 out of a possible 4, and, thus,  
15 demonstrate a minimum of 75-percent proficiency."

16 Now, we all know, those of us that have to  
17 deal with SpEd students, some are very bright. Some  
18 are artistic and -- whatever. And there is a limit  
19 sometimes with some students that they cannot go  
20 very far. They can only -- all students should be  
21 educated. We want that.

22 There is a limit to some intelligent  
23 capabilities. There is a possibility that some  
24 students, SpEd students or others, will never make 3  
25 or 4, no matter what you do, how many times you take

1 the seminar, what version you take.

2 What are you going to do with these  
3 students that hit their sophomore and their junior  
4 year, there is no way they are going to meet the  
5 requirement of graduation, based upon what you have  
6 in the application? Then what are you going to do  
7 with these students?

8 MS. McCARTY: I believe, again, every  
9 student is individual. Those IEPs are -- are the  
10 driving force behind what we would do there. If --  
11 if it's determined that a student -- you know,  
12 because of their intellectual disabilities, that  
13 they will not be, then the modifications will be put  
14 in place.

15 I don't think that's any different than  
16 what we do at any public school now. We will  
17 address it, just like we do in the IEP. If the IEP  
18 is basically the driving force -- if that -- if the  
19 modifications and the accommodations aren't enough,  
20 then we look at writing that alternative graduation  
21 requirement, or -- I forget the term. But, you  
22 know, it's the alternative graduation piece that  
23 would be in the IEP.

24 So each student is individual. We will  
25 have special education teachers involved with those

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1 IEPs and working with the teachers in meeting the  
2 modifications and accommodations for those students.  
3 We want to, obviously, push them as far as they can  
4 go, meet as close to that potential as they have,  
5 just like with any other student. And we'll look at  
6 that on a case-by-case basis.

7 But, we're going to follow the law, and  
8 we're going to follow the IEP as a legal document.

9 COMMISSIONER GANT: Well, I just --  
10 mostly, I did have the impression that 3 or 4, that  
11 was it. If you read the application, that's what  
12 it's saying.

13 MS. McCARTY: I understand that. But,  
14 again, we know about the IEP and that being a legal  
15 document, and that those students will be  
16 accommodated for.

17 COMMISSIONER GANT: And this seems like a  
18 simple question that deals with the budget. And I  
19 really wasn't going to go into it. But you talk  
20 about food services. And I understand you're going  
21 to go out there and contract it and all that. But  
22 explain to me, who's going to furnish all the  
23 equipment? Is there going to be a separate room for  
24 feeding the students? Are there going to be tables  
25 and chairs and refrigeration and -- none of that is

1 spoken to.

2 MR. BAIARDO: We've got -- because the  
3 students have two free periods every day built in,  
4 we have -- we are going to designate areas as common  
5 areas. That was described in the Public Schools  
6 Facilities -- the facility part that we submitted to  
7 the PSFA. The common areas are going to be  
8 important for students to study, for the tutoring to  
9 take place, for students to have time to collaborate  
10 with other students. And that will be for eating.

11 And, so, in those common areas, they will  
12 be -- either both -- breakfast or lunch, or both.  
13 Students have those break times in different parts  
14 of the day. If they bring their own lunch,  
15 obviously that would be the time and the place for  
16 them to eat. So --

17 COMMISSIONER GANT: But you said you were  
18 going to go out and try and get a contract for --

19 MR. BAIARDO: Right. But students who  
20 don't want to take part in those food services, the  
21 common areas will be there for students to eat.  
22 That's the simple answer.

23 COMMISSIONER GANT: But I go back to part  
24 of my question was, what about the equipment?  
25 You're going to bring food in. And there's State



1 codes, local codes on the safety of food, the  
2 refrigeration, the heating, the cooling, and all  
3 that. Where -- I didn't see that.

4 MR. BAIARDO: If I --

5 COMMISSIONER GANT: I understand.

6 MR. BAIARDO: Mr. Vigil is our finance  
7 side.

8 MR. VIGIL: Madame Chair, Mr. Gant, many  
9 of the contractors that the charter schools use now  
10 do have the warmers. They comply with all the  
11 requirements of the USDA Free and Reduced Lunch  
12 program. So they roll in carts and such. That  
13 would meet the standards with the food warm and such  
14 and serve with the appliances and such.

15 The charters just basically run the  
16 program through the PED. So the program contractor  
17 gets paid for that program. And the contract does  
18 have -- and there's different contractors here in  
19 town that are already offering that to charter  
20 schools.

21 MS. McCARTY: I know that one of the  
22 facilities we're considering, they do have a --  
23 like, a small kitchen area that has refrigerators  
24 for students that bring their lunches. They had a  
25 space for that. They accommodated two different

1 charter schools in that building. I'm not sure  
2 about the other facility. I would assume they would  
3 have a refrigerator, some facilities for those kinds  
4 of things that would not be the contracted company.

5 COMMISSIONER GANT: My last question,  
6 Madame Chair. If this is approved, I believe you  
7 stated in your application that you will start here  
8 in December or so sending out advertisement? And  
9 what is going to -- what are you going to  
10 specifically state in your letters and other  
11 brochures about this college and how you want  
12 students who are -- who want to go on to higher  
13 education? What's going to be in there?

14 MR. BAIARDO: I mean, we're going to -- I  
15 think, fundamentally, it's the -- it's the  
16 philosophy of choice that we want to try and attract  
17 students with. And I think it's an attractive  
18 philosophy.

19 But the brochures that we have actually  
20 sent out a first wave of them to try and garner at  
21 least some interest going into the application  
22 process, they describe the school, its philosophy,  
23 some basic examples of how -- how the philosophy  
24 works and how it applies in the everyday schooling.

25 It's a tri-fold, so there's limited space

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1 for us to put information in there. But it does --  
2 it does talk a little bit about college prep and how  
3 students will be expected to enter a -- a degree  
4 program, which is synonymous with a career pathway,  
5 at some point beginning either in their sophomore  
6 year or their junior year.

7 But just at the very, very basic level,  
8 trying to provide students and parents with an  
9 overview of the school as best we can, given the  
10 limited space. It does point back to our Web site,  
11 which is under construction right now, that will  
12 provide much more significant information for  
13 students.

14 As we get up and running, we would like to  
15 begin holding specific parents nights, at least once  
16 a month, for those individuals that maybe don't have  
17 access to the Internet or those parents or students  
18 that want to meet and ask questions, so we can hold  
19 those forums for students and parents to come and  
20 hear what we're all about before they commit.

21 So the -- the brochure that we're planning  
22 to send out right away to try and at least analyze  
23 some true numbers in terms of enrollment potential  
24 going into our first year, those brochures will go  
25 out, presumably, at the end of this calendar year.

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1 And then we will -- you know, if we need to continue  
2 advertising to try and pull in more students, we'll  
3 have to take the necessary steps to do so.

4 COMMISSIONER GANT: Will you be  
5 emphasizing the fact -- and it's all the way through  
6 your application in many, many places -- that  
7 students attending this academy will be expected to  
8 go on to college?

9 MR. BAIARDO: It's a -- we want to give  
10 students the platform and the foundation from which  
11 they can spring successfully into college. We want  
12 to give them a variety of options and avenues to  
13 explore not only their own learning styles and be  
14 successful, but to explore different careers in  
15 college.

16 No. As a charter school, we accept any  
17 student that wants to attend. If a student doesn't  
18 see college in their future, they are welcome to  
19 come. They are welcome to experience and to learn  
20 about themselves, and, I think, to get a more  
21 individualized curriculum than they might find in  
22 their local area high school.

23 So, as a charter school, we welcome all  
24 students, and college or not. But those students  
25 who do come, and they -- I would think they would

1 understand the -- how the school works and the  
2 system under which it operates.

3 COMMISSIONER GANT: Well, don't you think  
4 there are many students -- and we've talked about  
5 disadvantaged students. Whatever the reason for the  
6 disadvantages, when they read your brochure, they  
7 hear what you have to say about college and college  
8 prep and on and on and on, they're going to say,  
9 "Well, no, I don't see it."

10 Although there are many bright students  
11 who live in disadvantaged situations, and they're  
12 going to see your brochures, your Web site, and  
13 they're all going to say, "Not me." There are going  
14 to be a lot of them who would say, "I'd like to, but  
15 they're talking about college. I can't afford it; I  
16 can't see it; it will never happen."

17 How do you entice those type -- those  
18 children, those students, those families to think  
19 that they will be successful?

20 MR. BAIARDO: I'd like to think that any  
21 student has the potential to go to college, to be  
22 successful. One thing that we -- that I emphasize  
23 in the application is that, because our school is  
24 based on mastery, and because we make sure that you  
25 are proficient in something before you get credit,

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1 all students will receive -- when they receive  
2 credit, they will also receive a higher grade, and,  
3 thus, will become eligible for the lottery  
4 scholarship, just by default. Graduating from our  
5 school, they will have had to achieve a state of  
6 proficiency across all their courses, and,  
7 therefore, it will be helpful in them receiving the  
8 lottery scholarship.

9 So, whereas, in a typical high school  
10 right now, you can graduate high school, but not be  
11 eligible for the lottery scholarship if you're a D  
12 or C student. You have to have a certain grade  
13 point average to pay for -- I believe it's seven or  
14 eight semesters at UNM, or any State -- public state  
15 school. At our school, because it's a proficiency  
16 and mastery-based school, we want all our kids that  
17 graduate to, since they will be proficient, they  
18 will automatically be eligible for that assistance  
19 in college.

20 And I think that's a strong component to  
21 our application of what we can talk to parents  
22 about. Even if they can't afford it, we are  
23 preparing their students for -- for financial  
24 assistance in college by simply going through our --  
25 our academic program.

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1 COMMISSIONER GANT: But there's other  
2 reasons families see that their students aren't  
3 going to college. But you give me another thought  
4 on the SpEd student, that you might modify their  
5 graduation requirements, but they're not going to  
6 make that 2.5 or 2.0 required for the lottery; is  
7 that correct?

8 MS. McCARTY: But, again, not every --  
9 it's that square peg in the round hole or round peg  
10 in the square hole. We understand that there are  
11 going to be a small population of students that are  
12 not going to be college-bound. That's the reality  
13 of every school in America. And, so, we want to be  
14 able to give them choices, platforms, to go to maybe  
15 alternative schools, a smaller community college or  
16 a specific training school, a trade, that kind of  
17 thing.

18 We want them to have a solid foundation  
19 for whatever they decide to do, whether -- if  
20 college isn't for them, maybe they go to training  
21 for refrigeration or, you know, chef school, that  
22 kind of thing. We want them to have those choices.  
23 But we're setting it up as a platform for  
24 college-bound students. But we understand there's  
25 going to be some students that just don't fit that

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1 mark. And so we will lead them in that direction.  
2 We'll support them in that endeavor.

3 MR. BAIARDO: I feel like one that I  
4 faced, with parents and students, in my experience  
5 teaching, is that some students, themselves, don't  
6 see themselves as -- as college-ready. And I think  
7 when you grab a student, and when you inspire them,  
8 and when you provide them with opportunities to  
9 follow their passions and their interests, I think,  
10 in many cases, you can make a student actually open  
11 to the idea of college, where he or she wasn't open  
12 to the idea of college before.

13 COMMISSIONER GANT: Thank you.

14 THE CHAIR: Thank you. Just out of  
15 curiosity, who wrote the application?

16 MR. BAIARDO: I did.

17 THE CHAIR: And, again, out of curiosity,  
18 why did you choose not to use the form that was  
19 provided?

20 MR. BAIARDO: Oh. The template, you mean?

21 THE CHAIR: Uh-huh.

22 MR. BAIARDO: I began using it. And it  
23 was -- the insertion of tables, which was, I think,  
24 the best way to try and demonstrate a lot of the  
25 elements in the prompts that we were required to



1 address, it was a little restrictive for -- for  
2 trying to put in some demonstrations that I was  
3 trying to use in the writing of the application.

4 So, I -- I mean, I used as much of the  
5 format as I could to try and keep it as consistent  
6 as what was expected. But, in certain areas where I  
7 felt it would be more appropriate to use a chart  
8 here or a graph here, the limits of the template  
9 didn't allow that to --

10 THE CHAIR: So the staff is aware of any  
11 problems with it.

12 MR. GERLICZ: We are quite aware of the  
13 difficulty of insertion tables. It wasn't only this  
14 one, but we got that feedback across the board.

15 THE CHAIR: Well, one of the things I  
16 noticed that was missing was in Section D, goals  
17 related to the school's mission. There were  
18 instructions there asking for first-year goals. And  
19 I -- you have many goals.

20 I saw one that was a first-year goal. The  
21 others all talk about the end of the third school  
22 year and even more than that. So I really do not  
23 see what specifically was being asked for for  
24 first-year goals in the goals that you have set out.

25 I do see, on Page 6, where you say,

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1 "School Year One, student satisfaction levels will  
2 be greater than 75 percent." But that's the only  
3 first-year goal I see.

4 Other than that, I notice, in your  
5 school -- in your student policy section, you talk  
6 about students with long-term suspension or who are  
7 expelled and that they can make up their work  
8 online. Is -- I didn't see an explanation of what  
9 online curriculum would be available to them. I  
10 didn't find the cost for it in the budget. And I'm  
11 questioning whether an expelled student can make up  
12 their work. Can somebody help me with that? Can an  
13 expelled student do academic work?

14 MR. GERLICZ: Under the charter laws, they  
15 do operate somewhat differently. It is true that,  
16 if you're expelled from one district school, that  
17 you cannot enroll in another district school.  
18 Charters can accept students from a district school,  
19 and they can operate as an independent district  
20 themselves. They do have the option of creating a  
21 program that would educate students that could not  
22 be educated elsewhere.

23 THE CHAIR: But, if they're expelled from  
24 this school, can they do online work at this school  
25 to make up for missed classes?

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1 MR. GERLICZ: I do not know the specific  
2 answer to that question.

3 THE CHAIR: Okay. Then back to what's  
4 the -- what's the --

5 MR. BAIARDO: Yeah. For clarity, I -- the  
6 intention was not for expelled students. If that  
7 point wasn't made clear, that was my -- my  
8 responsibility. That -- mainly for suspended  
9 students who have to be removed from the classroom  
10 environment. One thought was to use Skype, which  
11 is -- is -- is free, or a program where maybe a  
12 student would have to, maybe, on loan, take a laptop  
13 home, so he can watch what's going on in class, if  
14 he has to be removed from the actual physical  
15 classroom environment.

16 But, yeah, if the student needs the  
17 technological requirement, you can potentially  
18 provide a laptop on loan. But, for the most part,  
19 Skype, or any sort of webcast can be done for free  
20 without cost.

21 THE CHAIR: Rather than truly an online  
22 class, you're talking about --

23 MR. BAIARDO: No, there is no alternate  
24 online curriculum, right. So the online would just  
25 be a way to interact or interface the class with the

1 student who wouldn't just be at home losing time and  
2 potentially being put at a disadvantage.

3 THE CHAIR: Okay. I'd like to look at  
4 your budget. On the second page of the budget --  
5 let me get it big enough to see it here. On the  
6 second page of the budget, under the heading,  
7 "Supplies" --

8 MR. BAIARDO: Uh-huh.

9 THE CHAIR: It's almost down to about the  
10 bottom of the page.

11 MR. BAIARDO: What is the line item on  
12 that one?

13 THE CHAIR: It is 11,000, 1000, 56118.

14 MR. BAIARDO: Yes. "General Supplies and  
15 Materials." Yes.

16 THE CHAIR: General Supplies and  
17 Materials. In Year 1, it's \$102,000. Year 2, it's  
18 \$687,000. Year 3, \$927,000. Then in 4 and 5, it  
19 drops back down to 170 -- pardon me -- \$107,000.  
20 Years 2 and 3, that is a huge jump. What is that  
21 paying for?

22 MR. BAIARDO: Where does the money come  
23 from, or where is it going?

24 THE CHAIR: What's it paying for?

25 MR. BAIARDO: Because, in those years,

1 especially in the second year, as the students move  
2 into the eleventh-grade and twelfth-grade years,  
3 that is when the school starts opening up our degree  
4 programs. So, every teacher is responsible for  
5 managing and overseeing a degree program which  
6 prepares students for that inside rigor into a  
7 college area of study.

8 And, so, to supply teachers with what they  
9 need in some of those degree programs, which, in the  
10 case of science and engineering, I think will be  
11 required significant expenditures, we chose to use a  
12 lot of our predicted increased revenue from those  
13 years as the school would grow to try and help  
14 purchase some of the equipment in the need to offer  
15 those degree programs to students.

16 So the short answer is our degree  
17 programs, which won't be offered in the first year,  
18 but will start in the second and third year, as  
19 students are juniors and then seniors. We felt it  
20 would go directly into that area.

21 THE CHAIR: That's a lot of money. And on  
22 Page -- here we go. "Community Support." Under  
23 "Evidence of Support," it -- that looks really  
24 limited to me. Were you able to do much outreach to  
25 gather support or --

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1 MR. BAIARDO: Sure. So, as I mentioned,  
2 we had sent out a representative -- a sample of  
3 brochures, of tri-fold brochures, to what I felt was  
4 a representative sample of students around the  
5 Albuquerque area.

6 We didn't want to, obviously, neglect any  
7 geographic locations within the area. So we used  
8 the zip codes as kind of a reference as to where we  
9 would be distributing our reports. And it was  
10 randomly chosen as to where we would be sending the  
11 reports, so we wouldn't be focusing on the Heights  
12 or the South Valley. We wanted it to be  
13 representative.

14 What we received back from our reports was  
15 a return rate of approximately 7 percent. And that,  
16 to me, there is justification for optimism. And I  
17 looked this up in the weeks after. APS, this  
18 year -- or I would say last year, last year's data  
19 was available -- has 17,000 students in Grades 8 and  
20 9, not at charter schools, and we're not considering  
21 Rio Rancho or Bernalillo, but we do plan to at least  
22 open up students to attend from those areas.

23 So, if 17,000 students exist in Grades 8  
24 and 9 in Albuquerque Public Schools, if we receive a  
25 return rate of even half of what we had in our

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1 initial marketing -- so for a 7-percent return, you  
2 receive a 3-and-a-half-percent return -- we received  
3 more than double the number of students that we  
4 would need to cover our first year enrollment  
5 projections.

6 So I actually think 7 percent is a good  
7 optimistic sign that there is interest out there.  
8 We sent about 1,000 brochures out, and receiving --  
9 it was somewhere around 73 parents who had gone to  
10 the Web site and sent in a form to -- to just  
11 express their interest. That was where we achieved  
12 that 7 percent from. So, even if we get half that  
13 return rate, I still think we're in very good shape  
14 for trying to meet our enrollment projections.

15 THE CHAIR: We're out of time. Thank you  
16 very much. I appreciate you -- we appreciate your  
17 presentation.

18 MS. McCARTY: Thank you very much.

19 MS. ROBINSON: Thank you.

20 THE CHAIR: Thank you. Any member of the  
21 public, including the applicant, may submit written  
22 input following this hearing. Written comments can  
23 be sent to the Commission via the PED Web site,  
24 [www.PED.State.NM.US/Comments](http://www.PED.State.NM.US/Comments). There are forms out  
25 on the sign-in table with that same information.

1           You will be directed to an e-mail format  
2           in which to write your comment. Make sure you  
3           identify the school you're commenting on in the  
4           drop-down menu. Please note that any written input  
5           must be received by no later than close of business  
6           on the third business day following the hearing on  
7           the application you wish to comment on.

8           Thank you for your presentation today.  
9           The Public Education Commission will meet in  
10          Santa Fe, September 26-27, 2013, to render their  
11          decision on approval or denial of this and other new  
12          charter school applications.

13          The Commission will now recess the hearing  
14          until 9:00 a.m. tomorrow morning in Columbus,  
15          New Mexico. We thank you all for being here today,  
16          and we are in recess.

17                 (Proceedings in recess at 11:25 a.m.)  
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BEFORE THE PUBLIC EDUCATION COMMISSION  
STATE OF NEW MEXICO

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 NEW  
MEXICO 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 August 29, 2013.

*Cynthia C. Chapman*

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