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BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

IN THE MATTER OF:

NEW MEXICO VIRTUAL EDUCATION PARTNERS:
KAPLAN ACADEMY OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
CHARTER SCHOOL PUBLIC INPUT HEARING
August 27, 2009
8:04 a.m.
5600 Eagle Rock NE
Albuquerque, New Mexico

REPORTED BY: Cynthia C. Chapman, RMR, CCR #219
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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
- MS. KATHRYN KRIVITZKY
- MS. CAROLYN SHEARMAN
- MR. JEFF CARR
- MR. VINCE BERGMAN

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

1 THE CHAIR: I apologize. It's a few
2 minutes after 8:00, and I was busy visiting. I call
3 this meeting of the Public Education Commission back
4 to order for the purpose of the charter school
5 public input hearing in Albuquerque on August the
6 28th, 2009. And I'm going to ask my Commissioners
7 to introduce yourselves, and that will be a
8 mechanism for roll call, Madam Secretary. So could
9 we start with you, please.

10 MS. SHEARMAN: I'm sorry?

11 THE CHAIR: Could we start with you?

12 MS. SHEARMAN: I'm Carolyn Shearman. I
13 represent District 9. That's the far eastern edge
14 of the state.

15 MR. BERGMAN: I'm Vince Bergman. I
16 represent District 8, which is Chaves County, Otero
17 County, Lincoln County, and all or parts of five
18 other counties.

19 THE CHAIR: Mr. Garrison.

20 MR. GARRISON: Andrew Garrison. I
21 represent District 1, which is the west side of
22 Albuquerque.

23 MS. POGNA: I'm Millie Pogna, District 2,
24 pretty much Albuquerque to Torrance County,
25 Bernalillo County line, and the Four Hills and

1 Indian reservation.

2 MS. KRIVITZKY: I'm Kathryn Krivitzky. I
3 represent District 3, which is the central part of
4 Albuquerque.

5 MR. CARR: I'm Jeff Carr. I represent
6 District 10, which is northern Santa Fe up to Taos
7 and across to Clayton.

8 THE CHAIR: And I'm Catherine Smith, and I
9 represent District 6, which is the southwestern
10 portion of New Mexico, with the exceptions of
11 Dona Ana and Sierra Counties.

12 And so, Madam Secretary, it looks to me
13 like we have a quorum again this morning. I have
14 been explaining to groups that last -- this is our
15 third series of public hearings on State-chartered
16 charter schools. And until this year, the Attorney
17 General ruled that we have to have six Commissioners
18 in order to have a quorum. And we got down, I
19 think, to seven commissioners once. And it became a
20 little iffy about what we were going to do.

21 And so we explained our dilemma to the
22 legislature, and the legislature changed the law so
23 that we have to have a minimum of three
24 Commissioners at any one of these public hearings.

25 And so you will see that most of our Commissioners

1 are able to -- to carry forth with their
2 responsibilities. And most of the time, we have --
3 we certainly have the ability to have met that
4 original commitment.

5 Mr. Eugene Gant is not with us during this
6 series of hearings. We knew that he had a serious
7 illness in his family, and his brother-in-law passed
8 away yesterday. And so when we do the Pledge this
9 morning, I'm going to ask that it be done in memory
10 of Mr. Gant's brother-in-law. Yesterday, we did it
11 in honor of Senator Ted Kennedy. And today, we'll
12 do it in honor of Mr. Gant's brother-in-law.

13 Ms. Mavis Price is not with us. And I
14 have not heard. But she, too, has been having some
15 severe family illness problems, and so I'm assuming
16 that this is probably why she is not with us. And
17 so our hearts go out to them, and our prayers
18 certainly will be with them.

19 And I haven't asked anybody yet. But,
20 Ms. Krivitzky, have you led the pledge during this
21 series?

22 MS. KRIVITZKY: I did. But I don't mind
23 doing it again at all. Sure.

24 (Pledge of Allegiance and Salute to the
25 New Mexico Flag.)

1 THE CHAIR: I'm very appreciative that our
2 staff sees to it that we do have the flags for our
3 meetings because I think it's very important the
4 furor, if you will, that has been in the newspapers,
5 at least for the last few weeks, over the Public
6 Education Secretary, Veronica Garcia, and what she
7 was going to determine about the Pledge of
8 Allegiance in the schools. And then the
9 determination that she made that she was going to
10 leave the current ruling alone pleased me very much
11 because we were the State Board that made that
12 ruling, Millie --

13 MS. POGNA: Yes, 30 years ago.

14 THE CHAIR: -- many years ago. So I'm
15 very pleased that Dr. Garcia affirmed that. So
16 we're to the statement for the hearing. The purpose
17 of this hearing is to solicit both written and oral
18 input on the proposed charter in accordance with the
19 Charter Schools Act. Quote, "The commission shall
20 receive applications for initial chartering and
21 renewals of charter for charter schools that want to
22 be chartered by the state and approve or disapprove
23 those charter applications." End of quote. And
24 this is a citation from 22-8B-16, New Mexico
25 Statutes Annotated, 1978.

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1 In addition, the Charter School Act states
2 that, quote, "The chartering authority shall hold at
3 least one public hearing in the school district in
4 which the charter school is proposed to be located
5 to obtain information and community input to assist
6 in its decision whether to grant a charter school
7 application. Community input may include written or
8 oral comments in favor of, or in opposition to, the
9 application for -- from the Applicant, the local
10 community, and, for State-chartered schools, the
11 local school board and school district in whose
12 geographic boundaries the charter school is proposed
13 to be located." End of quote. And this is a
14 citation from 22-8B-6 parentheses J, New Mexico
15 Statutes Annotated, 1978.

16 And so I'd like to go back now to asking
17 two things. One, I want to recognize a former state
18 Board of Education colleague, Manny. Thank you for
19 being here today with us.

20 MR. MARTINEZ: Fine. Thank you.

21 THE CHAIR: Manny Martinez. I appreciate
22 your being here. And I know you're here with a
23 group. But I'm going to ask Dr. Duran to introduce
24 the members of his staff. And then I'm going to ask
25 the audience members, because I have lots of friends

1 out there. In case you haven't noticed, I've been
2 around education -- this is my 57th year in
3 professional education. That's not talking about
4 being a lifetime student. New Mexico schools have
5 put me through four college degrees. So -- so I've
6 been around a long time. But this is my 57th year,
7 this fall, to be in the public schools. (Applause.)

8 I say that because you probably have
9 noticed there's hardly been a hearing that I haven't
10 known one or more people. So after that many years,
11 you get to know quite a few people, if we stay
12 around long enough to have gray hair. And, Manny,
13 you don't have gray hair. I tell you what. I don't
14 know why I can't trade with you. So, at any rate --
15 Dr. Duran.

16 DR. DURAN: Yes, it's my pleasure to
17 introduce Ms. Corina Chavez, who's from our Santa Fe
18 office, Mr. Sam Obenshain from Albuquerque, our
19 counselor, Mr. Arnold. The eminent Mr. Michael
20 C de Baca, who was elevated to a Ph.D., I believe,
21 by Ms. Smith. Since she's been to four colleges,
22 she made him a Ph.D. The PEC attorney is Counselor
23 Bustamante. And Cindy Chapman is our ears, our
24 fingers to the voices. She's our stenographer. And
25 we're blessed to have her. I think that's --

1 THE CHAIR: Manny, let's start with you,
2 please. But let's introduce everybody, and then
3 I'll ask you to make your presentation. I'd like to
4 know who all is here for the record, if you don't
5 mind, please. Just tell me who you are. Or do you
6 remember?

7 MR. MARTINEZ: I'm having a hard time.
8 Okay. My name is M.G. Martinez, "Manny." And I did
9 serve on the board with Madam Chair and Millie
10 Pogna, and those were the best years of my life.
11 And with me today is Ben Casados. Ben and I went to
12 school together in Tierra Amarilla, so we've been
13 together all the way through grade school and went
14 to New Mexico State University. So he will be
15 leading our presentation today.

16 (Introduction of members of the public.)

17 DR. DURAN: Madam Chair, whenever you're
18 ready.

19 THE CHAIR: Okay. I'm going to give
20 the -- this -- and I'm not exactly certain. So,
21 Dr. Duran, you're going to have to help me, because
22 I kind of struggled with this. The schedule that we
23 have says New Mexico Virtual Education Partners.
24 And this says Kaplan Academy of New Mexico. So
25 folks, if --

1 DR. DURAN: They're both the same.

2 THE CHAIR: They're both the same. So if
3 you're having problems with that, as I was having,
4 just be certain that we're in the -- reading on the
5 same page of this.

6 Okay. At this time, we would like to hear
7 from the Applicant. For the record, state the name
8 of the school, the name or names of the founder or
9 founders of the school, the proposed grade levels to
10 be served and membership projection of the school.

11 We will request that you state for the
12 record a brief description of the school, the
13 reasons you believe the school will benefit the
14 children and citizens of this community, and any
15 other information that you would like the Commission
16 to know about your application. You have 15
17 minutes, so please be as precise as you can during
18 this time.

19 And -- I promoted him, and I'm going to
20 keep him promoted. Dr. C de Baca will be our timer.
21 So please be aware of that. From the corner of your
22 eye, you may see a flashing yellow card. And so
23 he's going to tell you in five minutes, and then
24 he's really going to get rough and tell you when
25 it's one minute, and then guess what he's going to

1 do? He's going to stomp on you and say, "Stop." I
2 don't think he's had to do that, though. Not one
3 time in the course of our hearings this week.

4 So you folks all have, to a group, have
5 been very cautious of the time limits, and we're
6 very appreciative of that. So if you will begin
7 now, please.

8 MR. CASADOS: Thank you. Thank you, Madam
9 Chairman. And I'm Ben Casados. And I am pleased to
10 have the opportunity to speak on behalf of
11 New Mexico Virtual Education Partners concerning our
12 application for the Kaplan Academy for New Mexico, a
13 virtual school charter designed to provide new
14 educational opportunities for all students in the
15 State of New Mexico.

16 We are aware of the tremendous advances
17 that have been made in information and instructional
18 technology. Today we see the power of full motion
19 video moving effortlessly across the Internet,
20 face-to-face interaction occurring virtually in real
21 time, massive data-driven programs delivered with
22 ease and speed to most points on earth using an
23 average computer. Synchronous and asynchronous
24 construction. Color of animation graphics are
25 instructional tools that are effectively used in the

1 design of the instructional material.

2 Many students fully conversant in today's
3 technology hunger for a way to use their preferred
4 method of communication as a foundation for their
5 education. Today, in New Mexico, no full-time
6 virtual option for students, primary and secondary
7 education, exists. As New Mexico Virtual Education
8 Partners, our board looked into the states
9 surrounding New Mexico and saw a wealth of virtual
10 options for students, including part-time
11 state-driven programs like IDEAL-New Mexico, and
12 full-time options driven by charter schools and
13 progressive school districts across the west.

14 The demand for multiple options is
15 staggering. In Arizona, for example, over
16 26,000 students participate in some type of virtual
17 education, nearly half of those students enrolled in
18 a full-time, all-virtual program.

19 At today's hearing, we hope to explain to
20 the Public Education Commission the need and demand
21 for a high-quality full-time virtual education
22 option, how Kaplan Academy of New Mexico can meet
23 the needs of New Mexico students, and how Kaplan
24 Academy of New Mexico can meet and exceed rigorous
25 demands that come with being a New Mexico public

1 school charter.

2 In looking at our current educational
3 programs and level of success we're having in
4 graduating students, we are faced with the following
5 questions. Have we, in the world of education,
6 harnessed today's technology to significantly
7 improve the teaching and learning in our schools?
8 Do our teachers and students, as part of their
9 teaching and learning activity, have access to a
10 wide array of information sources, both historical
11 and current in nature? Do our instructional
12 technologies take into consideration the fact that
13 today's students have grown up accustomed to a very
14 rich visual medium of computers and television, and,
15 more than ever, they are truly interactive learners?
16 Are we giving all New Mexico students in both rural
17 and urban settings equal access to an educational
18 program with a wide variety of content, courses, and
19 instructional strategies?

20 A high-quality virtual education option
21 like Kaplan Academy of New Mexico can address these
22 issues. Through the power of technology, we can
23 deliver a high quality instructional program that
24 can be accessed in every corner of New Mexico.
25 Using this highly interactive medium, our goal is to

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1 offer students a great variety of courses that, in
2 some cases, are not available in their local
3 schools, and, moreover, provide parents and students
4 with truly different choices and easily accessible
5 when it comes to their education.

6 We are not saying virtual education is for
7 everyone. We believe we can help a significant
8 number of students that are not succeeding in
9 traditional brick and mortar schools. And I hasten
10 to add it is not necessarily a deficiency of the
11 local school district. The following are some
12 examples of students we think we can best -- that
13 can best be served through a virtual education.

14 We all know how trying the social climate
15 is for some high school students. He or she may
16 have excellent academic potential, but his progress
17 may be hindered by the social environment of the
18 school. We can all think of classmates, perhaps
19 friends or relatives, who had enormous -- an
20 enormously difficult time in school because of the
21 social structure or peer pressure.

22 The student that cannot cope or adjust to
23 the social pressure, in many instances, chooses to
24 drop out of school and go seek menial employment.
25 They become a statistic on our dropout column. We

1 believe we can serve that student, complete his
2 education, free from the type of nonacademic
3 pressure that is part of the regular school
4 environment.

5 There are students who, through no fault
6 of their own, choose to leave school to work to
7 alleviate dire economic conditions that exist in
8 their homes. The choice to get a job or -- to get a
9 job to work and help the family or stay in school,
10 that's the choice. The vast majority of traditional
11 schools have fixed hours from morning to late
12 afternoon. So if a student has to work, their
13 choice has been made for them. The student must
14 drop out in order to work. We now have another
15 dropout for -- for what could be considered an
16 honorable reason. But the traditional system has
17 not served that student to his or her full academic
18 potential. A complete educational program in our
19 virtual school is available 24/7. This enables a
20 student to continue their education while being
21 gainfully employed helping his or her family.

22 A large number of New Mexico school
23 districts are located in rural areas. It is
24 difficult to recruit teachers in these remote areas
25 that lack many of the amenities offered in urban

1 centers. Medical services are miles away. There
2 are no theaters, no superstores, no malls.
3 Supermarkets and drugstores are not readily
4 available. Many teachers are understandably
5 hesitant to work in these rural areas. The result
6 is that teachers with top credentials and teaching
7 skills simply do not apply for positions in these
8 districts. Specifically, in the areas of math and
9 science, teachers, already in short supply
10 everywhere, are even more difficult to recruit in
11 rural areas. Districts with limited resources and
12 small populations cannot offer a wide variety of the
13 courses designed to prepare students for a higher
14 education or fit into the world of work --

15 I am a product of a rural school. Of
16 course, things have changed since those days. But
17 when I completed high school education, there was no
18 chemistry. There was no physics in the classroom.
19 I went to New Mexico State and struggled in
20 Chemistry 101. I had never been exposed to it. It
21 was only through sheer effort that I was able to
22 succeed in getting a degree in science at New Mexico
23 State University. And so my friend here is also a
24 product of rural -- rural New Mexico. And I'll have
25 him relate some of his experiences in dealing with

1 rural New Mexico and in trying to attract students
2 into science and mathematics. Then I will continue
3 my statement. M.G.?

4 MR. MARTINEZ: Thank you, Ben. Again,
5 Madam Chair, members of the committee, I am pleased
6 to be here today. And let me tell you the story of
7 why I'm here today. I was very impressed when Ben
8 and others informed me of this outstanding program.
9 And, as indicated earlier -- well, number one is I
10 was a former member of the State Board of Education,
11 and I'm a retired engineer. I'm a former director
12 of outreach for Department of Energy. And some of
13 the experiences, what I'm going to do is present my
14 personal experience.

15 When I was on the State Board of
16 Education, both of the school board members and I
17 went around the state. And I found, going back to
18 Madam Chairman's experience, she taught me a lot, to
19 not just go to meetings, but go down into the
20 trenches and talk to students and parents, community
21 members. And that's where I get my experience.

22 And going back to what Ben indicated, I
23 was real good at math at my earlier years. And my
24 dad recognized that they didn't teach the chemistry,
25 the physics. So he could afford to send me to a

1 private school. So I went to a private school here
2 in Albuquerque, and that's what made me a good
3 engineer, because I had all the basics. I took
4 chemistry, the basics, calculus. You name it.

5 So it was a real good experience of
6 going -- but the thing that bothered me -- there
7 were a lot of students where I came from that their
8 parents could not afford to send them to private
9 school. And here I was sitting in a private school.
10 And then I noticed that why me? You know there's
11 other people that stayed up in Tierra Amarilla that
12 had the same potential I did.

13 So, again, going back, it would have been
14 nice to have this program in Tierra Amarilla in
15 those days. Another thing is when I worked for the
16 Department of Energy, one of the things I did very
17 efficiently is try to recruit engineers to work for
18 the Department of Energy. And, of course, we were
19 looking for Hispanic engineers at that time. So I
20 went to all three universities at New Mexico -- in
21 New Mexico; New Mexico State, New Mexico Tech and
22 UNM. And I went with the dean of engineering. And
23 I noticed that we didn't have any engineers, no
24 Hispanic engineers coming out of the pipeline.

25 And I said, "Well, I know a lot of kids,

1 as I visited the schools around New Mexico." And I
2 found that a lot of kids were wanting to -- to go
3 into engineering. So I sort of lost track. But the
4 end result, when I went to these schools, I did not
5 find any Hispanic engineers coming out of the
6 pipeline.

7 So I did my -- I went through the system,
8 and I finally went back to the math and science
9 people at the University. And what was happening,
10 they were flunking out. They couldn't pass the math
11 and science entrance classes, which meant -- I mean,
12 what happened between high school and college?

13 So, again, this, again, gives me a -- that
14 is the reason. And I'm very impressed with this
15 type of program, because it's very successful. And
16 the thing that we need to do, as board members, as
17 community people, we need to get more involved and
18 get these kind of tools in our tool box. Because
19 too often, it seems -- you know, again, basic
20 things. Education starts at home.

21 I spent so much time at home in rural
22 New Mexico talking to parents. And, of course, we
23 know the answer a lot of times is parents have
24 different occupations --

25 MR. CASADOS: We're out of time.

1 THE CHAIR: Nobody could be more stoic
2 than M.G., though. Here they're working with -- all
3 this. So give him an extra minute.

4 DR. DURAN: Actually, they're not out of
5 time. They still have --

6 MR. GIVEN: Out of time for M.G.

7 THE CHAIR: I sat here, and I thought, why
8 does this have to be taking place right this minute.
9 Manny, my hat's off to you. Give him an extra
10 minute, please, Michael.

11 MR. CASADOS: Finally, I'd just like to
12 finish out with describing some of these students.
13 Students whose learning skills do not match the pace
14 of a teacher setting class. He or she may quickly
15 fall behind in a normal school environment. The
16 teacher may not have noticed the student's lack of
17 performance until the first test is administered.

18 Teachers in a traditional classroom must
19 teach to a group. In a virtual environment, the
20 course and instruction are tailored to the
21 individual's needs. The data and learning
22 management systems track the student's progress in
23 real time and provide the student and their
24 teachers, administrators, and parents instant
25 feedback. If a student falls behind or is having

1 difficulty, everyone who works with the student is
2 aware he can quickly prescribe a corrective action
3 to advance his learning.

4 Finally, it is well-known that our best
5 investment in our future is providing an opportunity
6 for all students to be educated to their full
7 potential. We are losing too many students.

8 And I'm particularly concerned with the
9 large number of Hispanic students that never
10 graduate from high school. Our technology has
11 devolved a magnificent set of tools that can be
12 integrated into our educational system and retain
13 students more effectively. Virtual education is the
14 new tool that should be implemented in order to
15 educate those students that our traditional brick
16 and mortar schools are unable to serve. This is not
17 to say that virtual education is a magic bullet.
18 But we are confident we can serve many New Mexico
19 students extremely well.

20 New Mexico is building a spaceport for
21 future launches of commercial flights into space.
22 This industry will call for a highly skilled
23 workforce. I believe I share with everyone the hope
24 that those employees launching men and women into
25 space will be educated within the New Mexico

1 educational system. And who knows? Through virtual
2 education in New Mexico, maybe we could produce
3 another Robert Goddard, the father of modern
4 rocketry, another Oppenheimer, who was instrumental
5 in the atomic bomb, and perhaps an Immanuel Kant.

6 We hope the Public Education Commission
7 will give the Kaplan Academy of New Mexico favorable
8 consideration, because we intend to serve families
9 and students from grades four to twelve. And,
10 hopefully, we will serve a population of about 4,100
11 students. Thank you very much.

12 THE CHAIR: Thank you very much. And we
13 do apologize for the interruptions. We had problems
14 yesterday with being able to hear in here. And
15 they're trying to ameliorate that. But in the
16 process, it -- I commend you, gentlemen. You just
17 whipped right along just beautifully, so --

18 DR. DURAN: Madam Chair, for the record,
19 if the fourth man would introduce themselves for the
20 record, so that we know who was at the table.

21 THE CHAIR: Oh, thank you. I didn't catch
22 that. Please, sir.

23 MR. JOHNSTON: My name is Mark Johnston.
24 And I'm with Kaplan Virtual Education.

25 THE CHAIR: And we also ask you to spell

1 your name, particularly if it's an unusual spelling.

2 So M.G.?

3 MR. MARTINEZ: M.G. Martinez.

4 M-A-R-T-I-N-E-Z.

5 MR. CASADOS: And I'm Ben Casados,

6 C-A-S-A-D-O-S.

7 MR. GIVEN: My name is Matt Given, with
8 Kaplan Virtual Education. That's G-I-V-E-N.

9 THE CHAIR: And Cindy, are you all right
10 with his presentation, or do you need a copy of it?

11 THE REPORTER: I'm fine with it. Thank
12 you.

13 THE CHAIR: We are now to the place in our
14 hearing that we'll ask you folks to be excused for a
15 moment from the table, and we're to the local school
16 board and district representatives. At this time,
17 we would like to hear from the local school board
18 and/or district representatives. And -- oh, I've
19 lost it again, haven't I? I don't know what I did
20 with it this time.

21 But at any rate, we are here in
22 Albuquerque New Mexico. Yesterday, Dr. Diego
23 Gallegos of the Albuquerque school district gave a
24 brief presentation and left us with a letter that we
25 have had read into the record for each these

1 individual applicants. And, basically, I'll read
2 the first couple of paragraphs.

3 "The Albuquerque Public Schools cannot
4 support authorization of any of the new charter
5 applications within our district boundaries. We
6 have reviewed each of the eight new charter
7 applications to the New Mexico Public Education
8 Commission, and we want to acknowledge the
9 applicants' desire to create new charter schools.
10 It is clear that they have worked hard to identify
11 what they believe to be unique needs and unique
12 responses to those needs. The Albuquerque Public
13 Schools extends an invitation to them to present
14 their ideas to us as possible inspiration for future
15 magnet schools within the district. We believe that
16 the current economic situation in New Mexico
17 necessitates that we move slowly on adding new
18 schools and duplicate programs and services already
19 being offered by the local district or the State of
20 New Mexico. Further complicating the economic issue
21 are the yet unresolved challenges of providing
22 public buildings to current APS charter schools and
23 PEC charter schools within a local district."

24 And this goes on for another four
25 paragraphs. And it will be in the record. But just

1 so you have notification of this. And I'm assuming,
2 Dr. Duran, they have a copy of this.

3 DR. DURAN: Yes, Madam Chair. The
4 Applicants have a copy.

5 THE CHAIR: Thank you very much. I will
6 ask, at this time, is there anybody here from the
7 Albuquerque local board of education? Seeing no
8 one. Is there anyone here from the Albuquerque
9 school district who wishes to speak? Yes, sir.
10 Would you come forward, then, sir.

11 UNIDENTIFIED SPEAKER: Ma'am, I don't wish
12 to speak at this time.

13 THE CHAIR: You're just acknowledging that
14 you're here. Thank you very much. I probably
15 didn't state that very well, so thank you for
16 clarifying that.

17 Okay. So we'll come back now, then, to
18 community input. Public comments and observations
19 regarding the application will be heard at this
20 time. There will be a four-minute time limit per
21 presenter. Persons from the same group but having
22 similar viewpoints are asked to select a
23 spokesperson to speak on their behalf. Multiple and
24 repetitious presentations of the same view will be
25 discouraged. And, Dr. Duran, yesterday, got for us

1 a podium. Today, maybe we have a working mic?

2 DR. DURAN: Yes, we do, Madam Chair.

3 THE CHAIR: Wonderful. Wonderful. So is
4 there anybody from the public who would like to come
5 forward and comment on this application?

6 Mr. Sullivan?

7 MR. SULLIVAN: Thank you, Madam Chair,
8 members of the Commission. Again, for the record,
9 I'm Tom Sullivan, director of the New Mexico
10 Coalition of School Administrators and the
11 Superintendents Association.

12 THE CHAIR: Tom, I think you're going to
13 have to get closer to the mic.

14 MR. SULLIVAN: Our organization has never
15 testified at a Public Ed Commission hearing dealing
16 with charter schools before. We've been involved in
17 the charter movement. We've served on task forces,
18 and we've certainly looked at the legislation and
19 the revisions to legislation over the years. We've
20 been a supporter of distance learning. In fact, we
21 had an adopted legislative position dealing with
22 IDEAL and the Cyber Academy in the past, and we
23 acknowledge in the provision for charters to have
24 flexibility and certain waivers to meet the creative
25 and innovative expectation that is there laid out

1 for charters.

2 However, we find this particular
3 application objectionable on a number of issues,
4 beginning with the -- both the number and nature of
5 the waiver requests. Last week, at an LESC meeting
6 in Hobbs -- and Commissioner Shearman was there --
7 we heard testimony for probably the umpteenth time
8 that many of you have also heard that the single
9 most important factor for student achievement is the
10 effect and impact of the classroom teacher. And we
11 also hear, time and time again, that the importance
12 of a caring adult in the life of a student.

13 So while I don't minimize the supports and
14 the opportunities that a cyber education and online
15 coursework can provide, I think it -- it tends to
16 diminish what we know from the research is truly
17 important.

18 When I look at the size of this charter
19 proposal, 4,000 students, that would essentially be
20 the 15th largest district in the State of New
21 Mexico. And assuming that the composition of the
22 students was similar to the State's composition,
23 we're running about a 1.9 membership-to-units ratio.
24 So we'd be looking at 7,500 units, and close to a
25 \$25 million dollar budget.

1 Yet even in the waiver request, there is
2 an acknowledgment, no infrastructure, no brick and
3 mortar, no operating costs. So it begs the question
4 in my mind, where is this money going to go? And we
5 see part of the budget speaks to advertising. That
6 suggests to me something that is not permitted under
7 our charter law, which specifically says that
8 municipalities, counties, private post-secondary
9 educational institutions and for-profit business
10 entities are not eligible to apply for or receive a
11 charter.

12 I would also concur with the Deputy
13 Superintendent Gallegos from Albuquerque's written
14 comments that in the environment that we're facing
15 financially, the costs of the other 89 districts
16 will not be reduced. They will still have those
17 incremental overhead and operational and brick and
18 mortar and utilities, et cetera, expenses. Where is
19 this additional \$25 million going to come from?

20 THE CHAIR: Thank you. Mr. Boyer.

21 MR. BOYER: Madam Chair, members of the
22 Commission. I'm Charles Boyer, Executive Director
23 of NEA New Mexico. We share many of the concerns
24 that Mr. Sullivan outlined to you, and we'll be
25 providing some written testimony to you by the

1 September 5th deadline. But our major concern is
2 the idea that what's described in this application
3 doesn't fit the statutory definitions of a school in
4 the school code, and, in our view, doesn't fit the
5 statutory requirements for what a charter school
6 should be.

7 We think the idea of waiving the statutory
8 requirement that a charter school should not be
9 home-based is an anathema to the original idea of
10 charter schools in New Mexico. I actually sit on
11 the task force that created the first charter school
12 statute. And NEA New Mexico has been supportive of
13 the charter school movement and charter schools
14 being fully public schools and charter school
15 employees being fully public school employees. So
16 we have no -- no antipathy toward charter schools
17 and have been supportive.

18 Our major concern about this application
19 is we believe it's a grave departure from what a
20 school is intended to be under New Mexico statute.
21 We also believe it raises some constitutional
22 questions. The constitution requires that education
23 be forever under control of the state. We believe
24 the curriculum, as envisioned by Kaplan Academy, is
25 a national organization with a national endeavor

1 with many different locations around the country,
2 probably thwarts that constitutional requirement
3 that control of public education be under the
4 control of the state.

5 So for these and other reasons that we'll
6 enumerate in our written testimony, we are opposed
7 to granting this application. Thank you, Madam
8 Chair.

9 MS. BUSTAMANTE: Mr. Boyer, I just wanted
10 to let you know, as counsel for the PEC, the
11 deadline for submission is September 1.

12 MR. BOYER: I mean September 1. I'm
13 sorry. Yes. I misspoke. September 5th was on my
14 mind for another deadline. Thank you.

15 THE CHAIR: Thank you. Thank you for
16 clarification from legal counsel. Is there anyone
17 else who wants to come forward and speak on behalf
18 of the application? Seeing no one, I'd move to
19 Item 9 in the agenda.

20 At this time, the Public Education
21 Commission reserves time to address any questions
22 that Commissioners may have of the applicant. And
23 so we'll ask the applicants to come back through to
24 the table. And I guess we're going to try to move
25 that mic back down here now.

1 We do need to ask you to speak into the
2 mic. Yesterday, our recorder was having difficulty.
3 I thought it was just my old age that I was having
4 difficulty. But, apparently, others were also. And
5 so we do thank Dr. Duran and his staff for helping
6 us get some -- some ability to have the
7 presentations heard better.

8 So we will ask the applicants to please
9 keep your responses as brief as possible to allow
10 for questioning from other Commission members. And
11 so the Chair will ask, are there any Commissioners
12 who have questions or comments to make? I see
13 Ms. Krivitzky. Oh, I have a mic here. Well, I
14 don't need a mic, I guess. Just one second, Kitty.

15 MS. KRIVITZKY: I have a very loud teacher
16 voice.

17 THE CHAIR: Kitty and I can be heard.

18 MS. KRIVITZKY: And you in the back, sit
19 down, be quiet, get out your book, stop whispering.
20 Twenty years. Can't get past it. Good morning. I
21 have a couple of questions. Can I jump around a
22 little bit?

23 Looking at your budget -- I'm not going to
24 say line items or whatever. But the bottom line is
25 each year, you seem to be over budget. Is that my

1 imagination or -- I was looking at the numbers.
2 First year, it looks like approximately \$30,000;
3 second year, 50; third year, 90; and so forth.

4 MR. GIVEN: We have responded to specific
5 budget questions in writing. I think it's more
6 appropriate so you can see it in front of you. But
7 what the budget doesn't take into account directly
8 is grant funding and some other things that we plan
9 on receiving but did not put a specific dollar
10 amount in the budget, as we were putting it
11 together.

12 MS. KRIVITZKY: Grant funding from where?

13 MR. GIVEN: The federal charter grant and
14 things like that. But we'll give any detailed
15 questions in writing to make sure everybody
16 understands exactly what we're saying.

17 MS. KRIVITZKY: Okay. And along with
18 that -- I think it's already been mentioned. But
19 the advertising budget is huge. And I was wondering
20 why such a huge -- is it -- do you have a reason?

21 MR. GIVEN: Again, we want to make sure
22 that's really detailed in writing for that. But the
23 basic reason is this is brand new to New Mexico.
24 And getting the word out to those rural areas
25 through -- I can speak really loud, too.

1 MS. KRIVITZKY: There we go.

2 MR. GIVEN: Reaching out. It's going to
3 take a lot -- it's basically student outreach.
4 You're going into the rural communities doing
5 presentations, you're talking to students and
6 parents, letting them know about this option and
7 what it entails. An expensive proposition. So
8 that's a big part of it. But we'll give a fully
9 detailed response in writing with the other
10 responses.

11 MS. KRIVITZKY: And I guess reading
12 through the -- the PED's responses and also reading
13 through your application, the governance of this
14 particular school is quite confusing. And I don't
15 know if you want to respond in writing, again, as
16 you've said. But could you give us a brief synopsis
17 of -- of the governance of the school, who is going
18 to be responsible. And I understand it's a virtual
19 school. So it's really different. But if you can
20 give us kind of an idea.

21 MR. CASADOS: Well, basically, we have a
22 board that heads up a nonprofit entity. And then
23 underneath that board is the governing council,
24 which is the one that's truly responsible for
25 running the school, for running -- yeah, for running

1 the school. Then under that, we have the executive
2 director. And the executive director is truly the
3 administrator of the school. He or she is
4 responsible for the hiring of instructors, and all
5 of the operation of the school is under that
6 executive director. He reports to the governing
7 board.

8 The partnership, which is at the very top
9 is simply a part of the State requirement. And that
10 board serves primarily as a fund-raiser and public
11 interaction. But they really have no governing
12 power over the school itself. That is by the board
13 of governors, which controls the operation of the
14 school.

15 MR. GIVEN: So the intent was to be very
16 similar to any other charter school. The nonprofit
17 kind of fundraising arm was formed first, instead of
18 the other way around, which I know a lot of charter
19 schools form the governing council first and then
20 form a nonprofit board. So these folks, Ben and
21 M.G. and the rest of the board, came together under
22 this first organization. Some of them will split
23 off, resign and become part of the governing council
24 and establish the governing council for the school.
25 But that -- again, we know that was not as clear as

1 it could have been in the petition. So we'll make
2 that very clear in the response.

3 MS. KRIVITZKY: Yes. All right. And then
4 KVE Services on Page 47 in your application. Fiscal
5 Management. Okay. I guess is KVE going to be
6 providing the fiscal management? Is that what I see
7 here?

8 MR. GIVEN: No. We've provided support
9 early in this process to help them budget and figure
10 out some other things. But they'll be retaining an
11 independent accounting arm, and all financial will
12 go directly through the executive director and the
13 governing board, not KVE.

14 MS. KRIVITZKY: But you will have a budget
15 manager, then? Separate?

16 MR. GIVEN: Early in the process to help
17 them get started. But long-term, we won't have
18 anything to do with the finances of the school.
19 We'll be a contractor for curriculum, training,
20 things like that. And we'll make that clear.

21 MS. KRIVITZKY: So KVE won't be receiving
22 any funding from the school?

23 MR. GIVEN: The school will pay KVE for
24 services, the curriculum, technology, things like
25 that. But we won't be receiving direct funding, no.

1 We have to be under contract in order to receive any
2 funding. Basically, we'll be selling services.

3 MS. KRIVITZKY: Since this is such a big
4 contract, is it going out for bid? Or are they the
5 only ones that are going to do it?

6 MR. GIVEN: One of the future governing
7 council members -- again, we'll respond to this in
8 writing to make sure it's detailed and clear -- but
9 they've been looking at a variety of providers early
10 in this process. And going forward, they'll have to
11 put out the bid to be in line with the law. That'll
12 be part of the system.

13 MS. KRIVITZKY: Okay. Thank you.

14 THE CHAIR: Thank you. Ms. Shearman.

15 MS. SHEARMAN: On Page 30 of your
16 application, at the bottom of the page, No. 1, "The
17 teacher meets the professional teaching standards
18 established by state licensing agency or the teacher
19 has the academic credentials in the field in which
20 he or she is teaching."

21 In New Mexico, you have to have a teaching
22 license.

23 MR. GIVEN: The intent is to be fully
24 compliant with that law.

25 THE CHAIR: Sir, please use the microphone

1 so everyone can hear you.

2 MR. GIVEN: I'm sorry. The intent is to
3 be fully compliant with teacher certification rules
4 in New Mexico, that all teachers will be New Mexico
5 certified in their subject areas for the students
6 they're teaching.

7 MS. SHEARMAN: So that item in your
8 application is incorrect?

9 MR. GIVEN: "Or" is probably a typo and is
10 probably appropriate.

11 MS. SHEARMAN: So all teachers who will be
12 teaching online classes to New Mexico students are
13 New Mexico certified.

14 MR. GIVEN: Correct.

15 MS. SHEARMAN: Okay. My second question
16 is one that's very close to my heart, because I've
17 taught online. How are you going to insure that the
18 work that you receive is from the student who is
19 enrolled, that it's their work, their tests,
20 everything? How are you going to guarantee that?

21 MR. GIVEN: Actually, that's a pretty
22 common question with online education in general.
23 The interactivity with the teacher and student
24 provided by this model -- in other words, there's a
25 lot of synchronous interaction and a lot of student

1 work provided. In this particular online structure,
2 student work leads the way rather than attendance,
3 for example. You're not sitting down in a chair all
4 day. You're producing product, work product.

5 And so there are several layers of
6 protection against plagiarism and other academic
7 dishonesty. The first line of defense in the school
8 is the first course the student has to take when
9 they enroll in the school is an academic honesty
10 course and what we expect from online honesty.

11 Secondly, teachers are seeing that student's work
12 and a lot of it all semester long. So they
13 understand what that student is capable of, what
14 their work looks like, et cetera. So you've got
15 that line of defense that you have in a regular
16 classroom where the student knows the teacher and
17 the teacher knows the student.

18 Thirdly, for written responses, essays,
19 and things like that, there are several pretty
20 advanced algorithms out there that can analyze
21 content to see if any of it is plagiarized. And
22 they match it against other term papers, work by
23 students. Turnitin.com is one of the algorithms out
24 there online.

25 So that student, their work is checked via

1 those vehicles as well. The student work is vetted
2 through algorithms. It's vetted through their
3 teachers. And we're giving the student an academic
4 honesty course. But there are a number of layers of
5 protection that are very similar to what you would
6 find in a brick and mortar school, with the addition
7 of the actual checking of the documents against
8 plagiarism through that algorithm.

9 MS. SHEARMAN: I appreciate all those
10 layers of protection. But that student, if --
11 plagiarism, to me, is turning in someone else's term
12 paper, going online and finding somebody else's work
13 and turning it in. I'm talking about daily work
14 that the student has help from -- who knows? The
15 student when they get ready to take the test, logs
16 in, gets up out of the chair and somebody else sits
17 down and takes the test.

18 MR. GIVEN: Part of the basic protection
19 is there is simply the volume of work. In other
20 words, it would be very challenging to the point of
21 impossibility to have someone else do every bit of
22 your work in a class. There's so much work to be
23 done. And that's how online education is really
24 showing the product of a student's work rather than
25 just testing at certain increments.

1 And so there's so much of that to be done
2 that it's -- it would be -- we just haven't had the
3 challenge with it that you would initially think,
4 because the teacher and student aren't face to face
5 in a live environment, like you and I are right now.
6 In practice, it's just not that troubling because of
7 the volume of work product that a student has to do.

8 It's -- it's like socialization.
9 Socialization is another common question about this.
10 But, in practice of the operating virtual schools
11 and working with kids virtually, it's one of the
12 least of our concerns. Kids are social. And, in
13 fact, this is how they would socialize today. Often
14 it's via technology. And so some of the common
15 questions about academic honesty, about
16 socialization and things like that, in practice, are
17 not as troubling as they first appear.

18 But the layers of protection are
19 definitely there, and the student has to show their
20 work constantly to that teacher. There's
21 synchronous interaction. You're working live with
22 the teacher online either on the phone through Adobe
23 Contact, through other mechanisms, through video
24 camera, so they're seeing you and participating with
25 you in your work.

1 MS. SHEARMAN: At midnight?

2 MR. GIVEN: Excuse me?

3 MS. SHEARMAN: At midnight?

4 MR. GIVEN: Not at midnight, necessarily.

5 But during the day, they are expected to interact
6 with the teacher.

7 MS. SHEARMAN: Wait. Wait. During the
8 day, that student must be online with the teacher.

9 MR. GIVEN: Yes.

10 MS. SHEARMAN: So it's not totally free,
11 you do it whenever you want to.

12 MR. GIVEN: You can work whenever you
13 want. But a teacher might call you to a session and
14 schedule a session with you, where you can go online
15 and work with that student.

16 MS. SHEARMAN: And the only time I can
17 schedule that session is midnight?

18 MR. GIVEN: We have to work with that.
19 Yes, that is something.

20 MS. SHEARMAN: Because you're talking
21 about students who work?

22 MR. GIVEN: Absolutely. You're right.
23 That's not common, but it actually would be taken
24 care of that way. Because teachers are assigned to
25 their students, and they're responsible to make sure

1 their students interact with them and work through
2 their curriculum and work through their day.

3 MS. SHEARMAN: I think we're going to
4 agree to disagree on the testing.

5 MR. GIVEN: We'll give a complete deeper
6 window into academic honesty policies and how that
7 works.

8 MS. SHEARMAN: Let's go to the budget,
9 please. And I'd like to follow up on some things
10 that Ms. Krivitzky asked about. I don't know how
11 your budget is printed, but I'd like to go to
12 line 44.

13 MR. GIVEN: The budget. I don't think we
14 have a budget printed out. I'll bring it up. Or if
15 you want to give me the line, I'll respond in
16 writing to it. Line 44 of the budget?

17 MS. SHEARMAN: You don't have a copy of
18 the budget?

19 MR. CASADOS: I don't.

20 MR. GIVEN: We don't have a copy printed.
21 I've got a copy on my computer. But we can respond
22 in writing.

23 MS. SHEARMAN: This is line 44 on the
24 spreadsheet. It's under Purchased Services. It's
25 called Other Professional Services. Year one starts

1 out at \$179,000 with 23 FTE. Year two jumps to
2 \$547,000 with 68 FTE. I'm really interested to know
3 what that is.

4 MR. GIVEN: Well, Other Professional
5 Services includes a basket of things like the
6 accounting firms, the other services that are
7 provided to a school and two teachers, how the
8 organization operates on a daily basis, their
9 operating costs and things like that. So any
10 consultants they would hire would be professional
11 development, things like that. That's part of that
12 basket of services.

13 MS. SHEARMAN: This would be paid to
14 Kaplan under the way the application is written at
15 this time?

16 MR. GIVEN: Largely not for other
17 services. Kaplan's are more the curriculum and
18 technology and things like that.

19 MS. SHEARMAN: It never says "curriculum
20 and technology." That's what I'm looking for.

21 MR. GIVEN: In the earlier response prior
22 to the interview -- immediately after the interview,
23 we gave a written response around which line items
24 denoted which services Kaplan would be receiving
25 income from so we could make sure that's very clear.

1 MS. SHEARMAN: Okay. Then on line 55,
2 Other Contract Services, year one, \$887,000; year
3 two, \$1.75 million, what is that?

4 MR. GIVEN: I'll give that a written
5 response. It's multiple things. So --

6 MS. SHEARMAN: Line 59 is Software,
7 \$250,000, year one; half a million, year two; three
8 quarters of a million, year three; \$1.1 million,
9 year four. Almost one and a half million, year
10 five. Software.

11 MR. GIVEN: So remember that the building
12 in this case, in this analogy, between a brick and
13 mortar school and a virtual school, students have a
14 wealth of technology they may not have in a brick
15 and mortar school. Students will have laptops,
16 software on those laptops; for example, Microsoft
17 Office program so they can turn in their
18 assignments, things like that. Then the pieces of
19 the puzzle to build the school.

20 So the interactive environment that the
21 curriculum exists on, the data systems and things
22 like that that are software based that are outside
23 the scope of purely curriculum or instructional
24 services.

25 MS. SHEARMAN: And who provides this?

1 MR. GIVEN: A basket of providers build --
2 for example, the platform that the school exists on
3 is eCollege. And that's how the content is
4 presented to the student. The data system is called
5 Maestro. It's a separate data system.

6 MS. SHEARMAN: I'm concerned, though,
7 because the application, everything is coming from
8 Kaplan, according to application.

9 MR. GIVEN: Because we aggregate those
10 services to build the school.

11 MS. SHEARMAN: So this would be paid to
12 Kaplan?

13 MR. GIVEN: Most likely, yes. We'll line
14 that out for you so it's more explicit.

15 MS. SHEARMAN: Line 125, Property
16 Liability Insurance. \$40,000, \$81,000, \$123,000,
17 \$188,000, \$232,000. You're not a brick and mortar.
18 What property are you --

19 MR. GIVEN: There will be an office space
20 in Albuquerque for the administrative offices of the
21 school. And then is the potential to have other
22 administrative offices around the state depending on
23 where the population of the school exists.

24 MS. SHEARMAN: But your "Land" item down
25 lower in the budget is \$19,500, your rental.

1 MR. GIVEN: But the liability insurance
2 includes coverage for teachers, for example, to see
3 students to provide services, any special ed related
4 services, things like that. So we want to make sure
5 the liability insurance covers the possible actions
6 of the school.

7 MS. SHEARMAN: Line item 138, Supplies
8 Assets; \$580,000, \$1.1 million, \$1.7 million, \$2.7
9 million, \$3.3 million. What is that?

10 MR. GIVEN: I'll split all that out, make
11 sure it's explicit for you so you can see all of
12 that.

13 MS. SHEARMAN: Other Professional Services
14 on line 221. I wish this was clearer. It's sort of
15 like a "miscellaneous" file. You can't understand
16 what it is. Other Professional Services, \$56,000,
17 \$70,000. And it continues at \$70,000. And then, of
18 course, the advertising line item, line 225. I am
19 astounded at the first year's budget for
20 advertising, \$469,000. That's more than the gross
21 pay for teachers in the first year.

22 Then your advertising goes to
23 three-quarters of a million, one million, one and a
24 half million, \$1.7 million. And schools in
25 New Mexico are struggling to keep the doors open.

1 Line item 272, Other Professional
2 Services. \$113,000, \$186,000, \$284,000, and so
3 forth. And then your Rental, Land and Buildings,
4 \$19,200. I assume that's your office space --

5 MR. GIVEN: Uh-huh.

6 MS. SHEARMAN: -- in Santa Fe, or -- is it
7 Santa Fe or Albuquerque?

8 MR. GIVEN: Albuquerque.

9 MS. SHEARMAN: Albuquerque. Okay.
10 Have -- now, I'm through with the budget.

11 Just sort of a general question. Are you
12 familiar with IDEAL-New Mexico?

13 MR. GIVEN: Yes.

14 MS. SHEARMAN: Do you feel that, in any
15 way, that you are duplicating what they're already
16 providing?

17 MR. GIVEN: It's interesting. I think
18 that some of the intents are similar. In other
19 words, IDEAL-New Mexico was created to provide more
20 access to kids for courses they couldn't get inside
21 their own brick and mortar school building. But
22 what it's not is a full-time virtual instruction
23 program. And what we've seen nationwide is there is
24 a significant demand for a full-time virtual
25 instruction program, not just a taking a course or

1 two courses online in conjunction with your brick
2 and mortar schooling.

3 There is a significant population of
4 students, and we think that's 3 percentish of
5 students that want and need this kind of service,
6 whether it's for health reasons, kind of the things
7 Ben described in his opening, the students who need
8 to work, the students who are ill, the students who
9 cannot go to a brick and mortar school for one
10 reason or another, either personal, professional, or
11 just choice reasons.

12 And so what IDEAL-New Mexico does not do
13 is provide that full-time instructional option, and
14 a full-time school built around virtual instruction.
15 So that's -- we don't propose to duplicate IDEAL-New
16 Mexico's mission to offer school kids extra courses
17 that they can't get locally. We propose to provide
18 a full-time virtual instruction option for students
19 who need that service.

20 MS. SHEARMAN: Thank you. Thank you,
21 Madam Chair.

22 THE CHAIR: Thank you. Mr. Carr.

23 MR. CARR: I don't know if I need it,
24 either, but I'll use it. I have -- I have a few
25 questions. What -- what stood out when I read over

1 the application first was -- was the large number of
2 waivers. There are waivers that shall be granted.
3 There are waivers that may be granted. And
4 according to the way I'm reading the rules and the
5 law, there are several waivers that don't fit into
6 that category.

7 One of them is home school. Teachers --
8 well, I guess -- I think you answered the teacher
9 certification. And I take it you're going to give
10 us a correction in writing on that one.

11 MR. GIVEN: Yes.

12 MR. CARR: Face-to-face instruction in
13 teacher interactions. The cap on students.
14 Permission from the local business. Do you have any
15 response to that?

16 MR. GIVEN: Yeah. Let me give you a brief
17 one, and I can give you a more detailed, legal one
18 in writing. I think it would be more appropriate to
19 review the issues. But the home school one, our
20 take on that, to be clear, is that home school is
21 not -- the definition of it is not just being at
22 your home, but it's being taught outside the public
23 school system; in other words, not served by
24 teachers, parents, things that like that are
25 teaching. That's not what we're talking about here.

1 We're talking about New Mexico certified educators
2 teaching students, not parents teaching students.
3 It's for it to be a public school delivering
4 New Mexico standards based curriculum with
5 New Mexico certified teachers to kids.

6 So we think that it's not home school,
7 because it's not doing what home school does, and
8 that's having people outside the educational system
9 teaching kids. Just because it's at home doesn't
10 make it home school. In other words --

11 MR. CARR: Yeah. It doesn't fit into the
12 traditional category is what you're saying.

13 MR. GIVEN: Uh-huh.

14 MR. CARR: So students who are enrolled in
15 your program, they have to complete all of your
16 requirements that you've set out, I mean, you know,
17 of course, based on student requirements?

18 MR. GIVEN: Right.

19 MR. CARR: And there would be no religious
20 element involved in that?

21 MR. GIVEN: Absolutely not.

22 MR. CARR: Not that there's anything wrong
23 with religion.

24 MR. GIVEN: Public money.

25 MR. CARR: And -- oh. You answered one of

1 my questions about you're having an office in
2 Santa Fe.

3 MR. GIVEN: It will be Albuquerque.

4 MR. CARR: Oh. You said Albuquerque.

5 MR. GIVEN: Somebody else said Santa Fe.

6 MR. CARR: Because I think it was in your
7 appendix.

8 MR. GIVEN: So the possibility is that if
9 students, for example, exist everywhere in the
10 state, and you get certain populations of students
11 in Santa Fe, for example, or Las Cruces or something
12 like that, you might put an administrative office
13 there or something where teachers could center and
14 kids could potentially come and things like that.
15 But that's dependent on the evolution of the school
16 and how the population of the school evolves.

17 MR. CARR: All right. Okay. I heard, in
18 your opening, some of your opening statements I
19 heard -- you were talking about when you grew up,
20 you didn't have a chemistry lab. I grew up. I went
21 to a rural school. I teach in a rural school, a
22 little bit bigger than some. But I -- my question
23 is how do you -- how are you going to conduct
24 science labs, chemistry labs, on the Internet?

25 MR. GIVEN: There's actually -- we can get

1 some significant detail in writing. It's easier to
2 do that in writing. But there are some really
3 fascinating technologies around virtual laboratories
4 that take kids through the entire laboratory process
5 without the beakers and test tubes and things like
6 that. Some states have a wet lab requirement where
7 you have to be in a wet lab doing the actual cutting
8 the frog and things like that.

9 That's not the case here, where it's the
10 same kind of level requirement. So the labs are
11 virtual. And it's actually pretty impressive how
12 those labs and how students interact with that and
13 how teachers interact with the students around the
14 labs.

15 But the scientific process is what's key.
16 So observing, making predictions and evaluations and
17 testing your hypotheses all occur inside those --
18 those virtual labs. So the same processes are in
19 place. It's not in a chemistry lab. We're not
20 asking them to mix chemicals at home or something
21 like that. That's not part of the process.

22 MR. CARR: That's good. All right.

23 MR. GIVEN: I just --

24 MR. CARR: Yeah.

25 MR. GIVEN: No freelance dissection or

1 anything.

2 MR. CARR: There's some --

3 MR. CASADOS: And I'd like to add that
4 there's some really tremendous physics
5 demonstrations online. And if any of you would have
6 taught physics, part of teaching physics is setting
7 up demonstrations, which takes a lot of time from
8 the teacher. And the ones that are done online are
9 really spectacular. And, I might add, as a former
10 physics teacher, they always work.

11 MR. CARR: No accidental poisonings or
12 anything like that, either. Right? I mean, I guess
13 what goes along with that, too, I guess we could --
14 I don't mean to be -- to sound comical about this.
15 But I guess, you know, I mean, they have great
16 sports programs now, too. You know, are you going
17 to have a football team?

18 MR. GIVEN: To answer your questions, too.
19 It's about student choice. Right? And the
20 structure of the charter. And so parents obviously
21 will know, going in, what this is. And this is not
22 the place that you go for, you know, football teams.
23 We do have -- in some of our other schools that we
24 work with throughout the country -- Mark, for
25 example, is the program manager and works with a

1 charter very similar to what we have here in Idaho
2 in conjunction with another nonprofit organization
3 in Idaho. They're in their planning year now.
4 School starts next week. Correct?

5 MR. JOHNSTON: (Indicates.)

6 MR. GIVEN: School starts next week.
7 They'll have group activities. They'll have dances
8 and things like that in different parts of the
9 state. They have graduations and other
10 interpersonal activities like that. A sports team
11 when everybody is across the state is impractical.
12 Some things just require a different setup. That's
13 part of this model. It won't attract the student
14 that wants to be in the comprehensive high school
15 with a football team.

16 MR. CARR: The way that charters work now,
17 charters pretty much all over the state now, they
18 can utilize -- say, they live in -- in Cimarron,
19 they could -- they could take part in the sports
20 teams that the local high school has and then be a
21 full-time member of -- do you envision -- is that --

22 MR. GIVEN: We haven't looked deeply into
23 that. It's different state to state, and it's often
24 different district to district how the district
25 responds to students who are locally -- home school

1 is often the case where that's something that's
2 interesting. I live in Atlanta. And one of the
3 school systems in Atlanta, Fulton County, has always
4 been open to home schoolers coming in and doing
5 activities at the school because their parents pay
6 taxes in the area and things like that.

7 So we -- that's something that is
8 needed -- it's necessary to explore that. And it's
9 a function, again, of how big the school is, where
10 the kids are located and the demands of the
11 students, what do they want to do. And then we can
12 explore doing that. I think there are really
13 exciting possibilities with dual enrollment with
14 colleges and universities and things like that and
15 other online activities. There are a million ways
16 to go between a virtual school.

17 It's really dependent on the administrator
18 and the students that attend that school how it
19 grows and evolves and becomes a unique entity in the
20 state that it's in. I think the Kaplan Academy of
21 California that we work with a nonprofit there are
22 very different in a lot of ways than Kaplan Academy
23 of Idaho; very different school, different kids,
24 different parent needs and desires, things like
25 that, different administrators. And so it's a

1 unique entity.

2 And this will be the same. It will be a
3 unique entity to New Mexico. It will be a very
4 New Mexico thing, but it's in a different
5 environment. It's a new step. It's a new step
6 forward in providing services to kids that can't be
7 served now. That's the intent.

8 MR. CARR: And I promise you, I'm almost
9 done. Just a couple of more. Do you plan on --
10 this is probably a fairly easy one. Do you plan on
11 flying in any teachers or staff that live outside of
12 the state?

13 MR. GIVEN: I think you have to be open to
14 it. But we, obviously, want to be in full
15 compliance with the laws. And certification leads
16 the way. So if you had a New Mexico certified
17 teacher that you loved and was a great physics
18 teacher or whatever and was in Albuquerque and then
19 moved to Louisiana, Texas, there's no reason to lose
20 that teacher anymore, because they're still
21 New Mexico certified, they're still a great teacher,
22 and they don't have to be in a physical location
23 every day. They don't have to commute somewhere to
24 go to their job.

25 So I think the possibilities of virtual --

1 one of the real advantages here is that not only
2 students, but teachers, can connect from anywhere.
3 So what's going to happen -- and it's just based on
4 experience and history -- is that where you find
5 New Mexico certified teachers is in New Mexico.
6 That's where you hire. That's where you train.
7 That's where you do everything else.

8 And so that's certainly going to be the
9 way the school kicks off. And school is always
10 going to be compliant with the way the law demands.
11 But I can envision a situation where you have a
12 New Mexico certified teacher that lives somewhere
13 else.

14 MR. CARR: It would be rare, probably.

15 MR. GIVEN: Just the facts that -- it's
16 pretty regional that way.

17 MR. CARR: And one last question. Once
18 you start talking about a teacher setting up a
19 meeting, oh, could it be, Ms. Shearman, I -- I'm a
20 techno nut, you know. I do everything on the
21 computer, all my grades and everything. But I
22 interact with my students every day.

23 MR. GIVEN: Yeah.

24 MR. CARR: The -- and I have e-mail set
25 up. I have a computer camera hooked up so that I

1 can see and talk to my daughter, who's starting
2 college in Las Cruces this year. And it's
3 wonderful. The -- but I do have concerns. And I
4 have -- you know, I always have to be real careful.
5 I even have some students who text message me and
6 say, "I'm going to be late because," or, "What was
7 the latest homework." And I'm going to imagine with
8 a -- with a camera setup and everything, even
9 with -- with e-mail, with -- with texting and all
10 those things and the camera, it opens up teachers
11 and the schools to some bad situation -- possible
12 bad situations.

13 MR. GIVEN: It's interesting. You
14 eliminate one type of bad situation entirely,
15 because they're not in physical contact with one
16 another. But the data systems are shockingly
17 impressive. All communication between teachers and
18 students and instant messages are tracked and can
19 capture. So you can see, from an administrator's
20 point of view, how a teacher is interacting with a
21 student, how often, how is the quality of the
22 interaction and things like that. But you're also
23 protecting yourself with a lot of what you implied.

24 The amount of detail that goes into that
25 student-teacher interaction and what's watched about

1 that is exponentially larger than it is in our
2 traditional environment. So you really know -- the
3 executive director of the school will have a window
4 into the school that you can't really imagine. You
5 don't walk into a classroom, but you can literally
6 go through the threaded discussion in a class, and
7 all the e-mails and communication between a teacher
8 and student, to see the frequency, how long that
9 student has been on particular pages or pieces of
10 their assignment, how much time they're spending
11 with things, what their grades are. You can get
12 that all instantly.

13 So, yes, you lose a little bit here, and
14 you gain here. It's not the same. It's not the
15 same. And you gain a lot. You lose some. I think
16 you gain more than you lose often for the kids that
17 it's appropriate for. There are some kids who need
18 that face to face. There are some kids that don't.
19 And for the kids that don't and aren't successful in
20 the face to face, this is a boon. This is something
21 that they can really grab onto and do well with.

22 That's who we're here to serve are those
23 kids. Not every kid. It's not appropriate for
24 every kid to go to a full-time virtual school
25 experience.

1 THE CHAIR: Finished?

2 MR. CARR: Yes, ma'am. Thank you, Madam
3 Chair.

4 THE CHAIR: Mr. Bergman, do you --

5 MR. BERGMAN: Yes, ma'am, I do. I'm not
6 sure I need this. I have a loud voice. If you
7 can't hear me, tell me then I'll use it.

8 MR. GIVEN: I can hear you.

9 MR. BERGMAN: I would like to begin by
10 exploring something that Commissioner Krivitzky
11 started with there. We have New Mexico Virtual
12 Education Partners. We have Kaplan Academy of
13 New Mexico, which Dr. Duran said are essentially the
14 same thing. Sitting above them is Kaplan Virtual
15 Education. Kaplan Virtual Education has a parent
16 company, Kaplan Higher Education. Both those,
17 Kaplan Virtual Education and Kaplan Higher
18 Education, are business units of Kaplan,
19 Incorporated. Kaplan, Incorporated, is a subsidiary
20 of the Washington Post Company.

21 Now, the Washington Post Company is a
22 for-profit entity, which I've worked for a
23 subsidiary of a corporate giant. They expect --
24 when they're a for-profit company, they expect their
25 subsidiaries to be profitable. Subsidiaries expect

1 their business units to be profitable. So everybody
2 sitting above this school is a for-profit
3 enterprise.

4 MR. GIVEN: But think, it's sitting below
5 the school. Because we contract with the school to
6 provide a service. We don't manage the school.
7 We're not an EMO.

8 MR. BERGMAN: I understand that.
9 Commissioner Shearman -- somebody is getting a lot
10 of money of New Mexico tax dollars. I just wanted
11 that kind of in the record, I think, that there's a
12 lot of corporate entities sitting above this. And
13 so you're stating they will have -- these for-profit
14 entities aren't going to have any say in the school
15 that's providing money to them?

16 MR. GIVEN: The school runs itself. In
17 other words, the executive board and the governing
18 board run the school. Kaplan aren't on those
19 pieces. We don't hire the executive director. We
20 don't hire or manage teachers. We don't pay them.
21 They're paid through the school. The school
22 contracts -- and other schools like it contract with
23 us to provide services. And so like textbook
24 vendors or other technology vendors or other things,
25 that's what we do.

1 And the way that virtual education has
2 evolved in the country, there's had to be an impetus
3 to provide this option to students. And so Kaplan
4 and other companies -- I think you're seeing a
5 couple of other ones today, like K12.com and some
6 others that have been around for a while -- have
7 spent the money and the effort to build these
8 systems, to build these kind of structures that can
9 facilitate a virtual school.

10 But in the case of this charter that's
11 being proposed, it's a local organization,
12 New Mexico people running a New Mexico school hiring
13 New Mexico teachers that teach New Mexico kids.
14 They contract with us to provide services to them,
15 not unlike you would buy a textbook or a computer
16 from someone else, something like that.

17 MR. BERGMAN: You, yourself, answered a
18 couple of minutes ago that there could be some
19 circumstance where the teacher wouldn't be sitting
20 in New Mexico. You used the example of Louisiana.
21 And then you mentioned earlier, IDEAL-New Mexico,
22 whether there was competition. Well, there's got to
23 be. IDEAL-New Mexico is actually trying to address
24 some of the issues you raised about the rural. They
25 are providing distance learning -- I sat in one of

1 their seminars at the spring budget conference.

2 And the example they used was a student
3 sitting in Capitan, New Mexico. You may not know.
4 It's a very small town. The only language option
5 they offered was Spanish. This young woman wanted
6 to take French. She took it through IDEAL-New
7 Mexico. The difference is IDEAL-New Mexico requires
8 an onsite coordinator at every one of those places
9 where they have a student.

10 Well, the onsite coordinator, of course,
11 then guarantees -- answers the question Commissioner
12 Shearman had raised. They at least know what
13 student is sitting in front of that computer. They
14 at least know that student is taking a test. You
15 have -- it states in your application you're not
16 going to have any onsite coordinators.

17 MR. GIVEN: Right.

18 MR. BERGMAN: So --

19 MR. GIVEN: It's a different option. It's
20 not the same thing as IDEAL-New Mexico. They have a
21 mission to supply the schools and the kids in New
22 Mexico with these additional options that they may
23 not have. So for the girl taking French, that's
24 what she wants to do in addition to what she does
25 every day in her brick and mortar school. What

1 we're proposing is a full-time virtual option for
2 students who want to go online for 100 percent of
3 their education, not just take a class.

4 That's where I think the missions are
5 complementary, not contradictory. IDEAL can provide
6 one or two classes they want to take online. We're
7 providing for the student who wants to take all of
8 their classes online.

9 MR. BERGMAN: You've mentioned the dropout
10 issue. Everybody is concerned about the dropout
11 issue. We're all in agreement on that. What do you
12 think -- what's going to motivate a student that has
13 dropped out of traditional public school to all of a
14 sudden jump on line and take all your courses?
15 Where is the motivation going to be for that?

16 MR. GIVEN: I think if you go back to
17 Mr. Casados' opening, you've got students who, for a
18 million different reasons, could have been
19 unsuccessful in a brick and mortar school, whether
20 it's social pressures or work pressures or family
21 pressures, things like that, they want to continue
22 their education. That environment is no longer
23 appropriate or working for them.

24 And so this provides them with a different
25 environment to be able to go to school, whether it's

1 a time issue, a social issue, an illness issue. We
2 have a relatively large number of kids who have
3 allergies that are so severe that going to school is
4 dangerous. Peanut allergy. For example, this
5 provides a means for them to get their education
6 without having to go into an environment that could
7 potentially be dangerous for them. There are a
8 million reasons.

9 And, again, it's not appropriate for every
10 student. I don't think anyone would suggest that
11 just anyone off the street would automatically be
12 appropriate for an online virtual education. For
13 that 3 percent or 4 percent of kids that aren't
14 being served with traditional schools, this could be
15 a great option. That was the key. And that's where
16 it doesn't conflict with IDEAL-New Mexico. It's not
17 in that kind of competition with them.

18 MR. BERGMAN: You mentioned the social --
19 one of the reasons for kids to be sitting in a
20 classroom is for the socialization, for the
21 interaction with other kids. That's how we learn.
22 That's how we grow. That's how we mature. And I
23 understand. You're talking about the 3 percent that
24 apparently aren't going to -- don't want to be in
25 that mode. I just have, I guess, concerns about it.

1 MR. GIVEN: Understandable. But --

2 MR. CASADOS: Well, you know, in looking
3 at the dropout reasons in New Mexico, New Mexico
4 lists 16 reasons why students drop out. I'm not
5 going to read them all. Lack of interest,
6 pregnancy, unable to adjust, left school to work,
7 parental request, childcare problems. There's just
8 a few of the reasons that your state gives for
9 dropouts. And I think these are the people that I
10 think we'll be able to serve.

11 MR. JOHNSTON: If I may share. My name is
12 Mark Johnston. I live in Boise, and I'm the program
13 manager for our new Idaho school. It was approved
14 by a commission similar to yours a year ago. And
15 our first -- first day of school is next Monday.

16 But I'm here today -- Kaplan did not ask
17 me to come. I came because I'm a graduate of Clovis
18 High School on the eastern side of the state.

19 THE CHAIR: Because why, sir?

20 MR. JOHNSTON: I'm a graduate of Clovis
21 High School. My family -- I grew up there. My dad
22 is a retired teacher from Clovis Community College.
23 And I have extended family still in Clovis. And so
24 I have a lot of connections back here in New Mexico.

25 And when I heard they were going through

1 this process, I volunteered to come and share. I've
2 been going around the state regarding the dropout
3 rate. We have a high dropout rate in Idaho as well.
4 And for the last three weeks, I've been going around
5 meeting our new students and our parents who are
6 enrolling in our school.

7 And I came into this thing thinking maybe
8 we are a competitor with the brick and mortar
9 school. I am finding we really aren't, that most of
10 our students are, as been just shared, students who,
11 for whatever reason, the brick and mortar school
12 isn't working. And as I'm meeting their parents,
13 our principals are traveling with me, our teachers
14 are traveling with me. All of our teachers are
15 Idaho certified. And the interaction -- there's a
16 lot of interaction.

17 And we're finding that these are students
18 who, had this option not been available for them,
19 they would have dropped out. And it's not because
20 they're necessarily academically weak. But they've
21 got social issues or job issues. We have a girl I
22 met last week who is from a small town and was raped
23 last year, and it became very public knowledge. And
24 she's humiliated to go to her school. And so our
25 school became a very viable option. She wouldn't

1 qualify for special ed.

2 I have a five-year-old son who's starting
3 kindergarten. His name is Luke. He's been battling
4 cancer for the last two years, in and out of times
5 where he can't be around any other students. And so
6 we have a -- we would have an online school there in
7 Idaho, who, if Luke -- he's starting a brick and
8 mortar school. But if Luke needs that, he'll be
9 able to stay at home and attend that school.

10 So I've been surprised how it really isn't
11 competing against the brick and mortar, but,
12 instead, it's offering another option. I think in a
13 state like New Mexico, which I have a lot of love
14 for, we offer an option to get that graduation rate
15 up because we're supplying an option for students
16 who wouldn't have had it before.

17 MR. BERGMAN: Thank you. I had one
18 other -- I had written myself a note as I read your
19 application. I notice that you had said in there
20 that students who lack access to a computer will be
21 given one. And a stipend to cover the cost of their
22 ISP service will also be provided. This is money
23 that will be coming through the budgets for this.

24 MR. GIVEN: Right.

25 MR. BERGMAN: So theoretically, we could

1 get 4,000 students getting their monthly Internet
2 bill paid and getting a computer from the school.

3 MR. GIVEN: Correct. It's kind of akin to
4 the bus, the transportation to get them to their
5 building, and their building is the computer.
6 You've got to get them on the Internet and on a
7 computer to learn. And that's part of a free and
8 equitable education.

9 MR. BERGMAN: That's part of your plan.

10 MR. GIVEN: Yes.

11 THE CHAIR: Thank you, Mr. Bergman.

12 Mr. Garrison?

13 MR. GARRISON: Explain your physical
14 education credit at the school. You had mentioned
15 socialization earlier, how that's a common question.
16 And there's an answer for everything. I'm glad you
17 stated those extreme cases. That makes us look
18 through a different lens as far as why this school
19 would be needed. But I know some of those are few
20 and far between. Are you offering physical
21 education? Describe it to me.

22 MR. GIVEN: I think that deserves a
23 detailed response; a course description, in other
24 words. And we can provide that for physical
25 education. You're basically assigning students,

1 whether it's jogging or running or -- I'm sorry. I
2 apologize. You're basically assigning students
3 physical education tasks and educational health and
4 other things. Physical education courses. Excuse
5 me. But we'll provide a complete course description
6 in writing so you can see that.

7 MR. GARRISON: I guess I'm looking for
8 beyond the course description, because beyond the
9 description is the teaching and the coaching and the
10 hands on required. There's knowledge and skills in
11 education. And there's nothing like skills, like,
12 that you need to show like physical education. It's
13 physical education. So you know where I'm going
14 with this.

15 MR. GIVEN: I understand what you're
16 saying. I understand what you're saying.

17 MR. GARRISON: So you want a child to
18 reach 60 percent target heart rate? I just don't --
19 I just can't fathom how this is going to happen.

20 MR. GIVEN: Let me get you a good
21 description. So I think you'll be impressed with
22 what can be done that way. Again, there's some
23 things you gain and some things you lose in any kind
24 of new tradeoff, and you'll see the things you gain
25 and you'll see the things that aren't the same,

1 because it's not the same means of education.

2 THE CHAIR: Are you through?

3 MR. GARRISON: (Indicates.)

4 THE CHAIR: You're going to make me use
5 this after all. So I'm not using a computer so I
6 can use it, and you don't have to stand and do that,
7 Dr. Duran. Thank you, though, for helping those
8 Commissioners who are using a computer to assist in
9 this session of questions.

10 I'm -- as I have listened this morning,
11 I'm certain that you understand that many of the
12 questions that I probably have had have been -- have
13 been already stated by my colleagues. And so I,
14 too, hope not to be repetitious. But I certainly
15 will tell you that I, as I was doing my homework,
16 I -- teacher credentials were a question that I had
17 in mind. The waivers were a question that I had in
18 mind. The hours of instruction are still a question
19 that I have in mind.

20 And so I guess I'll just stop right there
21 for a moment and ask you how you -- how you are
22 going to -- to meet the letter of the law on that.

23 MR. GIVEN: So there are a couple of ways.
24 And Mark can actually dig in a little bit on how
25 students actually interact with the school. But we

1 learned a while ago that required attendance,
2 depending on what the time is, is important. And
3 the time doesn't have to be the same every day, and
4 it doesn't have to start at 8:00 and things like
5 that. But requiring attendance and activity online
6 is one piece.

7 But in this environment, as opposed to
8 coming and sitting in a seat and having your name
9 checked off the attendance list, it's about work
10 product. It's about how students deliver their work
11 and show the teacher and progress in that work. And
12 so the demands of that work and the tracking of that
13 work will match up with the state requirements as
14 best as possible.

15 But that's how virtual education -- a good
16 virtual education works is you're demanding of
17 students that they interact with their curriculum,
18 they interact with their teachers, and they produce
19 work product that's of a quality to pass the class,
20 get an A in the class, whatever they want to do.
21 And the level of that product, the rigor of that
22 product is probably at least 4X or 5X what it might
23 be in a brick and mortar school because you're not
24 sitting in a seat directly across from the teacher
25 every day listening to a lecture, because the way

1 you demonstrate your knowledge is not through
2 raising your hand in class or listening to a
3 lecture. It's displaying your knowledge in project
4 or essay or exams or other types of forms.

5 So there's a lot more of that requirement
6 here instead of pure attendance. That being said,
7 I'll pass to Mark. We do require kids in the
8 schools to get online and be there on a regular
9 basis, because without that steady progress, you
10 quickly fall behind. And with the amount of work to
11 be done, it's almost impossible to catch up.

12 And so that's -- it's critical for the
13 instructors, the academic coaches that are
14 describing those and the administrators of the
15 school to constantly keep track. Technology helps
16 with that. Each student has a pacing plan, their
17 hours of work and how close they are to completion
18 of the course and their grades, etc. And that is
19 tracked in real time so the administrator or the
20 teacher or the academic coach can go online at any
21 point and see exactly where each student sits in
22 whichever course they're talking about, exactly how
23 far they've progressed, how close to completion and
24 their grades and other components. More -- let me
25 ask Mark to address more about the teacher and

1 attendance issue.

2 MR. JOHNSTON: With regards to attendance,
3 as Matt said, we have a system that tracks logins.

4 THE CHAIR: Tracks what?

5 MR. JOHNSTON: We have a system that
6 tracks the logins and the number of hours that
7 they're logged in. As a program manager, I would
8 give that to our principal on a weekly basis. And
9 it tracks both our assignments being completed and
10 turned in on time and how much -- you know, what
11 length of time the student was logged into the
12 system.

13 As Matt said, when they log in, there's a
14 weekly calendar for them that shows them Monday
15 through Friday and what assignments are to be
16 completed on each day. The great thing is that we
17 give our parents or the guardian their own login.
18 And so that they, 24 hours a day, seven days a week,
19 can log in and track their student's progress. And
20 it shows real time, how much their student has done,
21 if they're behind on any assignments. If an
22 assignment is behind, it automatically generates a
23 communication with the parent and with the student
24 that their assignment is behind.

25 Another layer that we're doing here in

1 Idaho -- and I view Idaho and New Mexico as very
2 similar, where there's a couple of large communities
3 and then a bunch of rural communities. And we are
4 traveling the state on a regular basis and taking
5 our teachers with us to interact with the -- with
6 the students, with the parents. We've been having
7 these events for the past two weeks.

8 And they're outstanding. And it gives the
9 student a chance to come and meet their teacher face
10 to face and interact with their teacher. Also
11 online, there's the live sessions that the teachers
12 can do. And as Commissioner -- you mentioned
13 earlier, at midnight or different times, what our
14 teachers do is they're recording those live
15 sessions, so that if a student is working or can't
16 attend the live session, they can log on at midnight
17 and watch that session and see the video of the
18 teacher. So there's a lot of options that are
19 available.

20 THE CHAIR: Thank you. Midnight seems to
21 be throwing around a lot here.

22 I'm looking at Page 4 of your abstract of
23 the proposed charter school. I've written myself a
24 few notes as I'm listening to the discussion this
25 morning. And I -- I look towards the center of the

1 page on this abstract, the paragraph beginning,
2 "Most virtual schools aim for a flexible
3 curriculum." And what came to my mind was the idea
4 that you try to separate yourselves from the masses.
5 You're trying to separate yourselves from the masses
6 when you're talking about what you're talking about
7 a brick and mortar school.

8 And I'm assuming that's a good -- that's a
9 good substitute for just a traditional school. And
10 so if I'm totally off base in that, I'd like to have
11 you correct me on that. But so you're separating
12 yourself from the brick and mortar schools. You're
13 separating yourselves from the -- from the -- what
14 you're looking at, I suppose, because virtual
15 schools have been around now for 15 or 20 years, at
16 least.

17 And so I'm trying to -- I'm trying to
18 decide what is this that you're saying to me in this
19 abstract that says that yours is going to be -- and
20 you even -- this old English teacher caught this
21 one, Mr. Boyer -- "perhaps the most unique feature
22 of this program." I don't know what a "most unique"
23 is. If you don't know what a "most unique," is I
24 suggest you get an English grammar and find out.

25 But help me with this --

1 MR. GIVEN: I will alert our technical
2 writer on that one.

3 THE CHAIR: -- why you're separating
4 yourself from the masses and trying to say to us,
5 Our program is superior to everybody else's --

6 MR. GIVEN: Sure.

7 THE CHAIR: -- is what I hear you saying
8 in this.

9 MR. GIVEN: So a couple of things.
10 From -- I think the separating from your traditional
11 environment is pretty obvious. It's a different way
12 to educate. It's more flexible, kind of, by
13 definition, because you can interact at any time and
14 do other things, which is pretty interesting. So if
15 that's not obvious, we can go deeper there.

16 To separate from other virtual programs,
17 kind of the history of this learning a little bit.
18 That's important, because you've all been educators
19 for a number of years and you've seen different
20 things. One of the key differentiators here is that
21 most distance learning today, the vast majority of
22 it, has been of a couple of categories. One is
23 basically watching video of lectures that have been
24 done. And so you're looking at a video at a
25 distance. That was kind of the early definition of

1 distance learning. Beyond that, you got into what
2 most virtual programs are in the country, and those
3 are response-based models; in other words, a student
4 studies on their own. It's an independent study.
5 If they need help, they would have to e-mail a
6 teacher to reach out for that help. The teacher
7 responds to them in a certain period of time,
8 et cetera.

9 We've kind of taken what is really
10 productive about a brick and mortar school -- that's
11 teacher-student interaction -- and tried to
12 incorporate it into the virtual environment. And
13 that's done with a lot of synchronous instruction.
14 So we expect our teachers and our students to
15 interact in real time often. So not a response
16 model where you're waiting for the student to ask
17 for help, but a proactive model where the teacher is
18 reaching out to the student they can see how they're
19 doing. There's not a secret.

20 There's so much data, the teachers know
21 exactly how the students are progressing. But we
22 also ask for that teacher and student to interact in
23 real time on the phone, through discussion, through
24 virtual sessions on our just -- the one terminology
25 is the virtual whiteboard, where a teacher and

1 student can work together, as we could on the board
2 behind you. And with an advanced piece, bring Web
3 pages into that, bring resources into that, work
4 your problem with that, work in small groups like
5 that.

6 So it's the differentiation between a
7 program that is independent study, where a student
8 is expected to learn on their own and if they need
9 help, ask for it, and a program that is
10 individualized or driven together where the teacher
11 and student are expected to tailor that student's
12 educational program to that student and work
13 together on it throughout the course of their
14 virtual academic career. That's what the big
15 differentiator is.

16 Most programs -- very few programs are
17 like that. They are mostly response models. They
18 are mostly independent study based models. That is
19 not what we propose.

20 THE CHAIR: Thank you. And I'm going --
21 because I think it's important -- and I'm going to
22 be repetitious here again. And that has to do with
23 the -- in New Mexico, we recognize home schooling,
24 and we recognize home schooling that, basically, the
25 parent does the schooling and, basically, the parent

1 meets the accountability factor by seeing that his
2 or her child is in the school district during the
3 testing period. And the child has to conform, then,
4 to New Mexico School Based Assessment. And so that
5 pretty well does it.

6 We began to have some difficulty with home
7 schooling as they began to have problems with
8 extracurricular activities as far as anything, and
9 then hitting on the thing Mrs. Garrison hit on, the
10 physical education. So it began to have some need
11 expressed by home schoolers that they did recognize
12 that there was a need for the children to be in that
13 brick and mortar school some of the time.

14 So we came out with a family plan for the
15 family school. And so because of that, then, the --
16 school district was given the opportunity of
17 receiving some money. And from what effort they
18 expended in that -- and, usually, it's a half-day
19 both ways. And so we ended up with the idea that we
20 have a melding between the home school and the
21 family school. And this seems to have worked in
22 New Mexico for a number of people.

23 I'm truly interested in your listing of
24 the number of school districts or -- not school
25 districts -- but states that you give here.

1 Mr. Garrison just happened to have his handy, that
2 you have Arizona with 14 of these schools, Colorado
3 with 24 and so on.

4 MR. GIVEN: Uh-huh.

5 THE CHAIR: And I will have to say to you.
6 I don't believe this has been said. But you're the
7 responder. You're from Kaplan, and you're the
8 responder. I'm looking, and I'm wondering, where is
9 this -- where are the founders in this? Do they not
10 have the expertise for -- to be the ones who -- who
11 know what their school is?

12 And I'm going to follow that up by telling
13 you that I looked at another page in your
14 application. And let me find it. It's Page 3. And
15 Page 3, your application cover sheet, slash,
16 abstract. Is the name of the proposed charter
17 school is the Kaplan Academy New Mexico. And I
18 think you may have heard me earlier this morning
19 when I was trying to get this session started,
20 saying that I was having some problems from my -- my
21 schedule on the front of my notebook that said that
22 I was going to listen this morning to the New Mexico
23 Virtual Education Partners. And now I'm listening
24 to Kaplan.

25 And now, on Page 3 of your application --

1 let me find it again here -- you're telling me that
2 it's not going to be this virtual school founders,
3 it's going to be the Kaplan Academy of New Mexico.
4 It does not list a school address, if known, or a
5 school location, city or town -- or school district
6 within which the school will be located. I'm
7 assuming it's Albuquerque. But I'll tell you, quite
8 frankly, I don't know how Staff know that it was
9 going to be Albuquerque. You know, that one is
10 beyond me, because it's blank.

11 The primary contact person isn't listed
12 here. The address is in care of KVE, Hollywood
13 address, question mark, or in NMVEP, question mark.
14 All of the rest of the information on Page 3 is
15 blank, including the enrollment information down
16 here for the first year, second year and so on.

17 MR. GIVEN: I think there was just a --

18 THE CHAIR: Founders, I'm addressing my
19 question to you, not to Kaplan. I'm addressing my
20 question to you. Why is this blank mostly?

21 MR. GIVEN: There was a second electronic
22 version.

23 THE CHAIR: Well, sir. I'm asking the
24 founders, please, to respond to this.

25 MR. GIVEN: I'm sorry.

1 THE CHAIR: And I made that quite clear, I
2 I think.

3 MR. GIVEN: I'm sorry. I apologize.

4 THE CHAIR: Thank you.

5 MR. CASADOS: I think I have to give you a
6 little history of it. I am very interested in
7 improving education for students in New Mexico.
8 That is my motivation. And one of the reasons that
9 I, as a founder -- I don't have the resources to
10 develop a total virtual school. And I found this
11 out. I led an executive program -- we provided
12 education for elementary schools by television using
13 Direct TV in science and language arts. It was a TV
14 program. We -- I, myself, could not produce the
15 television. So what did we do? We went to the best
16 producer in educational TV, which was WGBH in
17 Boston.

18 THE CHAIR: Thank you, sir.

19 MR. CASADOS: They produced them, too.
20 And so that's the motivation for going to a
21 professional organization that can produce and
22 deliver a quality program. That is an important
23 aspect of this is that they want to develop a
24 quality program for students in New Mexico. I
25 couldn't do that. The founders couldn't do that.

1 We don't have the resources. It takes a tremendous
2 amount of money and time.

3 Take Virtual New Mexico. I don't know
4 when they started. They have a mere 34 courses now.
5 So I think that the address -- I realize this is a
6 deficiency on our application. But that's the
7 motivation of bringing Kaplan in to provide these
8 professional services, augmented by teachers in New
9 Mexico to serve New Mexico students. Now, I'm sure
10 that we can correct all of these inadequacies.

11 MR. GIVEN: It's been corrected.

12 THE CHAIR: Thank you. If you'll excuse
13 me a moment, sir. I am embarrassed. The only
14 access that I, as a Commissioner, had was to the
15 electronic version on the PED Web site. Now, I
16 don't know that I had any other access. Perhaps I
17 did, but I don't know about it. And so Dr. Duran
18 has just told me and shown me that the hard copy of
19 this does have the information. But it made it very
20 difficult for me, as a reader, to have any idea at
21 all who was responsible for what.

22 Now, I'm not going to belabor it at this
23 point. And I do apologize, because I, as a reader,
24 to my knowledge, had only one place to access the
25 information. And when I saw that this information

1 was missing, the hairs on the back of my neck arose,
2 M.G., because I thought, I don't know with whom I'm
3 dealing. I don't know who the -- who the people are
4 who are going to present this to us today.

5 And so I think that we need to be
6 extremely careful. I don't know -- I don't know --
7 I am assuming that you folks presented hard copies,
8 because I believe there's -- you have to present
9 four or five hard copies. Is that correct?

10 DR. DURAN: Madam Chair, the Applicants
11 were told that their hard copies had to match their
12 electronic copies. We cannot do more than give them
13 guidance. And that's all I have.

14 THE CHAIR: I appreciate that, Dr. Duran.
15 So I hope that we understand that we have a little
16 problem here. Catherine Smith didn't make it.
17 Dr. Duran didn't make it. Perhaps you folks didn't
18 make it. But it made it very difficult for me, as a
19 reader, to do this. And so I will not go any
20 farther there.

21 I just will -- will conclude by saying I
22 hope that you understand today that from those of us
23 who have asked questions and tried to get
24 clarification on items that accountability has been
25 a recurring theme. And it appears to me, as Chair

1 of this Commission, that perhaps you have an
2 opportunity between now and September 1 to -- to
3 address and answer more fully any questions that
4 have been posed to you. And I would hope, from my
5 standpoint, that you would be prepared to address
6 the accountability theme more closely. Mr. Bergman?

7 MR. BERGMAN: Whenever you're done, Madam
8 Chair, I've seen a couple of things that, while you
9 were speaking, I would like to explore.

10 THE CHAIR: All right. Go ahead, please.

11 MR. BERGMAN: Here, again, if you cannot
12 hear me, please raise your hand.

13 THE CHAIR: They've told us to use it.
14 Please be consistent.

15 MR. BERGMAN: The first thing I noticed, I
16 was looking at the preliminary analysis when we
17 received your initial application. At one point, it
18 said, apparently, to the reader, that parents were
19 not expected to have a role in the delivery of the
20 curriculum. And then Mr. Johnston, in one of your
21 answers there, you mentioned parents and guardians.
22 So there is some -- the parents are somewhat
23 involved in this in some way? At least in Idaho,
24 you're allowing them access to try and monitor their
25 own children's work?

1 MR. JOHNSTON: Well, to clarify, I
2 believe, if I understand correctly, you're saying
3 that's referring to the delivery of the curriculum?

4 MR. BERGMAN: I think that's the wording
5 here.

6 MR. JOHNSTON: Our parents in Idaho and
7 New Mexico would not be responsible for delivering
8 the curriculum. The role that the parents play is
9 communicating with us, the teachers, making sure
10 that they're a part of the process. But just as a
11 parent doesn't deliver the curriculum in a brick and
12 mortar school, they're not delivering the
13 curriculum. The curriculum provider is delivering
14 that. So --

15 MR. BERGMAN: And the other thing I
16 noticed here, is they noticed, in an area called
17 Corrective Action, the application -- your
18 application described a process where KVE -- that's
19 Kaplan Virtual Entertainment -- entertainment --
20 education -- director of academics and director of
21 assessment will meet with KANM instructional team to
22 analyze student performance. That sounds to me like
23 one of those upper tier coaches I'm talking about
24 that's involved in the process is involved in the
25 school. Can you answer that?

1 MR. GIVEN: Because we're providing the
2 data systems and the curriculum, we can help the
3 teachers, through professional development and
4 analysis, see what's going on in their classrooms
5 and their students and things like that. So it's
6 more of a support for the school as part of the
7 service we provide supporting the students, the
8 teachers, and the instructors and the administrators
9 about what's happening in the school.

10 MR. BERGMAN: I understand the support
11 aspect. But that does mean they are involved, then,
12 at least in one person's opinion. So --

13 MR. CASADOS: Well, it wouldn't be much
14 different than a Microsoft company coming into a
15 school district to help teachers to help master a
16 Microsoft program. Basically, it's the same thing.

17 MR. BERGMAN: Thanks.

18 MS. SHEARMAN: I have one, to follow up on
19 Mr. Bergman's question.

20 THE CHAIR: Ms. Shearman.

21 MS. SHEARMAN: Thank you very much. To
22 follow up on Mr. Bergman's question, and you don't
23 do that for free. Right?

24 MR. GIVEN: We contract with the school to
25 provide services.

1 MS. SHEARMAN: Okay. Is that not a
2 contract that would have to be bid so that other
3 companies could bid on it?

4 MR. GIVEN: Yes.

5 MS. SHEARMAN: And possibly gain the
6 contract instead of Kaplan?

7 MR. GIVEN: Yes, ma'am.

8 MS. SHEARMAN: Because, in your
9 application, it states the contracts are all going
10 to go to Kaplan.

11 MR. GIVEN: Well, in partnership with the
12 organization, as is. And the school has not been
13 approved yet, so they can't contract for anything
14 quite yet. So we had to build a structure. They
15 have to obey the laws and we expect them to be fully
16 compliant and we'd be fully compliant in anything we
17 do. But we had to propose a school and figure out
18 how to build a school out together. Or else there's
19 no "there" there. There's nothing to talk about as
20 far as detailed instructional strategies and --

21 MS. SHEARMAN: I think perhaps in that
22 case, you might have said, "The contract will be let
23 for these services," rather than, "Kaplan will
24 contract for these services."

25 MR. GIVEN: Understood.

1 MS. SHEARMAN: I thought it was very
2 misleading. The other thing I have to say is as far
3 as IDEAL-New Mexico, they do provide full-time,
4 online instruction for students for whom it is
5 necessary. They work through the local school
6 district. The school districts supply teachers that
7 work with those students. They go to the students'
8 homes if necessary. But if it's approved by the
9 local school board as necessary for that student,
10 they do receive full-time, online instruction. And
11 the money stays in New Mexico, which is a big
12 concern of mine. Thank you, Madam Chair.

13 THE CHAIR: Thank you. Is there anyone
14 else? If not, we are -- we're through Item 9 of our
15 agenda for this particular applicant.

16 Item 10. The Commission encourages
17 continued public input in writing until September 1,
18 2009, at 5:00 p.m. Written comments should be sent
19 to the Public Education Commission care of Beverly
20 Friedman, 300 Don Gaspar Avenue, Santa Fe,
21 New Mexico, 87501, or e-mail your comments to
22 Beverly Friedman, bev.friedman@state.nm.dot.us. And
23 thank you, gentlemen, very much for your
24 presentation today and good luck.

25 MR. GIVEN: Thank you.

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MR. CASADOS: Thank you.
(Proceedings concluded at 9:53 a.m.)

1 BEFORE THE PUBLIC EDUCATION COMMISSION

2 STATE OF NEW MEXICO

3
4 IN THE MATTER OF:

5 NEW MEXICO VIRTUAL PARTNERS:
6 KAPLAN ACADEMY OF NEW MEXICO

7
8
9 REPORTER'S CERTIFICATE

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

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

19
20
21
22 _____
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