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BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

IN THE MATTER OF:

SANDIA ACADEMY

TRANSCRIPT OF PROCEEDINGS
CHARTER SCHOOL PUBLIC INPUT HEARING
August 27, 2009
10:11 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 reconvene this New Mexico
2 Public Education Commission hearing. The purpose of
3 this hearing is to solicit both written and oral
4 input on the proposed charter. In accordance with
5 the Charter Schools Act, quote, "The Commission
6 shall receive applications for initial chartering
7 and renewals of charter for charter schools that
8 want to be chartered by the State and approve or
9 disapprove those charter applications." End of
10 quote. This is a citation from 22-8B-16, New Mexico
11 Statutes Annotated, 1978.

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

1 Annotated, 1978.

2 To Item 2. The Applicant at this time
3 will be Sandia Academy. We would like to hear from
4 the applicants in just a few moments. Please, for
5 the record, state the name of the school, the name
6 or names of the founders of the school, the proposed
7 grade levels to be served and membership projection
8 of the school.

9 We will request that you state for the
10 record a brief description of the school, the
11 reasons you believe the school will benefit the
12 children and citizens of this community and any
13 other information that you would like the Commission
14 to know about your application.

15 You will have 15 minutes, so please be as
16 precise as you can during this time. And at this
17 time, we will hear from Sandia Academy. Good
18 morning. Good morning.

19 MS. MURPHY: Madam Chairwoman, before we
20 get going, could you permit us to hand a few
21 handouts to each of you? We wanted to wait for
22 everyone to get back here to make sure everyone is
23 able to get one.

24 THE CHAIR: Mr. C de Baca will help us
25 with that.

1 DR. DURAN: And for the record, prior to
2 you beginning, if you could all introduce yourselves
3 before we begin the time?

4 MS. MURPHY: Sure. That would be great.

5 THE CHAIR: Go ahead and introduce
6 yourselves while he's doing that. So --

7 MS. MURPHY: Okay. My name is Mellani
8 Murphy. It's spelled M-E-L-L-A-N I. And I am the
9 founding board president for Sandia Academy. Just a
10 quick background on myself. I've worked in the
11 newborn intensive care unit in a hospital developing
12 the hiring practices and policies for staff there.
13 I also have worked in various companies with the
14 hospital, with an organic chemical company, in
15 producing and creating marketing brochures and
16 training manuals and materials for their staff as
17 well.

18 THE CHAIR: Do you want to introduce all
19 the rest of your --

20 MS. MURPHY: Would you like me to --

21 MS. MARTINEZ: My name is Jessica Inez
22 Martinez. J-E-S-S-I-C-A. Martinez,
23 M-A-R-T-I-N-E-Z. I am the national LULAC youth
24 president, as well as a former student body
25 president of Mayfield High School. I was also an

1 intern for Senator Jeff Bingaman. I also serve on
2 Women's Commission. I'm a believer on human rights,
3 women's rights and community activism.

4 I've also worked for several politicians,
5 such as Bill Richardson, Jeff Steinborn and several
6 other state and national officials. So that's my
7 background, as well as I am a sophomore at the
8 University of New Mexico.

9 MR. RALPH ARELLANES: Thank you very much.
10 Good morning. My name is Ralph Arellanes. I am the
11 District 1 director for LULAC. I'm also the
12 national LULAC Education Board. I'm the chairman of
13 the Hispanic Round Table, chairman of the Hispanic
14 Table of Cooperation, chairman of the New Mexico
15 Education Task Force, working directly with the
16 Governor's Office, Jose Almas (ph) and Veronica
17 Garcia, and a number of other organizations that I
18 have been the president and chairman of for many
19 years.

20 I initiated a document called Hispanic
21 Statement of Cooperation, going back to 1998. And
22 I'll hand you all a copy of this. And it is the
23 document that brought ENLACE to New Mexico. ENLACE
24 stands for Engaging Latino Students in Education.
25 And so right now, as of today, since the year 2000,

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1 we acquired \$6 million from the Kellogg Foundation,
2 and we have saved over 110,000 students from
3 dropping out of high school, going to college,
4 leading a productive life, going on to the military
5 and going on to greater endeavors in their life.

6 I hold a bachelor's degree in accounting,
7 finance and economics. I have an MBA in management,
8 accounting, and economics from New Mexico Highlands
9 University. Professionally, I work at Kirtland Air
10 Force Base. I have worked there for 25 years in the
11 finance and budget requirements area. We do a lot
12 of Department of Defense testing across the country
13 and even internationally. Thank you very much.

14 MR. JAMES ARELLANES: My name is James
15 Arellanes, A-R-E-L-L-A-N-E-S. I am a board member
16 of the Hispano Round Table. I am the president of
17 our neighborhood association up in the East
18 Mountains. I have a bachelor's degree in mechanical
19 engineering from New Mexico State University. I've
20 got a master's degree in mechanical engineering from
21 the University of New Mexico. I have been working
22 for 23 years on the base as well.

23 I have done nuclear engineering. I have
24 done space vehicles. And I am currently doing
25 analysis on radio frequency signals. And so that is

1 my background. Pretty much about it.

2 THE CHAIR: Thank you.

3 MR. VIGIL: My name is Michael Vigil,
4 M-I-C-H-A-E-L, V-I-G-I-L. I am the former
5 superintendent of business for the Albuquerque
6 Public Schools. I was the superintendent of the
7 business, CFO, chief business officer, for
8 approximately 17 years for APS. I now am working
9 for the charter schools. I am the chief financial
10 officer for the New Mexico Coalition of Charter
11 Schools.

12 THE CHAIR: Good morning, all of you.

13 MS. MURPHY: Would you like us to begin
14 the timed portion now?

15 THE CHAIR: Yes.

16 MS. MURPHY: For the record, we are here
17 representing the Applicant of Sandia Academy. We
18 are proposing to serve students in grades
19 kindergarten through twelfth, with an enrollment
20 projection of 500 students within those grades,
21 kindergarten through twelfth.

22 One of the reasons I got involved in this
23 endeavor is that my husband and I moved to State of
24 New Mexico for a business opportunity about a dream
25 for our family. And we have been thrilled to be

1 here, love the climate, love the people. New Mexico
2 feels like home to us. We are just thrilled to be
3 here.

4 And as my children began to enter the
5 public school system, I realized that my children
6 had -- not just unique to our family -- but certain
7 special needs that were being underserved that were
8 not being met in a traditional classroom setting.
9 My oldest daughter is very bright. She came into
10 kindergarten reading chapter books and Harry Potter,
11 and not just reading them, but fully comprehending
12 them.

13 And I began to be concerned when the
14 administration came and said, "There is no way this
15 is possible of a first grade or a kindergarten
16 student." And she was required, in her classes, to
17 sit in the back of the classroom and wait and wait
18 while 23 other students caught up. And as I
19 watched, I saw that light in her eyes, that
20 excitement of learning and being in the classroom,
21 start to dim. And as a parent, I was very
22 concerned.

23 On the other hand, I have a son who has an
24 orthopaedic problem. He's missing bones in several
25 parts of one of his feet and has been working with

1 early childhood developmental specialists and just
2 trying to get him to walk. And as I thought about
3 the traditional classroom setting for him, I began
4 to be concerned about whether his needs would be
5 adequately addressed, whether he would have the
6 flexibility to receive the services when he needed
7 them as he needed them and to not miss out on any
8 classroom instruction time.

9 And so I began to search out options for
10 my students within public education. And the
11 opportunity came to me to be here today to work with
12 these amazing board members in bringing before you
13 an option, an option for parents, an option for
14 students. Within Sandia Academy's application, you
15 will see that we are applying for a hybrid model
16 where we take online resources, online programs, and
17 combine them with the best of the traditional
18 face-to-face classroom setting, where the students
19 are led and guided by New Mexico certified, highly
20 qualified teachers.

21 They have an engaged mentor, a parent or
22 other responsible adult encouraging them along the
23 way, where we take parent support, teacher
24 encouragement and oversight in their instruction and
25 give them the services and the support structure

1 that they need to be successful in their educational
2 career.

3 I would like to turn the time over for
4 just a few minutes to Jim Arellanes to talk a little
5 bit more about the special education aspects and the
6 benefits of the hybrid model we are proposing for
7 the student that would be attending Sandia Academy.

8 MR. JAMES ARELLANES: Thank you, Mellani.
9 Getting an education is challenging for the children
10 and the parents. For children with developmental
11 disabilities, that challenge is even magnified.
12 Sandia Academy Charter School believes that it takes
13 a complete team of individuals working with the
14 student with a disability to insure academic
15 success. It is the goal of the school to serve each
16 student in the least restrictive environment
17 possible for the student.

18 Parent trainings are provided to support
19 the parents in their new role as a learning coach,
20 in addition to special education, teacher support,
21 related services, provider support, the IEP goals --
22 or Individual -- the IEP goals that are acceptable
23 for the area. Thank you.

24 MS. MURPHY: I'd now like to given Ralph
25 Arellanes a few moments to talk about the needs he

1 has seen in our community and how he believes our
2 school will address those needs.

3 MR. RALPH ARELLANES: Thank you, Mellani.
4 As you all know, I've been involved with
5 organizations to deal with education for a very long
6 time, as I was the state director of IMAGE and the
7 chairman of the Hispanic Round Table going back to
8 1995 -- and I'm still currently the chairman.
9 Hispanic Round Table again -- because there's just
10 such a need out there in the community.

11 The dropout rates are appalling. When we
12 have 50 percent of our students dropping out of high
13 school or middle school, the system is broken. What
14 business could stay in business if they are losing
15 50 percent of their customer base every year? At
16 that point, when I was the chairman of the Hispanic
17 Round Table, I took the initiative to communicate
18 with the entire community and across the state as
19 well to create the Hispanic Statement of Cooperation
20 because 56 percent of all students in the State of
21 New Mexico are Hispanic.

22 It was very appalling to me as the leader
23 of many of these Hispanic organizations that this
24 was going on. But also our model is not just to
25 address the Hispanic community, it's to address

1 education for all. So when I initiated the Hispanic
2 Statement of Cooperation, I spoke to the president
3 of Sandia National Laboratories, the president of
4 Los Alamos National Laboratories, the superintendent
5 of APS, numerous other -- Public Service Company of
6 New Mexico. Right now, we have 30 signatories to
7 the Hispanic Statement of Cooperation. Do you have
8 a copy of this, Madam Chair?

9 DR. DURAN: We have a copy that we will
10 give to them. Yes, sir.

11 MR. RALPH ARELLANES: Okay. They all have
12 signed on. I could name some of them. Albuquerque
13 Public Schools, administration, the Board, the
14 Albuquerque Hispano Chamber of Commerce, Central
15 Community College of New Mexico, the City of
16 Albuquerque, the County of Bernalillo, Hispanic
17 Cultural Center Foundation, Hispano Round Table,
18 Sandia National Laboratories, United States
19 Department of Energy and NSA, University of New
20 Mexico, Public Service Company of New Mexico,
21 Los Alamos Labs, New Mexico MESA, Barelvas Community
22 Development Corporation, Big Brothers, Big Sisters,
23 CocaCola, DeColores, New Mexico Dietetic
24 Association, New Mexico Highlands University, Public
25 Private Partnership, Rio Grande Community

1 Development Corporation, New Mexico LULAC, ENLACE
2 and La Luche.

3 This is the largest partnership in the
4 history of New Mexico to address education
5 employment, economic development, and cultural
6 involvement.

7 The first project we took on was ENLACE.
8 And we applied for that grant. We got \$6 million
9 from the Kellogg Foundation that I talked about
10 earlier. Since then, we have saved over
11 100,000 students from dropping out. I work every
12 day to address the dropout rates. I think that the
13 key to successful education is you have a full body
14 of community involvement, sufficient teachers,
15 mentors, family support centers, insuring proper
16 nutrition.

17 The poverty rates in New Mexico are very
18 high. We need to work in all these areas. That's
19 why we need to bring in the mentors. The hybrid
20 model brings in the mentors. When they have a -- a
21 teacher coach, a mentor. We have online tutors.
22 But to insure family involvement, when we have the
23 learning coach, along with the hybrid model, it is
24 second to none.

25 This is why LULAC, and myself as a leader

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1 recently appointed by Governor Bill Richardson to
2 work on the Hispanic Advisory Council, this is why
3 we sought the K-through-12 program out, because we
4 saw the hybrid model, the best of both worlds.
5 Face-to-face teaching, online teaching, home
6 mentoring, family involvement. That's the key to
7 success, whether you're rich, whether you're poor,
8 whether you're Hispanic, whether you're Black,
9 White. If you have the community involved in
10 teaching, the student is going to learn, period.

11 And if all this is working together, we're
12 going to make it happen. And I am committed to
13 insuring that we have a much higher graduation rate
14 than what we see today. You know, we saw -- some of
15 the statistics were saying that 12 out of 36 charter
16 schools met AYP. With the hybrid model, it's
17 located in 23 states, 30 countries, 55,000 students.

18 In LULAC, we were looking for a very
19 stable operation. We were looking for a proven
20 model of success. The K12 model is the most proven
21 model of success in the country and internationally.
22 When we have 30 countries buying into this and 23
23 states, and we are meeting AYP and exceeding every
24 state standard in all 23 states, we have a model of
25 success that is unparalleled in charter schools

1 today. Thank you.

2 MS. MURPHY: Just real briefly, I'd like
3 to also say that part of the mission of our school
4 is to prepare students for the workforce, to prepare
5 students for a post-secondary education. And we
6 believe that the workforce, for example, is becoming
7 increasingly more technical. Even labor jobs today,
8 the technical component is getting more and more
9 apparent in the workforce.

10 Students need to also have that
11 face-to-face interaction with peers, with peer
12 groups, with instructors, so that they can
13 efficiently communicate with those around them in a
14 working environment. I know our time is short and
15 we have a few minutes left. I'd just like Jessica
16 to take a minute, too, to talk about her experiences
17 going through the public school system here in the
18 State of New Mexico and why she strongly believes
19 that Sandia Academy is an excellent option for
20 parents and students here.

21 MS. MARTINEZ: Yeah. Hello. Being that
22 I'm 19 years old, I just recently got out of high
23 school. And a lot of students struggle throughout
24 school. I know I'm one of them who had to take
25 extra -- on my own time, to learn how to read

1 correctly, to learn how to write correctly. I had
2 some great teachers. I'm not going to knock the
3 teachers. But there were some who just pushed
4 students along without fully understanding the
5 material.

6 I was one of those who was pushed along
7 through the math portion, and that's why, today, I
8 am still struggling in math in college. And that's
9 something that is very, very important. As I look
10 at statistical records, math and reading are some of
11 the lowest we rank. And as you can see here -- I
12 mean, I don't know if you guys have this, it was in
13 the packet -- but there's some statistics here that
14 were previously mentioned by a Save The Children
15 report. They stated that in the 2006-2007 school
16 year, over 18,500 New Mexico students in the fourth
17 grade were not proficient at reading -- proficient
18 in reading as well as in math.

19 And then across the State of New Mexico,
20 only 32 percent of the schools made AYP, which was
21 mentioned by Ralph, as well as New Mexico was ranked
22 second lowest in graduation rate in the U.S. in 2006
23 with a graduation rate of 56 percent, compared to
24 the national average of 69.2 percent. 31.1 percent
25 of individuals in Albuquerque over 25 years old have

1 a college degree. And the largest city in
2 New Mexico, Albuquerque, is also its economic
3 center. It accounts for really half of the state's
4 economic activity.

5 In comparison to -- what Ralph mentioned,
6 we were looking for some program that actually had
7 proven -- proven record of how they could help fix
8 the dropout rate, as well as get students proficient
9 in reading, in math and the skills that are
10 necessary in order to go on to college. Because I
11 can tell you right now, I have to go through online
12 material -- and this isn't online courses at UNM,
13 this is online material that we have to do in
14 geology, online material we do in math, online
15 material we do in political science, and every other
16 subject, you name it.

17 We use online materials as well as have to
18 interact on online activities. So this will prepare
19 students to go on to college and be ready for it
20 once they get in.

21 Some of these schools with K-through-12
22 programming, the Chicago Virtual Charter School,
23 hybrid, it met AYP, and it also reported ethnic
24 groups may have had greater than one year or very
25 close to one year gain in reading in the 2008-2009

1 school year. In the Texas Virtual Academy, it
2 also -- let me see here. It says grade levels -- in
3 most circumstances, the Texas Virtual Academy grade
4 levels reported ethnic groups made more than or very
5 close to one year of gain in math in the year 2008
6 school year. In all but one instance with one
7 ethnicity group, the Texas Virtual Academy grade
8 levels reported ethnic groups made greater than one
9 year or very close to one year gain in reading in
10 the year 2008-2009 school year.

11 An achievement gap in math and reading
12 scores noted in the fall among some ethnic groups
13 narrowed between the fall and spring.

14 The Florida Virtual Academy, also with
15 K-through-12 programs, increased with math and
16 reading levels close to one grade level higher than
17 most others. Arizona, our neighbor, K-through-12
18 program also increased the reading and the math
19 level by one grade level. That is something that is
20 proven by statistics.

21 And if those work in Arizona, Florida,
22 Texas and Chicago, then it should work in
23 New Mexico. And that's what we stand for, to
24 improve the school system.

25 MS. MURPHY: And we are including --

1 really quickly, I'd just like to present two letters
2 to us. One is from Bill Richardson himself, talking
3 about Ralph's experience with the Hispanic Advisory
4 Council. And the next is a letter of support for
5 Sandia Academy by Senator Linda Lopez.

6 As you can see, there is tremendous
7 support from the community for this school. We have
8 letters of support from UNM, THINK New Mexico,
9 Senator Linda Lopez. Thank you.

10 THE CHAIR: Thank you very much. Your
11 time is up. You timed that nicely. At this time,
12 Item 4 on the agenda of this hearing is local school
13 board and district representatives. At this time,
14 we would like to hear from the local school board
15 and/or district representatives. Yesterday at the
16 beginning of -- okay. Yesterday, at the beginning
17 of these hearings, we heard from Dr. Diego Gallegos,
18 who is with the Albuquerque Public Schools. He
19 spoke for a few moments, and then he left with us a
20 letter.

21 And I'm going to read the first couple of
22 paragraphs of this letter. It will be entered in
23 its entirety into the public record, and I
24 understand that all of you do have a copy of it. He
25 has said, "The Albuquerque Public Schools cannot

1 support authorization of any of the new charter
2 applications within our district boundaries. We
3 have reviewed each of the eight new charter
4 applications to the New Mexico Public Education
5 Commission and we want to acknowledge the
6 applicants' desire to create new charter schools.
7 It is clear that they have worked hard to identify
8 what they believe to be unique needs and unique
9 responses to those needs. The Albuquerque Public
10 Schools extends an invitation to them to present
11 their ideas to us as possible inspiration for future
12 magnet schools within the district. We believe that
13 the current economic situation in New Mexico
14 necessitates that we move slowly on adding new
15 schools that may duplicate programs and services
16 already being offered by the local district or the
17 State of New Mexico. Further complicating the
18 economic issue are the yet unresolved challenges of
19 providing public buildings to current APS charter
20 schools and PEC's chartered schools within a local
21 district."

22 So at this time, I will ask -- I can hold
23 that. You don't really need to. Thank you very
24 much. At this time, I will ask, is there anybody
25 from the Albuquerque Board of Education here? Is

1 there anybody who wants to speak from the
2 Albuquerque staff here? Yes, sir. If you'd come
3 forward. Dr. Duran has fixed us a podium, and we do
4 have a mic up there that we would ask you to use.
5 Are you speaking officially from the Albuquerque
6 staff or a member of the public, sir?

7 MR. RYAN: I'm a part of the Albuquerque
8 Public School Leadership Team. My name is Tom Ryan.
9 And I am the Chief Information Officer for the
10 District.

11 THE CHAIR: Please proceed.

12 MR. RYAN: As I just stated, I'm a CIO for
13 the District, a longtime member of the New Mexico
14 Council on Technology and Education and one of the
15 founding supporters of the IDEAL-New Mexico project.
16 I'd like you to know I am extremely interested in
17 expanding any learning opportunities for our
18 students, and I strongly believe in E-learning as a
19 critical component for the future of education in
20 New Mexico for all of our -- all of our kids.

21 I'm involved in several national programs
22 supporting learning and virtual school environments,
23 and I'd like to make sure that the committee
24 understands that I have no issue with the virtual
25 aspect. I fully support that in public and charter

1 schools.

2 I do have some concerns with some of the
3 waiver requests in the -- in the application. One,
4 the proposal requests to increase the
5 student-teacher ratio beyond what is allowed by
6 State rules. Although increasing the
7 student-to-teacher ratio creates more profit, there
8 is no evidence that it will improve academic
9 achievement. IDEAL-New Mexico courses follow those
10 State rules, so it is possible to offer a virtual
11 program without having to waive those.

12 Second issue, founding principle of
13 IDEAL-New Mexico is to not compete with funding in
14 our local school districts. This proposal seeks to
15 be a statewide charter, which is in conflict with
16 State rules. I believe one of the reasons the State
17 adopted this position was due to problems created by
18 school districts in New Mexico; in particular, to
19 abuses with the ability that online options offer to
20 schools, so rules were created to keep the presence
21 local.

22 I believe this will have a negative impact
23 on both traditional public schools and charter
24 schools. IDEAL-New Mexico's content and courses are
25 available to both traditional public schools and

1 charters without competing for their local
2 resources.

3 Third, public schools, including charters,
4 are required to follow State procurement codes, and,
5 therefore, a competitive bid process is followed in
6 selecting vendors. And this application, the
7 primary vendor for the school is predetermined
8 without following a competitive bid process. This
9 creates a sole source proprietary relationship with
10 an out-of-state vendor. IDEAL-New Mexico and all of
11 our public schools have vendors selected through a
12 competitive public process that allows for various
13 vendors to compete for the -- the work or the
14 contract with the school district.

15 The State has invested significant
16 resources in an E-learning program called
17 IDEAL-New Mexico. The founding aspects of IDEAL
18 will provide high quality and noncompetitive
19 resources for higher ed and public school students
20 throughout the State of New Mexico, which, by the
21 way, is under the authority of the Public Education
22 and the Higher Education Departments in the State.

23 IDEAL-New Mexico offers -- or allows each
24 school district to provide a full time E-learning
25 program in each one of the school communities and is

1 designed to address the unique needs of each
2 individual community. IDEAL makes all content
3 available to all districts and all students at no
4 charge, including professional development and
5 training. And courses that are developed in
6 New Mexico are able to be used by all the folks in
7 New Mexico. It's New Mexico content. IDEAL, by the
8 way, had a 95-percent pass rate in its first year of
9 operation and was named a -- one of the six best in
10 the country for its program.

11 So, again, I have no issue with the online
12 aspect. I do have an issue with the falling
13 microphone. I think Dr. Duran intentionally put it
14 that way for me. And support the -- the E-learning
15 aspects. Just concerned about some of the waiver
16 requests. Thank you.

17 THE CHAIR: Thank you, sir. That, then,
18 concludes the portion of Item 4 from local school
19 board and district representatives. And we'll move
20 to Item 5, which is community input. Public
21 comments and observations regarding the application
22 will be heard at this time. There will be a
23 four-minute time limit per presenter. Persons from
24 the same group and having similar viewpoints are
25 asked to select a spokesperson to speak on their

1 behalf. Multiple and repetitious presentations of
2 the same view will be discouraged.

3 And, again, if you'll come up here to the
4 podium and to the mic, it will be appreciated. We
5 are having some difficulties with our next door
6 neighbor. Sometimes they get very enthusiastic, as
7 some of you have probably heard this morning. So if
8 there are people from the community who at this time
9 would like to be recognized, please let me know.

10 Yes, sir. Mr. Sullivan.

11 MR. SULLIVAN: Thank you, Madam Chair,
12 members of the Commission. For the record, my name
13 is Tom Sullivan. I'm the director of the Coalition
14 of School Administrators and the Superintendents
15 Association. First of all, I'd like to compliment
16 the presenters here this morning. It was refreshing
17 to have the founders actually know about their
18 application and not have the vendor speak on their
19 behalf. I appreciate that.

20 And I certainly appreciate the sincerity
21 behind the proposal. Like Mr. Ryan, I think that
22 there are a couple of concerns, particularly with
23 the Procurement Act. If nothing else, from this
24 morning, I learned that there is at least one other
25 competitor who thinks that they have a similar

1 product. So I would wonder why we would sole source
2 the software, the curriculum, the support to K12,
3 clearly an out-of-state, for-profit organization.
4 That would be the area I would be most concerned
5 about, because that's a significant amount of money
6 leaving the state, and I'm not sure why there isn't
7 an opportunity for other vendors to bid on providing
8 that support and that service.

9 I also have a little bit of a concern that
10 we now have two virtually identical applications,
11 the Senator Dennis Chavez Academy in Las Cruces and
12 the Sandia Academy, both, you know, thousand-page
13 applications, but clearly, sole-sourcing to K12.
14 They may, in fact, be the best at what they do. But
15 I have a concern that they are not being subjected
16 to a competitive bid process under New Mexico
17 procurement. Thank you.

18 THE CHAIR: Thank you. Is there anybody
19 else from the community? Yes, ma'am. You're going
20 to have to pull that mic way down, I think.

21 MS. HOOPER-GARCIA: I say. Good morning.

22 THE CHAIR: Good morning.

23 MS. HOOPER-GARCIA: Madam Chair, members
24 of this Commission, I'm Shirley Hooper-Garcia. I am
25 former Secretary of State and immediate past

1 president of the Board of Regents at the New Mexico
2 School for the Deaf. As a lifelong child advocate,
3 I respectfully request that you give Charter Academy
4 your approval of its application. It takes all of
5 us to educate our children, whether it be the
6 New Mexico School for the Deaf or the blind. Public
7 schools, charter schools, we are all needed. I've
8 seen that throughout my life. Whatever it takes,
9 let's do it.

10 I have full faith in Sandia Academy. I
11 believe they will insure that our students stay in
12 school, as it's the prerequisite, that the parents
13 be involved to make sure that they are -- they do as
14 they're expected, and also, the students are
15 motivated, and they sign a contract that they will
16 do their work, and they're closely monitored and
17 motivated. I also have full faith that the people
18 involved will do as they say they will. I vouch for
19 them.

20 Again, I respectfully ask that you approve
21 Sandia Academy. Thank you very much. It's a
22 pleasure to be here. I've -- I know some of you,
23 and you were my mentors. Thank you.

24 THE CHAIR: Thank you, Mrs. Hooper-Garcia.
25 It's nice to see you again. I kept thinking, I know

1 that lady, but I couldn't place you. Thank you.

2 MS. HOOPER-GARCIA: Thank you.

3 THE CHAIR: Yes, sir.

4 MR. MURPHY: Thank you, Madam Chair,
5 members of the Commission. My name is Jerry Murphy.
6 I come here representing a parent. You know,
7 personally, I was a product of Albuquerque Public
8 Schools. And I didn't know I wasn't doing well
9 enough until I moved out of state. And I thought I
10 was doing fine. You know, I wasn't a top student,
11 but I was a C, B, and sometimes A student. And I
12 thought I was doing well. And I moved out of state
13 to, actually, a state that gets less money per child
14 than New Mexico does, and New Mexico is kind of down
15 there.

16 But I moved to that state, and I found out
17 I was a year behind in math and reading. I had no
18 idea. So I went into my class, where they did a
19 quick assessment on what class I should be in, went
20 in my class, and everyone in my class was a year
21 below me, some two years below me. And I thought,
22 What did I do wrong, you know. So I felt like I was
23 dumb, that I didn't know, and frustrated because I
24 graduated -- when I graduated, I wasn't where I
25 needed to be.

1 When I went to college, I had to take an
2 extra course just to get caught up. You know,
3 Albuquerque Public Schools, I had some amazing
4 teachers and some even better principals. But in so
5 many ways, it's failing our students. So when my
6 wife and I, we moved back here because business
7 brought us here, but even more the community. We
8 love New Mexico. We love the people here. I mean,
9 we were in Arizona. And Arizona is fine. But when
10 we made a mistake of coming out here to visit a few
11 times too many times -- you know. And we just got
12 drawn in.

13 We love the people here. So we found a
14 way to move ourselves back. We created a business
15 here to move us back because we love it. But a
16 friend of mine was concerned for my children. I
17 didn't want them to have the same things that we
18 went through. So my wife -- you know, you met her
19 earlier, Mellani Murphy. She is passionate about
20 children's education, too. So she helped put this
21 together, helped find the right partners to create a
22 great charter school that would give us, as parents,
23 options. Because you realize that right now, as
24 lower and middle class, we have one option for
25 school right now, for the most part. And that's the

1 Albuquerque Public Schools.

2 The rich have all the options in the
3 world. Can't we have options for the lower and
4 middle class? Can't we give them options, too?
5 Don't those parents deserve that? That's what gets
6 me passionate about the Sandia Academy. It gives
7 them options, gives them learning that they're ready
8 for.

9 Mellani told you the story of our
10 daughter, Madeline. She has what she's ready for.
11 Our second daughter, Savannah, she doesn't excel in
12 those same subjects Madeline does. But the learning
13 is tailored to her. I love that. I thank you for
14 reading the statement of mind from Albuquerque
15 Public Schools on their beliefs about the charter
16 school. And isn't it such a big surprise that they
17 would prefer to continue the monopoly on the lower
18 middle class in their education? I mean, really.
19 Who doesn't want a monopoly on the children's
20 education. But don't we, as parents, don't we
21 deserve that option?

22 I don't know about you. But I can't
23 afford the Academy. You know, the Academy is great.
24 I can't afford it. I would love to do the Academy
25 up there on --

1 MR. RALPH ARELLANES: Albuquerque Academy.

2 MR. MURPHY: Yeah, Albuquerque Academy.

3 It's a great school. I can't afford it. I can't
4 afford it for my kids. And aren't there other
5 people who would love to have education
6 opportunities for their kids but can't afford it?
7 Can't we have options for them as well? I want to
8 thank you for your time. And that's all I have.

9 THE CHAIR: Thank you. Is there anyone
10 else? Yes, sir.

11 MR. PABLO MARTINEZ: Madam Chairman, I'm
12 Pablo Martinez, the State Director for LULAC. And I
13 want to make some few comments from here on some of
14 them. You've been hearing some legal opinions. I
15 don't know if they're attorneys or if they're
16 licensed to practice law in the state. But I've
17 also spoken with several attorneys, probably the
18 top-notch lawyers, when it comes to education.

19 And there is nothing wrong with this
20 charter school. It complies to all State standards,
21 as well as the Dennis Chavez complies to all State
22 standards with respect to the cyber academy law,
23 with respect to State statutes. So I don't
24 understand their legal -- their definitions. I
25 think they're erroneous. And it does not take

1 anyone's money. As opposed to procurement, you
2 might have a sole source vendor. I have been a
3 former administrator. I know procurement laws and
4 procurement law in this state.

5 We do have to do a bid process. People
6 have to do a bid process. However, if you can't
7 find other agencies, including the Cyber Academy,
8 they don't have the same resources that these other
9 folks do. Then we have a problem. We've looked at
10 other schools. We're nonprofit. We're advocates
11 for this community. IDEAL has never approached
12 LULAC, but ENLACE has. None of these other
13 organizations.

14 And you had notice that the non-Hispanic
15 entities coming up here and telling us Hispanics who
16 we should be represented by. We're tired of people
17 telling us what we need. We're trying to take the
18 ball into our own hands and trying to do something
19 about this; not tomorrow, not next week, not talking
20 to the superintendent tomorrow about two years down
21 the line and putting a new school two years down the
22 line.

23 We're sick of it. We're tired of 20 years
24 of our community being 53 percent unemployed -- I
25 mean, not getting their college diplomas, not

1 graduating from high school. This is an issue that
2 is reprehensible. It's deplorable. This is why
3 we're passionate. I'm not here paid to do this.
4 I'm here as a retired state administrator. I'm here
5 as a Hispanic, tired of seeing our children go to
6 state prison, seeing our children go to Springer or
7 to YDDC.

8 This is the reason why we're so passionate
9 about it, why we are in Albuquerque. We didn't go
10 up to Northern New Mexico because you already have
11 the Taos Academy. They're functioning already.
12 Hopefully, they'll be successful. We have to look
13 outside the box. I tell you that some of us plan on
14 working with ENLACE. We have to get the money first
15 before we can decide where the money is going to go.

16 But at this particular time, what upsets
17 me is not one Hispanic has come up here and spoken
18 against our school. You all have shown failure in
19 your programs, and yet you want to dictate to our
20 community? This is why we're tired. And I can
21 guarantee you that there are district directors that
22 are just as angry and passionate about this issue
23 because we're being singled out. Why didn't IDEAL
24 come against the other academy out here where they
25 didn't know what they were talking about?

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1 This is why I'm angry. As a state
2 director, I'm going to go to the Governor to make
3 our word get heard. Our committee is tired of being
4 slapped around. And this is the reason I have to
5 speak. Because I've been patient. I've allowed
6 people to come and slap us around, and I'm telling
7 you we're going to make it a registered priority
8 this year. I'm going to get every single one of my
9 presidents. We're going to walk precincts to make
10 sure this issue is addressed, along with Dr. Almas.
11 Thank you.

12 THE CHAIR: Thank you, sir. Is there
13 anybody else? Yes, sir.

14 MR. ESPINAL: My name is Alcides Espinal,
15 A-L-C-I-D-E-S, E-S-P-I-N-A-L. In terms of IDEAL, I
16 don't understand why --

17 THE CHAIR: Please address the Commission.

18 MR. ESPINAL: I apologize. In terms of
19 IDEAL-New Mexico, the Cyber Academy, I don't
20 understand why they're so opposed to choice. This
21 is a choice for parents. They're talking about,
22 "Well, they're going to take the monies out of
23 here." I assume APS, I assume all the other
24 districts, they have McGraw-Hill, they have Pearson,
25 they have all these other vendors. And I'm sure

1 money is going somewhere. I guarantee it's not
2 staying in the state.

3 Now, IDEAL-New Mexico, I don't understand
4 why they're so opposed to choice. And it seems
5 antithetical that they come here in a charter school
6 approval hearing, where charter schools are about
7 choice, to tell the folks, "Hey, parents, you don't
8 have a choice. We're -- we are the monopoly on
9 distance learning in New Mexico. We are entitled to
10 the SEG. We are entitled to the funds for
11 education."

12 Why can't we have many choices? I don't
13 understand. Why can't parents make their choices --
14 they say, "Well, we have a 93-percent completion
15 rate." Well, okay. What's your standardized --
16 what are your AYP scores? What are your
17 standardized test scores? And if they're good,
18 great. Give parents that choice.

19 Why can't parents decide, "Hey, if that's
20 a great program, I'll go there. If Sandia is a
21 great program, I'll go there. If Dennis Chavez is a
22 great program, I'll go there."

23 What is so wrong about choice? Isn't it a
24 monopoly what got us to a 50-percent dropout rate
25 now? A monopoly is never good for its clients.

1 Thank you.

2 THE CHAIR: Thank you, sir. Is there
3 anybody else? Seeing no one, we will move to Item 6
4 of the agenda. At this time, the Public Education
5 Commission reserves time to address any questions
6 that the Commissioners may have of the applicants.
7 The Chair will ask the applicants to please keep
8 your responses as brief as possible to allow for
9 questions from other Commission members.

10 Commissioners, please be recognized by the
11 Chair. Are there Commissioners who have questions
12 or comments? Not everybody at once. Ms. Shearman?

13 MS. SHEARMAN: I do. Good morning. It's
14 still morning.

15 MR. RALPH ARELLANES: Good morning.

16 MS. SHEARMAN: Normally, I go right
17 straight to the budget. But I have a couple of
18 questions before that.

19 Do you plan to put out for bid the
20 services that, in the application, look like to
21 me -- and it says pretty clearly -- are shown that
22 are K12 Corporation, or whatever their name is --
23 K12. Looks like to me K12 is doing curriculum,
24 teachers, blah, blah, blah. So do you plan to bid
25 that?

1 MS. MURPHY: Right. Well, in the
2 application process, it allows us to choose our
3 curriculum. And with this application, we have
4 chosen the curriculum offered by K12. We spent
5 intensive time studying different curriculum options
6 up to there. And up to this point, this is the best
7 that we have found that would offer the most options
8 to students here.

9 If you'll notice, in the waiver section,
10 we have requested a waiver for this particular item,
11 not necessarily that we have requested the waiver.
12 Will it be granted. We plan to comply with all
13 state and federal laws so, should the waiver not be
14 requested, we are more than happy to put out bids
15 and see if there are other companies, other vendors
16 that can supply options for our students similar to
17 the things that we are looking for in this school.

18 MS. SHEARMAN: What other services are you
19 talking about?

20 MS. MURPHY: As far as the curriculum
21 goes?

22 MS. SHEARMAN: No. No. No. The online
23 aspect of it. Goodness. The online aspect of it
24 and the services that go with all of that, the
25 teachers and the support for all of that. And then

1 I picked up on some other things that it looked like
2 K12 was also going to be supplying. What, at this
3 point, are you planning on them supplying for you?

4 MS. MURPHY: As far as the online
5 component goes, they have masterfully developed the
6 learning management system, their online school, for
7 students. It allows students, parents, and teachers
8 to have instant access to the most current progress
9 reports.

10 MS. SHEARMAN: Beyond curriculum.

11 MS. MURPHY: Beyond curriculum? As far as
12 communication tools with the teacher and the
13 student, they provide Illuminate (ph), which is a
14 Web-based conferencing tool providing real-time
15 interaction with teachers, parents, students, in a
16 one-on-one environment, as well as in group sessions
17 and in entire class sessions. That would be a key
18 component right there.

19 MS. SHEARMAN: So everything is going to
20 be bid. All of your administrative services, all of
21 your financial services, all of the support, that
22 was all going to be bid.

23 MS. MURPHY: Yes.

24 MS. SHEARMAN: My next question concerns
25 the days that you have scheduled for the students to

1 be at the learning center.

2 MS. MURPHY: Uh-huh.

3 MS. SHEARMAN: For the K-8 students, it
4 looks like -- is it one day a week? Yes. One day a
5 week. You say, for your K-8 students, they'll be in
6 classes of 20 students. You're assuming a
7 first-year population of 500 students.

8 MS. MURPHY: Yes.

9 MS. SHEARMAN: So I'm assuming that half
10 of those will be in your K-8 grades.

11 MS. MURPHY: We've gone through to clarify
12 what we're proposing. We propose that the
13 kindergarten through 8 will take up a little more of
14 the majority of the number, the 500 proposed
15 enrollment, and the remaining will be the ninth
16 through twelfth grades.

17 MS. SHEARMAN: Just for assumption's sake,
18 let's say that you have 250, half of your enrollment
19 is in K-8. With 20 students to a classroom, that's
20 12-and-a-half classrooms.

21 MS. MURPHY: Uh-huh.

22 MS. SHEARMAN: You're proposing to have
23 six-and-a-half regular teachers and one special ed
24 teacher. That's seven-and-a-half teachers for
25 12-and-a-half classrooms?

1 MS. MURPHY: Well, if you notice, with the
2 K-through-8 program, they're only required to
3 attend -- well, it's one day minimum. If you've
4 seen in the budget and in our application, we have
5 proposed for additional days as necessary, as
6 determined by the student assistance, by the
7 teacher, as requested by the parent. So as far as
8 the class load and the number of students and
9 classes per teacher, for example, if you have a
10 kindergarten class coming in on Monday, they've
11 completed that one day minimum requirement.

12 That teacher, then, has four other days
13 wherein they can serve other students in the
14 traditional classroom setting. There's a great deal
15 of flexibility in this model in allowing classrooms
16 to be used for more than one purpose, more than one
17 class and more than one day.

18 MS. SHEARMAN: Okay. So you're saying
19 you've got a building with classrooms, and you're
20 going to have at least 14 classrooms with chairs,
21 desks, and the whole bit. No?

22 MS. MURPHY: Not necessarily. Part of
23 that will be determined by the head administrator
24 during the planning year as the enrollment comes in
25 and we see what the needs are and the head

1 administrator sitting down with the teachers and
2 helping develop the curriculum, the class loads.

3 MS. SHEARMAN: I'm talking about physical
4 space. Physical space, in your application.

5 MS. MURPHY: We've disclosed exactly the
6 type of rooms needed, approximately what types of
7 classrooms are needed. We are still in the process
8 of nailing down that facility. We will be working
9 with the head administrator. That is something that
10 we will be finalizing during the planning year.

11 MR. RALPH ARELLANES: Ma'am, let me add
12 that we are in negotiation with the Hispano Cultural
13 Center, the Pete Domenici Education Center, to lease
14 that space for the classroom training. So that is
15 more than enough physical space to accommodate the
16 anticipated 500 student enrollment at this time.

17 MR. JAMES ARELLANES: Madam -- it appears
18 to me that -- my interpretation of your question is
19 assuming that all the students will be at the
20 location at the same time. Am I correct?

21 MS. SHEARMAN: I'm assuming that the one
22 day that the elementary -- the K-8 students are all
23 on campus, they'll all be there one day, the same
24 day. And then when the high school students are
25 there, they'll all be there for two days, two

1 different days, from the K-8 students. Is that
2 correct?

3 MR. JAMES ARELLANES: They will be in
4 separate -- they will be separated by the grade
5 levels, yes, correct. I was assuming that you would
6 think that the high school and the elementary school
7 students were going to be there at the same time.
8 And that's not going to be the case at all.

9 MR. RALPH ARELLANES: Also, we'll be
10 staggering days with classrooms, et cetera. So they
11 won't be all there at the same time. Because of the
12 flexibility in the K12 program, where high school
13 students need to be there two days and K-through-8
14 need to be there one day, we would have the ability
15 to stagger out and schedule when the K-through-8
16 could come in and accommodate them with sufficient
17 space, and then when the ninth through twelfth grade
18 come in and accommodate them.

19 MS. SHEARMAN: Okay. And -- but since the
20 majority of the curriculum is to be offered
21 online -- that's the way I read your application,
22 the majority of the curriculum is going to be
23 online -- how important -- how are you going to take
24 attendance for these days on campus, and is that --
25 what if they don't show up? How does that impact

1 their overall curriculum, their overall progress,
2 their overall grades and attendance levels?

3 MS. MURPHY: Can I just clarify one point.
4 You mentioned the online portion. And if you look
5 through our application, you'll see that when
6 they're in the distance learning setting, not
7 everything is necessarily online. However, to
8 complete their coursework, a student needs to log
9 in. And everything is captured real time. So
10 parents -- teachers, administrators, they can go
11 into the student administrative management system
12 and look at the students and say -- okay. For
13 example, Bob. He logged in on Monday at 8:00 a.m.
14 It took him 45 minutes to complete his math
15 assignments. These are the scores that he got on
16 the unit and lesson assessments. Then it took him
17 another 45 minutes to complete his reading, his
18 literature, language arts course, that day's
19 assignments.

20 Then they can say, Okay. So then he
21 logged off, took a 45-minute break, presumably for
22 lunch, got back on at 1:30, and it took him another
23 hour. They have all of that information.
24 Everything is recorded that the parents and the
25 teachers and the administration have access to 24

1 hours a day, seven days week. It's completely
2 up-to-date and current.

3 So it's very easy for the teachers to get
4 on and make sure that the students are completing
5 their coursework, to see the days and the minutes
6 and the hours that they are utilizing for their
7 studies.

8 And as they go from the online component
9 to hands-on, there's a multitude of hands-on,
10 activities from science experiments to math
11 manipulatives. There are guides in there that tell
12 the student, Okay, you need to pull out the math
13 manipulatives, and you need to do this activity and
14 this activity. And it allows them, after they've
15 completed that, to move on. So it's all integrated
16 within the curriculum, and the time is logged, the
17 dates, number of minutes per class, per activity
18 even.

19 MS. SHEARMAN: So how much of the
20 curriculum is online?

21 MS. MURPHY: When you talk about the
22 online portion, when you're talking about the
23 younger grades, for example, kindergarten through
24 third grade, most of what is online would be the
25 student's class schedule, the list of assignments

1 that they need to complete that day and parent
2 guides. It instructs the parent and guides them in
3 supporting their children in the tasks that need to
4 be completed that day. So it's more geared towards
5 the parent in teaching them and helping them support
6 and encourage their students in what needs to be
7 done.

8 As you move into the older grades, more
9 and more of the online material is directed toward
10 the student. For example, they will get on and they
11 will have a science class. And the explanations,
12 the animations, all of those things will be directed
13 at the student. And so as they progress through the
14 different grade levels, more and more of the online
15 curriculum is directed and done by the student with
16 the appropriate animations, hands-on materials.

17 So with the younger grades, the amount of
18 time that they spend sitting in front of the
19 computer is very small. Most of the online is
20 directing them to the hands-on activities, to the
21 books, to the workbooks, to the experiments, to the
22 things they are doing in that distance setting.

23 MS. SHEARMAN: You just described home
24 school for the elementary grades.

25 MS. MURPHY: Well, the difference between

1 our program and a home school is that all of the
2 children's education is teacher-directed. The
3 teacher is in charge of the students' education,
4 whether on site or off site. The parent is there to
5 be an engaged support system, to be a mentor to
6 encourage the parent -- to encourage their student.

7 As we listed in our application, the
8 mentor, the parent, or other engaged, involved
9 adult, these are their responsibilities, to
10 simply -- to simply confirm the materials and
11 equipment are received, that computer equipment is
12 working and reliable. There is constant
13 connectivity to the internet, that students are
14 completing their daily assignments, students are
15 submitting the required assignments.

16 They are to encourage and motivate
17 students daily. And they have the option of
18 checking for student understanding of the
19 coursework. So they are a support system for the
20 instructor, for the student.

21 MS. SHEARMAN: Okay. Let's go to the
22 budget. I wish this was not Adobe. This is so
23 difficult. My first question concerns budget
24 item -- it's in 11000, 1000, 53711, Other Charges.

25 THE CHAIR: Give them a chance, please,

1 Mrs. Shearman, to find it.

2 MS. MURPHY: Other Charges, Purchased
3 Professional and Technical Services. It's Page 189.
4 I'm going to defer to Michael on this one. We've
5 sat down and spent an immense amount of time working
6 through this budget. As you know, this is a sample
7 budget. And the head administrator will be
8 responsible for reviewing this sample budget and for
9 getting the details planted in cement during the
10 planning year.

11 And as you notice, as enrollment comes in,
12 as these students come in, the head administrators
13 and the staff will be responsible for determining
14 student needs. And at that time, they can make line
15 item adjustments as necessary. But I would like
16 Michael to go ahead and clarify a little bit more
17 about why we have things set up the way we do in our
18 budget.

19 MS. SHEARMAN: Thank you. Have you
20 found --

21 MR. VIGIL: Yes, ma'am.

22 MS. SHEARMAN: It's listed in Other
23 Charges. Year one, it's \$701,000; \$697,000,
24 \$693,000. Can you tell me what that's for.

25 MR. VIGIL: Yes, ma'am. Madam Chair,

1 Ms. Shearman. When we developed the budget, we did
2 work together quite a few times trying to put
3 together the budget. And one of the things I always
4 emphasize to all schools, whether public schools or
5 all schools, "Don't plan a budget. Budget your
6 plan." The State requires EPSS. And districts do
7 have the EPSS. So that is the plan that we
8 budgeted. So we worked with the school in
9 developing this budget. But we wanted to have a
10 conservative budget for the school so that we could
11 estimate program use -- this line item, in
12 particular, would be the purchase of the curriculum.

13 MS. SHEARMAN: So according to the
14 application, this money would go to K12.

15 MR. VIGIL: Yes.

16 MS. SHEARMAN: Okay. My next question
17 concerns 11000, 2100, 53414.

18 MR. VIGIL: Madam Chair, that line, that
19 \$80,000 line item is, as was stated earlier, because
20 we're -- we're preparing a budget based on estimated
21 500 kids, we don't know exactly the number of kids
22 that will be showing up and what their actual
23 individual needs would be. So we established an
24 account in the Instructional Support category that
25 would be used to budget ancillary staff, PTs, SLPs,

1 counselors, whatever we needed, and that this money
2 would then be used by the administrator and the
3 governing council to be transferred into the
4 appropriate contract line item to purchase those
5 services that are needed by the children.

6 MS. SHEARMAN: Let me go back up to that
7 first item I asked you about, the one that starts at
8 \$701,000 in the first year. And you said that's for
9 the curriculum from K12. In other words, you're
10 renting that -- you're renting the curriculum? You
11 never own it? It never -- you don't get to a point
12 where the price goes down?

13 MR. VIGIL: Madam Chair, Ms. Shearman. As
14 I understand it, it's just like many school
15 districts, when you purchase your software, you
16 purchase a license. You do not own the license.
17 Many times, these situations -- I talked to Mr. Ryan
18 back there. APS, they have a licensing system. And
19 every year, they pay a million dollars or so for
20 licensing fees for the software. When charter
21 schools purchase Pearson or AptaFund for their
22 financial software, it's an ongoing expense. It's
23 continuing.

24 You do not take ownership of those types
25 of situations. And when we budgeted this, that was

1 the assumption that was made.

2 MS. SHEARMAN: There's not anything like a
3 site license where the price goes down?

4 MR. VIGIL: Because we were budgeting
5 conservatively, we wanted to estimate high.

6 MS. SHEARMAN: But it never goes down, it
7 says. Okay. 11000, 2300, 53414.

8 MR. VIGIL: We established a contract
9 license -- a contract line item basically to allow
10 the governing council and the head administrator to
11 determine where they would contract out for their
12 bids and services and other types of services that
13 we would need to put in as we were developing the
14 license -- as we were developing the budget, I would
15 say.

16 MS. SHEARMAN: And the really big one,
17 11000, 2300, 53711, Other Charges, \$350,000 every
18 year.

19 MR. VIGIL: Excuse me. The one -- that's
20 the one -- 2300, the one -- you just said that.
21 What was the one before this one?

22 MS. SHEARMAN: The one before this one was
23 2300, 53414. And it was \$33,000.

24 MR. VIGIL: What we're trying to do is,
25 once again, give the governing council adequate

1 monies for trainings -- the \$33,000 for trainings
2 for items that they need to use as far as providing
3 the governance that is needed involved. Not knowing
4 exactly what the plan was long-term, we established
5 line items so that they would be able to transfer
6 money to where they need. The \$350,000 would be for
7 all the other services, business management, other
8 contracted-out stuff.

9 But we put it into the governing council,
10 category so that the board would have the authority
11 to move that money.

12 MS. SHEARMAN: \$350,000 for what?

13 MR. VIGIL: It would be for any type of
14 contractual services they would need, whether it be
15 Internet connectivities or looking at what -- you
16 know, we -- at this point, we're not sure where --
17 what the needs of each individual child are going to
18 be to the school. But we do need business
19 management service. We do need all the services
20 that are required under the State. So we
21 established this line item to cover all those, and
22 we will detail them as we develop the charter
23 further.

24 MS. SHEARMAN: Now, is there something in
25 the application that would go to K12?

1 MR. VIGIL: Some may go to K12.

2 MS. SHEARMAN: Okay. That finishes my
3 questions, Madam Chair. Thank you.

4 THE CHAIR: Thank you. Mr. Carr.

5 MR. CARR: I think there's only one time
6 where I didn't have a comment.

7 THE CHAIR: By the way, don't hesitate to
8 do this. This is why we are here. And this is our
9 one chance, really, where we have a second one on
10 the 10th and the 11th. But this is our real chance
11 to get our questions answered so that each of us can
12 make an individual informed vote. And so please
13 don't hesitate to ask questions. That's why we're
14 here.

15 MR. CARR: Thank you, Madam Chair. I
16 got -- I had questions, but they were all answered
17 in the course of the time. But I couldn't help but
18 make one comment. I am -- I wish everyone had the
19 passion that I heard from the gentleman who came up
20 for education that you all do. And I also hear it
21 and see it in all of you. I see it coming from the
22 depth of your heart. And I appreciate that.

23 And I know -- you know, we have to go
24 through all the details, numbers and all those kinds
25 of things. And please, be assured, I know you're

1 going to get a fair hearing from this Commission.
2 I -- I just wanted to make that comment. I
3 appreciate more than you know your passion for
4 helping the children in your community.

5 MS. KRIVITZKY: Yeah. I just had a couple
6 of questions. I was looking through your
7 curriculum. And I noticed under art, music,
8 photography and so forth, for instance, kindergarten
9 art program that you suggested. And most of it
10 looks like art history rather than actual art, for
11 kindergarten kids.

12 And I was just -- and then at one point, I
13 saw something about they would have paints and
14 crayons and so forth. Is this done at home, or is
15 this one of the things that would be done in the
16 learning center?

17 MS. MURPHY: Sorry. I can't reach quite
18 that far. But as far as, for example, your example
19 of the kindergarten art program, yes, it does
20 incorporate aspects of art history. But there is a
21 fair amount -- a great amount, actually, of the
22 hands-on. In the application, it also talked about
23 opportunities for clubs based on math, science, art,
24 physical education, those things. So there will be
25 opportunities, both on site and off site, for the

1 students to have the hands on.

2 As far as the actual course curriculum, my
3 daughter, for example, has been using this
4 curriculum. When we got involved in this process
5 and started researching schools and the curriculum,
6 I went to the company. I said, "I want statistics.
7 I want to know how these schools are performing, how
8 the different groups of students are performing."

9 Then, at that point, when I reviewed the
10 statistics, I went on to say, "Well, then I want to
11 go see the schools in person." I want to visit with
12 the administrators. I want to talk to the staff. I
13 wanted to talk to the students and see how they are
14 doing.

15 And then at that point, I was excited and
16 thrilled when I walked into a high school classroom
17 and saw the kids' eyes lit up, the teachers
18 enthusiastic and excited about teaching. And at
19 that point, I said, "Well, I need a full hands on
20 into what this company offers."

21 And at that point, my husband and I had
22 some very serious discussions about the direction of
23 our children's education. And we decided to
24 sample -- to get them enrolled and to try out the
25 curriculum. And my daughter's enrolled in the art

1 class. Both of them are. So I can tell you, in the
2 art kit, that it will be provided for every student
3 that has an art class. They are provided with
4 paints, modeling clay, oil pastels, paintbrushes.
5 They are also provided with books about different
6 topics related to art; art history, how artists have
7 used lines, shapes, colors, blending, light,
8 different mediums to create works of art.

9 And then the students are asked to create
10 their own works of art. They are given a chance to
11 be expressive, have the hands-on and to practice the
12 things that they there learning in their art
13 courses. And you'd find that in all of the
14 different classes. The students are taught. They
15 are given hands-on opportunity. And through the
16 hands-on opportunity, they are given a chance to be
17 creative and expressive, but to also exemplify that
18 they have learned and mastered the different things
19 taught in those courses.

20 MS. KRIVITZKY: So they were not in a
21 classroom when they did artwork? They did that at
22 home?

23 MS. MURPHY: No. But as we toured the
24 school facilities in these other classrooms that are
25 using the model that we are proposing here, they had

1 art supplies. We went through classrooms and saw
2 the artwork that the students had created hanging in
3 the classrooms. It was very, very impressive.

4 MS. KRIVITZKY: Talking about music. Does
5 a child go in and sit with the other band kids and
6 play the clarinet in the band class, or is there
7 anything like that?

8 MS. MURPHY: Right. The music classes, in
9 and of themselves, are more tailored to the
10 individual student. For example, my daughter has
11 been playing the piano for a few years, so we didn't
12 put her in a first grade music class. We had the
13 option of moving her up to where she fit in, where
14 her aptitude, where her assessment came in for
15 music. As far as the individual class itself, they
16 are provided with musical instruments, whether it be
17 a tambourine, a whistle, a recorder, music CD, DVDs,
18 songbooks, all the materials they need to learn the
19 different concepts of music from one level of music
20 to the next.

21 The school also has provided in its
22 application for clubs and activities for music
23 groups, things that can get students together in a
24 creative, face-to-face environment to share their
25 love, their passion, the things that they are

1 learning in the music course.

2 MS. KRIVITZKY: But they don't go to band
3 class. They don't -- unless they go to a club. And
4 it's not really required that that would be a
5 choice?

6 MS. MURPHY: Well, there is the option for
7 that choice. In our application, we said that the
8 head administrator, the teachers, they and the
9 parents will get together and to collaborate and
10 discuss which clubs and activities, for example,
11 that would most benefit the students there. If
12 there is a need or an interest in having a band,
13 that option would be available.

14 MS. KRIVITZKY: But it's not part of the
15 curriculum?

16 MS. MURPHY: It is not required in the
17 curriculum for the student to play the clarinet or
18 to play the saxophone. They are not required in the
19 application. They are required to take a music
20 course to learn music topics, to have -- to gain an
21 appreciation for music.

22 MS. KRIVITZKY: So that's music theory.

23 MS. MURPHY: But there is a band, club --
24 part of it. Part of it is they're learning high
25 notes, low notes. They're learning to read music.

1 They're learning how musicians have come about
2 creating the different musical pieces.

3 MS. KRIVITZKY: Theory and history.

4 MS. MURPHY: It's theory and history.
5 They are also taught to play the recorder, to use
6 the tambourine, to beat out a beat. So those things
7 are included. If there is a desire to have a band
8 at this school, that is definitely an option, and
9 the students will have the choice of which
10 instruments that they would like to participate in
11 that club with.

12 MS. KRIVITZKY: Okay. I have a question,
13 too. There's a class that you offered in digital
14 photography. So does that child go in and work with
15 a master art teacher to show him how to use a
16 digital camera and how to produce pieces of artwork
17 with it, or do they do that at home?

18 MS. MURPHY: They would have definite
19 on-site support, face-to-face interaction with an
20 instructor encouraging them, teaching them. They
21 would have the option of working with mentors in the
22 community, leaders in the community who are
23 practicing that very technology on a day-to-day
24 basis in their careers.

25 We are passionate about kids. When I got

1 to the university, I had no idea what I wanted to
2 do. I had some ideas, some thoughts in my head
3 about what I wanted to do. But I had never been
4 given the option to explore different -- for
5 instance, like digital photography and the
6 application of it on a day-to-day basis, how to
7 create those works of art digitally. And so through
8 this curriculum, through the classes we are
9 teaching, through the teachers and the experiences
10 that will be on site and all of the wonderful
11 opportunities we have to bring mentors in on site
12 for workshops, training, seminars, whatnot, for the
13 students, they will have a full grasp of what that
14 entails.

15 MS. KRIVITZKY: So in this, your 6.5
16 teachers that are there, and they're required to --
17 they're in the learning center with the students,
18 and then they have K through 8, and then they have
19 high school. In there, there will be someone who
20 knows how to do digital art, and there will be
21 someone who knows how to do music, and there will be
22 someone there who can show a kindergartener how to
23 do fingerpaint. But there's also -- they can also
24 teach a high school student oil --

25 MS. MURPHY: Yes, ma'am.

1 MS. KRIVITZKY: In the 6.5 teachers?

2 MS. MURPHY: I think it is very possible
3 to do that. There are teachers set aside for K
4 through 8. There are teachers set aside for the
5 high school grades. It is very possible to have an
6 art instructor that knows digital photography that
7 can also instruct students in using paints and oil
8 pastels appropriately. It's possible for an art
9 instructor to have a very strong background in music
10 that would be able to address the needs of the music
11 students in that same as well. I think --

12 MR. RALPH ARELLANES: I also wanted to add
13 that part of the question, the \$350,000, that does
14 give us the latitude to contract with any kind of
15 expertise that we may need, whether it's art
16 expertise, tutors in math, tutors in science, tutors
17 in English. I mean, that's the kind of latitude
18 that an effective school needs to provide the full
19 curriculum, the full learning environment, the full
20 community that we need to really advance kids in
21 education.

22 MS. KRIVITZKY: Okay. Thank you. Thank
23 you. Anybody else. Mr. Bergman?

24 MR. BERGMAN: Just a couple of things. If
25 you can't hear me, let me know. I'll get a

1 microphone.

2 MR. GARRISON: Here you go.

3 THE CHAIR: Thank you.

4 MR. BERGMAN: In the preliminary analysis,
5 at one point --

6 THE CHAIR: Up closer.

7 MR. BERGMAN: I was trying to not use it.

8 THE CHAIR: I know you and I both think we
9 can be heard. But obviously, we can't.

10 MR. BERGMAN: In the preliminary analysis,
11 it was stated by the reader at one point that it was
12 unclear who will oversee the students when they're
13 home. And you answered in your interview that the
14 parents would monitor them, either at home, or if
15 they were in the library or whatever. And you've
16 touched on this in some of your answers about the
17 parent involvement.

18 But I think it's a sad fact of life that
19 today in many families, both parents are working,
20 some in two jobs. And if you've got both parents
21 working and the student is at home, then they're not
22 being mentored and they're not being monitored.
23 That, then, would bring me to the point that has
24 been raised before, that how do we actually know the
25 student is the one that's online? You may have pass

1 codes. You may have passwords. They can provide
2 that to anybody. They can do whatever they want.

3 But how do you address it, when the
4 kids -- especially a kindergartener? One, I don't
5 think they're going to be home alone. They're going
6 to be in a day care or somewhere already. How are
7 you going to address that when both parents are
8 working?

9 MS. MURPHY: Right. Okay. You've
10 actually asked two questions. But let me start with
11 the first -- I'm so excited about this application
12 and the opportunities it provides, so sometimes I
13 tend to hog the microphone. But these are amazing
14 people, and they -- they have made some wonderful
15 comments, suggestions, contributions to this meeting
16 today. So I want to make sure they know they have
17 adequate time to answer.

18 The first one was the parental
19 involvement. We talked to a school -- there's a
20 school in Chicago. And if you think about the
21 downtown slums of Chicago, very little parental
22 support and involvement for the students there. The
23 Chicago school has reinvented the wheel. It has
24 turned things around tremendously. Parents are
25 being involved in their students' education like

1 they never have before.

2 In addition to that, the head
3 administrator will be very, very clear with the
4 parents and the students as they enroll and as they
5 fill out that contract of what is required by both
6 the parent and the student to complete the
7 coursework at the university.

8 In addition to that, charter school is a
9 choice. So by choosing Sandia Academy, the parents
10 and student will know that it is a team effort
11 approach, that the student will be instructed by
12 New Mexico, highly qualified, licensed instructors,
13 but that the parent is required to be engaged in the
14 process. So, one, it is a choice. And by choosing
15 Sandia Academy, the parents and the students will
16 know, through the help of the administrator and the
17 staff, exactly, very clearly, what is required and
18 expected of them.

19 As far as determining whether or not the
20 student is actually the one doing their work, there
21 are several indicators that we have set up. For
22 example, one is a face-to-face classroom component,
23 which most schools that are traditionally online
24 cannot have. It is very difficult for this teacher
25 to sit there in front of the student and ask them,

1 "Did you do this work," to quiz them about that, to
2 read not only what's coming out of their mouth but
3 to read the body language, to tell.

4 In addition to that, there are the
5 Illuminate (ph) sessions, where the teacher can put
6 up problems on the whiteboard and watch while the
7 student completes them. They also have voiceover
8 internet protocol, where they are speaking directly
9 to the teacher as they are completing things on the
10 whiteboard. There is also the Scantron assessments
11 for grades three through eleven. And if the student
12 is coming in with As and Bs on their work, but
13 they're not performing on the Scantron, that's an
14 indicator right there that needs to be addressed.
15 DIBELS for the younger students, kindergarten
16 through twelve. So as you can see, there are
17 tremendous amount of indicators as to whether or not
18 the student is completing the work that will allow
19 the teacher to make those assessments. Did you guys
20 have --

21 MS. MARTINEZ: Well, I wanted to add to
22 the parental involvement -- well, as you said -- as
23 she said, that there are a lot of parents that are
24 getting involved in their students' education in
25 Chicago, I think it can be done here in New Mexico,

1 as well as New Mexico is known for a lot of
2 grandparents who are raising their grandchildren.
3 And a lot of them are retired. So this is an option
4 for them, to put their students into this type of
5 program.

6 So it may not be the best program for
7 everybody. But they are giving an option to these
8 grandparents, to these parents who are also there.
9 And so it meets something else, so that that would
10 be something that we would be able to help out with.

11 And that's something that I really liked
12 about this program, as well as individualized needs.
13 And as she mentioned before, about the cheating,
14 it's almost impossible to have somebody go every
15 day, sit in your chair, do that, be able to copy
16 your voice, as well as go to the school when you go
17 meet and then have somebody else pretend to be you.
18 That's almost impossible, and not really smart for a
19 kid of four years old to be able to do that.

20 A lot of -- my parents would be, "Do your
21 work. Do your work." We don't want to -- most of
22 them will want their kids to go to college, because
23 by the time they get to college, they won't know
24 what they're doing. So this definitely has a lot of
25 ways that they can't do it, as well as -- I mean, in

1 my school -- I'll be quite honest with you -- it's
2 quite a bit easier to cheat in a public school
3 setting than it is to cheat in a virtual setting
4 because there are so many ways that they can get
5 around it. So we'll know. There you go.

6 MR. BERGMAN: I think we all understand
7 cheating goes on. It went on 40 years ago when I
8 was in school. Nothing changed there. But we all
9 try to keep it to an absolute minimum.

10 MR. RALPH ARELLANES: It's not cheating.
11 Quick facts.

12 MR. BERGMAN: And you raised issues about
13 the grandparents. I know that would be another
14 layer of mentoring, certainly, in that. So -- it
15 just -- I just -- it's just a concern of mine,
16 because even in the public schools, not every --
17 there are just too many parents that don't care.

18 MS. MURPHY: Right. Right. I see that.

19 MR. BERGMAN: That's only a small part of
20 the problem in the public schools. I wish more
21 parents cared. So you're going to face that problem
22 in your situation, is there's going to be parents
23 that don't care. No matter what they say, no matter
24 what the contract is signed. They'll sign the
25 contract and get them in your school and then will

1 they care after that?

2 MR. RALPH ARELLANES: That's the key to
3 this whole program is empowering the program,
4 engaging the family in the learning. That's what
5 we've mastered with the ENLACE program is bringing
6 the family support centers in and having them
7 support the students, counseling them, supporting
8 them -- helping them get through this. You know,
9 traditionally in schools, you know, it was send
10 Johnny on a bus, and he goes to school and gets his
11 education, comes home, does his homework, and that
12 kind of stuff.

13 But, really, traditionally, parents
14 haven't been involved in the schools. Teachers are
15 accountable to the principals. Principals are
16 accountable to the superintendent. The
17 superintendent is accountable to the school board.
18 But nobody is accountable to the families. Nobody
19 is accountable to the community. This K-through-12
20 program has engaged the community, has engaged
21 LULAC, has really engaged the Hispanic community,
22 has really empowered the family. If you empower the
23 family, you empower the kid. If you empower the
24 kid, you educate the kid.

25 MS. MURPHY: I think, in addition to that,

1 I've seen a lot of instances like you were
2 mentioning where the parents just come out and say,
3 "I don't care." And it's frustrating -- I've talked
4 to a lot of community members who have said, "You
5 know, I don't have an active hand in my kid's
6 education. I don't have the tools. I don't have
7 the education, I don't have the experience. I don't
8 have the knowledge. I'm just going to let the
9 public school take care of it. And if I have the
10 time, if I get around to it, I'll pick up the report
11 card. And if they get moved to the next grade, then
12 I know they're doing fine."

13 This school and this program provide
14 innumerable resources and support and training for
15 parents in educating them and teaching them how to
16 be engaged, how to support their children's
17 education, how to play an active role in that.
18 There's support not only at the beginning of the
19 year through the trainings that we've listed in the
20 application, but support, continued support,
21 throughout the entire year.

22 MR. BERGMAN: And let me -- I want to just
23 touch on the one day and the two day. I didn't -- I
24 don't know if I just didn't get the sense of it. Is
25 that going to be mandatory? They're going to have

1 to be -- the younger kids are going to have to be in
2 there one day a week, and the older kids two days a
3 week, or is that's if they want to go that day?

4 MS. MURPHY: Yes. That's the minimum
5 requirement. They are required to attend one day a
6 week for kindergarten through eighth. For ninth
7 through twelfth, two days a week. They are required
8 to have their seat, to be in that classroom, to be
9 working with their teacher, the other peer groups,
10 students in their class. That is a requirement.

11 MR. BERGMAN: You used the word "minimum"
12 a couple of times. Are they going to be allowed to
13 be in the center more than that, or are you telling
14 them -- since you used the word "minimum," you
15 implied they can come more?

16 MS. MURPHY: They can come more. We plan
17 to have a computer lab where students can come in
18 and do research projects at the site online in the
19 facility. The teachers will also have regular
20 office hours, where the students can come in and get
21 individualized instruction, work in groups. If it
22 is deemed necessary by the teachers, the
23 administration, by the student assistance team,
24 through their IEP, that they receive more
25 face-to-face interaction, then we have things set up

1 that would provide for those students to be able to
2 come into the facility and receive the help and the
3 assistance and the services they need more than the
4 one day or the two days. If they need three days,
5 we have provided for that.

6 MR. BERGMAN: Thank you. I think that --

7 THE CHAIR: Thank you. I think probably I
8 need that back.

9 MR. BERGMAN: You can have that back.

10 THE CHAIR: I know you'll be glad for me
11 to.

12 Thank you. It is wonderful to hear you
13 folks who are listed here as the contact people
14 being the ones who are responding. And I'm very
15 appreciative of this. I want to cite for you
16 something that happened to me as an elementary
17 school principal to try to show you why I believe we
18 are so concerned about some of -- of the ability or
19 inability to follow the aspects of the law.

20 I was an elementary school principal. I
21 had a very bright little girl. And her parents
22 wanted her in the first grade. And I've forgotten,
23 Tom, just exactly what the hourly and the minutes
24 that is the enrollment time for the first grade.
25 But it's minutes. It's in the minutes. And back

1 then, we had a half-day kindergarten in New Mexico.

2 So we enrolled her in the first grade, and
3 we were cited in an audit. And that's why my hair
4 turned white was because we had to repay to the
5 State of New Mexico the money that was the
6 difference between the half-day kindergarten funding
7 and the full-day first grade funding for that child.

8 And so all of us who have -- who are, or
9 have been, in education are very cognizant of these
10 things. And we want very much for you to have a
11 successful school, and we want very much for you not
12 to encounter some of the problems that we see as we
13 read the application.

14 Which leads me, Mr. Vigil, in responding
15 to Ms. Shearman's budget questions, repeatedly, you
16 said "we." Who does "we" comprise?

17 MR. VIGIL: Madam Chair, we met -- I met
18 the founders, and I, we've met a few times in
19 developing the budget. We discussed their plan,
20 what they saw. I had a number of questions, because
21 I had to take their ideas and try to -- you know
22 what is their plan, what do they want to do, how do
23 they intend to educate, how -- you know, what --
24 many of the questions that you, yourself, asked, I
25 asked myself.

1 So in that case, now we need to get those
2 ideas, determine with -- started off with how many
3 children do you expect the first year, how many do
4 you expect the second year, what is your enrollment
5 going to be, what grade levels are they going to be,
6 put them into the funding formula, then build the
7 expenditure budget. So "we" is -- us.

8 MS. MURPHY: We have all met together.

9 THE CHAIR: Okay. Thank you. I'm
10 appreciative of that response. Okay. I -- I'd like
11 for us to look at Page 4 of your application, the
12 abstract of your proposed charter school. And in
13 the second paragraph, towards the middle of it, you
14 talk about the academy will be a hybrid model,
15 traditional face-to-face classroom instruction,
16 combined with distance learning.

17 And I think you have -- have pretty well
18 explored that for all of us. But I will tell you
19 the same thing that I told the group previously.
20 What I hear, sitting here as Chair of this
21 Commission, is a recurring theme of accountability.
22 And I certainly hope that you recognize that that's
23 what we're trying to -- to convey to you is that you
24 do have to be accountable. You have to use the
25 mechanisms that are available and perhaps come up

1 with some that you can -- can manage that help you
2 to show that you are accountable for various
3 aspects.

4 Because I think, throughout the time
5 period, various and sundry Commissioners this
6 morning -- and some of you were here all morning.
7 So throughout this morning and during your time
8 allotment here, you have been told repeatedly,
9 "We're having some problems with accountability."
10 And I think that's putting it very cold turkey.
11 We're having some problems with accountability.

12 And so when we get to September 10th and
13 11th, and you've had an opportunity to make the
14 various and sundry responses, I'm hoping that you
15 can -- can figure out some ways to respond to those
16 concerns that we're having. Because obvious to me
17 is that there are genuine concerns on the part of
18 Commissioners, and we're needing some help -- some
19 help with this.

20 I come down here, and I look at the --
21 let's see. It's the fourth paragraph on this same
22 Page 4. And you talk about students in grades K
23 through 8 will complete coursework that will include
24 math, social studies, New Mexico history and
25 physical education, and you go on and on and on.

1 Mr. Garrison, I thought maybe you would ask this
2 question on physical education. And I guess
3 Mrs. Smith is going to have to ask it.

4 So I'm going to move you to the -- it's an
5 appendix. And let me find it. The one on health
6 and physical education. It's back here in the
7 900s -- 850 is Spanish, and I have a question there.
8 973 is for health. That doesn't get us to PE. Yes.
9 Here we go. 975 is PE. And I'm having a problem.
10 In that first paragraph, in that lead paragraph, the
11 second sentence says, "Students will fulfill course
12 requirements by keeping weekly logs of their
13 physical activity. The course promotes the value of
14 lifetime physical activity, includes instruction in
15 injury prevention, nutrition and diet and stress
16 management. Students may enroll in the course for
17 either one or two semesters and repeat for further
18 semesters, as needed, to fulfill State
19 requirements."

20 And then I go down here to your -- to your
21 large bullets and 10. And I find, "Materials,
22 None." And I am having a problem understanding how
23 students are going to be instructed if there aren't
24 any materials. I'm hoping you can answer that for
25 me.

1 MS. MURPHY: Right. Well, as Michael
2 said, in the budget we had that line item, \$350,000,
3 set aside for products, services, things that the
4 student needs. As the head administrator has
5 oversight in the budget, they will be able to adjust
6 line items accordingly.

7 We plan to fulfill that requirement, that
8 the students meet the physical education
9 requirements for graduation. And so during the
10 planning year, the head administrator will hire the
11 staff necessary and contract for the services and
12 things necessary for those students to complete and
13 fulfill that requirement. So that is still
14 something that will be worked on throughout the
15 planning year.

16 MR. RALPH ARELLANES: Some of us toured
17 the Indiana Hoosier Academy in Indianapolis. My
18 brother, Jim, and I did, Mellani did, Jessica. And
19 we plan to mimic a lot of what they're doing there.
20 Now, they did have a physical education instructor
21 that took out classes every hour to do physical
22 education. They had a yard out there, and they had
23 various equipment to exercise.

24 And so that's what he did. He would take
25 each class as they came in and take them out to --

1 for physical education. As far as materials, I
2 mean, we do have computers. And you can pretty much
3 Google any kind of exercise you want on computers.
4 Nowadays, if you want to do -- whatever it takes,
5 Pilates or whatever it is, it's all in there.

6 And I think -- really, I think all of us
7 will agree that these young kids are handier at
8 using computers and the Internet than most of us as
9 adults. They are a generation that are growing up
10 with computers and have found that the computer is a
11 great teaching tool. So they can probably teach us
12 a few things on how to meander around the computer.
13 But we can always Google, you know, the latest
14 exercise information that's out there.

15 THE CHAIR: Thank you. While I'm back
16 here on the appendix, it has all of the -- all of
17 the K-through-12 curriculum on it. I'll just stay
18 back here for a moment. And I guess I had the same
19 question on 975, where students learn what nu --
20 nutrients their body needs and so on.

21 And, again, you know, no materials, no
22 prerequisites.

23 I go on to 989. That's a slightly
24 different question about computer literacy. And the
25 materials are talking about Microsoft Office 2003.

1 Now, I guarantee you, this old lady is not
2 proficient in Microsoft Office 2003, let alone 2007
3 that's on my daughter's computer. But in 2009, why
4 would you be trying to make students computer
5 literate in Microsoft 2003?

6 MS. MURPHY: I guess both questions can be
7 answered by going back to our budget. In preparing
8 and working closely with Michael in preparing this
9 budget, we wanted to be very conservative in our
10 estimates and in the types of resources and funding
11 and things that we would need to cover the costs
12 associated with running this school, but allow, at
13 the same time, flexibility for the governing board
14 and for the head administrator to use those funds as
15 deemed appropriate and necessary to meet the needs
16 of the students.

17 So as far as having no line item
18 specifically for supplies necessary to teach
19 nutritional seminars, the nutrients that your body
20 needs, it is still provided for within the budget,
21 because there is a great deal of flexibility.
22 Again, this is a sample budget. Nothing at this
23 point is set in concrete. As the students enroll,
24 we evaluate their needs. We can adjust. I think --

25 MS. MURPHY: We'll adjust in the planning

1 year.

2 THE CHAIR: I don't want to belabor this,
3 because the hour is getting along and it probably
4 doesn't deserve that much amplification. I'll go
5 back up to 850. And I want to congratulate you.
6 And I did, at one time, note what "WLG" meant. It
7 was "World Language" something. What was it? What
8 is "WLG"? I am appreciative that you're not talking
9 about foreign languages, because "foreign" to whom?
10 And so I am appreciative of that. But in the
11 Spanish I, in all of the Spanish, I just ran off the
12 page about Spanish I. But you go as high as
13 Spanish III, do you not?

14 And in it, all of the -- the only
15 materials you have were Fox's Everyday Spanish and
16 English dictionary. Again, I'm troubled by this.
17 And I guess I'm going to have the same response.
18 But I guess I want to hear it again.

19 MS. MURPHY: No. That's fine. And we can
20 expand more on this in writing as needed. As far as
21 the foreign language program goes, it's absolutely
22 fantastic. It's immersion. The students are using
23 immersion. They're using stories. They're using
24 things on loan. They have the support of bilingual
25 teachers, educators, to help them learn.

1 As a student is learning a foreign
2 language -- for example, in a home environment, when
3 you have a bilingual mother and father, and they're
4 teaching their kids both English and Spanish, they
5 don't necessarily have charts, flip charts, all
6 these additional materials to teach their children.
7 They immerse their children in this language. So
8 through the program and the curriculum and the
9 things offered, that's the goal is to immerse these
10 children in these languages, to not sit them down at
11 a desk with a pen and paper, with books and flip
12 charts and things of that nature, to get them
13 practicing the language, saying these things.

14 Within the language program, there are
15 opportunities for the student to hear people
16 speaking with the correct accents, the correct
17 things, with, for example, Spanish. And then it
18 allows them to get on and record their own voice
19 saying that thing so they can hear the difference
20 between someone who has been fully immersed, who is
21 completely literate in that language, and compare
22 their own voice to make sure the pronunciation is
23 correct.

24 THE CHAIR: I've got to hurry quickly
25 along. I want to go to Game Design I and electives.

1 And I am going to come back in a minute more to
2 instructional materials again. But right here, on
3 Page 10 -- 1004, on Game Design I and elective
4 materials, again, you say, "None provided." But
5 Multimedia Fusion 2.0 is required. What does this
6 mean?

7 MS. MURPHY: Do you guys want it? We'll
8 go ahead and expound more on that, clarify how those
9 different pieces come together in writing for you.
10 Yes.

11 THE CHAIR: I appreciate it very much,
12 because I believe it needs some amplification.
13 Okay. I want to move back, then. Let's see. On
14 Page 46 of your application, you talk about the
15 New Mexico Diploma of Excellence. Then you go into
16 the requirements on 46 and 47. On 47, you have a
17 note that says, Please note, since the academy
18 curriculum for all grades, K through 12, is composed
19 entirely of distance learning courses, "Sandia
20 Academy considers this requirement to be met by the
21 students' enrollment in the school."

22 And I am not exactly certain what that
23 note -- to what that note refers. Is it to the
24 parenthesis 8, where it talks about, "At least one
25 of the units required for graduation shall be AP

1 honors," and so on? Can you help me with that one?
2 To what does that note refer?

3 MS. MURPHY: It's the distance learning
4 course requirement for graduation.

5 THE CHAIR: The new State statute on that?

6 MS. MURPHY: Yes. It refers to that.

7 THE CHAIR: Now, go back then to 46 with
8 me for just a second, please. On Page 46, what is
9 the New Mexico Diploma of Excellence?

10 MS. MURPHY: Did you want to, or do you
11 want me to -- okay. It is actually taking students.

12 THE CHAIR: It's actually what?

13 MS. MURPHY: What we're doing is we're
14 attempting to take students and raise the bar for
15 them. So we want them not to just skate by and to
16 complete the bare bones minimum requirements to get
17 a graduation diploma to graduate from high school.
18 We want them to continue reaching up. We want to
19 raise that bar.

20 So we're looking at -- in our application,
21 we've talked about how it exceeds a lot of the State
22 standards, the requirements for graduation. More is
23 going to be required of the students that attend our
24 school. They will know that as choosing Sandia
25 Academy as this choice, that they are going to be

1 involved in a rigorous, mastery-based curriculum and
2 that they will be required to not just skate by, not
3 just complete the bare minimum requirements.

4 If you have a company or a corporation
5 that is founded upon people just doing the bare
6 minimum and skating by, it's not going to be a very
7 successful corporation. Our job is to educate
8 students and to prepare them for post-secondary
9 education, for vocational training, for any path
10 that they decide to take after school. And so we
11 want to encourage them to reach higher, to go above
12 and beyond, to reach for the excellence, to not
13 skate by at the bare minimum. And we want to make
14 sure that they are fully prepared to succeed in any
15 endeavor they choose after graduation.

16 THE CHAIR: Thank you. And you go on
17 to -- you go on to list the requirements. And I'll
18 be very truthful with you. I've read them as they
19 have been increased by the State legislature. And
20 as I looked at your listing, I couldn't discern that
21 it was any different than what the State legislature
22 says that every student in New Mexico has to do.
23 Anybody help me on that? Can you help me on that?
24 I --

25 MR. RALPH ARELLANES: Well, the difference

1 is that K12 has a much better record of meeting AYP
2 in 23 states, and it will be included in this state.
3 So, yes, the standards are coming from the State to
4 meet, but we're going to be exceeding those
5 standards.

6 THE CHAIR: Thank you. So when you're
7 speaking of K12, you're thinking of this preselected
8 program that you want to use for your -- for your --
9 the basis of your entire -- entire coursework? Is
10 that correct?

11 MS. MURPHY: Right. Right. We've done a
12 lot of time and research. And so far, they're
13 providing the services -- the only one that we have
14 found that have provided all of the things that we
15 have been looking for in this type of a charter
16 school model.

17 THE CHAIR: Thank you. I think questions
18 about the purchasing code in New Mexico have been
19 raised previously, and I'm hoping that you'll be
20 able to answer us in writing also. Again, I'm still
21 looking on Page 46. And I'm looking at the
22 projected enrollments in first year through fifth
23 year. You're asking for two things, as I see it.
24 You're asking for a K through 12 school, and you're
25 asking for a school that does not exceed the

1 enrollment of 500. Is that correct?

2 MS. MURPHY: Yes. That is what we are
3 applying for.

4 THE CHAIR: Okay. Knowing that the only
5 way that you can exceed the enrollment or even
6 change the grade levels, I guess, would be by
7 asking -- coming back and asking for a change in
8 your contract -- because basically, that's what this
9 is, it's a contract. And so I -- before somebody
10 says, "Well, what's different besides K through 12,"
11 well, there certainly could be some pre-K. And I
12 don't think there would be any opportunity for
13 post-K. But we certainly know that in the public
14 schools, as they are structured today, that you
15 could have a pre-K course offering.

16 Okay. Moving on. At 48 in your -- in
17 your application, I see that in No. parentheses 1,
18 "At the end of grades eight through eleven, each
19 student shall prepare an interim next step plan that
20 sets forth coursework for the grades remaining until
21 high school graduation."

22 Now, I am pretty certain that this is
23 basically a requirement of all public schools. And
24 so when we're looking at a charter school, and a
25 charter school says, "I want to be something

1 different than what the regular public school
2 offers," I'm beginning to see some of those things
3 that appear to me to be -- you're saying, "I'm going
4 to do the same thing that the public schools do,
5 only I'm going to call it something." Am I fuzzy in
6 that? Or what am I -- what am I reading here on
7 Page 48?

8 MS. MURPHY: Right. Well, obviously,
9 there are certain standards, statutes, regulations,
10 things that we need to cover in our courses that we
11 work with our students on. There are certain things
12 that, no matter whether you are a public,
13 traditional brick and mortar school, whether you are
14 a hybrid school, whether you are completely virtual,
15 there are certain things that need to be
16 incorporated into the curriculum.

17 The difference is the method of delivery
18 and the support structure that we have built for the
19 students within this program, as well as offering
20 this to the younger grades. In the legislative
21 findings, they said that the key grade is first
22 grade in preparing students for their future
23 educational career. I mean, we're hearing
24 percentages of 44 percent and 49 percent of third
25 and fourth graders who are not proficient at

1 reading. And so far, we have not found an option
2 that offers this type of a program to students that
3 fit that demographic.

4 And so, yes, there are things that you
5 will find throughout our application that are
6 similar to other schools. But the method of
7 delivery and the content, the quality of the content
8 that we are offering are definitely different from
9 what is out there.

10 MR. RALPH ARELLANES: Part of the reason
11 why we want the student to sign onto this is to get
12 them to personally commit, by themselves, in person,
13 that they will achieve.

14 THE CHAIR: I thought State statute said
15 the same thing, basically. Very quickly here. The
16 Academy's high school coordinator. Is that the same
17 as a counselor?

18 MR. MARTINEZ: Is it okay if I could just
19 say something real quick about the first thing about
20 the planning, if it is different than what is
21 normally required. Being that I was a student not
22 too long ago in high school, what we used to do
23 through the CAPS program, where they would only make
24 you plan out that semester, and then you plan out
25 the next semester, this requires you to plan out

1 what you're expected by standards, as well as what
2 you're expected of the school to meet through the
3 entire -- through the entire years before you
4 graduate, so that you're prepared for college, what
5 your individual needs are as well as what your
6 personal interests are that will help you get to the
7 next level. So it is different than the --

8 THE CHAIR: Thank you for that
9 clarification. And I appreciate your recent
10 experience in that. Going on to Page 50, in the
11 annual measurable objectives in that center box --
12 wow, I hope that you can do this. But is
13 100 percent a lofty goal or is it a realistic goal?

14 MS. MURPHY: It is a lofty goal. But I
15 have seen in my experiences with working with
16 students in various aspects that if you raise the
17 bar, they are going to reach to meet it. Yes, it is
18 a lofty goal. But why not tell a child, "You are
19 capable of doing this, we are here to help you and
20 support you and we know you can do this"? So, yes,
21 it is a lofty goal. But we think it is very
22 possible to achieve.

23 MR. RALPH ARELLANES: And we have data
24 from 23 states that show after the first year after
25 a kid is enrolled in K12 program, 67 percent

1 attain -- exceed AYP. The second year, 75 percent.
2 The third year, 80 percent. The fourth year -- it
3 goes all the way to 97 percent. Those students that
4 have been enrolled in the K12 program from the year
5 2000-2001, 97 percent are meeting AYP. That is data
6 from 23 states in the country.

7 THE CHAIR: Thank you. Let's go on to
8 Page 111 of your -- of your application, if you
9 would, please. I am looking down here under the
10 bullet of, "Describe the school's plan for providing
11 student access to health services and plans for
12 contracting services, if applicable." And you seem
13 to be saying here that each -- well, in fact, you
14 are.

15 In the middle of that first paragraph
16 under that bullet, "Each year that a student enrolls
17 or reenrolls here, she will update his or her
18 records on the enrollment form." That certainly is
19 something that has to be done, except that,
20 currently, it seems to me that that is probably
21 helping us with the secretarial function. But
22 I'm -- again, I'm looking at an accountability
23 function.

24 And when my little kindergartener
25 grandson, he has to show his records that come from

1 the medical profession that say that he's done these
2 things. He doesn't -- if you are capable. And he's
3 not. But if he were capable of doing it, he
4 couldn't -- he -- his mother or somebody could, I
5 guess, write the record and save the school nurse
6 that problem.

7 But it seems to me that, more than that,
8 you need -- you need to make it very clear that this
9 is an official document, and it has -- it has to be
10 verified by -- by a doctor, so to speak, or a clinic
11 or something of that sort.

12 MS. MURPHY: Right. For example, when my
13 daughter enrolled in kindergarten, before I could
14 even submit the enrollment packet that had her
15 address, her birth date, I had to take her actual
16 immunization card into the school, hand it to them.
17 They made a photocopy, attached it to the
18 application for enrollment, and then I was able to
19 turn in that packet.

20 We expect no less than that. So that
21 updating the immunization record, it has to be the
22 actual card signed off by the professional health
23 services stating they did receive the immunizations,
24 this is the date they received them, this is what
25 they're up to date on.

1 THE CHAIR: Okay. So that leads me, then,
2 into -- as I was reading this, and into that next
3 paragraph in particular. And I said to myself, I
4 read this before on another application. It
5 bothered me then, and continues to bother me. Two
6 things. One, we just answered. Where is the
7 verification. And two, it sounds like boilerplate
8 that some agency writing for other people, writing
9 grants for other people, would be using.

10 And so you sound to me, today, like you
11 are so familiar with what you're doing that you're
12 not using somebody else. But are you using somebody
13 else to write your grant proposals and things or --

14 MS. MURPHY: Well, as a governing board,
15 obviously, you know my background. I am not a
16 certified accountant. I am not a professional grant
17 writer. So our job as a governing board is to bring
18 in those individuals that would help us meet the
19 goals and meet the mission of our school, whether
20 it's writing grants for funding to provide services
21 needed for students.

22 So, no, we are very familiar with this
23 model. We've spent a great deal of time and
24 volunteered countless hours on putting this
25 together. But that does not mean that we are not in

1 the process of pulling together experts in all of
2 the various areas to help us complete those things.

3 MR. RALPH ARELLANES: I have written
4 grants before. In fact, I was very involved in
5 writing the ENLACE grant to the Kellogg Foundation
6 when we applied for that. And we got \$6 million
7 from the Kellogg Foundation. So I'm very familiar
8 with putting together strategic plans, budgets,
9 personnel, the entire aspect, you know, financial
10 statements, whatever is required to apply for a
11 grant, and justifying those grants.

12 THE CHAIR: Thank you. I appreciate that
13 amplification on that.

14 MR. RALPH ARELLANES: I wanted to also add
15 in the Spanish language aspect, because we're going
16 to be physically located at the Hispano Cultural
17 Center in the Pete Domenici Education Center, they
18 provide a myriad of free Spanish language learning
19 materials, La Cervantes Institute, teaching Spanish
20 free right at the Hispanic Cultural Center.

21 THE CHAIR: Thank you. Okay. 112. Down
22 at the bottom, a rationale for a waiver. You want
23 an individual class load waiver. One site student
24 to teacher ratio will be 20 to 1. However,
25 depending on the student enrollment, it may be

1 possible that certain classes may exceed the maximum
2 for a licensed teacher. I will tell you, I would be
3 very hesitant to grant you a waiver that is, quite
4 frankly, that vague. I wouldn't want you, down the
5 line, to be able to suddenly say, as we are in
6 New Mexico and in the United States, "Hey, folks.
7 We're experiencing a budget crunch, and your
8 teacher-pupil ratio is going to be 50-to-1 now
9 because we have a waiver that allows it." So I will
10 tell you, quite frankly, I would be very, very
11 hesitant to grant that. I'm going to move on
12 quickly because time is getting late.

13 I had a problem on 113. It goes back to
14 the materials. It's the third box. And -- and I
15 didn't exactly -- I read this so many different
16 ways. "The Academy may not purchase instructional
17 materials. The Academy may not purchase
18 instructional materials from the State-adopted
19 list." I just don't know what you mean by that.

20 MS. MURPHY: Well, as far as I know, the
21 K12 curriculum is not specifically listed on that
22 list. Like we talked about with procurement code,
23 there will be some things that we may need to send
24 bids out for. However, because K12 is not on that
25 list, and we have looked extensively at the vendor

1 materials that they supply, the quality of
2 education, and their record, how students are
3 performing with this stuff. So the K12 is not on
4 that adopted -- adopted list of materials.

5 THE CHAIR: It's usually the thing --
6 pardon me, sir. It's usually the thing that most
7 teachers want to have a waiver on is how they do
8 with -- but I was having -- I was having a problem
9 about how -- how to read that. So you've answered
10 that sufficiently. Thank you.

11 MR. RALPH ARELLANES: Thank you.

12 THE CHAIR: You have 195 days schoolday
13 (sic). And I will tell you, I couldn't get into the
14 budget, Ms. Shearman. So I didn't have budget
15 questions. But a 195-day school calendar, are your
16 employees being adequately -- adequately paid in
17 that 195-day school calendar, since it is a
18 longer -- a longer school calendar? And I'm
19 assuming that you probably have additional other
20 days for staff. I --

21 MS. MURPHY: Yes. We've anticipated days
22 on site, days working with students when they're not
23 on site. We've anticipated trainings, extra days
24 that students need to come in for assistance. All
25 of that has been anticipated in the budget for the

1 instructors, as well as the staff members for the
2 school. Michael, did you have any other --

3 DR. DURAN: Can I interrupt? We're
4 running out of time for other applicants. And if
5 you would answer the question yes or no, rather than
6 elaborating. The question was, Will you compensate
7 the employees.

8 MS. MURPHY: Yes.

9 MR. RALPH ARELLANES: Yes.

10 DR. DURAN: Thank you.

11 THE CHAIR: Okay. I'm going to quit, too.
12 But I'm going to make just one more comment. And it
13 has to do with the next to the last box here on 113.
14 And it has to do with, "The Academy may deviate from
15 or add new categories to these standards to insure
16 that standards used are relevant to the uniqueness
17 of the Academy's mission and vision." I will repeat
18 for you the last time, I suppose. And that is, I
19 would be very reluctant to give you a waiver that is
20 that broad in scope.

21 So with that, are there any other
22 Commissioners who have -- Mrs. Pogna?

23 MS. POGNA: Yes. Do you want to give me
24 that, just in case? Thank you. This is all very
25 fascinating for me, being of the generation that is

1 very computer illiterate, I would say. And so when
2 I -- when we receive all these applications, and
3 Michael or Dr. Duran or Sam send me all these flash
4 drives and doohickies and things, and I tell them --
5 I yell for help, because I don't have a
6 four-year-old kid in my house to help me.

7 I used to tell the State Board members my
8 story about my little granddaughter, my two-year-old
9 granddaughter. And she was walking through the
10 room. And my daughter said, "Ally, where are you
11 going?" And she was walking through with a pillow
12 and a blanket. And she said, "I am going to the
13 computer." She was two years old. The pillow was
14 to reach the keyboard, and the blanket was for
15 security.

16 And this two-year-old is now a beautiful
17 17-year-old student who is academically outstanding
18 as she is in track and field and cheerleading and so
19 on. But what I really want to tell you is I want to
20 express my appreciation to you founders and
21 presenters for the enthusiastic, knowledgeable and
22 intelligent presentations you have made. It's -- it
23 has been great. Thank you.

24 MR. RALPH ARELLANES: Thank you.

25 MS. MURPHY: Just really quickly in

1 closing, I just wanted to thank you, all of you,
2 today for your time in coming here and giving us an
3 opportunity to talk about our application. I also
4 wanted to thank Dr. Duran and his staff, Sam and
5 those who have spent countless hours in workshops
6 working with us and helping us through this process.
7 So thank you for the opportunity and all your
8 support and help with this.

9 THE CHAIR: Thank you. At this time, I
10 will tell you the Commission encourages continued
11 public input in writing until September 1, 2009, at
12 5:00 p.m. Written comments should be sent to the
13 Public Education Commission in care of Beverly
14 Friedman, 300 Don Gaspar Avenue, Santa Fe,
15 New Mexico, at 87501. Or e-mail comments to Beverly
16 Friedman at bev.friedman@state.nm.us. And thank
17 you, ladies and gentlemen, for coming before us
18 today.

19 (Proceedings concluded at 12:12 p.m.)
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25

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1 BEFORE THE PUBLIC EDUCATION COMMISSION

2 STATE OF NEW MEXICO

3
4 IN THE MATTER OF:

5 SANDIA ACADEMY

6
7
8 REPORTER'S CERTIFICATE

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

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

18
19
20
21 _____
22 Cynthia C. Chapman, RMR, CCR #219
23 201 Third Street, NW, Suite 1630
24 Albuquerque, New Mexico 87102

25 Job No.: 3980D

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