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BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

IN THE MATTER OF:
ACHIEVE ACADEMY

TRANSCRIPT OF PROCEEDINGS
CHARTER SCHOOL PUBLIC INPUT HEARINGS
August 17, 2010
1:01 p.m.
CNM Work Force Training Center
5600 Eagle Rock, Room 101
Albuquerque, New Mexico

REPORTED BY: Sally Peters, RPR, New Mexico CCR 57
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A P P E A R A N C E S

COMMISSIONERS :

MR. ANDREW GARRISON, Chair
MS. CAROLINE SHEARMAN, Vice Chair
MR. EUGENE GANT, Secretary
MS. KATHRYN KRIVITZKY
MR. VINCE BERGMAN
MS. MILLIE POGNA

STAFF :

MR. SAM OBENSHAIN
MR. MICHAEL C DE BACA
MS. MARJORIE GILLESPIE
MS. CORINA CHAVEZ
MS. KAREN EHLERT

1 CHAIR GARRISON: Call the meeting to
2 order. We are back in session.

3 Statement for hearing: The purpose of
4 this hearing is to solicit both written and oral
5 input on the proposed charter. In accordance with
6 the Charter School Act, the commission shall receive
7 applications for initial chartering and renewals of
8 charter for charter schools that want to be
9 chartered by the state and approve or disapprove
10 those charter applications.

11 In addition, the Charter Schools Act
12 states that the chartering authority shall hold at
13 least one public hearing in the school district in
14 which the charter school is proposed to be located
15 to obtain information and community input to assist
16 in its decision whether to grant the charter school
17 application. Community input may include written or
18 oral comments in favor of, or in opposition to, the
19 application from the applicant, the local community,
20 and for state chartered schools, the local school
21 board and school district in whose geographic
22 boundaries the charter school is proposed to be
23 located.

24 The applicant at this time will be Achieve
25 Academy.

1 MR. BERGMAN: Mr. Chairman, I hate to
2 interrupt, but I just was curious, should we not at
3 least note for the record, even though we were just
4 in recess, that the same commissioners are here that
5 were here in the previous hearings, or do we not
6 need to do that?

7 CHAIR GARRISON: I guess if they were
8 different I would want to make note of it.

9 MR. BERGMAN: If somebody were to question
10 whether we were all here this go around. I'm not
11 suggesting a roll call.

12 CHAIR GARRISON: Okay. Thank you.

13 Applicants, please for the record state
14 the name of the school, the names of the founders of
15 the school, proposed grade levels to be served, and
16 membership projection of the school.

17 MS. KELLEY: Good afternoon, Mr. Chairman,
18 Members of the Commission. The name of the school
19 is Achieve Academy. The projected membership is
20 100. The members of the team that are here this
21 afternoon, Mr. Mike Kivitz, CEO of Adelante. My
22 name is Krista Kelley. This is Lisa Gabaldón. She
23 is an expert in special education as well as a high
24 school charter school teacher.

25 We have got Jana Murphy, who is an expert

1 in career education, also in special education, and
2 Blair Kaufman, who is a school administrator as well
3 as an expert in both general and special education.
4 Thank you.

5 CHAIR GARRISON: Did we miss anything?
6 Proposed grade levels and membership projection?

7 MS. KELLEY: Proposed membership
8 projection is 100. Grade levels are 10 through 12.

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

18 MS. KELLEY: Thank you, Mr. Chairman,
19 Members of the Commission. I would like to tell you
20 this afternoon about Achieve Academy, but before I
21 go into what Achieve Academy is about, I want to
22 tell you about why I feel so compelled to be
23 involved with Achieve Academy and to be involved
24 with the creation of this school.

25 Back when I was in college, I was in a

1 terrible accident where I broke several ribs and my
2 shoulder and my hip as well, and I was confined to a
3 wheelchair for two months. And they were two long
4 months. During those two months, I learned what it
5 was like to rely on someone else to help me, and
6 today I come before you to present Achieve Academy,
7 a school with a mission to provide a vocational
8 learning environment that will empower 100 students
9 of all abilities, particularly those with special
10 needs, grades 10 through 12, to experience
11 transition successfully into the workforce through
12 career education after a school environment.

13 The school offers a comprehensive approach
14 that includes career assessments, individual career
15 plans, job placement, and the support necessary to
16 obtain a job when students graduate from high
17 school. Our overarching philosophy is that students
18 of all abilities can learn and achieve their
19 personal and vocational goals in a self-paced, least
20 restrictive environment.

21 The school will be located in Albuquerque,
22 and the core curriculum is standards driven and
23 research based and will be taught by dual certified
24 highly qualified teachers. A team approach to
25 education will enhance the opportunity for all

1 students to be successful. The approach includes
2 parent, teacher, and student involvement in next
3 step and individual education plans, as well as
4 individual career plans, and through parent
5 involvement and parent advisory councils.

6 Additionally, Achieve Academy will partner
7 with Adelante Development Center where a community
8 approach to involving students in the workplace
9 environments will enhance the ability for all
10 students to experience a variety of workplace
11 settings. We believe that with New Mexico ranked
12 fourth in the nation for dropout rates, much of
13 which is attributed to poverty, Achieve Academy can
14 provide a viable solution.

15 Furthermore, the rate for students with
16 disabilities to drop out of school is 64 percent,
17 compared with that of nondisabled students at
18 44 percent. We also believe we can offer an
19 alternative to dropping out, for 32 percent of the
20 dropouts that drop out because they want a job. Of
21 the 276 students who graduated from special
22 education in Albuquerque Public Schools in 2008,
23 only 89 or 32 percent are employed.

24 Additionally 67 percent of individuals
25 with disabilities in Bernalillo County who want to

1 be employed remain unemployed. It's expected that
2 nearly half of all working age adults experiencing
3 poverty during the year have a disability.

4 Mr. Chairman, Members of the Commission, I
5 ask you how are these results acceptable?

6 MS. GABALDÓN: Thank you. Good afternoon,
7 Commission, my name is Lisa Gabaldón. I am a member
8 of the academic team for Achieve Academy.

9 It surely is an honor to stand before you
10 with this team of professionals presenting to you
11 Achieve Academy. As a special education teacher in
12 another charter high school, let me say Achieve
13 Academy is a special education teacher's dream come
14 true, and more importantly, a family's dream come
15 true for their child. I am sure that I speak for
16 all special education teachers when I say, the goal
17 is for special education to touch lives and make a
18 difference for a unique, sometimes overlooked
19 population. Unfortunately in larger school
20 districts and much larger charter schools, being an
21 effective special education teacher is challenging
22 due to heavy caseloads and the many other duties
23 required of teachers in larger schools.

24 Achieve Academy is designed to benefit all
25 students and acknowledges that every student is a

1 general education student first. In order to meet
2 the needs of all students, Achieve Academy will be
3 providing academic and vocational curriculum that
4 addressed the continuum of needs primarily through
5 Education 20/20, Life Center Career Education,
6 Outcomes Based Education, SMART Goals, IEPs, next
7 step plans, and individual career plans which are
8 all based on New Mexico standards.

9 Assessment will be ongoing within the
10 curriculum, which enables individual student
11 assessment as a component of the community
12 referenced learning and Life Center Career
13 Education, which is also a research based
14 curriculum. Assessment will be achieved as students
15 experience a variety of rotations and different
16 working environments throughout their academic
17 career. Assessment will include, among others,
18 direct observation, interest inventories, skill
19 inventories, and others which we can detail in
20 writing.

21 This is absolutely exciting, Commission.
22 At Achieve Academy, students and teachers will be
23 surrounded by support, and Achieve Academy will be
24 specifically designed to reach all students with an
25 emphasis on transition, and that is an ideal

1 academic setting, to accomplish the requirements of
2 Indicator 13 for students with special needs, but
3 also is an ideal setting for all students whose goal
4 is to successfully transition into a post secondary
5 study.

6 Successful transition applies to everyone,
7 not just students with special needs. Achieve
8 Academy will provide opportunities for all students
9 and will remove some of the barriers that many of
10 our youth and families face in reaching goals beyond
11 high school. When I envision Achieve Academy, I
12 envision not only a safe environment for students
13 but also for families. As a special education
14 teacher who has worked closely with students and
15 families regarding transition, I am absolutely
16 confident that students will be provided with every
17 opportunity to achieve.

18 I would like to now share a story about
19 someone who could have benefited from the daily
20 hands-on career experiences that students at Achieve
21 Academy will experience. To this day Marcus still
22 crosses my mind. Although he graduated two years
23 ago, Marcus' primary goal was to earn his high
24 school diploma and he did. With much effort and
25 many starts and stops, I was able to help him earn

1 his high school diploma at the age of 22.

2 Marcus is cognitively disabled and
3 struggles with accessing supports that could create
4 more options and opportunities for him. His mother
5 is a prostitute, his father is in prison, and he
6 lacks a stable support network outside of school.
7 Despite how much I cared about helping him succeed,
8 I didn't have all the resources available to
9 integrate his academics with relevant transition
10 experiences.

11 Marcus' joy about graduating was exciting
12 but short lived. What is he doing now? Well, he is
13 currently unemployed and has been for quite some
14 time. As his teacher, this is very frustrating to
15 me. Although I helped him earn his high school
16 diploma, I am not satisfied. More supports could
17 have been in place for him. As his teacher, I truly
18 believe that the small individualized setting, in
19 addition to the hands-on experiential learning that
20 Achieve Academy will provide, would have been able
21 to not only provide him with the skills necessary to
22 earn his high school diploma, but also to have
23 learned the skills to attain and maintain
24 employment.

25 Unfortunately I was not able to provide

1 that daily hands-on natural learning experience that
2 a student with his learning disability requires.
3 There are many more Marcuses with goals and dreams
4 that need the right supports in place to make their
5 goals and dreams a reality.

6 Members of the Commission, as you listen
7 to the remainder of our presentation and as you
8 deliberate your decision about us, I ask that you
9 keep in mind the definition of Achieve, which means
10 to perform or carry out with success, to attain with
11 effort despite difficulty. This is exactly Achieve
12 Academy's goal, to maintain -- to attain success for
13 students and families with much effort despite the
14 difficulties. Thank you very much.

15 MR. KIVITZ: Chairman Garrison, Members of
16 the Commission, I am Mike Kivitz and one of the
17 founders of Achieve Academy, and in my spare time, I
18 am the CEO of Adelante. If you are not familiar
19 with Adelante, we are a nonprofit organization, one
20 of the largest in the state, and a lot of kids
21 transitioning from public schools come to us. And I
22 can tell you that after 32 years of experience at
23 Adelante, I have seen way too many kids come
24 unprepared to transition to the world of work.

25 Education, especially for students with

1 special needs, has to prepare the student for
2 employment or it hasn't succeeded. Our ability to
3 be self-sufficient, you and I as citizens, and be
4 valuable in society depends on largely what we do.
5 Changing the end of the story that we just heard is
6 really what inspires our team to try to create
7 Achieve Academy.

8 Now, entering the world of work is
9 difficult for everyone these days, as we all know,
10 and more so for students with special needs and
11 nontraditional learners. You have heard the local
12 statistics Krista mentioned, and the unacceptable
13 national data is that unemployment for people with
14 disabilities is over 70 percent, and those were
15 formerly students. Achieve will address their need,
16 and for those in general ed, particularly with
17 related barriers.

18 Typically I think charter schools that
19 have come before you have to address how they are
20 going to include students with special needs, and we
21 have that paradigm in reverse. We do have a process
22 that includes general ed students as well. We
23 believe that all students could benefit from many of
24 the supports special education students receive.

25 Our dream is that every student will be

1 job ready upon graduation. By that we mean each
2 student will have a variety of vocational
3 experiences which they can build into a resume,
4 which will be assessed as they go through the
5 rotation of work experiences we were talking about,
6 and they will fully know what their skills are, what
7 their aptitudes and interests are that lead to
8 successful work, and they will typically already
9 have employment when they graduate.

10 We are going to fully meet educational
11 requirements, and students will also achieve social
12 outcomes not typically documented but vitally
13 important, such as wages earned, number of
14 employment experiences, and having a job on
15 graduation.

16 Now, general ed students have a career
17 path at Achieve. For example, many future direct
18 service professionals who worked for us originally
19 weren't necessarily enthralled with the traditional
20 academic classroom path, and they were at risk
21 students themselves. Many of them can become great
22 employees at nursing homes, assisted living
23 facilities, programs like Adelante. There is an
24 abundance of jobs in the direct service and
25 administrative fields in those kinds of areas, and

1 we can provide training for those students. They
2 also in terms of the school are part of our
3 mainstreaming process for special needs students,
4 and they contribute to an integrated and least
5 restrictive environment.

6 Adelante's role in all this is to work
7 under the general direction of the governing board
8 of Achieve and its administration as they request.
9 We are separate organizations. Adelante, though,
10 offers to bring something to the table. We offer
11 the foundation of support so that Achieve can focus
12 on its educational mission. We have a depth of
13 experience in administering a wide range of funds
14 from federal funds, line item appropriations,
15 Medicaid, state, foundations, grants -- you name
16 it -- compliance with federal and state procurement
17 regulations, which we could talk about for hours, as
18 well as expertise in human resources, information
19 technology, facilities, and vehicle management. We
20 have over a thousand employees so we are relatively
21 skilled in those areas.

22 The partnership that we have promotes
23 accountability and it promotes sustainability for
24 Achieve. Achieve recognizes that its viability is
25 enhanced by utilizing demonstrated fiscal and

1 administrative experiences to run responsibly and in
2 compliance with public education rules, regulations,
3 and standards. We have a tradition and a process at
4 Adelante. All the requirements, all the rules and
5 regulations we put into a database, the primary
6 individual and team responsibilities, and then
7 completion dates are assigned. And we know how to
8 address a staggering variety of requirements that a
9 charter school faces, and we are going to transfer
10 that management expertise over to Achieve.

11 We successfully secured ISO 9000:2001, and
12 this is one of the differences between us and the
13 school. This is not something that the school would
14 be doing. We had got Medicaid compliance and three
15 forms of national accreditation that all attest to
16 our proven ability to comply with regulation, and so
17 we can provide fiscal oversight.

18 In addition we have contracted with APS
19 over 30 years, and we have experience with public
20 school regulations and special needs. We very much
21 respect APS' and other schools' work in special ed.
22 We work very closely with the public schools.
23 However, as a nonprofit with relationships with the
24 business community, Adelante is in a position to do
25 things a traditional school isn't designed to do to

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1 bring employment experiences and opportunities to
2 students, especially those with special needs. We
3 find jobs, we create jobs, and we teach people to
4 work. That's what we do. That's our core
5 competency, and that's the competency we are going
6 to transfer over to Achieve, and that's what makes
7 this partnership so exciting, I think.

8 Through the partnership, Achieve Academy
9 has access to extensive resources, including an
10 established network of business and volunteer
11 contacts. Each year we generate -- we secure over a
12 hundred jobs each year. We have five social
13 enterprise green businesses that provide hands-on
14 experiential learning, and depending on the
15 student's individual career plan, each student will
16 be involved in an individualized program to learn
17 real practical skills.

18 We intend to develop a national model that
19 can be replicated. This partnership and the
20 curriculum under development and the type of
21 supports our students are going to be offered is
22 something very unique. Graduation is not an
23 outcome, employment is. What better gift could we
24 give our graduates, especially those at risk with
25 special needs, to be employed, self-sufficient, and

1 proud of themselves.

2 There is a great need for Achieve Academy.
3 We have the foundation to succeed through our team
4 and our partnership, and we ask for your approval so
5 that we can gladly undertake all the very hard work
6 that we know is necessary to help turn our students'
7 dream into a reality.

8 CHAIR GARRISON: We are up to the section
9 of the local school board and district
10 representatives. Are there any local school board
11 members who would like to speak and district
12 representatives? Okay.

13 Community input. Public comments and
14 observations regarding the application will be heard
15 at this time. There will be a four minute time
16 limit per presenter. Persons from the same group
17 and having similar viewpoints are asked to select a
18 spokesperson to present on their behalf. Multiple
19 and repetitious presentations of the same view will
20 be discouraged. Is there anyone here for comment?
21 Yes, sir.

22 MR. ORTIZ Y PINO: Mr. Chairman and
23 Commission Members, I am Jerry Ortiz y Pino. I am
24 state senator for District 12 here in Albuquerque
25 and have been supportive of and a founder of a

1 couple of other charter schools.

2 This is, in my mind, exactly the type of
3 alternative approach that the charter school law in
4 New Mexico is designed to foster. It's the kind of
5 approach that would be very difficult in the public
6 school setting to bring off, but this partnership
7 that Mr. Kivitz and the faculty, potential faculty
8 members have alluded to is, I think, exactly what it
9 takes to make an alternative educational approach
10 work. That is, you take care of the academics, but
11 you also prepare the students for something far
12 beyond just doing well on tests.

13 On the way over here, I was listening to a
14 radio program and somebody was making that precise
15 distinction, that way too many of our students these
16 days are being prepared to do well on tests, and way
17 too few of them are being prepared to do well in
18 life. This is a program and this is a vision that I
19 think will prepare the students who graduate from it
20 to do well in life. And we need a lot more
21 alternatives that do exactly that.

22 So thank you very much. I hope you will
23 approve this charter proposal.

24 CHAIR GARRISON: Senator, thank you for
25 your time and comments.

1 Everyone that comes up, please state your
2 name for the record and please sign in so we have
3 that documented.

4 MS. MADDEN: Thank you for the opportunity
5 to address you. My name is Molly Madden, and I am a
6 parent of a child whose outcome was much different
7 than what you heard from Ms. Gabaldón. My daughter
8 Jennifer is a young, determined woman with lots of
9 spirit, but she also has mental and physical
10 disabilities which have required a variety of
11 services throughout her life. She is currently
12 employed through the Adelante employment services in
13 a job at the Holiday Inn Express in the laundry room
14 two mornings a week.

15 As a parent, I have been really impressed
16 by the expertise and experience the Adelante staff
17 has in placing disabled people in jobs in the
18 community, supporting them in those jobs, making
19 that a successful experience. Jennifer has been
20 there seven years. That is longer than my other
21 daughters have held on to any jobs.

22 The flexibility throughout the Adelante
23 employment services is very supportive as well. My
24 daughter needs a job coach the entire time she is at
25 work. Other clients in the Adelante program only

1 need help or progress checks once or twice a week.
2 Adelante also has its own enterprises with bulk
3 mailing services, document destruction where many
4 disabled adults are employed.

5 The experience and expertise in job
6 development, job placement, support I think are what
7 make Adelante an incredibly important partner for
8 the Achieve Academy. Providing vocational education
9 in high school is an incredible challenge. It's
10 difficult to find jobs for disabled students in the
11 community. The staff at the school often doesn't
12 have enough resources in terms of people to support
13 those jobs. And my own daughter's experience in
14 high school, while she had incredible, wonderful
15 teachers, she did not find job success in high
16 school because of the many barriers that the
17 teachers faced. I think if they had had this kind
18 of support that Adelante can offer, and expertise,
19 experience, and their depth of knowledge of this, it
20 would have been a much easier transition for my own
21 daughter.

22 She right now is very happy in her job,
23 and it's due to the history that Adelante has in
24 helping people with disabilities achieve their
25 goals. Certainly one of the goals for high school

1 transition students should be to be able to get a
2 job. My daughter loves her job. On Sunday
3 evenings, while my husband and I are getting ready
4 to face Monday morning, she is smiling and has to
5 remind me every single Sunday evening, "Tomorrow is
6 Monday. I'm going to work." Everybody should be
7 that happy. Thank you.

8 CHAIR GARRISON: Thank you.

9 Come on up.

10 MS. FALBO: My name is Anne Falbo, and I
11 volunteered early so I don't get any more nervous
12 than I already am. I am speaking from my heart, so
13 I hope I don't ramble too much.

14 I started my teaching career at
15 Albuquerque High School at the point when APS was
16 moving students from the severe classes that were
17 based at one or two schools, they were moving them
18 into their home schools. And I had a group of only
19 eight students, and we were supposed to teach them
20 academics. Well, I made a good attempt, but I am
21 not sure how much they learned. So I got
22 permission, after a couple of years, to start a work
23 study program, and I would go out in the community
24 and find jobs for the students.

25 After about six or seven years, I joined

1 this program that is now known as the TOP program,
2 Transition Outcomes Program. You may have heard of
3 Access or C-Tap, which was everywhere from severe to
4 mildly disabled. And from that program, we did much
5 of what Adelante is proposing, only we did it for
6 students who were 18 to 22 years old. When the
7 program first started, the students came from
8 programs that were community based where they had
9 some work experience. They were bus trained. They
10 had done interview skills, and all those type things
11 that you do for a job, and the program was very
12 successful. But schools have now started inclusion
13 programs, which means the special ed students are
14 put in with regular students, which that isn't
15 necessarily a bad thing, but they are not getting
16 that vocational aspect anymore when they are in high
17 school.

18 And I just retired in February, and all
19 the teachers there were noticing that the students
20 they were getting didn't have any skills as far as
21 job training or vocational skills. And it kind of
22 had something to do with me retiring, because it
23 seemed like without them having those skills, we
24 were unable to find the jobs as easily as we had.

25 And so in my heart, I think that the

1 school, that the Achieve Academy is something that's
2 very important. I don't think that without it we
3 are going to have much success with young adults
4 that have disabilities. I can't tell you how many
5 times parents have said to me when I was teaching,
6 gosh, I wish my kid was a regular ed student and had
7 a program like this. And it's sad that the program
8 kind of has taken a different turn because of the
9 way that the inclusion programs have worked.

10 And I feel that -- I have worked very
11 closely with Adelante through 20, 25 years that I
12 was with APS, and I feel that they are a very good
13 agency to team with on something like this. And so
14 I would like to say that I hope you highly consider
15 it, because I think it is something that will
16 benefit many young adults in the community, and it
17 will help us as citizens not having to pay for them
18 to be watched by someone else and so forth. Thank
19 you.

20 CHAIR GARRISON: Thank you.

21 We will go back here, and then we will go
22 with you in the black.

23 MS. HATANAKA: Thank you, Mr. Chairman and
24 Members of the Commission. My name is Ana Otero
25 Hatanaka, and I am the executive director of the

1 Association of Development for Disabilities
2 Community Providers. The association, known as
3 ADDCP, is a statewide organization of agencies that
4 provide comprehensive individualized options to
5 children with developmental delays and their
6 families and to children and adults with
7 developmental disabilities.

8 I want to let you know that Adelante has
9 been a very strong member of our association, and we
10 support them in this effort. I think it's important
11 for you all to recognize that Adelante is not only
12 nationally accredited, but they also have had
13 something very wonderful happen to them recently.
14 One of their director staff persons that is involved
15 in the employment field with Adelante received a
16 national award from a national organization called
17 Anchor, and out of over 300 nominations, I believe
18 she was picked as the direct care person of the
19 year. So we know that Adelante does a very, very
20 good job, especially in the area of employment.

21 New Mexico also ranks in the top ten in
22 the nation in terms of quality services in the area
23 of supported employment, and because of that,
24 efforts by Adelante and similar organizations, New
25 Mexico really does very good in this field.

1 I strongly support Adelante's efforts to
2 start the new charter school. There are so many
3 times I run into families of children with
4 disabilities who have been so frustrated by the
5 regular system and the outcomes that they are not
6 able to get for their children, that they pull them
7 out of the public school system and they end up
8 educating them at home. I think that this option is
9 very needed. I think it will be very successful,
10 and I urge for you to support it. Thank you very
11 much.

12 CHAIR GARRISON: Thank you.

13 Be careful.

14 MS. SANCHEZ: Sorry. My name is Isabel
15 Sanchez, and I am a transition counselor and a
16 vocational rehabilitation counselor for the Division
17 of Vocational Rehabilitation.

18 I am the transition specialist for
19 Albuquerque, which means that I cover ten plus
20 Albuquerque Public Schools, so I see the most
21 students coming to us that are graduating out of
22 high school and are wanting to go into the workforce
23 and have disabilities, and it runs the gamut. They
24 have physical disabilities, they have mental health
25 disabilities, and they have physical disabilities.

1 I also work with charter schools. My
2 caseload runs about 150 every year, and it's about
3 to start again. And what I am seeing is that they
4 are coming to us, and it is now the adults' world
5 they are going into, and a lot of the issues that we
6 are running into is that they are moving from the
7 entitlement world of ADA to the eligibility world --
8 I'm sorry -- from the entitlement world of IDEIA to
9 the eligibility world of ADA, and that's a big jump,
10 not only for the students but for the parents.

11 They feel that they really haven't been
12 prepared. There has been a lot of not only
13 unpreparedness on the part of just explaining a lot
14 of the laws, but unpreparedness in their
15 employment. When I read a lot of the achievement
16 proposal and, you know, the programming that they
17 are wanting to do, I just think that this is very
18 beneficial, especially some of the things that are
19 coming down the road for the Division of Vocational
20 Rehabilitation.

21 We work with Adelante, and a lot of the
22 students that come to us as adults when they turn 18
23 and are wanting services for assistance to get
24 employment are not going to be able to come to us
25 anymore, because what is going to happen because of

1 the funding in the State of New Mexico, we are going
2 to be moving to what is called order of selection,
3 and only those persons with the most significant
4 disabilities are going -- sorry. I'm going to knock
5 everything over -- are going to be able to receive
6 services. That's going to be happening.

7 We are trying not to have that happen this
8 next year, but it could happen in 2012. So only
9 those people with the most significant disabilities
10 will be receiving services, and those people who are
11 significantly disabled or labeled not significantly
12 disabled will be put on waiting lists, and we don't
13 know how long that will happen. That's a huge
14 majority of APS students. So all those students
15 with learning disabilities will be put on waiting
16 lists for we don't know how long.

17 So I look at this program that Achieve
18 Academy is able to do, and I think that at least if
19 these students are able to get prepared earlier on
20 and get this work experience and get these life
21 skills, get all of this different programming, at
22 least they would be prepared at some level, because
23 CVR is always there. They can come back when they
24 are 30. They can come back when they are 40.

25 So I just think this is a very good

1 program and something that's needed and something
2 that students aren't getting. I think one of the
3 biggest problems that I always see with all my
4 clients is they don't have life skills, they don't
5 know how to have a conversation, they don't have
6 relationship skills, they don't know how to problem
7 solve, they lack abstract thinking, and this can be
8 with the simplest learning disability. It has
9 nothing to do with mental retardation or
10 schizophrenia. It can be the simplest learning
11 disability.

12 So thank you for listening, and I hope
13 that you take everything into consideration. Thank
14 you.

15 CHAIR GARRISON: Thank you.

16 MS. MURPHY: Good afternoon. My name is
17 Michelle Murphy. I am the operations manager for
18 Gap's corporate office downtown. I am here to share
19 my relationship with Adelante from a customer
20 perspective, so a little different from previous
21 speakers.

22 I took my role about six years ago, and in
23 doing so, I quickly recognized that Adelante did not
24 treat me simply as a customer account number, but
25 they truly build a business relationship with their

1 customers. The sales rep was quick to reach out to
2 me to meet and discuss processes that were currently
3 in place, and then took the time to do a complete
4 audit for our document destruction processes to
5 identify risks for our company.

6 We are a relatively large corporation, and
7 we have quite a few unique destruction requests at
8 times. Those have also been handled seamlessly with
9 a quick e-mail to the plant process manager without
10 any issues. It's always been taken care of, which
11 is greatly appreciated because we move rather
12 quickly down there.

13 I have also had the opportunity to tour
14 their processing plant. It is very organized,
15 clean, secure, and very safe. I have had the
16 opportunity to view their workforce in the plant as
17 well as, on a biweekly basis when they come into our
18 space. They are always very respectful, very polite
19 individuals on the job.

20 That's why I feel Adelante is truly a
21 unique entity. They are a unique company. There is
22 a portion of our society that is very challenged to
23 find work, to find the proper role to allow them to
24 contribute, and Adelante has provided that
25 opportunity to this population. Through their

1 knowledge, their training, their communication, they
2 have enabled individuals to truly contribute, and
3 more than anything, I think, to be valued and to
4 feel valued.

5 So I truly do hope that you will consider
6 their application. They have achieved an excellent
7 rating for us for over six years, and I'm sure they
8 will continue to do that in other opportunities that
9 they take on. Thank you.

10 CHAIR GARRISON: Thank you.

11 MS. BARBER: Good afternoon, Mr. Chair and
12 Commission. I come to you as a spokesman for the
13 nonprofit world. I am a native of Albuquerque and
14 New Mexico, I am a grandmother of a special needs
15 teenager, but I am also the development director for
16 another nonprofit, Casa Esperanza or homes to cancer
17 patients. We are clients of Adelante. I can't add
18 more to what has already been said about the
19 professionalism of Adelante.

20 But we have an experience in the special
21 needs world. We have volunteers that come to Casa
22 every day, APS students, charter school students
23 that are required to do a certain amount of
24 community service. We have traditional students
25 that come in, often delay their time. They are

1 required to do 8,000 hours and they come in the last
2 weeks of the semester and want to do all their time
3 in two weeks. But recently, over the last couple
4 years, we have had the APS special needs students
5 that are post high school graduation volunteering at
6 Casa every day, and it's been wonderful having them
7 in the house. One, because our cancer patients get
8 to experience other joyful people in the house, and
9 it's been a good relationship.

10 But this year, the program wasn't able to
11 come back to Casa. Because they didn't have enough
12 teachers, they weren't able to find a place for
13 them. So I began to wonder about where were they
14 going, what skills were they learning. Then I heard
15 about this program, and I am delighted that there
16 will be other growth opportunities.

17 Recently we had a young woman come to
18 Casa. She is 15 years old. Her dad wanted her to
19 learn some job skills and wanted her to learn what
20 it was like to be in the community and volunteer her
21 time. She wanted to clean, so we tried to give her
22 some tasks, and they weren't important enough. She
23 wanted more cleaning jobs.

24 Well, we are not trained for her needs, so
25 I was able to call Adelante, find out what to do,

1 how to find a place for her, and we were able to
2 take our volunteer and to connect her into Adelante,
3 to give her an opportunity to learn some new skills.
4 The person that was made most joyful was her father,
5 because he had no other resources. He didn't know
6 what to do. He knew in his heart that he needed to
7 find a place for her, but he didn't know where to
8 look, who to ask, how to find her job skills, but
9 how to find her skills about enjoying her life and
10 finding a place.

11 I hope that you will support this program.
12 I totally endorse it, but there is another part. We
13 are in an economy where we talk often with
14 nonprofits about nonduplication of services. There
15 is not enough money to go around anymore. The time
16 of liquid funds has passed. Adelante is unique. I
17 hope you will consider their request and that this
18 program will be very unique. Thank you.

19 CHAIR GARRISON: Thank you.

20 MS. MICHNOVICZ: Good afternoon. My name
21 is Stephanie Michnovicz. I am with Cancer Services
22 of New Mexico. It's a real honor to be here to talk
23 about Achieve. We too are a client of Adelante.
24 Right now we have a very large task that's being
25 done by Adelante. It's something I coordinate and

1 have used volunteers in the past which I could do
2 for free. But we tried, as a trial, to take this
3 there, and we were so pleased with the results that
4 we wrote a grant to get monies to hire Adelante to
5 do a grander scale.

6 I am so excited to hear what Ms. Madden
7 said about her daughter, to hear that there is
8 somebody -- and there's just scores of them at
9 Adelante -- who are given such opportunities that
10 they wouldn't get elsewhere or necessarily in
11 traditional fields of employment. And I speak, too,
12 as a former educator and a long history in
13 education, and I think Achieve Academy is such a
14 delight to hear about, and I really hope that you
15 will listen to everything that's been said today and
16 support them in any way that you can. Thank you.

17 CHAIR GARRISON: Thank you.

18 Right here, sir, come on up.

19 MR. MURREL: Good afternoon. My name is
20 John Murrel. I work with Meyners & Company. We are
21 a local CPA firm.

22 I have got quite a few ties to Adelante.
23 First of all, our firm uses them in our office.
24 Second, I audited Adelante for quite a few years
25 before I switched positions in our firm, but I want

1 to speak to you today about, again, I am also a
2 former educator. I taught high school in Los
3 Angeles, and I just want to emphasize the need for a
4 school like this.

5 In my economics course, the most I think
6 exciting, at least for me and the one section that
7 the students really enjoyed was learning about job
8 skills, vocational skills, life skills, and learning
9 those things. And I think Achieve Academy will
10 combine both that, which I think is extremely
11 important, with helping members of the community
12 that Adelante supports.

13 So I really just wanted to just give you
14 my viewpoint on why this is really important to have
15 this type of charter school, and that it would
16 really be a good valuable thing for the Albuquerque
17 community. Thank you.

18 CHAIR GARRISON: Thank you.

19 Any other community input?

20 I would like to ask the applicant to come
21 back up to the table, and as soon as you get
22 situated, we are reserving this time to address any
23 questions that any of the individual commissioners
24 may have of you.

25 Who would like to start, Commissioners?

1 MR. BERGMAN: I will start if no one else
2 would like to start.

3 CHAIR GARRISON: Commissioner Bergman, you
4 will start.

5 MR. BERGMAN: Thank you.

6 I have read the application. I do not
7 have it in front of me. I just have notes, so I
8 can't tell you exactly where some of my questions
9 are coming from, but I can tell you the page but not
10 the paragraph. I have read the preliminary
11 analysis. I know you are going to answer that in a
12 few days, so some of my questions may touch on that
13 and you may already be working on it, but I feel
14 like I would like to ask the questions anyway.

15 Given that you are going to use the E
16 20/20 online curriculum -- and if this was in your
17 application, I missed it -- how much of your
18 instruction is going to be online and how much is
19 going to be traditional?

20 MR. KAUFMAN: Mr. Chairman, members of the
21 commission, first of all, the E 20/20 is a
22 self-paced computer based educational program that
23 meets New Mexico State standards and benchmarks. So
24 depending upon enrollment, those students who are
25 general education, completely full and general

1 education, would be utilizing the E 20/20. Those
2 students additionally who come into the school with
3 an IEP would have their IEP addressed based on its
4 information provided.

5 So in terms of how much of the program
6 would be based on E 20/20, one of the great things
7 about Achieve Academy is that it's almost fully
8 individualized, and so each student will start where
9 they are based upon their SBA scores. If they are a
10 generalized student, all the short cycle assessments
11 and where they are from their Q records, and then
12 from there, we move them forward. That would
13 determine how much -- of course, enrollment, again,
14 determines how many students would work with the E
15 20/20, but those again that have an IEP would then
16 have their IEP addressed based on least restrictive
17 environment.

18 In addition those students who come to us
19 with indetermined, undetermined kinds of abilities
20 that may put them below grade level, that sort of
21 thing, they would be addressed based upon the
22 students. This is a team process, and we would then
23 follow through to determine what their needs are and
24 go through the process with RTI, with any of the
25 response to intervention requirements and those kind

1 of things. So to answer your question, really it's
2 individualized based on the student.

3 MR. BERGMAN: I know it's premature,
4 because you don't know what mix you are going to
5 have yet.

6 MR. KAUFMAN: Exactly. But the
7 application, I think, is ready and prepared to meet
8 the needs of all children, of all students who
9 attend.

10 MR. BERGMAN: And there was a reference I
11 noticed in there, and let me read it. I think it
12 was somewhere around page 63 or page 64. It said,
13 although we do not have a lot of money in the budget
14 to purchase computers in year one, we will seek
15 donations of used computers. Now, here again, if
16 some of the content -- we don't know how much yet --
17 is going to be online, it would seem to me that
18 computers would be the No. 1 priority.

19 MS. KELLEY: I'll address that,
20 Commissioner. Thank you very much. Yes, that was
21 an oversight. We do apologize. There would be
22 funding that we would look to support the purchase
23 of the computers, and that would ultimately be our
24 primary responsibility to get within the first year,
25 and so we will be addressing that in our response to

1 you.

2 MR. BERGMAN: Okay, thank you.

3 The next one is a budget thing, and I
4 understand it's a proposed budget. I don't normally
5 ask the budget questions on this panel, but I want
6 to ask this one. On page 62, it was noted that
7 legal services are going to be \$500 per student.
8 That just seemed kind of high to me. Is there a
9 reason for that?

10 MS. KELLEY: Yes. We do foresee, after
11 speaking with the business manager at a couple of
12 different schools, they did indicate that with the
13 population we would be supporting, to expect much
14 higher incidence of reports and attorneys fees
15 upfront, so it was with after consulting with
16 business managers from two different schools that we
17 projected that figure.

18 MR. BERGMAN: Okay, great.

19 I think I'm done. Thank you.

20 CHAIR GARRISON: Commissioner Shearman.

21 MS. SHEARMAN: Yes, sir, thank you.

22 First of all, I would like to say I am
23 certainly intrigued by the basis for your
24 application, though there are some concerns and
25 questions and perhaps holes in the plan as have been

1 identified in the review.

2 One thing, though, that interests me,
3 there was a comment made -- it's not about
4 graduating. It's about getting a job, and I don't
5 remember who said that. Somebody did. And I can
6 see where with the model that you have, that would
7 be a reasonable thing to say, I guess. But these
8 are still schools, and everybody is held to the same
9 standards. It doesn't matter who necessarily you
10 are working with, if they are prepared to get a job,
11 that's wonderful.

12 But let me tell you, the first time that
13 you have a class that nobody graduates or very few
14 graduate, just wait until the state graduation rates
15 come out. Wait until your individual graduation
16 rates come out and you make the headlines, or New
17 Mexico's graduation rate. The first time AYP scores
18 come out and your school is failing because your
19 kids went to work, they didn't graduate, they went
20 to work, so you are labeled a failing school. Then
21 you get beat up some more, and all education gets
22 beat up some more.

23 Our legislator who is here, you know, you
24 are in a catch-22 situation really. You are trying
25 to do what is right for these kids, but there are

1 other mandates out there that need to be recognized
2 and attended to. And I don't know how you walk that
3 chalk line. I don't know how you will get it all
4 done.

5 MR. KIVITZ: Mr. Chairman, if I can
6 address that. I am the guilty party, and the words
7 were graduation is not an outcome, employment is.
8 And by that I certainly don't mean to say that
9 getting that diploma is not an important thing. We
10 fully appreciate that. That's exactly one of the
11 most important measures of the school, and I hope
12 all the other things that we said indicate that we
13 intend to have people graduating who weren't
14 graduating before. We intend to have that whether
15 they are special needs or not special needs
16 students.

17 So maybe there is unfortunate wording in
18 there, but what I was trying to say really is kind
19 of like the story that was told. A diploma without
20 a life after it is hollow. That's a hollow victory
21 for education. A diploma with a life after it is
22 what we are going for, and we certainly won't --
23 there is no room for us not to want to graduate
24 every single student that we have in there.

25 We hope actually to help graduation rates

1 throughout the state by bringing in people who
2 clearly, the stats that Krista mentioned, 64 percent
3 of the kind of students that we are serving drop
4 out. We are wanting to not only have them in, but
5 have them with us all the way, and then have them
6 have a good lifetime after that.

7 So please don't take what I was saying as
8 not appreciating or being willing to let students
9 not graduate. That's not at all true.

10 MS. SHEARMAN: I appreciate that
11 clarification.

12 MR. KAUFMAN: He is not the educator.

13 MS. SHEARMAN: Now, let me go on to my
14 real questions. Commissioner Bergman asked about
15 computers first, and certainly that's a big area of
16 mine. Tell me how much money you are going to spend
17 on computers and where it is in the budget.

18 MS. KELLEY: Commissioner, as before, we
19 fully intend to make that a priority. That was an
20 oversight on the part of myself who actually wrote
21 that part of the application, and we will respond to
22 that definitely.

23 MS. SHEARMAN: So it's presently not in
24 the budget?

25 MS. KELLEY: It is not in the budget.

1 However, it will be made a priority, yes, to ensure
2 that there are funds. It was an oversight in the
3 budget. There is funding in there, and I believe
4 it's in the equipment.

5 However, if you will notice in year one,
6 our budget was extremely tight, and we did not
7 include anything in the way of grant funding in
8 there to be on the conservative side. We do foresee
9 being able to get a number of grant funds, the IDEIA
10 funding as well, and we will be making that a
11 priority.

12 MS. SHEARMAN: Okay. So are you saying
13 it's down in property, supply assets or fixed
14 assets, because I notice in year three they come
15 alive, or year two, you have 22,000 and in year
16 three it's 78,000 --

17 MS. KELLEY: Correct.

18 MS. SHEARMAN: -- but that's after you are
19 going for a while so it's got to keep you --

20 MS. KELLEY: If you wouldn't mind me
21 responding in written form to that, I would
22 appreciate it.

23 MS. SHEARMAN: All right.

24 MS. KELLEY: Thank you.

25 MS. SHEARMAN: My other concern is,

1 question is, this software, the E 20/20, where is
2 the purchase of it in here in this budget?

3 MS. KELLEY: I don't have the budget in
4 front of me. I apologize. Is that something as
5 well that we can respond to in writing?

6 MS. SHEARMAN: You have got 35,000 in here
7 for software and software licenses, the first year,
8 70,000 the second year. I thought perhaps that --

9 MS. KELLEY: I believe the increase the
10 second year is to accommodate for the extra licenses
11 for the additional students.

12 MS. SHEARMAN: Okay. So that's your site
13 license for it?

14 MS. KELLEY: Correct.

15 MS. SHEARMAN: Okay. Is it resident on a
16 server or is it something that you access online?

17 MS. KELLEY: I would like to respond to
18 that in writing. I'm not familiar with that at this
19 point, but I would like to respond to it in writing.

20 MS. SHEARMAN: And let me just state that
21 I taught online quite a bit. I will tell you I have
22 grave reservations that every one of your students
23 will be successful in an online environment,
24 particularly a self-paced online environment. It's
25 not for everybody is what we found.

1 MR. KAUFMAN: Commissioner, if I might, in
2 addition to the E 20/20, of course as was stated
3 earlier, we will have teachers who are dual
4 certified, so they will have both general education
5 endorsements and special education endorsements.
6 They will act as teachers, as mentors, in addition
7 to the E 20/20 to support those students as they may
8 struggle, as you say, and I have, you know, those
9 kinds of reservations about a student who solely is
10 educated through a computer based learning process.
11 That is why we will have teachers certified,
12 endorsed teachers ready, at the ready for those
13 students who undertake the E 20/20 program to
14 support them.

15 MS. SHEARMAN: Tell me how that will look.
16 Is it going to be like a pull-out program?

17 MR. KAUFMAN: Well, I have seen it in
18 charter schools where students have a particular
19 core block of time, for example, for their literacy
20 and that sort of thing where they would have a core
21 block of time where they would be utilizing the
22 computer program, while at the same time a teacher
23 will be standing by, at the ready to support that
24 student and their needs. So it really does develop
25 a teacher-student relationship for their success.

1 So it's more than, it simply is more than the use of
2 the computer support, the computer program. It has
3 to rely upon that spark, that relationship between
4 the teacher and the student.

5 MS. SHEARMAN: I think I have one more
6 question, but I'm not -- let me get to it. No. I
7 believe that was it. Thank you very much.

8 CHAIR GARRISON: Commissioner Gant.

9 MR. GANT: I guess I have just one
10 question. Although I read through this and I
11 thought I understood it, but all the speakers come
12 up, I would say 95 percent of them talked about
13 Adelante.

14 MR. KIVITZ: Adelante.

15 MR. GANT: Who is running the school? I
16 mean, seriously. I am serious, because most of the
17 speakers talked about the company but said very
18 little about the school. Please explain.

19 MR. KAUFMAN: Adelante will be operated,
20 as you said, it will be governed by a governing
21 council which will be entirely legally separated
22 from anything to do with Adelante, except that the
23 intention is to develop partnerships, legal
24 partnerships, and then an agreement between the
25 governing council of Achieve Academy and Adelante.

1 We as Achieve Academy believe that Adelante has the
2 resources and the interests to support Achieve
3 Academy, and we believe that that's the appropriate
4 way that it will operate.

5 MR. GANT: How much time will the students
6 be spending at the company learning skills out
7 there?

8 MR. KAUFMAN: If I may, Commissioner, that
9 will entirely depend upon their course of study. It
10 will depend upon if they are a special needs
11 student, their IEP which will dictate how much time
12 they will be in a vocational or an employment,
13 supported employment setting or a full employment
14 setting. They will meet the requirements for their
15 core subjects, their high school core subjects, and
16 then the point of the partnership with Adelante, of
17 course, is that electives would be taught through
18 the partnership with Adelante.

19 MR. KIVITZ: Yeah. I appreciate your
20 question and where it's coming from. This is not
21 Adelante, Jr. Adelante has got certain connections
22 with the business community and volunteer community
23 that are transferred over to Achieve Academy, and
24 it's not a matter of participating at an Adelante
25 site or facility. That can be an option depending

1 on an individual's career plan, but the important
2 thing, and we appreciate everyone's enthusiasm for
3 Adelante, and hopefully all that does is say there
4 is some knowledgeable background behind it to give
5 it some power, you know.

6 But what Adelante has the ability to do is
7 connect with the business community, and that's what
8 makes this unique. And so people might be working
9 at the Gap, they might be working at getting
10 experiences and getting paid for those experiences
11 while they are getting a school education, and so
12 they are getting paid. They are staying in school.
13 They are working. They are learning work skills.

14 This is not a matter of utilizing Adelante
15 for anything other than what the governing board,
16 governing council of Achieve and its administrators
17 decide that they want to use. We were hoping that,
18 if you will, a little bit of the credibility of
19 having something established. We know groups get
20 together and meet with you, and they have a very
21 good idea. And they say, how do we know you can
22 account for the funds? How do we know you can
23 comply with regulations?

24 We would like that credibility to transfer
25 over to Achieve, while at the same time tapdancing

1 and letting you know that it's not the same
2 organization. They are two different organizations.
3 After a year or two, after that knowledge is
4 transferred over, you see a greater and greater
5 separation. We are most committed to getting this
6 thing going and meeting the needs that the speakers
7 ultimately spoke to. That's what we are interested
8 in. We know that we want to have kids coming out of
9 the schools prepared to be going to work, and if
10 they come to a program like Adelante and they have
11 other choices, they can move on from there.

12 MR. GANT: As I gather, they are going to
13 be working in a community. When are the students
14 who did go to job sites, what time of day will they
15 be working? In the evenings? During the day? How
16 will they be counted as credible hours to be counted
17 for graduation? You know, you have to have the kids
18 in school so much of the time.

19 MS. MURPHY: Absolutely. I have had the
20 fortune of working for Albuquerque Public Schools
21 for the last 29 years in transition as a resource
22 teacher, and my charge was to work with teachers in
23 the schools to try to create community referenced
24 learning opportunities, volunteering when you are
25 younger, in ninth and tenth grade, and in 11th and

1 12th grade actually being competitively employed in
2 the community. A real drawback there is a lot of
3 teachers don't have the expertise or the comfort to
4 be able to go out and create those opportunities for
5 kids that may be on a career readiness course of
6 study or an ability course of study. These are
7 individuals with more significant disabilities,
8 which is what Achieve is all about.

9 Adelante development center has everything
10 in place that teachers in the public schools are
11 trying to prepare these kids to do but they don't
12 have that connection, because kids, when they
13 graduate from high school, are not eligible to go to
14 Adelante until after they are done with high school.
15 You can't mix the services.

16 So to answer your question, it's all
17 individualized. I imagine that younger kids in
18 tenth grade would spend more time in academics and
19 core curriculum and start to sample jobs. We have a
20 little continuum of what it looks like, 10th, 11th,
21 and 12th grade in our application.

22 As they get older, they start to learn
23 more about what they like, what they can do, what
24 they want to do after they graduate. A lot of these
25 kids unfortunately are not going to go to community

1 college or university. They don't have the academic
2 skills to do that due to their disability.

3 As Ms. Sanchez was saying from DVR, they
4 are cutting back their services too, so only the
5 kids with the most significant disabilities are
6 going to get services from the Division of Vocation
7 and Rehabilitation, which is a good thing, but there
8 are going to be a lot of kids that are going to fall
9 through the cracks, kids that have mild and moderate
10 learning disabilities, kids with mental retardation,
11 kids with mental illness, et cetera.

12 So the way we did it in APS, when you are
13 on the career readiness path where you have to have
14 four credits of work-based learning or work study or
15 volunteer work, which we are going to adhere to the
16 career readiness and pathway as well as the ability
17 pathway, so it's all individualized. We want
18 individuals to come into Achieve Academy that have
19 work as a goal for them in the future, that they are
20 going to be able to do something that they are
21 successful at after they graduate from high school,
22 which will also be complemented with their core
23 curriculum in academics, math, reading, and social
24 studies. So does that help?

25 MR. GANT: Yes. Are you using the seven

1 career pathways as established by the State of New
2 Mexico?

3 MS. MURPHY: The seven career pathways. I
4 only know about three.

5 MR. GANT: There's seven.

6 MS. MURPHY: Seven.

7 MR. GANT: There was six.

8 MS. MURPHY: That must have just happened
9 this summer.

10 MR. GANT: No, no.

11 MS. MURPHY: There is standard, career
12 readiness, and ability that I know about.

13 MR. GANT: Go online. See it under CTE on
14 the PED website.

15 MS. MURPHY: Is it pathways -- there is
16 another kind of career pathway where it's like
17 industrial arts, health, that kind of thing. That's
18 a part of the standard pathway. But there is a
19 pathway for students that receive special education
20 services, they can be either on standard, which
21 again all -- I believe it's 27 credits to graduate.
22 There is a career readiness which is a mixture of
23 those core credits as well as some vocational
24 experience and some elective, which we want to do
25 through our work based learning program. Then there

1 is the ability kids, which are individuals with
2 various disabilities which probably a lot of those
3 individuals can't read, can't write, can't walk,
4 can't talk. It's two different pathways.

5 I know there's the career pathways, and
6 then there's the pathways toward graduation for
7 individuals that receive special education services,
8 and I believe that 80 percent of the students need
9 to be on the standard pathway, maybe 85, and then a
10 small amount on the career readiness, and then a
11 lesser amount on the ability, and that goes along
12 with the way the population is in society. There is
13 less individuals with severe disabilities. There is
14 more individuals with less significant disabilities.

15 MR. GANT: Thank you.

16 MS. MURPHY: Thank you.

17 CHAIR GARRISON: Commissioner Shearman.

18 MS. SHEARMAN: I finally found my other
19 question. It's in regard to your ELL students. On
20 page 50 of your application, it says you will be
21 contracting with a partner charter school for those
22 ELL services for students. But the other school is
23 not identified. I am wondering, is that agreement
24 in place already?

25 MS. KELLEY: No. There is not an

1 agreement in place yet. However, there are
2 conversations with other schools at this time.

3 MS. SHEARMAN: Okay. Thank you.

4 CHAIR GARRISON: I am curious about the
5 physical education curriculum, what that looks like
6 with so many children with disabilities. I am
7 physically handicapped, a horrible accident like you
8 had, and I have a master's in physical education.
9 We are staring at obesity as a public crisis, so
10 what does that look like and what does your adaptive
11 physical education, which resembles physical
12 therapy, look like so these children stay healthy
13 and continue to live strong?

14 MR. KAUFMAN: Thank you, Commissioner. Of
15 course, special education is a part of the core
16 state standards and benchmarks, so we fully expect
17 to address those. For those students with special
18 needs of any kind, whether it's 504 or IEP, those
19 students, of course, will have those met through the
20 dictates of that IEP.

21 We, as Ms. Murphy indicated, will be
22 providing a full continuum of services, and that's
23 partly due in part to, I think, the relationship
24 that we intend to develop between Adelante and
25 ourselves at Achieve Academy, because they do have

1 additional resources that a start-up school -- and
2 especially if you know about other, charter schools
3 do not seem to be able to produce in terms of
4 adapted physical education, those kinds of programs.
5 They will be provided through that partnership, but
6 for general education students -- and we do plan to
7 have general education students in our program. We
8 will meet all of the state standards and benchmarks,
9 and they will get their fill credit through the high
10 school program.

11 MS. KELLEY: Chairman, Commissioners, I
12 believe we also mentioned within the application
13 that Adelante does have programs such as yoga, art,
14 music, and dance that students would have
15 accessibility to should that be part of what they
16 are choosing.

17 CHAIR GARRISON: Were you planning on --
18 does E 20/20 have physical education online?

19 MR. KAUFMAN: I believe it has a nutrition
20 portion of it, because, of course, part of, I think,
21 part of physical education is food and nutrition and
22 I think --

23 CHAIR GARRISON: It should be many times.

24 MR. KAUFMAN: Yes, true. But there is a
25 portion of the E 20/20 that does address that as an

1 elective course, and so that is a part of that. But
2 at the same time, obviously that can't supplant the
3 need for the actual physical education portion of
4 it, and that will be provided, of course, through
5 partnerships. Because what we are talking about is
6 having teachers who are employed by Achieve Academy,
7 who are dual certified. That means that they are
8 basically certified in core subjects.

9 We envision that they would be certified
10 in -- that they would have endorsements in reading
11 and math, of course, and in special education.
12 There are those people out there we have identified,
13 the fact that there are people out there with those
14 kind of endorsements, but physical education, as a
15 stand alone endorsement, as we start up, I think we
16 envision that we would need a partnership, and
17 that's the way it's stated in the application.

18 MR. KIVITZ: And I think, too, that your
19 question is a good one because it gets to the beauty
20 of the school. And students learn best, the
21 students that we work with, people who come to us
22 after they are 21 in the environments that they are
23 going to be performing in or living in. That's just
24 a fact, and there is not as much transfer of
25 knowledge when you teach in one environment and then

1 you require that same set of skills to come out in a
2 different environment. But Achieve has the
3 flexibility to do -- and Adelante can show them
4 this. This is part of the technology.

5 Let's say several students have something
6 in their plan, and they need to physically be
7 stronger, and that is part of their education plan.
8 Rather than set up a separate facility for that, why
9 not have several of them go, for example, with an
10 educational staff to a gym, to swimming, to
11 something in the community where they are not only
12 getting their physical education, but they are also
13 getting socialization, they are learning community
14 interaction. Those kind of options can be possible
15 as long as they are within the regulations of the
16 school.

17 CHAIR GARRISON: Thank you.

18 The application states that the ELL
19 students will receive services by contracting with a
20 partner charter school. Who is the charter school?

21 MS. KELLEY: We have not identified a
22 specific partner as of yet. However, conversations
23 are underway with charter schools.

24 CHAIR GARRISON: Thank you. I guess I
25 look forward to, as well as some of the other

1 commissioners, seeing the written responses to some
2 of the questions in regard to the relationships, so
3 there is a clear line of demarcation between Achieve
4 and Adelante. So we can look at it as an education
5 body, a state authorizer, so that we are authorizing
6 a school, not a job placement program.

7 I am almost being facetious, but you know
8 what I mean. You are not an educator, but he came
9 up with a play on words. He said path room. I kind
10 of like that.

11 MR. KIVITZ: At least it wasn't bathroom.

12 CHAIR GARRISON: Right, right. Just a
13 letter away.

14 Commissioner Bergman.

15 MR. BERGMAN: Actually a couple things did
16 occur to me. I would probably like to note that our
17 chairman, esteemed chairman, makes his living in the
18 health and wellness area, and I know when he looks
19 over here at my Carl's Jr., that drives him crazy.
20 But I am at an age where I have to enjoy my life as
21 I go. That's not the thing.

22 I noticed one thing -- this is for my own
23 knowledge really. I have reached the age where a
24 fact comes in over here and another one has to leave
25 over here. I am just curious. It was noted in your

1 student handbook that all students, staff, and
2 visitors are asked to make an attempt to use sign
3 language when communicating. I am just curious what
4 the rationale is for that.

5 MS. KELLEY: That was a misstatement,
6 Commissioner. I apologize. I was actually in the
7 process of writing the application and looking at
8 another application to actually utilize best
9 practices, and that was a misstatement.

10 MR. BERGMAN: I was just curious.

11 And you did mention that some of
12 Adelante's services are going to be available, and
13 then that reminded me that I think I saw in the
14 application that there was a possibility you were
15 going to charge the charter school for some of those
16 services. I thought I saw that, and maybe I saw it
17 in the preliminary. I'm sure you will address that.
18 I think the words conflict -- potential conflict of
19 interest were mentioned there. Here again, we have
20 to be -- perceived conflicts of interest are in the
21 news right now. We have got to be very careful
22 about that. Can you address that?

23 MR. KIVITZ: Yeah. You are absolutely
24 correct. There is perceived conflicts of interest
25 which are sometimes almost as bad as an actual

1 conflict of interest. One of the things we
2 originally thought of was to have some
3 interpollination between our boards. That's
4 something that came up and it was marked as a
5 perceived conflict of interest. I don't think it's
6 an actual conflict of interest, because as a board
7 member for a nonprofit or a governing council
8 member, you have no personal benefit but to remove
9 any perceived conflict of interest. We have no
10 problem keeping both groups very separate.

11 The governing council will be the
12 determiner of contracts, whether contracts with
13 Adelante. The facilities, the technology, the
14 knowledge is there with Adelante, but Adelante is
15 not the entity. It is the governing council's
16 authority as to how much and where it uses any kind
17 of Adelante's services that are available.

18 MR. BERGMAN: Certainly. I assume you
19 will address this in your written remarks that we
20 will see here next week. Thank you.

21 That's all I have, Mr. Chairman.

22 CHAIR GARRISON: As I was having my
23 healthy Chick Filet and powdered donut, I do not
24 recall if any of the commissioners addressed the
25 transportation issue that was mentioned in the

1 review of the application. The applicant does not
2 address how transportation to and from work sites
3 for students will be accomplished.

4 MR. KIVITZ: Yes. That's another event.
5 I hate to keep saying -- I don't even want to say
6 the word Adelante anymore for the moment. There is
7 an organization that Achieve will be working with
8 that has a fleet of over a hundred vehicles that are
9 all inspected and legal and with --

10 CHAIR GARRISON: So they are not state
11 vehicles?

12 MR. KIVITZ: They are not state vehicles.
13 With real licensed drivers and all that kind of
14 thing that will be available, at the disposal of
15 Achieve, and that other organization has a lot of
16 experience in getting people to a lot of different
17 work sites and experiential sites throughout the
18 community. So that's an example of the kind of
19 technology, if you will, if you can call that a
20 technology, that will be transferred over to
21 Achieve.

22 CHAIR GARRISON: Thank you.

23 Clarification, with no charge? With what
24 type of a cost for transportation?

25 MR. KIVITZ: That will be negotiated

1 between the governing council and Adelante.

2 MS. MURPHY: I was going to say also for
3 individuals that are able to take a city bus -- we
4 have a pretty good transit system here in
5 Albuquerque -- our teachers and educational
6 assistants and job coaches will train and not let
7 the kids in the school go on by themselves until
8 they are ready, but train them to take the bus so
9 they can go from home to school and from school to
10 work and back home again from work if it's possible.
11 It's a very important part of the transition plan,
12 and lots of individuals with all kinds of
13 disabilities use the Sun Train system.

14 MS. GABALDÓN: I just wanted to add a
15 comment, because I currently am a teacher at another
16 charter school, and I was asked to provide my input
17 to this team. And working, my only experience is in
18 the charter school world, and what I think is so
19 awesome for Achieve Academy is the partnership with
20 Adelante. I can understand your apprehension about
21 those perceived conflicts of interest, but the
22 charter schools that I have worked with, we struggle
23 so much with transportation, with facilities, with
24 all of these benefits that the partnership with
25 Adelante is going to be able to provide. That is

1 already in place.

2 If this charter is granted, they are going
3 to be ahead of the ballgame, so much farther than
4 even well established charter schools already,
5 because they are starting out on day one with
6 relationships, stable, credible, reliable
7 relationships already in place to help the students,
8 the families, and the teachers accomplish their
9 mission.

10 And I just want to add that, because
11 having, just having the charter school world
12 experience, these are daily challenges for all of
13 us, and I think that they are going to, with that
14 relationship already established form the start,
15 they are going to start a little bit ahead of the
16 ballgame.

17 CHAIR GARRISON: Thank you.

18 Mr. Bergman.

19 MR. BERGMAN: I just wanted to clarify. I
20 don't live here. I live in Roswell, but I suspect
21 that Adelante does a great job in an area of
22 critical need in this community, and you may advance
23 out of this community. But I did not mean anything
24 negative in any questions that I asked. I
25 understand. I just felt like I had to -- I just

1 wanted to make that point. Nothing negative.

2 CHAIR GARRISON: Are there any other
3 questions by any commissioners?

4 The commission encourages continued public
5 input in writing until Friday, August 20th, at 5:00
6 p.m. Written comment should be sent to Public
7 Education Commission, Beverly Friedman, 300 Don
8 Gaspar Avenue, Santa Fe, New Mexico 87501. I
9 believe we provided the e-mail address for Beverly
10 Friedman. They are over here, so I don't have to
11 give you the dot, dot, dot, state.nm, all that
12 stuff.

13 We request that the applicant adhere to
14 the deadline and submit their written responses to
15 both the preliminary analysis and our questions by
16 e-mail to Beverly Friedman to ensure that they are
17 received on time for consideration in our decision
18 making meeting on September 9, 2010.

19 The commission will now recess until
20 tomorrow morning. Thank you so much.

21 (The hearing concluded at 2:24 p.m.)
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25

1 STATE OF NEW MEXICO)
2 COUNTY OF BERNALILLO)

3

4 REPORTER'S CERTIFICATE

5 I, Sally Peters, RPR, CCR #57, Certified
6 Court Reporter in the State of New Mexico, do hereby
7 certify that the foregoing pages constitute a true
8 transcript of proceedings had before the Public
9 Education Commission, held in the District of New
10 Mexico, in the matter therein stated.

11 In testimony whereof, I have hereunto set
12 my hand on August 17, 2010.

13

14

15 _____
16 SALLY PETERS, RPR, CCR #57
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