

1 ELECTUS ACADEMY:

2 THE CHAIR: We will begin with Agenda
3 Item 8H, the Electus Academy. I would like to ask
4 the applicant to come forward, and before you
5 introduce yourself, we will receive the Charter
6 School Division ten-minute presentation.
7 Ms. Callahan.

8 MS. CALLAHAN: Mr. Chair, Commissioners,
9 on the matter of Electus Academy in Albuquerque, the
10 Charter School Division recommends that the
11 application for Electus Academy in Albuquerque be
12 approved with provisions that must be completed
13 pursuant to the Charter School Act and will become
14 material terms in the charter school performance
15 contract.

16 The PEC may identify other potential
17 material terms which will be part of the performance
18 contract negotiation process. The basis for this
19 recommendation is stated in the Charter School
20 Division's application final recommendation and
21 evaluation for the school which is located in the
22 PEC document notebook under Tab 8H.

23 The statutory provisions that must be
24 completed by Electus Academy Albuquerque are:

25 1. The Planning Year Checklist. The

1 applicant will complete the 2012-13 Planning Year
2 Checklist as developed by the Charter School
3 Division according to the time lines set forth
4 therein, which shall include regular progress
5 reporting to the Charter School Division.

6 No. 2: Board of Finance designation. The
7 governing body of the charter school must submit an
8 application to the Public Education Commission to be
9 designated as a Board of Finance, pursuant to
10 6.80.4.16 of the New Mexico Administrative Code, on
11 or before the end of its planning year, June 30,
12 2013. The applicant acknowledges that it shall not
13 receive any state or federal funding, if available,
14 until such time as it has been granted Board of
15 Finance status by the Public Education Commission.

16 No. 3: The Public Schools Facility
17 Authority Certification of Facilities. The charter
18 school will demonstrate to the Charter School
19 Division that, prior to commencing operations, that
20 it has sought and obtained certification from the
21 PSFA, that the facility the charter school intends
22 to occupy will receive a weighted New Mexico
23 Condition Index, wNMCI, rating equal to or better
24 than the average condition for all New Mexico public
25 schools for the year the charter intends to occupy

1 the facility; or, the charter school can demonstrate
2 that, within 18 months of occupancy, that it has a
3 plan for achieving the wNMCI. This is pursuant to
4 22-8B-4.2(C), 2011, New Mexico Statutes 1978.

5 No. 4: Performance contract. The charter
6 will be effective upon the applicant and the Public
7 Education Commission negotiating and signing the
8 performance contract pursuant to 22-8B-9, New Mexico
9 Statutes 1978.

10 No. 5: Commencement of operations. Prior
11 to the end of the planning year, June 30, 2013, the
12 charter school shall demonstrate that it has
13 completed the above provisions stated herein, or by
14 operation of law, before commencing full operation
15 for the remainder of its term; 22 -- pursuant to
16 22-8B-12, New Mexico Statutes, 1978.

17 And, Mr. Chair, and Commissioners, I draw
18 your attention to the recommendation document that
19 is in your packet, where it talks about the proposed
20 conditions. And in my opening statements, I refer
21 to approving with conditions as part of the statute.
22 The contract itself will determine what those
23 conditions are going to be. What we did is laid out
24 some provisions or observations that we made about
25 the application that we wanted to bring to the

1 attention of the Commission.

2 So if you look at Page 2 of the
3 recommendation document, where we recommend that
4 Electus Academy be approved with conditions, the
5 conditions that I just stated, along with these
6 areas of concern that be addressed during the
7 planning year, I'd like to read into the record with
8 your permission, Mr. Chair.

9 THE CHAIR: You have my permission.

10 MS. CALLAHAN: The areas of concern to be
11 addressed during the planning year by Electus
12 Academy.

13 No. 1: Select a short-cycle assessment
14 and reference the assessment in revised performance
15 related goals.

16 No. 2: Revise personnel policies
17 specifically in the following areas:

18 Discipline: Insure that the discipline
19 policy provides due process and paid military leave;
20 insure that it does not violate the state's
21 anti-donation law.

22 Three: Revise performance and offerings
23 goals to make sure they are specific, measurable,
24 ambitious, and timed out.

25 Four: Provide a plan and describe in full

1 the implementation of Student Assistance Teams and
2 response to intervention.

3 Five: Adjust schools' teacher salary
4 schedules so that it complies with State
5 expectations.

6 Six: Insure that the school's governing
7 council committees include two committees of finance
8 and audit that comply with State guidelines. And;

9 Seven: Revise the school's sustainability
10 plan to address building the school's capacity in
11 the fooling areas: Finance, governance, facilities,
12 community relationships, student enrollment, and
13 charter compliance.

14 This is the -- includes the recommendation
15 from the Charter School Division.

16 THE CHAIR: Thank you, Ms. Callahan. We
17 ask the applicant to state your name, title, and any
18 other -- introduce any other folks that are here on
19 behalf of your school. Good morning.

20 MR. BAIARDO: Good morning. My name is
21 Justin Baiardo. I'm the founder of the Electus
22 Academy.

23 THE CHAIR: You may proceed with your
24 15-minute presentation, sir.

25 MR. BAIARDO: Thank you, Mr. Chair,

1 members of the Commission, Charter School Division.
2 Good morning. Thank you for allowing me to speak
3 before you once again.

4 The Electus Academy will provide an
5 innovative system in college preparatory education
6 by not only focusing on students, but by allowing
7 for students, for the first time, to choose their
8 own individual educational path that best fits their
9 academic strengths and interests. This will be a
10 school built by teachers for the purposes of
11 providing all students with an extensive system of
12 academic opportunities for each student as an
13 individual to pursue his or her own path.

14 We feel this innovative approach is the
15 best way for all students to succeed by considering
16 each as an individual with unique desires,
17 strengths, and interests. We feel the system,
18 bottom-up in its approach, will provide for
19 increased levels of success for all New Mexico
20 students who want to attend. Thank for you your
21 consideration.

22 THE CHAIR: Does that conclude your
23 presentation?

24 MR BAIARDO: It does.

25 THE CHAIR: Thank you, sir. The Chair

1 will open up the floor for questions from
2 Commissioners. Commissioner Shearman.

3 COMMISSIONER SHEARMAN: As I read the
4 Charter School Act, it says to me, among other
5 things, that new charter schools should be offering
6 a different and more innovative educational program
7 than the traditional and charter schools in the area
8 are currently providing.

9 "The Electus Academy proposes to offer
10 strong core academics and college readiness through
11 lectures and seminars." My first concern is that I
12 really fail to see how this differs from college
13 readiness and career choice programs offered at both
14 traditional and charter schools in Albuquerque. Of
15 the 55 charter schools in Albuquerque, many, many,
16 many focus on college preparation with added
17 emphasis, such as math and science, International
18 Baccalaureate, individualized curriculum, and so
19 forth.

20 My second concern deals with my duties
21 regarding the sustainability of teachers with a
22 26-to-1 pupil-to-teacher ratio being able to develop
23 and maintain a constantly changing range of
24 challenging, interesting, and rigorous instructional
25 seminars.

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1 I think my strongest concern, though, may
2 be regarding the impact of withdrawing \$1,370,000
3 from an operational budget to use for building,
4 rent, and improvements. Regardless of the good
5 intentions of the founders, losing this much money
6 from the instructional budget has to adversely
7 affect- -- has to adversely impact the classroom and
8 the students' education.

9 Therefore, I strongly believe this
10 proposed school is not in the best interest of the
11 charter school's proposed students, the local
12 community, or the school district in whose
13 geographic boundaries the charter school has applied
14 to operate, for the reasons I just stated. Thank
15 you, sir.

16 THE CHAIR: Thank you, Commissioner
17 Shearman. Other questions and other comments?

18 COMMISSIONER CARR: Mr. Chair?

19 THE CHAIR: We have Commissioner Carr.

20 COMMISSIONER CARR: My statement would
21 have been longer, but Commissioner Shearman took
22 everything I was going to say and then some. I'll
23 just say that I concur with Commissioner Shearman.

24 THE CHAIR: Commissioner Canfield.

25 COMMISSIONER CANFIELD: Thank you,

1 Mr. Chair. I understand those comments. And I --
2 but I do have maybe a different approach. At first
3 off, I was wondering if it would be appropriate if I
4 could ask the applicant on the areas of concern to
5 be addressed during the planning year, if they have
6 any comments about those and feel like those are --
7 those are appropriate.

8 THE CHAIR: You may ask.

9 MR. BAIARDO: I do. I feel those concerns
10 are justified. But I am confident that those can be
11 remedied rather swiftly and with ease.

12 THE CHAIR: Commissioner Canfield, please
13 continue.

14 COMMISSIONER CANFIELD: Thank you. And
15 when it comes to the budget, I do understand that
16 within the planning year, that there is some
17 flexibility on the budget as they come upon
18 different issues, and they're planning and finding
19 the facility that they're really looking for. I
20 mean, there's some flexibility to adjust that budget
21 to be more accurate. Am I correct in that?

22 THE CHAIR: Ms. Callahan?

23 MS. CALLAHAN: Mr. Chair, Commissioner
24 Canfield, that is correct. The planning year
25 purpose is to develop fully the budget based on more

1 information as they roll out their curriculum,
2 teaching, staff, their facilities needs, their
3 ancillary instructional materials, et cetera. All
4 of that is part of that planning year plan. So they
5 would have the opportunity to adjust the budget.

6 The final budget, then, would be prepared
7 in the spring, prior to opening, that would meet
8 approval by the Public Ed Department budget analyst
9 and Deputy Secretary Paul Aguilar.

10 COMMISSIONER CANFIELD: Thank you. So my
11 opinion -- I did attend the public comment session
12 on this one. And I was impressed. I thought that
13 there was some -- some out-of-the-box thinking there
14 and was impressed by your presentation. I plan on
15 supporting this and wish you well if it does pass.
16 But I do -- would recommend if it does pass, that
17 you take the comments that were made earlier into
18 consideration on your budget.

19 As you probably may have heard, that a lot
20 of charter schools are struggling with the budget
21 and their facilities issue. It is a big, big issue.
22 And I support the comments that -- that every dollar
23 that you spend extra in a facility, you know, if you
24 can find a way to spend it with the kids instead of
25 the facility. And so, hopefully, with your

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1 creativeness that was demonstrated in that
2 presentation and your application, you'll be able to
3 solve those problems as well. Thank you, Mr. Chair.

4 THE CHAIR: Thank you, Commissioner
5 Canfield. Commissioner Bergman.

6 COMMISSIONER BERGMAN: I can't remember if
7 we addressed this budget issue about taking the
8 money out for buildings in the hearing. I wish I
9 could. I've lost that if we've discussed that
10 already. But are you trying to raise private funds
11 so you don't have to divert that money?

12 MR. BAIARDO: Of course, yeah. The less
13 we can take from operational costs, the better. The
14 situation that is unfortunately very frustrating I
15 think, is that the State provides no money to help
16 renovate a building. And, as such, if you're
17 looking to make a school -- to make a building into
18 a school, whether it be an office building or an old
19 church or warehouse, there is no money to help in
20 that regard.

21 And so you -- you're kind of at the whim
22 of finding an owner who, in these harsh economic
23 times, has liquid assets to be able to spend half a
24 million dollars in tenant improvements to turn his
25 previous building into a school. You know, it's a

1 hard thing to find, I guess that type of generosity.
2 We have found two individuals who can help us in
3 that regard. So we have two potential buildings
4 that we are in very strong considerations. But the
5 more we can get from private -- private funding from
6 grants, from donations, absolutely; the more we'll
7 use directly for the facility costs.

8 COMMISSIONER BERGMAN: Thank you.

9 THE CHAIR: Commissioner Gant.

10 COMMISSIONER GANT: Commissioner,
11 Mr. Chairman, and members and others. I agree with
12 the Commissioner Shearman, what she had to say. I
13 really had a lot of problem with the facilities and
14 the budgets and the general operations that were
15 proposed.

16 I come from the business world, from
17 corporate. And I come from a retired military,
18 where I had to have budgets worth millions and
19 millions and millions of dollars. And if I could
20 not set in front of my bosses, whether it be board
21 of directors or whatever, and fully explain the
22 budget at that time, if I was a businessperson that
23 had to go into a bank for a loan to start a business
24 and could not say where the facility was going to
25 be, how much they're going to cost, what the

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1 budget -- solid budget it is, they would tell me
2 where the door is.

3 And that's where I have a real concern
4 with a lot of budgets. And when somebody says, "I
5 can't answer that question, I'll get back to you,"
6 no. This is for kids. You should know the answers
7 going in. And I really have a problem with -- you
8 might have great ideas for curriculum. I'm not
9 sure. I'm not sure about your governance. But when
10 it comes down to the brick and mortar and putting
11 the whole thing together, I have a lot of concern.
12 I really, really do. You're not the only one that I
13 have a concern with.

14 And something has got to change. We
15 have -- this one was, like others -- too many of
16 them -- coming in not knowing the answers. And I
17 have a real problem with that. Thank you.

18 THE CHAIR: Thank you, Commissioner Gant.
19 Any other questions or comments? The Chair will
20 entertain a motion.

21 COMMISSIONER CARR: Mr. Chair?

22 THE CHAIR: Commissioner Carr.

23 COMMISSIONER CARR: I would like to
24 propose that we deny the application for Electus
25 Academy. Overall, the application is either

1 incomplete, inadequate, or, during the capacity
2 interviews, the candidate did not sufficiently
3 demonstrate the experience, knowledge, and
4 competence to successfully open and operate a
5 charter school.

6 The Charter School Act is paragraph i,
7 Subsection (L), of Section 22-8B-6 NMSA 1978, which
8 states that, "A chartering authority may approve,
9 approve with conditions, or deny an application, and
10 may deny the application if...", and I will refer to
11 Item 1 and 5:

12 One: The application is incomplete or
13 inadequate;

14 and 5: The application is otherwise
15 contrary to the best interests of the charter
16 school's projected students, the local community, or
17 the school district in whose geographic boundaries
18 the charter school applies to operate.

19 COMMISSIONER SHEARMAN: Second.

20 THE CHAIR: Seconded by Commissioner
21 Shearman. Is there discussion? Seeing none, we
22 will proceed with a roll call vote on the motion to
23 Commissioner Gant.

24 COMMISSIONER GANT: Commissioner Peralta.

25 COMMISSIONER PERALTA: Yes.

1 COMMISSIONER GANT: Commissioner Canfield.
2 COMMISSIONER CANFIELD: No.
3 COMMISSIONER GANT: Commissioner Bergman.
4 COMMISSIONER BERGMAN: No.
5 COMMISSIONER GANT: Commissioner Lopez.
6 COMMISSIONER LOPEZ: Yes.
7 COMMISSIONER GANT: Commissioner Carr.
8 COMMISSIONER CARR: Yes.
9 COMMISSIONER GANT: Commissioner Pogna.
10 COMMISSIONER POGNA: No.
11 COMMISSIONER GANT: Commissioner Shearman.
12 COMMISSIONER SHEARMAN: Yes.
13 COMMISSIONER GANT: Commissioner Garrison.
14 THE CHAIR: No.
15 COMMISSIONER GANT: Commissioner Gant
16 votes yes. It's five in favor, four against.
17 THE CHAIR: With a vote of five to four,
18 the application of Electus Academy is denied. Thank
19 you for your efforts today.
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