

# New Mexico Public Education Commission



## New Mexico Public Education Commission Charter Performance Review and Accountability System

SCHOOL NAME

Contract Term

Approved by the Public Education Commission: April 8, 2022

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## Introduction

Through charter schools, the Public Education Commission (“PEC”) as Chartering Authority seeks to provide families with effective, quality educational options.

The PEC is responsible for setting and implementing chartering policies that are consistent with New Mexico charter school law, charter agreements established with schools, and nationally recognized principles and standards for quality charter authorizing. The PEC, through its authorized representative(s), will carry out the data collection and monitoring activities described in the Performance Review and Accountability System.

The New Mexico Charter Schools Act purpose:

The Charter Schools Act ... is enacted to enable individual schools to structure their educational curriculum to encourage the use of different and innovative teaching methods that are based on reliable research and effective practices or have been replicated successfully in schools with diverse characteristics; to allow the development of different and innovative forms of measuring student learning and achievement; to address the needs of all students, including those determined to be at risk; to create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site; to improve student achievement; to provide parents and students with an educational alternative to create new, innovative and more flexible ways of educating children within the public school system; to encourage parental and community involvement in the public school system; to develop and use site-based budgeting; and to hold charter schools accountable for meeting the department's educational standards and fiscal requirements. (§22-8B-3 NMSA 1978 *et seq.*)

## Performance Review and Accountability System Objectives

PEC seeks to establish a Performance Review and Accountability System that strikes the appropriate balance between charter school autonomy and chartering authority intervention. The Performance Review and Accountability System is an adaptive tool subject to continuous review and improvement so that the students in New Mexico public charter schools are effectively served.

The PEC invites New Mexico’s charter schools to be partners in the development and continuous improvement of this Performance Review and Accountability System.

The PEC is committed to providing clear expectations about charter school performance and chartering authority oversight activities. PEC objectives for charter school performance review and accountability include:

- Provide clarity about the process and timeline for collecting performance framework data
- Streamline data collection and decrease the burden on NM charter schools
- Consider overall school academic performance across a range of different indicators, including optional, unique, school-identified measures for evaluating mission-specific goals
- Ensure all data and evidence can be reliably and accurately collected and measures can be reliably and accurately evaluated
- Establish financial metrics that provide clarity about the financial health of charter schools

- Establish clear policies and procedures for how performance frameworks inform PEC actions and decisions, including a range of interventions that PEC will take in response to charter school under performance
- Provide annual performance reports that are publicly available to families and schools

## **Appendix A: Academic, Organizational, and Financial Performance Framework**

The PEC Charter School Performance Framework sets the academic, fiscal, and organizational standards by which PEC-authorized public charter schools will be evaluated, informing the PEC and charter school about the school's performance and sustainability. The Performance Framework consists of three separate, free-standing frameworks. Performance under these three separate frameworks does not get rolled up into one overall evaluation. No one document necessarily carries more weight than any other.

**Academic Framework:** The academic framework includes measures that allow the PEC to evaluate the school's academic performance and assess whether the academic program is a success and whether the charter school is implementing its academic program effectively. The framework includes measures to evaluate student proficiency, student academic growth, achievement gaps in both proficiency and growth between student subgroups, and for high schools, post-secondary readiness, and graduation rate. The PEC considers increases in student academic achievement for all groups of students as one of the most important factors when determining whether to renew or revoke a school's charter. The framework also includes unique, school-identified measures for evaluating mission-specific goals. These goals must be approved by the PEC to ensure quality and rigor of proposed indicators and that the indicators are consistent with the purposes of the Charter Schools Act.

Based on performance across the academic indicators and measures, schools receive an overall academic tier rating that is used by the PEC in annual monitoring and renewal decisions.

**Organizational Framework:** The Organizational Framework primarily lists the responsibilities and duties that charter schools are required to meet through state and federal laws. The organizational framework is the primary focus of the annual school visit process. It was developed pursuant to the New Mexico Charter Schools Act and includes indicators, criteria statements, and metrics related to schools' educational program, financial management, governing body performance, school environment, and employee and student policies, including compliance with all applicable laws, rules, policies, and terms of the charter contract. For each indicator a school receives one of three ratings: "Meets Standard," "Working to Meet Standard" and "Does Not Meet Standard". Indicator ratings are assigned based on evidence that the school is meeting the criteria statement(s).

Based on performance across the organizational indicators and measures, schools receive an overall organizational rating that is used by the PEC in annual monitoring and renewal decisions. The overall rating will be either "Meets Standard" or "Does Not Meet Standard" based on cumulative performance on the organizational indicators. A school will only receive an overall rating of "Does Not Meet Standard" if the school receives "Does Not Meet Standard" ratings for three more indicators.

**Financial Framework:** The financial framework audited end-of-year cash amounts available from the previous year's annual external audit. The final framework is used to evaluate whether the school is meeting financial performance expectations for purposes of annual evaluations and renewal decisions.

## Academic Performance Framework

The Academic Performance Framework answers the evaluative question: Is the academic program a success? The framework includes indicators and measures that allow an evaluation of the school's academic performance and was developed pursuant to the New Mexico Charter Schools Act. This section includes indicators, measures, and metrics for student academic performance; student academic growth; achievement gaps in both proficiency and growth between student subgroups; and graduation rate and post-secondary readiness measures for high schools. (Section 22-8B-9.1.A. (1-3, 6, 7) NMSA 1978).

The Academic Performance Framework includes three indicators, with several required measures, and allows for the inclusion of additional rigorous, valid, and reliable indicators proposed by the school to augment external evaluations of school performance.

**Note:** Schools listed in the lowest 40% of school ranking by the PED that are not a SAM school (either identified by PED, or identified by PED using a previous definition, as a SAM school) shall prepare an improvement plan to improve any deficiencies. These plans shall be assessed under Organizational Indicator 1.f below.

### Description of Academic Framework Indicators and Measures

<b>Indicator 1: Student Academic Performance:</b> Components from NM System of School Support and Accountability  Points are assigned using the State scoring allocation for each subpart and for total scoring assigned to the school by the State.	
Measure	Description
1.1 Math and Reading Proficiency	Math and Reading Proficiency (percentage of students who are proficient on state assessments in math and reading).
1.2 English Learner Progress Toward English Language Proficiency	English learner progress toward English language proficiency (measured by the WIDA ACCESS assessment of English learners).
1.3 Science Proficiency	Science proficiency (percentage of students who are proficient on state assessments in science).
1.4 Growth of Highest-Performing Students (Q4)	These growth measures are calculated separately for three student subgroups. The three student subgroups are the lowest-performing students (lowest 25%), the middle-performing students (middle 50%) and the highest-performing students (highest 25%).
1.5 Growth of Middle performing students (Q2/3)	
1.6 Growth of Lowest-Performing Students (Q1)	

Measure	Description
1.7 Graduation Rate	<p>The graduation measure includes 4-year, 5-year, and 6-year cohort graduation rates.</p> <p>Graduation rates are one-year lagged, meaning that rates published in the school report are for the cohort that graduated by August 1 of the prior year. Rates are calculated for 4-, 5- and 6- year graduates. Calculation of 4-year, 5-year, and 6-year cohort graduation rates uses the Shared Accountability method, which gives each school in which the student was enrolled in high school proportional credit for their timely or lack of timely graduation. For schools that qualify as SAM schools, an auxiliary graduation rate is computed using a senior completer method which includes only 12th grade students who are not members of the 4-year cohort.</p>
1.8 Growth in 4-year Graduation Rate	<p>Improvement in the 4-year graduation rate is based on the slope of the 4-year graduation rates for the past three years. For schools that have a 4-year graduation rate that is over 90%, all points are awarded for graduation growth.</p>
1.9 Career and College Readiness	<p>College and Career Readiness (CCR) scores are determined by the percentage of the prior year 4-year graduation cohort members who show evidence of participating in college or career preparation, along with the proportion of those students meeting a benchmark. This indicator is also one-year lagged and calculated using the shared accountability model.</p> <p>High school students are expected to participate in at least one college or career readiness program:</p> <ol style="list-style-type: none"> <li>1) College entrance exams (Accuplacer, ACT, ACT Aspire, Compass, PLAN, PSAT, SAT, or SAT Subject Test);</li> <li>2) Evidence that the student can pass a college-level course (Advanced Placement, Dual Credit, or IB); or</li> <li>3) Eligibility for an industry-recognized certification (Career Technical Education).</li> </ol> <p>Points are given separately for students' participation and for their success in achieving targets.</p> <p>SAM schools are allowed use of additional indicators including ASVAB, WorkKeys, and TABE.</p>
1.10 Chronic Absenteeism	<p>Schools earn points based on the percentage of students who were not chronically absent. A chronically absent student is one who was absent from school for any reason for at least 10 percent of the days enrolled.</p>
1.11 Educational Climate Survey, Multicultural Initiatives, and Socio-emotional Learning (SEL)	<p>The Educational Climate survey measures the extent to which classroom teachers demonstrate instructional practices known to facilitate student learning. Students answer survey questions on topics such as classroom teaching and expectations of students.</p>

**Indicator 2: Subgroup Performance**

Subgroup measures are based on the school's relative performance (statewide percentile rank) compared to all NM public schools serving the same grades. Points are assigned using the State scoring allocation for each subpart, for all students statewide and for any other data required to score this section. Points assigned for each subgroup are averaged to calculate overall points for measures 2.1, 2.2, and 2.3.

Measure	Description
2.1 Subgroup Growth of Highest-Performing Students (Q4)	Students are compared to all students statewide serving the same grade levels, based on the Growth results calculated by NM PED for Q4 students.
2.2 Subgroup Growth of Middle-Performing Students (Q2/3)	Schools are compared to all students statewide serving the same grade levels, based on the Growth results calculated by NM PED for Q2/3 students.
2.3 Subgroup Growth of Lowest-Performing Students (Q1)	Schools are compared to all students statewide serving the same grade levels, based on Growth results calculated by NM PED for Q1 students.
2.4 Subgroup Proficiency	Students are compared to all students statewide serving the same grade levels, based on subgroup proficiency rates for all eligible subgroups.

**Indicator 3: School-Specific Goals**

Additional indicators to augment external evaluation of performance, consistent with the purposes of the Charter Schools Act NMSA§22-8B-9.1(C.)

Description	Points
<p>Charter schools shall propose mission-specific goals that are specific, measurable, and rigorous. School-proposed goals are subject to approval by the PEC and are incorporated into charter contracts. Not more than two goals will be used.</p> <p>Goals may:</p> <ul style="list-style-type: none"> <li>• Address three questions of school performance: <ul style="list-style-type: none"> <li>• How much did we do?</li> <li>• How well did we do it?</li> <li>• What is different as a result?</li> </ul> </li> <li>• Use a SMART goal format (Specific, Measurable, Achievable, Relevant, and Time-bound)</li> <li>• Include metrics and measures using the following criteria: "Exceeds standards," "Meets standards," "Does not meet standards," and "Falls far below standards."</li> <li>• Augment external evaluations of school performance in alignment with the Charter School Act—looking at different and innovative forms of measuring student learning and achievement; professional opportunities for teachers; family and community involvement.</li> <li>• Use four rating categories: <ul style="list-style-type: none"> <li>○ Exceeds = 100 pts</li> <li>○ Meets = 75 pts</li> <li>○ Does not meet = 25 pts</li> <li>○ Falls far below = 0 pts</li> </ul> </li> </ul>	100

**Mission Specific Goal(s) for School Name**

<b>Goal 1:</b>		
Measure Rating Category	Description of Target for each Performance Level	Points Assigned
Exceeds Standard		100
Meets Standard		75
Does Not Meet Standard		25
Falls Far Below Standard		0

<b>Goal 2:</b>		
Measure Rating Category	Description of Target for each Performance Level	Points Assigned
Exceeds Standard		100
Meets Standard		75
Does Not Meet Standard		25
Falls Far Below Standard		0



<b>Summary of Indicator Rating System and Assigned Points</b> Schools receive up to 100 points for each academic measure. The average weighted points across the framework are used to assign the overall rating.				
Academic Indicators	Description	Assigned Points	Total Weight	
			Elem.	High
<b>Indicator 1:</b> Components from NM System of School Support and Accountability	Charter school performance on each of the components of the NM PED ESSA Plan	The school earns points equal to the school's overall index score from the New Mexico System of School Support and Accountability. (1-100 pts)	35%	37.5%
<b>Indicator 2:</b> Subgroup Performance	Subgroup measures are based on the school's relative performance (statewide percentile rank) compared to all NM public schools serving the same grades.	Points assigned for each subgroup are averaged to calculate overall points for measures 2.1, 2.2, 2.3, and 2.4. (1-100 points)	30%	25%
<b>Indicator 3</b> Mission- or School-Specific Goals	Charter schools shall include two mission or school-specific goals that are Specific, Measurable, Achievable, Relevant and Time-bound.	Points are assigned based on the average of the ratings (if there are two or more goals) for the goals listed in Indicator 3. (0-100 points)	35%	37.5%

## Organizational Performance Framework

The Organizational Framework primarily lists the responsibilities and duties that charter schools are required to meet through state and federal laws. It was developed pursuant to the New Mexico Charter Schools Act and includes indicators, criteria statements, and metrics related to schools' educational program, financial management, governing body performance, school environment, and employee and student policies, including compliance with all applicable laws, rules and terms of the charter contract (Section 22-8B-9.1A (4, 5, 9) NMSA 1978).

The organizational framework is the primary focus of the annual school visit process. The framework is structured into five categories of information. Each category has multiple **indicators** and each indicator includes one or more **criteria statements** that serve as the metric for evaluating organizational performance.

For each indicator a school receives one of three ratings: "Meets Standard," "Working to Meet Standard" and "Does Not Meet Standard" which are defined below. Indicator ratings are assigned based on evidence that the school is meeting the criteria statement(s).

### Meets Standard:

The school meets the standard if it satisfies each of the criteria statements described for the indicator OR if the authorizer currently has no evidence or information to indicate the school does not meet the criteria statements.

### Working to Meet Standard:

There is evidence to indicate the school does not, or at some point in the school year did not, satisfy the criteria statements described for the indicator AND within 30 days after receiving a notification of non-compliance, the school submitted evidence to demonstrate immediate correction of any outstanding matters AND, if required, submitted a corrective action plan to prevent future occurrences of the same concern.

### Does Not Meet Standard:

There is evidence to indicate the school does not, or at some point in the school year did not, meet the criteria statements described for the indicator and the school failed to submit evidence of correction and/or a corrective action plan, if required, within 30 days of notification OR the school failed to implement the corrective action plan, if required, OR the non-compliance is repeated from the prior evaluation.

Schools receive an overall organizational performance rating of either "Meets Standard" or "Does Not Meet Standard". If a school receives "Does Not Meet Standard" ratings for three or more indicators, the school will receive an overall organizational framework rating of "Does Not Meet Standard". Fewer than three such ratings will result in an overall rating of "Meets Standard." In addition, if a school receives a "Does Not Meet Standard", on any indicator, CSD and PEC may conduct a closer review the following year on that indicator, and/or the PEC may require the school to submit a corrective action plan to specify actions and a timeline to correct the performance deficiency.

Topics and Indicators <sup>1</sup>	Criteria Statements	Component of Site Visit Evaluation?
<b>1. EDUCATIONAL PROGRAM REQUIREMENTS</b>		
1.a. Is the school implementing the material terms of the approved charter application as defined in the Charter Contract?	<ul style="list-style-type: none"> <li>School's mission is being implemented.</li> <li>The school has documentation/evidence that it is implementing its educational programs.</li> <li>The school stays within its enrollment cap at all times and serves only the approved grade levels.</li> </ul>	YES
1.b. Does the school comply with state and contractual assessment requirements?	<ul style="list-style-type: none"> <li>The school administers all required state assessments, as delineated in <i>NMSA 22-2C-4</i></li> <li>The school administers all required contractual assessments (if specified in contract/performance framework).</li> <li>The school ensures assessment accommodations are properly administered to all eligible students.</li> <li>The school adheres to assessment procedures and requirements as delineated in <i>NMAC 6.10.7</i>.</li> </ul>	NO
1.c. Is the school protecting the rights of students with special needs? <i>(Note: These provisions include only students with disabilities.)</i>	<ul style="list-style-type: none"> <li>The school is in 100% compliance with the Special Education Bureau identified indicators. <i>(34 CFR § 300.600 (a)(2) and Subsection F of 6.31.2.9 NMAC.)</i></li> <li>The school has <b>not</b> been the subject of a due process hearing that resulted in a finding of noncompliance during the current school year.</li> <li>The school has <b>not</b> been cited for noncompliance with applicable federal and state special education rules and regulations as the result of a state-level parental complaint during the current school year.</li> <li>The school is in compliance with all terms of any corrective action plan that resulted from a state-level complaint.</li> <li>The school has received no OCR complaints determined to be valid and demonstrate a students' rights were violated. <i>(NMSA 22-8B-4)</i></li> </ul>	YES

<sup>1</sup> Indicator numbers have changed because the financial indicators, formerly 2.a-f, have been removed and now comprise the Financial Performance Framework.

Topics and Indicators <sup>1</sup>	Criteria Statements	Component of Site Visit Evaluation?
1.d. Is the school protecting the rights of English Learner students?	<ul style="list-style-type: none"> <li>The school has no valid complaints that indicate an EL student's or families' rights have been violated. (<i>NMSA 22-8B-4 (A)</i>)</li> <li>The school does not have a major discrepancy (&gt;5%) between ELs identified and assessed as monitored by the Language and Culture Bureau or is able to provide appropriate documentation and explanation for such a discrepancy.</li> <li>All EL students must be provided services as evidenced by STARS data reporting for services coded as 1062 (ESL) or 1063 (ELA/ELD) or must be coded as a parent refusal and have documentation to support the refusal as monitored by the Language and Culture Bureau.</li> <li>The school has received no OCR complaints determined to be valid that demonstrate a students' rights were violated. (<i>NMSA 22-8B-4</i>)</li> <li>The school has a process for identifying, serving and assessing English Learners (may include a review of student cumulative files during site visits) to compliance with state and federal law regarding servicing English Learners.</li> </ul>	YES
1.e. Does the school comply with federal and state grant program requirements?	<ul style="list-style-type: none"> <li>The school meets program requirements for all PED and federal grant programs it implements and is responsive to any concerns or findings of non-compliance in accordance grant requirements.</li> </ul>	NO
1.f. Does the school implement an Educational Plan for Student Success (NMDASH)?	<ul style="list-style-type: none"> <li>The school has an active core team engaged in the DASH process.</li> <li>The school is implementing their annual and 90-day plans, as evaluated through reviewing evidence and school/adult actions during the site visit.</li> </ul> <p><i>Only applicable for schools identified as TSI, CSI, or MRI or schools that are required to implement an NMDASH plan by a PEC Corrective Action Plan and schools in the bottom 40% of the state ranking by PED that are not a SAM school (either identified by PED, or identified by PED using a previous definition, as a SAM school).</i></p>	YES

## 2. GOVERNANCE AND REPORTING

2.a. Is the school complying with governance requirements?	<ul style="list-style-type: none"> <li>• The governing body meets membership requirements: <i>NMSA 22-8B-4; PEC policy</i> <ul style="list-style-type: none"> <li>○ Maintains at least 5 members</li> <li>○ Complies with governance change policy</li> <li>○ Notifies PEC of board membership changes within 30 days, with complete documentation, and</li> <li>○ Fills all vacancies within 45 days, or 75 days, if extension is requested by school.</li> </ul> </li> <li>• All members of the governing body complete all training requirements in accordance with established deadlines. (<i>NMAC 6.80.5.8 and 9</i>)</li> <li>• The school's governing council independently oversees the school's finances according to law</li> <li>• Governing council policies and procedures, minutes or other documents ensure that required financial reports are being presented to the governing council on a monthly basis</li> <li>• The governing council demonstrates in board meetings that it analyzes the financial position of the school</li> <li>• The charter school maintains a Board of Finance or has the capabilities to have a Board of Finance, and maintained the Board of Finance during the contract term</li> <li>• The governing body has not received any OMA complaints (by the AG's office) that were evaluated and found to be verified complaints of OMA violations. (<i>NMSA 10-15-1 and 3</i>)</li> </ul>	NO
2.b. Is the school complying with nepotism and conflict of interest requirements?	<ul style="list-style-type: none"> <li>• The school is free of nepotism concerns regarding the governing board and demonstrates compliance with nepotism statute and the school's own nepotism policy.</li> <li>• The school is free of conflict-of-interest concerns and demonstrates compliance with conflict-of-interest statute and the school's own conflict of interest policy.</li> </ul>	YES
2.c. Is the school meeting reporting requirements?	<ul style="list-style-type: none"> <li>• The school complies with reporting deadlines from the PED, PEC, and other state agencies.</li> </ul>	NO

### 3. STUDENTS AND EMPLOYEES

3.a. Is the school protecting the rights of all students?	<ul style="list-style-type: none"> <li>• The school has received no complaints determined to be valid that demonstrate the school's lottery, admission, and enrollment practices are unfair, discriminatory, or legally non-compliant and a review of lottery, admission, and enrollment policies demonstrates compliance with legal requirements.</li> <li>• The school has received no valid complaints that demonstrate the school's discipline hearings and practices are not conducted in accordance with law and due process. (<i>NMAC 6.11.2. 1, et seq.</i>)</li> <li>• The school has received no valid complaints that demonstrate the school fails to respect students' privacy, civil rights, and constitutional rights, including the First Amendment protections and the Establishment Clause restrictions prohibiting schools from engaging in religious instruction.</li> <li>• The school has received no valid complaints that demonstrate the school fails to comply with the requirements of the McKinney Vento Act and protects the rights of students in the foster care system.</li> <li>• The PED has a board-approved complaint policy and dispute resolution process per 6.10.3D NMAC</li> </ul>	NO
3.b. Does the school meet attendance, retention, and recurrent enrollment goals for students?	<ul style="list-style-type: none"> <li>• The school meets the 95% average daily attendance goal, or demonstrates successful implementation of a whole-school student attendance improvement plan.</li> <li>• The school maintains at least 80% retention of enrolled students from date of enrollment until the end of the school year, or students who leave prior to the end of the year are classified as graduates, completers, or have earned their GEDs.</li> <li>• The school has a 70% reenroll rate from one school year to the next.</li> </ul>	YES
3.c. Is the school meeting teacher and other staff credentialing requirements?	<ul style="list-style-type: none"> <li>• All employees of the school are appropriately licensed as required by law. (<i>NMSA 22-10A-3</i>)             <ul style="list-style-type: none"> <li>• All employees hold licensure or have submitted a licensure application within 30 days of beginning employment with the school</li> <li>• The school employs a licensed administrator at all times</li> </ul> </li> <li>• School meets the requirements of all licensure waiver plans and alternative licensure plan requirements. (<i>NMSA 22-10A</i>)</li> <li>• The school accurately reports all staff to the PED, as verified through site visit reviews.</li> </ul>	YES

3.d. Is the school respecting employee rights?	<ul style="list-style-type: none"> <li>• The school implements an annual system for teacher evaluations and observations with timelines and evaluation criteria.</li> <li>• Teacher observations are documented and communicated with teachers in accordance with the school's teacher evaluation plan.</li> <li>• Teachers are provided evaluation report and reports are maintained in teacher personnel files.</li> <li>• The school maintains teacher contracts in all staff files. (<i>NMSA 22-10A-21</i>)</li> <li>• The school complies with the minimum teacher salaries. (<i>NMSA 22-10A-7, 10, 11</i>)</li> <li>• The school has no verified complaints regarding violations of teacher rights under the school personnel act, FMLA, ADA, etc. (<i>NMSA 22-10A-1 et seq.</i>)</li> <li>• The school implements a teacher mentorship program for novice teachers in accordance with NMSA 22.10A-9.</li> </ul>	YES
3.e. Is the school completing required background checks and reporting ethical violations?	<ul style="list-style-type: none"> <li>• The school maintains legally compliant background checks in all staff files including evidence of background checks for substitutes, all contracted service providers, and anyone with unsupervised access to students. (<i>NMSA 22-10A-5</i>)</li> <li>• The school reports incidents of violations of teacher/licensed staff ethical rules or criminal convictions to the PED pursuant to the School Personnel Act. (<i>NMAC 6.60.8.8 and NMSA 22-10A-5</i>)</li> </ul>	YES
<b>4. SCHOOL ENVIRONMENT</b>		
4.a. Is the school complying with facilities requirements?	<ul style="list-style-type: none"> <li>• The school meets PSFA occupancy, NMCI and ownership requirements. (<i>NMSA 22-8B-4.</i>)</li> <li>• The school has an e-occupancy certificate.</li> <li>• The school has PSFA letter verifying condition index.</li> <li>• The school notifies the PEC prior to any change in facilities.</li> <li>• There are no verified complaints that demonstrate buildings, grounds or facilities do not provide a safe and orderly environment for public use. (<i>Subsection P of 6.29.1.9 NMAC</i>) <ul style="list-style-type: none"> <li>- safe, healthy, orderly, clean and in good repair</li> <li>- in compliance with the Americans with Disabilities Act-Part III and state fire marshal regulations, Sections 59A-52-1 through 59A-52-25 NMSA 1978</li> <li>- Written records of pesticide applications will be kept for three years at each school site and be available upon request to parents, guardians, students, teachers and staff.</li> </ul> </li> </ul>	YES

4.b. Is the school complying with transportation requirements?	<ul style="list-style-type: none"> <li>● If the school owns a school bus or otherwise provides student transportation, the school has no verified complaints about following applicable statutes, regulations, or policies related to providing transportation.</li> </ul>	NO
4.c. Is the school complying with health and safety requirements?	<ul style="list-style-type: none"> <li>● The school conducts all required emergency drills and practiced evacuations. (<i>NMSA 22-13-14 and NMAC6.29.1.9(O)</i>)</li> <li>● The school submits school wellness and safety plans, and all required revisions, in accordance with deadlines to the PED. (NMAC 6.12.6.8)</li> <li>● The school has evidence that it complies with 24-5-2 NMSA 1978 and provides satisfactory evidence of immunization, is actively in the immunization process, or properly exempted from immunization.</li> <li>● The school demonstrates compliance with all facility corrective requirements from the most recent inspection from any other state entity.</li> </ul>	YES
4.d. Is the school handling information appropriately?	<ul style="list-style-type: none"> <li>● The school has no verified complaints that demonstrate it failed to comply with FERPA requirements.</li> <li>● The schools has no verified complaints that demonstrate that it does not obtain, maintain, and transfer cumulative files as required by law.</li> </ul>	NO
4.e Is the school making information accessible to the public?	<ul style="list-style-type: none"> <li>● The school maintains a website with contact information for school staff and board members, student/parent handbook, and up to date governance meeting information.</li> </ul>	NO
4.f Does the school have an equitable and positive school climate that supports students social and emotional development?	<ul style="list-style-type: none"> <li>● The school has an active equity council.</li> <li>● The school is actively building its capacity to support culturally responsive social emotional learning.</li> <li>● The school provides high quality supports to students with intentional connections to family and community.</li> </ul>	YES



## Financial Performance Framework

Topics and Indicators <sup>2</sup>	Criteria Statements	Component of Site Visit Evaluation?
<b>5. FINANCIAL MANAGEMENT AND OVERSIGHT</b>		
5.a. Is the school meeting financial reporting and compliance requirements?	<ul style="list-style-type: none"> <li>The school submits all budget request documents and budget approval documents to the PED according to PED's established deadlines. (<i>NMSA 22-8-6.1 and 10.</i>)</li> <li>The school submits quarterly (or monthly) reports according to PEDs established deadlines and without frequent, repeated errors. All required reports are posted to the school's website. (<i>NMSA 22-8-6.1 and 10</i>)</li> </ul>	NO
5.b. Is the school following Generally Accepted Accounting Principles?	<ul style="list-style-type: none"> <li>The school received an unmodified audit opinion for the last audit</li> <li>The school's last audit opinion is devoid of significant findings, material weaknesses, significant internal control weaknesses, or findings related to waste, fraud, or abuse.</li> </ul>	NO
5.c. Is the school responsive to audit findings?	<ul style="list-style-type: none"> <li>The school submits all budget request documents and budget approval documents to the PED according to PED's established deadlines. (<i>NMSA 22-8-6.1 and 10.</i>)</li> <li>The school submits quarterly (or monthly) reports according to PEDs established deadlines and without frequent, repeated errors. All required reports are posted to the school's website. (<i>NMSA 22-8-6.1 and 10</i>)</li> </ul>	YES
5.d. Is the school managing grant funds responsibly?	<ul style="list-style-type: none"> <li>The school received an unmodified audit opinion for the last audit.</li> <li>The school's last audit opinion is devoid of significant findings, material weaknesses, significant internal control weaknesses, or findings related to waste, fraud, or abuse.</li> </ul>	NO

<sup>2</sup>Financial indicators were previously 2.a-f in the combined Organizational-Financial Performance Framework.

Topics and Indicators <sup>2</sup>	Criteria Statements	Component of Site Visit Evaluation?
5.e. Is the school adequately staffed to ensure proper fiscal management?	<ul style="list-style-type: none"> <li>• The school's last audit is devoid of any multi-year repeat findings.</li> </ul>	NO
5.f. Is the school meeting their obligations timely and with appropriate internal controls?	<ul style="list-style-type: none"> <li>• The school submits RfRs to the PED within two weeks of receiving an award letter.</li> <li>• The school expends at least 99% of grant funds for all accounts without reversion and submits expenditures that are allowable with at least 90% aligned to the specific categories in the grant application budget</li> </ul>	YES

## Annual Performance Review Activities

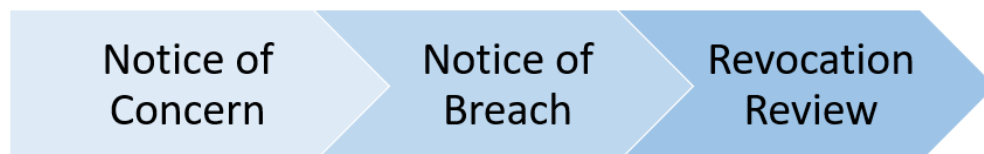
PEC, through its authorized representative(s), evaluates schools on their ability to achieve academic goals with all students while maintaining financial and organizational health. Annual accountability activities are guided by state and federal compliance requirements as well as clear measures of academic progress that allow for a rigorous, state-aligned, fact-based evaluation of school performance.

Charter School Data Submissions
<p>Throughout the year, charter schools are required to submit academic, financial, and organizational data to PEC, various PED departments, and other governmental entities.</p> <p>Submissions are required for PEC accountability oversight and for compliance with state and federal funding and reporting requirements.</p>
Annual School Visits
<p>PEC's authorized representative(s) conduct <b>annual site visits</b> to all schools to collect data for the performance framework evaluation and provide feedback as technical assistance. Site visits may be differentiated based on school performance, including academic, financial, and organizational performance.</p> <p><b>New school visits</b> are conducted within the first 40 days after new school opening to collect data for the performance framework evaluation and to provide early feedback and intervention as technical assistance, if necessary.</p> <p><b>Renewal visits</b> are conducted during the fall of the charter school's renewal year and provide additional insights to inform PEC charter school renewal decisions, especially for schools not meeting performance expectations.</p> <p>Visits can include a combination of any of the following: file audits, classroom observations, a facility review, and staff, board, and student and family interviews.</p>
Annual Performance Review
<p>PEC's authorized representative(s) evaluate all schools against the PEC Performance Framework annually, which is comprised of academic, financial, and organizational performance metrics.</p> <p>PEC's authorized representative(s) share initial performance framework feedback and evaluations with charter school boards and administrative leaders for review and feedback.</p> <p>PEC, through its authorized representative(s), issues any Notices of Concern or Breach related to annual performance reviews.</p> <p>PEC approves and publishes Annual Performance Reports for schools.</p> <p>See Appendix A for the current PEC Charter School Performance Framework.</p>

## Intervention Ladder

PEC is responsible for holding charter schools accountable for the performance and legal compliance of charter schools under their authority. To meet this obligation, PEC has adopted an intervention ladder to communicate concerns about academic performance, fiscal soundness or legal, contractual, or policy requirements.

In the absence of evidence to the contrary, all schools are considered to be in **Good Standing**. Schools in good standing are expected to participate in routine annual accountability activities and maintain open communication with PEC and its authorized representative(s).



### Notice of Concern

Schools may receive a Notice of Concern if the PEC and/or its authorized representative receives a verified complaint of significant concern, or if the annual performance review or site visit identifies significant questions or concerns about academic, financial, or organizational performance, such as a finding of “not meeting expectations” on an organizational indicator. PEC's authorized representative(s) will communicate with school leaders, parents, and any other necessary stakeholders to verify complaints.

PEC will issue a Notice of Concern at a properly noticed public meeting. PEC's authorized representative(s) shall provide schools notice that they will be appearing on the PEC's agenda for the purposes of issuing a Notice of Concern at least 10 days prior to the meeting. As part of issuing a Notice of Concern, the PEC will establish expected outcomes and deadlines<sup>3</sup> that must be met by the school. The deadline established for correction shall be no less than 10 days including holidays and weekends, unless the matter is an emergency matter<sup>4</sup> in which case the deadline shall be no less than 72 hours.

Upon remedying the concern and complying with the expectations established by the PEC, the school returns to Good Standing. If the PEC's expectations and deadlines are not met, the school progresses to the next level of the intervention ladder.

### Notice of Breach

school can receive a Notice of Breach if it fails to correct a Notice of Concern or for certain violations of law that are serious enough to justify a heightened initial response.

PEC will issue a Notice of Breach at a properly noticed public meeting. PEC's authorized representative(s) shall provide schools notice that they will be appearing on the PEC's agenda for the purposes of issuing a Notice of Breach at least 10 days prior to the meeting. As part of issuing a Notice of Breach, the PEC will establish expected outcomes and deadlines that must be met by the school. The deadline established

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<sup>3</sup> Deadlines will vary depending on the urgency of the matter and the amount of time it takes to reasonably cure the concern.

<sup>4</sup> An “emergency” refers to unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss to the public body.

for correction shall be no less than 10 days including holidays and weekends, unless the matter is an emergency matter in which case the deadline shall be no less than 72 hours.

Once a Notice of Breach is issued, schools are required to submit a Corrective Action Plan (financial or organizational performance) or an Improvement Plan (academic performance) that details the actions and timeline that the schools will implement to correct the breach. PEC's authorized representatives will monitor the school's implementation of Corrective Action and Improvement Plans, and regularly update PEC on progress. Once the school has met the Notice of Breach requirements, they return to Good Standing. Repeated Notices of Concern or Breach may lead to increased oversight, including additional annual site visits or regular phone calls to discuss key performance indicators.

### **Revocation Review**

Failure to meet the requirements specified in the Notice of Breach, or certain violations of law that are serious enough to justify an initial heightened response, will result in a charter school Revocation Review. Schools may also be subject to the Revocation Review if they receive more than one Notice of Breach in the same school year.

PEC will issue a Notice of Revocation Review at a properly noticed public meeting. Unless impractical, PEC's authorized representative(s) shall provide schools notice that they will be appearing on the PEC's agenda for the purposes of issuing a Notice of Revocation Review at least 10 days prior to the meeting. As part of issuing a Notice of Revocation Review, the PEC will establish the actions to be taken by its authorized representative(s) and a deadline for the school to respond to the prospect of revocation. The actions of the PEC's authorized representative may include additional visits to the school, an in-depth audit to assess the school's educational program, and/or financial and organizational health, or other actions appropriate to determine if a revocation hearing is appropriate.

Findings from the revocation review will be presented to the PEC at a properly noticed public meeting, at which will determine whether to issue a Notice of Intent to Revoke, which sends the school into revocation proceedings. In lieu of a Notice of Intent to Revoke, the PEC may decide to grant a Notice of Breach, or a revised Notice of Breach. A revised Notice of Breach will allow a school more time to achieve expected outcomes established in an initial Notice of Breach or adjust the expected outcomes initially established by the PEC.

In extraordinary circumstances, the PEC may forgo the process outlined above and may, with proper statutory notice, consider whether to hold a revocation hearing or hold a revocation hearing.

The table on the next page provides examples regarding triggers and evidence, and actions and consequences; however, the table shall not be considered exclusive.

Status	Triggers/Evidence	Actions/Consequences
<b>Notice of Concern</b>	<ul style="list-style-type: none"> <li>• Failure to meet performance standards represented in the performance framework.</li> <li>• Receipt of verified complaint of significant concern.</li> <li>• Evidence of not meeting performance expectations through routine monitoring or school visit.</li> <li>• Failure to comply with terms of the charter.</li> </ul>	<ul style="list-style-type: none"> <li>• Appearance before the PEC at public meeting.</li> <li>• Letter to school leader and governing board detailing areas of concern and specific outcomes and timeline for correcting the performance gap.</li> </ul>
<b>Notice of Breach</b>	<ul style="list-style-type: none"> <li>• Failure to meet objectives identified in a Notice of Concern.</li> <li>• Evidence of material or significant failure to comply with applicable laws.</li> <li>• Actions or operational deficiencies that may endanger the well-being of students and/or staff, or negatively impact the viability of the school.</li> </ul>	<ul style="list-style-type: none"> <li>• Appearance before the PEC at public meeting.</li> <li>• Letter to school leader and governing board giving notification of breach and outlining additional terms of oversight and monitoring.</li> <li>• School develops, submits, and implements a Corrective Action or Improvement Plan with specific improvements, objectives, timelines, and measures that results in correction of the breach.</li> <li>• PEC, through authorized representative(s), monitors implementation of Corrective Action or Improvement Plan.</li> </ul>
<b>Revocation Review</b>	<ul style="list-style-type: none"> <li>• Failure to successfully meet the terms of the Corrective Action or Improvement Plan.</li> <li>• Repeated failure to meet the material terms of the charter agreement.</li> <li>• Illegal behavior, fraud, misappropriation of funds.</li> <li>• Extended pattern of failure to meet performance expectations set forth in the charter agreement.</li> <li>• Repeated failure to comply with applicable law.</li> </ul>	<ul style="list-style-type: none"> <li>• Appearance before the Public Education Commission at public meeting.</li> <li>• The PEC's authorized representative(s) may conduct additional site visits to the school and/or conduct an in-depth audit to assess the school's educational program, and/or financial and organizational health.</li> <li>• The PEC's authorized representative(s) review and preparation of recommendation to revoke, or not to revoke, the charter.</li> <li>• PEC reviews recommendations and makes decision to commence or not commence revocation proceedings.</li> </ul>