

Part D - CAP-Required Technical Assistance Meeting with PED-CSD, February 20, 2018

CAP-required Technical Assistance Meeting for Cariños de los Niños Charter School Summary of February 20, 2018 Meeting

Introduction

Per the corrective action imposed by the PEC at its February 9, 2018 meeting on the Cariños de los Niños Charter School (CDLN), the PED's CSD team met with the members of the school's leadership on February 20, 2018. The meeting's proceedings, including the detailed technical assistance provided by the CSD team is provided below. Through this meeting, it has become evident the school's leaders lack the will and/or skill to appropriately respond and take immediate, decisive action to address a wide range of concerns effectively.

School's Lack of Internal Communication about, Awareness of, or Preparation for Meeting Objectives

In preparation for February 20, 2018 meeting, Dr. Icela Pelayo, CSD Deputy Director, sent an email with an agenda attached on Monday, February 12, 2018 to the following members of the CDLN team: Mr. Vernon Jaramillo, Chancellor; Ms. Bernice Life, Assistant Principal; Dr. Juanita Cata, Governing Board President; and Fr. Terry Brennan, a new Governing Board member. The email and attached agenda both indicate the precise location and time of the meeting, clearly indicating an 8:00 am start time.

Purpose of meeting. The purpose of the meeting was clearly outlined in the email (see attached) and also reflected on the agenda itself (attached). The email clearly states:

During this meeting, the CSD team staff will review with your school the areas of the academic and organizational performance framework that were flagged as 'Concerns Identified' and/or were rated as 'Falls Far Below Standard' and discuss appropriate responses and evidence/documentation required to address the findings. The agenda also includes time to discuss the financial performance framework, the concerns with respect to the Training and Experience audit, and required reporting per your school's PEC Financial CAP. The meeting will conclude with a brief conversation about expectations for the April 9, 2018 site visit at your school.

Miscommunication and confusion around meeting times. Fr. Brennan (new governing board member) arrived alone at approximately 7:50 am. The meeting began on time, as scheduled, at 8:00 am with only Fr. Brennan from the CDLN team and the CSD staff. Fr. Brennan stated that Mr. Jaramillo wanted him to arrive ten minutes prior to the meeting start time, which he did. He then contacted the Mr. Jaramillo, Chancellor, by cell phone and Mr. Jaramillo's response was that he thought the meeting was at 10:30 am. Fr. Brennan advised him otherwise, and then Mr. Jaramillo arrived at approximately 8:40 am. Ms. Life, Assistant Principal, did not arrive until 9:05 am. Dr. Cata, the governing board president arrived at approximately 10:00 am and school's contract business manager, Ms. Teller, arrived at 10:30 am. It appeared that the group had not reviewed the agenda (attached) which clearly stated that the meeting would be from 8:00am to 12:00pm.

The meeting purpose and start time were communicated via email, however, it became apparent that not all the members received the email and agenda. It is unclear why those from the school that did receive the information did not readily share with those that had not. The school team did not bring any documents or materials and, based on the conversations and questions, had not discussed or prepared for the meeting, as requested in the emails sent previously (see attached).

Fr. Brennan inquired about feedback on the documentation submitted by the school as required by the PEC-imposed corrective action and expressed confusion, and then frustration, about the meeting's agenda. Dr. Pelayo clarified that the purpose of the first part of the meeting was not to review other required documentation submissions in detail, but rather to address how the school would ensure it

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comes into compliance on the matters identified through the annual site visit in preparation for a second site visit per the PEC's letter regarding decisions on corrective action dated February 9, 2018 (see attached). The letter states the following:

Meet with the CSD staff at the PED Office in Santa Fe on February 20, 2018 to discuss all outstanding non-compliance on or before a second site visit to be conducted on April 9, 2018, which includes ensuring that all employee files contain all required and valid licensure and experience verification documentation found lacking during the PED's Audit and Accounting Bureau Training and Experience Audit.

Dr. Pelayo also clarified that there was time set aside specifically to discuss financial performance, but that those items would be addressed later in the meeting by the CSD Director, Katie Poulos. Correspondingly, the first hour and 40 minutes of the meeting focused on addressing **each** of the compliance concerns identified through the school's December 6, 2017 site visit. Below is a summary of the feedback and technical assistance provided regarding identified compliance concerns.

Technical Assistance Provided on Compliance Concerns

In preparation for the meeting, each of the CSD team members reviewed the responses provided by the school and then prepared information to provide technical assistance and support in the form of describing verifiable evidence and/or providing resources and handouts. The CSD staff provided a Checklist of the *PEC-Authorized Annual Monitoring in Web-EPSS*¹ (cross-referenced list of the 28 indicators of the *Charter Performance Framework*) and hard copies of the 2017-2018 Draft Web-EPSS Site Visit Report. The online monitoring tool was projected on the meeting room's wall so that everyone could visually track the same objects. These documents (attached) were explained in great detail to Fr. Brennan, a new board member, who was completely unfamiliar with them and their contents and yet was the only person from the school at the beginning of the meeting. Also, a copy of the *2016-2017 Web-EPSS Site Visit Final Evaluation* (previous school year) was provided to Fr. Brennan. The prior year report indicated that many compliance concerns from the current year were repeated and unaddressed.

The CSD staff presented each finding and reviewed the school's responses to each of the flagged compliance concerns. As the CSD members of the site visit team took turns discussing the various flagged concerns, the staff explained, in detail, the nature of the finding, the substance of what was requested for follow-up, and what was received in response from the school as submitted through the *2017-2018 PEC-Approved Annual Monitoring in Web-EPSS*.

The CSD staff indicated whether the appropriate responses and/or documentation were provided. The CSD staff explained in detail the level of specificity and quality of responses and documentation necessary to adequately address the documented non-compliance from the site visit. Where partial or incomplete documentation was provided, the CSD staff explained in detail what was still required and why it was necessary. Please note that while the CSD staff provided detailed feedback on each item, various CDLN team continued trickling in late and at different times, which was distracting and disruptive to meeting.

¹ Web-EPSS refers to the PED's online platform for district- and school-level educational plans of student success (EPSS) required by state statute, 22-2C-6 NMSA 1978. The online platform is currently used as a tool for monitoring performance and/or submission of data for a variety of purposes. The CSD uses Web-EPSS to monitor compliance with the Charter Performance Framework. The CSD releases findings and the Web-EPSS platform serves as a repository of the school's monitoring reports and uploaded documents.

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Below is summary of compliance concerns identified, by section and indicator, and the specific feedback provided to the school staff at the site visit, in its report, and at the February 20, 2018 meeting to remedy each of the concerns discussed:

Academic Performance

I-A.00 – NM A-F Grading System. The school received a letter grade of "F" for the 2016-2017 school year requiring it to submit a School Improvement Plan (SIP) within 40 days from release of school grades. The school did not provide such improvement plan by the established due date of October 1, 2017. During the December 6, 2017 site visit, the school was informed that a SIP has not been submitted and the head administrator then provided a copy of the school's "improvement plan" which he stated was approved by the board in April 2017. At that time, the CSD team pointed out that plan, given the date, must be for the prior year as the latest school grades (2017) were not released until August 2017. The school's site visit report was released to the school on December 29, 2017. The school uploaded its plan on January 29, 2018—nearly four months late. Prior to the February 20, 2018 meeting (see attached email), the school was provided two different templates that could be used as well as to the PED's Priority School's Bureau webpages for additional support regarding continuous school improvement planning.

At the February 20, 2018 meeting, the CSD staff again provided hard copies of improvement plan templates and walked the CDLN team through a step-by-step process to access the online NM DASH library of supports to learn more about effective school improvement planning. The only member of the CDLN team that asked questions was the new board member, Fr. Brennan. The CSD team answered his questions about the development of effective school improvement plans. When asked if there were other schools that CDLN could collaborate with or other sample plans available, the CSD staff reminded the CDLN team, that 20 school plans had been available online since PEC's February 9, 2018 at which the school was present for the presentation of such plans. The CSD staff directed them to the PEC website, and then showed them how to access various available documents. The CSD pointed out that while the plans were publically available, it would be important to for the CDLN team to ensure that the school's specific data and needs must drive the focus of efforts. The CSD staff informed the school that it would not comment on the quality of the various plans, but did point out that there was a wide range in quality and level of specificity across the plans. The CSD then demonstrated this by opening online several documents, projecting them to the meeting participants, scrolling through various components of detailed plans, and pointing key features of some of the plans.

Based on the level of direction and intense scaffolding the CSD staff modeled in accessing the online resources, and applying basic search skills, and voicing over a cursory review of plans viewed, it did not appear that the CDLN team has the capacity or willingness to do its own due diligence or take immediate action to improve its school's academic performance.

I-A.01 – Required Academic Performance Indicators. After the site visit, the school was advised that it must provide evidence it is keeping records of student progress on mission-specific indicators (i.e., fall results in NWEA reading and math as well as 2015-2016 to 2016-2017 growth of ELs on the ACCESS) no later than the 120th day reporting period (February 15, 2018). The CSD staff reminded the CDLN team that it must also provide (via Web-EPSS) at the end of the school year its analysis of progress towards *each* mission-specific indicator along with the school's battery of relevant vendor-generated interim/short-cycle assessment data, including results of its annual English language proficiency data

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results. The school was reminded that school's self-reported data analyses/results would not be sufficient for validating progress towards mission-specific indicators without vendor-generated reports.

Financial Performance

II-A.00 through A.06 – Financial Performance Framework. A reminder regarding this specific reporting requirement was provided. According to the Charter Performance Framework, this section is evaluated through the completion of the financial questionnaire, due annually, that must be signed by the governing board president, head administrator, and business manager. The school was also reminded that any potential FY audit findings would have to be addressed as well.

Organizational Performance

III-A.00 – Education Plan (Charter Contract and Material Terms). After the December 6, 2017 site visit, the PED team requested that the school provide description of steps it will take to ensure it adheres to material terms of its contract in regards to providing a “*free public school education... [for] any school age person*” who is registered at the school, instead of asking students to leave due to not being the right ‘fit’. The school was provided with the legal citation for the requirement, see 22-1-4A NMSA 1978. The PED site visit team observed that the school was implementing a combined or multi-age classroom program, which constitutes a material violation of the school's approved charter contract. To address the non-compliance, the school was required to either demonstrate compliance with its current charter which does not allow of multi-age classroom instruction or submit governing-body approved amendment request to the Charter Schools Division (CSD) for PEC consideration through the appropriate channels. The school uploaded into Web-EPSS an incomplete amendment request form.

At the February 20, 2018 meeting, the school was advised that the amendment request was not properly submitted to the division's designated email address: charter.schools@state.nm.us. The school was advised that the complete amendment request and supporting documentation must be submitted to the division's general email address where it can then be appropriately routed for processing. Additionally the CSD staff explained in great detail the concerns it has with the amendment request done in haste (signed by the governing board president with a date of January 31, 2018).

The CSD staff asked the CDLN to carefully present an amendment request that thoughtfully addresses how its current education program—dual language programming—could be negatively affected due to combining classrooms. The CDLN team stated that it had aligned the Common Core State Standards for its combined classes, thereby admitting violation of material terms. In response, the CSD staff pointed out that while the standards alignment handbook—which appeared to be copied and pasted from another source—was observed during the December 6, 2018 site visit, the classrooms were not paired according to the grade spans in the handbook, which itself is problematic.

Further, the CSD staff noted that simply combining classes to mitigate financial difficulties is not a well-reasoned rationale for change. The CSD staff explained that multi-age classrooms are undergirded with a specific educational philosophy and that it would be incumbent on the school to specifically address how multiage pedagogy would be implemented while also continuing its dual language bilingual education program. The CSD staff further explained that radically altering the education program of an approved charter requires that the school be able to demonstrate it effectively and presently meets all provisions of its approved charter contract, has the capacity to support its students and staff in a potential change, and that it has carefully planned for the professional development and training

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teachers need to effectively implement multi-age pedagogy. The school was advised to carefully reconsider whether or not to proceed with its amendment request and when it was ready to resubmit it, to do so through the established channels according to the procedures explained.

III-A.01 – Education Plan (Compliance with all education requirements).

State Assessments. State assessment reports (iStation and PARCC) were not observed in student cumulative files. After the December 6, 2017 site visit, the PED team requested that the school "...upload of all state-mandated assessment reports ...with redacted student names." Instead, however, the school uploaded a schoolwide *iStation ISIP* reading results report showing the percentage of students at each iStation ISIP Tier (1-3) and a packing list for PARCC Assessment Scores received in Spring 2017. The school was advised that the expected response (with verifiable evidence) would have more appropriately been to upload copies of some, if not all, PARCC and *iStation ISIP* **individual** student (not schoolwide) reports to Web-EPSS as these would be the reports shared with families (in a language understandable to them) and such reports would also be filed in student cumulative files as evidence that the required communication with families was done. Since the PED team will visit the school on April 9, 2018, the student files will be reviewed again to ensure compliance and to verify that such reports have been appropriately filed as required.

Instructional Hours. The school calendars (parent, budget, and actual) do not match. After the December 6, 2017, site visit, the PED team request included, among other items, "a revised/corrected master schedule that corrects for instructional hours shortage for 7th and 8th grades." The school uploaded an email from Mr. Jaramillo stating that the school exceeds in providing instructional contact time to all of its students. Accompanying that email was page 33 of the school's Charter Contract, the school's 2017-2018 academic calendar, and the school's budget calendar. See the attached explanation of the how the instructional hours for CDLN were calculated. The school is 15.5 hours short of providing the contractual hours for 7th and 8th graders. The school was advised that it would need to adjust the calendar to provide those hours or submit for approval of an amendment request to the PEC via the appropriate form (which was provided, see attached). As indicated in the header of the request form, the completed documentation must be emailed to charter.schools@state.nm.us along with governing board meeting minutes showing that the amendment request was approved.

III-A.02 – Education Plan (Protecting the Rights of All Students).

McKinney Vento Act. At the December 6, 2017 site visit, the PED team noted that the McKinney Vento (Homelessness) Liaison's contact information had not been reported to the PED Wellness and Student Success Bureau, that the required 20-hour online training had not been completed, and that the McKinney Vento Dispute Resolution Policy had not been approved by the school's governing board as required. Ms. Life, the school's designated Homelessness Liaison, completed the training on January 1, 2018, uploaded the certificate, and provided contact information to the PED Wellness and Student Success Bureau. However, the McKinney Vento Dispute Resolution Policy that was submitted does not contain all required elements per the federal ESSA requirements. During the February 20, 2018 meeting, the CSD staff provided several handouts related to the federal McKinney Vento Act and advised that the school's governing board review, revise and approve a compliant policy. The policy and the governing board meeting minutes indicating that it was approval must be uploaded to Web-EPSS.

Student Assistance Team (SAT). Additionally, at the December 6, 2017 site visit, the PED team did not observe SAT files for students and therefore requested "evidence that [the school] is implementing its SAT process....SAT log with student names redacted." Such a log was provided and it included seven students, listed in chronological order by SAT meeting date. At least one entry was out of order. Also

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uploaded was the school's self-assessment on its Response to Intervention (RtI) and SAT processes, as well as several blank templates from the PED's 2009 SAT handbook. Prior to the February 20, 2018 meeting, the school was provided links to the PED's revised RtI handbook (2014). During the meeting, the CDLN team was advised that while the sample documents are provided and referenced for support, the school should adapt forms to meet the specific needs of the school, and at minimum should reflect the school's letterhead. Further, it was pointed out to the CDLN team that only students moving from Tier 2 to Tier 3 (special education) were listed. The CSD staff also informed the CDLN team that it expected to see the documentation and evidence that such students had first moved from Tier 1 to Tier 2, which was not evident in the log uploaded.

The CSD staff informed the school that the CSD expects the schools to either submit and/or have reading available evidence of all meetings, teacher documentation leading up to those decisions, meeting agendas, communication with parents, intervention plans, progress monitoring documentation, and evidence of implementation. At the upcoming site visit scheduled for April 9, 2018, the PED team will review the student SAT files for compliance, and review evidence of the school's implementation of its SAT processes. The PED expects to see actual, complete documentation for each student in the SAT process, as indicated by the submitted log—not the PED's 2009 blank, sample templates.

III-A.04 – Education Plan (English Learners). At the December 6, 2017 site visit, the PED team reviewed 11 student cumulative files and did not observe administration of the required, department-approved language screener (W-APT/WIDA) which determines English Learner (EL) eligibility. For six students, the Home Language Survey (HLS) or Language Usage Survey (LUS) indicated a language other than English. Specifically, three students did not have the required W-APT/WIDA Screener result and three were administered a non-state approved short-cycle assessment (i.e., WIDA Model). The school was referred to communication and guidance from the PED's Language and Culture Bureau. To address the finding, the CSD team advised the school that it provide evidence of action steps taken to correct its student files to demonstrate it has properly followed state procedures for the identification of ELs and tracking of exited EL students (or reclassified fluent English proficient, RFEP, students) per 6.29.5.11-12 NMAC. The CSD also provided some examples of the types of evidence that could be provided. The school submitted copies of LUS and W-APT results. However, CDLN's response was incomplete, which demonstrates a lack of understanding of the state's EL identification procedures as well as a lack of due diligence since it did not seek out guidance from the PED's Language and Culture Bureau (LCB). In its inadequate Web-EPSS response, the school failed to address the monitoring of RFEP students or upload any evidence that it monitors the academic progress of such student as the state regulation requires.

To support the school's understanding of its responsibilities, at the February 20, 2018 meeting, the CSD staff printed and provided a copy of the state's EL identification process map, walked the CDLN team through the state's EL identification process, and provided hard copy samples of required parental notification letters (which should be contained in student files, and were not evident during the site visit or in the school's response to the finding). When asked how it tracks and monitors for the academic progress of its RFEP students, the CDLN team remained silent. Nevertheless, to provide technical assistance and support the school in developing a process it does not currently implement, the CSD staff provided a hard copy of the 2015 U.S. Department of Education's English Learner Toolkit.

Please note that the guidance and materials referenced are publically available on the PED's website, and that over the years have been emailed directly to Mr. Jaramillo and provided in hard copy to all directors of bilingual education and English learner programs who attend LCB regional technical assistance meetings and trainings. The resources and guidance are not new—the school should be fully

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aware of its responsibilities, especially since the PED's LCB has consistently held several technical assistance meetings and professional development trainings over the years—and Mr. Jaramillo is well aware of the LCB opportunities since he is on the LCB listserv and has been for over five years. Given the importance of state funding for its dual language program (charter material terms), it would be essential that the school's staff attend the LCB's free professional learning opportunities. Since the CDLN was renewed as a state-authorized charter school beginning July 1, 2016, Ms. Life has attended just two technical assistance meetings and Mr. Jaramillo has attended none.

IV-A.00 – Business Management and Oversight (Reporting Compliance). During the December 6, 2018 site visit, the CSD staff reminded the CDLN team that the Bilingual Multicultural Education Program (BMEP) District Annual Report, per 6.32.2.15 NMAC, was overdue since it is required to be submitted annually to the PED by September 30th. The school did not submit the report by established deadline, and received multiple reminders with extended deadlines. The school did not submit the report until December 20, 2017, almost three months *after* the deadline. At the February 20, 2018 meeting, as in the site visit report, the CDLN team was reminded that it must upload, into Web-EPSS, evidence that it is implementing management responses and/or actions as stated on its corrective action plan (CAP) for any potential FY17 audit finding(s). The CSD staff advised that this should be done once the audit report is released by the State Auditor (forthcoming). The school was also advised that evidence of implementation, not the just CAP that may be required of the PED Audit Bureau would need to be uploaded into Web-EPSS in order to receive a final rating of *Working to Meet Standard*².

IV-A.01 – Business Management and Oversight (Teacher support).

Teacher Mentorship Program. Though a teacher mentorship program handbook was available at the December 6, 2017 site visit, it did not include several required components and was therefore non-compliant with regulation. The school's January 30, 2018 response in Web-EPSS to a request that it upload a revised handbook compliant with state regulation was "Carinos does not have any teachers in 'mentorship' status." Not only is this "response" wholly inadequate, it is not responsive to the request and demonstrates either a misinformed lack of urgency or a blatant disregard for state regulation.

To support the school understand its obligations, at the February 20, 2018, the CSD staff provided the CDLN team a summary sheet of the regulation requirements for mentorship programs (see attached document). The school did not seem to understand the requirements of state regulation or look up the regulation, as cited in the finding, before submitting its one-sentence statement. The CSD staff explained to the CDLN leadership that though the school may not currently have any Level I teachers requiring mentorship, the school's process must be documented such that school is prepared and ready to implement its program should a new teacher be hired. The CSD staff pointed out that given the school's instability and that it had already experience a departure of staff, a reasonable school response would be to prepare for such transitions, especially when it was already pointed out as non-compliance during the site visit. The CSD staff again advised that a revised mentorship program handbook that is compliant with regulation be uploaded to Web-EPSS. During the upcoming April 9, 2018 visit, the CSD staff will review staff files to determine if new teachers requiring mentoring are hired and evidence of implementation of a compliant mentorship program.

² In Web-EPSS, in alignment to the Charter Performance Framework, the main ratings used to evaluate compliance on the performance indicators are: Meets the Standard, Working to Meet Standard, and Falls Far Below Standard. The Web-EPSS system also allows for reminders, which we provide the school to notify them of future action that will need to be taken to ensure compliance.

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Professional development plans. Per regulation, 6.69.4.10 NMAC, professional development plans (PDPs) for all teachers must be prepared by the 40th day of the school year, and are to be used as part of the evaluation process by the Head Administrator at the end of the year. During the December 6, 2018 site visit, the school was not able to produce either PDPs or education effectiveness reports for its teachers. The CSD is concerned that the school's staff is not being provided with support needed for the school to implement its material terms or to implement effective school improvement. This is especially concerning the school's desire to request to amend its charter to include multi-age classrooms. The school was required to submit evidence that PDPs have been developed and teachers have been provided the opportunity to be evaluated and supported. At the February 20, 2018 meeting, the CSD staff advised the CDLN team to ensure that PDPs and Educator Effectiveness Reports be readily available for review and/or be filed in personnel files, annually. The school was also advised that at the upcoming site visit scheduled for April 9, 2018, the CSD staff will review these documents for compliance.

V-A.00 – Governance and Reporting (Governing Board's Compliance with Open Meetings Act). The CDLN team was reminded that a response to compliance concerns identified during the December 19, 2017 governing board's meeting in Web-EPSS is overdue. The completed observation form was uploaded and noted in the Web-EPSS system January 11, 2018 and a response is required within 30 days of the release of the *Governing Board Observation Form* and feedback. As of February 20, 2018, no school response had been updated into Web-EPSS and during the meeting the CDLN team stated it was unaware of any concerns identified—yet both the school's two administrators have access to the system.

At the February 20, 2018 meeting, the CSD handed the CDLN staff hard copies of the *Governing Board Observation Form* and asked to carefully the school to review the feedback as a team in order to submit a thoughtful response. Additionally, to completely address this indicator, the school was also advised to consider further revising its bylaws beyond the requirement of the PEC CAP requirement (that the governing board to ensure the school leader does not continue to vet or recommend potential governing board members). The CDLN team appeared confused about this technical assistance feedback. The CSD team explained that there were several concerning issues in the school's bylaws and policies that appear to reflect misunderstanding of the board responsibilities and separation of duties. The CSD reminded them many of such concerns were highlighted and presented to the PEC at its February 9, 2018 meeting. Again, the CSD staff reminded the CDLN team that all documents presented at the PEC meeting are publically available online and that it would behoove them to conduct a thorough and complete review of their policies.

VI-A.02 – Employees (Background Checks). During the December 6, 2017 site visit, the PED team observed that the background check for one teacher was not in his personnel file and it was requested that the school provide evidence of the background check for said teacher. This was not uploaded to Web-EPSS prior to the February 20, 2018 meeting. However, at the February 20, 2018 meeting, Ms. Life had a copy emailed to her and she showed it to the CSD staff on her phone. The CSD staff advised Ms. Life to upload that document to Web-EPSS as evidence.

VI-A.00 Employees (Parental Notification of Unendorsed Instructors). The CSD staff informed the CDLN team that although written notice was sent to parents notifying them of unendorsed instructors teaching students, the school had not submitted evidence of an approved *Substitute Exceeding 45-Day Limit Waiver Request* form, as required by state regulation, 6.29.1.9(B)(9)(d) NMAC. The CDLN team was advised that to appropriately address the non-compliance, the school must upload approved waiver

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forms into Web-EPSS. The CDLN team was also advised of where the form could be accessed: <http://webnew.ped.state.nm.us/information/waivers/>

VII-A.00 – School Environment (Emergency Preparedness and Drills). During the December 6, 2017 site visit, the PED team did not observe the school was in compliance with the state’s requirements that it keep records of all emergency drills conducted. The school is required to complete weekly fire drills for the first four weeks of school with monthly drills thereafter. The school is also required to conduct one off-site evacuation drill annually and two shelter-in-place/lockdown drills twice annually. Further, the school is required to keep 3 years’ worth of such records, to include the current school year. No such documentation was observed. The school was required to produce evidence that it had conducted emergency drills as required and a schedule of drills to be conducted in the current school year. The school did not produce any evidence of drills conducted and only submitted a list of tentatively scheduled drills beginning with February 2018.

At the February 20, 2018 meeting, the CSD staff asked the CDLN team if it has prior year records and if had conducted any emergency drills during the current school year. There was no response. It was noted, that this item was a repeat finding from the prior year. The CLDN team was advised that it must conduct the emergency drills as provided in its schedule and that evidence that drills were conducted is required. The CSD staff provided the CDLN team with template for creating a process, plan or procedure to come into compliance and to thoughtfully design a plan that would ensure future compliance moving forward. During its scheduled April 9, 2018 site visit, the CSD will review the school’s files against the schedule of emergency drills to determine whether or not the school has begun conducting its required emergency drills.

The CSD team also pointed out to the school that while the doors of school were securely locked on the date of December 6, 2017 site visit, however the school’s doors were *not* locked on an impromptu visit to the school on January 16, 2018, therefore the school was not following its own policies.

VII-A.01 – School Environment (Immunization Log). During the December 6, 2017 site visit, the PED team did not observe that the school was in compliance with the Department of Health’s (DoH) requirement to have an immunization log. Thus, the school received a finding and was required to upload evidence to address the matter. The school instead uploaded individual immunization records for all students, which was not required or requested.

At the February 20, 2018 meeting, the CSD staff provided the CDLN team with the DoH memorandum dated February 20, 2015 which informs New Mexico Superintendents and Charter School Leaders that an immunization list or log is required. The school is required to maintain, at all times, an updated list of the immunization status of all enrolled students. The school was informed that such a list will be reviewed during the upcoming April 9, 2018 site visit.

Financial CAP Feedback

At approximately, 9:40am during the meeting, CSD Director, Katie Poulos, entered the room to provide feedback on the financial CAP that was imposed by the PEC on school since November 2017. The CSD Director had reviewed the school’s submitted plan and had determined that the plan was inadequate, lacking specificity and instead demonstrated a hastily drafted document of poor quality. The CSD Director provided specific examples of what she expected the document to include and went through each entry pointing out how it was exactly the same as all the others. It was evident that the CDLN team did not bother to review a higher quality plan that another similarly-situated charter school had

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submitted even as the CSD Director stated during the February 9, 2018 PEC meeting on the record that she had confidence that the other school's plan was good first step in moving forward. That leader had taken proactive steps to seek additional financial training and support by the PED staff. Given that the second CDLN document submitted was also of very poor quality, the CSD Director provided the CDLN a third opportunity to get it right. Fr. Brennan responded the school needed more financial training and asked what the PED was providing in that respect. The CSD Director strongly implored the school be take the matter seriously, to be proactive in seeking support from all sources available and to put much more thought into its revision. The CSD Director made it abundantly clear that the CDLN team was expected to resubmit a substantially improved plan with specific and detailed actions steps with clearly delineated responsible parties and much more urgent deadlines. The CSD Director expressed her great disappointment about the school's sluggish and underwhelming response to the immense challenges the school is experiencing and told the CDLN she was seriously concerned about the CDLN's lack of ability to respond to the challenges and problems identified with urgency. Since there was not much to review in terms of a substantial plan, Director Poulos met with the CDLN team for approximately twenty minute. To close, the CSD Director asked if there were any questions. No member from the CDLN team responded.

However, after the CSD Director left for another meeting, the CDLN team asked the CSD staff for support in crafting a stronger financial CAP action plan. The CSD staff pointed out that the CDLN team was at the PEC meeting during which a much strong financial CAP was presented by another charter school, and that, again, such plan was available online. Nevertheless, the CSD staff provided CDLN with a hard copy of that school's submission and reminded the school that it should view it as an example, but that it would be important to consider its unique needs to craft a thoughtful revision of its action plan.

Concluding Remarks

As the above reported details indicate, and especially via the February 20, 2018 meeting, the CSD finds that the CDLN team overwhelmingly demonstrated a lack of ownership over the school's academic, organizational and financial performance, does not demonstrate a sense of urgency or thoughtfulness to take immediate and aggressive action to address a wide range of non-compliance, and continues to exhibit an alarming lack of capacity, knowledge, or skillset—at the administration and governance levels. The CDLN leadership team simply fails to grasp the precarious situation in which the school is engulfed. Even on the most basic level—such as arriving to meeting on time in coordinated manner as well as prepared to discuss the agenda items—the CDLN continues to demonstrate it is utterly unprepared to lead. The CDLN team continues to demonstrate the inability to appropriate respond or take decisive action in ways that effectively address the school's serious problems.

Pelayo, Icela, PED

From: Poulos, Katie, PED
Sent: Friday, February 09, 2018 6:35 PM
To: Father Terry Brennan
Cc: Jaramillo, Vernon; bernice.life@carinos.org; Teller, Corinne; Pelayo, Icela, PED
Subject: RE: follow up communications

Additionally, please find PEC materials on this website:

<http://webnew.ped.state.nm.us/bureaus/public-education-commission/meetingcalendarsmaterials/2018-pec-meeting-calendar/>

If you click on the “+” to the left of “February Documents” you will find all the materials presented to the PEC today. Specifically, you can find the example Financial CAP that was submitted by Sandoval Academy of Bilingual Education in the materials titled “9 Financial CAPs”

From: Poulos, Katie, PED
Sent: Friday, February 09, 2018 6:24 PM
To: Father Terry Brennan
Cc: Jaramillo, Vernon; bernice.life@carinos.org; Teller, Corinne; Icela Pelayo
Subject: FW: follow up communications

Father Brennan,

Please see my responses below, in the embedded form if that is most helpful to you. In addition, I have addressed each of your questions and concerns as follows.

- It would **not** be appropriate for me to review your board documents and provide feedback. You may wish to look at the processes other boards use (best practices) and seek legal counsel for guidance. Below are some resources for effective board governance:
 - <https://boardontrack.com/>
 - <http://charterboards.org/>
 - <https://nationalcharterschools.org/product/charter-school-board-university/>
 - <http://www.charterschoolboarddevelopment.com/>
 - You may also seek support from other charter schools in NM and or the NM Coalition of Charter Schools.
- **I apologize that you were unable to find my email or phone.**
 - I do not know why you were unable to find it as my email address is clearly provided on the PED website here: <http://webnew.ped.state.nm.us/bureaus/charter-schools/staff/>
 - I do however suggest that you always seek assistance first from my team by using our general email charter.schools@state.nm.us, the team is often more available than I am
 - It appears you sought to reach me through Beverly, who was still in the meeting with me, and my assistant Dolores, who was also in the meeting with me. I do request that you be patient and understand that especially during meetings and site visits my team and I will be away from our desks.
 - It appears you also tried to reach me by calling the Licensure Bureau. They would not have been able to direct you to me as they do not work with me on a regular basis and we are a large organization (they are not even in the same building). I cannot speak for that bureau or their staff, but I do apologize for your experience and what appears to be disappointment with their customer service.
 - Please note, my contact is below in my signature and was on the email I sent you earlier today.

- **I apologize that you received incorrect information about the training time.**
 - Please do be aware that all necessary (and correct) information about our trainings is available here: <http://webnew.ped.state.nm.us/bureaus/charter-schools/training-opportunities/>
- **In regards to technical assistance:**
 - I hope you understand that it is the school's primary responsibility to ensure its own continuing viability; that is not the responsibility of my division.
 - We have an obligation to respect the autonomy of charter schools—which means we must respect them to make their own decisions and to operate independently. In exchange for having this autonomy, charter schools are held accountable for *their own success or failure*.
 - My team is able to provide access to information or resources *when you are unable to identify the correct information or resources on your own*. **You should ensure you and your team conduct your own due diligence and seek out information on your own first.**
 - I ask that you always attempt to work directly with the most appropriate bureau or division in PED.
 - You should be able to contact the appropriate people by reviewing our website with due diligence and attention.
 - However, if you are unable to find the contact information for the appropriate individual after carefully reviewing the resources available to you, my team can assist.
 - **I must reiterate that we are not here to run the school for you, do initial research for you that you could do on your own, or to fix the issues that the governing council and school staff are responsible for addressing.**
- All that said, below we are providing additional resources that may be useful for you in addressing the concerns identified on the record and in the materials today. These may be useful as you and the school team work on meeting the requirements of the corrective action plan.
 - PEC Information
 - Amendment Request Form - <http://webnew.ped.state.nm.us/wp-content/uploads/2018/01/Amendment-Request-Form-1.docx>
 - PEC School Improvement Plan Template – attached
 - PEC Corrective Action Plan Template – attached
 - School Budget and Financial Analysis Bureau/Audit Bureau
 - Staff
 - David Craig, Director School Budget and Financial Analysis Bureau
david.craig@state.nm.us
505-827-6537
 - Amelia Saiz, Director Audit Bureau
Amelia.Saiz@state.nm.us
505-827-3856
 - <http://webnew.ped.state.nm.us/bureaus/school-budget-finance-analysis/>
 - Manual of Procedures for Accounting and Budgeting - <http://webnew.ped.state.nm.us/bureaus/school-budget-finance-analysis/manual-of-procedures-psab/>
 - Licensure and Teacher Recruitment

- Staff
Rebecca Reyes, Director
Professional Licensure Bureau
Public Education Department
120 S. Federal Place Room 105
Santa Fe, NM 87501
Phone # 505-827-1436
Fax # 505-827-1449
- <http://webnew.ped.state.nm.us/bureaus/licensure/>
- Licensure Frequently Asked Questions (FAQs):
<http://webnew.ped.state.nm.us/bureaus/licensure/10967-2/>
- Licensure Background Information: <http://webnew.ped.state.nm.us/bureaus/licensure/background-submission/>
- Licensure Staff: <http://webnew.ped.state.nm.us/bureaus/licensure/staff/>
- NM REAP – job posting site for recruiting applicant: <http://www.nmreap.net/>
- Teacher Resources: <http://teachreachnm.us/resources/>
- Governance
 - Audit Committee Tracker and Reporting Template – attached
 - Open Meetings Act Compliance Guide with Example scenarios and templates:
<https://www.nmag.gov/uploads/files/Publications/ComplianceGuides/Open%20Meetings%20Act%20Compliance%20Guide%202015.pdf>
 - Charter School Boards:
<http://webnew.ped.state.nm.us/bureaus/charter-schools/charter-school-boards/>
 - Governing Board Resources:
<http://webnew.ped.state.nm.us/bureaus/charter-schools/charter-schools-resources/>
 - School Board/Governing Council Financial Reporting:
<http://webnew.ped.state.nm.us/bureaus/school-budget-finance-analysis/school-board-governing-council-financial-reporting/>
- Bilingual Education and English Learners
 - Language and Culture Bureau Staff
Mayra Valtierrez, Director
Mayra.valtierrez@state.nm.us
(505) 827 -6667

Kirsi Laine, English Learner Specialist
Kirsi.laine@state.nm.us

(505) 827-6505

- Serving English Learners: <http://webnew.ped.state.nm.us/bureaus/languageandculture/english-learners/>
- US Department's English Learner Toolkit: <https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html>
- English Learner Identification: <http://webnew.ped.state.nm.us/bureaus/languageandculture/english-learners/english-learner-identification/>
- Bilingual Multicultural Education Programs Technical Assistance Manual (including dual language programs): http://webnew.ped.state.nm.us/wp-content/uploads/2017/12/BMEP_TAM_2016_05.11.17.pdf
- Literacy
 - Literacy and Early Childhood: <http://webnew.ped.state.nm.us/bureaus/literacy-humanities-early-childhood/>
- Safety
 - Student Success and Wellness Bureau: <http://webnew.ped.state.nm.us/bureaus/student-success-wellness/>
 - Safe and Healthy Schools: <http://webnew.ped.state.nm.us/bureaus/safe-healthy-schools/>
 - NM Families Guide: <https://families.ped.state.nm.us/>
- Continuous School Improvement and Student Support
 - NM DASH System: <https://dashlibrary.ped.state.nm.us/>
Tons of great videos about the continuous school improvement and 90-day planning.
 - Principals Pursuing Excellence (PPE) program: <http://webnew.ped.state.nm.us/bureaus/priority-schools/principals-pursuing-excellence-ppe/>
Application is due February 26, 2018 at 5pm
 - Response to Intervention (RtI): <http://webnew.ped.state.nm.us/bureaus/safe-healthy-schools/response-to-intervention-rti/>

I hope I have been able to address your questions and concerns. My team looks forward to a productive discussion with the Carinos team on February 20th and hopes that the Carinos team comes prepared after having consulted the resources provided above. My team will be reaching out with information about the time, location, and agenda of the February 20th meeting soon. We will ensure all relevant staff and board members from Carinos are copied on this communication, so that the school's internal communication problems do not hinder the effectiveness of this meeting.

Warm regards,

Katie

Katie Poulos
Director of Options for Parents and Families
NM Public Education Department
300 Don Gaspar
Santa Fe, NM 87501
c: (505) 469-0373
o: (505) 827-6532
katie.poulos@state.nm.us
www.ped.state.nm.us

Driving student success in New Mexico by supporting excellent authorizing practices and charter schools that provide innovative, quality education.

From: Fr. Terry Brennan [<mailto:frterrybrennan@gmail.com>]
Sent: Friday, February 09, 2018 3:59 PM
To: Poulos, Katie, PED; Jaramillo, Vernon; bernice.life@carinos.org
Cc: Corinne Teller
Subject: follow up communications

Hi Katie,

Thanks for getting the letter from our meeting to me so quickly today. I am enclosing the Resolution that I drafted in response to item 6 of Patricia Gipson's letter. Our Board will meet soon to deliberate and to vote on it. Did you wish to make suggestions before we do? **It would not be appropriate for me to review your board documents and provide feedback. You may wish to look at the processes other boards use (best practices) and seek legal counsel for guidance.**

Also, please help me. When I tried to get your email address a few minutes ago, this is what happened: **My email address is on the email I sent you, it is also available here: <http://webnew.ped.state.nm.us/bureaus/charter-schools/staff/>. You can also always use our general email: charter.schools@state.nm.us. That general email is the best method for getting support from the CSD team.**

1. I called the phone number on the letterhead of the letter you gave me today...827-6661. I got the voice mail of Beverly Friedman, PED. That didn't help. **Beverly was still in the meeting with us today. She can help you reach my office.**
2. I went on line to get the PED phone number. I found 827-1436 on your home page. **That appears to be the number for the licensure bureau, I am unclear why you would try to reach me through a different bureau of the PED.**
3. I called and got an operator who did not recognize your name or look it up. **I apologize for your experience, but I cannot speak for a different bureau. Whoever you spoke to does not work with me or my division on a daily basis and she would not know how to reach me.** Instead, she transferred me to a number and the voice on the other end said, "this is message box 0074298, enter your code." Of course I did not have a code.
4. I called back and told the person who answered the phone, 827-1436 that I thought you worked in the Charter School division, but all I wanted was your email address. She gave me your phone number of 827-6532. **This is my correct phone number.**
5. I called back 827-1436 and told her to please transfer me to the Charter School Department. She gave me the number 827-6576. She hung up without transferring me. **I apologize for your experience, but I cannot speak for a different bureau.**
6. I called 827-6576 and got a recording that this is a non-working line.
7. i called 827-1436 and it rang this time without anyone answering it.
8. I went back to the PED web page and found the Charter School link. I then saw the number for the Help Desk, **THE ONLY PHONE NUMBER LISTED FOR ANY OF THE EMPLOYEES IN YOUR DEPARTMENT, as 827-6909**

9. For fun, I called that number and got a recording that said, "Dolores Archuleta, Options, leave a message."

This is my assistant's number. She was still in the meeting with us today. She can help you reach my office.

10. I did see your email address on the web page. *I do not know why you didn't see my email address. It is here: <http://webnew.ped.state.nm.us/bureaus/charter-schools/staff>*

By the way, I went to the Board member training yesterday but got there an hour late because I was not notified that the staff had changed the time from 9 am to 8 am. *I apologize that you did not get the correct information.*

Please understand, I am just starting out on this venture, and I want to work with PED in every instance. We have to be able to reach reach each other efficiently. We can both understand and admit that no system is perfect, so let's both overcome these difficulties in the best way possible. I will always get back to you as soon as possible, I know that you cannot promise the same because we are just one out of around 100 charter schools. But please, during this next two weeks when our future is on the line, please try to get back in touch with me as soon as is practical. *I hope you understand that it is the school's primary responsibility to ensure its own continuing viability; that is not the responsibility of my division. My team is able to provide access to information or resources when you are unable to identify the correct information or resources on your own. You should ensure you and your team conduct your own due diligence and seek out information on your own. I must reiterate that we are not here to run the school for you, or to fix the issues that the governing council and school staff are responsible for addressing.*

I ask that you always attempt to work directly with the most appropriate bureau or division in PED. You should be able to contact the appropriate people by reviewing our website with due diligence and attention. However, if you are unable to find the contact information for the appropriate individual after carefully reviewing the resources available to you, my team can assist.

Fr. Terry Brennan
Carinos Charter School
Resolution attached

PROPOSED: PEC Charter School Improvement Plan (SIP)

| | | | | | | |
|---|----------------|----------|---|---|--|-------------------|
| Name of Charter School | | | | School State ID Number | | |
| Head Administrator | | | | School Year | | |
| Governing Board Approval Date | | | | Submission Date | | |
| Performance Framework Area for Improvement (Academic, Financial, Organizational) Specific Performance Indicator in Need of Improvement | | Academic | Financial | Organizational | Deadline for Charter School to Demonstrate Improvement | |
| | | | | | | |
| Remediation Strategy(ies) | Action Step(s) | Timeline | Person/Program Responsible for Implementation | How will you demonstrate success of the Remediation Strategy(ies) | Outcome Evidence (Data) | Met/ Did Not Meet |
| | | | | | | |
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- School Improvement Plan (SIP) process pursuant to *Charter School Contract*-Section 4.03 (a)
- Timelines: 1) CSD Report on PF for schools-June 2) SIP to CSD/PEC-August 3) PEC Approves/Disapproves SIP-September
- **One (1)** Improvement Plan Template for **each** Performance Indicator identified as “Does Not Meet,” “Working to Meet Standard” or “Falls Far Below Standard”
- Outcomes of the charter school’s improvement must be evidenced with data
- Completion and evaluation of SIP results by CSD/PEC-May

| CORRECTIVE ACTION PLAN | | | | |
|--|---------------------------------------|------------------------------|--|--|
| Reference, Authority, and Issue: | | | | |
| Findings: | | | | |
| Corrective Action Plan Requirements: | | | | |
| SCHOOL’S PROPOSED PLAN (To Be Completed By The School) | | | | |
| Intended Outcome of Corrective Actions: | | | | |
| Description of Corrective Action(s) to Address Immediate Concern: | Title/Role(s) of Responsible Persons: | Expected Date of Completion: | Evidence of Completion of the Corrective Action: | Description of Internal Monitoring Procedures: |
| | | | | |
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| | | | | |
| Description of Corrective Action(s) to Ensure Concern Does Not Reoccur: | Title/Role(s) of Responsible Persons: | Expected Date of Completion: | Evidence of Completion of the Corrective Action: | Description of Internal Monitoring Procedures: |
| | | | | |
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| | | | | |
| CORRECTIVE ACTION PLAN APPROVAL SECTION (To Be Completed By The Commission) | | | | |
| Reference, Authority, and Issue: | | | Corrective Action Plan Status: | Status Date: |
| Basis for Decision: A corrective plan must : (a) Address how the corrective action will be accomplished; (b) Address how the school will identify and address other deficiencies associated with the corrective action; (c) Address what measure(s) will be put in place to prevent future occurrence of defect; (d) Indicate how the school will monitor compliance to assure that solutions are sustained; (e) Identify person(s) responsible for corrections and sustaining change; (f) Give the date by which correction will be made; and (g) Include steps that will be taken to accomplish correction with steps, dates, and supporting evidence that the plan will be carried out as scheduled. | | | | |

Audit Committee Tracker and Reporting Template

| | Date of Audit Finding | Original Audit Condition | Corrective Actions Taken | Date of Corrective Actions |
|--|------------------------------------|--------------------------|---------------------------------------|----------------------------|
| | | | | |
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| | | | | |
| | Date of Tracking Close Out - _____ | | Reason for Tracking Close Out - _____ | |
| | Was Audit Finding Repeated? _____ | | | |
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| | Date of Tracking Close Out - _____ | | Reason for Tracking Close Out - _____ | |
| | Was Audit Finding Repeated? _____ | | | |
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| | Date of Tracking Close Out - _____ | | Reason for Tracking Close Out - _____ | |
| | Was Audit Finding Repeated? _____ | | | |

Audit Committee Tracker and Reporting Template

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| | Date of Tracking Close Out - _____ | | Reason for Tracking Close Out - _____ | |
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| | Date of Tracking Close Out - _____ | | Reason for Tracking Close Out - _____ | |
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Audit Committee Tracker and Reporting Template

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| | Date of Tracking Close Out - _____ | | Reason for Tracking Close Out - _____ | |
| | Was Audit Finding Repeated? _____ | | | |
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| | Date of Tracking Close Out - _____ | | Reason for Tracking Close Out - _____ | |
| | Was Audit Finding Repeated? _____ | | | |

School:

Site Visit Date:

| | | |
|---|--|-----------------------|
| NOTE: This list is provided in order to assist the school in capturing the compliance concerns observed by the team. The list and examples provided are <u>not</u> all-inclusive. There may be some items that need to be discussed by the team and/or consultation with specific PED Bureaus may be required. All details will be available via Web-EPSS within the contractual requirement of 45 days (or sooner). This list, along with your notes from the exit interview, can be used by the school to begin resolving any issues. | | Performance Framework |
| Category I. Academic Performance Framework | | |
| <input type="checkbox"/> I-A.00 NM A-F School Grading System School Grade; Improvement Plan or NM DASH required if last year's grade <C | | #1 |
| <input type="checkbox"/> I-A.01 Required Academic Performance Indicators Mid and End of Year Data for Mission Specific Indicators | | #2 |
| <input type="checkbox"/> I-A.02 Optional Supplemental Indicators (school specific items in charter) | | A |
| Category II. Financial Performance Framework (Due August 2017) | | |
| <input type="checkbox"/> II-A.00 Operating Budgets: budget provided on time for the current year and the previous year Implementation of Corrective Action Plan (CAP) and/or PEC Financial Corrective Action Plan (FCAP) Financial Questionnaire with three required signatures: Finance Committee Chair, Business Manager, and Head Administrator | | #1 & #8 |
| II-A.01 - II-A.05 Audits/PeriodicReports/Expenditures/Reimbursements/AuditReviews II-A.06 Meal Service (if provided) The ratings for II.A.01-06 in Web-EPSS will match the one given for II-A.00. | | #2-#6 #7 |
| Category III. Organizational Performance Framework | | |
| <input type="checkbox"/> III-A.00 Educational Plan: material terms of the approved charter application Teacher, Student, and Parent Focused Terms | | #1a |
| <input type="checkbox"/> III-A.01 Education Plan: applicable education requirements Instructional Days-Hours /Next Step Plans / Retention-Promotion-Graduation / CCSS / EPSS or NM Dash / State Assessments / Programs funded by State or Federal / Parent Surveys | | #1b |
| <input type="checkbox"/> III-A.02 Education Plan: protecting the rights of all students McKinney Vento Act / SAT / LotteryEnrollment-WaitingList-Registration / Discipline Policies including Suspension and Expulsion policies | | #1c |
| <input type="checkbox"/> III-A.03 Educational Plan: protecting the rights of students with special needs (IDEA, 504, gifted) IEPs | | #1d |
| <input type="checkbox"/> III-A.04 Educational Plan: protecting the rights of English Language Learners (Title III) EL Identification / ELD Services / Monitoring | | #1e |
| <input type="checkbox"/> III-A.05 Educational Plan: complying with the compulsory attendance laws | | #1f |
| <input type="checkbox"/> III-A.06 Educational Plan: meet their recurrent enrollment goals Returning Students / Withdrawals | | #1g |
| <input type="checkbox"/> IV-A.00 Business Management & Oversight: meeting financial reporting and compliance requirements Reporting and compliance requirements for any/all PED Bureaus / Procurement Code and Designated CPO Official transcripts and employment verifications for teachers (since this determines T&E) | | #2a |
| <input type="checkbox"/> IV-A.01 Business Management & Oversight: following generally accepted accounting principles | | #2b |
| <input type="checkbox"/> V-A.00 Governance and Reporting: complying with governance requirements Required school policies / Open Meetings Act (OMA) and Inspection of Public Records Act (IPRA) / Conflict of Interest policy / Anti-nepotism Policy / Bylaws / Required Committees formed / GB member trainings / Plan for succession / GB member changes reported to PEC within 30 days and replaced within 45 days / Annual Report with number of seats for the school year submitted timely. / GB Meeting Observation feedback | | #3a |
| <input type="checkbox"/> V-A.01 Governance and Reporting: holding management accountable Evaluation of the Head Administrator / GB Meeting Observation feedback | | #3b |
| <input type="checkbox"/> VI-A.00 Employees: meeting teacher and other staff credentialing requirements Licensure | | #4a |
| <input type="checkbox"/> VI-A.01 Employees: respecting employee rights PDPs / Educator Effectiveness (NM Teach) / Mentorship / Salaries ADA / FMLA / Employee Handbook with disciplinary and grievance procedures | | #4b |
| <input type="checkbox"/> VI-A.02 Employees: completing required background checks | | #4c |
| <input type="checkbox"/> VII-A.00 School Environment: complying with facilities requirements Emergency Drills / Student Transportation / Facility Master Plan / Maintenance Plan | | #5a |
| <input type="checkbox"/> VII-A.01 School Environment: complying with health and safety requirements Safe School Plans / Reporting Child Abuse & Neglect / Immunizations / PE-Health Curriculum / Food Services if offered | | #5b |
| <input type="checkbox"/> VII-A.02 School Environment: handling information appropriately STARS data / FERPA / Lockable, secure file cabinets / Timely transfer of student records / Secure testing materials | | #5c |
| Category: Organizational Performance Framework | | |
| <input type="checkbox"/> School Specific Terms: data on any terms specified in the school's Performance Framework | | #6 |

PLAN, PROCESS, OR PROCEDURES TO RESOLVE IDENTIFIED COMPLIANCE CONCERNS

| Name of Charter School | | | |
|---|--|-----------------|---|
| Head Administrator | | School Year | |
| Governing Board President | | Submission Date | |
| Web-EPSS Number: (<i>ex: III-A.02</i>) | Indicator / Area of Concern: (<i>ex: RtI/SAT Process</i>) | | |
| Summary of Finding/Requested Follow-Up | Action Step(s) | Timeline | Person/Program Responsible for Implementation |
| | | | |

MONITORING INSTRUMENT ITEM REPORT

Carinos de los Ninos

PEC AUTHORIZED ANNUAL MONITORING

I. ACADEMIC PERFORMANCE FRAMEWORK

I-A.00: NM A-F grading system

Updated 11/13/2017 by Baylor Del Rosario

| | |
|-----------------------|---|
| SEA Status | Falls Far Below Standard Final |
| LEA Status | In Progress |
| Comments by SEA | <p>11.13.17 PED Comment: As of 11.13.17, the school had not yet submitted a SIP as required. Consequently, I-A.00: NM A-F grading system has been rated &quot;Falls Far Below Standard.&quot;</p> <p>10.3.17 PED Comment: The school receive a letter grade of &quot;F&quot; for 2016-2017 school year requiring them to submit a School Improvement Plan (SIP) within 40-days from release of school grades. The school did not provide such improvement plan prior to the 40th day (October 2, 2017).</p> |
| Comments by LEA | |
| Compliance Indicators | This is the location for the state report card data for the most recent school year available. |
| Requested Documents | 2016/2017 Improvement Plan for schools with less than a C letter grade on the 2016 state report card |
| Other Documents | |
| Legal References | |

I. ACADEMIC PERFORMANCE FRAMEWORK

I-A.01: Required Academic Performance Indicators

Updated 02/09/2018 by Baylor Del Rosario

| | |
|-----------------|---|
| SEA Status | Reminder |
| LEA Status | In Progress |
| Comments by SEA | <p>12.6.17 Site Visit: The PED team observed documentation that the school administered short-cycle assessments (i.e., NWEA reading and math as part of its mission-specific indicators) during fall 2017. Although the BOY administration date which was "just 2 or 3 weeks ago [mid-November 2017]" according to the assistant principal (Bernice Life) is within the testing window (i.e., 8/15 through 11/30 according to NWEA https://community.nwea.org/docs/DOC-2211) such practice may not be conducive to effective data-driven instruction given the school's low academic performance in 3 of the past 4 years (one D and two Fs).The PED team was not able to validate progress towards its 3rd mission-specific indicator focused on English Learner (EL) proficiency through growth in composite score on the ACCESS from one year to the next (i.e.,2016-2017 to 2017-2018) since the 2017-2018 assessment (ACCESS) has yet to be administered. The school was advised to submit an update of their short-cycle assessment (i.e., NWEA generated reports for fall 2017 administration) as well as 2016-2017 WIDA generated report in preparation for comparison to 2017-2018 results through the web-EPSS monitoring tool platform by the 120D reporting period which is February 15, 2018 as required by the Public Education Commission (PEC).</p> <p>Requested Follow-Up: School must provide evidence it is keeping records of student progress on mission-specific indicators (i.e., fall results in NWEA reading and math as well as 2015-2016 to 2016-2017 growth of ELs on the ACCESS) no later than the 120D (February 15, 2018). The school must also provide at the end of the school year its analysis of progress towards each mission-specific indicator along with: (a) NWEA "Achievement Status and Growth Projection" reports and (b) both 2016-2017/2017-2018 WIDA ACCESS reports for eligible students. Note</p> |

MONITORING INSTRUMENT ITEM REPORT

Carinos de los Ninos

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that the WIDA ACCESS score report for each student for both years (2016-2017 and 2017-2018) (i.e., vendor generated report) must be uploaded into web-EPSS. School generated reports cannot be used to validate progress towards mission-specific indicators.

Comments by LEA

Compliance Indicators This is the location for all school reports that will be uploaded by the school to support progress toward Mission Specific Indicators.

Requested Documents End-of-Year Data to support progress toward Mission Specific Indicators
Mid-Year Data to support progress toward Mission Specific Indicators

Other Documents

Legal References

I. ACADEMIC PERFORMANCE FRAMEWORK

I-A.02: Optional supplemental Indicator(s)

Updated 12/21/2017 by Baylor Del Rosario

SEA Status Not Applicable Final

LEA Status In Progress

Comments by SEA

Comments by LEA

Compliance Indicators This is the location for all school reports that will be uploaded by the school to support progress toward Optional Supplemental Indicators.

Requested Documents End-of-Year Data to support progress toward Mission Specific Indicators
Mid-Year Data to support progress toward Mission Specific Indicators

Other Documents

Legal References

II. FINANCIAL PERFORMANCE FRAMEWORK

II-A.00: Operating Budgets

Updated 02/06/2018 by Icela Pelayo

SEA Status Reminder

LEA Status In Progress

Comments by SEA 12.6.17 Site Visit. As required in the Performance Framework document (see NM Stat § 22-8B-9.1) "on a date specified in early August, following the final reporting on the previous FY, the school principal, school business manager and the chairman of the finance committee will complete and sign the questionnaire made up of the questions set forth below" (see Performance Framework document, page 6-12, questions #1-8). Requested Follow-Up. School provides signed copy of the questionnaire (i.e., questions #1-8 beginning on page 6 of the Performance Framework document). School should upload one (1) questionnaire (into this section II-A.00) instead of uploading the same questionnaire in subsequent sections.

Comments by LEA

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| Compliance Indicators | Was the information required for the budget provided on time for the current year operating budget, and the previous year, if requested by the PEC or its delegate? If not, why not? If not, how long was it before it was turned in? |
| Requested Documents | Evidence to support timely submittal of operational budget information |
| Other Documents | |
| Legal References | |

II. FINANCIAL PERFORMANCE FRAMEWORK

II-A.01: Audits

Updated 12/21/2017 by Baylor Del Rosario

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|-----------------------|---|
| SEA Status | No Current Compliance Concerns |
| LEA Status | In Progress |
| Comments by SEA | 12.6.17 PED Note. See section II-A.00. |
| Comments by LEA | |
| Compliance Indicators | To the best of the knowledge of the financial staff of the school, was the information required for the audits provided on time for the most recent audit? If not, why not? If not, how long before it was turned in? What was the date of the letter from the school certifying its readiness to proceed with an audit review? |
| Requested Documents | Evidence to support substantial compliance with timely submittal of audit information |
| Other Documents | |
| Legal References | |

II. FINANCIAL PERFORMANCE FRAMEWORK

II-A.02: Periodic Reports

Updated 12/21/2017 by Baylor Del Rosario

| | |
|-----------------------|---|
| SEA Status | No Current Compliance Concerns |
| LEA Status | In Progress |
| Comments by SEA | 12.6.17 PED Note. See section II-A.00. |
| Comments by LEA | |
| Compliance Indicators | Is this school on quarterly or monthly reporting? Were the reports for the current year turned in on time? For the current year, did the actual expenditures plus encumbrances ever exceed the budget authority within function? Was it corrected? For each of the last four reports, was the existing cash balance plus anticipated SEG funding sufficient to cover the next month's expenditures at that time? If not, why? |
| Requested Documents | Evidence to support substantial compliance with timely submittal of required reports |
| Other Documents | |
| Legal References | |

MONITORING INSTRUMENT ITEM REPORT

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II. FINANCIAL PERFORMANCE FRAMEWORK

II-A.03: Expenditures

Updated 12/21/2017 by Baylor Del Rosario

SEA Status No Current Compliance Concerns

LEA Status In Progress

Comments by SEA 12.6.17 PED Note. See section II-A.00.

Comments by LEA

Compliance Indicators Were there any invoices pending for more than 90 days in the current year? Were payroll liabilities paid timely in the current year?

Requested Documents Evidence to support substantial compliance with timely paying expenditures

Other Documents

Legal References

II. FINANCIAL PERFORMANCE FRAMEWORK

II-A.04: Reimbursements

Updated 12/21/2017 by Baylor Del Rosario

SEA Status No Current Compliance Concerns

LEA Status In Progress

Comments by SEA 12.6.17 PED Note. See section II-A.00.

Comments by LEA

Compliance Indicators Were all requests for reimbursements submitted to meet PED-mandated deadlines in the current year?

Requested Documents Evidence to support substantial compliance in seeking reimbursements

Other Documents

Legal References

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II. FINANCIAL PERFORMANCE FRAMEWORK

II-A.05: Audit Reviews

Updated 12/21/2017 by Baylor Del Rosario

SEA Status No Current Compliance Concerns

LEA Status In Progress

Comments by SEA 12.6.17 PED Note. See section II-A.00.

Comments by LEA

Compliance Indicators What were the findings, if any, from the last released audit? Were there any findings considered material weaknesses? What has the school done to correct these audit findings? Were any of the findings a repeat finding from last year?

Requested Documents Evidence of responding to audit findings in a manner sufficient to remedy the audit finding

Other Documents

Legal References

II. FINANCIAL PERFORMANCE FRAMEWORK

II-A.06: Meals

Updated 12/21/2017 by Baylor Del Rosario

SEA Status No Current Compliance Concerns

LEA Status In Progress

Comments by SEA 12.6.17 PED Note. See section II-A.00.

Comments by LEA

Compliance Indicators If the school serves meals to students, were there any audit findings noted regarding food contracts?

Requested Documents Evidence of managing food service contracts appropriately without audit findings

Other Documents

Legal References

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

III-A.00: Educational Plan

Updated 12/21/2017 by Baylor Del Rosario

SEA Status Concern Identified

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| LEA Status | In Progress |
| Comments by SEA | <p>12.6.17 Site Visit:</p> <p>Serving At-Risk Students. During the entrance interview, the head administrator (V. Jaramillo) stated that "belligerent students" (e.g., those that exhibit challenging behaviors) have been asked to leave Carinos de Los Ninos since "they're not a good fit for the school. We're not an alternative school. We're a dual language school." This appears to be in violation of the school's material term since its mission is to "promote academic achievement through a Dual Language 50/50 Model for grades K-8 'at-risk' students in the Espanola Valley" (Carinos Contract, Section 8.01 [a] [ii]).</p> <p>Multi-Age Classroom. The PED team observed a withdrawal form from a parent that stated combined classes was the reason she/he withdrew their child. Combination or multi-age classrooms are not specified in the school's contract. The team advised the school to consider submitting an amendment for PEC approval if it wishes to implement a combination/multi-age classroom program.</p> <p>Requested Follow-Up: School provides description of steps it will take to ensure it adheres to material terms of its contract in regards to providing a "free public school education...[for] any school age person" who is registered at the school (instead of asking students to leave due to not being the right 'fit') (see NMSA § 22-1-4[A]). Note that federal and state special education laws may also apply to the situation the head administrator referenced above. The school must also provide evidence it is not implementing a combined or multi-age classroom program (as observed during the site visit) or it has submitted an amendment request (with approval from the PEC as soon as it is made available) to the Charter Schools Division (CSD) for submittal to the PEC.</p> |
| Comments by LEA | |
| Compliance Indicators | Is the school implementing the material terms of the approved charter application as defined in the Charter Contract? |
| Requested Documents | Evidence of substantially achieving the material terms of the approved charter application in all respects as defined in the Charter Contract. |
| Other Documents | |
| Legal References | |

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

III-A.01: Education Plan

Updated 02/19/2018 by Karen Woerner

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|-----------------|---|
| SEA Status | Concern Identified |
| LEA Status | In Progress |
| Comments by SEA | <p>12.6.17 Site Visit.</p> <p>State-Mandated Assessments in Cumulative Files. The PED team did not observe inclusion of state-mandated assessment reports in student files (e.g., I-STATION and PARCC) as per Assessment and Accountability Bureau instruction ('Assessment News' dated November 28, 2017).</p> <p>Instructional Hours Review. The PED instructional hour review as attached indicates that the school is NOT meeting the instructional hour and reporting requirements as required under the performance framework. Specifically, the instructional hours on the approved 2017-2018 school budget calendar: (a) do not match the actual/annual calendar the school disseminates to its teachers/parents and (b) total instructional hours for GRADE 7 and 8 fell short by 3.2 hours per year of the charter contract, which specifies 6 hours and 30 minutes for 178 days, which equals 1157 (for 7th & 8th grades). It appears that the 6 early-release days on the actual/annual calendar disseminated to the school community were not accounted for in the 2017-2018 budget calendar. The team advised the school to utilize the Charter Schools Division (CSD) instructional hours template to ensure compliance with budget and contract requirements.</p> <p>Below are the actual program hours per year (excluding lunch) for each grade compared to contract and budget calendar.</p> <p>K-6 Actual Program Hours/Year = 1152.3 (required is 1098 as per charter contract).</p> <p>7-8 Actual Program Hours/Year = 1153.8 (required is 1157 as per charter contract).</p> <p>Requested Follow Up:</p> |

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The school provides evidence (e.g., upload of all state-mandated assessment reports, front page if multipage report, with redacted student names). The school also provides: (a) revised/corrected master schedule that corrects for instructional-hours shortage for 7th-8th grades as well as (b) evidence that it has notified the School Budget & Finance Analysis Bureau of such corrections (e.g., e-mail correspondence with its business analyst). Note that missed-hours since the beginning of the school year must be compensated/made-up.

Comments by LEA

Compliance Indicators Is the school complying with applicable education requirements?

Requested Documents Content Standards, including Common Core
Evidence of instructional days or hours requirements
Graduation requirements
Next Step Plans
Parent surveys
Promotion/retention requirements
State assessments

Other Documents

Legal References

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

III-A.02: Education Plan

Updated 02/19/2018 by Karen Woerner

SEA Status Concern Identified

LEA Status In Progress

Comments by SEA 12.18.17 PED Note: The school failed to provide the State Coordinator for Education of Homeless Children and Youth in the NMPED Wellness and Student Success Bureau the "Homeless Liaison Contact Information that was required by November 9, 2017" (e-mail correspondence dated November 17, 2017).
Requested Follow-Up: School provides evidence (e.g., e-mail confirmation from State Coordinator for Education of Homeless Children and Youth) that it has submitted its homeless liaison contact information to the Wellness and Student Success Bureau and that the designated contact person complete the required "20-hour online course" prior to December 31, 2017. If such evidence is not provided this indicator item will be rated "Falls Far Below Standard."
12.6.17 Site Visit.
Student Assistance Team. The PED team did not observe any Student Assistance Team (SAT) meetings scheduled to date perhaps due to the late administration of the BOY NWEA math and reading assessments that are used to identify intervention students (i.e., those performing below benchmark).
McKinney-Vento. The PED team did not observe documentation of required McKinney-Vento policy/notice of rights and dispute resolution process (see NMAC 6.10.3[D][2][c]).
Requested Follow-Up: School provides: (a) evidence that it is implementing its SAT process (e.g., SAT log with student names redacted) and (b) governing council approved McKinney-Vento dispute resolution policy.

Comments by LEA

Compliance Indicators Is the school protecting the rights of all students?

Requested Documents Evidence of compliance with applicable laws and regulations relating to: RtI and SAT processes, admissions, lottery, waiting lists, fair and open recruitment, and enrollment; adherence to due process protections, privacy, civil rights, and student liberty

Other Documents

Legal References

MONITORING INSTRUMENT ITEM REPORT

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III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

III-A.03: Educational Plan

Updated 12/22/2017 by Baylor Del Rosario

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|-----------------------|---|
| SEA Status | Meets Standard Final |
| LEA Status | In Progress |
| Comments by SEA | 12.6.17 Site Visit: The PED team reviewed Individualized Education Plan (IEP) files. The team, for example, observed IEPs that appear to be individualized (i.e., some students were provided special education services within the special education classroom/therapy setting, while others were provides services within the general education classroom setting and/or in a combination of settings.) Review of files did not present evidence of non-compliance (e.g., overdue IEPs or re-evaluations). At this time PED has not been presented with evidence that the school is not meeting statute, regulation, or contract obligations for this item. Requested Follow-Up: None. |
| Comments by LEA | |
| Compliance Indicators | Is the school protecting the rights of students with special needs? |
| Requested Documents | Evidence of compliance with IDEA, ADA, Section 504 of the Rehabilitation Act of 1973 as well as laws relevant to gifted children |
| Other Documents | |
| Legal References | |

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

III-A.04: Educational Plan

Updated 12/29/2017 by Baylor Del Rosario

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|-----------------|---|
| SEA Status | Concern Identified |
| LEA Status | In Progress |
| Comments by SEA | 12.6.17 Site Visit: The PED team reviewed 11 student cumulative files and did not observe administration of a screener to determine English Learner (EL) eligibility for 6 students () whose parents indicated on the Home Language Survey (HLS) or Language Usage Survey (LUS) a language other than English that was spoken at home. Specifically, 3 students did not have the required W-APT screener result and 3 were administered a non-state approved short-cycle assessment (i.e., WIDA Model) (see Language Usage Survey Guidance Handbook, p. 5, 2016 and memorandum from the Bilingual Multicultural Education Bureau (BMEB) dated December 31, 2016). Note that because the WIDA Model is not a state-approved screener, eligibility criteria has not been established. Locations of guidance documents can be found at: http://ped.state.nm.us/ped/BilingualDocs/ServingELs/NMLUS_Guidance_Handbook_Revised_08.2017.pdf http://ped.state.nm.us/ped/BilingualDocs/ServingELs/6.29.5.11%20NMAC%20LUS%20Memo_10.31.2016.pdf Two (2) student files () did not include a Home Language Survey or Language Usage Survey. The files also did not include the school's attempts to request such information from the student(s) previous schools (see FAQ #21 on page 32 of the LUS Guidance Handbook Revised). Lastly, the team did not observe evidence on how the school was tracking progress of Reclassified Fluent English Proficient (RFEP) students. Requested Follow-Up: School provides evidence of action steps taken to correct its student files showing that it has properly followed state procedures for the identification of English learners and tracking of exited students (RFEP) per 6.29.5.11-12 NMAC. Examples of evidence might include, but are not limited to: (a) forms showing |

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the number of attempts along with dates that the school made to obtain the HLS from a student's previous school (name redacted and replaced with another identifier) and (b) monitoring log of RFEP students again with names redacted. Note that the school should consult the guidance manual from the Bilingual Multicultural Education Bureau (see below) as well as contact the BME staff for further assistance if it deems necessary:
http://ped.state.nm.us/ped/BilingualDocs/ServingELs/NMLUS_Guidance_Handbook_Revised_08.2017.pdf

Comments by LEA

Compliance Indicators Is the school protecting the rights of English Language Learners?

Requested Documents Evidence of compliance with applicable laws, rules, and regulations including but not limited to Title III of the ESEA

Other Documents

Legal References

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

III-A.05: Educational Plan

Updated 12/22/2017 by Baylor Del Rosario

SEA Status Meets Standard Final

LEA Status In Progress

Comments by SEA 12.6.17 Site Visit. The PED team observed a 5-day parent notice/letter for unexcused absences requesting a meeting with parents/guardians to discuss interventions and a 10-day letter notifying parents/guardians of the school's duty to report habitually truant students to an outside agency (e.g., CYFD or Children's Court) as per state regulation (see 6.10.8.7-8 NMAC).
Requested Follow-Up: None.

Comments by LEA

Compliance Indicators Is the school complying with the compulsory attendance laws?

Requested Documents Evidence of compliance with applicable laws, rules, and regulations relating to compulsory school attendance

Other Documents

Legal References

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

III-A.06: Educational Plan

Updated 02/20/2018 by Karen Woerner

SEA Status Working to Meet Standard Final

LEA Status In Progress

Comments by SEA 2.20.18 PED Note: The recurrent enrollment for 2017-2018 was 62.37%, below the 85% goal set by the PEC. This is rated as "Working to Meet Standard" per the Performance Framework #1g.
12.6.17 Site Visit: This will be determined by the PED once the End-of-Year (EOY) STARS data has been submitted.
Requested Follow-Up: None.

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Comments by LEA

Compliance Indicators Did the school meet their recurrent enrollment goals?

Requested Documents At least 85% of eligible cohort re-enrolled

Other Documents

Legal References

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

IV-A.00: Business Management and Oversight

Updated 12/27/2017 by Karen Woerner

SEA Status Falls Far Below Standard Final

LEA Status In Progress

Comments by SEA

12.18.17 PED Note: The school failed to meet the September 30, 2017 deadline set by the Bilingual Multicultural Education Bureau (BME) to submit its bilingual annual progress report. During the 2016-2017 school year, Carinos received \$105,957.65 through the bilingual cost differential in the funding formula. The BME has instructed the school to submit the annual progress report by December 20, 2017 5:00pm. If the school fails to meet this deadline the rating for IV-A.00 Business Management and Oversight will be "Falls Far Below Standard."

Requested Follow-Up: School submits to BME and provides evidence (i.e., PDF of report and email correspondence confirming submittal of report on or before December 20, 2017 5:00pm) through web-EPSS under item IV-A.00 Business Management and Oversight.

12.6.17 Site Visit:

Employment Verification and Official Transcripts. The PED team reviewed 13 staff files and did not observe evidence of: (a) Employment verification in the majority of teacher files and (b) official transcripts in one teacher file (). For example, in N. Martinez's file the 2017-2018 contract stated "35 years of allowable experience" earning \$55,700 and in M. Trujillo's 2017-2018 contract "24 years of allowable experience" earning \$59,400 were stated, but both files lacked supporting documents for appropriate placement on the established teacher salary schedule impacting Training and Experience (T&E) (see NM Stat § 22-8-24 for definition of index).

Student Teacher Accountability Reporting System (STARS). The school failed to submit required school data (e.g., courses offered, instructors, student summary/daily attendance, student discipline, special education snapshot, staff assignment, student snapshot, etc.) for the 40D reporting period (at the time of the site visit 40D data had not been submitted to PED). STARS is a "comprehensive student, staff, and course information system that provides a standard data set for each student served by New Mexico's 3Y/4Y – Grade 12 public education system" (STARS, Vol. 1, User Guide, p. 9, 2017-2018). STARS serves multiple purposes one of which is to meet "PED and USDE federal reporting requirements" (Ibid).

Requested Follow-Up: School provides evidence of: (a) employment verification from the 2 staff member's former employers/schools/districts, (b) official transcripts for all teachers who do not have such documents in their files, and (c) description of process the school will take to ensure timely STARS reporting takes place moving forward.

FY17 Audit: Once the FY17 audit report for the school has been released by the NM Office of the State Auditor the school provides evidence it has taken action identified in its management response to remedy finding(s) (if any).

Requested Follow-Up: School uploads into web-EPSS evidence of actions it has taken to remedy finding(s) (if any) identified in the FY17 audit report (e.g., audit committee meeting minutes initially reviewing/discussing finding[s] and minutes from subsequent meetings showing that the committee is monitoring the school's efforts to remedy identified finding[s]).

Comments by LEA

Compliance Indicators Is the school meeting financial reporting and compliance requirements?

Requested Documents Evidence of submittal of documentation related to the use of public funds, submittal of information required to conduct an annual audit, development of and adherence to sound internal control policies, development of and adherence to purchasing protocols

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Other Documents

Legal References

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

IV-A.01: Business Management and Oversight

Updated 12/21/2017 by Baylor Del Rosario

SEA Status No Current Compliance Concerns

LEA Status In Progress

Comments by SEA
12.6.17 Site Visit: Once the FY17 audit report for the school has been released by the NM Office of the State Auditor the PED will input finding(s) (if any) in this section and provide the appropriate rating for the indicator.
Requested Follow-Up: None.

Comments by LEA

Compliance Indicators Is the school following generally accepted accounting principles?

Requested Documents Evidence of an unqualified audit opinion, an audit devoid of significant findings, an audit that does not include ongoing concern disclosure

Other Documents

Legal References

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

V-A.00: Governance and Reporting

Updated 01/11/2018 by Melissa Brown

SEA Status Concern Identified

LEA Status In Progress

Comments by SEA
1.11.18 Governing Board Observation (see attached document) the governing board meeting notice and agenda were not posted as per statute 10-15-1 F. The school did not respond to either telephone or email requests for a copy of the draft meeting minutes within ten days. Please respond to these concerns by January 31, 2018.
12.6.17 Site Visit: The PED team conducted an observation of the governing body on 12.5.17 and will provide the form for the school's review.
Requested Follow-Up: School provides response that includes steps it will take to ensure compliance concerns, if any, have been corrected.

Comments by LEA

Compliance Indicators Is the school complying with governance requirements? Did the Governing Body members respond to any concerns that were noted during the CSD's observation of the Governing Body meeting?

Requested Documents

Other Documents Governing Body Observation Form

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Legal References

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

V-A.01: Governance and Reporting

Updated 12/21/2017 by Baylor Del Rosario

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|-----------------------|---|
| SEA Status | Meets Standard Final |
| LEA Status | In Progress |
| Comments by SEA | 12.6.17 Site Visit: The PED team observed the head administrator's 2016-2017 annual evaluation by the the school's governing council. Requested Follow-Up: None. |
| Comments by LEA | |
| Compliance Indicators | Is the school holding management accountable? |
| Requested Documents | Submit the governing body's written annual evaluation of the head of school that holds the head of school accountable for performance expectations. |
| Other Documents | |
| Legal References | |

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

VI-A. 00: Employees

Updated 12/21/2017 by Baylor Del Rosario

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|-----------------------|---|
| SEA Status | Concern Identified |
| LEA Status | In Progress |
| Comments by SEA | 12.6.17 Site Visit: The PED team observed an expired license for one teacher (REDACTED). The team advised school administrator that the school must: (a) complete the "Substitute Exceeding 45-Day Limit Waiver Request" form found at: http://ped.state.nm.us/admin.personnel/waiver_requests.html and (b) notify parents in writing of affected students as per 6.29.1.9(B)(9)(b) NMAC if the long-term substitutes (REDACTED) are anticipated to teach the assigned classes for which they are unlicensed and/or unendorsed. Note that 2 individuals do not hold requisite endorsements that satisfy requirements for its approved Bilingual Multicultural Education Program (BMEP), specifically, V. Jaramillo who does not have a TESOL endorsement is currently teaching at least 1 English Language Development (ELD) class and Dr. Garcia who does not have bilingual endorsement is currently teaching the target language at the middle-school level. Requested Follow-Up: School provides: (a) approved waivers and (b) parent notices for (REDACTED) taught courses. |
| Comments by LEA | |
| Compliance Indicators | Is the school meeting teacher and other staff credentialing requirements? |
| Requested Documents | The school demonstrates compliance with certification requirements and mentorship requirements |
| Other Documents | |
| Legal References | |

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III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

VI-A. 01: Employees

Updated 12/21/2017 by Baylor Del Rosario

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|-----------------------|---|
| SEA Status | Concern Identified |
| LEA Status | In Progress |
| Comments by SEA | <p>12.6.17 Site Visit:</p> <p>PDP and Education Effectiveness Reports. The PED team reviewed employee files and did not observe Professional Development Plans (PDPs) in any of the teacher files (see 6.69.4.10 NMAC) and a number of teacher files did not include their most recent (2016-2017) Educator Effectiveness Teacher's Report. The school was advised that PDPs and Education Effectiveness Teacher's Reports should be included in each teacher's employee file.</p> <p>Mentorship Program. The PED team observed a formal mentorship program/handbook provided by the head administrator entitled, "Classroom Management of Student Conduct and Effective Praise Guideline." However, it did not include requirements such as: (a) "structured and research-based training activities for mentors" (e.g., trainings for mentors on adult learning), (b) "process for documenting teacher growth" (e.g., observation feedback by mentor), (c) "structured process for selection of mentors," (d) person responsible for the overall mentorship program, and (e) compensation for selected mentors as required by regulation (see NMAC 6.60.10.8).</p> <p>Requested Follow-Up: School provides evidence of: (a) revised mentorship program/handbook that is compliant with regulation by including elements identified above and (b) PDPs as well as most recent (i.e., 2016-2017) Educator Effectiveness Evaluations for each teacher.</p> |
| Comments by LEA | |
| Compliance Indicators | Is the school respecting employee rights? |
| Requested Documents | The school demonstrates compliance with: The school personnel act, Charter School Act, FMLA, ADA, the right to organize collectively, the right to PD and evaluations |
| Other Documents | |
| Legal References | |

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

VI-A.02: Employees

Updated 12/21/2017 by Baylor Del Rosario

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| SEA Status | Concern Identified |
| LEA Status | In Progress |
| Comments by SEA | <p>12.6.17 Site Visit: PED team reviewed 13 staff files and did not observe evidence of background check for 1 staff member () as required by NMAC 6.29.1.9(B)(8)(b).</p> <p>Requested Follow-Up: School provides evidence of background check for staff member.</p> |
| Comments by LEA | |
| Compliance Indicators | Is the school completing required background checks? |
| Requested Documents | Evidence of compliance with applicable laws, rules, and regulations related to background checks of all individuals associated with the school |
| Other Documents | |

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Legal References

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

VII-A.00: School Environment

Updated 12/22/2017 by Baylor Del Rosario

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| SEA Status | Concern Identified |
| LEA Status | In Progress |
| Comments by SEA | <p>12.6.17 Site Visit. The PED team observed incomplete documentation of emergency drills it had purportedly conducted over the past three (3) years. Consequently, evidence of emergency drills including shelter-in-place and evacuations were not readily available for review for some months during the current year and for most months during the previous years as required by NM Stat § 22-13-14. The PED team advised that such records must be made available for on-site reviews in order to confirm the school's adherence to 1.21.2 NMAC (Retention and Disposition of Records).</p> <p>Requested follow up: School presents evidence of how it will ensure compliance with emergency drill requirements (e.g., tentative schedule of drills for remainder of 2017-2018).</p> |
| Comments by LEA | |
| Compliance Indicators | Is the school complying with facilities requirements? |
| Requested Documents | Evidence of compliance with E-occupancy, facility condition rating, facility master plan, facility maintenance plan, fire inspections, facility variances, student transportation programs |
| Other Documents | |
| Legal References | |

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

VII-A.01: School Environment

Updated 12/21/2017 by Baylor Del Rosario

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| SEA Status | Concern Identified |
| LEA Status | In Progress |
| Comments by SEA | <p>12.6.17 Site Visit:</p> <p>Immunization Status. The PED team did not observe current student immunization status records readily available for inspection as required by statute and regulation (see NMSA § 24-5-4, NMSA; 6.12.2.8[F]) as well as Department of Health memorandum sent to school leaders entitled, "Immunization Requirements Guidance" dated February 20, 2015.</p> <p>Child-Abuse & Neglect. During its review of 13 staff files, the team did not observe evidence of Child Abuse and Neglect Detection Training in 4 files (REDACTED). The school stated that 2 individuals are not school employees, but instead are employed through the School-Based Health Center (SBHC) (i.e., Department of Health).</p> <p>Requested Follow-Up: School provides: (a) up-to-date immunization list/log with redacted names of students and (b) Child Abuse and Neglect Detection Training certificates for the 4 staff members. Note that if 2 of the 4 are indeed employed by another agency (i.e., Department of Health) as the school asserts, then the school must provide evidence (e.g., MoU) from its partner entity indicating that such individuals are employed by them. The school should not maintain "personnel" files for individuals that are employed by another agency.</p> |
| Comments by LEA | |

MONITORING INSTRUMENT ITEM REPORT

Carinos de los Ninos

PEC AUTHORIZED ANNUAL MONITORING

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| Compliance Indicators | Is the school complying with health and safety requirements? |
| Requested Documents | Evidence of compliance with Safe Schools Plan, School Health Rules Checklist, providing appropriate health services, meeting food service requirements, other resources as required |
| Other Documents | |
| Legal References | |

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

VII-A.02: School Environment

Updated 12/21/2017 by Baylor Del Rosario

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|-----------------------|---|
| SEA Status | Meets Standard Final |
| LEA Status | In Progress |
| Comments by SEA | <p>12.6.17 Site Visit: The PED team observed student and employee files kept in lockable cabinets in the administration office. However, a number of employee files included loose paperwork, some included duplicates of identical paperwork (e.g., multiple staff contracts for the same year), one included paperwork that belonged in another file (contract for one employee was erroneously placed in another employee's file). General disorganized appearance of files was observed. The school stated, that "the auditors were here recently" (response by office manager during exit interview portion of the site visit when asked about the files) alluding to the possibility that financial auditors may have contributed to the disorganized state of employee files.</p> <p>Requested Follow-Up: The PED team recommends organizing employee files so that easy access and review by outside entities (e.g., financial auditors and PED site visit team) can better take place.</p> |
| Comments by LEA | |
| Compliance Indicators | Is the school handling information appropriately |
| Requested Documents | Evidence of compliance with requirements related to STARS data system, FERPA, IPRA, transfer of student records, testing materials, safe storage of documents |
| Other Documents | |
| Legal References | |

ORGANIZATIONAL PERFORMANCE FRAMEWORK

School Specific Terms

Updated 12/21/2017 by Baylor Del Rosario

| | |
|-----------------------|---|
| SEA Status | Not Applicable Final |
| LEA Status | In Progress |
| Comments by SEA | |
| Comments by LEA | |
| Compliance Indicators | The school reports and provides data on any terms specified in the Performance Framework. |
| Requested Documents | |
| Other Documents | |

MONITORING INSTRUMENT ITEM REPORT

Carinos de los Ninos

PEC AUTHORIZED ANNUAL MONITORING

Legal References

MONITORING INSTRUMENT ITEM REPORT

Carinos de los Ninos

PEC Authorized Annual Monitoring

I. ACADEMIC PERFORMANCE FRAMEWORK

I-A.00: NM A-F grading system

Updated 10/02/2017 by Icela Pelayo

SEA Status Falls Far Below Standard FINAL

LEA Status In Progress

Comments by SEA 9.13.17 NMPED Rating: The school earned an F on the 2017 state report card and the school will need to submit an Improvement Plan by October 1, 2017 in the 2017-2018 Performance Framework per the school's performance framework. During the 2017-2018 annual site visit, the PED will review evidence the school is implementing its required Improvement Plan.

3.22.17 Site Visit: The school earned an "F" on the SY16 and is required to submit the Public Education Commission (PEC) approved School Improvement Plan (SIP). According to the school's Performance Contract (see page 'State and Federal Accountability System' section, p. 3) the "school will write an improvement plan which they believe will result in improvement results for the students of the school. This must be presented to the PEC for approval within 40 calendar days from the release of the school grades." Requested Follow-Up: School uploads School Improvement Plan (SIP) into WEB-EPSS and follow procedure outlined in its Performance Contract.

Comments by LEA

Compliance Indicators This is the location for the state report card data for the most recent school year available.

Requested Documents 2016/2017 Improvement Plan for schools with less than a C letter grade on the 2016 state report card

Other Documents

Legal References

I. ACADEMIC PERFORMANCE FRAMEWORK

I-A.01: Required Academic Performance Indicators

Updated 09/13/2017 by Becky Kappus

SEA Status Falls Far Below Standard FINAL

LEA Status In Progress

Comments by SEA 9.13.17 NMPED Rating: PED has rated this indicator as "Falls Far Below the Standard Final" because the school did not provide any data to support the goals contained in their Performance Framework. Please see attached data analysis document.

3.22.17 Site Visit: The school was required to submit their mid-year data toward their "mission specific indicators" which it had not done by February 15, 2017 as well as end-of-year data. Specifically, mission specific indicators 2a and 2b need MOY and EOY data (i.e., NWEA winter and spring results), while mission specific indicator 3 needs EOY data (i.e., ACCESS results). Below are the mission specific indicators:

Mission Specific Indicator 2.a SHORT CYCLE ASSESSMENT READING: Short Cycle assessment data (NWEA) will be used to measure academic growth or proficiency in Reading of Full Academic Year (FAY) students.

Mission Specific Indicator 2.b SHORT CYCLE ASSESSMENT MATH: Short Cycle assessment data (NWEA) will be used to measure academic growth or proficiency in Math of Full Academic Year (FAY) students.

Mission Specific Indicator 3 FYA Students who are designated as ELL achieve English proficiency by achieving a composite score of 5 or .5 growth in composite scores each year as measured annually by the WIDA ACCESS for ELL.

MONITORING INSTRUMENT ITEM REPORT

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1.20.17 Requested Follow-Up: School must provide interim/Middle-of-Year (MOY) data as well as End-of Year (EOY) data to support progress toward "mission specific indicators" by 6.30.17. Please describe the steps the school will take to ensure the same concern does not arise this year of future years.

Comments by LEA

Compliance Indicators This is the location for all school reports that will be uploaded by the school to support progress toward Mission Specific Indicators.

Requested Documents End-of-Year Data to support progress toward Mission Specific Indicators
Mid-Year Data to support progress toward Mission Specific Indicators

Other Documents

Legal References

I. ACADEMIC PERFORMANCE FRAMEWORK

I-A.02: Optional supplemental Indicator(s)

Updated 06/09/2017 by Baylor Del Rosario

SEA Status Not Applicable

LEA Status In Progress

Comments by SEA 3.22.17 Site Visit: The school does not have "optional supplemental indicators." Requested Follow-Up: None.

Comments by LEA

Compliance Indicators This is the location for all school reports that will be uploaded by the school to support progress toward Optional Supplemental Indicators.

Requested Documents End-of-Year Data to support progress toward Mission Specific Indicators
Mid-Year Data to support progress toward Mission Specific Indicators

Other Documents

Legal References

II. FINANCIAL PERFORMANCE FRAMEWORK

II-A.00: Operating Budgets

Updated 09/13/2017 by Becky Kappus

SEA Status Falls Far Below Standard FINAL

LEA Status In Progress

Comments by SEA 9.13.17 NMPED Rating:
PED has rated this indicator "Falls Far Below Final Standard" because the school did not complete the indicator questionnaire as was required under II-A.00: Operating Budgets.

On August 1, following the final reporting on the previous FY, the school principal, school business manager and the chairman of the Finance Committee will complete and sign the questions in this section.

Request from PED: School provides signed copy of the questionnaire. (Unsigned answers will be rated as Does Not Meet Standards).

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Comments by LEA

Compliance Indicators Was the information required for the budget provided on time for the current year operating budget, and the previous year, if requested by the PEC or its delegate? If not, why not? If not, how long was it before it was turned in?

Requested Documents Evidence to support timely submittal of operational budget information

Other Documents

Legal References

II. FINANCIAL PERFORMANCE FRAMEWORK

II-A.01: Audits

Updated 09/13/2017 by Becky Kappus

SEA Status Falls Far Below Standard FINAL

LEA Status In Progress

Comments by SEA 9.13.17 NMPED Rating: PED has rated this indicator "Falls Far Below Final Standard" because the school did not complete the indicator questionnaire as was required under II-A.01: Audits. On August 1, following the final reporting on the previous FY, the school principal, school business manager and the chairman of the Finance Committee will complete and sign the questions in this section. Request from PED: School provides signed copy of the questionnaire. (Unsigned answers will be rated as Does Not Meet Standards).

Comments by LEA

Compliance Indicators To the best of the knowledge of the financial staff of the school, was the information required for the audits provided on time for the most recent audit? If not, why not? If not, how long before it was turned in? What was the date of the letter from the school certifying its readiness to proceed with an audit review?

Requested Documents Evidence to support substantial compliance with timely submittal of audit information

Other Documents

Legal References

II. FINANCIAL PERFORMANCE FRAMEWORK

II-A.02: Periodic Reports

Updated 09/13/2017 by Becky Kappus

SEA Status Falls Far Below Standard FINAL

LEA Status In Progress

Comments by SEA 9.13.17 NMPED Rating: PED has rated this indicator "Falls Far Below Final Standard" because the school did not complete the indicator questionnaire as was required under II-A.02: Periodic Reports. On August 1, following the final reporting on the previous FY, the school principal, school business manager and the chairman of the Finance Committee will complete and sign the questions in this section. Request from PED: School provides signed copy of the questionnaire. (Unsigned answers will be rated as Does Not Meet Standards).

Comments by LEA

MONITORING INSTRUMENT ITEM REPORT

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| Compliance Indicators | Is this school on quarterly or monthly reporting? Were the reports for the current year turned in on time? For the current year, did the actual expenditures plus encumbrances ever exceed the budget authority within function? Was it corrected? For each of the last four reports, was the existing cash balance plus anticipated SEG funding sufficient to cover the next month's expenditures at that time? If not, why? |
| Requested Documents | Evidence to support substantial compliance with timely submittal of required reports |
| Other Documents | |
| Legal References | |

II. FINANCIAL PERFORMANCE FRAMEWORK

II-A.03: Expenditures

Updated 09/13/2017 by Becky Kappus

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|-----------------------|---|
| SEA Status | Falls Far Below Standard FINAL |
| LEA Status | In Progress |
| Comments by SEA | 9.13.17 NMPED Rating: PED has rated this indicator "Falls Far Below Final Standard" because the school did not complete the indicator questionnaire as was required under II-A.03: Expenditures. August 1, following the final reporting on the previous FY, the school principal, school business manager and the chairman of the Finance Committee will complete and sign the questions in this section. Request from PED: School provides signed copy of the questionnaire. (Unsigned answers will be rated as Does Not Meet Standards). |
| Comments by LEA | |
| Compliance Indicators | Were there any invoices pending for more than 90 days in the current year? Were payroll liabilities paid timely in the current year? |
| Requested Documents | Evidence to support substantial compliance with timely paying expenditures |
| Other Documents | |
| Legal References | |

II. FINANCIAL PERFORMANCE FRAMEWORK

II-A.04: Reimbursements

Updated 09/13/2017 by Becky Kappus

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| SEA Status | Falls Far Below Standard FINAL |
| LEA Status | In Progress |
| Comments by SEA | 9.13.17 NMPED Rating: PED has rated this indicator "Falls Far Below Final Standard" because the school did not complete the indicator questionnaire as was required under II-A.04: Reimbursements. On August 1, following the final reporting on the previous FY, the school principal, school business manager and the chairman of the Finance Committee will complete and sign the questions in this section. Request from PED: School provides signed copy of the questionnaire. (Unsigned answers will be rated as Does Not Meet Standards). |
| Comments by LEA | |
| Compliance Indicators | Were all requests for reimbursements submitted to meet PED-mandated deadlines in the current year? |

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Requested Documents Evidence to support substantial compliance in seeking reimbursements

Other Documents

Legal References

II. FINANCIAL PERFORMANCE FRAMEWORK

II-A.05: Audit Reviews

Updated 09/13/2017 by Becky Kappus

SEA Status Falls Far Below Standard FINAL

LEA Status In Progress

Comments by SEA 9.13.17 NMPED Rating: PED has rated this indicator "Falls Far Below Final Standard" because the school did not complete the indicator questionnaire as was required under II-A.05: Audit Reviews. On August 1, following the final reporting on the previous FY, the school principal, school business manager and the chairman of the Finance Committee will complete and sign the questions in this section. Request from PED: School provides signed copy of the questionnaire. (Unsigned answers will be rated as Does Not Meet Standards).

Comments by LEA

Compliance Indicators What were the findings, if any, from the last released audit? Were there any findings considered material weaknesses? What has the school done to correct these audit findings? Were any of the findings a repeat finding from last year?

Requested Documents Evidence of responding to audit findings in a manner sufficient to remedy the audit finding

Other Documents

Legal References

II. FINANCIAL PERFORMANCE FRAMEWORK

II-A.06: Meals

Updated 09/13/2017 by Becky Kappus

SEA Status Falls Far Below Standard FINAL

LEA Status In Progress

Comments by SEA 9.13.17 NMPED Rating: PED has rated this indicator "Falls Far Below Final Standard" because the school did not complete the indicator questionnaire as was required under II-A.06: Meals. On August 1, following the final reporting on the previous FY, the school principal, school business manager and the chairman of the Finance Committee will complete and sign the questions in this section. Request from PED: School provides signed copy of the questionnaire. (Unsigned answers will be rated as Does Not Meet Standards).

Comments by LEA

Compliance Indicators If the school serves meals to students, were there any audit findings noted regarding food contracts?

Requested Documents Evidence of managing food service contracts appropriately without audit findings

Other Documents

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Legal References

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

III-A.00: Educational Plan

Updated 09/13/2017 by Becky Kappus

SEA Status Falls Far Below Standard FINAL

LEA Status In Progress

Comments by SEA 9.13.17 NMPED Rating: PED has rated this indicator "Falls Far Below the Standard Final" because the school did not provide the requested documentation: Requested Follow Up:

- 1) School provides a process and plan for how the school will implementing the material terms identified above. This plan should include responsible parties, timelines, and action steps. The material terms that need to be address in this process and plan are specifically:
 - Designate consistent times at least monthly for Professional Learning.
 - Communities for teachers to address data, curriculum collaboration, and instructional strategies.
 - Provide professional development and support in data collection and analysis.
 - Provide professional development twice a year in the areas of ELD standards and training in implementing effective programs, services and strategies.
 - Support professional development twice a year in identifying and consistently implementing Tier I RTI practices, including differentiation instruction to better meet the learning needs of individual students.
- 2) Please provide a schedule and agenda for all professional learning in the coming year that addresses each of the material terms described above.
- 3) Please provide either an approved amendment to incorporate the mixed grades model into the school's academic program or provide an explanation of how the school will implement its current education program, which does not incorporate a mixed-grade model. This must include a staffing plan aligned to the school budget that provides sufficient staffing to provide instruction in single grade classrooms.

This lack of a response indicates that the school is not complying with applicable education requirements as is required by III-A.00: Education Plan.

3.22.17 Site Visit: PED team observed evidence of the school's mission of a 50/50 dual language model during classroom observations. Team members observed students working individually on worksheet during Spanish language arts instruction. School was observed combining several grade levels, which requires an amendment submitted to the Public Education Commission (PED) since such model is currently not in its contract.

The team was unable to observe differentiation by grade level students in observed classrooms. According to the school's contract any modification of the performance framework or contract requires an amendment that must be agreed to and executed by both parties. Each party must vote on this amendment in an open public meeting prior to execution of the amendment. The school will submit the requested amendment to all entitled to notice in Section 2.02 and request that the Authorizer place the amendment on the agenda of the Authorizer for approval. The team observed that the students were all working on the same assignment in one language arts intervention class. The school provided team members a detailed curriculum that delineates the standards and objectives for different grade levels in the mixed-grade classrooms.

During classroom observations, the team did not observe the following material terms:

1. Designate consistent times at least monthly for Professional Learning.
2. Communities for teachers to address data, curriculum collaboration, and instructional strategies.
3. Provide professional development and support in data collection and analysis.
4. Provide professional development twice a year in the areas of ELD standards and training in implementing effective programs, services and strategies.

5. Support professional development twice a year in identifying and consistently implementing Tier I RTI practices, including differentiation instruction to better meet the learning needs of individual students.

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Requested Follow Up:

- 1) School provides a process and plan for how the school will implementing the material terms identified above. This plan should include responsible parties, timelines, and action steps. The material terms that need to be address in this process and plan are specifically:
 - Designate consistent times at least monthly for Professional Learning.
 - Communities for teachers to address data, curriculum collaboration, and instructional strategies.
 - Provide professional development and support in data collection and analysis.
 - Provide professional development twice a year in the areas of ELD standards and training in implementing effective programs, services and strategies.
 - Support professional development twice a year in identifying and consistently implementing Tier I RTI practices, including differentiation instruction to better meet the learning needs of individual students.
- 2) Please provide a schedule and and agenda for all professional learning in the coming year that addresses each of the material terms described above.
- 3) Please provide either an approved amendment to incorporate the mixed grades model into the school's academic program or provide an explanation of how the school will implement its current education program, which does not incorporate a mixed-grade model. This must include a staffing plan aligned to the school budget that provides sufficient staffing to provide instruction in single grade classrooms.

Comments by LEA

Compliance Indicators Is the school implementing the material terms of the approved charter application as defined in the Charter Contract?

Requested Documents Evidence of substantially achieving the material terms of the approved charter application in all respects as defined in the Charter Contract.

Other Documents

Legal References

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

III-A.01: Education Plan

Updated 09/13/2017 by Becky Kappus

SEA Status Falls Far Below Standard FINAL

LEA Status In Progress

Comments by SEA 9.13.17 NMPED Rating: PED has rated this indicator "Falls Far Below the Standard Final" because the school did not provide: 1) evidence that the school has provided the PED with a report on the number of students retained annually and the communication with parents; 2) a process and plan to ensure the school annually provides data on student retention and student rights.

This indicates that the school is not complying with applicable education requirements as is required by III-A.01: Education Plan.

1/2/2017 - All school districts were required to provide the PED with a report on the number of students retained annually and the communication with parents. This school failed to provide any data and failed to demonstrate compliance with legal requirements regarding retention and students' rights.

3/22/17
CCSS

During the site visits, the team members did see evidence that the school is implementing the Common Core State Standards (CCSS). Team members reviewed the school's curriculum aligned with the CCSS and during the observations team members noted that in several classrooms the standards were posted or available to view in the lesson plans.

Instructional hours

The PED instructional hour review as attached indicates the school IS meeting the instructional hour and reporting requirements as is required under the performance framework.

Requested Follow-up:

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- 1) School needs to provide evidence that the school has provided the PED with a report on the number of students retained annually and the communication with parents.
- 2) School needs to provide a process and plan to ensure the school annually provides data on student retention and student rights. This process and plan should include responsible parties, timelines, and action steps.

Comments by LEA

Compliance Indicators Is the school complying with applicable education requirements?

Requested Documents Content Standards, including Common Core
Evidence of instructional days or hours requirements
Graduation requirements
Next Step Plans
Parent surveys
Promotion/retention requirements
State assessments

Other Documents

Legal References

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

III-A.02: Education Plan

Updated 09/13/2017 by Becky Kappus

SEA Status Falls Far Below Standard FINAL

LEA Status In Progress

Comments by SEA 9.13.17 NMPED Rating: PED has rated this indicator "Falls Far Below the Standard Final" because the school did not provide: a) governing council-approved McKinney-Vento Complaint Policy and Dispute Resolution Process, (b) McKinney-Vento public notice of rights, and (c) description of how homeless or unaccompanied youth are identified (e.g., poster or student/parent handbook notifying them to contact homeless liaison) and services provided tracked. Additionally, the school did not provide the requested school enrollment policy and procedures and a lottery / enrollment application form that requests no improper identifying information.

This indicates that the school is not complying with applicable education requirements as is required by III-A.02: Education Plan.

3.22.17 Site Visit: During the site visit, the team reviewed the school's RtI/SAT plan and processes. The school provided working SAT files for review.

The team did not observe clear evidence that the school had established processes and criteria for locating and identifying homeless families and unaccompanied youth (See ESSA guidance, Section III). PED team members did not see evidence of public notice of rights or McKinney Vento Complaint Policy and Dispute Resolution Process as is required under NMAC § 6.10.3 (D).

PED reviewed school lottery and enrollment forms. School did not have a lottery form. School was improperly requesting identifying information prior to enrollment which permits screening or discriminatory practices. School created a separate form on site and indicated it would implement going forward.

Requested Follow-Up:

- 1) School provides the following documents: (a) governing council-approved McKinney-Vento Complaint Policy and Dispute Resolution Process, (b) McKinney-Vento public notice of rights, and (c) description of how homeless or unaccompanied youth are identified (e.g., poster or student/parent handbook notifying them to contact homeless liaison) and services provided tracked.
- 2) Please provide the school enrollment policy and procedures.
- 3) School provides a lottery / enrollment application form that requests no improper identifying information such as student Id, race, religion, sex, age (except for minimum age).

Comments by LEA

Compliance Indicators Is the school protecting the rights of all students?

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Requested Documents Evidence of compliance with applicable laws and regulations relating to: RtI and SAT processes, admissions, lottery, waiting lists, fair and open recruitment, and enrollment; adherence to due process protections, privacy, civil rights, and student liberty

Other Documents

Legal References

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

III-A.03: Educational Plan

Updated 09/13/2017 by Becky Kappus

SEA Status Falls Far Below Standard FINAL

LEA Status In Progress

Comments by SEA 9.13.17 NMPED Rating: PED has rated this indicator "Falls Far Below the Standard Final" because the school did not provide a process and plan to track services both direct and ancillary provided for students with IEPs, evidence that a gifted endorsed instructor (or a teacher with a gifted waiver) is providing services to gifted student, and evidence that the parent of the student identified as gifted should have been notified that their child was receiving instruction from an unendorsed instructor (see NMAC 6.29.1.9[B][9][b]). This indicates that the school is not complying with applicable education requirements as is required by III-A.03: Education Plan.

3.22.17 Site Visit: The PED team reviewed 10 Individualized Education Plans (IEP). The team did not observe documentation of how the school tracks provision of services on a daily, weekly, or monthly basis as per guidance by the Federal Programs Division of the NMPED (see attached memorandum). The team observed that there is one (1) gifted student. However, the school does not have a gifted endorsed instructor on staff.

Requested Follow-Up:

- 1) School provides a process and plan to track services both direct and ancillary provided for students with IEPs. This process and plan should include responsible parties, timelines, and action steps.
- 2) School provides any template logs or forms the school will use to monitor direct and ancillary services provided.
- 3) School provide evidence that a gifted endorsed instructor (or a teacher with a gifted waiver) is providing services to gifted student. The school should also provide evidence that the parent of the student identified as gifted should have been notified that their child was receiving instruction from an unendorsed instructor (see NMAC 6.29.1.9[B][9][b]).

Comments by LEA

Compliance Indicators Is the school protecting the rights of students with special needs?

Requested Documents Evidence of compliance with IDEA, ADA, Section 504 of the Rehabilitation Act of 1973 as well as laws relevant to gifted children

Other Documents

Legal References

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

III-A.04: Educational Plan

Updated 09/13/2017 by Becky Kappus

SEA Status Falls Far Below Standard FINAL

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|-----------------------|---|
| LEA Status | In Progress |
| Comments by SEA | <p>9.13.17 NMPED Rating: PED has rated this indicator "Falls Far Below the Standard" because the school did not provide: 1) a revised registration packet, 2) a written assurance that (a) W-APT/WIDA and ACCESS scores will be included in student cumulative files, 3) WIDA/W-APT scores for all students identified with a language other than English, and 4) a process detailing how English Learners (ELs) are provided: (a) access to grade-level curriculum (e.g., through lesson plans) and (b) English language development opportunities as required by the BME Bureau during the 2017-2018 school year.</p> <p>This indicates that the school is not complying with applicable education requirements as is required by III-A.04: Education Plan.</p> <p>3.22.17 Site Visit: During the site visit, the team members reviewed 22 student cumulative files. The following concerns were observed: (a) 9 files included Home Language Surveys (HLSs) that indicated a language other than English, but did not include WIDA/W-APT scores, (b) some files included multiple HLSs, (c) the HLS was included in the annual registration packet, and (d) students identified as English Learners (ELs) did not have ACCESS results included in their files,</p> <p>The Home Language Survey (HLS) should be completed one time in a student's public education career to prevent multiple administrations which result in inconsistent information/data. The Guidance Handbook specifies that if a student is "transferring from another school/district, the receiving school and/or district must request the student records from the sending school/district. If after at least three documented request attempts no records are received, and you [as the receiving school/district] cannot yet access the necessary student information in STARS Student Display template, then proceed with administering the Language Usage Survey" (Q&A #21 page 32 of the Guidance Handbook) which replaces the Home Language Survey. See link to Guidance Handbook below:</p> <p>Bilingual Multicultural Education Guidance Handbook: http://ped.state.nm.us/ped/BilingualDocs/ServingELs/NMLUS_Guidance_Handbook_12.23.16.pdf</p> <p>-----</p> <p>Requested Follow-Up:</p> <p>1) School provides a revised registration packet that removes the a) the HLS/LUS.</p> <p>2) Please provide a written assurance that (a) W-APT/WIDA and ACCESS scores will be included in student cumulative files, and (b) guidance protocol from the Bilingual Multicultural Education (BME) Bureau of the NMPED for obtaining or administering the HLS/LUS is followed (see link above).</p> <p>3) Please provide WIDA/W-APT scores for all students identified with a language other than English.</p> <p>2) School provides a process and plan detailing how English Learners (ELs) are provided: (a) access to grade-level curriculum (e.g., through lesson plans) and (b) English language development opportunities as required by the BME Bureau during the 2017-2018 school year. This process and plan should include responsible parties, timelines, and actions steps.</p> |
| Comments by LEA | |
| Compliance Indicators | Is the school protecting the rights of English Language Learners? |
| Requested Documents | Evidence of compliance with applicable laws, rules, and regulations including but not limited to Title III of the ESEA |
| Other Documents | |
| Legal References | |

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

III-A.05: Educational Plan

Updated 09/13/2017 by Becky Kappus

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| SEA Status | Falls Far Below Standard FINAL |
| LEA Status | In Progress |
| Comments by SEA | <p>9.13.17 NMPED Rating: PED has rated this indicator "Falls Far Below the Standard" because the school did not provide: 1) a revised 5-day letter that includes school's request to conference or meet with parents to discuss interventions efforts, 2) a process or plan to notify the "probation services office of the judicial</p> |

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district" or CYFD (see section [B][6][f] of rule) should the school have a student that is classified as a habitual truant student, and 3) a template log documenting contact with outside agency/CYFD.

This indicates that the school is not complying with applicable education requirements as is required by III-A.05: Education Plan.

3.22.17 Site Visit: The PED team observed that the school was providing parents 5-, 7-, and 10- day truancy letters. The team observed that the 5-day letter did not include a request for parent conference/meeting and PED did not observe evidence of notices to the local probationary office or to Children, Youth, and Families Division (CYFD) as required by NMAC 6.10.8.8(B) through (C) in the case of a habitual truant student (10 day absent or more).

Requested Follow-Up:

1) Please provide a revised 5-day letter that includes school's request to conference or meet with parents to discuss interventions efforts.

2) Please provide a process or plan to notify the "probation services office of the judicial district" or CYFD (see section [B][6][f] of rule) should the school have a student that is classified as a habitual truant student. This process and plan should include responsible parties, timelines, and action steps.

3) School should provide a template log documenting contact with outside agency/CYFD.

Comments by LEA

Compliance Indicators Is the school complying with the compulsory attendance laws?

Requested Documents Evidence of compliance with applicable laws, rules, and regulations relating to compulsory school attendance

Other Documents

Legal References

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

III-A.06: Educational Plan

Updated 10/02/2017 by Icela Pelayo

SEA Status Working to Meet Standard FINAL

LEA Status In Progress

Comments by SEA 9.8.17 NMPED Rating: The PED rated this "Working to Meet Standard Final" because at the End-of-the Year (EOY) of 2016-2017 the school had a 56.79% recurrent enrollment rate and this indicates that the school is not complying with applicable education requirements as is required by III-A.006: Education Plan. 85% is the standard in the Organizational Performance Framework.

PED will provide this data.

1/2/2016 -

The school's actual enrollment for the year at 40/80 day was 68% of the budgeted enrollment.

5/4/17

85% is the standard in the Organizational Performance Framework. PED will provide the data for the school's recurrent enrollment.

Comments by LEA

Compliance Indicators Did the school meet their recurrent enrollment goals?

Requested Documents At least 85% of eligible cohort re-enrolled

Other Documents

Legal References

MONITORING INSTRUMENT ITEM REPORT

Carinos de los Ninos

PEC Authorized Annual Monitoring

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

IV-A.00: Business Management and Oversight

Updated 06/28/2017 by Phillip Gloudemans

| | |
|-----------------------|--|
| SEA Status | Not Applicable |
| LEA Status | In Progress |
| Comments by SEA | As of 3.22.17: The school was not a state charter in the FY16. Consequently, the PED team has rated this indicator as not applicable. |
| Comments by LEA | |
| Compliance Indicators | Is the school meeting financial reporting and compliance requirements? |
| Requested Documents | Evidence of submittal of documentation related to the use of public funds, submittal of information required to conduct an annual audit, development of and adherence to sound internal control policies, development of and adherence to purchasing protocols |
| Other Documents | |
| Legal References | |

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

IV-A.01: Business Management and Oversight

Updated 06/28/2017 by Phillip Gloudemans

| | |
|-----------------------|--|
| SEA Status | Not Applicable |
| LEA Status | In Progress |
| Comments by SEA | As of 3.22.17: The school was not a state charter in the FY16. Consequently, the PED team has rated this indicator as not applicable. |
| Comments by LEA | |
| Compliance Indicators | Is the school following generally accepted accounting principles? |
| Requested Documents | Evidence of an unqualified audit opinion, an audit devoid of significant findings, an audit that does not include ongoing concern disclosure |
| Other Documents | |
| Legal References | |

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

V-A.00: Governance and Reporting

Updated 09/13/2017 by Becky Kappus

| | |
|------------|----------------------|
| SEA Status | Meets Standard FINAL |
|------------|----------------------|

MONITORING INSTRUMENT ITEM REPORT

Carinos de los Ninos

PEC Authorized Annual Monitoring

| | |
|-----------------------|--|
| LEA Status | In Progress |
| Comments by SEA | PED has rated this indicator "Meets Standard" because at this time, PED has not been presented with any evidence that school is not complying with governance requirements as is required under V-A.00 Governance and Reporting. |
| Comments by LEA | |
| Compliance Indicators | Is the school complying with governance requirements? Did the Governing Body members respond to any concerns that were noted during the CSD's observation of the Governing Body meeting? |
| Requested Documents | |
| Other Documents | Governing Body Observation Form |
| Legal References | |

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

V-A.01: Governance and Reporting

Updated 09/13/2017 by Becky Kappus

| | |
|-----------------------|---|
| SEA Status | Falls Far Below Standard FINAL |
| LEA Status | In Progress |
| Comments by SEA | 9.13.17 NMPED Rating: PED has rated this indicator "Falls Far Below the Standard Final" because the school did not submit the requested annual evaluation of the head administrator and this indicates that the school is not complying with applicable education requirements as is required by V-A.01: Governance and Reporting. Requested Feedback: The school will need to submit the annual evaluation for the head administrator. |
| Comments by LEA | |
| Compliance Indicators | Is the school holding management accountable? |
| Requested Documents | Submit the governing body's written annual evaluation of the head of school that holds the head of school accountable for performance expectations. |
| Other Documents | |
| Legal References | |

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

VI-A. 00: Employees

Updated 09/13/2017 by Becky Kappus

| | |
|-----------------|--|
| SEA Status | Falls Far Below Standard FINAL |
| LEA Status | In Progress |
| Comments by SEA | 9.13.17 NMPED Rating: PED has rated this indicator "Falls Far Below the Standard Final" because the school did not submit 1) evidence that all staff have the proper teacher endorsements or are if not are on an (b) improvement plan, 2) a process to ensure all licensed staff have required licensure as required by state law, and 3) a process and plan to ensure the school sends out a written notification in the case a parent is teaching for more than 4 consecutive weeks and does not hold a license, endorsement, or is a long term substitute as |

MONITORING INSTRUMENT ITEM REPORT

Carinos de los Ninos

PEC Authorized Annual Monitoring

required by NMAC 6.29.1.9(B)(9)(b).

This indicates that the school is not complying with applicable education requirements as is required by VI-A. 00: Employees

1/2/2017 - This school has had discrepancies with reporting to the licensure bureau. These discrepancies indicate the school has not demonstrated compliance with certification requirements. The school had 1 discrepancy at the 40 day reporting date. The school had 0 discrepancies at the 80 day reporting date. This school had 0 repeated discrepancies on the 80th day that were not corrected from the 40th day. The reported discrepancies did include concerns about employees lacking a valid background check with PED.

3.22.17 Site Visit: The PED team observed that the teachers assigned to teach: (a) Integrated Fine Arts and (b) Spanish Elementary Science do not have the requisite endorsements (e.g., Visual and Performing Arts). School was unable to provide evidence of written notice to affected students. NMAC 6.29.1.9(B)(9)(b) states, "When, by the end of a consecutive four-week period, a child is still being taught by a substitute teacher or a teacher not holding the requisite licensure or licensure endorsement, the school district or charter school shall provide written notice to the parent or guardian that the child is being taught by a substitute teacher or a teacher not holding the requisite licensure or licensure endorsement." The school must also submit the "Substitute Exceeding 45-Day Limit Waiver Request" form via e-mail to: Waivers.PED@state.nm.us as the rule states that "the secretary shall consider deviations from the requirements of Subparagraph [c] of Paragraph [9] of Subsection B of 6.29.1.9 NMAC when a written request by a local superintendent or charter school administrator is submitted" (section d).

Requested Follow-Up:

- 1) Please provide evidence that all staff have the proper teacher endorsements or are if not are on an (b) improvement plan.
- 2) Please provide a process and plan to ensure all licensed staff have required licensure as required by state law. This process and plan should include responsible parties, timelines, and action steps.
- 3) Please provide a process and plan to ensure the school sends out a written notification in the case a parent is teaching for more than 4 consecutive weeks and does not hold a license, endorsement, or is a long term substitute.

Comments by LEA

Compliance Indicators Is the school meeting teacher and other staff credentialing requirements?

Requested Documents The school demonstrates compliance with certification requirements and mentorship requirements

Other Documents

Legal References

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

VI-A. 01: Employees

Updated 09/14/2017 by Becky Kappus

SEA Status Meets Standard FINAL

LEA Status In Progress

Comments by SEA 9.14.17 NMPED Rating: PED has rated this indicator as "Meets Standard" because, at this time, PED has not been presented with any evidence that school is not complying with the requirements as is required under VI-A.01: Employees.

1/3/2017 – Carinos De Los Ninos District Office has completed 100% of Domain 2 and 3 Observations in Frontline/Oasys. The school must complete 6 observations by end of spring semester based on the data provided in Frontline/Oasys. The school has not started 0 observations, has 0 observations in progress, and has completed 6 observations. However, in STARS the school reports 7 teachers with students enrolled in their courses. The school has a discrepancy in the number of teachers reported in Frontline/Oasys vs. STARS.

MONITORING INSTRUMENT ITEM REPORT

Carinos de los Ninos

PEC Authorized Annual Monitoring

Requested Follow-Up: School provides narrative description as to why there is a discrepancy in the number of teachers in Frontline/Oasys when compared to the number of teachers reported in STARS.

Comments by LEA

Compliance Indicators Is the school respecting employee rights?

Requested Documents The school demonstrates compliance with: The school personnel act, Charter School Act, FMLA, ADA, the right to organize collectively, the right to PD and evaluations

Other Documents

Legal References

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

VI-A.02: Employees

Updated 09/13/2017 by Becky Kappus

SEA Status Falls Far Below Standard FINAL

LEA Status In Progress

Comments by SEA 9.13.17 NMPED Rating: PED has rated this indicator "Falls Far Below the Standard Final " because the school did not provide the required background checks for the 12 staff members who did not have a background check in their files and the school did not provide a process including timelines and persons/positions responsible ensuring school will secure a background check for all staff prior to employment.
This indicates that the school is not complying with applicable education requirements as is required by VI-A. 01: Employees.
3.22.17 Site Visit: The PED team reviewed all the staff files. The team observed that 12 of 18 files did not include a background check (See NMSA 22-10A-7.).
The PED Team did not see background checks for the following:

[REDACTED]

Requested Follow-Up:

- 1) Please upload a background checks for each of the 12 staff files missing a background check. (Please be sure to redact identifying information such as social security numbers. These must be cogent or PED background checks (AS400 print-outs are not acceptable) .
- 2) Please provide a process or plan including timelines and persons/positions responsible ensuring school will secure a background check for all staff prior to employment.

Comments by LEA

Compliance Indicators Is the school completing required background checks?

MONITORING INSTRUMENT ITEM REPORT

Carinos de los Ninos

PEC Authorized Annual Monitoring

Requested Documents Evidence of compliance with applicable laws, rules, and regulations related to background checks of all individuals associated with the school

Other Documents

Legal References

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

VII-A.00: School Environment

Updated 09/13/2017 by Becky Kappus

SEA Status Meets Standard FINAL

LEA Status In Progress

Comments by SEA 9.13.17 NMPED Rating : PED has rated this indicator as "Meets Standard" because at this time, PED has not been presented with any evidence that school is not complying with facilities requirements as is required under VII-A.00:School Environment.
3.22.17 Site Visit: The PED team observed no evidence to indicate non-compliance with applicable laws, rules, and regulations relating to the school's facilities.

Requested Follow-Up: None.

Comments by LEA

Compliance Indicators Is the school complying with facilities requirements?

Requested Documents Evidence of compliance with E-occupancy, facility condition rating, facility master plan, facility maintenance plan, fire inspections, facility variances, student transportation programs

Other Documents

Legal References

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

VII-A.01: School Environment

Updated 09/13/2017 by Becky Kappus

SEA Status Falls Far Below Standard FINAL

LEA Status In Progress

Comments by SEA 9.13.17 NMPED Rating: PED has rated this indicator "Falls Far Below the Standard Final" because the school did not provide that they have an approved safety plan, a plan to ensure current and previous year emergency drills are documented, and plan to ensure all staff take the child abuse detection course within the first year of employment as required under state law (see NMAC § 1.21.2.1 – 1.21.2.943).
this indicates that the school is not complying with applicable education requirements as is required by VII-A.01: School Environment
1/2/2017 - The school's Safe Schools plan needs revisions. A revised plan must be submitted by 1/20/2017.

3.22.17 Site Visit: The school was unable to provide documentation that teachers have taken and passed the child abuse, neglect and detection course (See NMSA § 22-10A-32). The school was also unable to provide documentation for emergency drills from the prior year which should have been kept (see NMAC § 1.21.2.1 – 1.21.2.943).

MONITORING INSTRUMENT ITEM REPORT

Carinos de los Ninos

PEC Authorized Annual Monitoring

Requested Follow-Up: School provides documentation of:
(a) an approved School Safety Plan (e.g., e-mail correspondence from Coordinated School and Wellness Bureau of the NMPED,
(b) a plan to ensure current and previous year emergency drills are documented (e.g., office manager will keep records of emergency drills),
(c) all staff having completed the child abuse, neglect and detection course.
(d) a process and plan to ensure all staff take the child abuse detection course within the first year of employment as required under state law.

Comments by LEA

Compliance Indicators Is the school complying with health and safety requirements?

Requested Documents Evidence of compliance with Safe Schools Plan, School Health Rules Checklist, providing appropriate health services, meeting food service requirements, other resources as required

Other Documents

Legal References

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK

VII-A.02: School Environment

Updated 09/13/2017 by Becky Kappus

SEA Status Meets Standard FINAL

LEA Status In Progress

Comments by SEA 9.13.17 NMPED Rating: PED has rated this indicator as "Meets Standard" because at this time, PED has not been presented with any evidence that school is not complying with VII-A.02:School Environment.
3.22.17 Site Visit: The PED team observed evidence that the school is storing student and staff files in locked fireproof cabinets.
Requested Follow-Up: None.

Comments by LEA

Compliance Indicators Is the school handling information appropriately

Requested Documents Evidence of compliance with requirements related to STARS data system, FERPA, IPRA, transfer of student records, testing materials, safe storage of documents

Other Documents

Legal References

ORGANIZATIONAL PERFORMANCE FRAMEWORK

School Specific Terms

Updated 06/09/2017 by Baylor Del Rosario

SEA Status Not Applicable

LEA Status In Progress

MONITORING INSTRUMENT ITEM REPORT

Carinos de los Ninos

PEC Authorized Annual Monitoring

Comments by SEA

3.22.17 Site Visit: The PED team has rated this indicator "Not Applicable" because the school had no school specific terms.
Requested Follow-Up: None.

Comments by LEA

Compliance Indicators

The school reports and provides data on any terms specified in the Performance Framework.

Requested Documents

Other Documents

Legal References

STATE CHARTER SCHOOL CHANGE/AMENDMENT REQUEST FORM

This Request Form **MUST** include a copy of the governing body minutes from the meeting at which the amendment was approved.

Please complete and submit this form to: **Attorney for the Public Education Commission**, New Mexico Attorney General's Office, P.O. Box 1508, Santa Fe, NM 87504

And

Amendment Request, Public Education Department, Charter Schools Division, Room 301, 300 Don Gaspar, Santa Fe, NM 87501, charter.schools@state.nm.us

Name of State-Chartered School: _____

Date submitted: _____ Contact Name: _____ E-mail: _____

| Current Charter Application or Contract Section and Page | Current Charter Statement(s) | Proposed Revision/Amendment Statement(s) | Rationale for Revision/Amendment | Date of Governing Body Approval |
|--|------------------------------|---|-------------------------------------|------------------------------------|
| Click here to enter text. | Click here to enter text. | Click here to enter text. | Click here to enter text. | Click here to enter a date. |

Original Signature of Governing Council President or Designee: _____ Date: _____

Printed Name of Governing Council President or Designee: _____

Public Education Commission use only

Public Education Commission Chair: _____ Date: _____

☐ APPROVED

☐ DENIED

Carinos 2017-2018

| Grades | Actual Hours | Contractual Hours | Budget Hours | Statutory Hours |
|--------|--------------|-------------------------------------|--------------|-----------------|
| K-6 | 1151.5 | 1097.67 (6 hr 10 min * 178 days) | 1082.24 | 990 |
| 7-8 | 1141.5 | 1157 (6 hr 30 min * 178 days) | 1082.24 | 1080 |

1157 – 1141.5 = 15.5 hours fewer than the Charter Contract indicates

ACTUAL hours determined as follows:

K-6

- 168 full days with 30 minute lunch: 8:15 – 3:15 = 6.5 hours * 168 = 1092
- 10 half days with 30 minute lunch: 8:15 – 12:00 = 3.25 hours * 10 = 32.5
- PT Conferences = 22 hours max = 22
- **TOTAL = 1151.5**

7-8

- 168 full days with 30 minute lunch: 8:15 – 3:15 = 6.5 hours * 168 = 1092
- 10 half days (lunch at 1200): 8:15 – 12:00 = 3.75 hours * 10 = 37.5
- PT Conferences = 12 hours max = 12
- **TOTAL = 1139**

CONTRACTUAL hours determined as follows:

K-6: 178 days * 6 hours 10 minutes = **1097.67**

7-8: 178 days * 6 hours 30 minutes = **1157**

BUDGET hours determined as follows:

K-8: 178 days * 6.08 hours = **1082.24**

STATUORY required hours are:

K: **990** hours, can include a maximum of 33 hours of PT conferences

1-6: **990** hours, can include a maximum of 22 hours of PT conferences

7-8: **1080** hours, can include a maximum of 12 hours of PT conferences

Updated 2/20/18

Every Student Succeeds Act – Education for Homeless Children and Youth

The National Association for the Education of Homeless Children and Youth's press release summarized the ESSA new law in the following way:

- Provides appropriate school personnel with training to identify, enroll and support homeless children and youth.
- Assists young homeless children to access early childhood programs.
- Boosts academic achievement by ensuring that homeless children and youth can stay in the same school when it is in their best educational interest.
- Improves high school graduation and college readiness by maximizing credit accrual, ensuring college counseling and access to financial aid, providing school stability during the vulnerable transition from middle school to high school, and requiring states to report disaggregated achievement and graduation data for homeless youth.
- Increases dedicated funding for school district efforts to educate homeless children by over 20% and increases local flexibility to use additional federal funding streams to serve homeless children and youth.

McKinney-Vento Act Amendments: (changes are in red)

State Coordinators:

- Conduct monitoring of local educational agencies (LEAs) – all (to include non-MV funded districts and state charter schools as well)
- Publish updated list of liaisons on PED website annually
- Respond to inquiries from homeless parent and unaccompanied youth
- Post # of homeless children and youth on PED website annually
- Collect and submit data that the MVA requires the secretary to submit to Congress
- Develop and implement professional development programs for liaisons and other LEA personnel to improve their identification of homeless children and youth and heighten their awareness of and capacity of homeless children and youth.
- Such training must include information on certain specified federal definitions of homelessness (Ex. HUD vs. MV vs. RHYA)
- Must coordinate and collaborate with:
 - Educators (to include teachers, special education personnel, administrators and child development and preschool program personnel.
 - Providers of services to homeless children, youth and their families (includes public/private welfare and social services agencies, law enforcement agencies, juvenile and family courts, agencies providing mental health services, domestic violence, child care providers, runaway and homeless youth centers and agencies)
 - Providers of emergency, transitional, and permanent housing to homeless children and youths, and their families, including public housing agencies, helter operators, operators of transitional housing facilities, and providers of TLPs for homeless youths

Local Liaisons MUST:

- Be able to carry out their duties described in the law (not wearing too many hats to actually provide homeless students with the services they need)
- Disseminate public notice of MV rights in locations frequented by homeless in a manner and form understandable to parents, guardians and youth
- Ensure that school personnel providing MV services receive professional development and other support
- Collect and provide to the State Coordinator information needed to fulfill the data collection required by the MVA
- Local Liaison Training – SEAs and LEAs must adopt policies and practices to ensure that liaisons participate in professional development and other technical assistance activities, as determined appropriate by the State Coordinator

School Stability

- The definition of school of origin includes the designated receiving school at the next grade level for all feeder schools, when a student completes the final grade level served by the school of origin. The determination of whether it is in a student's best interest to follow the feeder school pattern is subject to the same process as other best interest determinations.
- When a student obtains permanent housing, transportation to the school of origin must be provided until the end of the academic year, if it is in the student's best interest to remain in that school.

Enrollment Barriers

- Homeless children and youth must be enrolled in school immediately, even if the student has missed application or enrollment deadlines during any period of homelessness.
- SEAs and LEAs must develop, review and revise policies to remove barriers to the identification, enrollment and retention of homeless students in school, including barriers due to fees, fines, and absences.

Disputes

If a dispute arises **over eligibility**, or school selection or enrollment in a school:

1. The child or youth shall be immediately enrolled in the school in which the parent, guardian or **unaccompanied youth** seeks enrollment, pending final resolution of the dispute, **including all available appeals.**
2. The parent or guardian of the child or youth or (in the case of an unaccompanied youth) the youth shall be provided with a written explanation of **any decisions related to school selection or enrollment made by the school, the local educational agency, or the State educational agency involved**, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions.

College Readiness

States must have procedures to:

- Identify and remove barriers that prevent youth from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school.
- Ensure that homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs.
- **State plans** must describe how homeless youth will receive assistance from school counselors to advise, prepare and improve their readiness for college.

Local liaisons must ensure that unaccompanied homeless youth:

- Are enrolled in school
- Have opportunities to meet State academic achievement standards, including implementing procedures to remove barriers to credit accrual; and
- Are informed of their status as independent students for financial aid and may obtain assistance to receive verification for the FAFSA.

Preschool Children

- **State plans** must include procedures that ensure that homeless children have access to public preschool programs, administered by the SEA or LEA, as provided to other children.
- Liaisons must ensure homeless families and children can access early intervention services under IDEA C, if eligible.
- The definition of school of origin includes preschools

Identifying Homeless Children and Youth

Identification of homeless children and youth is added to:

- The activities and services for which state grants must be used
- The professional development activities for liaisons and other school personnel that States must provide
- The list of barriers that SEAs and LEAs must regularly review and revise
- The purpose of coordination among liaisons and community housing agencies
- The purpose of LEA sub-grants

Homeless Children and Youth with Disabilities:

- LEAs must coordinate McKinney-Vento and special education services within the LEA, and with other involved LEAs

Privacy

Schools must treat information about a homeless child's or youth's living situation as a student education record, subject to all the protections of the Family Educational Rights and Privacy Act (FERPA).

Housing and HUD Homeless Assistance

- Liaisons are authorized to affirm whether children and youth meeting the US Dept. of Housing and Urban Development (HUD) definition of homelessness, to qualify them for HUD homeless assistance programs.
- Liaisons must refer homeless families and students to housing services, in addition to other services.

Sub-grant Applications

- Added to quality criteria: the extent to which the LEA uses the subgrant to leverage resources, including maximizing non-subgrant funds for the position of the liaison and the provision of transportation, and how the LEA uses Title IA set-aside funds to serve homeless children and youth

Use of Funds

- McKinney-Vento subgrant funds may be used to attract, engage, and retain homeless children and youth who are not enrolled in school.
- McKinney-Vento subgrant funds may be used for extraordinary or emergency assistance needed to enable homeless children and youths to attend school and participate fully

MV Applications

The Secretary at USED shall:

- Require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 120-day period beginning on the date that funds are available for purposes of making such grants.
- Make such grants not later than the expiration of the 180-day period beginning on such date.

MV Applications: US Department of Education

The Secretary must:

- Disseminate public notice about the educational rights of homeless children and youth nationwide to all Federal agencies and grant recipients service homeless families, children or youth.
- Provide support and technical assistance to SEAs concerning areas in which documented barriers to a free appropriate public education persist.

- Issue guidelines concerning how a State may assist LEAs to implement the amendments and may revise state policies and procedures to remove barriers to the identification, enrollment, attendance, and success of homeless children and youth in school.

Authorized Funding Level

- The bill authorizes \$85 million for each of fiscal years 2017-2020.
- This represents a 21% increase over the previously authorized level of \$70 million, and a 31% increase over the currently appropriated level of \$65 million.

Title 1, Part A

State and Local Plans:

- State Title 1 plans must describe how the SEA will provide support to LEAs to ensure the identification, enrollment, attendance and school stability of homeless children and youth.
- Local Title 1 Plans must describe the services the LEA will provide to support the enrollment, attendance and success of homeless children and youth, including services provided with the Title 1 homeless reservation, in coordination with the services the LEA provides under the McKinney-Vento Act

Reservation of Funds:

- ALL LEAs that receive Title 1 Part A funds must reserve funds to support homeless students.
- The amount of Title 1 funds reserved for homeless children and youth:
 - Must be based on the total allocation and reserved prior to any allowable expenditure of transfers
 - May be determined based on a needs assessment
 - May be used for services not ordinarily provided by Title 1, including local liaisons and transportation to the school of origin.

State Report Cards:

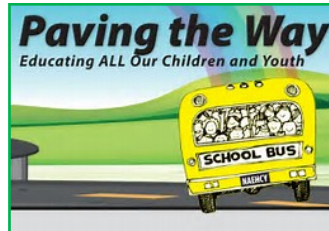
State report cards must include disaggregated information on the graduation rates and academic achievement of homeless children and youth, and children and youth in foster care.

Charter Schools

States receiving charter school grants under Title IV part C must work with charter schools on recruitment and enrollment practices to promote inclusion of all students, including by eliminating any barriers to enrollment for foster youth and unaccompanied homeless youth.

Student Success and Wellness Bureau

New Mexico Educational Stability Guidelines for Students Experiencing Homelessness



Every Student Succeeds Act (ESSA)



“NEW MEXICO RISING”

see the state’s Every Student Succeeds Act (ESSA) plan at:
http://ped.state.nm.us/ped/ESSA_docs/FINAL_NMESSAPlan.pdf

The McKinney-Vento Homeless Assistance Act (also referred to as the Act or the McKinney-Vento Act), as amended by the Every Student Succeeds Act (ESSA), mandates basic protections and procedures be in place when a dispute arises “over eligibility, school selection or enrollment in a school” [42 U.S.C. § 11432(g) (3) (E)].

These protections and procedures must be available to address disputes related to whether a student has the right to enroll in a particular school based on eligibility, school selection, and enrollment, while upholding all the rights that the McKinney-Vento Act provides to children and youth experiencing homelessness, parents, and guardians.

The Act acknowledges that disputes may arise between the Local Education Agency (LEA)/State Charter School and students experiencing homelessness and their parents or guardians, or unaccompanied youth, when the LEA/State Charter School seeks to place a student in a school other than the school of origin or the school requested by the parent or unaccompanied youth. The Act includes dispute resolution as one of the duties of the LEA's/State Charter School's Homelessness Liaison.

LEAs should keep in mind that disputes related to school selection or enrollment should be initiated at the request of the parent or unaccompanied youth and not at the request or convenience of the LEA/State Charter School. Additionally, issues related to the definition of homelessness, the responsibilities of the LEA/State Charter School to serve children and youth experiencing homelessness, and/or the explicit rights of children and youth experiencing homelessness are addressed in the McKinney-Vento Act.

Disputes related to the school placement and enrollment of children and youths experiencing homelessness shall be resolved within the parameters of the federal McKinney-Vento Act as amended by the ESSA. The dispute resolution process for the eligibility, school selection, enrollment and transportation of children and youths experiencing homelessness shall not be used in an effort to circumvent or supersede any part of the federal McKinney-Vento Act.

The processes described in these procedures apply in the case of a complaint filed pursuant to the McKinney-Vento Education for Homeless Children and Youth Act relating to a dispute not resolved at the district level. The applicable disputes are those involving the eligibility, school selection/enrollment, participation or transportation of a homeless child or youth. Schools must check periodically throughout the school term for updates on these procedures issued by the Public Education Department. Refer to Rule 6.10.3.8 NMAC for other forms of complaints which may be submitted with the Department.

Definitions used in these procedures

“Department” means the New Mexico Public Education Department (PED).

Section 725 of the McKinney Vento Act defines **“Homeless children and youth”** as individuals who lack a fixed, regular, and adequate nighttime residence, the term includes:

- Children and youth who are:
 - sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (sometimes referred to as “doubled-up”);
 - are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;

- are living in emergency or transitional shelters; or
- are abandoned in hospitals.
- Children and youth who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;
- Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described above.

“LEA” means local education agency. In New Mexico, this can be a school district or a state chartered charter school.

“Liaison” The designated LEA/State Charter School Homeless Liaison assigned to carry out specific duties under the act including the dispute resolution process in an expeditious manner.

“School of origin” means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including preschool (Section 722(g)(3)(I)(i)). When a child or youth completes the final grade level served by the school of origin, the school of origin includes the designated receiving school at the next grade level for all feeder schools (such as when an elementary school feeds into a middle school). (Section 722(g)(3)(I)(i))

“State Charter School” means a charter school authorized by the department.

“Student who has experienced disruption in the student’s education” means a student who experiences one or more changes in school or school district during a single school year as the result of homelessness as defined in the federal McKinney-Vento Homeless Assistance Act as determined by the school or school district. Section 22-12-10(A)(1) NMSA 1978.

ESSA and NMSA School Stability Provisions

The following provisions are specified under ESSA, New Mexico Statutes Annotated (NMSA) and the New Mexico Administrative Code (NMAC):

Immediate Enrollment and Eligibility

Children or youth experiencing homelessness must be immediately enrolled in the school in which enrollment is sought, whether it be the school of origin, or the school in the attendance area, regardless if they are missing school records, proof of residency, immunization and other

health records, lack of a parent or legal guardian or have unpaid fees. Immediate enrollment includes attending classes and participating fully in school activities, including extracurricular activities. Students experiencing homelessness are to be directly certified for free school meals for the entire school year.

If a dispute arises over school selection or enrollment in a school, the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute and must be immediately referred to the Homelessness Liaison. In the case of an unaccompanied youth, the Homelessness Liaison shall ensure that the youth is immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute. The dispute resolution process is described in detail below.

School Selection and Best Interest

To ensure the stability of students experiencing homelessness, the LEA/State Charter School must make school placement decisions on the basis of the “best interest” of the student based on student-centered factors. (Section 722(g)(3)(B)). Using this standard, the LEA/State Charter must:

- Continue the student’s education in the school of origin for the duration of the homelessness when a family becomes homeless between academic years or during an academic year, and for the remainder of the academic year even if the student becomes permanently housed; or
- Enroll the student in any public school that non-homeless students who live in the attendance area in which the student is actually living are eligible to attend.
(Section 722(g)(3)(A))

When determining the student experiencing homelessness best interest, the LEA/State Charter School must consider the following factors:

- Request of the student’s parent or guardian or unaccompanied youth
- Impact of the mobility on student achievement
- Education
- Health
- Safety
- Placement of siblings

Participation and Removal of Barriers

The LEA/State Charter School has an obligation to remove barriers to enrollment and retention of the student experiencing homelessness. (See sections 721(2), 722(g)(1)(I)). A school selected on the basis of the student’s best interest must enroll the student immediately even if the student is unable to produce the records normally required for enrollment (such as previous academic records, records of immunization and other health-related records, proof of residency, proof of guardianship, birth certificates of other documents), has missed application or enrollment deadlines during the period of homelessness, or has outstanding fees.

School Enrollment: School records, vaccinations and immunizations

Pursuant to the McKinney-Vento Homeless Assistance Act (42 USC § 11432(g)(3)(C)), children experiencing homelessness must be able to enroll in school immediately, even if they are unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation. In accordance with 7.5.3.10 of the NMAC, if the child needs to obtain immunizations, or medical or immunization records, the enrolling school must immediately refer the parent or guardian of the child or youth to the designated local educational agency liaison, who must assist in obtaining necessary immunizations, or immunization or medical records.

Transfer of Records

When students who have experienced disruption in their education, including children and youth experiencing homelessness, transfer to a new public school or school district, the receiving school or school district shall communicate with the sending school within two days of the student's enrollment. The sending school or school district shall provide the receiving school or school district with any records within two days of having received the receiving school's or school district's communication. 22-12-10(B) NMSA, 1978.

Placement in Classes

Students experiencing disruption in their education, including children and youth experiencing homelessness, shall have:

- Priority placement in classes that meet state graduation requirements; and
- Timely placement in elective classes that are comparable to those in which the student was enrolled at the student's previous school or schools as soon as the school or school district receives verification from the student's records. 22-12-10 (C) NMSA, 1978.

Remedial Programs

Indigent identification and guidelines, Section N of 6.29.1.9 of the NMAC

(1) A student who has been deemed eligible for free or reduced-price school meals, or a student who has been identified by the children, youth and families department as being in the custody of the state, shall be deemed indigent for the purposes of remediation programs and damage of instructional materials, as discussed in Sections 22-2C-6 and 22-15-10 NMSA 1978.

(2) A parent or guardian of a student who has not applied for free or reduced-price school meals shall be notified in writing by the local school board or governing body of a charter school of the availability of remediation at no charge upon an eligibility determination for free or reduced-price school meals.

This includes students experiencing homelessness since the students are categorically eligible for free school meals.

High School Enrollment

For high school students who have experienced disruption in their education at any time during their high school enrollment, a school district and public schools shall ensure:

- Acceptance of the student's state graduation requirements for a diploma of excellence pursuant to the Public School Code [Chapter 22 NMSA 1978];
- Equal access to participation in sports and other extracurricular activities, career and technical programs or other special programs for which the student qualifies;
- Timely assistance and advice from counselors to improve the student's college or career readiness; and

That the student receives all special education services to which the student is entitled. 22-12-10(D) NMSA, 1978.

Transportation

LEAs/State Charter Schools must adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or, in the case of an unaccompanied youth), to and from school in accordance with the following requirements:

- If the child or youth continues to live in the area served by the LEA/State Charter School in which the school of origin is located, that LEA/State Charter School must provide or arrange for the child's or youth's transportation to or from the school of origin. (Section 722(g)(1)(J)(iii)(I))
- If the child or youth continues his or her education in the school of origin but begins living in an area served by another LEA/State Charter School, the LEA/State Charter School of origin and the LEA in which the child or youth experiencing homelessness is living must agree upon a method to apportion the responsibility and costs for providing the child or youth with transportation to and from the school of origin. If the LEAs cannot agree upon a method, the responsibility and costs for transportation are to be shared equally. (Section 722(g)(1)(J)(iii)(II)).

Transportation must be arranged promptly to ensure immediate enrollment and so as not to create barriers to students experiencing homelessness attendance, retention, and success. (Sections 721(2), 722(g)(1)(I)).

Direct Certification for Free School Meals

Students experiencing homelessness are categorically eligible for free meals as part of the United States Department of Agriculture's (USDA's) Community Eligibility Provision (CEP). When a student experiencing homelessness enrolls in a new school or remains in the school of origin, the school's principal or designee or POC shall notify the school food authority (SFA) director within one school day. The SFA director will directly certify the student for free school meals.

The SFA director will notify the LEA's/State Charter School's Student Teacher Accountability Reporting System (STARS) coordinator to update the student's demographics and enter them as categorically eligible.

LEA/State Charter School Minimum Procedures for Resolving Disputes

When a dispute arises over eligibility, school selection, enrollment in a school or transportation, the LEA/State Charter School must:

- Immediately enroll the child or youth in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals. [42 U.S.C. § 11432(g)(3)(E)(i)].
- Immediately enroll the unaccompanied youth, in the school in which the youth seeks enrollment pending the resolution of the dispute. [42 U.S.C. § 11432(g)(3)(E)(iv)].
 - In the case of an unaccompanied youth, the LEA/State Charter School must ensure that the local liaison assists in placement or enrollment decisions and gives priority to the views of such unaccompanied youth.
- Allow students to participate fully in school and receive all services to which they are entitled, including transportation, while disputes are pending. [42 U.S.C. § 11434a(1)].
- Provide the parent or guardian of the child or youth or the unaccompanied youth a written explanation of any decisions related to school selection or enrollment made by the school or LEA/state charter school.
- Notice and written explanation from the LEA/State Charter School about the reason for its decision, at a minimum, should include the following:
 - An explanation of how the school reached its decision regarding eligibility, school selection or enrollment, which should include:
 - A description of the action proposed or refused by the school;
 - An explanation of why the action is proposed or refused;
 - A description of any other options the school considered;
 - The reasons why other options were rejected;
 - A description of any other factors relevant to the school's decision and information related to the eligibility or best interest determination including the facts, witnesses, and evidence relied upon and their sources;
 - Appropriate timelines to ensure any relevant deadlines are not missed; and
 - Contact information for the local liaison and State Coordinator of Education for Homeless Children and Youth (ECHY) and a brief description of their roles.
- Ensure all decisions and notices are drafted using language and formatting appropriate for low literacy, limited vision readers and individuals with disabilities.
- Provide translation and interpretation services in connection with all stages of the dispute resolution process for children and youth and/or their parents or guardians who are English Learners or whose dominant language other than English.
- Provide electronic written notice to parents/guardians and unaccompanied youth who have email and follow up with the notice in person or by mail.
- Provide the rights of the parent, guardian, or unaccompanied youth to appeal such decisions. [42 U.S.C. § 11432(g)(3)(E)(ii)].

If a dispute arises over eligibility, or school selection or enrollment in a school, the parent, guardian or unaccompanied youth shall be referred to the LEA/State Charter School liaison who

shall carry out the dispute resolution process as expeditiously as possible after receiving notice of such dispute. [42 U.S.C. § 11432(g)(3)(E)(iii)].

Procedures to Ensure that Parents, Guardians and Unaccompanied Youth Know their Rights

LEA/State Charter School liaisons must make sure that Parents, Guardians and Unaccompanied Youth are aware of the educational and related opportunities available, including transportation [42 U.S.C. § 11432(g)(6)(A)(v)] and must post public notice of the educational rights of homeless children and youths. [42 U.S.C. § 11432(g)(6)(A)(vi)]. Posters and other information about rights and services, translated into languages represented by the community, must be placed where homeless families and youths receive services.

The following information should be included in the LEA's/State Charter School's notice regarding the dispute resolution process:

- Right to file a complaint, raise a complaint issue or file an appeal.
- Right to provide written or oral documentation to support the parent/guardian or unaccompanied youth's position.
- Step-by-step description of how to appeal the school's decision that includes a simple form parents, guardians or unaccompanied youths can complete and submit to the school to initiate the dispute process.
- If the parent, guardian or unaccompanied youths are English learners, use of a native language other than English, or need additional supports because of a disability, translators, interpreters, or other support services will be made available without charge.
- Right to be enrolled immediately in the school in which enrollment is sought pending the final resolution of the dispute.
- Right to immediate enrollment includes receiving adequate and appropriate transportation to and from the school of origin and the ability to fully participate in all school activities.
- List of legal and advocacy service providers in the area that can provide additional assist during any part of the process.
- Contact information for the local liaison and State Coordinator, with a brief description of their roles.
- Timelines for resolving district and state-level appeals.

Overview of Dispute Resolution Process

**Every effort must be made to resolve the complaint or dispute at the local level before it is submitted to the PED.*

In a case where a dispute occurs regarding the eligibility, school selection/enrollment, participation or transportation of a homeless child or youth, the following process must be followed:

Level 1: School of Choice Informal Resolution

Level 2: LEA/State Charter School Homelessness Liaison Resolution

Level 3: PED's State Coordinator of Education for Homeless Children and Youth (ECHY) Resolution

Level 1: School of Choice Informal Resolution

If a parent, guardian or unaccompanied youth wishes to appeal a school's decision related to eligibility, school selection/enrollment, participation or transportation:

1. Each LEA/State Charter School shall have a written policy for concerned parties to resolve disputes and every effort should be made to resolve the dispute at the LEA/State Charter School level. The LEA/State Charter School procedure must adhere to the following parameters:
 - a. The dispute resolution process shall be as informal and accessible as possible and the process should be able to be initiated directly at the school of choice as well as at the district level or with the LEA/State Charter School homelessness liaison. Every LEA/State Charter School is required to have a homelessness liaison.
 - b. When a dispute arises over school selection or enrollment, pending resolution of the dispute, the homeless child or youth must be immediately enrolled in the school in which the child or youth is seeking enrollment, and provided all services to which student is entitled.
2. The district must create and provide a simply stated notice of rights and provide that notice of rights to the student, parent or guardian, in a language the student, parent or guardian can understand. The notice of rights shall contain:
 - a. contact information for the LEA/State Charter School homelessness liaison and the state coordinator, with a brief description of their roles;
 - b. a step-by-step description of how to make use of the dispute resolution process;
 - c. notice of the right to immediately enroll in the school of choice pending resolution of the dispute and notice that immediate enrollment includes full participation in all school activities;
 - d. notice of the right to obtain the assistance of advocates or attorneys;
 - e. notice of the right to appeal to the department if the district-level resolution is not satisfactory;
 - f. the timelines for resolving district and department-level appeals;

- g. notice of the right to provide written or oral documentation to support their position; and
- h. a simple form that parents, guardians or the student can complete and return to the school to initiate the process.

Note: Nothing shall preclude the availability of any administrative hearing opportunities provided for by Federal statute or regulation.

Level 2: LEA/State Charter School Homelessness Liaison Resolution

1. The school with the dispute must provide notice of the dispute to the LEA's/State Charter School's homelessness liaison using the department's dispute resolution process form which requires the following information:
 - a. school name, address, phone and fax number;
 - b. student's name, identification number, grade, and address;
 - c. parent, guardian or complaining party's name, relationship to student, address, and phone number;
 - d. whether student lives in a shelter;
 - e. name of school child or youth chooses to be enrolled in pending resolution of dispute;
 - f. whether school enrolled in is school of origin;
 - g. reason for complaint;
 - h. signature of parent guardian or complaining party; and
 - i. the principal's actions on the complaint.
2. The LEA/State Charter School will have ten (10) calendar days to review its initial determination and make a final decision as to the position taken.
3. The LEA's/State Charter School's final decision must be in writing and must state all factual information upon which it is based and the legal basis in support thereof.

Level 3: PED's State Coordinator of Education for Homeless Children and Youth (ECHY) Resolution

If the dispute remains unresolved after a Level 2 resolution, parties may proceed to a Level 3 resolution:

1. If the final decision of the LEA is adverse to the parent, guardian or student, the decision, along with the PED's dispute resolution process form, must be forwarded by the LEA's/State Charter School's homelessness liaison to the PED's ECHY State Coordinator within five (5) calendar days of issuing its final decision. This will initiate the appeal to Level 3.
2. The parent, guardian or student may also initiate the appeal. To initiate the appeal themselves, the parent or unaccompanied youth shall notify the LEA's/State Charter School's Homelessness Liaison of their intent to proceed to Level 3 within ten (10) business days of notification of the Level 2 decision, and shall provide copies of the dispute resolution process form to the department's homelessness liaison. The parent, guardian, or student shall also complete the dispute resolution form and send it to the State's ECHY Coordinator at the address listed on the form.

3. Upon receipt of a dispute resolution form, the department will:
 - a. acknowledge receipt in writing;
 - b. provide written notice to the agency or consortium of agencies against which the violation has been alleged;
 - c. conduct an impartial investigation which shall include a review of all relevant documentation presented and may include an independent on-site investigation, if determined necessary by the department;
 - d. give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint; and
 - e. review all relevant information and make an independent determination as to whether the agency or consortium of agencies is violating a requirement of an applicable federal statute or regulation.
4. Decision. A written decision, which includes findings of fact, conclusions, and the reasons for the decision and which addresses each allegation in the complaint, shall be issued by the secretary of education or designee and mailed to the parties within thirty (30) calendar days. Such decision will further include: procedures for effective implementation of the final decision, if needed, including technical assistance, negotiations, and, if corrective action is required, such action shall be designated and the decision shall include the time line for correction and the possible consequences for continued noncompliance.

Failure or refusal to comply.

If the agency or consortium of agencies fails or refuses to comply with the applicable law or regulations, and if the noncompliance or refusal to comply cannot be corrected or avoided by informal means, compliance may be effected by the department by any means authorized by state or federal statute or regulation. The department will retain jurisdiction over the issue of noncompliance with the law or regulations and will retain jurisdiction over the implementation of any corrective action required.



The Educational Rights of Students Experiencing Homelessness

The McKinney-Vento Homeless Assistance Act mandates that students experiencing homelessness are entitled to specific educational rights and services that will help them succeed in school. They have the right to:

- Enroll immediately, even if they do not have paperwork normally required for enrollment or have missed application or enrollment deadlines;
- Attend either the local attendance area school or the school of origin, with the placement decision based on the student's best interest, giving priority to the youth's request;
- Attend either the local attendance area school or the school of origin, with the placement decision based on the student's best interest, giving priority to the youth's request;
- Remain in the school of origin (including the designated receiving school at the next grade level for all feeder schools) for the duration of their homelessness and until the end of the school year in which the student becomes permanently housed; and
- Receive transportation to and from the school of origin.

In addition to the provisions that apply to all homeless students, the McKinney-Vento Act includes the following provisions specifically for unaccompanied homeless youth:

- Unaccompanied homeless youth shall be immediately enrolled without proof of guardianship;
- During a dispute over school selection or enrollment, unaccompanied homeless youth shall receive a written statement explaining the school's decision, the youth's right to appeal the decision, and a referral to the local liaison, and students must be enrolled in school immediately while disputes are resolved;

Homeless Liaisons must ensure that unaccompanied homeless youth are:

- immediately enrolled in school and have opportunities to meet the same state academic standards as other children and youth; and
- are informed of their status as independent students for the purpose of applying for financial aid for higher education and provided verification of such status for the Free Application for Federal Student Aid (FAFSA).
- receive educational services, such as free school meals and Title I services and participate in gifted and talented programs, vocational and technical education, alternative education, programs for English learners, and any other services comparable to what housed students receive; and
- not be stigmatized or segregated on the basis of their status as homeless.

I have been informed of and understand the educational right that I/my child(ren) have/has under the McKinney-Vento Homeless Assistance Act.

Parent/Caregiver/Unaccompanied Youth Signature

Date



**Education for Homeless Children and Youth
STUDENT NEED ASSESSMENT AND ACTION PLAN**

Parent/Guardian Contact Information

Name: _____

Current Physical Address: _____

Email Address: _____

Phone: _____

Please list ALL children (birth through 21 years of age) in your care.

| Name | Grade | Age | Date of Birth | Current or Last School Attended | Student ID Number (if applicable) |
|------|-------|-----|---------------|---------------------------------|-----------------------------------|
| | | | | | |
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| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

How can we best support you and your child/children?

| | | |
|--|---|--|
| <u>Enrollment Documentation</u> (What types of documents do you have available for school enrollment?) <input type="checkbox"/> Birth certificate <input type="checkbox"/> Immunizations <input type="checkbox"/> Transcripts <input type="checkbox"/> Proof of residency <input type="checkbox"/> Other: _____ | <u>Health Information</u> (What types of health assistance would be helpful to you and your child/children?) <input type="checkbox"/> Medicaid/PEMOSA <input type="checkbox"/> Medical <input type="checkbox"/> Dental <input type="checkbox"/> Vision <input type="checkbox"/> Mental Health/Behavioral Health <input type="checkbox"/> Reproductive health/pregnancy <input type="checkbox"/> Other: _____ | <u>Basic Needs</u> (In what areas would you like assistance for you and your child/children?) <input type="checkbox"/> School supplies <input type="checkbox"/> Hygiene products <input type="checkbox"/> Clothing/Uniform/PE shoes <input type="checkbox"/> Food/Afterschool/weekend meals <input type="checkbox"/> Child care |
| <u>Housing/ Utilities</u> (Is assistance needed in any of these areas?) <input type="checkbox"/> Emergency Shelter/Safety <input type="checkbox"/> Housing <input type="checkbox"/> Furniture <input type="checkbox"/> Utilities | <u>Transportation</u> (Is assistance needed in any of these areas?) <input type="checkbox"/> School bus <input type="checkbox"/> Bus fares <input type="checkbox"/> Reimbursement for gas <input type="checkbox"/> Other | <u>Legal</u> (Would any legal assistance be helpful?) <input type="checkbox"/> Guardianship <input type="checkbox"/> Emancipation <input type="checkbox"/> Other: _____ |



**Education for Homeless Children and Youth
STUDENT NEED ASSESSMENT AND ACTION PLAN**

How can we best support you and your child/children? (continued)

Special Services

(Would any of these services be helpful for your child/children in school?)

| Type of Service | Name(s) of Child/Children |
|--|----------------------------------|
| <input type="checkbox"/> Preschool/Headstart/Early Start | |
| <input type="checkbox"/> Special Education/Expedited Evaluations | |
| <input type="checkbox"/> Migrant Education Program | |
| <input type="checkbox"/> Indian Education Program | |
| <input type="checkbox"/> Bilingual program/Limited English Proficiency | |
| <input type="checkbox"/> Assistance with GED Testing | |
| <input type="checkbox"/> Assistance with SAT/ACT Testing | |
| <input type="checkbox"/> Support with High School Graduation | |
| <input type="checkbox"/> Support with College Applications/FAFSA/Independent Status/Scholarships | |
| <input type="checkbox"/> Other: _____ | |

Educational Supports

(Is any additional educational support needed for your child/children?)

| Type of Support | Name(s) of Child/Children |
|---|----------------------------------|
| <input type="checkbox"/> Place to study | |
| <input type="checkbox"/> Out-of-School Time Programs (before/after school), mentoring, or summer programs | |
| <input type="checkbox"/> Tutoring, supplemental instruction, and other educational services | |
| <input type="checkbox"/> Credit Recovery | |
| <input type="checkbox"/> Advanced placement | |
| <input type="checkbox"/> Vocational/technical | |
| <input type="checkbox"/> Class projects or field trips | |
| <input type="checkbox"/> Life skills development (budgeting, personal safety, cooking, personal grooming, social skills, time management, organization, household management, grooming, etc.) | |

Anything we missed?



**Education for Homeless Children and Youth
STUDENT NEED ASSESSMENT AND ACTION PLAN**

| Student Action Plan – (Enter Student’s Name) - _____ | | | | |
|---|---|--------------------------------------|---|-----------------------|
| What does the student need? | What strategy will we use to assist in meeting that need? | Who is responsible for the strategy? | Are any supports needed to complete the strategy? | When will it be done? |
| | | | | |
| | | | | |
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| | | | | |
| | | | | |
| | | | | |

**Duplicate page as needed for additional students.*

Meeting Attendees

| | | | |
|--------------|-----------|-------------------------|-------|
| _____ | _____ | _____ | _____ |
| Printed Name | Signature | Role | Date |
| _____ | _____ | _____ | _____ |
| Printed Name | Signature | Role | Date |
| _____ | _____ | _____ | _____ |
| Printed Name | Signature | Role | Date |
| _____ | _____ | <u>Homeless Liasion</u> | _____ |
| Printed Name | Signature | Role | Date |

For Office Use Only:

☐ Referral for Free Meals

☐ Title I Supports

☐ Entered in STARS

☐ Referral to Migrant Program

March 16, 2018 PEC Meeting

**New Mexico Public Education Department
Students Experiencing Homelessness or Unaccompanied Youth Dispute Resolution Form**

(This form should be used for the dispute resolution process for students experiencing homelessness or unaccompanied youth in regards to eligibility, school selection, enrollment or transportation.)

Note: LEAs/State Charter Schools with unresolved disputes shall forward this form along with the LEA's/State Charter School's written explanation of the school's decision to the Public Education Department's homeless liaison within five calendar days of the LEA's final decision. The filing of these documents shall be deemed to satisfy the requirements of paragraphs 1 through 4 of Subsection A of 6.10.3.8 NMAC.

Date: _____

Please complete all information and mail to:

New Mexico Public Education Department
Student Success and Wellness Bureau
Mc-Kinney Vento State Director
120 South Federal Place, Room 206
Santa Fe, NM 87501

I. School District or State Charter School Information:

- a. School district or state charter school serving the student: _____
- b. Name of the school district or state charter school point of contact for students experiencing homelessness:

- c. Name of the school where the student is currently enrolled or has been enrolled most recently:

- d. Other district and/or school staff who have been made aware of the dispute

| | | |
|---------------|----------------|----------------|
| _____ Name | _____ Phone | _____ Email |
| _____ Name | _____ Phone | _____ Email |
| _____ Name | _____ Phone | _____ Email |

II. Information Regarding the Person(s) Requesting Dispute Resolution :

- a. Person(s) Name(s): _____
- b. Relationship to Student:
 - ___ I am the unaccompanied youth
 - ___ Parent
 - ___ Advocate
 - Other: _____
- c. Address (or available contact information):

d. Phone number(s):

Home _____ Work _____

Cell _____ Email: _____

III. Student Information

If the dispute is regarding a student experiencing homelessness or unaccompanied youth, please provide the following information:

a. Student's Full Name: _____

b. Student's Date of Birth: _____

c. Student's Address (or available contact information):

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

d. School Student Currently Attends: _____

IV. Representative Information (optional)

a. Are you using another personnel to assist you in resolving this dispute:

Attorney _____ Other Representative _____

b. If using any of the above, please identify:

Name: _____ Title: _____

Address: _____

| | |
|-------|-------|
| _____ | _____ |
|-------|-------|

Phone number(s):

Work _____

Cell _____ Fax _____

V. Details Concerning the Dispute:

a. Is this dispute in reference to:

- _____ Eligibility
- _____ School Selection
- _____ Enrollment in school of origin
- _____ Transportation
- _____ Other

b. Which school, school district, department, agency or consortium of agencies is the dispute with?

| |
|-------|
| _____ |
|-------|

- c. Please describe the dispute with the school district or state charter. (Who? What? Where? Why?) ***Attach any documents that support your position.***

VI. Efforts Made to Resolve the Dispute

Outcome of efforts made at the local level to resolve the dispute: Describe the attempts that have been made by the District/Charter School to resolve the dispute. Attach documentation including meeting minutes, emails, phone calls, etc.

VII. Proposed Resolution

Describe a proposed resolution(s) to the dispute to the extent known:

VIII. Signature and Date:

Signature of Party or Designated Representative

Date



Steps and Resources for Homeless Liaisons to Address the Needs of Children and Youth Experiencing Homelessness

Homeless Liaisons should familiarize themselves with the provisions of the McKinney-Vento Act and best practices for its implementation. Prior to anything else, you must complete the online Homeless Liaison credentialing course located here:

<https://kickstandk12.com/Account/LogOn>

Next, review the National Center for Homeless Education's Homeless Liaison's Toolkit located here: https://ncche.ed.gov/pr/liaison_toolkit.php. This Toolkit provides clear and specific explanations of the provisions of the McKinney-Vento Act and includes information for Homeless Liaisons to understand the law and learn ways to improve their programs.

All LEAs (school districts and state charter schools) are required to implement the provisions in the McKinney-Vento Act. Every Local Education Agency (LEA), whether or not it receives dedicated McKinney-Vento subgrant funding, is required to carry out the provisions of the McKinney-Vento Act. All Homeless Liaisons in every school district are required to carry out the duties of the position as listed in the law [42 U.S.C. § 11432(g)(6)(A)].

Using this guide and resources will ensure that you provide appropriate services to students experiencing homelessness and keep your LEA in compliance with this federal educational law.

Every LEA, whether or not it receives dedicated McKinney-Vento subgrant funding¹, is required to carry out the provisions of the McKinney-Vento Act. Therefore, the local liaison in every school district is required to carry out the duties of the position as listed in the law [42 U.S.C. § 11432(g)(6)(A)].

The McKinney-Vento Act requires local liaisons to ensure that:

- ✓ children and youth experiencing homelessness are identified by school personnel through outreach and coordination activities with other entities and agencies.
- ✓ children and youth experiencing homelessness are enrolled in, and have a full and equal opportunity to succeed in, schools within the LEA.
- ✓ families, children, and youth experiencing homelessness have access to and receive educational services for which they are eligible, including services through Head Start and Early Head Start programs, early intervention services under Part C of the Individual with Disabilities Education Act, and other preschool programs administered by the LEA.
- ✓ families, children, and youth experiencing homelessness receive referrals to health care, dental, mental health and substance abuse, housing, and other appropriate services.
- ✓ the parents or guardians of children and youth experiencing homelessness are informed of the educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children.



Steps and Resources to Address the Needs of Children and Youth Experiencing Homelessness

- ✓ public notice of the educational rights of children and youth experiencing homelessness is disseminated in locations frequented by families and unaccompanied youth experiencing homelessness, including schools, shelters, public libraries, and soup kitchens; information must be disseminated in a manner and form understandable to parents, guardians, and unaccompanied youth.
- ✓ enrollment disputes are mediated in accordance with the provisions of the McKinney-Vento Act.
- ✓ parents or guardians of children and youth experiencing homelessness, and unaccompanied youth, are fully informed of all available transportation services, including transportation to the school of origin, and is assisted in accessing transportation services.
- ✓ school personnel providing services to children and youth experiencing homelessness receive professional development and other support.
- ✓ unaccompanied youth
 - ☐ are enrolled in school;
 - ☐ have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth; and
 - ☐ are informed of their status as independent students on the Free Application for Federal Student Aid (FAFSA) and receive assistance from the local liaison to verify this status.

The McKinney-Vento Act also includes the following requirements regarding the local liaison:

- ✓ Local liaisons must coordinate and collaborate with State Coordinators for Homeless Education (hereafter State Coordinators) and community and school personnel responsible for the provision of education and related services to children and youth experiencing homelessness. This coordination includes collecting the homeless education data required annually by the U.S. Department of Education, and providing this data to the State Coordinator [42 U.S.C. § 11432(g)(6)(C)].
- ✓ Local liaisons who receive training on the definition of homeless used by U.S. Department of Housing and Urban Development (HUD) Continuum of Care (CoC) and Emergency Solutions Grants (ESG) programs may affirm, without further agency action by HUD, that a child or youth receiving LEA services, or the immediate family of the child or youth, meets this definition [42 U.S.C. § 11432(g)(6)(D)]. For more information, see questions L-4 and L-5 of the Education for Homeless Children and Youths Program: Non-Regulatory Guidance at

<https://www2.ed.gov/policy/elsec/leg/essa/160240ehcycguidance072716updated0317.pdf>.



Steps and Resources to Address the Needs of Children and Youth Experiencing Homelessness

Step 1 - Get and Analyze the Facts: Is the student eligible for McKinney-Vento services? What is the family or student's living situation? You must know this before you can make a determination.

To determine if a student is eligible, they must be living in an arrangement that meets the law's definition of "*homeless*." The law defines "homeless children and youths" as individuals who lack a fixed, regular, and adequate nighttime residence.

The term includes:

- Children and youth who are:
 - sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (sometimes referred to as "doubled-up");
 - are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
 - are living in emergency or transitional shelters; or
 - are abandoned in hospitals.
- Children and youth who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;
- Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described above.

Corresponding forms to use:

- *NM Student Residency Form (required for all students – insert in enrollment packets)*

Step 2 - Inform: If the student is eligible, ensure that the parents, guardians, and unaccompanied youth are informed of the educational and related opportunities available to them and ensure they are provided with meaningful opportunities to participate.

To ensure the stability of students experiencing homelessness, school placement decisions must be made on the basis of the "best interest" of the student based on student centered factors. Using this standard, the LEA/State Charter must:

- Continue the student's education in the school of origin for the duration of the homelessness when a family becomes homeless between academic years or during an academic year; and for the remainder of the academic year even if the student becomes permanently housed; or
- Enroll the student in any public school that non-homeless students who live in the attendance area in which the student is actually living and eligible to attend.



Steps and Resources to Address the Needs of Children and Youth Experiencing Homelessness

In determining a child's or youth's best interest, it is presume that keeping the homeless child or youth in the school of origin (the school that a child or youth attended when permanently housed), or the school in which the child or youth was last enrolled, including a preschool, is in the child's or youth's best interest, except when doing so is contrary to the request of the child's or youth's parent or guardian, or in the case of an unaccompanied youth, the youth.

If it is determined that it is not in the child's or youth's best interest to attend the school of origin or school requested by the parent or guardian, or (in the case of an unaccompanied youth) the youth, the child's or youth's parent or guardian or the unaccompanied must be provided with a written explanation of the reasons for its determination and information regarding the right to appeal. All efforts must be made to resolve the dispute at the local level.

Corresponding forms to use:

- The Educational Rights of Students Experiencing Homelessness form (required for all students/families that are McKinney-Vento eligible)

Step 3 - Assess Needs and Connect: Are the student's basic needs being met?

- Are they receiving free meals, transportation, ESL, IEP, etc.?
- Outside of the education system, are their needs for housing, healthcare, dental and mental health care being met?
- Link students and their families to the services and resources both inside and outside of the education system when identified in their assessment.

Corresponding forms to use:

- *Student Need Assessment and Plan (required)*

Step 4- Follow-up: Did you have a follow up conversation?

- Does the student still have challenges and barriers to care?
- Are you aware of other programs that will meet their needs?
- If you did not document the follow-up, it did not happen.

Step 5 - Reassess: Reassess the student's eligibility at the beginning of each school year.

- Remember that the student is eligible for these provisions for the entire school year, regardless if they become permanently housed during the school year.
- The school year is July 1st – June 30th.

English Learner FAQ

Who is an ELL?

ELL means English language learner. The term is synonymous with English learner (EL) which is used by the federal government in the Every Student Succeeds Act (ESSA) Section 8101[20] where an EL is defined as an individual:

(A) who is aged 3 through 21;

(B) who is enrolled or preparing to enroll in an elementary school or secondary school;

(C)(i) who was not born in the United States or whose native language is a language other than English; ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

(iii) who is migratory, whose native language is not English, and who comes from an environment where a language other than English is dominant; and

(D) whose difficulties in speaking, reading, writing, or understanding English may be sufficient to deny the individual (i) the ability to meet the challenging state academic standards;

ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

(iii) the opportunity to participate fully in society

2. Who is an ESL or ELD student?

ELD refers to English Language Development. This would refer to a student who is provided English language development instruction.

3. What is the difference between an EL and ELD? EL stands for English Learner, a student and ELD stands for English Language Development instruction. ELD instruction should be leveled by English language proficiency (ELP) levels, as measured by the annual ACCESS for ELLs assessment, which is the required English language proficiency assessment for ELs in New Mexico.

4. How are English learners identified?

The identification process for ELs is a two-step process. First, parents complete the Language Usage Survey (LUS) upon initial enrollment in public school. A parent only completes this form once in a student's public education career. If a student is transferring from one district to another in New Mexico, the LUS completed at the previous district has to transfer as part of student records to the new school. The new school should request this information specifically. The LUS is kept in the cumulative file.

Secondly, if any answers to questions 1-6 on the LUS are 'yes' or if a language other than English is indicated in question 7 of the LUS, then the English language proficiency screener (currently this is the

W-APT) is administered to the student. Based on the W-APT results a student is either identified as an initial fluent English proficient student (IFEP) or as an English learner (EL). The W-APT results are kept in the cumulative file and are transferred as part of student records to schools the student attends.

For further information and resources on the EL identification process, please see the LUS Guidance Handbook in the following link:

http://ped.state.nm.us/ped/BilingualDocs/ServingELs/NMLUS_Guidance_Handbook_12.23.16.pdf

5. Where are the LUS and the W-APT results kept? The LUS, the W-APT, and the ACCESS for ELLs results must be kept in the cumulative file and transfer as part of student records to the schools the student attends.

6. Can a student be identified as an English learner using a Teacher Observation Form?

If it appears that a student is struggling academically and /or behaviorally, due to difficulties with English proficiency, a teacher observation form can be used as part of Tier 2 data collection. The SAT gathers other available data on the student, and develops a hypothesis regarding possible causes for the difficulties, and designs an individualized SAT intervention plan and/or behavior intervention plan for the student. If the frequent progress monitoring indicates that the difficulties are related to lack of English proficiency the SAT team can, in such a case, make the decisions to administer the W-APT English language proficiency screener to the student. A second language acquisition specialist should be part of the SAT team in such a case.

For further information concerning this process, please see the Serving English Learners technical assistance manual in the following link:

http://ped.state.nm.us/ped/BilingualDocs/ServingELs/BMEB_Serving%20ELs_TA_Manual_2016_Rev12.27.16.pdf

7. Does an ESL or ELD class have to be taught by an English Teacher who has a TESOL endorsement or can it be any teacher with a TESOL endorsement?

Serving ELs is a federal requirement and EL teachers must be proficient in English and be provided appropriate training for serving ELs. A TESOL endorsement is not required to teach ELs, but it can serve as an indicator of proper training. The following offers further guidance on staffing an EL program and service:

1. Districts/schools must provide the personnel necessary to effectively implement EL programs.
2. Necessary personnel include teachers who are qualified to provide EL services, core-content teachers who are highly qualified in their field as well as trained to support EL students, and trained administrators who can evaluate these teachers.
3. Districts must provide adequate professional development and follow-up training in order to prepare EL program teachers and administrators to implement the EL program effectively.

4. Districts must ensure that administrators who evaluate EL program staff are adequately trained to meaningfully evaluate whether EL teachers are appropriately employing their training in the classroom in order for the EL program model to successfully achieve its educational objectives.

(EL Toolkit, chapter 3)

Please note: A TESOL endorsement may be required if serving ELs in a New Mexico state-funded bilingual multicultural education program (BMEP). For further information on BMEP licensure requirements, please see the link below.

http://ped.state.nm.us/ped/BilingualDocs/education/BMEP_Licensure_Requirements.pdf

8. What kind of services does a district/school have to provide English learners?

- a. The federal requirement is that a district must offer an EL program and service until an EL student is
 - 1) proficient in English and
 - 2) can participate meaningfully in the standard instructional programs without EL supports within a reasonable amount of time.
- b. Such an EL program and service must meet the standards established in *Castañeda v. Pickard*:
 - 1. It must be based on a sound educational theory.
 - 2. Programs and practices must be reasonably calculated so that the program and service can be implemented effectively (including having the necessary resources).
 - 3. The program must be evaluated for effectiveness to ensure it produces results within a reasonable period of time.

9. What does an EL program have to include?

The two goals of an EL program are

- 1. Attaining English language proficiency
- 2. Meaningful access to the standard instructional program within a reasonable period of time.

Attaining English language proficiency

For English language proficiency a district/school has to offer an ESL or ELD course depending on the English language proficiency (ELP) level of the student or a dedicated ELD block in elementary school that has to be at the minimum 45 minutes. An integrated ELD-ELA class can be offered to EL students whose overall score on the ACCESS for ELLs assessment is 4.5 or higher. The primary goal is learning English and learning content is secondary. (*Saunders, Goldenberg, Marcelletti, 2013*)

Meaningful access to the standard instructional program within a reasonable period of time

In order for EL student to learn grade-level content and thus have meaningful access to the standard instructional program all content area classes have to shelter instruction and offer language supports for EL student. Learning content is the primary goal and language is secondary. (*Saunders, Goldenberg, Marcelletti, 2013*)

- 10. Can parents refuse to have their student take the ACCESS for ELLs assessment?** A parent *cannot* refuse the EL classification *nor* the ACCESS for ELLs assessment. It is a parents' right to know that their child is becoming proficient in English and is able to have meaningful access to all content areas and courses. EL identification and exiting EL status stem from the Title VI of the Civil Rights Act of 1964 and are based on federal requirements. Students exit from EL status by scoring an overall (composite) score of 5.0 or higher on the ACCESS for ELLs assessment. Not taking the ACCESS for ELLs assessment denies a student the right to exit from EL status.

Please note: Districts/schools should provide support and guidance for parents throughout the EL identification process as described in the LUS Guidance Handbook in the link below.

http://ped.state.nm.us/ped/BilingualDocs/ServingELs/NMLUS_Guidance_Handbook_12.23.16.pdf

- 11. What assessments does an EL student have to take?** In addition to the annual English language proficiency assessment, ACCESS for ELLs, an EL student like all students are assessed for academic achievement as follows pursuant to New Mexico Administrative Code (NMAC) 6.29.1.9L(1)-(2):

A student who has been in US schools under three years can be assessed in the home language of Spanish in language arts (SBA Spanish), in math (PARCC Spanish math), and in science (SBA Spanish science). A student can receive a Testing in English waiver for testing in the home language of Spanish for the above mentioned tests if the districts request this through the Testing in English waiver process. This waiver is valid for one year and can be requested up two times. No more, than two waivers are allowed.

In order to be granted a Testing in English Waiver a student must be an EL and must have attended a US school for no more than five years including kindergarten. *Please note:* Students who are enrolled for the first year in a U.S. school may receive a language exemption from the standards based assessment for the reading subtest only. In this situation, the student's score on the ACCESS for ELLs assessment, if available, will be substituted for the reading score.

- 12. Can students whose home language is Navajo receive a Testing in English Waiver?**

No. The Testing in English waiver is for tests in the home language of Spanish only, per New Mexico Administrative Code (NMAC) 6.29.1.9 L(1)-(2). However, an EL student can receive accommodations. For allowable accommodations for each assessment, please see the assessment vendor accommodations manuals. For further guidance on accommodation procedures, please see the 2015-2016 Student Assessment Accommodations Manual in the link below. An allowable accommodation should have been used in daily instruction for a sufficient period of time prior to testing for a student to become comfortable with it. A school-based team of at least three staff members who are familiar with the EL student's abilities and language needs, standardized test procedures, and valid ELL test accommodations Assessment accommodations are allowable changes in assessment administration that help an EL student access the content of the assessment without giving undue assistance. In most cases, assessment accommodations enable an EL student to overcome a language barrier. An allowable assessment accommodation **does not** alter the concept being measured.

<http://www.ped.state.nm.us/ped/AssessmentEvalDocs/TestCoordPres/2016/Accom%20Manual%202015%20-%202016%20Final.pdf>

13. Can a student who has scored an overall (composite) score of 5.1 on ACCESS for ELLs assessment still receive a Testing in English Waiver? No. An overall score of 5.1 is on the ACCESS for ELLs assessment means that the student is proficient in English and therefore no longer classified as an EL. Students exit from EL status by scoring an overall (composite) score of 5.0 or higher on the ACCESS for ELLs assessment. A student who is no longer an EL cannot receive a Testing in English Waiver.

14. Do students with disabilities who are also ELs take the ACCESS for ELLs assessment? Students with disabilities who are also English learners must receive services in both areas: language services as well as disability related services; neither service supersedes the other. A parent can decide to opt his/her child out of EL services but *not* out of the ACCESS for ELLs assessment. The student takes the ACCESS for ELLs assessment annually; any accommodations must be allowable under the ACCESS for ELLs assessment and written into the IEP or 504 Plan of the student. Students with cognitive disabilities who also take the NMAPA assessment can take the Alternate ACCESS assessment, if this is specified in the student's IEP. An IEP team for an EL student with a disability should include a second language acquisition specialist in order to ensure that all the needs of the student are being met. For further information please see the ELs in Special Education FAQ on our website in the link below.

http://ped.state.nm.us/ped/Bilingual_EL_FAQ.html

There is also great information on ELs with disabilities in the English Learner Tool Kit (by USDE) in the link below, specifically chapter 6.

<http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap6.pdf>

You can also find further information on serving ELs in our Serving English Learners Technical Assistance Manual in the link below:

http://ped.state.nm.us/ped/BilingualDocs/Serving_ELs_TA_Manual_2016.pdf

15. What is the process and what forms do we use to to monitor exited ELs? Per NMAC 6.29.5.12 exited ELs (reclassified English proficient students—RFEPs) must be monitored for academic progress for two years. Each district creates their own monitoring system for RFEPs including documents used. Such documents inform the district of the effectiveness of the particular EL program(s) used at the district as well as how well the EL program(s) has created a basis for continued success for RFEPs. The English Learner Tool Kit has a chapter on monitoring and exiting ELs (chapter 8) as well as a chapter on serving ELs who opt out of EL programs with tools and resources. These are helpful in creating district/school documentation that works in ensuring that students succeed after exiting status or when opting out of EL services. The links to each chapter are below.

Chapter 8: 8. Monitoring and Exiting English Learners from EL Programs and Services

<http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap8.pdf>

16. Do identified English learners have to participate in a New Mexico state-funded bilingual multicultural education program (BMEP)?

No. Districts/schools can choose to meet their federal obligations of serving English learners through a state-funded BMEP.

The federal requirement is that a district must offer an EL program and service until an EL student is

- 1) proficient in English and
- 2) can participate meaningfully in the standard instructional programs without EL supports within a reasonable amount of time.

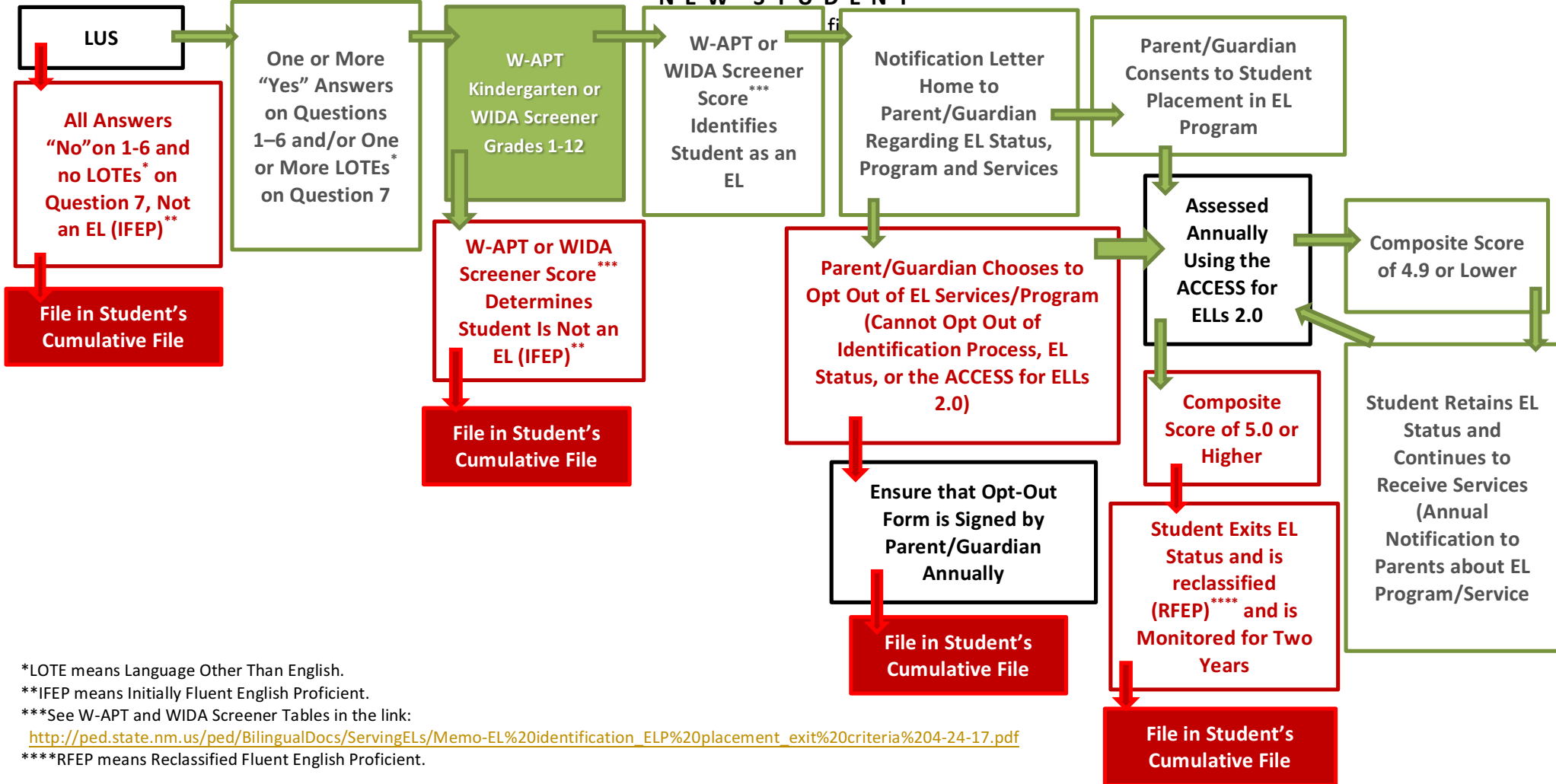
English learners must be provided specific instruction in English language development. Please see question number 9 in this FAQ for further details.

For further information on state-funded BMEP , please see the link below.

http://ped.state.nm.us/ped/Bilingual_BMEP.html

LUS Process Map

NEW STUDENT



*LOTE means Language Other Than English.

**IFEP means Initially Fluent English Proficient.

***See W-APT and WIDA Screener Tables in the link:

http://ped.state.nm.us/ped/BilingualDocs/ServingELs/Memo-EL%20identification_ELP%20placement_exit%20criteria%204-24-17.pdf

****RFEP means Reclassified Fluent English Proficient.

Initial Assessment and Identification

| Question/Topic | State-specific Guidance |
|---|---|
| Process overview <ul style="list-style-type: none"> What are the key steps to identifying and placing a student in ELL program? | <p>The department-approved New Mexico Language Usage Survey (LUS) must be completed for all new students initially enrolling in a public school.</p> <p>If any of the answers to questions 1-6 on the LUS are “yes” or if a language other than English is indicated on question 7, the English language proficiency screener will be administered to the student. The department-approved English language proficiency screener is the W-APT for kindergarten and the WIDA Screener Online for grades 1-12.</p> <p>Results of the screener assessment will indicate whether the student is identified as initial fluent English proficient (IFEP) or as an English learner (EL).</p> |
| Timelines <ul style="list-style-type: none"> Once students enroll in district, how much time can pass before schools must make placement decisions? | <p>Initial identification of a student as an EL and parent notification must occur not later than 30 days after the beginning of the school year, or within two weeks of initial enrollment if not enrolled at the beginning of the school year.</p> |
| Home Language Survey <ul style="list-style-type: none"> Is there a state mandated home language survey or list of questions? What is the process for administering a home language survey? | <p>Parents must complete the department-approved New Mexico Language Usage Survey (LUS) upon initial enrollment in public school. The LUS is completed one time and must be kept in the student’s cumulative file, to be transferred as part of the student’s records to another district, if necessary.</p> <p>If any of the answers to questions 1-6 on the LUS are “yes” or if a language other than English is indicated on question 7, the English language proficiency screener will be administered to the student.</p> |

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|---|--|
| <p>State Approved Assessments</p> <ul style="list-style-type: none"> What WIDA identification/placement assessments are approved options for your state? | <p>Kindergarten: Kindergarten W-APT Grades 1-12: WIDA Screener Online</p> <p>*WIDA Screener Paper is only approved for students whose IEP or 504 plan requires it.</p> |
| <p>Paper Based Screener Costs – WIDA Screener Paper</p> <ul style="list-style-type: none"> Who is responsible for purchasing materials? Who is responsible for paying for materials? Through what methods can these materials be purchased? | <p>Districts may use WIDA Screener Paper for students who require a paper based form due to IEP or 504 Plan requirements.</p> <p>Districts will pay for WIDA Screener Paper purchases. New Mexico PED recommends districts purchase a kit in case it is needed.</p> <p>For more information on purchasing WIDA Screener Paper, go to the WIDA Store.</p> |
| <p>Identification/Placement Criteria</p> <ul style="list-style-type: none"> What factors should be considered when making a placement decision? What screener scores result in student placement in an ELL program? Are there other criteria LEAs must take into account? | <p><u>Kindergarten W-APT Scores</u> Students are identified as EL with a score of 26 or lower in Listening & Speaking (1st Semester) Students are identified as EL with scores of (2nd Semester): 26 or lower in Listening & Speaking 13 or lower in Reading 16 or lower in Writing</p> <p><u>Grades 1-12</u> Students are identified as EL with a Composite (Overall) score of 4.5 or lower.</p> |

| | |
|---|---|
| Other Information and Resources <ul style="list-style-type: none">• Do you have any other information to share with LEAs about identification and placement of ELLs? | <p>The completed LUS form and W-APT or WIDA Screener results must be included in the student's cumulative file and must transfer as part of student records.</p> <p>If a student transfers from another school, the receiving school/district must contact the sending school/district to request that the student's original LUS and W-APT or WIDA Screener results be sent to the receiving school/district.</p> <p>If a student is identified as initially fluent English proficient (IFEP), but it appears that the student is struggling academically and/or behaviorally due to difficulties with English proficiency, districts and schools must follow the New Mexico Response to Intervention framework, which is a three-tier model of student intervention. If the interventions designed by the Student Assistance Team (SAT) and frequent progress monitoring indicate that difficulties are related to lack of English language proficiency, the SAT can, in such a case, make the decision to administer the English language proficiency screener to the student at that time. Working collaboratively with parents and families is desirable and strongly encouraged.</p> <p>A student who has exited from EL status (RFEP) must be monitored for academic progress for at least two years. If the student is not progressing academically as expected and the monitoring suggests that the student still needs English language supports, an SAT must convene. This SAT must include a second language acquisition specialist, such as a teacher holding a TESOL or bilingual endorsement. If the interventions and frequent progress monitoring designed by the SAT indicate that difficulties are related to lack of English language proficiency, the SAT team can, in limited cases, make the decision to re-administer the English language proficiency screener to the student at that time. If the screener score identifies the student as an EL, the school must obtain parental consent in order to re-enter the student as an EL and offer EL programs and services that will meet the academic and language learning needs of the student.</p> <p>For more information, please see the following resources:</p> <p>LUS Process Map LUS Form (English, Spanish, and Navajo) LUS Guidance Handbook Serving English Learners Technical Assistance Manual</p> |
|---|---|

Test Administrator Training and Certification

| Question/Topic | State-specific Guidance |
|---|--|
| Test Administrator Qualifications | Only licensed teachers can be test administrators (TAs) for the WIDA Screener or the W-APT. |
| Test Administrator Training Requirements | <p>TAs must re-certify each school year to administer the tests. New Mexico defines the school year as July 1-June 30. To be certified, TAs must complete the required certification quizzes with passing scores of 80% or higher. Certifications must be kept on file by the district test coordinator (DTC) for five years.</p> <p>To be certified to score the WIDA Screener, TAs must score 80% or higher on:</p> <ul style="list-style-type: none"> • Speaking Quiz Grades 1-5 • Speaking Quiz Grades 6-12 • Screener Writing Quiz Grades 1-5 • Screener Writing Quiz Grades 6-12 <p>TAs must be certified for the grade levels they will be administering to. All training and certification quizzes are located on the WIDA website.</p> <p>Kindergarten W-APT: To be certified to administer Kindergarten W-APT, TAs must review all applicable test administration materials and other resources as well as view applicable webinars.</p> |

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|--|---|
| Website Permissions <ul style="list-style-type: none"> How do test administrators obtain WIDA website accounts to complete the training requirements? How do educators obtain access to WIDA AMS to administer WIDA Screener (if applicable)? | WIDA Permissions W-APT: Contact District Test Coordinator for permissions. WIDA Screener: Contact District Test Coordinator for permissions. WIDA AMS (DRC) Permissions Educator Scoring for WIDA Screener: The local scorer must meet the requirements of a Test Administrator (TA) and complete the speaking and writing scoring certifications. TAs contact District Test Coordinator for permissions. |
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ELL Program Requirements – Services & Support

| Question/Topic | State-specific Guidance |
|---|---|
| ELL Services or Program Requirements | <p>EL programs must be designed to meet two goals:</p> <ol style="list-style-type: none"> 1. Attainment of English language proficiency 2. Meaningful access to all grade-level content instruction <p>EL programs should consist of English language development (ELD) of at least 45 minutes daily, which can be a separate pull-out class (K-12) or an ELD block for elementary grades only, and is differentiated based on the English language proficiency level of the ELs. Sheltered instruction should be used in all content area classes K-12th grade.</p> |
| Declining Services | <p>Parents may opt out of EL programs or services; however, the district is still required to provide language support services within the general education classroom. EL students must continue to take the ACCESS for ELLs assessment until they reach the minimum exit criteria. Parents cannot opt out of EL identification nor can they deny their students the ability to exit EL status.</p> <p>To decline EL programs or services, parents complete and sign an opt-out form.</p> <p>Districts/Schools must continue to monitor the English language proficiency and academic progress of students who opt out of EL programs or services. If the district/school determines through its monitoring process that the student is struggling, it should take appropriate steps to assist the student, including, but not limited to, notifying parents and again offering EL services.</p> |

Contact Information

| Question/Topic | State-specific Guidance |
|----------------|--|
| Who to Contact | <p>For more information regarding identification and placement, please contact:</p> <p>Kirsi Laine EL/Title III Specialist Bilingual Multicultural Education Bureau New Mexico Public Education Department (505) 827-6505 kirsi.laine@state.nm.us</p> |

The PED team observed a formal mentorship program/handbook provided by the head administrator entitled, *“Classroom Management of Student Conduct and Effective Praise Guideline.”* However, it did not include several requirements per NMAC **6.60.10.8**:

REQUIREMENTS FOR MENTORSHIP PROGRAMS: All mentorship programs must receive initial approval from the director of professional development for the PED (hereinafter the “director”). To receive approval, public school districts, charter schools, or state agencies must submit a proposed mentorship program that aligns with and supports the public school district’s, charter school’s, or state agency’s long range plan for student success and aligns with the PED’s nine essential teacher competencies and indicators contained in 6.69.4 NMAC, or any successor competencies adopted by the PED for level 1, waiver, or internship licensed teachers. The proposal must describe how the mentorship program addresses the following:

- A. provides individual support for beginning teachers from designated mentors or support providers; the support activities must include collaborative curriculum alignment, design, and planning; they must also include classroom observations, student assessment, individual instructional conferences, and instructional resource development;
- B. is mandatory for all beginning teachers;
- C. includes structured and research-based training activities for mentors; the training must include the development and needs of beginning teachers, the process of developing mentorship relationships, the process of documenting teacher growth, and best practices in working with novice teachers;
- D. uses a structured process for selection of mentors that includes selection and evaluation criteria and details the person or persons responsible for implementing the selection and evaluation process;
- E. provides compensation for mentors;
- F. uses an ongoing, formative evaluation of beginning teachers for the improvement of teaching practice;
- G. uses an ongoing summative evaluation of beginning teacher performance during the first 1 to 3 years of teaching, including an annual assessment of competence for continuing licensure and a final assessment of competence for teachers seeking level 2 licensure; evaluation of beginning teacher performance shall include annual review and progress reports during the mentorship program, collection of documented evidence of teacher growth and development, and summative assessment of level I teacher competencies;
- H. has a process for addressing disputes or grievances between mentors and beginning teachers and for replacing mentors for good cause shown;
- I. establishes a program that is at least one year in length but includes provisions whereby support for an additional 2 or 3 years can be provided to teachers who do not successfully complete the first year and continue to be employed in the public school district, charter school, or state agency; and
- J. has documentation that describes how support was sought and obtained from the local school board, administrators, and other district and school personnel.



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Charter School SY-'18 Governing Body Observation Form

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A. SUMMARY OF REVIEW AND REPORT

We arrived at 2:04 pm. We did not find any signage indicating where the Training Room was located. We had to find an employee of the Rio Arriba County building for directions to the room. We arrived at the Cariños Board Meeting at 2:07 pm and they were already on to agenda item number V.3.

B. CSD RECOMMENDATIONS

CSD Recommends that the Governing Board of Cariños de Los Niños revise their By-Laws to remove the two statements contained within the document indicating that the “Authorizer serves as the official Board of Finance.” This is found in IV (which is specifically not identified as an Article) and in Article XVII which states “The Authorizer will have full responsibility for Cariños Financial/Fiscal Affairs as the official Board of Finance.” Article VI. Indicates the “No “immediate family member” of a governing board shall not be employed while the Board member is on the Cariños Governance Board.” The language is unclear and seems to imply that family members of the Governing Board are required to work at the school.

CSD also recommends that signage within the building to direct interested community members to the place of their meetings would be helpful.

C. OBSERVATION PRE-WORK (Completed by Observer Prior to Observation)

| | | |
|--|---|-------------------|
| C.1. Meeting date: | 12/20/17 | |
| C.2. Meeting location: | 1122 Industrial Way Espanola NM | |
| C.3. Beginning / End times of meeting: | 2:00 pm | |
| C.4. Observer(s): | Melissa Brown and LaKiesha Cotton | |
| C.5. Number of required governing body members: | Five (5). According to their bylaws | |
| C.6. Names of all governing body members: | Dr. Juanita Cata (President), Mr. Leo Marquez II (VP), Ms. Glenda Sanchez (Secretary), Mr. Isaac Medina (Board Member), Ms. Carla Martinez (board member) | |
| C.7. Name / title of head administer: | Mr. Vernon Jaramillo Chancellor/Chief Executive Officer | |
| C.8. Website has copy of meeting agenda at least 72 hours prior to meeting: (YES/NO) | No, not on the website. | |
| C.9. Agenda includes the following: (YES/NO): | Date: Yes | Time: Yes |
| | Address: Yes | Agenda Items: Yes |

D. Observation

| | |
|--|--|
| D.1. Actual begin / end time of meeting: | 2:00 pm? to 2:24pm |
| D.2. Location is accessible and access is not limited: | Yes. Doors were unlocked and accessible. However, no signage was posted as to specific location within the building the meeting was to take place. When we asked County Building Staff they commented that they “heard voices down the hall” |
| D.3. Number of Governing Body members in attendance: | 3 with one late arrival. Mr. Medina arrived late and Ms. Glenda Sanchez was noted as having an excused absence by Mr. Jaramillo at the end of the meeting. |
| D.4. Names of Governing Body members in attendance / absent: | <u>Present</u> : Dr. Juanita Cata (President), Mr. Leo Marquez II (VP), Ms. Carla Martinez(Director), Mr. Isaac Medina |

| | |
|---|---|
| | (Director) <u>Absent</u> : Ms. Glenda Sanchez (Secretaty) “excused”. |
| D.5. Meeting begins with a roll call of Governing Body attendance: | Did not observe meeting in progress when we arrived |
| D.6. Number of school staff or employees reporting to the Governing Body during meeting and the names & titles of this Staff: | Mr. Vernon Jaramillo - Chancellor/Chief Executive Officer and Ms. Corrine Teller – Business Manager |
| D.7. Number of public in attendance: | 0 |
| D.8. Robert Rules of Orders, parliamentary procedure, or other standard deliberative framework as determined by the school by laws are used to facilitate meeting: | Yes. Parliamentary-type rules were used. |
| D.9. Governing Body does not go beyond agenda: | Yes. Only items listed on the agenda were discussed. |
| D.10. No evidence of rolling quorum (where members have collective met to discuss or take action outside of a noticed public meeting): <ul style="list-style-type: none"> • This includes discussions OR votes by e-mail. • This includes discussions OR votes by phone. | No rolling quorum observed. |
| D.11. Governing Body complies with duty to monitor staff and asks <u>probing</u> and meaningful questions: | A question was raised about teacher stipends and the board members asked Mr. Jaramillo for clarification. |
| D.12. Governing Body evidences duty of good faith by conducting due diligence or requesting an understanding of a subject matter prior to a vote: | Did not observe. |
| D.13. Governing Body evidences knowledge of the school mission, vision, or contract requirements: | Mr. Jaramillo discussed governing board trainings and the board seemed unaware of the number of training hours required. Mr. Jaramillo mentioned that he had called Delores Archuleta re training schedule and reported that she directed him to the PED website. |
| D.14. The meeting is conducted in a professional manner and conflicts are resolved: | Yes |
| D.15. Governing Body evidences duty not to administrate: | Yes |
| E. BEST PRACTICES (not required) | |
| E.1. The governing body accesses and uses relevant information from multiple sources: | All information was provided by Mr. Jaramillo during our observation. |
| E.2. The governing body allows appropriate time | Unknown. The meeting went very quickly. If the |

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| needed to discuss items: | <p>meeting began on time (2:00 pm), then the Cariños Board made it through:</p> <p>I.A. Call to order</p> <p>I.B. Pledge of Allegiance</p> <p>I. C. Roll call</p> <p>I. D. Approval of Agenda</p> <p>I. E. Intro of Guests</p> <p>IIA. Financial reports for the 2017-2018 school year</p> <p>III1. Public Participation: Report from Vice Principal Ms. Bernice Life on Educational Updates. She was either not there or left before we got there.</p> <p>IV1. Approval of board minutes for regular board meeting of December 13th 2017</p> <p>IV2. Approval of Cariños Finance Committee for the 2017/2018 and 2018/2019 school years</p> <p>IV3. Approval of Audit Committee for remainder of 2017-2018 school years.</p> <p>IV4. Approval to request Legislative Financial Assistance for capital outlay funds.</p> <p>V1. Approval of BARS (if any)</p> <p>V2. Approval to amend Nativa Business Management Service Agreement</p> <p>V3. Approval of quote for appraisal of Cariños building and property.</p> <p>We arrived as they were finishing V3.</p> |
| E.3. Governing body discusses both the positive and negative consequences of decisions: | Did not observe |
| E.4. The Governing Body works towards consensus: | Not observed. There were no diverging viewpoints or positions on the items that were discussed. |
| E.5. The governing body takes time to reflect and evaluate their processes and actions: | Not observed. |
| E.6. The Governing Body takes roll call votes in order to provide transparency in the voting process: | Observed. |

F. OMA COMPLIANCE (required)

I. OPEN MEETINGS (OMA § 10-15-1 (B)-(F))

| | |
|------------------------|--|
| F.I.1. Quorum Present: | <p>Yes. The Cariños By Laws do not specify what constitutes a quorum, however, In the Cariños de los Niños Governance Board Policies & Procedures Manuel states that <i>A quorum is defined as those Board members</i></p> |
|------------------------|--|

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| | <i>present at the start of a regularly scheduled Board meeting.</i> |
| F.I.2. Governing Body discusses public policy, public: business, or takes action. | Yes. Specific items listed on the agenda were the only items discussed. |
| F.I.3. Reasonable advance notice of the meeting has been provided to the public: | No. The notice of the change of the November regular board from November to December 13 th 2017 noted the December meeting would be on December 19 th at 5 pm which was moved to December 20 th 2017 at 2 pm. Meeting minutes from May 2017 however indicated that December 20 th 2017 was the date of their regular board meeting. There was also no notice on the Cariños website indicating that a quorum would be present during their "Finance and Audit committee" meeting held from 1:00 pm to 2:00 pm on December 20, 2017 at the same location. |
| F.I.4. Notice complies with the school's annual OMA resolution: | Yes. |
| F.I.5. Notice complies with the date, time, & location of the meeting: | Yes. |
| F.I.6. Public notice include an actual agenda or information on how the public may obtain a copy of the agenda: | No. |
| II. Meeting Agenda (OMA § 10-15-1 (F)) | |
| F.II.1. Agenda include a list of specific items the governing body intends to discuss or transact at the meeting: | Yes. Specific items were listed for discussion and/or action. |
| F.II.2. Agenda clearly describes agenda items that the governing body intends to discuss or act on during the meeting in order to give adequate public notice: | Yes. |
| III. Telephonic Participation (OMA § 10-15-1(C)) | |
| F.III.1. By law or rule authorizes members to participate by conference telephone or similar communication equipment: | Yes |
| F.III.2. Governing Body or Governing Body member identifies why it is "difficult or impossible" for that member to attend the meeting in person: | Not observed. |
| F.III.3. Each governing body member participating telephonically is identified when speaking: | Not observed. |

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| F.III.4. All participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting: | Not observed. |
| IV. Closed Meetings (OMA §§ 10-15-1 (H) & (I)) | |
| F.IV.1. Motion for closed meeting made is made by a roll call vote: | Not Observed. They moved to table the closed session until January meeting |
| F.IV.2. The authority for closure and the subject to be discussed shall be stated with reasonable specificity in the motion calling for the vote on the closed meeting: | Not Observed. |
| F.IV.3. Subjects are limited to one of the following items: <ul style="list-style-type: none"> • Discussion of the hiring, promotion, demotion, dismissal, assignment or resignation of a public employee, or the investigation or consideration of complaints or charges against a public employee. • Discussions of personally identifiable information about an individual student. • Discussions of collective bargaining strategy. • Discussions of sole source purchases that exceeds \$2500 or of the contents of competitive sealed proposals during the contract negotiation process. • Meeting with the GB counsel but only pertaining to threatened or pending litigation. • Discussion of the purchase acquisition or disposal of Real Property (Land) ○ Any other matter on the advice of the Governing Body's counsel where governing body has reasonably identified the subject and authority. | Not Observed. |
| F.IV.4. Following Closed Meeting. The governing body makes a statement that sufficiently conveys the following, "matters discussed in the closed meeting were limited only to those specified in the motion for closure": | Not observed. |

| | |
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| | |
| V. Minutes (OMA § 10-15-1(G)) | |
| F.V.1. Draft minutes were available within 10 days: | No. Unable to get a response from the school regarding a copy of their draft minutes |
| F.V.2. Minutes contain date, time and place of meeting: | NA |
| F.V.3. Include the names of all members of the governing body attending the meeting: | NA |
| F.V.4. Include the names of all members of the governing body that were absent from the meeting: | NA |
| F.V.5. Include a description of the substance of all proposals considered during the meeting; and | NA |
| F.V.6. A record of any decision made and votes taken that shows how each member voted: <ul style="list-style-type: none"> Unanimous votes are exempt from this requirement unless: <ul style="list-style-type: none"> A governing body member abstains OR A roll call vote is required such as in the case of voting to close a meeting or open a meeting. | NA |
| F.V.7. Closed Meeting – Minutes record the authority for closure and the subject discussed : | NA |
| F.V.8. Closed Meeting -- Include the names of all members of the governing body attending the meeting: | NA |
| F.V.9. Closed Meeting – Minutes record a statement that sufficiently conveys the following, “matters discussed in the closed meeting were limited only to those specified in the motion for closure”: | NA |

G. NOTES

G.1. Review of by laws or other materials:

CSD staff reviewed bylaws and Open Meetings Act (OMA annual resolution). Procedures for conducting the meeting aligned with the school's bylaws and OMA annual notice resolution. See Concerns section G4.

G.2. Record of conversation at meeting:

Discussion and/or action items included: (a) Financial Reports (not observed), (b) consent agenda (not observed), (c) Approval of Appraisal service, (d) tabling of evaluation of the Chancellor, (e) tabling of approval of Set Goals for Mr. Vernon Jaramillo, (f) Board Concerns – Mr. Vernon Jaramillo stated: Item number one the “Governance Board will attend governance training provided by the PED and their approved trainers, contact ACE, NMCC and PED conference training related to finances. Attend customized training by ACE and the Coalition as arranged based on

need on board for better understanding and approval of policies as related to finances provide the state department with specific dates and members who are attending. Item number two assign to an administrator to be responsible for enrollment – use the subsequent 40 day report for projections to be equal or less than the number of enrolled students at the same time – the budget is created usually in May – I” ...At this point I could not understand what Mr. Vernon Jaramillo was saying... ”the fortieth projection shall be determined based on their commitment letters from family members ready to enroll their children in grades or classes. Number three is our new STARS coordinator will submit attendance and withdrawal report on a monthly basis as required in order to account for our budget and deal with our financial management and future forecasts. Our business manager will ...including various ... and BARs related to ... September...December which are need to report to be accurate and completed by January 2018 or thereafter. Our PED budget analyst will be updated monthly before we turn into PED upon completion of the financial reports. I am welcome to any other suggestions the board might have. Then Dr. Cata said “we’re open to any suggestions or amendments to changing this.” Vice President Marquez then asked about the November 17th meeting and why he didn’t attend this meeting. “Where was I at?” asked VP Marquez. Mr. Jaramillo responded that Mr. Marquez was in Tennessee.
See Concerns G.4.

G.3. Strengths:

The Cariños Board members were polite. They expressed concern for the welfare of Mr. Isaac Medina’s ill father.

G.4. Concerns:

The Cariños Governing Board either started their December 20, 2017 earlier than the posted 2:00 PM or they made it through: I. Opening Business (A-E), II. Financial Report(s) for 2017-2018 School Year (described in the agenda as: A. Report from Cariños Finance Committee and Ms. Corrine Teller, Business Manager regarding the review and acceptance of the following Financial Reports for the months of September/October/November of 2017 and a general overview of Cariños Budget for 2017-2018 School Year, in compliance with NM HEC/HB227 & 251 – and explanation of BARS, if any.) III. Public Participation, IV. Board Action Consent Agenda Items 1 through 4, V. Board Action Agenda Items 1 through 2 and were finishing discussion on item three as we entered at 2:07 PM. I was unable to find the agenda on their website. The entire December regular meeting took twenty four (24) minutes.

Another concern is that we received notification via email at 1:12 PM on December 20th 2017 (see attachment) that the Cariños CAP plan was approved by the board on December 20, 2017. This approval then happened prior to the stated time of their December 20, 2017 regular board meeting at 2:00 PM

During the report by Mr. Jaramillo noted in section G.2. Vice President Marquez asked where he was during the NOVEMBER 17th meeting. Mr. Jaramillo stated that he was in Tennessee. There are minutes for a Cariños regular board meeting dated November 15th 2017 at which Mr. Marquez is noted as being present. Either the men confused the date, or there was another meeting on the 17th of November 2017 or Mr. Marquez was falsely marked as present and voting at the November 15th meeting.

G.5. Other:

After the closing of the meeting, Ms. Teller made the statement that she wanted to remind everyone that ultimately, the governing board members, Mr. Jaramillo and herself were responsibility of the school’s finances.

Appendix A

Mission and Material Terms of Charter

Mission

The Cariños de los Niños Charter School seeks to foster and encourage each child's positive, total development based upon his/her individual strengths, skills, and learning style in grades K-8. Using a 50/50 dual language instructional model, the school will ensure that all **of** its students will receive high quality academic content in a supportive, caring environment. Further, by using two languages for instruction, students will gain a greater understanding of and appreciation for the local and immigrant cultures that make up the Espanola Valley. The curriculum will also include thematic units through a framework of environmental awareness. The study of local agriculture and animal husbandry as well as Northern New Mexico arts and crafts that connect our current generation with a love, appreciation and pride for the work of their forefathers who have flourished in Northern New Mexico for generations, developing the traditions and culture that is incorporated **in** the challenging curriculum.

Educational Program of the School

The school uses a 50/50 dual language instructional model where two languages are used for instruction. The curriculum includes thematic units through a framework of environmental and multi-cultural awareness.

Student – Focused Term(s).

Key commitments to students include:

- The school holds three student-led programs and activities that families are invited to. These may include a science fair, a holiday program and spring program.

- Extra-curricular activities based upon student interest – examples may include Student Council, Sports, Science Fair, Chess and Agriculture in the Classroom.

Teacher – Focused Term(s).

Commitments relating to teacher/staff training or knowledge related to the mission include:

- Designate consistent times at least monthly for professional Learning Communities for teachers to address data, curriculum collaboration, and instructional strategies.

- Provide professional development and support data collection and analysis

- Provide professional development twice a year in area of ELD standards and training in implementing effective programs, services and strategies

- Support professional development twice a year in identifying and consistently implementing Tier I RTI practices, including differentiation instruction to better meet the learning needs of individual students.

Parent – Focused Term(s).

Commitments relating to community and parent involvement include:

Develop and provide resources to address economic and social challenges for students and their families through providing quarterly programs on math and literacy to families.

Subject to financial constraints, the school provides a parents coordinator that provides resources in the community to parents.

November 20, 2017

To: All New Mexico Schools (both public and private, School Superintendents, Charter School Administrators and School Principals)

This is a follow-up to the letter that was sent on September 18, 2017 to all school administrators discussing New Mexico immunization requirements.


Per the statutes and regulations listed below, New Mexico schools have a variety of tools to enforce immunization requirements for students, up to and including disenrollment. At this point in the school year, students who were provisionally enrolled pending completion of vaccination requirements should by now be fully vaccinated. For those students who have still not met immunization requirements, please reference the cited laws and rules and be sure to enforce these critical requirements.

- [NMSA 1978, § 24-5-2](#) makes it unlawful for any student to enroll in school unless the student is immunized, or otherwise properly exempted. *This includes students who are over 18 years of age.*
- [NMSA 1978, § 24-5-4](#), [7.5.2.8 NMAC](#) and [6.12.2.8\(F\) NMAC](#) authorize and require each school superintendent to prepare a record showing the immunization status of every child enrolled or attending a school under his or her jurisdiction. Additionally, [6.12.2.8 NMAC](#) requires that schools start disenrollment proceedings for students who are unable to provide satisfactory evidence of commencement or completion of immunization or an exemption from immunization.
- Section [6.12.2.8 NMAC](#) and [NMSA 1978, § 24-5-4](#) also stipulate that parents or guardians who neglect or refuse to permit their child to be immunized against diseases as required by law shall be reported by the school superintendent to the director of the public health division.

Thank you for working with us to protect New Mexico's students from vaccine-preventable diseases.

Sincerely,


Winona Stoltzfus, MD
NM Department of Health
School Health Officer


Daniel Burke, MPH
NM Department of Health
Infectious Disease Bureau Chief

PUBLIC HEALTH DIVISION

1190 St. Francis Dr., Suite 1050 • P.O. Box 26110 • Santa Fe, New Mexico • 87502
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CHRISTOPHER N. RUSZKOWSKI
SECRETARY-DESIGNATE OF EDUCATION

SUSANA MARTINEZ
GOVERNOR

**CAP-Required Technical Assistance Meeting
for Cariños de los Niños Charter School
New Mexico Public Education Department
300 Don Gaspar Ave, Room 301-C
Santa Fe, NM 87501
February 20, 2018 | 8:00am – 12:00pm**

| | |
|-------------------------|---|
| 8:00 – 8:05 am | Introductions and Expectations |
| 8:05 – 11:45 am | Review of Current Compliance Concerns related to the Charter School Performance Framework |
| <i>8:05 – 8:15</i> | <i>Evidence and Documentation</i> |
| <i>8:15 – 8:45</i> | <i><u>Academic performance</u> including mission-specific indicators and implementation of the school's Improvement Plan</i> |
| <i>8:45 – 10:45</i> | <i><u>Organizational performance</u> including all indicators in the framework</i> |
| <i>10:45 - 11:45</i> | <i><u>Financial performance</u> including any Audit Corrective Action Plans within the last 12 months and/or PEC-required Financial Corrective Action Plans</i> |
| 11:45 – 12:00 pm | Site Visit Expectations |

Pelayo, Icela, PED

From: Pelayo, Icela, PED
Sent: Monday, February 12, 2018 12:14 PM
To: Jaramillo, Vernon; juanita.cata@carinos.org
Cc: 'frterrybrennan@gmail.com'; Poulos, Katie, PED; bernice.life@carinos.org; DelRosario, Baylor, PED; Woerner, Karen, PED; Shannon, Megan, PED
Subject: February 20, 2018 Meeting Agenda Attached
Attachments: PED-Carinos CAP Meeting Agenda_02.20.2018.pdf

| Tracking: | Recipient | Delivery | Read |
|-----------|----------------------------|-------------------------------|--------------------------|
| | Jaramillo, Vernon | | |
| | juanita.cata@carinos.org | | |
| | 'frterrybrennan@gmail.com' | | |
| | Poulos, Katie, PED | Delivered: 2/12/2018 12:14 PM | |
| | bernice.life@carinos.org | | |
| | DelRosario, Baylor, PED | Delivered: 2/12/2018 12:14 PM | |
| | Woerner, Karen, PED | Delivered: 2/12/2018 12:14 PM | |
| | Shannon, Megan, PED | Delivered: 2/12/2018 12:14 PM | Read: 2/15/2018 11:51 AM |

Dear Cariños de los Niños Team:

Per the PEC's decision last week regarding the school's corrective action, please find the attached agenda of our meeting scheduled for **Tuesday, February 20, 2018 from 8:00am – 12:00pm. We will meet at the PED office located at 300 Don Gaspar Ave, Room 301-C (3rd floor), Santa Fe, NM 87501.**

During this meeting, the CSD team staff will review with your school the areas of the academic and organizational performance framework that were flagged as *Concerns Identified* and/or were rated as *Falls Far Below Standard* and discuss appropriate responses and evidence/documentation required to address the findings. The agenda also includes time to discuss the financial performance framework, the concerns with respect to the Training and Experience audit, and required reporting per your school's PEC Financial CAP. The meeting will conclude with a brief conversation about expectations for the April 9, 2018 site visit at your school.

Should you believe you require additional technical assistance from any of the other PED Bureaus or Divisions beyond our meeting, the afternoon has been left open for such a purpose. While we cannot guarantee the availability of any other PED staff, you are welcome to reach out directly to schedule any separate afternoon appointments you feel may be beneficial.

We believe it is important that Mr. Jaramillo, Ms. Life, and at least two members of the governing board attend this meeting. We look forward to meeting with you next week and beginning our meeting promptly at 8:00am to ensure we are able to adequately cover all items on our agenda by noon.

Please let me know if you have any questions.

Thank you,
Icela

Icela Pelayo, PhD, Deputy Director

Options for Parents and Families Division
New Mexico Public Education Department
300 Don Gaspar Avenue
Santa Fe, NM 87501
o: 505.827.6532
c: 505.695.8683
icela.pelayo@state.nm.us
<http://ped.state.nm.us/ped/index.html>

Driving student success in New Mexico by supporting excellent authorizing practices and charter schools that provide innovative, quality education.