

AGENDA ITEM EXECUTIVE SUMMARY

- I. Public Education Commission Meeting Date: January 13, 2017
- II. Item Title: Report From Options For Parents & The Charter School Division--Discussion And Possible Actions
 - A. Charter School Division Update
- III. Executive Summary and Proposed Motions:

Please find attached the Ongoing Actions Tracker. CSD will provide additional information.

Public Education Commission

On-going Actions and Monitoring as of January 5, 2017

Status of Charters Under a Notice of Intent to Revoke, Revocation Decision or Non-Renewal Decision

Charter School Name	Commission Action and Date	Alleged Violation	Status
Anthony Charter School	Non-renewal - December 10, 2014	<ul style="list-style-type: none"> • Failure to meet prior renewal conditions including: <ul style="list-style-type: none"> • Identifying how the Discovery short cycle aligns with academic program • Strategic planning by governing counsel to measure student progress • Strategic planning by governing counsel to evaluate principal • Approving all policies required by law • Failure to meet improvement plan requirements • Violations of material terms and failure to meet goals of contract • The application is otherwise contrary to the best interests of the charter school's projected students, the local community, or the school district in whose geographic boundaries the charter school applies to operate. 	<ul style="list-style-type: none"> • On December 9, 2016, CSD received a copy of a settlement agreement from the PED Office of General Counsel, which appears to be a settlement agreement between the PED and Anthony Charter School from January 11, 2016. That agreement is provided in the Commissioner's materials. The settlement agreement indicates Anthony Charter School will be up for renewal in December 2017.
Sage Montessori Charter School	Non-Renewal – December 7, 2016	<ul style="list-style-type: none"> • School currently maintains a 3 year average letter grade of D and has earned a D or F letter grade in each of the last three years, • School failed to meet or make progress toward a majority of the goals in the charter contract. • School failed to meet several elements of the material terms of the contract 	<ul style="list-style-type: none"> • On December 7, the PEC voted to not renew the school's charter. • On December 20, 2016, the school's decision letter was sent by email. The school may submit a letter of appeal on or before January 19, 2017.

Public Education Commission
On-going Actions and Monitoring as of January 5, 2017

		<ul style="list-style-type: none"> • school has experienced high teacher, student, and governing body turnover, which demonstrates a lack of need for the school in the community, and • School has failed to protect student safety by failing to develop and obtain approval on a student wellness and safety plan. 	
Estancia Valley Classical Academy	Non-Renewal – December 7, 2016	<ul style="list-style-type: none"> • School's policies are in direct violation of federal law. 	<ul style="list-style-type: none"> • On December 7, the PEC voted to not renew the school's charter. • On December 20, 2016, the school's decision letter was sent by email. The school may submit a letter of appeal on or before January 19, 2017.
Uplift Community School	Non-Renewal – December 9, 2016	<ul style="list-style-type: none"> • School currently maintains a three-year average letter grade of F and has earned a D or F letter grade in each of the last three years, • School failed to meet or make progress toward each of the goals in the charter contract. • School failed to meet nearly all major elements of the material terms of the contract • School experienced high teacher and student turnover. • School failed to protect student safety by failing to develop and obtain approval on a student wellness and safety plan, by failing to conduct legally required safety drills, and by violating transportation requirements. • School failed to complete summative teacher evaluations as required by 	<ul style="list-style-type: none"> • On December 9, the PEC voted to not renew the school's charter. • On December 20, 2016, the school's decision letter was sent by email. The school may submit a letter of appeal on or before January 19, 2017.

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		NMTEACH for two years. • School failed to complete and submit statutorily required state PARCC assessments in one year.	
La Resolana Leadership Academy	Non-Renewal – December 16, 2016	• The school currently has a deficit of \$210,032.58 of their total budget of \$822,461.24	• On December 16, the APS School Board voted to not renew the school's charter.

Status of Commission Requested Reports, Monitoring, Inquiries, Site Visits

Charter School Name	Date of Commission Request	Matter	Next Report
Southwest Learning Centers		Ongoing investigation.	
Coral Community Charter	December 7, 2016	• Academic Improvement Plan • Audit Corrective Action Plan	• February 8, 2017 in WebEPSS • Quarterly thereafter
Mission Achievement Success	December 7, 2016	• Audit Corrective Action Plan	• February 8, 2017 in WebEPSS • Quarterly thereafter
Southwest Aeronautics Mathematics and Sciences	December 8, 2016	• Corrective actions identified in the renewal response	• February 8, 2017 in WebEPSS • Quarterly thereafter
Southwest Primary Learning Center	December 8, 2016	• Corrective actions identified in the renewal response	• February 8, 2017 in WebEPSS • Quarterly thereafter
Southwest Secondary Learning Center	December 8, 2016	• Corrective actions identified in the renewal response	• February 8, 2017 in WebEPSS • Quarterly thereafter
Walatowa High Charter School	December 9, 2016	• Audit Corrective Action Plan • Corrective Action Plans <ul style="list-style-type: none"> ○ Timely STARS reporting ○ Governing board training 	• February 8, 2017 in WebEPSS • Quarterly thereafter

Public Education Commission
On-going Actions and Monitoring as of January 5, 2017

Status of Governing Body Resignations

Charter School Name	Board Member Resignation Date	Current Number of Board Members	Deadline for Filling Vacancy
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Schools Looking for a New Facility

Charter School Name	Date of Notification to PEC
South Valley Preparatory School	August 19, 2015
Tierra Adentro: The New Mexico School Of Academics, Art and Artesanía	September 24-25, 2015
Technology Leadership High School	November 13, 2015
La Academia Dolores Huerta	March 11, 2016
Explore Academy	March 11, 2016
Estancia Valley Classical Academy	September 24-25, 2016
Cesar Chavez Community School	October 31, 2016
Tierra Encantada Charter School	December 7, 2016

SETTLEMENT AGREEMENT

This Settlement Agreement is entered into this 11th of January, 2016, by and between the New Mexico Public Education Department (PED), and the Governing Council of Anthony Charter School (ANTHONY).

BACKGROUND

- A. ANTHONY filed an Appeal of the Secretary of Education's decision and order upholding the Public Education Commission's decision not to renew its charter, Case No. D-101-CV-2015-00939 (Appeal). The Appeal alleged that the Secretary of Education's Decision and Order was arbitrary and capricious, not supported by substantial evidence, and contrary to law.
- B. Judge Mathew held a hearing on ANTHONY's Expedited Motion for Stay Pending Appeal on May 8, 2015. Judge Mathew found in ANTHONY's favor and granted a stay pending appeal.
- C. The parties met to confer and after negotiation, the parties came to the agreement memorialized below.
- D. ANTHONY has agreed to dismiss its claims in accordance with the terms of the Settlement Agreement, and this Settlement Agreement constitutes a resolution to the matters contested in the Appeal.

TERMS AND CONDITIONS

- 1) **Consideration.** In consideration of the entry of an order containing the terms listed in the First Amendment to Charter School Contract, Exhibit 1 to the Settlement Agreement, and Performance Framework, Exhibit 2 to the Settlement Agreement, ANTHONY will dismiss its claims, release PED, and abide by the terms described in the Settlement Agreement.
- 2) **Mutual Release.** PED and ANTHONY mutually release each other and their respective agents, employees, insurers, and attorneys from any and all claims that were or could have been asserted in the Appeal, and resolution thereof.
- 3) **Confidentiality.** The parties will keep confidential any information provided by one party to the other, marked confidential, that is related to the execution of this Settlement Agreement. This includes documents, drafts and communications that relate to the execution of this Settlement Agreement. The parties may not use confidential information for any purpose other than performance of the Settlement Agreement.
- 4) **Disclaimer of Liability.** This Settlement Agreement does not constitute and shall not be construed as an admission of liability or wrongdoing by PED with respect to any claims asserted by ANTHONY in the Appeal and PED expressly denies that it has done anything wrong or unlawful.
- 5) **Enforceable Document.** The parties acknowledge that the Settlement Agreement is a legally binding document.
- 6) **Choice of Law.** The parties agree that the Settlement Agreement is governed by the laws of the State of New Mexico without regard to any choice-of-law provision, and

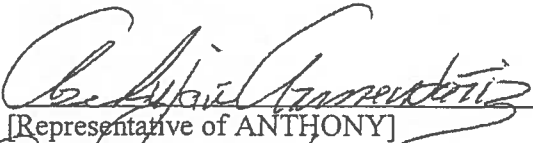
any interpretations of or disputes under this document shall be governed in accordance with the laws of the State of New Mexico.

- 7) **Entire Agreement; Modification.** This Settlement Agreement constitutes the entire agreement between the parties. No supplement, modification, or amendment of this Settlement Agreement will be binding unless it is in writing and signed by all parties.
- 8) **Waiver.** No waiver of any term of this Settlement Agreement constitutes a waiver of any other provision, whether similar or dissimilar. No waiver of any term constitutes a continuing waiver of that term. No waiver is binding unless signed in writing by the waiving party.
- 9) **Severability.** If any term of this Settlement Agreement is for any reason invalid or unenforceable, the rest of the Settlement Agreement remains fully valid and enforceable.
- 10) **Headings.** The headings in this Settlement Agreement are for convenience and do not constitute a part of the Settlement Agreement. The headings do not affect its interpretation.
- 11) **Counterparts.** This Settlement Agreement may be signed in counterparts, each one of which is considered an original, but all of which constitute one and the same instrument.

Agreed this ____ day of January 2016.

Hanna Skandera
Secretary of Education
New Mexico Public Education Department

Date


[Representative of ANTHONY]


Date

FIRST AMENDMENT TO CHARTER SCHOOL CONTRACT

(Between ANTHONY CHARTER SCHOOL and THE NEW MEXICO
PUBLIC EDUCATION COMMISSION)

THIS FIRST AMENDMENT TO CHARTER SCHOOL CONTRACT FOR ANTHONY CHARTER SCHOOL ("First Amendment"), a New Mexico public charter school, is entered into between the Governing Council of Anthony Charter School ("Council"), and the Secretary of the New Mexico Public Education Department ("Secretary"), pursuant to a Settlement Agreement of the appeal filed in the matter of *The Governing Council of Anthony Charter School vs. Hanna Skandera, Secretary of the New Mexico Public Education Department*, First Judicial District Cause No. D-101-CV-2015-00939.

RECITALS

WHEREAS, Anthony Charter School ("School") is a New Mexico public charter school authorized by the New Mexico Public Education Commission ("Commission");

WHEREAS, the Commission and School negotiated and entered the Charter School Contract attached hereto as Exhibit 1 ("Contract"), on June 6, 2013 and with an effective date of July 1, 2013;

WHEREAS, the term of the Contract was for a period of two years. On December 10, 2014, the Commission denied the School's application for renewal;

WHEREAS, on January 20, 2015, the Governing Council of the School filed an appeal before the Secretary of the New Mexico Public Education Department ("Secretary") as provided for by the Contract and the Charter Schools Act, NMSA 1978, §22-8B-1, *et seq.* ("Act");

WHEREAS, on April 20, 2015 the Secretary entered a Decision and Order denying the Council's appeal;

WHEREAS, on April 24, 2015 the Council filed an appeal of the Secretary's Decision and Order in the First Judicial District Court for the State of New Mexico. The case is captioned: *The Governing Council of Anthony Charter School vs. Hanna Skandera, Secretary of the New Mexico Public Education Department*, First Judicial District Cause No. D-101-CV-2015-00939 ("Litigation"). Thereafter, the Council filed an Expedited Motion for Stay of the Secretary's Decision and Order;

WHEREAS, on May 8, 2015, the Court granted the Council's request for stay, resulting in a continuation of the School's operations pending a decision in the Litigation;

WHEREAS, the Council and the Secretary agreed to resolve the Litigation as described in the Settlement Agreement executed on _____, 2015 and approved by the Court in an Order dated _____.

NOW THEREFORE, pursuant to the Court's Order, and for good and valuable consideration, receipt of which is acknowledged by the parties' signatures below, the parties agree to the following amended terms of the Contract:

1. Section 1.04 of the Contract shall be amended by deleting the language after the first full paragraph of Section 1.04 and by adding the following new language:

Subsequently, the PEC voted to not renew the School's Contract in December 2014, a decision that was appealed by the School pursuant to the provisions of the Act. Subsequently, the Secretary agreed to extend the current term of the School's Contract through June 30, 2018 according to the terms and conditions stated in the Contract as amended by the First Amendment to the Contract. The First Amendment to the Contract and Performance Framework for 2015-2016 Academic School year was agreed to by and entered into between the School and the Secretary, pursuant to a Settlement Agreement approved by the First Judicial District Court for Santa Fe County, State of New Mexico, in the matter captioned: *The Governing Council of Anthony Charter School vs. Hanna Skandera, Secretary of the New Mexico Public Education Department*, Cause No. D-101-CV-2015-00939, on _____, 2016.

The Commission approved the School in December 2012, with six conditions. As of July 1, 2015 the conditions have been met as indicated below.

1. The School will resubmit part B of its application, working with CSD to write goals that clearly indicate rigor, relevance and with metrics that allow indicators to be properly measured.	The School has completed this condition.
2. The School will identify how the short cycle assessment that the School uses to align to the academic program of the School.	The School has met this condition.
3. The Governing Council of the School will conduct a Strategic Plan that clearly indicates how the School will measure progress in growing its Q1 population scores and its Q3 population scores.	The School has met this condition.
4. The Governing Council of the School will clearly state what leadership competencies/indicators it will use to evaluate the Principal.	The School has met this condition.
5. The School will align its curriculum to match the needs of the students and identify how individualized learning plans will be created using that curriculum. This will align with the mission of the School.	The School has met this condition.
6. Since, Anthony Charter School is moving from a district-authorized school to a PEC-authorized school, they will need to complete the <i>Board of Finance</i> application for approval by the PEC no later than <u>April 1, 2013</u> . http://www.ped.state.nm.us/Charter/state.html	The School has met this condition.

2. Section 2.02 is amended by deleting the existing contact information and replacing it as follows:

New Mexico Public Education Commission c/o Director Options for Parents 300 Don Gaspar, Room 301 Santa Fe, New Mexico 87501 505.827-6532	New Mexico Public Education Commission Joshua Granata (or successor) New Mexico Attorney General's Office (505) 827-6088
Charter Schools Division Director New Mexico Public Education Department 300 Don Gaspar, Room 301 Santa Fe, New Mexico 87501	
Head Administrator/Director HEAD ADMINISTRATOR/DIRECTOR ANTHONY CHARTER SCHOOL 780 Landers Road Anthony, New Mexico 88021 Office: (575) 882-0600 Fax: (575) 882-0603	Board Chair Pat Banegas Daytime phone: 575-267-5216 E-mail: pbanegas@hotmail.com
ATTORNEYS FOR SCHOOL Matthews Fox, P.C. 1925 Aspen Dr., Suite 301A Santa Fe, NM 87505 Office: (505)473.3020 pmatthews@matthewsfox.com sfox@matthewsfox.com	

3. Section 2.03, "Essential Documents" is amended by including the italicized language and deleting the language indicated by strike-through as follows:

This Contract *and all amendments thereto*, the Performance Frameworks, and annual target goals set under the Performance Frameworks together form the essential documents governing the Parties ("Essential Documents"). The decision to renew the charter at the end of the term shall be based on these documents and data collected from the School's performance on the Performance Frameworks.

4. Section 3.02 "Term of Charter" is amended by including the italicized language and deleting the language indicated by strike-through as follows:

The term of this Contract shall be for a term of five years, beginning July 1, 2013 through ~~June 30, 2015~~ *June 30, 2018*.

5. Section 5.02, "Annual Performance Targets" is amended by including the italicized language and deleting the language indicated by strike-through as follows:

Each Performance Framework is set up to establish annual performance targets. For the annual performance targets, the Authorizer shall set general annual performance targets for its authorized schools, after consultation with its schools. The Parties shall then negotiate school-specific annual performance targets for each year this Contract is in effect. The performance targets and scorecards resulting from assessment of the School based on these performance targets are compiled in Exhibit 1. The annual performance targets may include additional rigorous, valid and reliable indicators to augment external evaluations of the School's performance. The Performance Framework indicators and annual performance targets established for each year of the Charter term shall be included in the Essential Documents as Exhibit 2.1 ~~and~~, 2.2, 2.3, 2.4 *and* 2.5 as each document is created for each year of the Contract.

6. Section 11.01 "Renewal Timeline and Process" is amended by including the italicized language and deleting the language indicated by strike-through as follows:

The School shall submit its renewal application to the Authorizer on or before October 1 of ~~2014~~, *2017*. The Parties may mutually agree to an extension of the submittal of the renewal application; such extension shall be memorialized in writing. The Authorizer shall vote on the renewal application in a public hearing no later than January 1, of the year in which the Contract expires; i.e. January 1, ~~2015~~ *2018* unless extended by agreement.

This Amendment is executed pursuant to the Court Order approving the settlement agreement [name] between the Governing Council of the Anthony Charter School and the Secretary of the New Mexico Public Education Department.

APPROVED:

New Mexico Public Education Department

By: _____

Hanna Skandera, Secretary

Date: _____

Approved:

Anthony Charter School Governing Council

By: _____

President

Date: _____

1/11/2016

New Mexico Public Education Commission Charter School Performance Framework

For the 2015- 2016 Academic School Year

For Anthony Charter School

EXHIBIT 2 TO SETTLEMENT AGREEMENT BETWEEN GOVERNING COUNCIL OF
ANTHONY CHARTER SCHOOL AND SECRETARY OF NMPED

ABOUT THE PERFORMANCE FRAMEWORK

In collaboration, the New Mexico Public Education Commission ("PEC") and the New Mexico Public Education Department have developed the following comprehensive Performance Framework to ensure that each and every charter school is serving students with a high-quality public education. The Performance Framework sets the academic, fiscal, and organizational standards by which PEC-authorized public charter schools will be evaluated, informing the PEC and charter school about the school's performance and sustainability.

By utilizing the Performance Framework as authorized in Section 22-8B-9.1 NMSA 1978, PEC will apply rigorous standards and metrics by which each and every public charter school is evaluated. This will enable multiple factors to be taken into account when evaluating public charter schools and making critical decisions such as renewal, modification, revocation, as well as determining necessary technical assistance.

Conditions placed on the School by the Authorizer, if any:

ACADEMIC PERFORMANCE FRAMEWORK

The Academic Performance Framework includes measures that allow the PEC to evaluate the school's academic performance or outcomes and was developed pursuant to the New Mexico Charter Schools Act. This section includes indicators, measures and metrics for student academic performance; student academic growth; achievement gaps in both proficiency and growth between student subgroups; if the charter school is a high school, post-secondary readiness; and, if the charter school is a high school, graduation rate (Section 22-8B-9.1.A. (1-3, 6, 7) NMSA 1978).

This section answers the evaluative question: Is the academic program a success? A charter school that meets the standards in this area is implementing its academic program effectively, and student learning is taking place.

For each measure, a school receives one of four ratings: "Exceeds Standard", "Meets Standard", "Does Not Meet Standard", or "Falls Far Below Standard".

NOTE: If a school identifies a group or cohort of students that are the students that will be assessed in an indicator set forth below, that cohort must include at least 70% of the students that would have been included had the total group been considered, unless otherwise agreed upon by the PEC. (i.e. "Students that have attended the School for 2 or more years" must include at least 70% of the students in the school.)

REQUIRED ACADEMIC PERFORMANCE INDICATORS

1. STATE AND FEDERAL ACCOUNTABILITY SYSTEM

1. Is the school meeting acceptable standards according to New Mexico's A-F grading system?	
<i>Exceeds Standard:</i>	
<input type="checkbox"/> The school received an A on the state's grading system.	
<i>Meets Standard:</i>	
<input type="checkbox"/> The school received a B on the state's grading system.	
<i>Meets Standard:</i> <input type="checkbox"/> The school received a C on the state's grading system	The school will write an improvement plan which they believe will result in improved results for the students of the school. This must be presented to the PEC for approval within 40 calendar days from the release of school grades.
<i>Does Not Meet Standard:</i> <input type="checkbox"/> The school received a D on the state's grading system	The school will write an improvement plan which they believe will result in improved results for the students of the school. This must be presented to the PEC for approval within 40 calendar days from the release of school grades.
<i>Falls Far Below Standard:</i> <input type="checkbox"/> The school received an F on the state's grading system.	The school will write an improvement plan which they believe will result in improved results for the students of the school. This must be presented to the PEC for approval within 40 calendar days from the release of school grades.

2. MISSION-SPECIFIC INDICATOR(S)

Identify the Mission Specific Indicator(s) which shows the implementation of the school mission

2.a. Are seniors enrolled in the School on the 40th day of the 2015- 2016 school year graduating with a high school diploma or certificate by the end of the 2015- 2016 school year?

2.a. Did the school meet its mission-specific indicator(s)?

Exceeds Standard:

☐ The school surpassed the target of this mission-specific indicator if

85% or more of students identified as seniors on the 40th day graduated from the School with a high school diploma or certificate at the end of the 2014-2015 school year.

Meets Standard:

☐ The school substantially met the target of this mission-specific indicator if

70% to 84% of students identified as seniors on the 40th day graduated from the School with a high school diploma or certificate at the end of the 2014-2015 school year.

Does Not Meet Standard:

☐ The school did not meet the target of this mission-specific indicator if

Less than 70% of students identified as seniors on the 40th day graduated from the School with a high school diploma or certificate at the end of the 2014-2015 school year.

Falls Far Below Standard:

☐ The school met less than 50 percent of the targets of its mission-specific indicator(s).

Identify the Mission Specific Indicator(s) which shows the implementation of the school mission

2.b. PERFORMANCE INDICATOR: SHORT CYCLE ASSESSMENT READING Short Cycle Assessment data (Discovery) will be used to measure academic growth or proficiency in Reading of Full Academic Year (FAY) students.

Growth. In order to show growth (the first phrase in each of the standards set forth below), FAY students will demonstrate academic growth in Reading as measured by three short cycle assessments using Discovery grade level assessment. The growth will be determined using Discovery projected growth targets for each student as set by the fall test as shown on the attached sample report. Students may show the growth on either of the winter or spring assessments.

The school may establish the growth target in the fall for students with an identified disability in Special Education in an IEP (not including gifted). These students must then meet the individual growth target established in the fall in order to show growth.

Proficiency. In order to show proficiency (the second phrase in each of the standards set forth below), a student scores at Achievement Level III, Adequate or Achievement Level IV, Thorough.

2.b. Did the school meet its mission-specific indicator(s)?

Exceeds Standard:

☐ The school surpasses the target of this indicator if:

66% or more of identified students made at least one full year's growth in reading short-cycle assessment scores when comparing beginning year results to later results.

OR

The student tests at "achievement level III or IV" on the winter or spring short-cycle assessment.

Meets Standard:

☐ The school meets the target of this indicator if:

50-65% of identified students made at least one full year's growth in reading short-cycle assessment scores when comparing beginning year results to later results

OR

The student tests at "achievement level III or IV" on the winter or spring short-cycle assessment.

Does Not Meet Standard:

☐ The school does not meet the target of this indicator if:

40-49% of identified students made at least one full year's growth in reading short-cycle assessment scores when comparing beginning year results to later results

OR

The student tests at "achievement level III or IV" on the winter or spring short-cycle assessment.

Falls Far Below Standard:

☐ The school falls far below the target of this indicator if:

Less than 40% of identified students made at least one year's growth in reading short-cycle assessment scores when comparing beginning year results to later results

OR

The student tests "achievement level III or IV" on the winter or spring short-cycle assessment.

Identify the Mission Specific Indicator(s) which shows the implementation of the school mission

2.c. PERFORMANCE INDICATOR: SHORT CYCLE ASSESSMENT MATH *Short Cycle Assessment data (Discovery) will be used to measure academic growth or proficiency in Math of Full Academic Year (FAY) students.*

Growth. In order to show growth (the first phrase in each of the standards set forth below), FAY students will demonstrate academic growth in Math as measured by three short cycle assessments using Discovery grade level assessment. The growth will be determined using Discovery projected growth targets for each student as set by the fall test as shown on the attached sample report. Students may show the growth on either of the winter or spring assessments.

The school may establish the growth target in the fall for students with an identified disability in Special Education in an IEP (not including gifted). These students must then meet the individual growth target established in the fall in order to show growth.

Proficiency. In order to show proficiency (the second phrase in each of the standards set forth below), a student scores at Achievement Level III, Adequate or Achievement Level IV, Thorough.

2.c. Did the school meet its mission-specific indicator(s)?

Exceeds Standard:

☐ The school surpasses the target of this indicator if:

56% or more of identified students made at least one full year's growth in math short-cycle assessment scores when comparing beginning year results to later results.

Meets Standard:

☐ The school meets the target of this indicator if:

40-55% of identified students made at least one full year's growth in math short-cycle assessment scores when comparing beginning year results to later results

OR

The student tests at "achievement level III or IV" on the winter or spring short-cycle assessment.

Does Not Meet Standard:

☐ The school does not meet the target of this indicator if:

30-39% of identified students made at least one full year's growth in math short-cycle assessment scores when comparing beginning year results to later results

OR

The student tests at "achievement level III or IV" on the winter or spring short-cycle assessment.

Falls Far Below Standard:

☐ The school falls far below the target of this indicator if:

Less than 30% of identified students made at least one year's growth in math short-cycle assessment scores when comparing beginning year results to later results

OR

The student tests "achievement level III or IV" on the winter or spring short-cycle assessment.

OPTIONAL ACADEMIC PERFORMANCE INDICATORS

Section C of 22-8B-9.1(C) NMSA 1978 states: "*The performance framework shall allow for the inclusion of additional rigorous, valid and reliable indicators proposed by a charter school to augment external evaluations of its performance, provided that the chartering authority shall approve the quality and rigor of such proposed indicators and the indicators are consistent with the purposes of the Charter Schools Act.*" The charter school may submit for review and approval by the PEC mission-specific and/or supplemental academic goals that are specific, measurable, rigorous, and directly address student academic performance.

Schools are encouraged, but not required, to identify goals in this area. However, the PEC believes that this section of the Frameworks provides an opportunity for a school to highlight things that it does well, and that sets it apart from other schools.

In particular, the PEC encourages schools to present indicators that address actions the school takes to ensure that its student population is "ready to learn."

3. OPTIONAL SUPPLEMENTAL INDICATOR(S)

(NOTE: LIST EACH SUPPLEMENTAL INDICATOR SEPARATELY AND IDENTIFY THE RATING SYSTEM FOR EACH. COPY THE SECTION LISTED BELOW FOR EACH SUPPLEMENTAL INDICATOR.)

Identify the Optional Supplemental Indicator which the school has selected with targets.

3.a. Has the School developed a Personalized Education Planning tool incorporating Next Step Plan requirements; social-emotional learning assessments; student short cycle and other academic assessment data which was used semi-annually with the student and family (if the student is a minor) to assess student progress?

3.a Did the school meet its supplemental indicator?

Exceeds Standard:

☐ The school surpassed the target of this mission-specific academic goal if

100% of students attending the School reviewed, updated their goals on the Personalized Education Plan tool and obtained the approval of the Plan by the caseload teacher each semester that the student was in School during the 2015 and 2016 school year.

Meets Standard:

☐ The school met the target of this mission-specific academic goal if

80% - 99% of students reviewed, updated their goals on the Personalized Education Plan tool and obtained the approval of the Plan by the caseload teacher each semester that the student was in School during the 2015 and 2016 school year.

Did Not Meet Standard:

☐ The school did not meet the target of this mission-specific academic goal if

60-79% of students reviewed, updated their goals on the Personalized Education Plan tool and obtained the approval of the Plan by the caseload teacher each semester that the student was in School during the 2015 and 2016 school year

Falls far below

☐ Below 60% of students reviewed, updated their goals on the Personalized Education Plan tool and obtained the approval of the Plan by the caseload teacher each semester that the student was in School during the 2015 and 2016 school year.

Identify the Optional Supplemental Indicator which the school has selected with targets.

3.b. Has the School assessed all students twice during the 2015- 2016 school year using the Social Skills Improvement System Rating Scales (SSIS)?

3.b Did the school meet its supplemental indicator?

Exceeds Standard:

☐ The school surpassed the target of this mission-specific academic goal if

100% of students were assessed using SSIS each semester that the student was in school during the 2015 and 2016 school year.

Meets Standard:

☐ The school met the target of this mission-specific academic goal if

90% - 99% of students were assessed using SSIS each semester that the student was in school during the 2015 and 2016 school year.

Did Not Meets Standard:

☐ The school did not meet the target of this mission-specific academic goal if

80-89% of students were assessed using SSIS each semester that the student was in school during the 2015 and 2016 school year.

Falls Far Below

☐ Below 80% of students were assessed using SSIS each semester that the student was in school during the 2015 and 2016 school year.

Identify the Optional Supplemental Indicator which the school has selected with targets.

3.c. Has the School provided the appropriate services indicated as needed by the SSIS?

3.c Did the school meet its supplemental indicator?

Exceeds Standard:

☐ The school surpassed the target of this mission-specific academic goal if

The school has made available the appropriate services to 100% those students indicating a need for services on the SSIS in the 2015-2016 school year.

Meets Standard:

☐ The school met the target of this mission-specific academic goal if

The school has made available the appropriate services to 90-99% of those students indicating a need for services on the SSIS in the 2015-2016 school year.

Did Not Meets Standard:

☐ The school did not meet the target of this mission-specific academic goal if

The school has made available the appropriate services to less than 80% of those students indicating a need for services on the SSIS in the 2015-2016 school year.

Falls Far Below

☐ The school has made available the appropriate services to less than 80% of those students indicating a need for services on the SSIS in the 2015-2016 school year.

FINANCIAL PERFORMANCE FRAMEWORK

The Financial Performance Framework was developed pursuant to the New Mexico Charter Schools Act. This section includes indicators, measures and metrics for financial performance and sustainability (Section 22-8B-9.1A (8) NMSA 1978).

For each measure, a school receives one of three ratings: "Meets Standard," "Does Not Meet Standard," or "Falls Far Below Standard."

Process:

- 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. ("current year" will refer to the year of the Performance Framework that completed on June 30.)
- The Budget Analyst for the school will confirm the information.
- Following that review, the liaison and the Budget Analyst will seek further information from the school, if necessary or if there are discrepancies between the school's understanding of an issue and the budget analyst's understanding of an issue.
- The liaison will score the indicator accordingly.

1. Operating Budgets

1. Was the information required for the budget provided on time for the current year operational budget, and the previous year, if requested by the PEC or its delegee?

a. If not, why not?

b. If not, how long was it before it was turned in?

1. Is the school timely submitting budget information?

Meets Standard:

☐ The school demonstrates evidence of substantial compliance with the timely submittal of operational budget information.

Working to Meet Standard:

☐ The school did not submit budget information in a timely manner, and the school has instituted remedies that have resulted in compliance or prompt action toward compliance with law.

Falls Far Below Standard:

☐ Evidence shows that the school did not submit budget information in a timely manner, and the school has not instituted remedies that have resulted in prompt and sufficient movement toward with law.

2. Audits

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

2. Is the school timely submitting audit information?

Meets Standard:

- ☐ The school demonstrates evidence of substantial compliance with timely submittal of audit information.

Working to Meet Standard:

- ☐ The school did not submit audit information in a timely manner, and the school has instituted remedies that have resulted in compliance or prompt action toward compliance with law.

Falls Far Below Standard:

- ☐ Evidence shows that the school did not submit audit information in a timely manner, and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

3. Periodic Reports

3. Cash report and Actual report

- a. Is this school on quarterly or monthly reporting?
 - i. If on monthly, please identify the reason for the monthly requirement.
 - ii. During the current fiscal year, was the school ever required to report monthly?
 1. If so, please identify the reason for the monthly requirement.
- b. Were the reports for the current year turned in on time? (Please explain for each late report)
 - i. If not, why not?
 - ii. If not, how long was it before it was turned in?
- c. For the current year, did the actual expenditures plus encumbrances ever exceed the budget authority within function (such as 1000, 2000, 3000, etc.)?
 - i. If so, why did that occur?

- ii. If so, was it corrected with a budget adjustment?
 - iii. How long did that process take to correct the issue(s)?
 - iv. If it was not corrected, why not?
 - v. Do the school's actual expenditures plus encumbrances exceed the budget authority now?
- d. 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?
- i. If not, why not?

3. Is the school timely submitting required reports which show sufficient financial management?

Meets Standard:

- ☐ The school demonstrates evidence of substantial compliance with timely submittal of required reports.

Working to Meet Standard:

- ☐ The school has not implemented the timely submittal of required reports in the manner described above, and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

Falls Far Below Standard:

- ☐ Evidence shows that the school has not implemented the timely submittal of required reports in the manner described above, and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

4. Expenditures

4. Were there any invoices pending for more than 90 days in the current year?

- a. If so, why were these invoices pending for so long?
- b. Are any of these pending now?
- c. If so, what is the anticipated payment schedule?

4.1. Were payroll liabilities (Payroll Taxes, New Mexico withholding, NIMPSIA, NMRHC, NMERB, Worker's comp, State Unemployment) paid timely in the current year?

- a. If not, why not?
- b. Are any of these liabilities not up-to-date now?
- c. If not, what is the anticipated payment schedule?

4. Is the school timely paying expenditures?

Meets Standard:

- ☐ The school demonstrates evidence of substantial compliance with timely paying expenditures.

Working to Meet Standard:

- ☐ The school has not timely paid expenditures in the manner described above, and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

Falls Far Below Standard:

- ☐ Evidence shows that the school has not paid expenditures in the manner described above, and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

5. Reimbursements

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

- a. If not, why not?
- b. Have you received any indication that any reimbursement requests may be/were denied for any reason?
- c. If so, what is/was the reason being given?

5. Is the school timely seeking reimbursement?

Meets Standard:

- ☐ The school demonstrates evidence of substantial compliance in seeking reimbursements.

Working to Meet Standard:

- ☐ The school has not timely sought reimbursement in the manner described above, and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

Falls Far Below Standard:

- ☐ Evidence shows that the school has not timely sought reimbursement in the manner described above, and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

6. Audit Reviews

6. The last released audit by the State Auditor was for FY 2015. Was the school specifically identified in the opinion that was issued regarding the School's last released audit by the State Auditor?

- a. If so, what was the text of the specifically identified section?
- b. What were the audit findings from the last released audit?

- c. Were any findings considered Material Weaknesses?
- d. What has the school done to correct these audit findings?
- e. Were any of the audit findings a repeat finding from any prior period?
 - i. If so, what was the repeat finding(s)?
 - ii. Please explain the reason for the repeat finding(s).
 - iii. What has the school done to correct it?

6. Is the school responsive to audit findings?

Meets Standard:

☐ The school demonstrates evidence of responding to audit finding in a manner which looks to be sufficient to remedy the audit finding?

Working to Meet Standard:

☐ The school has not responded to audit findings in the manner described above, and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

Falls Far Below Standard:

☐ Evidence shows that the school has not responded to audit findings in the manner described above, and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

7. Meals

- 7. Do you serve meals to students?
 - a. If yes, do you enter into contracts with food service management companies?
 - b. Were any audit findings noted regarding those food contracts?
 - c. Please explain the reason(s) for the finding(s).
 - d. What has the school done to correct these audit finding(s)?

7. Is the school managing food service contracts appropriately?

Meets Standard:

☐ The school demonstrates evidence of managing food service contracts appropriately without audit finding.

Working to Meet Standard:

☐ The school has not demonstrated evidence of managing food service contracts in the manner described above, and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

Falls Far Below Standard:

☐ Evidence shows that the school has not demonstrated evidence of managing food service contracts in the manner described above, and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

8. General Information

8. Have you received any written indication in the current year from the assigned PED budget analyst that he/she had concerns regarding the school's finances?
 - a. If so, what was the concern identified?
 - b. What was the school's response to these concern(s)?
 - c. What was the resolution of these concern(s)?

ORGANIZATIONAL PERFORMANCE FRAMEWORK

The Organizational Framework primarily lists the responsibilities and duties of charter schools that the schools are already required to meet through state and federal laws. It was developed pursuant to the New Mexico Charter Schools Act. This section includes indicators, measures and metrics related to attendance; recurrent enrollment from year to year; and governing body performance, including compliance with all applicable laws, rules and terms of the charter contract (Section 22-8B-9.1A (4, 5, 9) NMSA 1978).

NACSA Principles & Standards (2012) states that,

"A Quality Authorizer implements an accountability system that effectively streamlines federal, state, and local...compliance requirements while protecting schools' legally entitled autonomy and minimizing schools' administrative and reporting burdens" (p. 16).

For each measure a school receives one of three ratings: "Meets Standard," "Working to Meet Standard" and "Falls Far Below Standard" which are defined below. The term "material" used below means that the PEC deems the matter relevant to:

1. The PEC's accountability decisions including but not limited to decisions about whether to renew, non-renew, suspend, or revoke a charter, or
2. Information that a family would consider relevant to a decision to attend the school.

The Performance Framework is the basis of the annual school review process, and the data and evidence resulting from the annual review will ultimately inform the PEC's renewal decision. If a school receives a "Working to Meet Standard" or "Falls Far Below Standard," this may result in closer PEC review the following year on that indicator, the PEC may require a corrective action plan or take other appropriate action.

Meets Standard:

The school meets the standard if it satisfies each of the conditions described in the paragraph.

Working to Meet Standard:

The school has not implemented the program in the manner described below; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

Falls Far Below Standard:

Evidence shows that the school has not implemented the program in the manner described below; the program area(s) not implemented were material; and, the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

1. EDUCATIONAL PLAN

1.a. Is the school implementing the material terms of the approved charter application as defined in the Charter Contract?

Meets Standard:

☐ The school demonstrates evidence of substantially achieving the material terms of the approved charter application in all respects as defined in the Charter Contract.

Working to Meet Standard:

☐ The school has not implemented the program in the manner described above, and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

Falls Far Below Standard:

☐ Evidence shows that the school has not implemented the program in the manner described above, and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

1.b. Is the school complying with applicable education requirements?

Meets Standard:

☐ Unless waived, the school demonstrates compliance with applicable laws, rules, and regulations relating to education requirements:

- Instructional days or hours requirements;
- Next Step Plan;
- Graduation requirements;
- Promotion/retention requirements;
- Content standards, including Common Core;
- Educational Plan for Student Success (EPSS);
- State assessments including NMSA 22-2C-1, et. seq. and if a high school, 22-2-8.11;
- Implementation of mandated programming as a result of state or federal funding; and
- Parent surveys as required by 22-2C-11.

Working to Meet Standard:

☐ The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

Falls Far Below Standard:

☐ Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

1.c. Is the school protecting the rights of all students?

Meets Standard:

☐ The school demonstrates compliance with applicable laws, rules, and regulations relating to the rights of students by:

- Development and adherence to legally compliant policies related to admissions, lottery, waiting lists, fair and open recruitment, and enrollment, including rights to enroll or maintain enrollment;
- Adherence to due process protections, privacy, civil rights and student liberties requirements, including 1st Amendment protections and the Establishment Clause restrictions prohibiting public schools from engaging in religious instruction; and

- Development and adherence to legally compliant student discipline policies including discipline hearings, suspension and expulsion policies.

Working to Meet Standard:

☐ The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

Falls Far Below Standard:

☐ Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

1.d. Is the school protecting the rights of students with special needs?

Meets Standard:

☐ The school demonstrates compliance with applicable laws, rules, and regulations, including but not limited to, the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act, and laws relevant to gifted children, relating to identification and referral of those suspected of having a disability or intellectual ability and providing services for students with identified needs.

Working to Meet Standard:

☐ The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

Falls Far Below Standard:

☐ Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

1.e. Is the school protecting the rights of English Language Learner students?

Meets Standard:

☐ The school demonstrates compliance with applicable laws, rules, and regulations, including, but not limited to, Title III of the Elementary and Secondary Education Act (ESEA) and US Department of Education authorities, relating to English Language Learner requirements.

Working to Meet Standard:

☐ The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

Falls Far Below Standard:

☐ Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

1.f. Is the school complying with compulsory attendance laws?

Meets Standard:

- ☐ The school demonstrates compliance with applicable laws, rules, and regulations relating to compulsory school attendance.

Working to Meet Standard:

- ☐ The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

Falls Far Below Standard:

- ☐ Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

1.g. Did the school meet the following recurrent enrollment goals?

(To be completed upon negotiation with the PEC of the Performance Indicators prior to the start of a new school year)

- A. The school has the following enrollment at the present time:

62

- B. Out of these total students, the following students are eligible for re-enrollment at the school:

52

- C. Out of these total students, the following students are not eligible for re-enrollment at the school:

10

- D. Describe the reasons that the students identified immediately above are not eligible for re-enrollment:

Six students will graduate and leave the school; fours have plans to attend home school or more to a larger school. The School may lose some students due to the change in location.

OR Other method for assessing recurrent enrollment goals

Meets Standard:

- ☐ Of the students eligible for re-enrollment, at least 85% of these students did re-enroll in the school.

Working to Meet Standard:

- ☐ Of the students eligible for re-enrollment, at least 50% of these students did re-enroll in the school.

Falls Far Below Standard:

- ☐ Of the students eligible for re-enrollment, less than 50% of these students did re-enroll in the school.

2. BUSINESS MANAGEMENT AND OVERSIGHT

2.a. Is the school meeting financial reporting and compliance requirements?

Meets Standard:

☐ The school demonstrates complete and timely compliance with applicable laws, rules, and regulations relating to sound financial principles and financial reporting requirements:

- Submittal of all documentation related to the use of public funds including, annual budgets, revised budgets, if any, periodic financial reports as reasonably required by the PEC and set forth in the Charter Contract, and any reporting requirements if the school contracts with an education service provider;
- Submittal of information required to conduct and complete the annual independent audit;
- Development and adherence to sound internal control policies; and
- Development and adherence to purchasing protocols that comply with the New Mexico Procurement Code, and all other applicable purchasing laws.

Working to Meet Standard:

☐ The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

Falls Far Below Standard:

☐ Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

2.b. Is the school following Generally Accepted Accounting Principles?

Meets Standard:

☐ The school demonstrates compliance with applicable laws, rules, and regulations relating to financial management and oversight expectations as evidenced by:

- An unqualified audit opinion;
- An audit devoid of significant findings and conditions, material weaknesses, or significant internal control weaknesses; and
- An audit that does not include an ongoing concern disclosure in the notes or an explanatory paragraph within the audit report.

Working to Meet Standard:

☐ The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

Falls Far Below Standard:

☐ Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

3. GOVERNANCE AND REPORTING

3 a. Is the school complying with governance requirements?

Meets Standard:

☐ The school demonstrates compliance with applicable laws, rules, and regulations relating to charter school governance through the adoption of and adherence to

- All required school policies;
- The Open Meetings Act and Inspection of Public Records Act;
- A conflicts of interest policy;
- An anti-nepotism policy;
- Governing body organization and membership rules (e.g. bylaws);
- Creation of required committees of the Governing body;
- Governing body mandated training requirements;
- The Governing body has a plan in place for body succession;
- Governing body members are replaced within 45 days of the vacancy occurring.

Working to Meet Standard:

☐ The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

Falls Far Below Standard:

☐ Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

3.b. Is the school holding management accountable?

Meets Standard:

☐ The school demonstrates timely compliance with applicable laws, rules, and regulations relating to oversight of school management:

- (Head of School) The governing body provides a written annual evaluation of the head of school that holds the head of school accountable for performance expectations.
- (Partner Organizations) The governing body periodically reviews the relationship and contracts with a partner organization identified in the approved charter application, as may be amended.

Working to Meet Standard:

☐ The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

Falls Far Below Standard:

☐ Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

4. EMPLOYEES

4.a. Is the school meeting teacher and other staff credentialing requirements?

Meets Standard:

☐ The school demonstrates compliance with applicable laws, rules, and regulations relating to state certification requirements of teachers and other staff, including Title II of the ESEA for Highly Qualified Teachers and Paraprofessionals, and that the school has a licensed business manager. Credentials match the assigned work of employees or independent contractors.

Working to Meet Standard:

☐ The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

Falls Far Below Standard:

☐ Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

4.b. Is the school respecting employee rights?

Meets Standard:

☐ The school demonstrates compliance with applicable laws, rules, and regulations relating to employment, including:

- School Personnel Act;
- Charter School Act;
- Family Medical Leave Act; and
- Americans with Disabilities Act.

The school develops and adheres to policies that demonstrate that the school:

- Does not interfere in employees' rights to organize collectively.
- Provides professional development and timely teacher evaluations.

The school develops and adheres to legally compliant personnel policies and an employee handbook that outline disciplinary and grievance procedures.

Working to Meet Standard:

☐ The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

Falls Far Below Standard:

☐ Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

4.c. Is the school completing required background checks?

Meets Standard:

☐ The school demonstrates compliance with applicable laws, rules, and regulations relating to background checks of all individuals associated with the school, including staff and members of the community, where required.

Working to Meet Standard:

☐ The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

Falls Far Below Standard:

☐ Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

4.d. General Information

Has the school had more than 20% turnover in personnel in each of the past two years?

___ Yes ___ No

If so, please complete the following:

- a. Please identify the reason for the turnover. _____

- b. What impact do you see this having on the school and what actions are you taking to reduce the impact on the school?

- c. What actions are you taking to retain staff?

- d. What actions are you taking to ensure that staff hired will work well at the school?

5. SCHOOL ENVIRONMENT

5.a. Is the school complying with facilities requirements?

Meets Standard:

☐ The school demonstrates compliance with applicable laws, rules, and regulations relating to the school's facilities. The school shall provide evidence of the following:

- Certificate of occupancy or other required building use authorization;
- Compliance with the facility condition rating requirements of NMSA 22-8B-4.2 as it applies to the school;
- Approved 5 year facility master plan;
- Approved 5 year facilities maintenance plan;
- Fire inspections and related records;
- If applicable, approved list of facility variances; and
- If applicable, student transportation programs.

Working to Meet Standard:

☐ The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

Falls Far Below Standard:

☐ Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

5.b. Is the school complying with health and safety requirements?

Meets Standard:

☐ The school demonstrates compliance with applicable laws, rules, and regulations relating to safety including the provisions of providing health related services, if such services are provided. The school shall provide evidence of the following:

- Approved Safe Schools Plan;
- Completion of School Health Rules Checklists;
- Providing appropriate health services and dispensing of pharmaceuticals;
- Meeting food services requirements, if food services are offered; and
- Meeting the requirements of other resources offered, if applicable.

Working to Meet Standard:

☐ The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

Falls Far Below Standard:

☐ Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law..

5.c. Is the school handling information appropriately?

Meets Standard:

☐ The school demonstrates compliance with applicable laws, rules, and regulations relating to security of information. The school shall provide evidence of the following that shows that the school:

- Maintains required information in the STARS data system;
- Collects and protects student information that has the potential of being used in discriminatory ways or otherwise contrary to law;
- Maintains the security of and provides access to student records under the Family Educational Rights and Privacy Act and other applicable authorities;
- Allows access to documents maintained by the school under the Inspection of Public Records Act and other applicable laws;
- Timely transfers student records;
- All records are safe from fire and theft and stored in a retrievable manner;
- All student records are retained and disposed of pursuant to state requirements; and
- Properly and securely maintains testing materials.

Working to Meet Standard:

☐ The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

Falls Far Below Standard:

☐ Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

6. SCHOOL SPECIFIC TERMS

6.a. Has the School identified how the Discovery short cycle assessment aligns to the academic program of the School? (Condition 2)

Meets Standard:

- ☐ The school demonstrates how the Discovery short cycle assessment is being used at the School through evidence of the following:
- Results of baseline testing in Fall 2014 for all students enrolled on the 40th day of school year using the Discovery short cycle assessment;
 - Results of end of year testing in Spring 2015 for this same group of students still enrolled in the School in Spring 2015 using the Discovery short cycle assessment; and
 - Evidence of training of staff on how to use Discovery as a short cycle assessment tool for testing the curriculum of the School;
 - Evidence that the staff has used the Discovery short cycle assessment to improve student outcomes during the 2014-15 school year.

Working to Meet Standard:

- ☐ The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance to the satisfaction of the authorizer.

Falls Far Below Standard:

- ☐ Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance to the satisfaction of the authorizer.

6.b. Has the Governing Council conducted a Strategic Plan that clearly indicates how the School will measure progress in growing its Q1 population scores and its Q3 population scores? (Condition 3)

Meets Standard:

- ☐ The school demonstrates that the Governing Council has conducted a Strategic Plan, which, in addition to other strategic plans, identified how the School will measure progress in growing its Q1 population and its Q3 population scores. The school shall provide evidence of the following:
- Written self-assessment by the Governing Council identifying the areas of training or support that it determines are needed;
 - Evidence of the Governing Council trainings obtained regarding items identified on the self-assessment list;
 - Written Strategic Plan;
 - Within the Strategic Plan, the School has identified specifically where the Governing Council has identified how the School will measure progress in growing its Q1 and Q3 population ;
 - Within the Strategic Plan, the School has provided an accountability oversight plan to ensure that the School is meeting the terms of its performance contract;
 - Evidence of how this plan for it Q1 and Q3 populations has been implemented at the School; and
 - Evidence of how the accountability oversight plan has been implemented at the School.

Working to Meet Standard:

- ☐ The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance to the satisfaction of the authorizer.

Falls Far Below Standard:

- ☐ Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance to the satisfaction of the authorizer.

6.c. Has the Governing Council clearly stated the leadership competencies/indicators it will use to evaluate the Principal? (Condition 4)

Meets Standard:

- ☐ The school demonstrates that evaluation of the Principal has clear competencies and indicators as follows:
- A written job description for the director with identified required administrator competencies/ indicators;
 - A written evaluation process or tool that considers the competencies/ indicators;
 - A written Professional Development Plan in place for the director that addresses the competencies/ indicators identified by the Governing Council; and
 - Written assurance by the Governing Council that the evaluation tool was used to evaluate the Director during the 2013-2014 school year.

Working to Meet Standard:

- ☐ The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance to the satisfaction of the authorizer.

Falls Far Below Standard:

- ☐ Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance to the satisfaction of the authorizer.

6.d. Has the School aligned its curriculum to match the needs of their student population and identify how individualized learning plans are created using that curriculum which align with the mission of the School? (Condition 5) CONDITION MET 2013-14 PF

Meets Standard:

- ☐ The school demonstrates that its curriculum matches the needs of their student population as follows
- Evidence of alignment between the student individualized learning plans align to the existing curriculum at the School; and
 - Evidence of alignment between the student individualized learning plans, curriculum and instructional program align to the Mission.

Working to Meet Standard:

- ☐ The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance to the satisfaction of the authorizer.

Falls Far Below Standard:

- ☐ Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance to the satisfaction of the authorizer.

6.e. Has the Governing Council approved all School policies required by New Mexico law? (Condition 6)

Meets Standard:

- ☐ The school provides evidence that the Governing Council has considered and approved all School policies required by New Mexico law by providing a list of all required policies and the date that each policy was adopted by the Governing Council.

Working to Meet Standard:

- ☐ The Governing Council has not approved all of the policies in the manner described above; the policies not approved are required by New Mexico law; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance to the satisfaction of the authorizer.

Falls Far Below Standard:

☐ Evidence shows that the Governing Council has not approved all of the policies in the manner described above; the policies not approved are required by New Mexico law; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance to the satisfaction of the authorizer.

The Public Education Commission and Charter School agree to the terms specified in this Performance Framework.

Representative of the Public Education Commission

Signature: _____

Title: _____ Date of Approval: _____

Representative of the Charter School

Signature: _____

Title: _____ Date of Approval: 01/11/16



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ANTHONY CHARTER SCHOOL
Resolution 00_-20__

WHEREAS, the Governing Council of Anthony Charter School ("Council"), the governing body of Anthony Charter School ("School"), a public charter school, met for a regular/special meeting at 780 Landers Rd, Anthony NM 88021, at 6:00 p.m. on January 11th, 2016; notice of the meeting was provided by law; and

WHEREAS, the School is a public school authorized by the New Mexico Public Education Commission ("NMPEC");

WHEREAS, on December 15, 2014, the NMPEC voted to deny renewal of the School's charter contract;

WHEREAS, on January 20, 2015, the Governing Council of the School filed an appeal before the Secretary of the New Mexico Public Education Department ("Secretary") as provided for by the Contract and the Charter Schools Act, NMSA 1978, §22-8B-1, *et seq.* ("Act");

WHEREAS, on April 20, 2015 the Secretary entered a Decision and Order denying the Council's appeal;

WHEREAS, on April 24, 2015 the Council filed an appeal of the Secretary's Decision and Order in the First Judicial District Court for the State of New Mexico. The case is captioned: *The Governing Council of Anthony Charter School vs. Hanna Skandera, Secretary of the New Mexico Public Education Department*, First Judicial District Cause No. D-101-CV-2015-00939 ("Litigation"). Thereafter, the Council filed an Expedited Motion for Stay of the Secretary's Decision and Order;

WHEREAS, on May 8, 2015, the Court granted the Council's request for stay, resulting in a continuation of the School's operations pending a decision in the Litigation;

WHEREAS, the Council agrees to resolve the Litigation as described against the Secretary in the "Settlement Agreement" attached hereto which incorporates the First Amendment to Charter School Contract and the "2015-2016 Performance Frameworks"; and

WHEREAS, after the Secretary's execution of the Settlement Agreement and after Court approval, if required, the Council agrees that it is in the School's Best interest to dismiss the Litigation.

NOW, THEREFORE, BE IT RESOLVED BY the Anthony Charter School Governing Council that:

1. The Council approves the Settlement Agreement attached hereto which incorporates the First Amendment to Charter School Contract and the 2015-2016 Performance Frameworks.

2. The Council authorizes its President to execute the Settlement Agreement, the First Amendment to Charter School Contract.

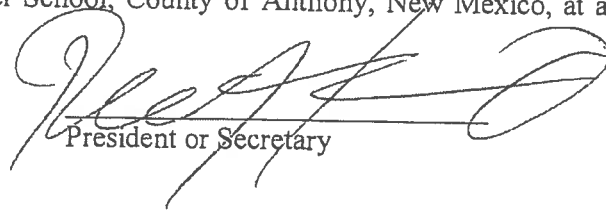
3. The Council hereby approves the 2015-2016 Performance Frameworks.

4. The Council hereby directs its counsel, Patricia Matthews of Matthews Fox, P.C., to take all necessary actions to finalize the Settlement Agreement and after it has been executed by the Secretary, dismiss the Litigation.

The motion was duly made, seconded, and 6 voted in favor; 0 against; and 0 abstained; the motion carried/failed.

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Governing Council of Anthony Charter School, County of Anthony, New Mexico, at a special meeting held on January 11th, 2016.



President or Secretary