

**MONITORING OF STATE-CHARTERED
CHARTER SCHOOLS**



**NMPED Charter
Schools Division**

**Charter Schools Division
New Mexico Public Education Department**

MONITORING OF STATE-CHARTERED CHARTER SCHOOLS

Overview

Authorized by the Charter Schools Act, 22-8B-1 NMSA 1978, state-chartered charter schools are independent public schools that operate under five-year charters granted by the Public Education Commission (hereinafter, the Commission). Once the Commission has awarded a charter, the new state-chartered charter school has the freedom to organize around the core mission, curriculum, theme, or teaching method described in its application. It is allowed significant autonomy including control of its own budget, hiring its own employees, and other functions that the state-chartered charter school is required to perform in order to carry out the educational program described in its charter. In return for this autonomy, a state-chartered charter school must demonstrate educational improvement within five years or risk losing its charter.

The Charter Schools Division (hereinafter the Division) of the Public Education Department (hereinafter, the Department) is obligated by Section 22-8B-17 NMSA 1978, and regulations under 6.80.4 NMAC to monitor the operations and progress of state-chartered charter schools. The Division's monitoring has several purposes: (1) to ensure compliance with applicable laws, rules and charter provisions; (2) to enable the Division to make recommendations to the Commission regarding revocation of a charter; (3) to make recommendations to the Commission by the fifth year of a school's operation regarding renewal of the charter of a state-chartered charter school.

The provisions of Section 22-8B-12 NMSA 1978, state that a chartering authority may refuse to renew a charter if it determines that a charter school did any of the following:

- (1) committed a material violation of any of the conditions, standards or procedures set forth in the charter;
- (2) failed to meet or make substantial progress toward achievement of the department's minimum educational standards or student performance standards identified in the charter application;
- (3) failed to meet generally accepted standards of fiscal management;
- (4) violated any provision of law from which the state-chartered charter school was not specifically exempted.

The Division has developed monitoring instruments to assist state-chartered charter schools and the Division in evaluating and monitoring a school's progress. These instruments are the *Planning-Year Checklist*, the *First Year Site Visit Report*, the *Annual Report*, the *Renewal Application* and *Renewal Analysis*. The *Planning-Year Checklist* and the *First Year Site Visit Report* are designed to ensure that newly authorized state-chartered charter schools commence operations in a manner consistent with their legal and charter obligations. The *Annual Report* and the *Renewal Application* are designed to gather data regarding the four areas that a chartering authority must consider in order to determine whether or not to renew a charter.

Planning-Year Checklist

A charter school may be approved for an initial term of six years provided that the first year is used exclusively for planning. The Commission's practice is to approve charters subject to the condition that prior to the end of the planning year, and before the Commission shall issue the authorization to commence full operation, the charter school must comply with the requirements of the *Planning-Year Checklist* developed by the Division. The *Planning-Year Checklist* is a compilation of the legally mandated Department compliance requirements. Substantial compliance with the *Planning-Year Checklist* is the criterion that the Division uses as the basis for its recommendation to the Commission to grant or deny the authorization to commence full operation. The *Planning-Year Checklist* is divided into four sections with a summary after each section. These sections provide a suggested timeline for completion of the items on the checklist and provide a clear picture of the expectations for schools during the planning year.

First Year Site Visit Report

The Division staff conducts a site visit of every state-chartered charter school during the first year of a school's operation and may conduct visits at other times when deemed necessary by the Division. The first year site visit is focused on how the school is implementing the new charter that the Commission approved. Each site visit is performed by Division staff that follows a common protocol. In preparation for the first year site visit, the state-chartered charter school completes the *First Year Site Visit Report*. The Division staff will seek documentary evidence that the school is complying with any conditions set by the Commission and if the school has corrected any findings identified by the Commission during the renewal approval process. The school must provide the Division staff with any documents which reflect changes in the operational policies that have been made since the approval of the charter. The Division staff will also verify that the school has on file and is implementing the required Department policies that are included in the *Planning-Year Checklist*. After the visit, the Division staff sends the school a written report summarizing its findings guided by the sub-questions included in the *First Year Site Visit Report*.

Annual Report

The Division's evaluation of a state-chartered charter school's success will be gauged by a school's progress over time in relation to state requirements and the school's objectives as stated in the school's charter. All state-chartered charter schools are required to report on progress toward the objectives stated in their charters in the school's *Annual Self-Report* to the Division. The *Annual Self-Reports* are self-reports of performance that are due by the end of September after the end of the first, second, third, and fourth years of operation of the school. The school has the opportunity to complete the sections of the report with the data that reflect operational performance in the prior year. *Annual Self-Reports* may include comments from the school regarding information on the strategies

used to make progress toward the school's goals as well as unique aspects of the school's program.

A Division staff member is designated as a liaison to each charter school. The *Annual Self-Report* will be reviewed by the liaison to determine if any additional information or clarification on the school's report is required. The liaison will use the report to initiate conversations with the school's administrator to determine if technical assistance is needed or if the school needs any other form of support to assist the school in complying with the obligations set forth in law, rule or the school's charter. The Division staff will annually obtain additional information from all relevant divisions and bureaus of the Department regarding the school's performance and compliance with applicable laws and rules. Information collected from the Department will be reviewed by the liaison and compared to the information provided in the *Annual Self-Report*. After this review and analysis is completed, the liaison will send a written report, titled the *Annual Report*, to the school that highlights any issues of concern to the Division.

Renewal Application and Analysis

By October 1st of the fifth year of its charter, a school must submit a *Renewal Application* to the Commission in order to receive a new charter for five more years of operation. The Division staff has developed the *Renewal Application* to assist in the assessment of whether to renew a school's charter. The *Renewal Application* contains many of the same questions and data that the charter schools have submitted in their four annual self reports. However, the Division staff will also solicit information from the relevant divisions and bureaus within the Department and, in the case of schools that are transferring on the time of renewal, the local authorizer about certain aspects of the school's performance over the course of the term of the charter. Subsequently, the Division will make a site visit to the school before completing the *Renewal Analysis*.

The purpose of the fifth year site visit is to gather and document evidence about the school's performance over the past four years. The visit provides the renewal applicant and the Division staff an opportunity to clarify and verify information provided in the *Renewal Application* as well as information provided by the local authorizer from which the school may be transferring and the Department's relevant divisions and bureaus. The information gathered provides support for the Division staff's findings which are included in the *Renewal Analysis*.

The *Renewal Application*, *Renewal Analysis*, *Annual Reports*, and reports from the divisions and bureaus of the Department and, when applicable, District Authorizer reports provide the evidentiary basis for the Assistant Secretary of Education for Charter Schools' recommendation to the Commission that it renew or not renew a school's charter.