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SCHOOL AUTHORIZERS

AUTHORIZER EVALUATION REPORT: NEW MEXICO PUBLIC EDUCATION COMMISSION

AUTHORIZER

New Mexico Public Education Commission

COMMISSION CHAIR

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REPORT DATE

March 23, 2010

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INTRODUCTION

In cities and states across the country, more public officials are seeing charter schools as one of several powerful and complementary strategies to improve public education in their communities. These officials are stepping forward to play a leading role in the development of a high quality charter school sector. Local school superintendents, state superintendents, governors, mayors, university leaders and others are taking bold action to develop plans, form public-private partnerships, allocate resources, provide facilities, and implement policies to support new charter schools that meet high standards.

The National Association of Charter School Authorizers (NACSA) was founded on the principle that every child should have the right to choose a high quality school. We advance this vision by promoting the establishment of quality charter schools through responsible oversight in the public interest. NACSA has not only pioneered the cause of quality in the charter school sector but, through its first-hand experience working with authorizers, has put that cause into action.

NACSA has learned through practice and experience that authorizers have a significant impact on the nature and quality of charter schools. The authorizer makes at least two critical decisions in the life of every charter school: whether to approve the application and whether to renew the school. In addition, the authorizer has an ongoing relationship with approved schools through which it needs to balance the need to represent the public interest in monitoring the school with ensuring that each school has the operational autonomy to which it is entitled. There are specific characteristics of an authorizer that fulfills those responsibilities well. NACSA's Evaluation Framework is designed to facilitate authorizer evaluations that reflect and align with those characteristics in a clear, evidence-based manner.

Structure of this Report

The Authorizer Evaluation is designed to assess how well an authorizer is fulfilling its role, based on The National Association of Charter School Authorizers' *Principles & Standards for Quality Authorizing*.

This report is divided into five parts, each of which focuses on a functional area of the authorizing role. A Guiding Question frames the evaluation of each part:

Part 1: Application Decision-Making

Does the authorizer approve applications based on demonstrated preparation and capacity to operate a quality charter school?

Part 2: Operational Expectations

Does the authorizer establish clear expectations for school operation and monitor performance consistent with those expectations?

Part 3: Performance-Based Accountability

Does the authorizer hold schools accountable based on performance as measured against rigorous expectations?

Part 4: School Autonomy

Do schools have the autonomy to which they are entitled?

Part 5: Education Quality

Is the authorizer improving the quality of public education options available to children and families?

Rating System

Authorization quality is rated in two categories:

Established	Refers to the authorizer’s practices as set out “on paper” whether by policy, protocol, or other means. It also addresses the way that the authorizer communicates information about its practices to relevant stakeholders within the authorizing agency and to schools. This category rates the authorizer based on what it plans to do.
Applied	Refers to the authorizer’s practices as applied. This category rates the authorizer based on what it actually does.

Within each of the five parts of the evaluation, the rating categories are defined more specifically with respect to the authorizer’s responsibilities in that area.



Within each category (established or applied), the authorizer receives a rating as follows:



Model

Exceptional in that it exceeds the expectations of NACSA's *Principles & Standards for Quality Authorizing* and warrants notice from and emulation by other authorizers.



Well-developed



Commendable in that it materially satisfies the expectations of NACSA's *Principles & Standards*.



Partially Developed



Exhibits aspects of a well-developed practice but is missing key components, is incomplete in its execution, or otherwise falls short of satisfying NACSA's *Principles & Standards*.



Undeveloped



Wholly inadequate in that the authorizer has not undertaken the practice or is carrying it out in a way that falls far short of satisfying NACSA's *Principles & Standards*.

AUTHORIZER PROFILE

The New Mexico Public Education Commission (PEC or the Commission) is comprised of ten elected Commissioners representing New Mexico's ten geographic districts. Each Commissioner serves a four-year staggered term for the district in which he or she is resident.

According to the Secretary of Education's strategic plan, the Commission intends for all New Mexico students to be "prepared to succeed in a diverse and increasingly complex world." In 2006, the New Mexico assembly amended the PEC's responsibilities to include making charter application and renewal decisions for state-authorized charter schools.¹ In 2007, its first year of operation, the PEC approved two new charter school applications that were awarded state charters. In addition, on recommendation from the PEC, the New Mexico Public Education Department (PED or the Department) approved renewal for two existing charter schools. Those two schools had originally been chartered by local district authorizers, and they came to be authorized by the PEC through the renewal process.

The PEC currently oversees 22 schools including eight in their planning year. Another 11 will join the portfolio as of July 1, 2010 for a total of 33. Sixteen are new starts and 17 are renewals from other authorizers. The vast majority of the schools (24 of 33) are located in Albuquerque. In addition, two are located in Santa Fe, two in Taos, and one each in Bernalillo, Las Cruces, Los Lunas, Rio Rancho, and Silver City. Several PEC-chartered schools focus on high needs or at-risk populations including a school focused on the needs of hearing-impaired students (Albuquerque Sign Language Academy) and two schools focused on reengaging disenfranchised students (Cesar Chavez Community School and Academy of Trades and Technology). The PEC has also chartered New Mexico's first residential, state-wide performing arts school (New Mexico School for the Arts).

By law, state level responsibilities for charter school authorizing are distributed between the PEC, the PED, and the Secretary of Education in ways that create practical and political challenges. The PEC is the elected public body responsible for decisions related to initial approval of a state charter; renewals (both transfers and state-authorized); state charter amendments; and revocations. The PEC is advisory to the Department in all other matters and does not have authority to direct the Department in charter school oversight. In addition, the PEC's decisions are appealable to the Secretary whose decisions are final on all charter-related appeals.

The Public Education Department plays a critical role in all aspects of the chartering process. The PED's Charter Schools Division (CSD) acts, by law, as staff to the PEC in matters of charter authorization and renewals. The CSD has developed the protocols and procedures for the PEC's authorizing practices and has primary responsibility for charter school oversight. Yet, as a division of the PED, the CSD continues to serve at the behest of the Secretary.

¹ The PEC previously had responsibility for advising the Public Education Department (PED) on strategic planning and for administration of the Carl D. Perkins Vocational and Technical federal fund for career technical programs. It continues to exercise those responsibilities.

EXECUTIVE SUMMARY

Authorizer's Key Competencies

- The application decision process is well-structured and addresses all key components of a charter proposal.
- There is substantial communication with schools around the application process.
- The renewal decision process is well structured with clear definition of school and authorizer responsibilities.

Priorities for Improvement

- Refine implementation of the application process.
- Establish clear standards and measures for academic, organizational and financial performance that will provide a framework for accountability decisions.
- Strengthen oversight of school compliance.
- Clarify school autonomy including the process for approving waivers.

Recommended Actions

- Define and limit the scope of application modification in the course of the evaluation process.
- Incorporate specific academic, organizational and financial performance standards that are incorporated in the contract.
- Strengthen school oversight by coordinating and improving communication within the Department and providing for verification of key self-reported compliance information.
- Revise the contract to be more specific about compliance expectations and to define material terms.

PART 1: APPLICATION DECISION-MAKING

Guiding Question

Does the authorizer approve applications based on demonstrated preparation and capacity to operate a quality charter school?

Rating Categories

The authorizer is evaluated on the extent to which its new school application practices are:

Established	For established, a “well-developed” rating means that the authorizer has adopted policies and other resources (e.g., an application packet) that clearly document the requirements. Those materials should be readily known and available to the community, particularly to potential applicants and application evaluators.
Applied	For applied, a “well-developed” rating means that the authorizer evaluates applications, makes recommendations, and makes approval and denial decisions that reflect fair procedures and rigorous evaluation criteria.

SUMMARY ASSESSMENT: APPLICATION DECISION-MAKING

Overall Rating: **PARTIALLY DEVELOPED**

The charter application decision-making process addresses most key aspects of a quality charter school application as it requires founding groups to prepare a paper application outlining a proposed educational program, organizational plan, and business plan. Staff members have constructed quality information sessions for new applicants, and all application kit resources are disseminated to potential applicant groups in a timely way and through public formats. Internal analysis of paper applications is thorough.

The primary shortcoming of the charter application decision making is a lack of clarity and the absence of a coherent, consistent system for receiving and processing information that informs the application decision. School developers submit application materials at many points in the process – from initial submission of the paper application up until one week before the PEC makes decisions.

The process provides for the Commission to evaluate the capacity of applicant groups in the context of a public hearing. Although the commissioners have demonstrated substantial preparation to conduct those assessments with support from sound PED analysis, this evaluation structure may not be sustainable as the PEC grows.

Primary Recommendations





RECOMMENDATION. Define how charter schools in New Mexico fit into a larger school choice strategy for the state. The application and application kit should reflect the choice strategy.

RECOMMENDATION. Evaluate the long-term desirability of relying on the public hearing to evaluate applicant capacity.

1.1 APPLICATION DECISION-MAKING: SUBSTANCE

<p><i>This section evaluates the expectations that the authorizer establishes, communicates and applies to the substance of charter school applications, including the educational program, the organizational plan, the business plan, and demonstrated capacity, in order to make decisions about whether to approve or deny charter school applications.</i></p> <p><i>Note: The shaded criteria below (1.1.7 and 1.1.8) are not required in order to have a quality authorizing practice. They represent, in and of themselves, model practices.</i></p>		Established	Applied
1.1.1	<p>Mission and Vision: The authorizer has thorough requirements and rigorous evaluation criteria for the school’s proposed mission and vision.</p>	●	●
1.1.2	<p>Educational Program: The authorizer has thorough requirements and rigorous evaluation criteria for the proposed educational program, including the educational philosophy, curriculum and instruction, teaching skills and experience, calendar and daily schedule, target population, enrollment, and plans for educating students with special needs.</p>	●	●
1.1.3	<p>Organizational Plan: The authorizer has thorough requirements and rigorous evaluation criteria for the proposed organizational plan, including legal status of the organization, management and operations plan, education service provider arrangements (if applicable), community involvement, student recruitment and enrollment, and staffing and human resources.</p>	◐	◐
1.1.4	<p>Business Plan: The authorizer has thorough requirements and rigorous evaluation criteria for the proposed business plan, including the budget, management of financial and other procedures, facilities, and pre-opening tasks.</p>	◐	◐
1.1.5	<p>Applicant Capacity: The authorizer has thorough requirements and rigorous criteria for evaluating the applicants’ capacity to implement the school plan effectively, including capacity to oversee the educational program; ensure effective and responsible management of public funds; and take responsibility for legal compliance.</p>	◐	◐
1.1.6	<p>Decision Alignment: Authorizer decision-making is informed by documented evidence and analyses of the extent to which the plan satisfies approval criteria.</p>	●	◐

1.1 APPLICATION DECISION-MAKING: SUBSTANCE (cont'd)

1.1.7	New School Priorities: The authorizer has defined new school priorities based on identified needs in the population to be served.		
1.1.8	Application Responsiveness: The application has been adapted to meet information needs generated by different types of proposals (e.g., online, replication, alternative education).	n/a	n/a
OVERALL RATING: Application Decision-Making: Substance			

Evaluation Detail

1.1.1. Mission and Vision

The authorizer's practices are well-developed.

The application kit has thorough requirements and rigorous evaluation criteria guiding the applicant group to define the school's proposed mission and vision. The paper application prompts require the applicant to:

Provide a clear and compelling **Mission Statement** for the school that includes the following components:

- Who the school seeks to serve;
- What the school seeks to accomplish;
- What methods the school will use.

In addition, the paper application requests that the applicant include information as to how will the school know it is achieving its mission by including proposed performance based measures to track mission achievement

1.1.2. Educational Program

The authorizer's practices are well-developed.

The application kit has thorough requirements and rigorous evaluation criteria guiding the applicant group to define the school's educational program. The paper application requires the applicant to provide the following:

- Philosophy and approach to instruction
- Description of curriculum
- Alignment to NM standards
- Strategies and methods
- Length and time of day and year
- Grade levels, class size and enrollment
- Graduation requirements
- Student performance expectations
- Plan for evaluating student performance
- How the school plans to serve special populations

1.1.3. Organizational Plan

The authorizer's practices are generally well-developed.

The expectations for presenting information about governance and management are generally thorough. The application packet requests an organizational chart with a description of the governance structure as well as the governance-management relationship. The application packet also addresses enrollment (Part VII.F.) and community partnerships (VII.C.).

The organizational plan does not address not-for-profit educational management relationship. This gap may inhibit the authorizer's ability to assess the proposals that include an education service provider. For example, during the public hearing for the Kaplan Academy proposal, the PEC struggled to get clarity regarding the terms of the services arrangement. The applicants' responses were not sufficient for a thorough evaluation of the soundness of the comprehensive services plan. (*In the Matter of New Mexico Educational Partners*, Transcript of Public Input Hearing, Aug. 27, 2009, at 35-36, 42-45) (*hereinafter*, *New Mexico Educational Partners*).

→ **Recommendation:** Request description of plans to contract with a not-for-profit educational services provider including a copy of the proposed services agreement.

→ **Recommendation:** Establish a set of standards and criteria for evaluation of comprehensive educational services agreements.

1.1.4. Business Plan

The authorizer's practices are generally well-developed.

The Financial Plan appropriately focuses on the budget (VI.A.), fiscal management (VI.B.). The application has thorough expectations for facilities within the management section (VII.G.). The budget is based on a pre-loaded template that is robust but appears to assume

that charter schools must follow the same budgeting structure as traditional public schools. The budget does not appear to address the pre-opening year. There is a general request for a budget narrative explaining key assumptions.

→ **Recommendation:** Require schools to address the the pre-opening year in the budget.

→ **Recommendation:** Align budget templates and financial information with the specific budgetary concerns of start-up charter school. Elaborate on the criteria for budget detail.

1.1.5. Applicant Capacity

The authorizer’s practices are generally well-developed.

As established in the application packet, the authorizer has sensible requirements and criteria for evaluating the applicants’ capacity to implement the school plan effectively including capacity to oversee the educational program; to ensure effective and responsible management of public funds; and to take responsibility for legal compliance. Among other things, the application requests samples of school level policies, Board policies and budget templates.

As applied, the evaluation relies on the public hearing as the primary vehicle for evaluating applicant capacity. Commissioners have access to the CSD’s evaluation comments and ratings and may also review the application independently as a basis for interview questions and comments. In practice, questions address appropriate topics ranging from implementation of the educational program to budget items to the role of the governing board. (see generally, *New Mexico Educational Partners*). However, the scope of the hearing is not clear and some topics of discussion appear to go outside the statutory criteria for a decision. (e.g., *New Mexico Educational Partners*, at 90) (questioning whether funds expended for the school’s operation will leave the state).

The authorizer’s assessment of applicant capacity is generally sound as currently executed; however, it has several potential limitations in terms of sustainability. One is the allotment of two hours per applicant which may be feasible only as long as the number of applicants is very small. A related concern is the ability to generate a quorum for the number of separate hearings that may be required in light of their length. A third is the degree to which the PEC can enforce expectations for who represents the applicants at the hearing. A fourth is the challenge of focusing the hearing content. As currently structured, it appears difficult to delve deeply into one or two critical issues or for individual commissioners to pose follow-up questions.

→ **Recommendation:** Evaluate the long-term viability of the current capacity evaluation structure.

→ **Recommendation:** If the PEC intends to maintain the current structure, implement modifications to make the process more focused and efficient, including having CSD generate more specific guidance on key topics and decision criteria to be addressed during the hearing.

1.1.6. Decision Alignment

Decision alignment is generally well-developed.

For the most part, the process and information going into decision-making is aligned with appropriate evaluation criteria. In practice, there is evidence that decisions are still influenced by factors that are independent of the PEC's established criteria for decision-making.

→ **Recommendation:** Clarify the information/evidence/data that the PEC will consider as part of the decision-making process.

1.1.7. New School Priorities

The authorizer's practices are minimally developed.

The PEC has established broad goals for authorizing through a strategic planning process but has not identified priorities for new school development. The PEC has not yet identified the greatest areas of need in New Mexico either in terms of school type, location, grade levels, academic program, or other category. Identifying such priorities is a prerequisite to encouraging applicants to meet those needs.

→ **Recommendation:** Define how charter schools in New Mexico fit into a larger school choice strategy for the state.

→ **Recommendation:** Target school developer outreach to groups that have the potential to meet identified needs effectively.

1.1.8. Application Responsiveness

This element is not applicable to the current evaluation.

With limited exception, the PEC has not solicited or generally received applications that require specialized evaluation. The exception is two virtual school applications received in the most recent application cycle from the same service provider. Authorizers receiving virtual school applications on a regular basis typically find it necessary to conduct a specialized review that considers the particular context and characteristics of a virtual

school. If the Commission is likely to receive more than a few such applications, it should have a modified application packet that is responsive to those specialized proposals.

➔ **Recommendation:** Consider whether the PEC needs modified criteria and process to assess the merits of virtual school proposals.

1.2 APPLICATION DECISION-MAKING: PROCESS			
<p><i>This section evaluates the expectations that the authorizer establishes, communicates and applies to the charter school application process, including timelines, format requirements, evaluation procedures, and any steps the authorizer actively takes to solicit applications.</i></p> <p><i>Note: The shaded criterion below (1.2.4) is not required in order to have a quality authorizing practice. It represents, in and of itself, a model practice.</i></p>		Established	Applied
1.2.1	<p>Application Process Timelines: The authorizer has clear and realistic timelines for the application process.</p>	●	●
1.2.2	<p>Proposal Format: The authorizer has clear and realistic expectations for proposal format.</p>	●	●
1.2.3	<p>Transparency: The authorizer has transparent processes for both application evaluation and application decision-making.</p>	◐	◐
1.2.4	<p>Applicant Pool Development: The authorizer takes affirmative steps to increase the likelihood of receiving viable applications that meet identified needs.</p>	n/a	n/a
<p>OVERALL RATING: Application Decision-Making: Process</p>		●	◐

1.2.1. Application Process Timelines

The authorizer's practices are well-developed.

The PEC has clear and realistic timelines for the review and decision-making on new school applications. The authorizer calls for letters of intent in January and releases a full application kit to the public shortly after. The authorizer holds a series of five workshops that focus on technical requirements procedural application requirements. The PEC appropriately defers to the New Mexico Coalition to provide guidance to individual applicants on the substance of their proposals.

The PEC has a clear and appropriate timeline for submission and review of materials. The timeline takes into consideration the planning needs for recruitment of students and staff. Following approval, new schools have a full planning year to prepare to open.

1.2.2. Proposal Format

The authorizer's practices are well-developed.

The PEC has realistic expectations for proposal format that are documented clearly in the application kit. In addition, there are templates available for download from the Public Education Department, including a table of contents for the application, and an abstract for the applicants to follow.

1.2.3. Transparency

As established, the authorizer's practices are generally well developed. The application kit provides clear guidance for the following topics:

- Steps for written application submission
- Description for the process of review of the written application
- Description for the process for the applicant interview
- Description for the process of the CDS preliminary analysis
- Overview of the PEC's open meeting with applicants
- Description of the Assistant Secretary's recommendation to the PEC
- Description of PEC's decisionmaking meeting
- Glossary of terms

As applied, there are significant weaknesses in the decision-making process that undermine transparency. In addition to the written application, interview and public hearing, applicant groups submit numerous rounds of additional information; corrections and changes to their

original paper application; and written feedback/response letters after reviewing the initial recommendation. Applicants have submitted new data and information even as an application was pending a vote by the PEC.

→ **Recommendation:** Require applicants to submit a complete application that may not be amended following the due date. To the extent that there is an opportunity to provide supplemental information, circumscribe the opportunity clearly and narrowly.

1.2.4. Applicant Pool Development

This element is not applicable to the current evaluation.

PART 2: OPERATIONAL EXPECTATIONS

Guiding Question

Does the authorizer establish clear expectations for school operation and monitor performance consistent with those expectations?

Rating Categories

The authorizer is evaluated on the extent to which its practices surrounding school operation are:

Established	For established, a “well-developed” rating means that the authorizer has a contract, charter or other binding agreement with each school that establishes the relevant operational terms with sufficiently clarity for both parties to understand their respective rights and responsibilities.
Applied	For applied, a “well-developed” rating means that on an ongoing basis, the authorizer gathers and evaluates evidence that is probative and sufficient for determining whether the school is meeting the operational terms.

SUMMARY ASSESSMENT: OPERATIONAL EXPECTATIONS

Overall Rating: Partially Developed

The charter contract presents a sound framework for establishing operational expectations. It addresses most key aspects of school operation and places appropriate emphasis on educational and financial monitoring expectations.

The primary shortcoming of the charter contract and related oversight materials is a lack of specificity and the absence of a coherent, consistent system for monitoring performance within the Department. In some areas, such as educational program, the state's monitoring of compliance with expectations depends in large part on self-reported data with only sporadic means to verify the information provided. In other areas, such as financial operation and special education compliance, state-level monitoring is not well coordinated between those divisions within the Department that have substantive expertise in the respective areas and those ultimately responsible for overseeing and evaluating charter schools. In other words, there are not mechanisms to ensure that staff and decision-makers with the statutory responsibility for evaluating charter schools have all the information they need to make well-informed judgments.

Primary Recommendations

RECOMMENDATION.

The authorizer should establish more clearly the scope of its monitoring authority and should implement a coherent system for exercising that authority in order to verify the school's reports about its status.

RECOMMENDATION.

The contract should make clear which components or aspects of the educational program it deems material to the school's operation and should develop standards for monitoring those aspects during the course of the charter term.

2. OPERATIONAL EXPECTATIONS

		Established	Applied
<p><i>The contract should document the material terms of the school's operation including its legal status, the educational program, operational requirements, financial commitments, and miscellaneous terms of the contract's operation. The contract should also make clear the legal authorities with which the charter school must comply.</i></p>			
2.1	<p>Material Terms of School Existence: Through the contract, the authorizer documents and monitors material terms of the school's existence, including the legal status of the school, its location, authority of the signatories, length of the charter term, and restrictions or requirements that apply to the school's governing body.</p>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
2.2	<p>Material Terms of Educational Program: Through the contract, the authorizer establishes and monitors material terms of the school's educational program.</p>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
2.3	<p>Material Terms of Operation: Through the contract, the authorizer establishes and monitors material terms of the school's operation. Those include the school's mission; grade range and number of students; recruitment and enrollment practices; school calendar; student discipline; student transportation; employee status and other personnel matters; handling of student records; insurance; terms of a third party educational service provider agreement (if applicable); and board operating restrictions and requirements such as applicable open government requirements. The terms of operation include required assurances such as for compliance with applicable civil rights laws.</p>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
2.4	<p>Material Financial Matters: Through the contract, the authorizer establishes and monitors material financial matters. Those matters include funding calculation and delivery; enrollment reporting; funding formulas; funding transfer schedules; authorizer administrative fees (if applicable); reporting requirements; audit requirements; and asset ownership and disposition rights and responsibilities.</p>	<input checked="" type="radio"/>	<input type="radio"/>
2.5	<p>Compliance with External Authorities: Through the contract, the authorizer documents and monitors compliance with relevant external authorities, including but not necessarily limited to applicable civil rights, state testing and accountability, open government, and health, safety and welfare laws.</p>	<input checked="" type="radio"/>	<input checked="" type="radio"/>

2.6	Compliance with Obligations to Special Student Populations: Through the contract, the authorizer documents and monitors compliance with the school’s obligations for serving students identified with disabilities; English language learners; and other special populations.		
2.7	Monitoring Authority: The authorizer establishes and exercises the authority it needs to monitor the school appropriately.		
2.8	Operational Terms of Contract: The authorizer establishes the operational terms of the contract itself including provisions regarding notice, waiver, severability, assignment, amendment, merger, indemnification, and contract dispute resolution.		n/a
OVERALL RATING: Operational Expectations			

Evaluation Detail

2.1. Material Terms of School Existence

The authorizer’s practices are partially developed. The contract identifies the length of the charter term (Contract Template ¶ VII.G.) and requires adoption of policies for governance, finance and governing council decision-making, among other things. (¶ IV.A.1.). The authorizer does not, however, have clear standards or criteria for evaluating the appropriateness of such governance policies. In addition, the contract either does not address the authority of the parties or the school’s physical location, or does so only by reference to the pre-opening section of the charter application.

➔ **Recommendation:** Establish clear minimum expectations for governance policies. The should address all material terms of the school’s existence -- including the authority of the parties and the physical location of the school – explicitly in the contract.

2.2. Material Terms of Educational Program

The authorizer’s practices are minimally developed. Expectations for the educational program are generally established by reference to the application. As a result, it is not clear what elements of the proposed program are considered material to the terms of the school’s contract and which are within the school’s discretion to modify as needed to achieve the educational outcomes for which it should ultimately be held accountable.

The authorizer has designated staff responsible for oversight of school operation; however, it has not defined the process and standards by which it will monitor implementation of the educational program.

→ **Recommendation:** Make clear which components or aspects of the educational program are material to the school’s operation and develop standards for monitoring them during the course of the charter term.

2.3. Material Terms of Operation

The authorizer’s practices are minimally developed. There is a general requirement that the school adopt policies to ensure “compliance with applicable statutes, regulations, rules and charter provisions.” (IV.A.5.). Without greater specificity, such general references to legal compliance are likely to make expectations ambiguous.

The contract does not provide for review or oversight of third-party educational service agreements.

→ **Recommendation:** Provide greater specificity and clarity regarding the statutes, rules and regulations with which charter schools are expected to comply in their operations and the criteria for oversight of compliance.

→ **Recommendation:** Be prepared with basic criteria for reviewing and monitoring educational service provider agreements.

2.4. Material Financial Terms

The authorizer’s practices are partially developed as established. As applied, the practices are undeveloped.

The contract establishes some clear expectations regarding internal fiscal controls, segregation of funds, etc. (Contract ¶ III.B.). In addition, the contract specifies an annual audit to be conducted in the same manner as for traditional public schools (¶ III.A.1.).

The contract lacks guidance on the standards for compliance with audit requirements. Furthermore, it does not establish clear expectations around funding – either how funding to the school will be calculated or the timing and process by which it will flow to the school. The audit criteria are not clear and, to the extent that there are concerns, the information may or may not find its way back to those who are ultimately responsible for overseeing the PEC-chartered schools.

In practice, the financial oversight of schools lacks definition and clarity of structure. To the extent that review of audit results takes place, it is housed within the School Budget and

Finance Analysis Bureau of the Public Education Department that does not communicate regularly with either the Charter Schools Division or with the PEC, itself.

→ **Recommendation:** Establish more specific criteria for financial operations including the scope of audits. The contract should provide schools with greater clarity around finances including funding calculations, funding flow, and fees withheld pursuant to fulfillment of the authorizer's oversight responsibilities.

→ **Recommendation:** Assess whether the scope of financial oversight currently conducted by the Department's finance bureau is adequate and should develop a clear, consistent system for communication of financial oversight information.

2.5. Compliance with External Authorities

The authorizer's practices are generally well developed.

As established in the contract the authorizer creates general expectations that a school will comply with applicable civil rights laws (§ 11.D.3.) and the Open Meeting Act (§ 11 IV.A.3.). In addition, the Statements of Assurances included in the application packet includes a comprehensive set of compliance requirements. (Application, Part III). Those assurances are not, however, explicitly incorporated into the contract.

As applied, the authorizer oversees compliance primarily through an Annual Self Report that schools complete. As the name suggests, the information contained in the report is supplied by the school about the school. It is both cursory and ultimately unreliable in terms of assuring compliance with applicable law. The authorizer does not have a protocol for independently verifying the information that the school reports.

→ **Recommendation:** For approved applications, incorporate the Statements of Assurances explicitly into the charter contract.

→ **Recommendation:** Develop a system and structure for more frequent monitoring of school compliance and for independently verifying the compliance information that schools provide.

2.6. Compliance with Obligations to Special Student Populations

The authorizer's practices are partially developed as established and undeveloped as applied.

The contract establishes a general expectation to meet the needs of students with disabilities and for compliance with civil rights. The contract lacks specificity, however, regarding the scope of a school's obligations. Schools chartered by the PEC constitute their

own LEAs for purposes of compliance with the Individuals with Disabilities Education Act, yet the scope of those obligations is not clear from the contract or other compliance materials.

In practice, the authorizer does not have a system for ensuring compliance. For example, oversight of special education rests with a separate bureau in the Department. There is no system for regular communication between that bureau and either the Charter Schools Division or the PEC. Thus, monitoring of the schools is sporadic and even if such monitoring disclosed a compliance issue, the Charter Schools Division cannot be certain that it will receive the relevant information.

→ **Recommendation:** Use the contract to establish the school's compliance obligations, particularly with respect to special education.

→ **Recommendation:** Develop a monitoring system that ensures reliable oversight and communication of findings, particularly with respect to special education compliance.

2.7. Monitoring Authority

The authorizer's practices are partially developed as established. They are undeveloped as applied.

The contract provides the authorizer with appropriate general authority to monitor the school including to request data and records. (¶ IV.A.8.). Implementation of the monitoring authority is limited by the lack of a regular system or structure for monitoring school performance. Once the school has opened, there is formal, external monitoring required only in the first and fourth years of a school's operation. During interim years, the authorizer's monitoring depends primarily on an annual self report.

→ **Recommendation:** Establish more clearly the scope of monitoring authority and implement a coherent system for exercising that authority in order to verify the school's self-reported status.

2.8. Operational Terms of Contract

As established, the authorizer's practices are partially developed. As applied, they have not yet been applicable.

Most standard terms for how the contract operates are adequately addressed including notice, waiver, severability, assignment, merger, and indemnification (¶ VII.B. to J.). The amendment provisions addresses the effect of changes to governing law but does not indicate a process for amendment by the parties. The authorizer has not established a process for either for contract amendment or for resolution of contract disputes.

As applied, most of the operational terms of the contract are designed to be self-executing, and the authorizer has not had any issues arise that would require their exercise. However, to the extent that such issues may arise, the authorizer is not currently well-situated to address them.

The expectations and process for contract amendment are not clear. The authorizer has a straightforward, clear Change/Amendment Request Form and helpful guidance on what constitutes a material change (*Changes to State-Chartered Charters: Guidance from the Public Education Commission*). Nevertheless, in practice, substantial ambiguity remains. First, the guidance has a general provision that “When in doubt... charter schools are to request an amendment before implementing a change.” Given the novelty of the PEC-school relationship, a reasonable interpretation would be to presume that any change to something referenced in the contract or the original application must be submitted to the authorizer for approval. In addition, any change “to the curriculum and pedagogical approach” is defined as material. Because the entire application is incorporated by reference, virtually any change affecting the instructional program or content could be construed as material including the seating arrangement for a class or a reading selection for an English language arts class. This extremely broad definition of “material” is likely to create a cumbersome contract amendment process and threatens to infringe on the effectiveness of school operation.

The contract lacks a process for dispute resolution.

→ **Recommendation:** Clarify and limit the circumstances that require contract amendment.

→ **Recommendation:** Establish a dispute resolution process that provides guidance to the parties in the event that a dispute arises.

PART 3: ACCOUNTABILITY DECISIONS

Guiding Question

Does the authorizer hold schools accountable based on performance as measured against rigorous expectations?

Rating Categories

The authorizer is evaluated on the extent to which its practices surrounding accountability decisions are:

Established	For established, a “well-developed” rating means that the authorizer defines performance standards clearly and consistently with respect to educational, financial and organizational results that schools are expected to achieve. It also means that the authorizer makes both the expectation and the school’s status readily known to the school in the context of accountability decisions.
Applied	For applied, a “well-developed” rating means that the authorizer makes merit-based accountability decisions based on fair procedures and rigorous performance criteria that are consistent with evidence of performance in relation to the established expectation.

SUMMARY ASSESSMENT: ACCOUNTABILITY DECISIONS

Overall Rating: PARTIALLY DEVELOPED

To date, charter renewal decisions are the only accountability decisions that the Commission has been required to make. To facilitate those decisions, the PED has developed and implemented a thoughtful, procedurally sound renewal application system. The primary weakness of that system is that it appears to focus on gathering and documenting evidence related to inputs rather than school performance. Nevertheless, the analysis supporting recommendations ultimately delivered to the PEC focuses appropriately on school performance. The primary limitation of the analysis in those recommendations is it does not include clear standards against which to the school's performance is being measured.

The authorizer has not yet been faced with charter intervention or revocation decisions and has not set policy or procedures to guide those decisions. It is critical that the authorizer establish and follow a transparent, effective process and timeline for these accountability events.

Primary Recommendations

RECOMMENDATION.

Establish procedures for making and enforcing intervention and non-renewal decisions.

RECOMMENDATION.

Establish academic, operational and fiscal school performance measures and standards. In other words, the PEC must establish a bar to answer the question, "how good is good enough?" These performance expectations should be used to drive charter renewal decisions and guide ongoing oversight and monitoring work.

RECOMMENDATION.

Modify the *Planning Year Checklist* to address key areas like facilities preparation, staffing, and enrollment.

3. ACCOUNTABILITY DECISIONS

		Established	Applied
<p><i>Performance-Based Accountability means high-stakes decisions that are based on the application of valid, reliable evidence to the school's performance as set out in the charter contract. Accountability includes decisions about a school's preparation to open; whether to intervene in a school's operation; and whether to revoke or non-renew a charter contract.</i></p>			
School Opening			
3.1	The authorizer has sound educational, organizational and financial conditions that must be met in order for the school to be approved to open.	<input checked="" type="radio"/>	<input checked="" type="radio"/>
Performance Measures			
3.2	<p>Educational Performance: Consistent with state and federal accountability systems, the authorizer has clear expectations for and monitors educational performance based on achievement level (status), student progress over time (growth), and postsecondary readiness (if applicable). The authorizer considers both absolute and comparative educational performance.</p>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
3.3	<p>Organizational Performance: The authorizer has clear expectations for and monitors organizational performance based on responsible governance, legal compliance, sound enrollment, and positive student and family engagement.</p>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
3.4	<p>Financial Performance: The authorizer sets clear expectations for and monitors financial performance predicated on sound budgeting, sound accounting, and demonstrated fiscal viability.</p>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
Performance Decisions			
3.5	<p>Charter Intervention: The authorizer follows a transparent, effective process and timeline for charter intervention and makes decisions based on the school's demonstrated academic, organizational, and financial performance.</p>	<input type="radio"/>	n/a
3.6	<p>Charter Revocation: The authorizer follows a transparent, effective process and timeline for charter revocation and makes decisions based on the school's demonstrated academic, organizational, and financial performance.</p>	<input type="radio"/>	n/a

3.7	Charter Renewal: The authorizer follows a transparent, effective process and timeline for charter renewal and makes decisions based on the school's demonstrated academic, organizational, and financial performance.		
3.8	Presentation of Evidence: In the context of making accountability decisions, the authorizer affords schools a meaningful opportunity to present evidence related to their performance and to amend the contract to reflect the current state of the school.		
3.9	School Closure Practices: The authorizer has sound practices for orderly school closure in the event of revocation, non-renewal or voluntary relinquishment of the charter.		n/a
OVERALL RATING: Accountability Decisions			

Evaluation Detail

3.1. School Opening

The authorizer's practices are underdeveloped.

As established, the PEC's *Planning Year Checklist* defines a set of tasks for which schools must demonstrate substantial compliance in order to be approved to commence full operation. (Monitoring of State Chartered Schools, at 3). The Checklist is process-oriented with emphasis on development of school policies and curriculum. It does not address several key pre-opening areas. For example, it lacks expectations for enrollment (i.e., monitoring enrollment numbers and developing a student roster) and facilities (i.e., evidence of lease agreements and securing necessary permits and certificates for use and occupancy).

In practice, charter school liaisons monitor and report diligently on fulfillment of the requirements as established. However, monitoring does not address the key areas, noted above, that are excluded from the checklist. In addition, a number of items on the list are treated as non-essential for opening. That is, schools may open even if they have not satisfied all of the requirements on the checklist.

➔ **Recommendation:** Modify the checklist to address key areas like facilities preparation, staffing, and enrollment.

→ **Recommendation:** Clarify the standard for “substantial compliance” and define requirements to minimize the level of judgment required to determine satisfactory completion.

3.2. Educational Performance Measures

The authorizer’s practices are underdeveloped. The PEC has not yet established formal expectations for student and school academic performance even though schools must submit formal performance expectations as part of the original charter application. All stakeholders struggled to define exactly what adequate or appropriate student and school academic performance looks like for state authorized schools.

Despite the lack of definition, there may be an implicit consensus on school performance expectations that will facilitate the establishment of explicit standards. Authorizer staff and members of the PEC all cited “meeting AYP” as one educational performance measure. School leaders spoke of “growth year over year” and “proficiency” as two indicators of student and school academic performance. A few PEC members spoke of “student progress.”

→ **Recommendation:** The Department should set student and school academic performance measures that will inform schools of the answer to the question, “how good is good enough?” These performance expectations should be used to drive charter renewal decisions; guide ongoing oversight and monitoring work; and define what a new charter applicant group needs to provide in a new school application.

3.3. Organizational Performance Measures

The authorizer’s practices are underdeveloped. The authorizer has not yet established formal performance expectations for organizational performance. Formal performance expectations for the school’s organizational program are currently limited to the school developed goals that are created and submitted as part of the original charter application. The authorizer staff reviews the compliance based aspects of schools’ organizational performance through a first-year monitoring report; the school’s annual self reports; and the renewal visit reports. Virtually all of the information requested is compliance oriented and the evidence is self-reported.

School leaders spoke of “keeping out of the papers,” “paying attention to the needs of kids and their families” and “enrollment waitlists” as three indicators of organizational performance. All stakeholders interviewed struggled to define exactly what adequate or appropriate operational performance looks like for state authorized schools.

→ **Recommendation:** Establish operational school performance standards. These standards should drive charter renewal decisions and guide ongoing oversight and monitoring work.

3.4. Financial Performance Measures

The authorizer's practices are underdeveloped.

The PEC has not established formal performance expectations for school financial performance. In practice, the authorizer staff reviews the compliance based aspects of schools' financial performance through the pre-opening check list; the first year monitoring report; the school's annual self reports; and the renewal visit reports. Most of the ongoing financial performance information on which the authorizer relies between the end of the first year and the start of the renewal process is self-reported. School leaders spoke of "clean audits" and "budget adjustment requests" as indicators of organizational performance; however, all stakeholders interviewed struggled to define exactly what adequate or appropriate financial performance looks like for state-authorized schools

In practice, renewal recommendations delivered to the PEC suggest that there are implied expectations related to audit results. For example, the recommendation to deny Village Academy's renewal application focuses on internal control weaknesses and specific audit findings in the analysis of fiscal management (Charter School Renewal Recommendation, Village Academy Charter School, Dec. 8, 2009). However, the standards are not explicit and the analysis does not address financial health.

→ **Recommendation:** Establish explicit financial performance standards and measures. These performance expectations must be used to drive charter renewal decisions and guide ongoing oversight and monitoring work.

3.5. Charter Intervention Decisions:

As established, the PEC's practices are undeveloped.

The PEC has not developed any process or standards by which it will make decisions about whether and how to intervene when school performance issues arise.

As applied, the PEC has not yet faced any intervention decisions; therefore, this component of the evaluation is not yet applicable.

→ **Recommendation:** Develop a policy and protocols for making intervention decisions.

3.6. Charter Revocation Decisions

As established, the PEC's practices are undeveloped.

The PEC has not developed any process by which it will make decisions about when and how it will decide whether to revoke a school's charter.

As applied, the PEC has not yet faced any revocation decisions; therefore, this component of the evaluation is not yet applicable.

→ **Recommendation:** Develop a policy and protocols for making revocation decisions.

3.7. Charter Renewal Decisions

As established, the PEC's practices are partially developed.

The PEC has established a coherent renewal decision process that includes submission of the renewal application, evaluation of the application, a site visit and monitoring report prepared by the PED's Charter Schools Division, development of preliminary findings with an opportunity for school response, and development of a recommendation from the PED. (2009 State-Chartered Charter School Renewal Application Kit, at iii). The process is appropriately structured to make renewal decisions in December.

The application has three parts: a Performance Report, Proposed Changes, and the proposed Renewal Charter. The Proposed Changes and Renewal Charter are well conceived and well structured requirements that enable the school to assess and propose modifications to the existing charter, as needed.

The purpose of the Performance Report is ambiguous. The two sections, the Report on Progress (Section A.I.) and the Financial Statement (Section A.II.) require self-reporting on matters that are primarily within the authorizer's responsibility to make an independent judgment. The same is true for the Facilities report (Section A.V.). The Petitions of Support (Sections A.III. and A.IV.) and the Term of Renewal (Section A.VI.) are appropriately designated as the school's responsibility.

The Renewal Charter Analysis Tool is a well-structured as an evaluation instrument that aligns with the Application Kit; however, like the Application, its substance focuses primarily on the school's procedures or inputs rather than evidence of performance.

As applied, the authorizer's practices are partially developed.

Although the renewal materials focus on inputs, the performance analysis and recommendations that the CSD delivers to the Commission focus appropriately on evidence and analysis of the school's financial and academic performance (e.g., Village Academy

Charter School, Dec. 8, 2009 (Recommendation to Deny)); however, the recommendations lack explicit performance expectations against which to measure the analysis of actual performance. (c.f. §§ 3.2 to 3.4)

→ **Recommendation:** Shift the emphasis of the renewal materials to focus on performance, so that the renewal documentation aligns with the focus of the recommendations.

→ **Recommendation:** Conduct performance analysis by reference to explicit performance standards.

3.8. Presentation of Evidence

The authorizer has not yet made any high-stakes accountability decisions connected with a school that it has initially authorized.

→ **Recommendation:** Set policy and create protocols and procedures to guide high-stakes accountability decisions that afford PEC-chartered schools a meaningful opportunity to present evidence related to their performance and to amend the contract to reflect the current state of the charter as appropriate over the course of the charter term.

3.9. School Closure Practices

As established, the PEC's practices are well-developed.

The PEC has established a thorough set of Closure Procedures that are incorporated as Appendix B of the charter contract. The procedures address key financial, legal and communications aspects of the closure process including protection of assets and student records.

As applied, the PEC has not yet closed a school; therefore, this element is not applicable.

→ **Recommendation:** Provide for the assignment of a PED staff member or designee to monitor the closure process and provide the monitor with adequate authority to intervene as needed to ensure orderly closure. :

→ **Recommendation:** Clarify the party or parties responsible for each activity of the closure process.

→ **Recommendation:** Be prepared to manage the process for enrolling students in other schools.

PART 4: SCHOOL AUTONOMY

Guiding Question

Do schools have the autonomy to which they are entitled?

Rating Categories

The authorizer is evaluated on the extent to which its practices surrounding school autonomy are:

Established	For established, a “well-developed” rating means that the authorizer has a contract, charter or other binding agreement with each school that documents the autonomy to which the school is entitled consistent with applicable law. It also means that schools understand their rights and responsibilities around waivers and autonomy.
Applied	For applied, a “well-developed” rating means that the authorizer monitors and evaluates schools consistent with the school’s legal and contractual rights to operational autonomy.

SUMMARY ASSESSMENT: SCHOOL AUTONOMY

Overall Rating: Partially Developed

The state has generally made sound efforts to define school autonomies; however, ambiguities in the charter school law and in the exercise of authorizing responsibility make the scope of school autonomies ambiguous and unsecure in practice.

Primary Recommendations

RECOMMENDATION. The state should clarify the authorizing function so that the PEC can make coordinated, consistent decisions with respect to its policies and practices for defining and maintaining school autonomies.

4. SCHOOL AUTONOMY

		Established	Applied
<p><i>Autonomy means the authority of schools to make decisions about the process and means by which they will achieve expected outcomes, consistent with applicable law and policy.</i></p> <p><i>Note: The shaded criterion below (4.5) is not required in order to have a quality authorizing practice. It represents, in and of itself, a model practice.</i></p>			
4.1	<p>Management of Conflicts of Interest: The authorizer takes measures to avoid conflicts of interest that might affect the authorizer’s capacity to make merit-based application and renewal decisions, including avoiding decisions and interventions that make the authorizer responsible for the school’s performance.</p>	<input type="radio"/>	<input checked="" type="radio"/>
4.2	<p>Documentation and Respect of Legally Entitled Autonomies: Through the contract, the authorizer documents and respects the autonomies (e.g., waivers from statutes and regulations) to which the schools are entitled by law.</p>	<input checked="" type="radio"/>	<input type="radio"/>
4.3	<p>Additional Authorizer Services: Any services that the authorizer intends to offer schools for a fee are made distinct from the authorizer’s accountability role and responsibilities.</p>	n/a	n/a

4.4	<p>Requirements: The authorizer avoids duplicative requirements and weighs the legal or practical necessity for new compliance-related requirements against the additional compliance burden on schools.</p>		
4.5	<p>Periodic Review of Compliance-Oriented Rules and Regulations: The authorizer periodically reviews existing compliance-oriented rules and regulations and evaluates the potential to increase school autonomy based on flexibility in the law, available efficiencies (e.g., streamlining duplicate reporting requirements), demonstrated school performance, or other considerations.</p>		n/a
<p>OVERALL RATING: School Autonomy</p>			

Evaluation Detail

4.1. Management of Conflicts of Interest

As established, the authorizer’s practices are undeveloped. As applied, they are partially developed.

The authorizer does not have a policy or set of standards to address conflicts of interest. In practice, the authorizer has actively avoided assuming roles or responsibilities that might create a conflict in terms of its ability to exercise accountability. Nevertheless, ambiguities in the legal structure of the PEC’s authorizing function have potential to confuse the authorizer’s role in relation to the schools that it oversees. Such ambiguity is reflected in the fact that the state has three different attorneys presenting three different, sometimes conflicting, perspectives and opinions on the appropriate scope of the agency’s duties and discretion as an authorizer.

➔ **Recommendation:** Document practices that are designed to minimize conflicts of interest with its accountability role.

➔ **Recommendation:** Clarify the authorizing function so that the PEC can make coordinated, consistent decisions with respect to its policies and practices.

4.2. Documentation and Respect of Legally Entitled Autonomies

The authorizer’s practices are partially developed.

On paper, there is a clear progression from the established menu of available waivers to the exercise of school autonomy. Charter school applicants are required to list their waiver requests. On its website, the PED has posted easily accessible waiver request forms for a number of rules and regulations. Approved applications, including the requested waivers, are incorporated into the contract by reference. As a result, the establishment of waiver requests follows a clear sequence.

In practice, however, there are several gaps in the waiver process that create ambiguity and have potential to affect school autonomy substantially. First, it is not clear whether the PED's waiver list is intended to be comprehensive (i.e., all possible waivers) or whether a school may be eligible for waivers in addition to those listed. Second, the contract itself has a placeholder for identifying waivers (§ II.B.2.) but does not make it clear how this section relates to the list of requested waivers in the application. Third, it is not clear whether requested waivers are granted automatically on approval of the application or whether there is a separate PEC review process. Similarly, it is not clear whether the PEC has authority to review and make waiver determinations independent of the overall application decision. Finally, broad contract language regarding material changes to the contract throws the effective exercise of waivers into question – particularly around curriculum and implementation of the educational program (see § 2.8, above).

→ **Recommendation:** Clarify whether waivers are entitlements or, if subject to approval, the basis on which they may be earned.

→ **Recommendation:** Clarify and consider narrowing the scope of school decisions that require authorizer approval.

4.3. Additional Authorizer Services

The authorizer does not offer additional services to schools. Therefore, this section of the evaluation is not applicable.

4.4. Requirements

The state's practices are partially developed. In general, compliance is based on self-reported data which puts minimal burden on school operation; however, the state accountability reporting system (STAR) has created difficulties for schools because of system-wide functionality issues.

→ **Recommendation:** Review the state's reporting requirements to ensure alignment with each charter school's performance expectations and with its obligations as a public school under New Mexico law.

4.5. Periodic Review of Compliance-Oriented Rules and Regulations

As established, the authorizer's practices are well developed. It has instituted a process by which to solicit ongoing feedback from schools on the quality of oversight in an effort to establish a culture of continuous improvement.

There is not sufficient evidence to rate the practices as applied because of the relatively short time that the authorizer has been active.

PART 5: EDUCATIONAL PERFORMANCE

Guiding Question

Is the authorizer improving the quality of public education options available to children and families?

Rating Categories

Educational Performance is based on an independent assessment of the overall quality of charter school performance based on state and federal performance measures.

The extent to which authorizer practices are established and applied is not applicable to this rating. The authorizer is evaluated exclusively on how its practices are applied in the sense of the educational outcomes that they help to generate.

For a detailed analysis of school performance including the assessments on which the analysis relies and the basis for specific ratings, see the School Performance Report (Appendix IV).

Results	For a well-developed practice, <i>results</i> means evidence that the authorizer is improving the quality of public education options available to children and families based on local and statewide comparisons using evidence of absolute performance, comparative performance, and progress over time, as available.
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5. EDUCATIONAL PERFORMANCE

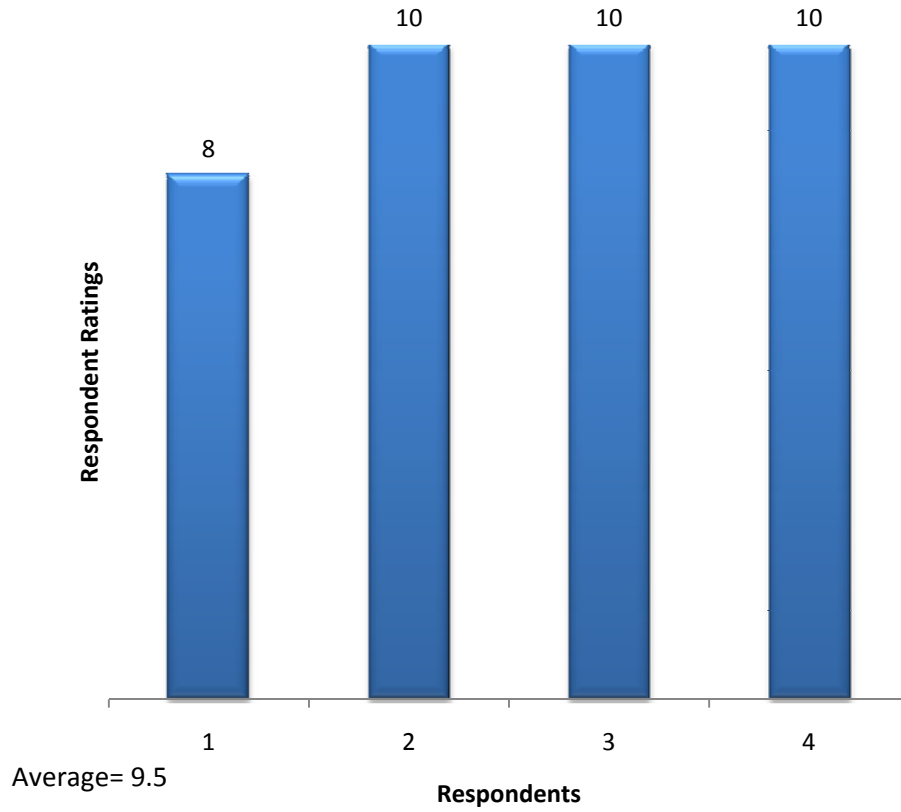
<p><i>Educational Performance means the overall performance of schools that the authorizer has chartered. The evaluation will be based on the state and federal accountability systems and will consider absolute, comparative and gains measures to the extent available.</i></p>		Results
5.1	<p>State and Federal Accountability: Status Schools are consistently meeting their state and federal accountability targets as defined by adequate yearly progress results.</p>	n/a
5.2	<p>State and Federal Accountability: Comparative Performance Schools are performing measurably better than traditional public schools in the district in which they are located and schools statewide based on adequate yearly progress results.</p>	n/a
5.3	<p>Student Progress Over Time Student achievement for continuously enrolled students is measurably higher than for the school population as a whole.</p>	n/a
5.4	<p>Post-secondary Readiness Charter schools approved by the authorizer are performing measurably better than traditional district schools in preparing students for college.</p>	n/a
<p>OVERALL RATING: Education Quality</p>		n/a

Summary Assessment

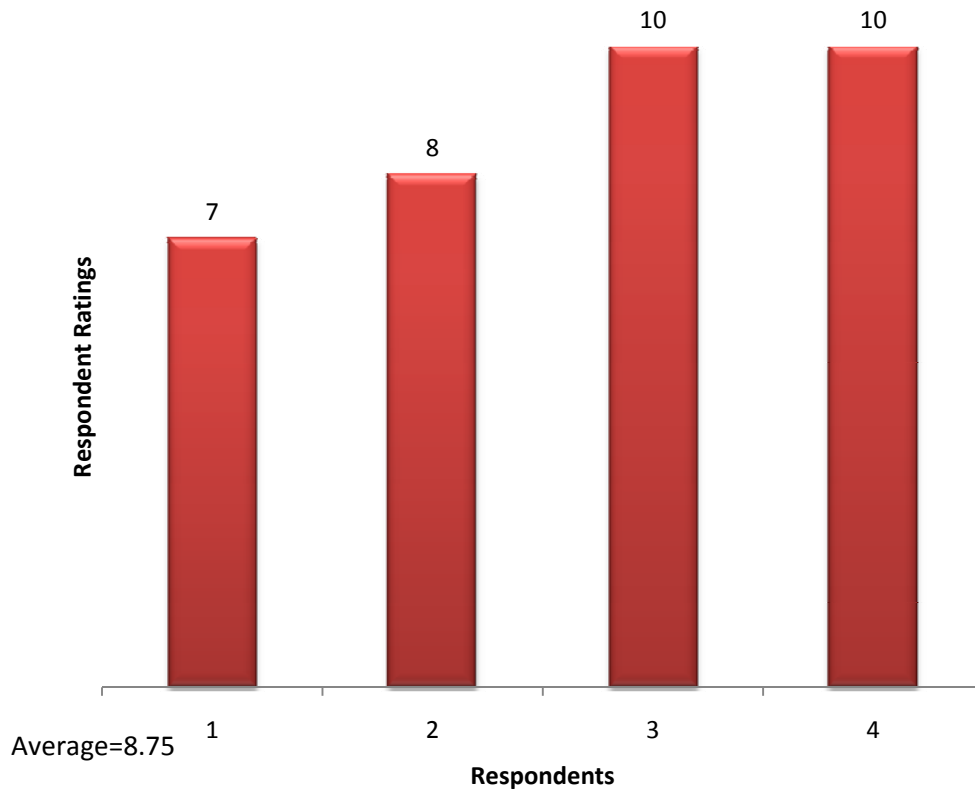
For purposes of validity, this section of the evaluation considers the performance only of schools for which the authorizer has at least three years of state accountability performance data. At the time of the evaluation, the PEC had not overseen any of its schools for three full years; therefore, this section of the evaluation is not applicable.

APPENDICES

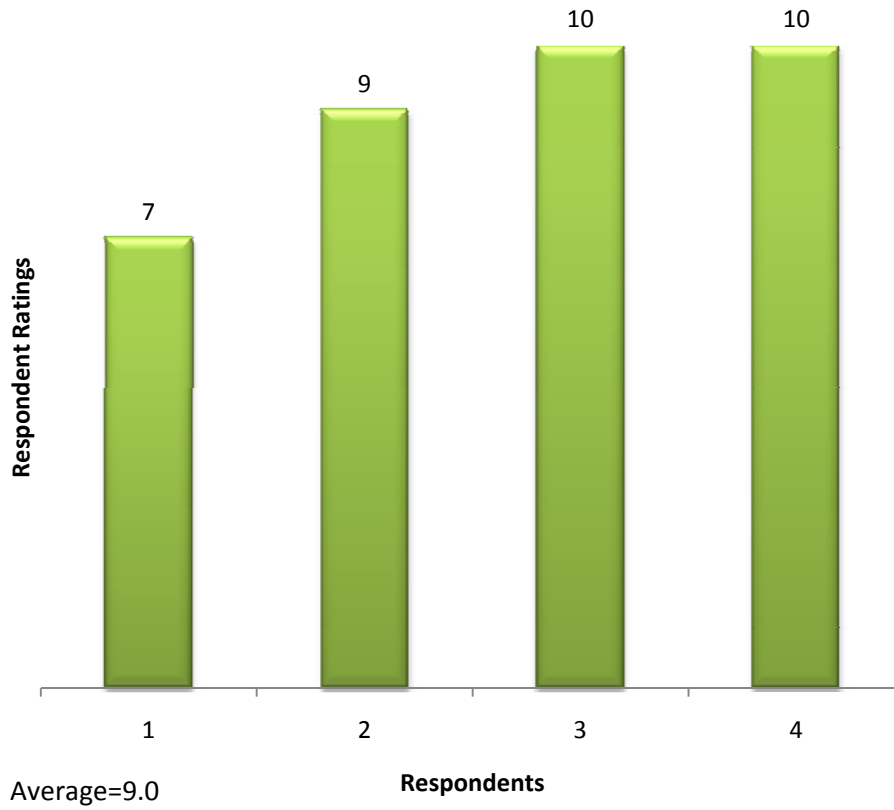
Question 1.
When applying for a charter, I had a clear understanding of the requirements for approval



Question 2.
The charter application process was streamlined and coherent

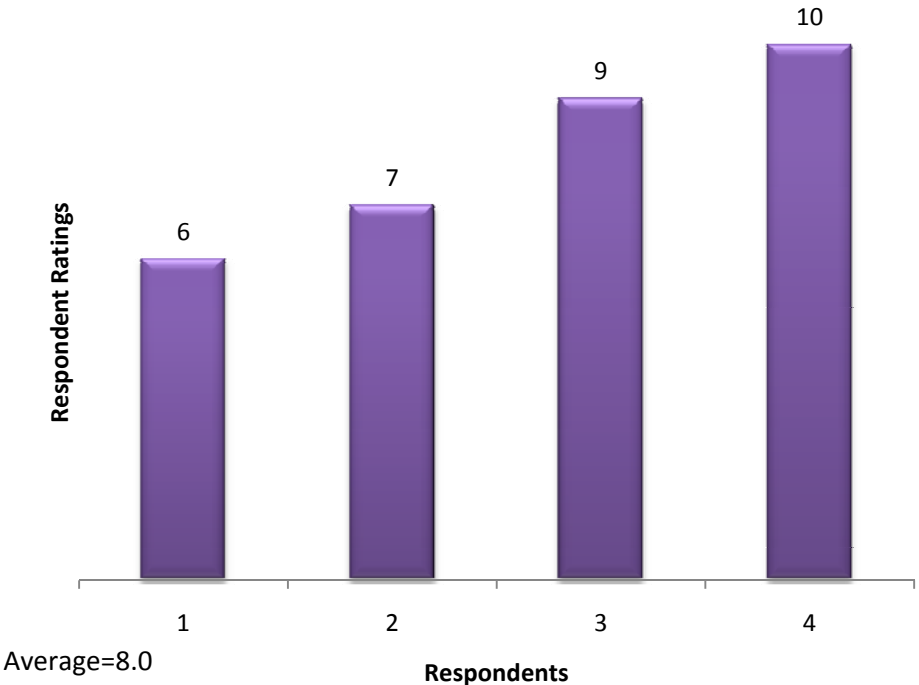


Question 3.
We had enough time to create a quality submission

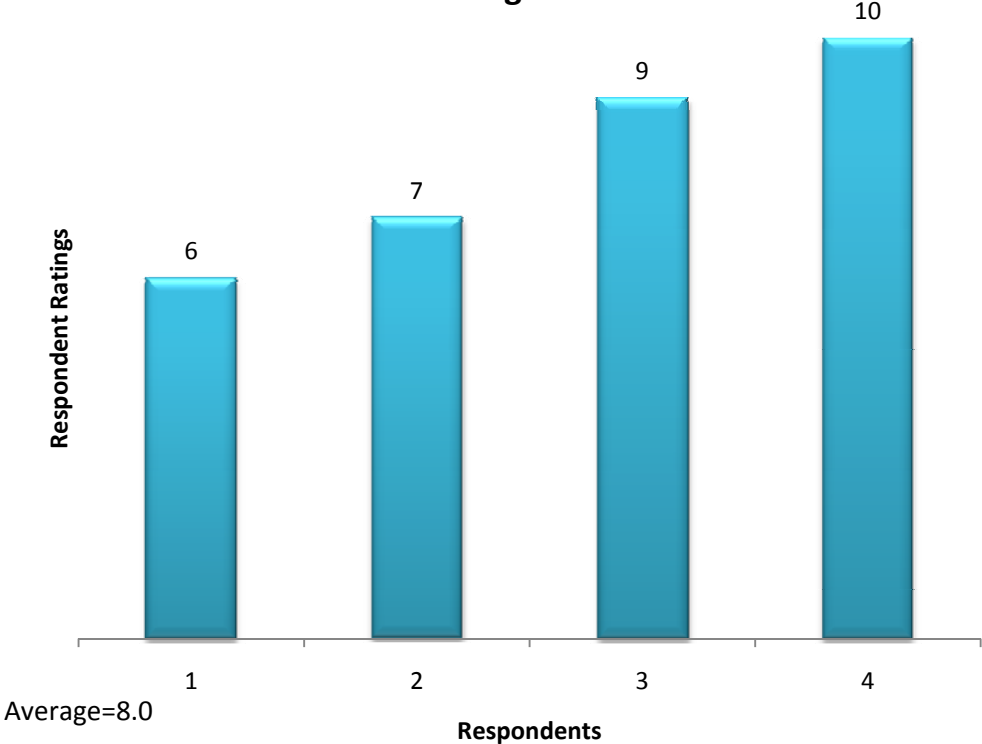


Question 4.

After our application had been approved, the New Mexico Public Education Department Charter Schools Division did a good job of making sure that we were on track to be ready to open our school



Question 5.
The charter application requirements were
instructive in helping us think through our school's
design



If you chose to apply to the state as your authorizer during renewal, note a few reasons why you chose to transfer your charter

1

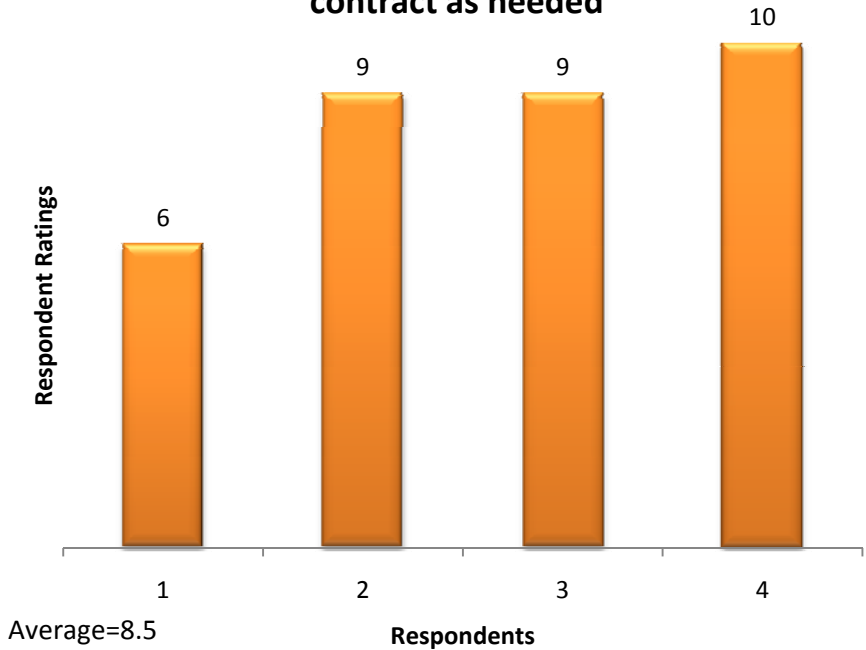
- PED's presentations were organized, helpful and well thought out. The PEC was open to being an authorizer.

2

- Technical assistance, becoming an LEA for grant purposes.

Question 7.

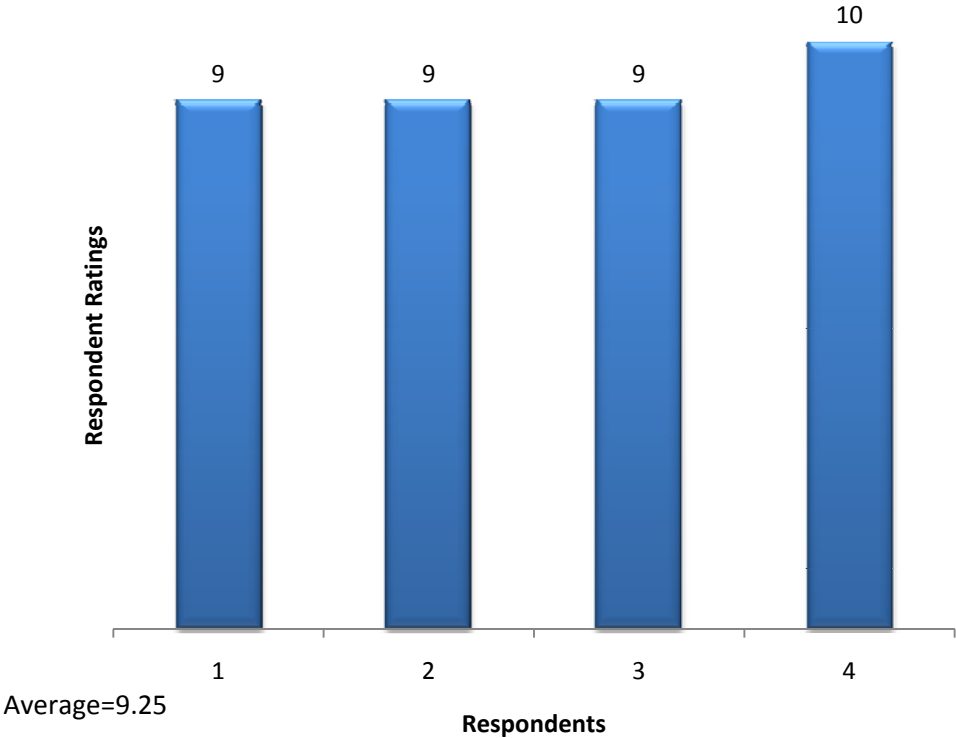
We work collaboratively with the New Mexico Public Education Department Charter Schools Division to define and revise the terms of our contract as needed



Comment

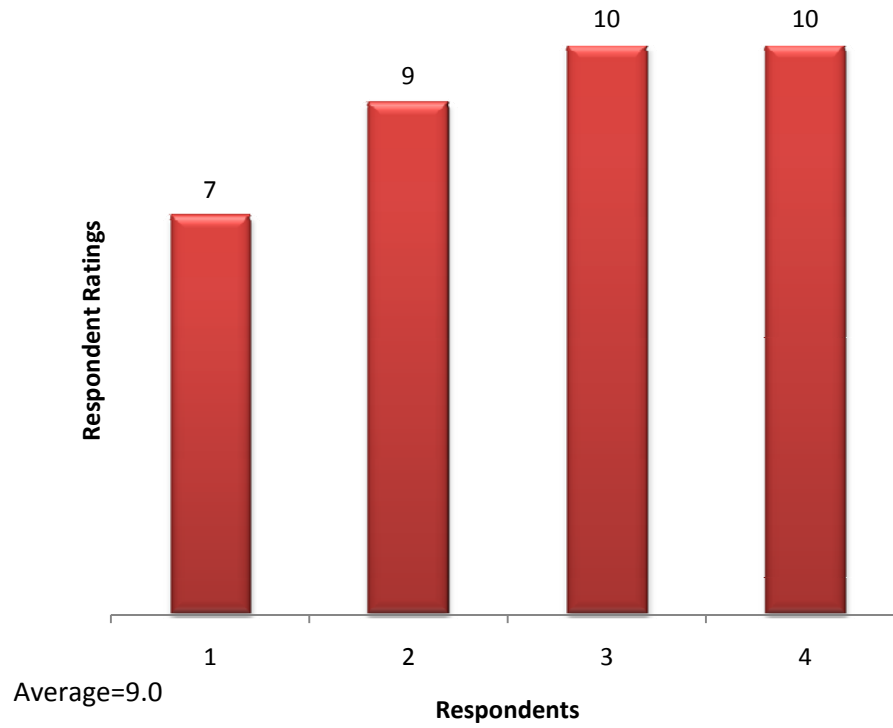
- Could use more support with guidelines.

Question 8.
**The New Mexico Public Education Department
Charter Schools Division evaluates our school based
on the terms of the contract**

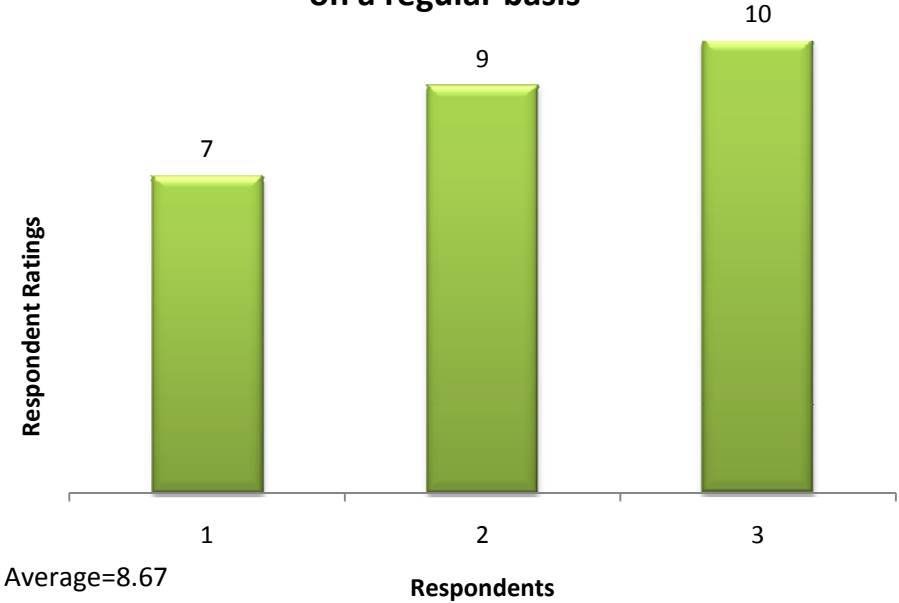


Question 9.

I have a good understanding of where we stand with respect to performance expectations and our status for renewal



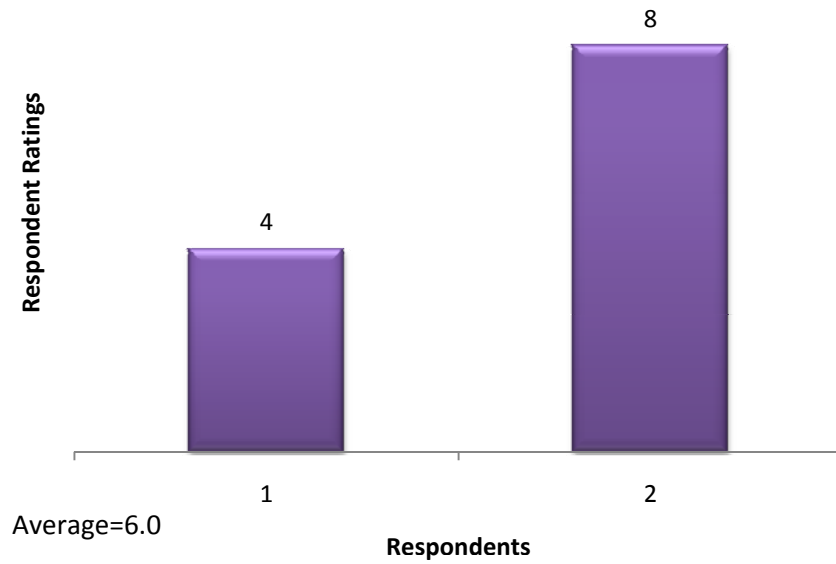
Question 10.
**We are evaluated by the New Mexico Public
Education Department Charter Schools Division
on a regular basis**



Comment

- This is our first year under the PED Division so an evaluation has not happened yet.

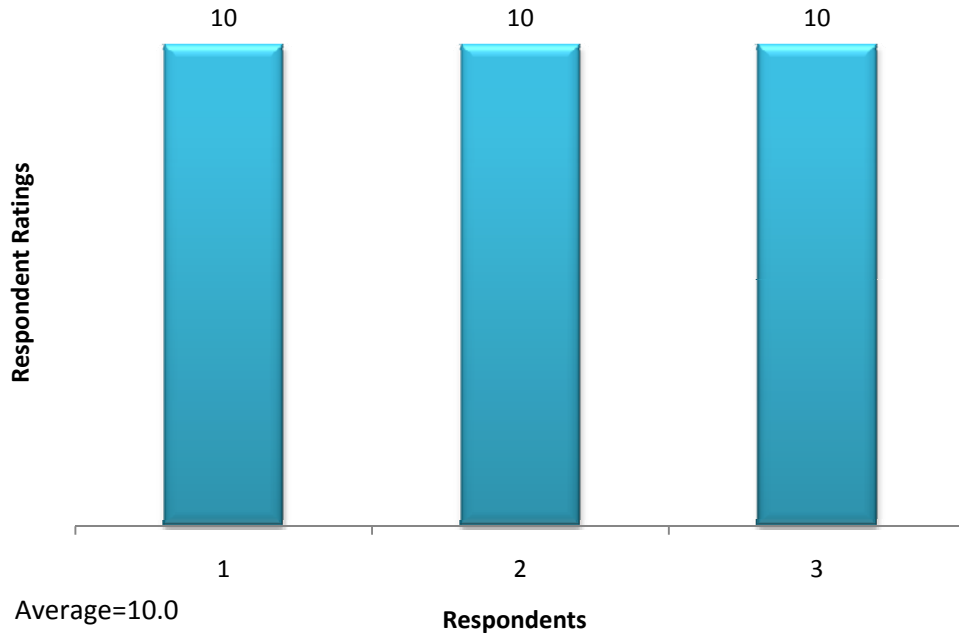
Question 11.
**We get clear feedback from the New Mexico
Public Education Department Charter Schools
Division about how we are performing**



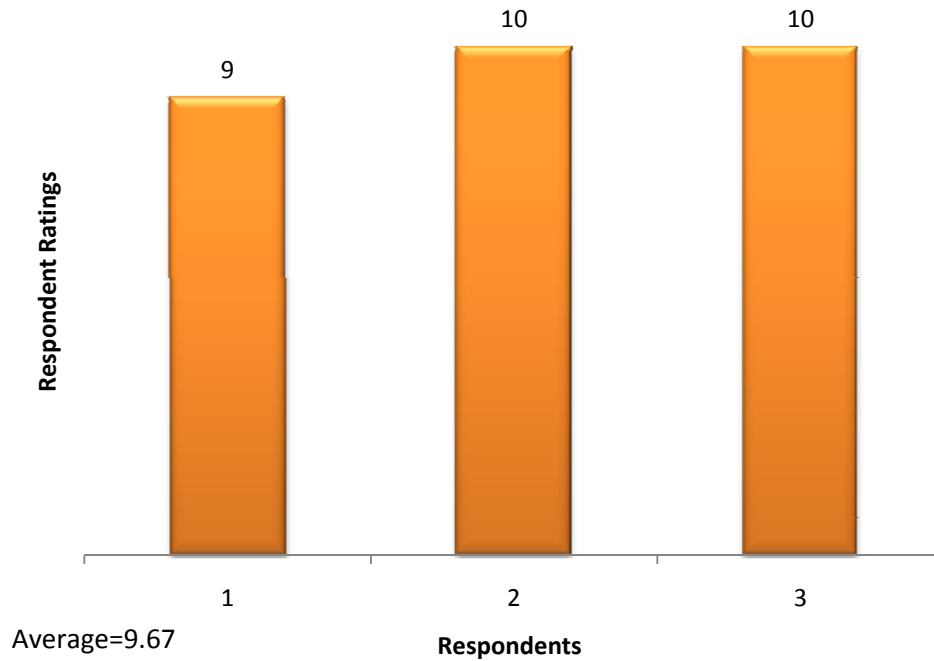
Comments

- It will happen soon

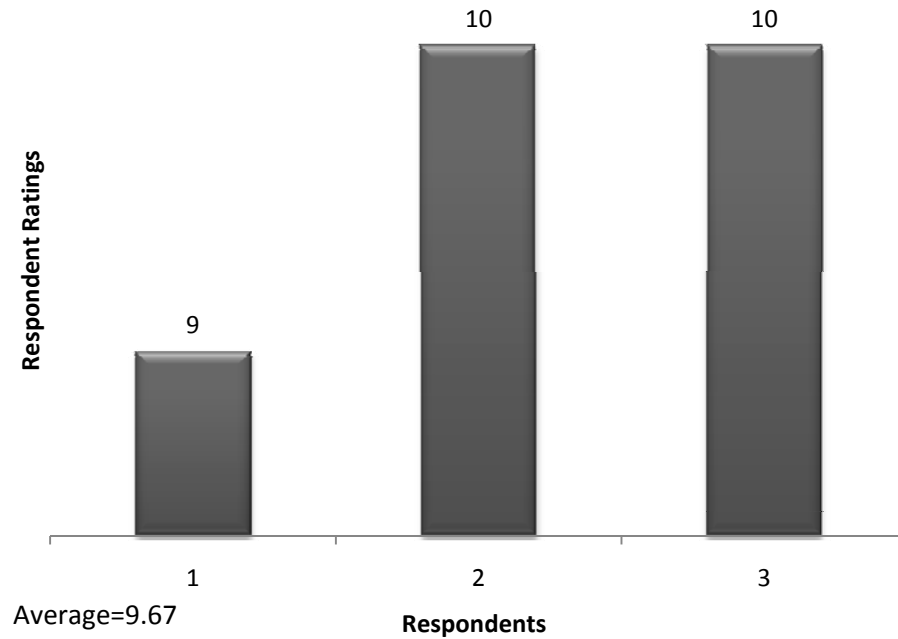
Question 12.
**If we have a question or concern, there is someone
at the New Mexico Public Education Department
Charter Schools Division we can contact**



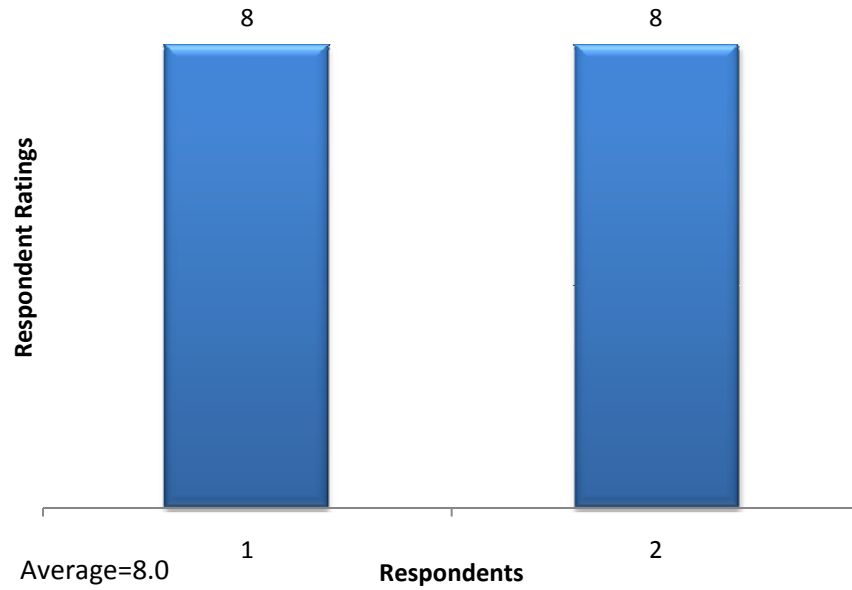
Question 13.
If there is a problem or concern about the school's progress, the New Mexico Public Education Department Charter Schools Division lets us know



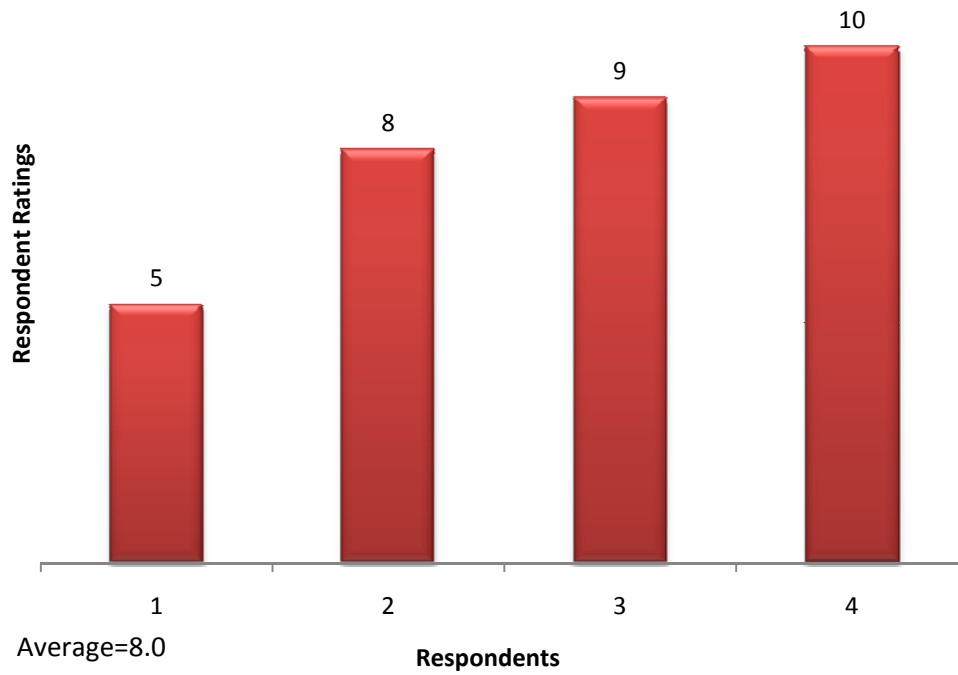
Question 14.
**The New Mexico Public Education Department
Charter Schools Division gives us a fair chance to
resolve problems or concerns that it has with how
we are operating**



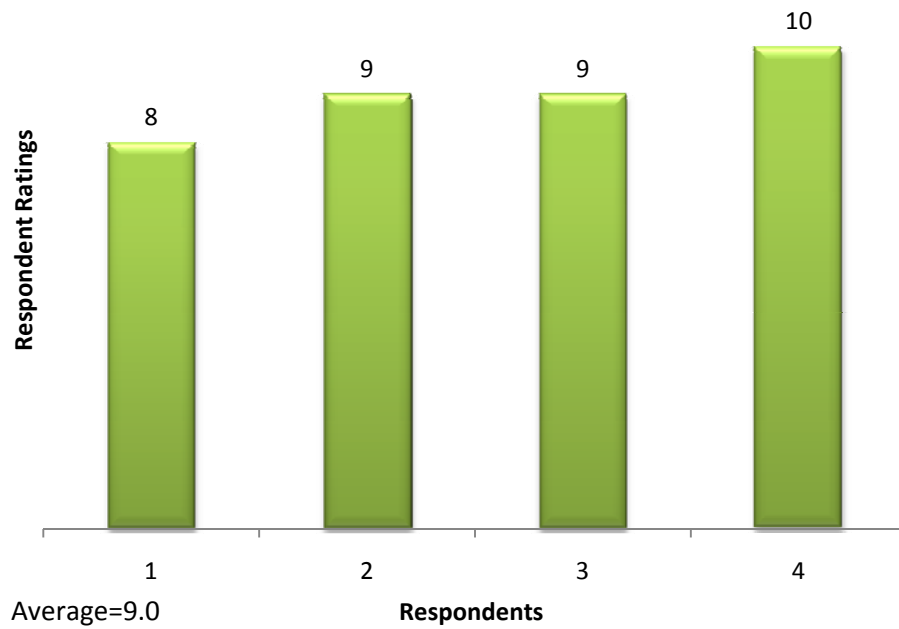
Question 15.
The New Mexico Public Education Commission
makes decisions that align with how our school
is performing



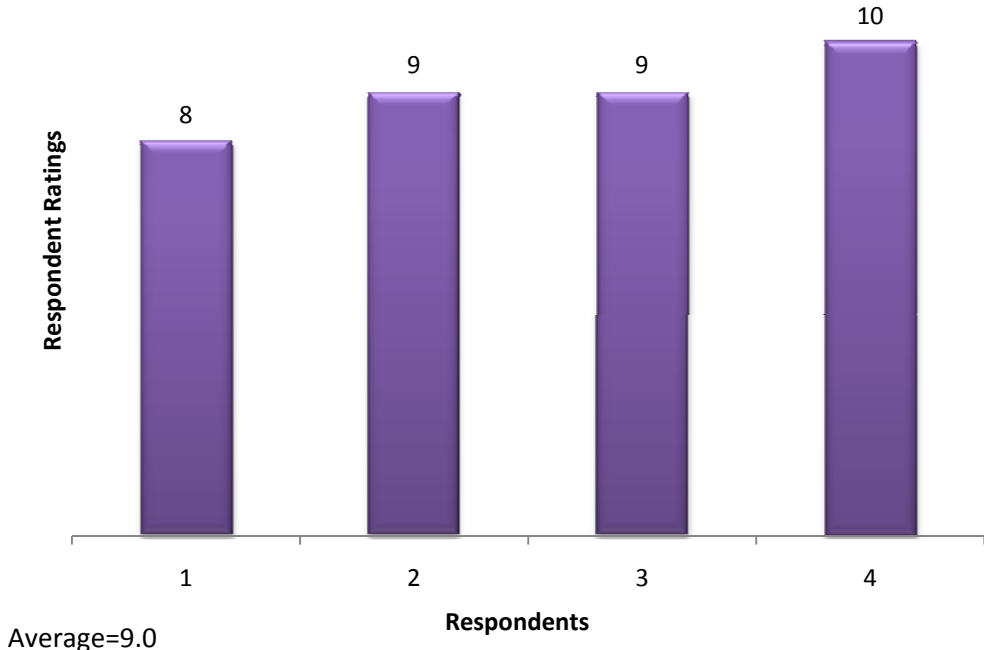
Question 16.
**I understand the basis on which the New Mexico
Public Education Commission makes charter
renewal decisions**



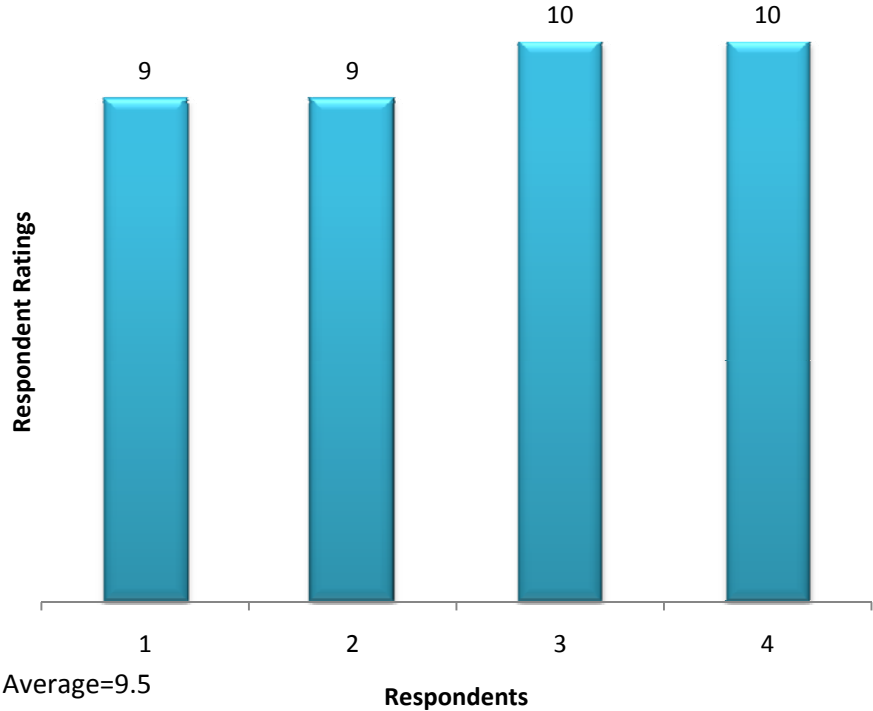
Question 17.
**The criteria that the New Mexico Public Education
Department Charter Schools Division uses to
evaluate our school for renewal seem fair**



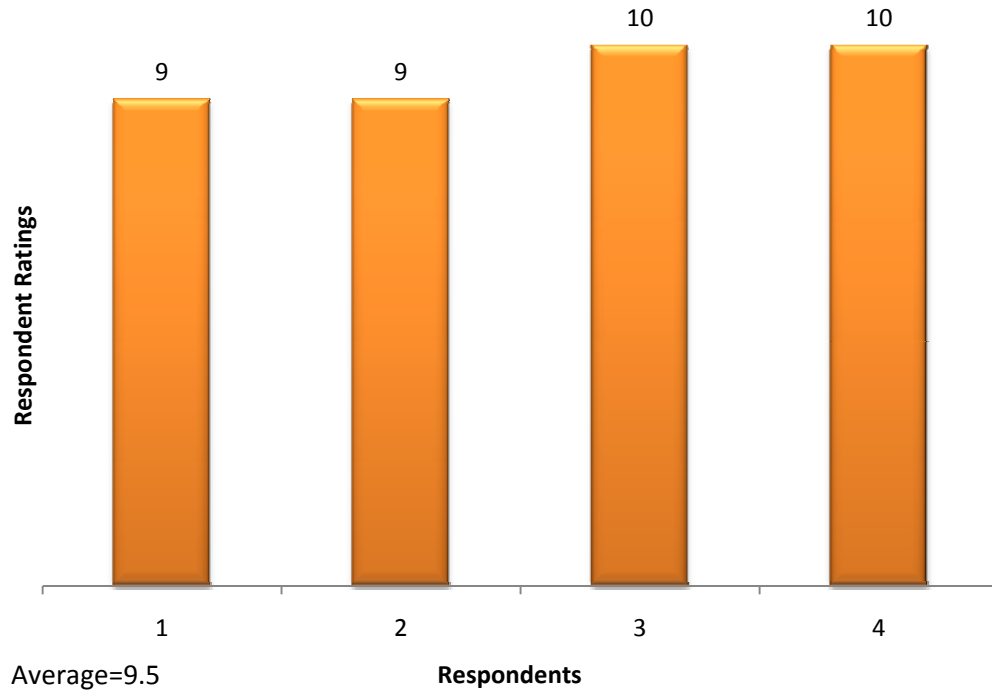
Question 18.
The school's educational performance plays an important role in how we are evaluated for renewal



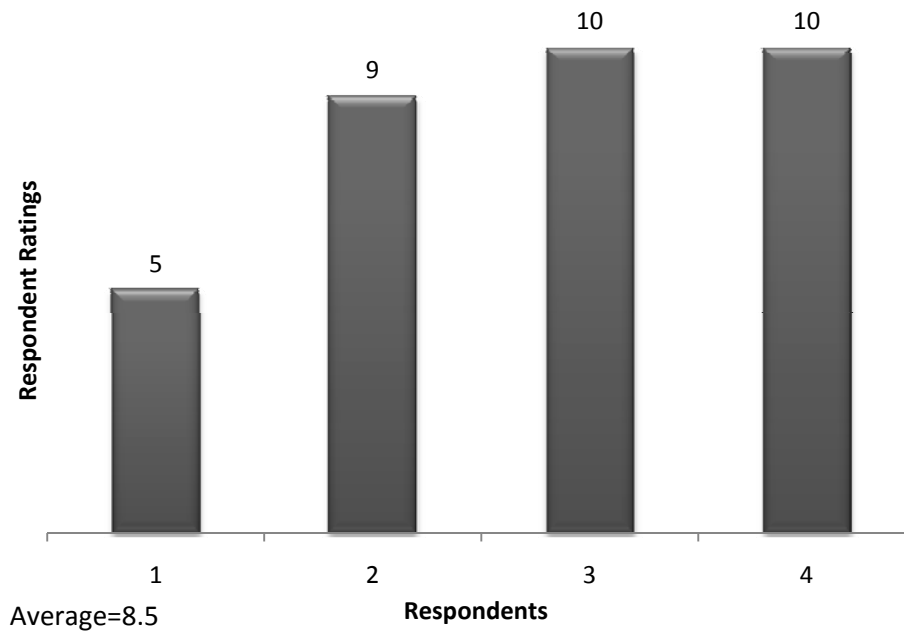
Question 19.
The school's organizational performance plays an important role in how we are evaluated for renewal



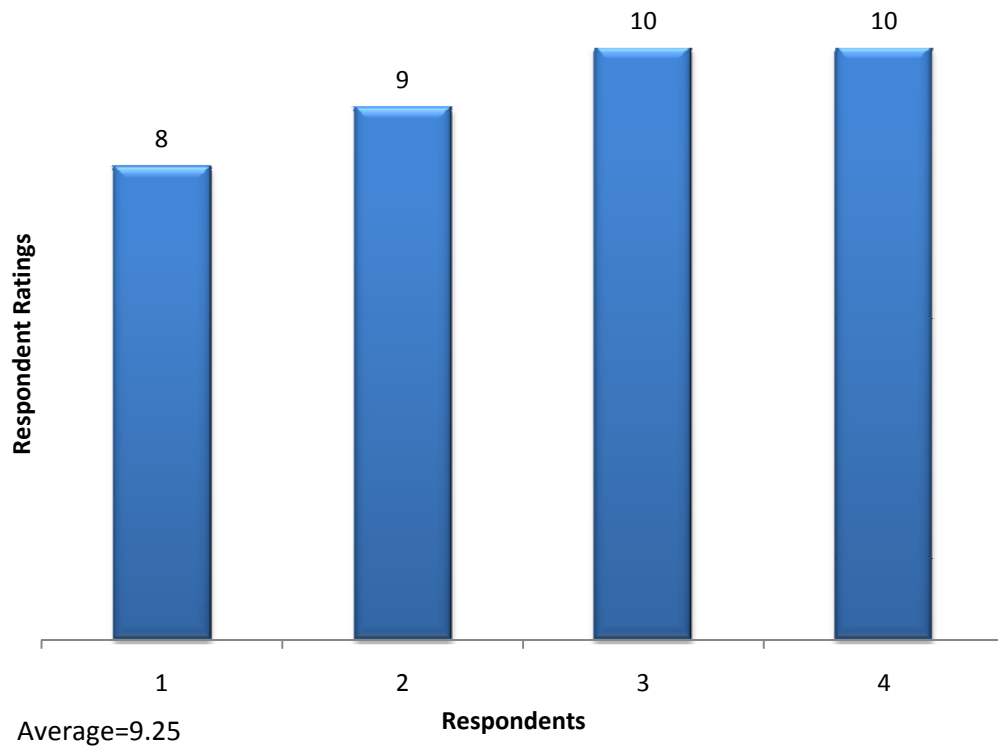
Question 20.
**The school's financial performance plays an important
role in how we are evaluated for renewal**



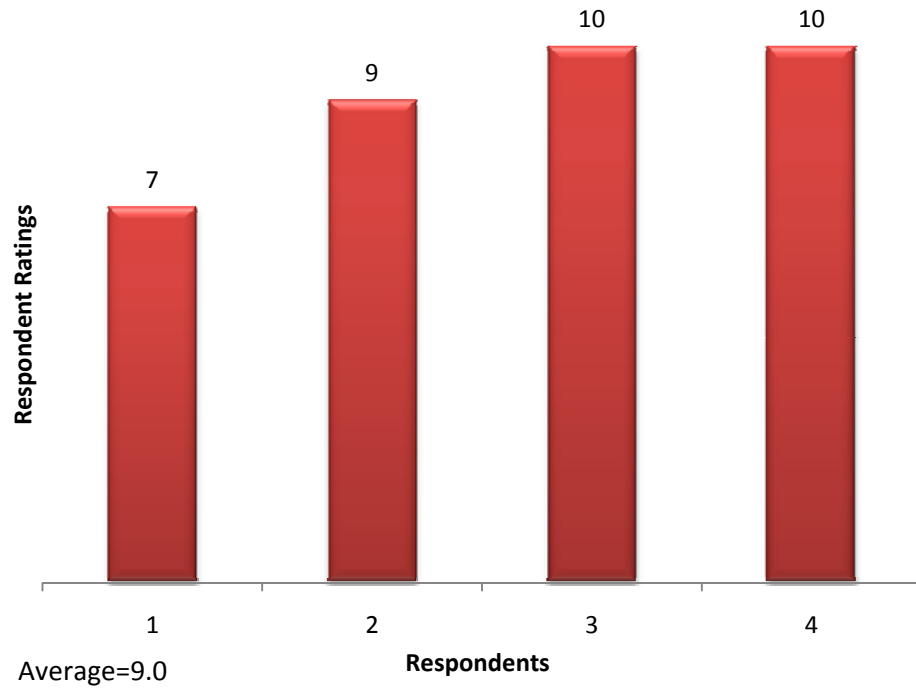
Question 21.
**The New Mexico Public Education Department
Charter Schools Division has an accurate sense of
how my school is performing**



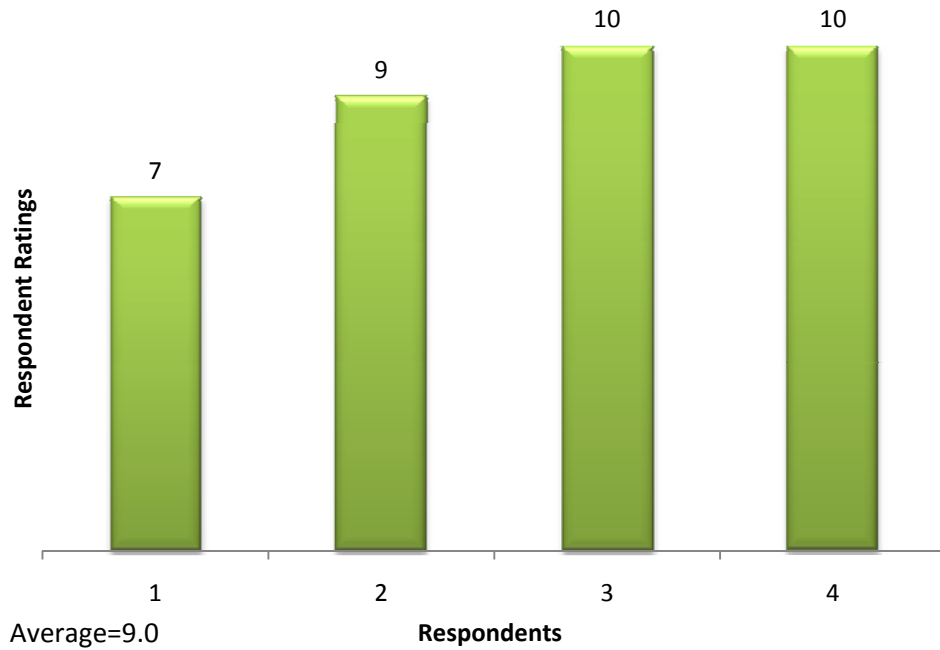
Question 22.
The terms of our contract are generally limited to what is required by the charter school law



Question 23.
**Our school is allowed to operate in accordance
with the terms of our contract**



Question 24.
We have flexibility to operate the school in the ways we believe will best meet the needs for our students



Question 25.
**What are the New Mexico Public
Education Commission's primary strengths
as a charter school authorizer?**

Allowing for choice
and diversity in
education.

They are open and
willing to authorize
the schools!

Technical
assistance

The ability to
authorize and
support distinct
learning models.

Question 26.
What should the New Mexico Public Education Commission's highest priorities be for improving as a charter school authorizer?

- 1 • Continue to ask us for suggestions.
- 2 • Allow for diverse educational theory to bring change to educational programming.
- 3 • More research and basing decisions on academic scholarship.

Question 27.
**What are the strengths of the New Mexico
Public Education Department Charter
School Division Staff?**

They are knowledgeable and willing to help.

Dedication to the true cause of the movement.

Knowledge of the chartering process and school regarding charters.

They are incredibly dedicated and professional.

Question 28.
What are some of the areas of improvement for the New Mexico Public Education Department Charter Schools Division staff?

1

- Helping direct start up charters with one on one guidance.

2

- Perhaps more site visits, they have many schools and few human resources.

Appendix II: Evaluator Biographies

William Haft

William is Vice President for Authorizer Development at NACSA. He is responsible for improving authorizer practices through direct services and partnerships. NACSA's current authorizer development activities include a three-year partnership with Denver Public Schools; ongoing management of the New Orleans charter school application process on behalf of the Recovery School District in Louisiana; and comprehensive evaluation of authorizer practices.

William is a former school teacher and attorney. He serves on the board of directors of Democracy Prep Charter School in New York City. He graduated from Carleton College and holds a J.D. from Harvard Law School and an M.Ed. (Administration) from Arizona State University.

Doug Thaman

Douglas Thaman is NACSA's Director of Professional Services assisting authorizers, sponsors, departments of education, and other groups across the country seeking to improve their practices and have a high quality, high impact affect on charter school education. Dr. Thaman's responsibilities include assisting authorizers/sponsors with the determination of needs to achieve high quality and high impact, developing and securing contractual work with authorizers, sponsors, departments of education, and other groups nationally, developing quality authorizer/sponsor practices, developing, and providing access to quality authorizing/sponsoring resources, establishing and maintaining a policy environment conducive to quality charter schools, providing technical assistance and support to authorizers/sponsors, developing state-specific, model authorizing/sponsoring resources, and facilitating the sharing of information and best practices with authorizers/sponsors. Doug also supports the establishment of state-level authorizer/sponsor networks or associations and serves as a communication and coordination link with educational reform organizations.

Prior to joining NACSA, Dr. Thaman served as the Vice President of Operations for the Midwest Region of Lighthouse Academies where he supervised the opening of charter schools in Illinois, Indiana, and Ohio. Doug received his Doctor of Education from St. Louis University. The focus of his doctoral dissertation was on the relationship between parent involvement and student achievement. In addition Doug holds a B.S. in Elementary Education degree from Southwest Missouri State University, a Masters in School Administration degree from the University of Missouri, St. Louis, as well as a Specialist in School Administration degree from St. Louis University. Based in St. Louis, Doug has served as a teacher and administrator, an adjunct professor, educational consultant and was the founding executive director of St. Louis Charter School located in South St. Louis City.

Sally Bachofer

Sally is the Director of Knowledge Resources for the National Association for Charter School Authorizers (NACSA). She is responsible for leading the creation of model policies, practices and procedures that define quality in the area of charter school oversight. Sally joined NACSA in 2007 as the Western Regional Manager, leading professional standards of practice work with charter school authorizers in the western states, through the organization's *Priority States Initiative*.

Sally has worked in the field of education policy for over ten years, at the local, state and national level. Prior to joining NACSA, she served as the State Manager for School Evaluation at the Massachusetts Department of Elementary and Secondary Education, where she led the implementation of the Commonwealth's State Accountability System. Sally also served as the Coordinator of Accountability in the Charter Schools Office, overseeing all accountability, school review and school evaluation activities for the 61 charter schools in the Commonwealth. She was a Research Associate for Expeditionary Learning Outward Bound, a New American Schools school reform model, evaluating model implementation and student academic performance outcomes. Sally started her career in public education with the San Diego Unified School District.

Sally holds an AB from Bryn Mawr College, and an Ed.M. in Administration, Planning and Social Policy from the Harvard University Graduate School of Education.