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August 23, 2010

MEMORANDUM

TO: Legislative Education Study Committee

FR: David Harrell

**RE: FINAL NOTES FROM THE FIELD: LESC CHARTER SCHOOL
QUESTIONNAIRE**

Introduction

To obtain some sense of the activities of charter schools, their relationships with their authorizers, and their views of charter school legislation, the staff of the Legislative Education Study Committee (LESC) sent a brief questionnaire to the 61 charter schools that had been in operation for at least three years, the time period that is often cited as the minimum for gauging progress or achievement. In drafting the questions, LESC staff conferred with the Charter Schools Division at the Public Education Department (PED), the New Mexico Coalition for Charter Schools (NMCCS), and staff of the Legislative Finance Committee (LFC). Twenty-seven of the 61 charter schools contacted sent complete responses and another four joined a group of 20 in a consolidated response to one of the questions (see the responses to question 6, below), for a total response rate of 51 percent.

A few of the respondents provided only brief answers to each open-ended question; most, however, took the opportunity to expound at length, in some cases providing several pages of details, especially about programs or practices, student outcomes, and recommendations for changes in legislation. The responses are not offered as a scientific survey but as an indication of the self-reported experiences of charter schools throughout New Mexico. Even so, the information presented should be helpful and instructive nonetheless as it illustrates not only some of the experiences but also some of the concerns of charter school operators throughout

the state. Where helpful, the responses have been tabulated; otherwise, they have been summarized, described, and/or illustrated.

Finally, the report will address the responses to each of the six questions listed below.

1. What programs, practices, or school organizational structure have you implemented as a charter school that you could not have done otherwise?
2. What have been the outcomes of these programs, practices, or organizational structures?
3. Have you shared any successful initiatives with the school district in which your charter school is located? If so, what were the outcomes? If not, why not?
4. How would you describe your relationship with your authorizer? (Please name your authorizer.)
5. When your charter is due for renewal, will you renew it with your local school board or the Public Education Commission? Please explain the reasons for your choice.
6. What provisions, if any, in the *Charter Schools Act* or in agency regulations should be changed? Why?

What programs, practices, or school organizational structure have you implemented as a charter school that you could not have done otherwise?

Overview

The first listed purpose of the *Charter Schools Act* is “to encourage the use of different and innovative teaching methods that are based on reliable research and effective practices or have been replicated successfully in schools with diverse characteristics.” Given this purpose, it is little surprise that respondents to this first question described a wide variety of programs, practices, and organizational structures. The responses are categorized and discussed below under the headings Choice, Small School Size, Programs and Projects, and Other Practices.

In many cases, practices that charter schools cite are variations on a theme found in traditional public schools. For example, Amy Biehl High School, in Albuquerque, requires each student to take two dual credit classes and further requires that the classes be taken on the campus of a postsecondary institution. The school also links the dual credit classes with community service, which is a major component of the curriculum. Southwest Secondary Learning Center, a 7-12 school also in Albuquerque, uses a modified block schedule, with classes four days per week, which allows students to take more advantage of dual credit opportunities at both Central New Mexico College (CNM) and the University of New Mexico (UNM). The school reports that over 88 percent of its students in grades 10 through 12 have taken dual credit courses.

Another example is professional development targeted to instructional applications. At Amy Biehl High School, which operates year-round on a quarter system, teachers receive five weeks of paid professional development: two weeks in the summer and one each in the fall, winter, and spring. According to the questionnaire response: “It is an expectation within our charter that our faculty advance themselves professionally, reflect and share their practice, and strive for innovation & continuous improvement.”

Furthermore, many of the other activities that charter schools pursue are initiatives that a traditional public school could implement as well, whether through standard procedures or through waivers.¹ In fact, at a recent retreat of the Public Education Commission (PEC), a representative of the National Association of Charter School Authorizers (NACSA) said that he knew of few, if any, specific innovations in charter schools that could not be implemented or that were not already being implemented by traditional public schools. Respondents to the questionnaire expressed similar views.

- As Amy Biehl High School, explained: “. . . there are many things about our way of organizing and educating that a non-charter school could undertake . . . The difference is our ability as a charter school to quickly and effectively implement the practices and programs we have selected at a whole school level.”
- Mosaic Academy, in Aztec, uses a multi-age classroom organizational structure that the district had already adopted through grade 3. However, some teachers and parents wanted to extend the concept to grade 8, while others did not: “So individuals committed to the practice created Mosaic Academy.”

One inference that can be drawn from these observations is that, because charter schools operate with some degree of autonomy, the staff members feel more inclined to experiment, to try new approaches, or to extend existing approaches to new audiences or arenas. A case in point is the response from Moreno Valley High School, in Angel Fire (Cimarron Municipal Schools), which cited the freedom to implement a testing program in line with its particular pedagogical philosophy, a testing program that the freedoms associated with a charter school made possible.

These points notwithstanding, there are instances of unusual, if not unique, programs offered at charter schools in New Mexico. Perhaps the most notable example is from Southwest Secondary Learning Center, which claims to be “the first public school in New Mexico and one of only three nationwide to offer Flight School to students.” The program, called Project SOAR, is a collaborative effort among Southwest Secondary Learning Center, CNM, Bode Aviation, and students and parents. Costs are shared by the school and the parents, and the program includes ground school and flight instruction, with the goal of graduating students with a private pilot’s license.

¹ Since the early 1990s, the *Public School Code* has allowed collaborative school improvement programs that are in the best interest of the school and that are supported by the participating teaching staff. Depending upon the program, it may require only the approval of the superintendent or a request to PED to waive provisions relating to the length of school day, staffing patterns, subject areas, or purchases of instructional material. More recently, legislation was enacted to allow the Secretary of Public Education to waive those requirements, among others, to provide flexibility to school districts to meet state fiscal solvency requirements.

Choice

Not surprisingly, several respondents emphasized the innovation of choice that charter schools afford students and their parents, often citing sizable waiting lists as evidence that people are taking advantage of that choice. The Academy for Technology and the Classics, a 7-12 grade school in Santa Fe, cites 447 lottery entries in 2010 for only 80 student slots. For the last three years, Cottonwood Valley Charter School, a K-8 school in Socorro, has had a waiting list of more than 100 students, with enrollment capped at 170. Taos Municipal Charter School, another K-8 school, consistently maintains a waiting list of 150 to 200 students.

For at least two of the respondents, the innovation of choice is targeted to minority populations.

- According to Village Academy, a 6-8 school in Bernalillo: “Native Americans also benefit from charter schools and school choice, as statistics show this population is at a much higher risk for suicide and the small school, individualized environment may better suit such students.”
- San Diego Riverside Charter School, a K-8 school in Jemez Valley, has a “unique relationship with the Pueblo of Jemez” in which the school recognizes traditional cultural activities, as well as laws, rules, and directives from tribal officials that may affect students, staff members, families, and school operations in general. One example is the bilingual program, an indigenous culture/heritage program approved by the pueblo.

Small School Size

Their small size was one of the most often-cited features of charter school respondents to the question about their programs and practices.² One of the benefits noted was the greater degree of personal attention that small size allows in terms of such things as counseling, mentoring, and monitoring work and attendance. For example, at Cesar Chavez Community School, a high school in Albuquerque, students keep the same mentor throughout their attendance, a mentor who is also assigned to the students’ siblings; and Spanish-speaking families have a bilingual mentor.

In addition to these points, some respondents cited fiscal advantages of a small charter school. Mosaic Academy, for example, said that, through school-based budgeting, teachers and other staff have been able to retain educational assistants to support the inclusive nature of their classrooms. Village Academy Charter School has also been able to direct fiscal resources to educational goals “in a more responsive and targeted fashion.”

Programs and Projects

In addition to these broad concepts, respondents identified a large number of more specific programs or projects that the charter structure facilitates. Some examples are listed below.

² According to a recent program evaluation by the LFC, charter schools in New Mexico have an average enrollment of just over 200 students.

- East Mountain High School, in Albuquerque, described its Discovery Projects – nine-day end-of-year “experiential learning projects with groups of students and a teacher” that include travel to other cities or countries – and Inquiry Projects – each student’s research into “an essential question of his or her choice,” with results presented at the end of the year.
- Moreno Valley High School employs the Paideia philosophy, which, according to the National Paideia Center, features three complementary instructional techniques: didactic instruction of factual information; intellectual coaching of skills; and seminar discussion of ideas, concepts, and values.
- At Alma d’ Arte Charter High School, a school in Las Cruces that emphasizes the integration of the arts into core subject areas, personnel from AmeriCorps serve as artists-in-residence.
- Anansi Charter School, in Taos, builds its instruction around a program called Emotional Intelligence, which the school describes as a prevention curriculum that teaches students to understand their emotions, to apply “consequential thinking,” and to communicate effectively, among other goals.
- The program at Cariños de los Niños, in Española, which calls itself the only dual-language school in Española, emphasizes components in agriculture, fine arts, and heritage language and culture.
- At the Middle College High School in Gallup, students attend high school and college classes at the same time.
- In partnership with the federal Job Corps program, the School for Integrated Academics and Technologies, a high school in Albuquerque, offers a high-tech, competency-based program “designed for reluctant or disengaged learners who have dropped out of traditional high schools.”

Other Practices

Finally, questionnaire respondents identified a number of other practices within their charter school structures.

- Several respondents described their plans for shared governance, such as the “distributive leadership model” at Amy Biehl High School, which affords all staff members some leadership role and which emphasizes the point that “teachers must strive to think more like principals and principals must strive to think more like teachers.”
- In an experimental program that will provide data to PED, East Mountain High School is using the ACT as a short-cycle assessment.

- At South Valley Academy, teachers provide written narratives that give two grades: Targeted Skills like knowledge of subject matter and Habits of Success that address soft skills like study habits.
- Digital Arts and Technology Academy, a high school in Albuquerque, described its state-of-the-art specialty programs in animation, media arts, and computer-assisted drafting.
- Two schools reported using higher passing thresholds than most other schools: 70 percent at Cesar Chavez Community School and 75 percent at Amy Biehl High School.
- Amy Biehl High School has also implemented an additional high-stakes assessment in the form of public exhibitions of student work in multiple subject areas. “Every student presents and defends work at least two times a year in front of community panelists including outside subject area experts, teachers, parents, students.”
- Two of the respondents – Mountain Mahogany Community School, a K-3 school in Albuquerque, and Anansi Charter School – have established foundations to support their schools.

What have been the outcomes of these programs, practices, or organizational structures?

Frequent responses to this question noted success with standard measures of student or school achievement. That is, several schools reported making adequate yearly progress (AYP) on a consistent basis and seeing increases in student proficiency in reading and math on the standards-based assessment. In a few cases, schools claimed to have overcome significant deficits in student proficiency. For example, Cesar Chavez Community Schools reported that more than half of its students arrive with reading or math scores below sixth grade levels “and a significant number at or below third grade in math,” whereas short-cycle assessments show nearly 47 percent proficiency rates in reading and 30 percent in math at the high school level.

Several of the high school respondents reported increased graduation rates or high rates of admission to postsecondary educational institutions.

- The School for Integrated Academics and Technologies reported over 500 graduates since opening in 2004, all of them previous dropouts from traditional public schools.
- Amy Biehl High School reported that 95 percent of its graduates have been admitted to postsecondary institutions, and South Valley Academy reported an admission rate of over 90 percent.
- Graduates of the Middle College High School, in Gallup, have at least one year of college, and two students recently graduated with both a high school diploma and an associate degree.

Three schools reported earning national recognition:

- Southwest Secondary Learning Center was cited by *US News and World Report* as one of the nation's best schools.
- Moreno Valley High School has been recognized by the *Newsweek/Washington Post* Challenge Index for the past five years.
- The Academy for Technology and the Classics received a bronze medal for excellence in education from *US News and World Report* two of the last three years.

Among the other more or less tangible outcomes reported in the questionnaire were increases in enrollment; funds acquired through grants from private foundations; low staff turnover; improved student behavior; and numerous visits by a wide variety of professional groups, universities, state agencies, elected officials, and businesses.

Other cited outcomes are less quantifiable: such points as high rates of teacher, student, and parent satisfaction, as well as increased student motivation. Several respondents also noted that parents say their children want to come to school. Among the particular responses:

- Los Puentes Charter School, an 8-12 school in Albuquerque, cited high ratings on the annual quality of education survey.
- Speaking of its high-risk student population, Cesar Chavez Community School reported, "Students (and their parents) who have never experienced academic success or truly felt safe and supported express great appreciation for our school and students make significant progress." This school also claimed that "disaffected, failing, and dropped-out students who cannot succeed without a very high level of personalized service" have found success and are graduating.
- Mosaic Academy said that the multiage classrooms "have given students a place to learn at their own speed without the pressures of 'fitting in.' [This method] also enables students to work up to their potential if they are more advanced" and provides a glimpse of what is expected and possible at the next grade level.

Have you shared any successful initiatives with the school district in which your charter school is located? If so, what were the outcomes? If not, why not?

Although not recognized specifically in New Mexico law, one of the often-cited purposes or benefits of charter schools is that they will share their experiences with traditional public schools and thereby improve outcomes for all public school students. The responses to this question suggest that New Mexico has made only limited progress in this regard. Of the 27 responses to this question, only 14 said yes, and one of those qualified the answer by stating that the sharing was school-to-school, not school-to-district. On the other hand, only five respondents answered no. The others indicated that the sharing with districts was limited (three responses), mixed (two responses), or unclear or uncertain (three responses).

Among those who described sharing initiatives with their district:

- San Diego Riverside Charter School has worked with the district in parent involvement activities through the Title I program.
- Anansi Charter School has presented the Emotional Intelligence curriculum to district officials, and the Language Arts Department at Taos High School is setting up professional development to implement the program. The charter school has also used a federal dissemination grant to train personnel at Santa Fe Public Schools and two of the charter schools in Santa Fe: Academy for Technology and the Classics and Monte del Sol Charter School.
- Cesar Chavez Charter High School, in Deming, has shared teachers with the district to serve students at a local detention center; and the district adopted the short-cycle assessment that the charter school had been using.
- The response from Amy Biehl High School suggested that Albuquerque Public Schools (APS) has followed the charter model by investing resources to create smaller, mission-driven schools or to partner with specific charters to do the same, citing as examples the Nex-Gen Academy on the Del Norte campus, the Early College Academy within the Career Enrichment Center, and the revamping of the Alternative School Complex.

In some cases, the sharing, or collaboration, has taken the form of student referrals.

- The School for Integrated Academics and Technologies reported that APS refers potential dropouts to the charter school.
- Counselors at Gallup/McKinley County Public Schools send to the Middle College High School students who are struggling in the regular high school environment.
- According to Amy Biehl High School, the Director of Charter and Magnet Schools in APS has invited charter schools to refer any students on their waiting lists to the Nex-Gen Academy.

Among those that reported limited sharing with the district, Cesar Chavez Community School referred to informal conversations and visits by some district staff but added that so much time and energy are required to develop and maintain the charter school itself that little time and energy are left to pursue sharing; and Moreno Valley High School has mentored an AP English teacher in the district and has had a district middle school teacher participate in summer math camp.

One example of the unclear or uncertain response is Alma d'Arte in Las Cruces: "Though we have a good relationship with [the district], we have essentially been on an 'island' – neither party seems very interested in this sort of sharing."

Among those who reported no sharing with the district, East Mountain High School said that there is neither a mechanism nor a desire to do so; and Cottonwood Valley Charter School, in

Socorro, attempted to share some professional development coaching and training with one of the district schools, but the administration did not approve it apparently because the administration believed that the charter school's different student demographics – 45 percent of students receiving free or reduced-fee lunch versus the district's 90 percent – suggested that the charter school's practices would not be applicable to district schools.

In addition to their relationships with their districts, several charter schools reported sharing their experiences with other entities.

- Through grants from PED, South Valley Academy trains math teachers from across the state in its Interactive Mathematics Program. The school also shares practices at the national level through the Coalition of Essential Schools.
- Ralph J. Bunche Academy, a K-5 school in Albuquerque, has presented its curriculum model at local and state conferences and plans to do so at national conferences.
- San Diego Riverside Charter School participates in the monthly government-to-government meetings sponsored by the Pueblo of Jemez Tribal Education Department.
- Amy Biehl High School has trained approximately 15 student teachers from the UNM College of Education.

How would you describe your relationship with your authorizer? (Please name your authorizer.)

Because the questionnaire was distributed only to charter schools that had been in operation for at least three years and because the PEC has been authorizing charter schools only since 2007, most of the respondents were initially authorized by their local school boards; and 15 of those were authorized by APS. Altogether, 16 of the 25 charter schools that had been authorized by local school boards reported good relationships with their authorizers; five reported poor relationships; two more reported what might be called mixed relationships; and two said that there was no relationship whatsoever. Both of the schools that had been authorized by the PEC reported good relationships with their authorizer.

The responses of charter schools authorized by APS are of interest in part because of their number and in part because of their variety. One charter school described the relationship as “strained,” another as “poor,” and a third reported that the relationship had progressed from “benign neglect” in the early years to a more “heavy-handed approach” recently. On the other hand, another APS charter school described the relationship as “improved”; another credited the district for having made “tremendous strides in partnering with us in a collaborative manner”; and still another described the relationship as “superb,” adding that the district has been highly supportive and helpful.

For the most part, charter schools authorized by other local school boards reported good relationships with their authorizers. One school, illustrating the mixed relationship that two respondents had described, finds strong support from the majority of mid-level district administrators but opposition from the higher levels.

When your charter is due for renewal, will you renew it with your local school board or the Public Education Commission? Please explain the reasons for your choice.

In 2008, the PEC authorized six new charter schools and granted renewals to five others. In 2009, the PEC authorized seven new charters and granted renewals to 11 more. In 2010, 12 of the 13 new charter applications were submitted to the PEC (see *LESC Staff Brief: Implementation of HB 74a, Charter School Oversight for 1 Year*, August 23, 2010). Given this trend, the responses to this question may be somewhat surprising. Of the 25 charter schools that had been authorized by local school boards, the responses are almost evenly divided among those that plan to or did renew with the local board (10), that plan to or did renew with the PEC (eight), and that are currently undecided (seven). Two of those currently undecided are leaning toward renewing with the local board, and another is waiting to see the outcome of the school board election in February. Both of the responding schools that had been authorized by the PEC reported their intentions to renew with the PEC.

As for their reasons, two of the respondents leaning toward the PEC suggested that being authorized by the local school board puts the charter school in the somewhat awkward position of being authorized by its competitor. As one of them explained, “the direct relationship with the state allows the school to operate with less potential interference or conflict reflecting district interests and needs over charter needs and interests.” On the other hand, several of those leaning toward local school boards indicated their intention to maintain or build upon a positive and supportive authorizer/charter relationship.

Another reason cited for renewing with the PEC was the likelihood of increased technical support; however, the most common reason for renewing with the PEC or considering such renewal – cited by all of those so inclined – is the charter schools’ belief that authorization by the state will afford them greater access to funding, federal funding in particular.

What provisions, if any, in the *Charter Schools Act* or in agency regulations should be changed? Why?

As noted earlier, 20 charter schools submitted a consolidated response to this question, indicating consensus at least among those schools.³ The first point raised by this group of respondents was a matter of clarification related to the question itself: that charter schools are affected not only by the *Charter Schools Act* but also by a number of other portions of the *Public School Code* (see *LESC Staff Brief: Charter School Legislation in New Mexico*, August 23, 2010). Therefore, some of their responses apply to other aspects of state law. At any rate, this section of the report begins with a summary of the consolidated response, followed by a sampling of the individual responses.

³ The 20 schools reflected in the consolidated response are Anansi Charter School, Creative Education Preparatory Institute, Cesar Chavez Community School, Cottonwood Valley Charter School, Digital Arts and Technology Academy, East Mountain High School, El Camino Real Charter School, Gordon Bernell Charter School, La Academia de Esperanza, La Luz del Monte Learning Center, Los Puentes Charter School, Media Arts Collaborative Charter School, Montessori of the Rio Grande, Monte del Sol Charter School, Mosaic Academy, Mountain Mahogany Community School, San Diego Riverside Charter School, School for Integrated Academics and Technologies, Taos Municipal Charter School, and Walotowah Charter High School.

As this portion of the review proceeds, it may be helpful to bear in mind an observation by Ralph J. Bunche Academy: any changes in law or regulation should be made “in consideration of the totality of the public schools in New Mexico and the best way to meet the needs of all students . . . Ideas need to be comprehensive and well-thought out and planned; short sighted solutions to long-term needs are not acceptable.”

Consolidated Response

The consolidated response proposed five broad areas of recommendations related to charter school legislation.

1. The first recommendation did not propose a change in law but raised objections to a change that has been proposed: the recommendation of the LFC program evaluation to remove charter schools from the small school size adjustment factor in the public school funding formula (see *Public Education Department: Program Evaluation of New Mexico Charter Schools*, July 23, 2010). Doing so, these respondents argued, “would directly inhibit and potentially shut down most charter schools across the state regardless of whether the schools have met AYP or other performance standards and regardless of whether they have been renewed based on compliance with the charter contract with the authorizer and regardless of the students enrolled in a charter school.” It would also, the consolidated response continued, disrupt and displace thousands of public charter school students and hundreds of teachers working in charters, deny public education choices to New Mexican families, and undermine years of investments in charter schools.
2. Citing a conflict between one of the purposes of the *Charter Schools Act* – “to allow the development of different and innovative forms of measuring student learning and achievement” – and the *Assessment and Accountability Act* – which requires charter schools to assess the academic success of their students in the same manner as regular public schools – this group of respondents recommended allowing charter schools to use alternative methods of measuring student success, such as graduation rate, retention of and success with students who have histories of multiple placements and failure, and achieving the mission and goals of the charter.
3. A number of recommendations addressed the role and responsibilities of the authorizers of charter schools, among them:
 - provide an accounting for the 2.0 percent of charter school budgets received by the authorizer;
 - provide clear authorizing standards for the oversight of charters, including such matters as notice and opportunity to cure violations of the charter contract; assurance that the charter is included in district operations, specifically capital funding; mandatory training for authorizers; and an established procedure before a charter can be revoked or not renewed;
 - allow other authorizing entities such as universities and nonprofit organizations;

- require a process to resolve disputes that may arise with applicants to the PEC;
 - allow charter schools to contract with an independent auditor and then combine their audit with districts or PED; and
 - impose clear penalties for authorizers ignoring the requirements in law.
4. Claiming that many locally authorized charters are given no access to certain federal funds, this response recommended that statute clarify the process in which charters participate with districts for federal consolidated grant applications.
 5. The remainder of this group’s recommendations related to capital provisions, stemming largely from the belief that current provisions in law are not always followed or enforced.
 - Impose penalties or other consequences on districts that fail to comply with requirements for charter schools’ equitable access to capital funds or school facilities.
 - Require school districts and the Public School Facilities Authority to make available to charter schools, free of charge, any portable building that has been bought with public funds.
 - Examine the issues surrounding the requirement that, as part of the application, a charter school must describe its facilities, whereas charter applicants sometimes have difficulty securing facilities without an approved charter.

Individual Responses

Many of the individual responses echoed recommendations made by the consolidated response described above, particularly with regard to assessments, independent auditors, capital issues, and the role and accountability of authorizers. Perhaps the most extensive of these common recommendations came from Anansi Charter School, which argued that eliminating the small school size adjustment factor would undermine significant investments in this school in particular. Counting SEG distributions, federal grants and programs, private foundation grants, and other sources of funds, nearly \$14.0 million has been invested in a school that, according to the response, “has met AYP every year, maintains a waiting list twice its enrollment capacity annually, has met the requirements for public facilities, exhibits the qualities of school excellence, and shares best practices with other schools and districts.”

Among the other recommendations, made by one or more individual respondents, were the following:

- amend the enrollment procedures in the *Charter Schools Act* to grant priority to children of faculty and staff of the charter school;
- define the term *material violation* in the section of law that addresses suspending, revoking, or not renewing a charter;

- grant the PEC the authority to tax and issue bonds to fund projects at charter schools and to assist with down payments and lease/purchase arrangements; and
- examine charter schools' eligibility to participate in Social Security withholding, per a March 31, 2010 advisory letter from the State Social Security Administration about the question whether the state's charter schools are included in the state's agreement with the federal government. According to this respondent, "charter schools nationwide are being evaluated to determine whether FICA withholding is allowed under current law."⁴

⁴ In correspondence with LESC staff, the Social Security Administrator for the State of New Mexico confirmed that this issue is under review, adding that different provisions may apply depending upon the authorizer of a charter school. The administrator also offered the assistance of the agency's legal counsel if the LESC wishes to consider amendments to legislation.