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October 16, 2013

MEMORANDUM

TO: Legislative Education Study Committee

FR: Kevin Force *RF*

**RE: STAFF BRIEF: CONTINUING ACTION REGARDING CHARTER SCHOOLS
BY THE PUBLIC EDUCATION COMMISSION**

During the September 26-27, 2013 meeting of the Public Education Commission (PEC), the commission reviewed a number of issues regarding contracts and applications for charter schools, including:

- a review of applications for new charter schools;
- a review of amendments to existing charters;
- one request for an extension of the McCurdy Charter School's 18-month plan for facility corrective actions;
- updates of other activity concerning additional charter schools; and
- potential applications for the renewal of charters.

Review of New Applications for Charter Schools

Review of new applications included those five applicant charter schools the Legislative Education Study Committee staff mentioned in the September 2013 staff report:

- Columbus Community School, which proposes to serve grades 7-12 in the Columbus/Deming community:

- The Charter Schools Division (CSD), while favorably impressed by the school's founders and governing council, recommended denial of the application until issues with school leadership and gaps in the educational and business plans can be addressed.
 - A motion to deny the application based on these reported deficiencies was carried by a vote of 6-2.
- Dream Diné, which will serve pre-kindergarten through eighth grade, in Shiprock:
 - CSD noted that the application is greatly improved from a prior attempt and strongly recommended approval.
 - Some members of the commission, while appreciative of the improvements to the application, as well as the positive effect the school is likely to have on its community, were concerned by the lack of measureable goals in the application.
 - On a motion to approve, PEC voted 3-5 to deny the application to Dream Diné.
- Explore Academy, which plans to serve grades 9-12, in Albuquerque:
 - CSD staff noted that this application was more problematic than most, as CSD scored it rather highly in certain respects, but independent reviewers gave the school low scores for the educational and organizational plan.
 - Based primarily on reviewers' scores, CSD recommended denial of the application until these deficiencies are overcome.
 - Some commission members noted that this school is primarily focused on "overachievers" or gifted students, possibly leaving some potential students without an equal opportunity for admission.
 - On a motion to approve, the PEC voted 6-2 to approve the application.
- Health Sciences Academy, serving grades 7-12, in Gadsden:
 - CSD staff noted that they, as well as independent reviewers, gave the school high marks in most areas of review. Staff indicated some concerns with membership of the governance council; most notably that, while there *are* members from the Gadsden district, other members are from other areas of the state, and the governing council must ensure that the voices of members of the local community will be represented in their decisions.
 - The governing council would be open to including communication with people from other communities via Skype or similar technology, or invitation to offer lodging in Gadsden.
 - CSD recommended approval of the application with two conditions:
 - provision for some mechanism through which the voice of the local community is well represented in governance council decisions; and
 - a requirement that governance council members gather regularly for training and meetings.
 - On a motion to approve the application with those conditions noted above, the commission voted 7-1 to do so.

- R.I.S.E. – New Mexico, proposing to serve kindergarten through fifth grade, in Albuquerque:
 - CSD staff noted that this application was unusual in that the educational model emphasized a dual purpose of instruction, where cognitive and non-cognitive training are given equal prominence.
 - While CSD staff were impressed by support from the Gates Foundation, as well as a promise of a grant from the Learning Partners in Albuquerque, reviewers gave the application low scores for its educational, business, and organizational plans.
 - CSD indicates that they find this application is, as it stands, unlikely to succeed, although they encourage them to apply again, noting their admirable passion and dedication, and an interesting new educational model, but a lack of expertise and experience.
 - No representatives of R.I.S.E. – New Mexico were present.
 - On a motion to deny, PEC voted unanimously (8-0) to deny the application.

Review of Proposed Amendments to Charters of Existing Schools

The PEC also discussed proposed amendments to the charters currently in place for four existing schools:

- The New America Charter School, in Albuquerque, which proposes to add language to its mission statement, and was approved by the commission, 7-0.
- Coral Community Charter School, in Albuquerque, which requests permission to relocate, and offered an approval letter from the New Mexico Public School Facilities Authority (PSFA). Although the request for approval came after the move already occurred, CSD noted that sometimes, as a consequence of the schedule and timing of the process, schools will have to move over the summer months, bringing the request to PSFA as soon as they can. CSD recommended approval, and the commission concurred, by a vote of 5-2.
- Cien Aguas Charter School, in Albuquerque, also requests permission to move to a new location, consolidating two schools under one roof, by January 2014, and offered a letter of approval from the PSFA. CSD recommended approval, and PEC concurred, voting 6-0 for approval with one abstention. (Commissioner Toulouse recused herself from this vote.)
- ABO Sign Language Academy, requests an increase to their student enrollment cap from 80 to 100. PSFA already so increased the maximum capacity for the school. CSD recommended approval, with the PEC concurring by a 7-0 vote.

Consideration of the McCurdy Charter School's Request for Extension of Its 18-month Plan for Facility Corrective Action

The McCurdy School requested a 12-month extension to its eighteen-month plan to give them time to deal with an unexpected cloud upon the title of ownership of some of the pertinent land and facilities. It is expected that those parties involved will resolve the issue, and PSFA has already approved. CSD recommended approval, as well. The PEC largely concurred, voting 7-0 for approval of the extension, but with the condition that the school submit a monthly status report to the commission via the CSD.

Updates of Other Charter School Activity

The commission also discussed the activity of some other charter schools, including:

- closure proceedings for the Village Academy, in Bernalillo, which was not renewed in 2012, and has been undergoing the closure process since spring of 2013, so that:
 - PED has taken on the responsibilities of the school's board of finance, as final documentation audits must be completed, and are scheduled for November 2013;
 - other reports and the submission of tax information will occur by the end of the year;
 - actual closure proceedings concluded last year, but financial obligations are still being fulfilled¹;
- brief discussion of the status of the Learning Community, in Albuquerque, whose administrative appeal of the revocation is scheduled to be heard on October 28, 2013 (PED has assumed control of finances, in the meantime); and
- an update on the status of facilities for the School of Dreams Academy, in Los Lunas, during which CSD staff noted that the academy is up for renewal this year and, while not urgent, staff want to ensure that the commission is aware of moves and other changes in facilities, and notes that the school is, in fact, planning to move to a new facility.

Potential Applications for Renewals of Charters

Finally, CSD staff informed the committee that 12 charter schools are coming up for renewal, with an additional school seeking to move to New Mexico from another state, making a total of 13 potential renewals, which are scheduled to be discussed and decided upon during the commission's December 2013 meeting.

¹ CSD staff noted during this discussion that statute requires explicit closure proceedings and this represents a good opportunity to amend the *New Mexico Administrative Code* to so include them.