

**AGENDA ITEM EXECUTIVE SUMMARY**

- I. **Public Education Commission Meeting Date:** February 12, 2016
- II. **Item Title: Report from Options For Parents and the Charter School Division--Discussion and Possible Actions**
  - A. Schools of Concern
  - B. Update on Creative Education Preparatory Institute (CEPI)
  - C. Update on Planning Year Checklist
- III. **Executive Summary and Proposed Motions:**
  - A. **Schools of Concern**

The On-going Actions and Monitoring document on the next pages identifies the status of all on-going monitoring and/or actions.

# Public Education Commission

## On-going Actions and Monitoring as of February 5, 2016

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

Charter School Name	Commission Action and Date	Alleged Violation	Status
Anthony Charter School	Non-renewal - December 10, 2014	<ul style="list-style-type: none"> <li>• Failure to meet prior renewal conditions including:               <ul style="list-style-type: none"> <li>• Identifying how the Discovery short cycle aligns with academic program</li> <li>• Strategic planning by governing counsel to measure student progress</li> <li>• Strategic planning by governing counsel to evaluate principal</li> <li>• Approving all policies required by law</li> </ul> </li> <li>• Failure to meet improvement plan requirements</li> <li>• Violations of material terms and failure to meet goals of contract</li> <li>• The application is otherwise contrary to the best interests of the charter school's projected students, the local community, or the school district in whose geographic boundaries the charter school applies to operate.</li> </ul>	<ul style="list-style-type: none"> <li>• PED Office of General Counsel indicates it has negotiated a settlement with the school that retains the contract terms of the prior two year contract, but extends that contract an additional three years through June 30, 2018.</li> <li>• In September the PEC voted to have a subcommittee of the PEC engage in a negotiation process with the school to establish 2015-2016 framework goals for this school.</li> <li>• After this vote the school's attorney contacted CSD and stated that the settlement agreement negotiations included a performance framework and negotiations with the PEC would not be appropriate.</li> <li>• CSD confirmed with the PED Office of General Counsel that it is including Performance Framework goals in the negotiations.</li> <li>• In November the PEC voted to</li> </ul>

**Public Education Commission**  
**On-going Actions and Monitoring as of February 5, 2016**

			invite the school to engage in a negotiation process a subcommittee of the PEC on December 2 <sup>nd</sup> . The school declined the invitation, asserting that the 2015-2016 framework goals for this school will be established in the settlement agreement.
--	--	--	--

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

Charter School Name	Date of Commission Request	Matter	Status
Creative Education Preparatory Institute	November 13, 2015	Complaints alleging violations of law and contract.	On November 13, 2015, the PEC voted to require CSD to conduct an investigation into the allegations.  CSD has begun the investigation and will report to the PEC on the investigation as soon as possible.  <b>A report is provided in today's meeting.</b>
Southwest Learning Centers		Ongoing investigation.	

Status of Corrective Action Plans

Charter School Name	Date of CAP Assignment	Matter	Status	Next Reporting Date
---------------------	------------------------	--------	--------	---------------------

## Public Education Commission

### On-going Actions and Monitoring as of February 5, 2016

La Resolana Leadership Academy	May 15, 2015	<p>Special education compliance.</p> <p>The school has not been developing accurate IEP schedule of service pages resulting in placement in incorrect levels.</p> <p>The school reported 13 level 4 students on their 80th day and 120th day STARS report and received the funding accordingly, but at both the 80th day and 120th day the school had only 3 level 4 students enrolled.</p>	<ul style="list-style-type: none"> <li>- School submitted a corrective action plan that was accepted by the PED on June 19, 2015.</li> <li>- CSD evaluated the school's report on the implementation of the corrective action plan that was submitted on October 15. CSD has provided the school findings regarding the report.</li> <li>- CSD evaluated the school's report on the implementation of the corrective action plan that was submitted on October 15. CSD has provided the school findings regarding the report.</li> </ul>	Reporting will continue through June 30, 2017 on October 15, December 15, <b>March 15</b> , and May 15 annually.
Mission Achievement and Success	June 19, 2015	Special education compliance.	<ul style="list-style-type: none"> <li>- In early July, the school's legal counsel has contacted PED and PED's legal counsel. CSD is waiting for further direction from the Office of General Counsel.</li> <li>- On June 19, 2015 the PEC voted to require to</li> </ul>	- Further action is awaiting guidance from PED Office of General Counsel

**Public Education Commission**  
**On-going Actions and Monitoring as of February 5, 2016**

			school to create a Corrective Action Plan for the July 18, 2015 meeting. - On July 17, 2015 the PEC voted to rescind the CAP.	
--	--	--	---	--

**Schools Looking for a New Facility**

<b>Charter School Name</b>	<b>Date of Notification to PEC</b>
Taos Integrated School of the Arts	July 17, 2015
South Valley Preparatory School	August 19, 2015
Tierra Adentro: The New Mexico School Of Academics, Art and Artesanía	September 24-25, 2015
Technology Leadership High School	November 13

## **B. Update on Creative Education Preparatory Institute (CEPI)**

At the November PEC meeting, CSD was directed to conduct an investigation into statutory and contractual violations that may be occurring at CEPI, which have been brought to the attention of the PEC, PED, and CSD, through complaints submitted by parents and students at CEPI.

CSD conducted an investigatory site visit on January 5 and 11. The results of the investigation are contained in the following pages. This letter was sent to CEPI on February 8, 2016.

In addition, CSD is aware of serious financial issues at CEPI and has noted the governing body has experienced substantial instability and turnover during the past several months.

Based on the financial issues, the compliance findings, and governance concerns, the CSD is recommending the PEC, as authorizer of this charter school, take immediate action to issue a notice of intent to revoke the charter pursuant to NMSA § 22-8B-12. CSD is further recommending that the PED immediately suspend the governing body and remove the current administrator pursuant to NMAC 3.30.6.

### **Proposed Motions:**

- Move to issue a notice of intent to revoke the charter of Creative Education Preparatory Institute #1 (CEPI) and schedule a revocation hearing for \_\_\_\_\_ (date).
- Take no action.



**STATE OF NEW MEXICO  
PUBLIC EDUCATION DEPARTMENT  
300 DON GASPAR  
SANTA FE, NEW MEXICO 87501-2786  
Telephone (505) 827-5800  
[www.ped.state.nm.us](http://www.ped.state.nm.us)**

**HANNA SKANDERA  
SECRETARY OF EDUCATION**

**SUSANA MARTINEZ  
GOVERNOR**

February 8, 2016

Creative Education Preparatory Institute  
Christopher Hotchkiss, Chief Executive Officer  
4801 Montañño Rd. NW, Suite A-2  
Albuquerque, NM 87120

Dear Mr. Hotchkiss:

On January 5 and January 11, 2016 Charter Schools Division (CSD) staff conducted an investigatory visit to Creative Education Preparatory Institute (CEPi). Below is a summary of the items reviewed, our observations and findings. Detailed observations and findings are attached as an appendix. Specific findings include:

- Failure to provide the minimum required instructional hours per NMSA §22-2-8.1, providing only 634 instructional hours of the 1080 required hours (58%).
- Failure to abide by the 2015-2016 school calendar submitted as part of the school budget, by providing fewer than 181 days consisting of 4 instructional hours each and failing to monitor, track, or account for 362 "additional hours."
- Failure to comply with the Compulsory School Attendance Act and NMAC 6.10.8, which require that "class attendance be taken and maintained by class period for every instructional day for each student in each school or school program in the school district", the "governing body of a charter school ... or its authorized representatives shall give written notice of the habitual truancy by mail to or by personal service on the parent of the student subject to and in noncompliance with the provisions of the Compulsory School Attendance Law", and "if unexcused absences continue after written notice of habitual truancy as provided in Subsection B of this section has occurred, the student shall be reported to the probation services office of the judicial district where the student resides for an investigation as to whether the student shall be considered to be a neglected child or a child in a family in need of services."

- Failure to abide by the contract material terms including:
  - Failure to “meet and monitor its state-required instructional hour requirements...through a combination of instructional approaches, each with its own scheduling demands”
  - Failure to “ensure that students engage in meaningful post-secondary learning opportunities (e.g., dual enrollment, trades education, internships, or other forms of service learning) to help prepare them for college or the workforce”
  - Failure to provide “Guided Computer-based studies” as described in Exhibit 2 of the contract, which states “Students will attend either the morning OR afternoon instructional block, engaging core courses through computer-based studies”
  - Failure to ensure implementation of the provision that states “Students will log on to their school studies daily (a minimum of one hour per day). This requirement will be monitored via student attainment of two-week goals and regular progress reports.”
- Failure to demonstrate compliance with the background check requirements found in 22-10A-5 (C).
- Failure to comply with the Federal and State accessibility requirements found in the 2010 Americans with Disabilities Act (2010 ADA) and the state adopted New Mexico Building Code-2009 (NMBC-2009) and the November 4, 2015 directive of the Governor’s Commission on Disability.
- Failure to ensure that English language learners can participate meaningfully and equally in educational programs as required by Title VI of the Civil Rights Act of 1964 (Title VI) and the Equal Educational Opportunities Act of 1974 (EEOA).
- Failure to demonstrate compliance with the requirement in NMAC 6.29.1.9 and the contract to “fully implement the State’s Response to Intervention (RtI) Framework known as the Three-Tier Model of Student Intervention.”
- Failure to accurately report special education students in STARS.
- Failure to provide special education services as required by student IEPs.

In addition, CSD is aware of serious financial issues at CEPi. For FY14 and FY15, the audit exit conferences indicated CEPi will be issued a disclaimed audit. Effective January 14, 2016, per NMSA § 22-8-39, the Public Education Department (PED) suspended the financial authority of the CEPi governing body. The PED has learned that the school has failed to pay both federal and state income taxes for several years and has approximately \$900,000 in tax liabilities. Further, it appears that as of February the school has overspent their FY16 budget. The school’s operational fund budgeted \$1,841,258. As of February 2, 2016 CEPi has expended, and encumbered \$1,844,994.67 for spending overage of \$ 3,736.67. Further, the school continues to receive invoices for payments that have not been encumbered. It appears that the school’s finance subcommittee has failed to meet its statutory duties under NMSA § 22-8-12.3(C).



Finally, CSD has noted the governing body has experienced substantial instability and turnover during the past several months. At the November 17, 2015 governing body meeting the governing body was operating with only four members. At the same meeting in November, one governing body member was removed for non-attendance and two new governing body members were added. In November another governing body member resigned. In December, the governing body then added two additional new members. In January another new governing body member was added. In January both of the new members added in October resigned.

Based on the financial issues, the compliance findings, and governance concerns, the CSD is recommending the PEC, as authorizer of this charter school, take immediate action to issue a notice of intent to revoke the charter pursuant to NMSA § 22-8B-12. CSD is further recommending that the PED immediately suspend the governing body and remove the current administrator pursuant to NMAC 3.30.6.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katie Poulos', with a stylized, flowing script.

Katie Poulos

Director, Options for Parents

cc:

Pam Romero, President, CEPi Governing Body  
Public Education Commission  
File

Enclosures (1):

Appendix - Creative Education Preparatory Institute – Investigatory Visit Findings

**Creative Education Preparatory Institute – Investigatory Visit Findings**

1. **DAILY INSTRUCTION SCHEDULE:** The calendar submitted as part of the school budget indicates students will attend school 181 days annually for 4 hours per day, totaling 724 hours, and will receive 362 “Additional Hours” to total 1086 hours annually.

The school is not abiding by the 2015-2016 school calendar submitted as part of the school budget, by providing fewer than 181 days consisting of 4 instructional hours each and failing to monitor, track, or account for 362 “additional hours.” Further, the school has failed to provide the minimum required instructional hours per NMSA §22-2-8.1, providing at most only 634 instructional hours of the 1080 required hours (58%).

A review of the school’s instructional schedule and calendar revealed students are required to attend 4 days a week for approximately 4 hours and every other Friday for approximately 3 hours. This totals 145 days at 4 hours per day, and 17 days for afternoon session students and 18 days for morning session students at 3 hours per day. CSD calculated that students are only attending approximately 630 hours. This total is far below (58%) the required 1,080 hours. Further, if daily 10 minute breaks are removed from the instructional time, the total is further decreased to approximately 600 hours. The school did not have clear records to monitor or account for any “additional hours.”

The school is not complying with contract material terms concerning the Educational Program of the School and Student – Focused Term(s).

Students are not “required” to “log on to their school studies daily (a minimum of one hour per day)” outside of school. Instead, this is an optional activity and is neither monitored nor enforced.

There was no evidence that the school “meets[s] and monitor[s] its state-required instructional hour requirements...through a combination of instructional approaches, each with its own scheduling demands.” There was no evidence of a systematic process to ensure student enrollment in 1080 hours annual through the core program and additionally through “dual enrollment, trades education, internships, or other forms of service learning.”

2. **STUDENT COUNT:** CSD staff observed a total of 69 students present on 1/5/16 in grades 9 through 12 during the AM session and 62 on 1/5/16 in grades nine through 12 during the PM session for a total of 131 students. School records indicate 191 students were enrolled on 1/5/16 and 114.75 present and 11.25 absent. These numbers appear to be incorrect. If only 11.25 absences are recorded for 1/5/16 then the number present would be 179.75. However, the school reports only 114.75 present on 1/5/16 and CSD observed 131 students. The attendance information indicates a discrepancy between the number of students who were reported as enrolled as members (191), the number reported as either absent or present (126), and the number of students observed by CSD (131). According to CSD’s observations the attendance rate was 68%.

The school has not complied with the requirement in NMAC 6.10.8, which requires “class attendance be taken and maintained by class period for every instructional day for each student in each school or school program in the school district.” CSD staff was informed during staff interviews that attendance was not taken the first 2 weeks of school. CSD staff observed inconsistent practices with taking attendance on 1/5/16, some teachers taking attendance and others not taking attendance.

The school has not demonstrated compliance with the Compulsory School Attendance Act. CSD staff has reviewed attendance data and notes that CEPi has a high absentee rate. STARS reporting indicates a 75% attendance rate as of the 80<sup>th</sup> day reporting, and a 70% attendance rate as of the

40<sup>th</sup> day reporting. Further, during the timeframe of 1/5/16-1/20/16 the average percent of students absent, based on the school attendance records, on a daily basis was 19.82%.

During interviews, staff indicated that a majority of their students meet the statutory definition of habitual truants. CSD's evaluation of the attendance data provided by the school indicates at least 61 students meet the definition of a habitual truant.

The school provided no evidence that it is enforcing the habitual truant requirements of the Compulsory School Attendance Act and NMAC 6.10.8. Specifically, there was no evidence to demonstrate the "governing body of a charter school ... or its authorized representatives ... give written notice of the habitual truancy by mail to or by personal service on the parent of the student subject to and in noncompliance with the provisions of the Compulsory School Attendance Law." Further, there is no evidence to indicate that when "unexcused absences continue after written notice of habitual truancy ... has occurred, the student[s] are reported to the probation services office of the judicial district where the student resides for an investigation as to whether the student shall be considered to be a neglected child or a child in a family in need of services."

The school does not appear to be following its own policies regarding attendance.

Further, the school provided the CSD staff with its attendance policy; however the school did not provide evidence that the school attendance policy is being followed. CSD staff was told by some interview participants that staff does call parents or guardians when students are absent but CSD was not provided with any evidence of the early interventions detailed in the school's attendance policy. Further, the interviewee who other interviewees indicated was responsible for calling parents indicated that she does not do that. The school provided CSD with the student handbook. Page 7 of this handbook states: *Every student is expected to maintain an attendance rate of 95%, which means no more than five absences per semester.*

On 1/5/16, the CSD staff observed one student leave the building during his required school day. The student left after the teacher had told him to leave if he was not going to pay attention. CSD staff observed that this student did not sign out. Page 8 of the student handbook states:

*Student will not be allowed to leave during the school day without permission from their parents.*

3. **TOUR OF FACILITIES:** A tour of facilities was conducted on January 5, 2016. On many occasions, both during the site visit on 1/5/16 in the afternoon and during governing board meetings, CSD staff has observed the women's wheelchair accessible toilet stall locked. This is a violation of federal and state accessibility requirements. The wheelchair stall is required to be available at all times under the *2010 Americans with Disabilities Act* (2010 ADA) and the state adopted New Mexico Building Code (NMBC-2009). The school was notified of this requirement in a November 4, 2015 letter from the Governor's Commission on Disability. During our interviews, participants confirmed the findings of CSD staff that the handicapped bathrooms are regularly locked.

#### 4. **PROGRAM OF INSTRUCTION:**

The school does not appear to be implementing a curriculum aligned with the New Mexico Common Core State Standards or the New Mexico Content Standards. Further the school does not appear to be complying with the material terms that indicate "Students will attend either the morning OR afternoon instructional block, engaging core courses through computer-based studies". Specifically, social studies core courses are being provided only through direct instruction and not through computer-based studies.

Classroom visits of approximately 10 minutes were conducted by CSD staff. Students were divided into three traditional classrooms by subject, and in four online classrooms.

CSD observed the AM World History class. Four students were seated at tables writing down definitions to vocabulary words. Two students were sharing a single textbook, one student had a textbook, and the fourth student appeared to be using his phone to obtain the definitions. A fifth student entered the room late and he did not appear to be a student in this class because he spoke with the teacher about unrelated topics. CSD was unable to determine the objectives or standards for this class as none were posted in the classroom and the teacher did not announce them during CSD's observation. Other than to provide one student with a textbook, the teacher did not interact with the students during our observation. The textbooks were the only curriculum resources CSD was able to identify for use with this lesson. All 4 students were recording the definitions on paper. Besides providing one student with a textbook, CSD did not observe the teacher providing any techniques to enhance learning opportunities. CSD was not provided the grade level curriculum plan or lesson and was not able to identify this lesson or the lesson's standards.

CSD observed the AM Art History class. CSD observed 2 students sitting at tables facing forward and a teacher sitting quietly to the side of the students. When CSD walked into this classroom, we observed one student unengaged and doing nothing and the other student looking at a paper. Neither student was engaged in a lesson and CSD did not observe any curriculum resources used during this observation and lesson objectives and standards were not posted or mentioned. CSD did not observe any classroom instruction or teacher interaction with students. CSD staff observed little or no effort by students during this observation. CSD noted this was a substitute in this class. CSD was not provided the grade level curriculum plan or lesson and was not able to identify this lesson or the lesson's standards.

CSD observed the AM Social Studies class. CSD observed 2 students sitting at tables facing forward and the teacher in front of the room working at decorating her room. The 2 students were using their phones to complete their seatwork. It appeared to CSD that the students were writing down vocabulary words. The teacher did not interact with these students and was observed hanging posters. The handout students were completing was the only curriculum resource CSD was able to identify for use with this lesson. No classroom instruction was observed by the CSD staff. Lesson objectives and standards were not posted or mentioned during the observation. CSD observed low commitment to the students on the part of the teacher as she was involved in classroom decoration during this observation. CSD was not provided the grade level curriculum plan or lesson and was not able to identify this lesson or the lesson standards.

The AM Math class in the Smart-Lab had 6 students at computers and an Educational Assistant (EA) and teacher present. The teacher was observed chatting with the EA and discussing with a student why he should take the Algebra I class. The CSD did not observe the EA or teacher interacting with students or providing instructional guidance to the students who were working at their computers. The CSD observed 3 students working at their computers and the other 3 students were not engaged in the computer lesson. CSD observed two objectives listed on the board but were unable to confirm if they correlated to the lesson students were to be completing. Communication and delivery of expectations for learning and directions to students were not communicated to students during CSD staff observations. The computer program that 3 of the students were completing was the only curriculum resource CSD was able to identify for use with this lesson. CSD was not provided the grade level curriculum plan or lesson and was not able to identify this lesson or the lesson standards.

The CSD staff observed the AM Math class in the computer pod. The computer math class had 17 students sitting at computers. The teacher and EA were observed speaking with some of students. CSD observed 6 students off task, several students with earbuds in, and several students using

their phones during the observation. The computer program the students were completing was the only curriculum resource CSD was able to identify for use with this lesson. CSD was not provided the grade level curriculum plan or lesson and was not able to identify this lesson or the lesson standards. CSD observed some students taking “midterm” assessments on the first day of the new semester. One student was observed cheating on the assessment using his cellphone to access a website that solves math programs. After several minutes of observation, the teachers were advised of this behavior.

The CSD staff observed the AM English/Language Arts class in the computer pod. The computer English/Language Arts class had 13 students and one EA and one teacher. CSD did not observe the teacher providing any instructional guidance to students or supporting students with their lessons. The computer program the students were completing was the only curriculum resource CSD was able to identify for use with this lesson. CSD did observe instructional posters on writing and grammar posted in the pod. CSD was not provided the grade level curriculum plan or lesson and was not able to identify this lesson or the lesson standards.

The CSD staff observed the AM science class in the computer pod. The computer science class had 25 students and one EA and one teacher. CSD did not observe the teacher providing any instructional guidance to students or supporting students with their lessons. CSD’s observation began at the start of this class and CSD did not observe the teacher providing students with any instructions and several students were observed visiting and not logged in to the program during this observation. The computer program the students were completing was the only curriculum resource CSD was able to identify for use with this lesson. CSD was not provided the grade level curriculum plan or lesson and was not able to identify this lesson or the lesson standards.

The school does not appear to be following its own policies regarding in-classroom behavior.

On 1/5/16, the CSD staff observed several students with earbuds and headphones on during their courses. Page 12 of the student handbook states:

*All electronics are the student's responsibility and will not be used in the classroom or be allowed to cause disruption in the educational setting.*

On 1/5/16, the CSD staff observed several students using their cellphones for recreational use, and CSD staff observed one student using his phone to retrieve answers to his math problems. Page 21 of the student handbook states:

*Students may use telephones in front office for emergencies only. Other telephones are for school business use only. Parents wishing to contact their children must call the front office at 314-2374. They are not to call their child's cell phone as cell phone use during class time is prohibited and is subject to disciplinary action as cited in CEPI's Positive Behavior Support*

No disciplinary or other action was observed to address this behavior.

5. **STAFF FILES:** CSD staff reviewed all staff files. The school is not maintaining required information in all staff files. Further the school did not demonstrate compliance with the background check requirements found in 22-10A-5 (C).

The staff file for one new employee included an expired background check. Additionally, staff files for two other employees did not contain any background check. Staff files also did not include licensure for all instructional staff. One staff member had an expired license on file and one teacher did not have a license on file. The teacher teaching PE is not endorsed to teach PE and indicated that the endorsement waiver was obtained without any intent to follow through with the plan that was used to obtain the waiver.

Three licensed classroom teachers have entry level licenses. There is no documentation of mentorship plans, specific improvement plans, or instructional guidance for the provisional Level

1 teachers: NMAC 6.60.6.7 “A level 1 teaching license” means a provisional teaching license issued for the first five years of teaching that gives a beginning teacher the opportunity, through a formal mentorship program, for additional preparation to be a quality teacher.

6. **GOVERNING BOARD:** The school’s website provides notice of Governing Board meetings, and agendas are available on the school’s website with the notice. CSD does not have a record of written notification of recent changes in Governing Board members. CEPi is required to inform the PEC in writing of all Governing Body changes within 45 days of the change.

The governing body has experienced substantial instability and turnover during the past several months. At the November 17, 2015 governing body meeting the governing body was operating with only four members. At the same meeting in November, one governing body member was removed for non-attendance and two new governing body members were added. In November another governing body member resigned. In December, the governing body then added two additional new members. In January another new governing body member was added. In January both of the new members added in October resigned.

7. **ELL IMPLEMENTATION:** The school did not demonstrate that it ensures that EL students can participate meaningfully and equally in educational programs as required by Title VI of the Civil Rights Act of 1964 (Title VI) and the Equal Educational Opportunities Act of 1974 (EEOA).

CSD reviewed both paper student files and electronic student files located in Powersource. More than half of the student files (both paper files and electronic files) did not contain home language surveys (HLS). For those students who did have a HLS, several surveys indicated that the students should have been tested. However, only a few of the student files included the W-APT tests.

The school did not provide any evidence to demonstrate that students eligible for appropriate language assistance services to become proficient in English and to participate equally in the standard instructional program are receiving those services. All students who qualify for ELL services must be provided services that are educationally sound in theory and effective in practice. While the CSD staff did see evidence of professional development provided to teachers regarding ELL students and support, staff did not see evidence of implementation of ELL support. Additionally, CSD is concerned that the now vacant ELL Coordinator position will negatively affect identified student services.

However, interview participants indicated that ELL students are not receiving ELL services. STARS’ 2015-16 80 day report indicates zero ELL students who scored with the range requiring services. CSD staff reviewed an ELL binder that contained 7 students’ records with W-APT scores below 5, but there was no evidence of services for these students.

8. **RESPONSE TO INTERVENTION AND STUDENT ASSISTANCE TEAM:** The school failed to demonstrate compliance with the requirement in NMAC 6.29.1.9 and the contract to “fully implement the State’s Response to Intervention (RtI) Framework known as the Three-Tier Model of Student Intervention.”

The school provided CSD with professional development for CEPi staff on improving school-wide performance. The school provided CSD with emails (all dated after the CSD visit) from teachers to the principal in which teacher provided the principal with strategies they use in the classroom to provide extra help to students.

The school did not provide any evidence to demonstrate the school has implemented the RtI Framework. Specifically, there was no evidence of universal screening, tier 1 interventions, SAT teams, or other focused efforts to identify students needing interventions.

- 9. SPECIAL EDUCATION PROCESS:** The school's special education records indicate 19 students eligible to receive special education services. Eighteen IEPs were up to date and have been modified by CEPi staff. One student file had an overdue IEP as of the 1/5/16. There is no evidence students are receiving the required services. Participants in the interviews reported students were not receiving accommodations. The school did not provide evidence of service logs or services rendered to SPED students. The school does not have a licensed special education teacher on staff; the administrator is the only special education licensed staff member.

The school is not accurately reporting special education students in STARS. The school's STARS Special Education Profile Report 2015-16 80 day report indicates that the school has 14 "B" level student, 2 "C" level students, and 1 "D" level student. The CSD reviewed all student SPED files and all 19 students were level "B" students.

### **C. Update on Planning Year Checklist**

CSD has been working closely with the two new charter schools that are in their planning year. This work has included three full day training sessions.

The first planning year submission date was January 31. Both schools timely submitted their materials, which included:

- Evidence to demonstrate their Governing Boards are established and operating according to By Laws and in accordance with the Open Meetings Act.
- Conflict of Interest policies
- Anti-nepotism policies
- Background Check policies
- FERPA policies
- Enrollment policies
- Policies and processes for receiving and resolving community, parental, and other public complaints
- Adequate Internal Control Procedures
- Procurement procedures
- Evidence to demonstrate they have obtained employee benefits and Risk Insurance coverage through the New Mexico Public Schools Insurance Authority
- Detailed Curriculum Development Plans

CSD is in the process of reviewing these materials for any deficiencies and to ensure, where relevant, the submissions have addressed the deficiencies identified in the new application review process.

CSD will continue to work closely with these schools to ensure they meet all planning year requirements and are able to get off to a strong start.

CSD does want to note that some items scheduled for submission were delayed to a later submission date. Specifically, the items relating to finance and budget. CSD has communicated with the schools as well as the budget and finance division and has determined that the current timing on the planning year checklist is not feasible for these items. CSD will make recommendations to revise the planning year checklist next year based on this information.