



**New Mexico Public Education Commission  
Charter Performance Review and Accountability System**

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## Introduction

Through charter schools, the Public Education Commission (“PEC”) as Chartering Authority and the Charter Schools Division (“CSD”) in the New Mexico Public Education Department (“PED”) seek to provide families with effective, quality educational options.

The PEC is responsible for setting and implementing chartering policies that are consistent with New Mexico charter school law, charter agreements established with schools, and nationally recognized principles and standards for quality charter authorizing. The CSD provides staff support to the PEC and will carry out the data collection and monitoring activities described in the Performance Review and Accountability System.

The New Mexico Charter Schools Act purpose:

The Charter Schools Act ... is enacted to enable individual schools to structure their educational curriculum 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; to allow the development of different and innovative forms of measuring student learning and achievement; to address the needs of all students, including those determined to be at risk; to create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site; to improve student achievement; to provide parents and students with an educational alternative to create new, innovative and more flexible ways of educating children within the public school system; to encourage parental and community involvement in the public school system; to develop and use site-based budgeting; and to hold charter schools accountable for meeting the department's educational standards and fiscal requirements. (22-8B-3 NMSA 1978 *et seq*).

## Performance Review and Accountability System Objectives

PEC seeks to establish a Performance Review and Accountability System that strikes the appropriate balance between charter school autonomy and chartering authority intervention. The Performance Review and Accountability System is an adaptive tool subject to continuous review and improvement so that the students in New Mexico public charter schools are effectively served.

The PEC and CSD invite New Mexico’s charter schools to be partners in the development and continuous improvement of this Performance Review and Accountability System.

The PEC is committed to providing clear expectations about charter school performance and chartering authority oversight activities. PEC objectives for charter school performance review and accountability include:

- Provide clarity about the process and timeline for collecting performance framework data
- Streamline data collection within PED departments and decrease the burden on NM charter schools
- Consider overall school academic performance across a range of different indicators, including optional, unique, school-identified measures for evaluating mission-specific goals
- Ensure all data and evidence can be reliably and accurately collected and measures can be reliably and accurately evaluated by PEC and CSD staff
- Establish financial metrics that provide clarity about the financial health of charter schools
- Establish clear policies and procedures for how performance frameworks inform PEC actions and decisions, including a range of interventions that PEC will take in response to charter school under performance
- Provide annual performance reports that are publicly available to families and schools

## Annual Performance Review Activities

PEC evaluates schools on their ability to achieve academic goals with all students while maintaining financial and organizational health. Annual accountability activities are guided by state and federal compliance requirements as well as clear measures of academic progress that allow for a rigorous, state-aligned, fact-based evaluation of school performance.

### Charter School Data Submissions

- Throughout the year, charter schools are required to submit academic, financial, and organizational data to PEC, CSD, various PED departments and other governmental entities.
- Submissions are required for PEC accountability oversight and for compliance with state and federal funding and reporting requirements.
- See Appendix B for a schedule of reports consistently required by the PEC and PED; other reporting may be required if the school is notified by PED, PEC, or other government entities.

### Annual School Visits

- CSD staff conduct annual site visits to all schools to collect data for the performance framework evaluation and provide feedback as technical assistance. Site visits may be differentiated based on school performance, including academic, financial, and organizational performance.
- New school visits are conducted within the first 40 days after new school opening to collect data for the performance framework evaluation and to provide early feedback and intervention as technical assistance, if necessary.
- Renewal visits are conducted during the charter school renewal year and provide additional insights to inform PEC charter school renewal decisions, especially for schools not meeting performance expectations.
- Visits can include a combination of any of the following: file audits, classroom observations, a facility review, and staff, board, and student and family interviews.
- See Appendix C for a summary of the School Visit Protocols.

### Annual Performance Review

- CSD evaluates all schools against the PEC Performance Framework annually, which is comprised of academic, financial, and organizational performance metrics.
- CSD shares initial performance framework feedback and evaluations with charter school boards and administrative leaders for review and feedback.
- CSD and PEC issues any Notices of Concern or Breach related to annual performance reviews.
- PEC approves and publishes Annual Performance Reports for schools
- See Appendix A for the current PEC Charter School Performance Framework.

## Performance Framework

The PEC Charter School Performance Framework sets the academic, fiscal, and organizational standards by which PEC-authorized public charter schools will be evaluated, informing the PEC and charter school about the school's performance and sustainability. See Appendix A for the current PEC Charter School Performance Framework.

**Academic Framework:** The academic framework includes measures that allow the PEC to evaluate the school's academic performance and assess whether the academic program is a success and whether the charter school is implementing its academic program effectively. The framework includes measures to evaluate student proficiency, student academic growth, achievement gaps in both proficiency and growth between student subgroups, and for high schools, post-secondary readiness and graduation rate. The framework also includes school-specific goals agreed to by individual charter schools and the PEC. Based on performance across the academic indicators and measures, schools receive an overall academic tier rating that is used by the PEC in annual monitoring and renewal decisions. The academic framework has four rating tiers. Schools in Tier 1 are exceeding PEC performance expectations and are on par with the highest-performing schools in the state. Schools in Tier 4 are consistently failing to meet academic performance expectations.

**Organizational Framework:** The Organizational Framework primarily lists the responsibilities and duties that charter schools are required to meet through state and federal laws. The organizational framework is the primary focus of the annual school visit process. It was developed pursuant to the New Mexico Charter Schools Act and includes indicators, criteria statements, and metrics related to schools' educational program, financial management, governing body performance, school environment, and employee and student policies, including compliance with all applicable laws, rules and terms of the charter contract.

For each indicator a school receives one of three ratings: "Meets Standard," "Working to Meet Standard" and "Does Not Meet Standard". Indicator ratings are assigned based on evidence that the school is meeting the criteria statement(s). Schools receive an overall organizational performance rating of either "Meets Standard" or "Does Not Meet Standard" based on cumulative performance on the organizational indicators.

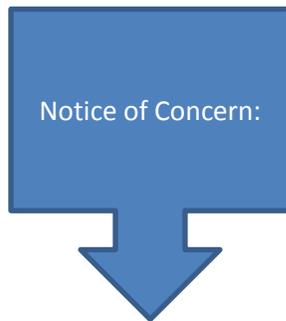
**Financial Framework:** The financial framework is currently being revised to include more effective measures of financial health. When a new financial framework is developed, school reported financial data will be evaluated on a quarterly basis and the Performance Framework will be populated with the most recent data. A final performance framework will be populated after final audited end-of-year cash amounts are available.

The current financial framework requires schools to annually, in August, submit a completed and signed self-reported questionnaire. The questionnaire includes a series of questions about organizational performance as it relates to financial management practices. Several of the questions in the current financial framework are included in the revised organizational framework as indicators.

## Intervention Ladder

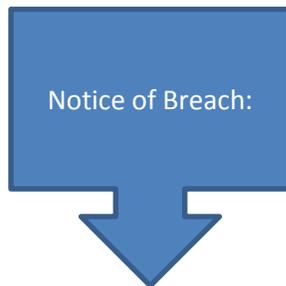
PEC is responsible for holding charter schools accountable for the performance and legal compliance of charter schools under their authority. To meet this obligation, PEC has adopted an intervention ladder to communicate concerns about academic performance, fiscal soundness or legal, contractual, or policy requirements.

In the absence of evidence to the contrary, all schools are considered to be in **Good Standing**. Schools in good standing are expected to participate in routine annual accountability activities and maintain open communication with CSD and PEC.



### Notice of Concern

Schools may receive a **Notice of Concern** if the PEC or CSD receives a verified complaint of significant concern, or if the annual performance review or site visit identifies significant questions or concerns about academic, financial, or organizational performance; such as a Tier 4 rating on the academic framework or a finding of “not meeting expectations” on a organizational indicator. CSD will communicate with school leaders, parents, and any other necessary stakeholders to verify complaints. CSD may provide schools with up to 30 business days to correct a performance deficiency prior to requesting that the PEC issue a formal Notice of Concern to the school leader and governance board. The Notice of Concern may contain specific actions and due dates required to remedy the concern. Upon remedying the concern, the school returns to **Good Standing**. If the concern is not remedied in the time allotted, the school progresses to the next level of the intervention ladder.



### Notice of Breach

A school can receive a **Notice of Breach** if it fails to correct a Notice of Concern or for certain violations of law that are serious enough to justify a heightened response. Once a Notice of Breach is issued, schools are required to submit to the CSD a Corrective Action Plan (for financial or organizational performance concerns) or an Improvement Plan (for academic performance concerns,) that details the actions and timeline that the schools will implement to correct the performance concern. CSD will monitor the school’s implementation of Corrective Action and Improvement Plans, and regularly update PEC on progress. Once the school has met the Notice of Breach requirements, they return to **Good Standing**. Repeated Notices of Concern or Breach may lead to increased oversight, including additional annual site visits or regular phone calls to discuss key performance indicators.



### Revocation Review

Failure to meet the requirements specified in the Notice of Breach, or certain violations of law that are serious enough to justify a heightened response, will result in a charter school **Revocation Review**. The review may include additional visits to the school or an in-depth audit to assess the school’s educational program, and/or financial and organizational health. Schools may also be subject to the Revocation Review if they receive repeated Notices of Breach in the same school year. Findings from the revocation review will determine whether a school enters into revocation proceedings or is granted a revised Notice of Breach.

Intervention Status	Triggers/Evidence	Actions/Consequences
<b>Notice of Concern</b>	<ul style="list-style-type: none"> <li>• Failure to meet performance standards represented in the performance framework.</li> <li>• Receipt of verified complaint of significant concern.</li> <li>• Evidence of not meeting performance expectations through routine monitoring or school visit.</li> <li>• Failure to comply with terms of the charter</li> </ul>	<ul style="list-style-type: none"> <li>• Letter to school leader and governing board detailing areas of concern and specific actions and timeline for correcting the performance gap</li> </ul>
<b>Notice of Breach</b>	<ul style="list-style-type: none"> <li>• Failure to meet objectives identified in a Notice of Concern.</li> <li>• Evidence of material or significant failure to comply with applicable laws.</li> <li>• Actions or operational deficiencies that may endanger the well-being of students and/or staff, or negatively impact the viability of the school.</li> </ul>	<ul style="list-style-type: none"> <li>• Letter to school leader and governing board giving notification of breach and outlining additional terms of oversight and monitoring;</li> <li>• School completes a Corrective Action or Improvement Plan with specific improvements, objectives, timelines, measures.</li> <li>• CSD monitoring of Corrective Action or Improvement Plan.</li> </ul>
<b>Revocation Review</b>	<ul style="list-style-type: none"> <li>• Failure to successfully address the terms of the Corrective Action or Improvement Plan</li> <li>• Flagrant disregard of the charter agreement</li> <li>• Illegal behavior, fraud, misappropriation of funds</li> <li>• Extended pattern of failure to meet performance expectations set forth in the charter agreement.</li> <li>• Repeated failure to comply with applicable law</li> <li>• Repeated failure to meet the terms of the charter agreement.</li> </ul>	<ul style="list-style-type: none"> <li>• Schools may be required to complete a new Corrective Action or Improvement Plan.</li> <li>• CSD may conduct additional site visits to the school and/or conduct an in-depth audit to assess the school’s educational program, and/or financial and organizational health</li> <li>• CSD review and preparation of recommendation to revoke, or not to revoke, the charter</li> <li>• PEC reviews recommendations and makes decision to commence or not commence revocation proceedings.</li> </ul>

## **Charter Renewal**

PEC will consider the schools' annual school performance, school visit reports, parental complaints, information contained in the school's renewal application, and other relevant information in their decisions. Renewal activities typically begin 10 months before the end of the school's contract termination date.

Expedited renewal applications will be reviewed for schools that Meet or Exceed PEC performance expectations for all academic, organizational, and financial indicators in the Performance Framework. Expedited renewal can include a limited site visit, and limited submission requirements.

### **Renewal Decision Criteria**

PEC decisions on charter school renewal will be based on an analysis of the following questions:

1. Is the school an academic success or making progress toward academic success? (Academic Framework)
2. Is the school an effective, viable organization? (Organizational Framework)
3. Is the school fiscally sound? (Financial Framework)

CSD will develop renewal recommendations based on the cumulative performance of the charter school over the previous four years (renewal term). CSD and PEC will consider the following sources of evidence for renewal decisions, including any additional factors highlighted in the charter school renewal application.

### **Renewal Evidence Sources**

- Annual performance reports, which constitute a report on the status in relation to meeting the academic performance, financial compliance and governance responsibilities of the charter school, including achieving the goals, objectives, student performance outcomes, state standards of excellence and other terms of the charter contract, including the accountability requirements set forth in the Assessment and Accountability Act;
- School developed reports, for schools not meeting the above standards, on the progress toward meeting the established standards;
- Evidence gathered that confirms or does not confirm the school developed reports identified above;
- A financial statement that discloses the costs of administration, instruction and other spending categories for the charter school that is understandable to the general public, that allows comparison of costs to other schools or comparable organizations and that is in a format required by the department;
- Petitions of support; and
- Facility assurances.

### **Renewal Outcomes**

CSD will recommend one of four renewal outcomes (categories) for PEC to review and approve. Although CSD renewal recommendations and PEC approval decisions will be guided by the performance profiles described below, the PEC has ultimate authority to make whatever renewal decisions are consistent with New Mexico charter school law.

Renewal Decision	Renewal Performance Profile*	Renewal Terms
<b>Expedited Renewal</b>	Academic = Tier 1 or 2 rating for previous four years of the charter contract  <u>AND</u> Organizational / Financial = Meet Expectations for previous four years of the charter contract	Five-year term with no additional conditions outside normal charter contract; streamlined renewal application and review process
<b>Full Renewal</b>	Academic = Tier 1 or 2 rating for at least three of past four years; or demonstrate consistently improving Tier rating over the last 3 years; and no Tier 4 ratings or overall “F” grade from NM PED within the past three years;  <u>AND</u> Organizational / Financial = Meet Expectations for the last two years; or at least three of past four years	Five-year term with no additional conditions outside normal charter contract
<b>Renewal with conditions</b>	Academic = receive Tier 4 performance rating for two or more years (during four-year performance review); or receive Tier 3 or 4 rating for three of the past four years; or have 2 or more Tier 3 or 4 ratings and demonstrate consistently declining Tier rating over the last 3 years.  <u>OR</u> Organizational / Financial = receive “did not meet” expectations for two or more years, including one of the last two years	Three- to five-year renewal term with defined goals for school improvement on academic, organizational, and/or financial frameworks
<b>Non-Renewal</b>	Academic = receive Tier 4 performance for past two years, or receive Tier 4 rating for three or more years (during four-year performance review); including the most recent year  <u>OR</u> Organizational / Financial = receive “did not meet expectations” for three or more years (during four-year performance review); including the most recent years	Recommendation for non-renewal

\*PEC renewal decisions will be guided by the performance profiles, but PEC has ultimate authority to make whatever renewal decisions are consistent with New Mexico charter school law.

## Renewal Process Steps

Renewal Process Steps	Timing (Final Year of Charter Contract)
Initial Renewal Findings based on Summary of Annual Performance Reports	Summer
Renewal Application by the School	October 3
Renewal Site Visit	Fall
Additional Requests for Information	As needed
Draft CSD Renewal Recommendation	Early December
PEC Renewal Vote	Mid-December
New Contract Negotiation	Spring

### Initial Renewal Findings

The first stage of renewal process is the preparation by the PEC of school-specific Initial Renewal Findings. The Initial Renewal Findings are based on the record of the charter school's academic, financial and organizational performance as reported in their **Annual Performance Reports** and in alignment with any prior renewal or approval conditions. Initial Renewal Findings will be provided to the school in the late summer of the final year of the school's charter term. The Findings are considered preliminary and are based on evidence collected over the contract term and publicly available information. The findings may be revised or supplemented during the renewal review process. Schools eligible for expedited renewal will be identified during this initial review.

### Renewal Application by the School

The Renewal Application provides schools the opportunity to provide an overview of school progress, if performance expectations have not been met during the contract term. It is the goal of the Commission to make the preparation of the Renewal Application non-burdensome on the school to the extent possible. Schools eligible for expedited renewal will not be required to submit some sections of the renewal application. Annually, the Public Education Commission reviews, and as necessary, revises the renewal application. The current renewal application is available [HERE/LINK](#) on the PEC website.

### Renewal Site Visit

CSD staff will conduct at least one Renewal Site Visit during the renewal process. The purpose of the Renewal Site Visit is to test, verify and/or supplement the Initial Renewal Findings and the Renewal Application. The information obtained through the Renewal Visit will be considered with all other evidence at the time of the renewal decision by the PEC. Appendix C provides more detailed information regarding site visits. Schools eligible for expedited renewal will receive a shorter visit that focuses on gathering community feedback and verifying any outstanding performance corrections.

### Additional Requests for Information

At any time during the renewal process, the CSD or PEC may request additional information from the school in an effort to fully inform the renewal decision.

### Draft CSD Renewal Recommendation

CSD staff will prepare Draft Recommendations regarding Renewal once all renewal review activities are completed. CSD will provide the Draft Recommendation to the school before the matter is put to a vote by the PEC so that the school has a final opportunity to correct any errors

of fact or otherwise comment on the Draft Recommendation.

#### PEC Renewal Vote

The PEC reviews and votes on each Renewal Recommendation at its regular public Meetings. After each decision, the PEC issues a written statement to the school and the public detailing the decision regarding renewal. The public may offer comments to the PEC during the public participation section of PEC meetings regarding the renewal matter.

#### New Contract Negotiation

When renewal is granted by the PEC, the PEC and the school then negotiate a contract for the new term. The contract negotiation will include the school mission, any material terms that limit charter activities (e.g., enrollment cap, grade levels) or material terms that establish explicit program requirements (e.g., STEAM, PBL, vocational education). The contract negotiation may also include mission specific goals, which may not to be duplicative of required state assessments, but must measure achievement of the school's specific mission.

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#### **Expedited Renewal**

Schools that have received a Tier 1 or 2 academic rating and "met expectations" on organizational and financial frameworks for the previous four years are eligible for an ***expedited renewal process***. The expedited process will include all of the renewal activities described above, but will include a modified renewal application and a condensed renewal site visit.

**Appendix A: Performance Frameworks (PLACEHOLDER)**

**Appendix B: Annual School Reporting Calendar (PLACEHOLDER)**

## Appendix C: Summary of Site Visit Protocol

The purpose of the school visit is to evaluate whether schools are in compliance with their contractual requirements and to provide technical assistance including evaluative feedback, legal references and citations, and guidance manuals and resources. The goal of this visit is to evaluate compliance in key areas and observe the program of instruction in action, as described in the charter contract and Performance Framework. There are three types of school visits conducted by CSD staff:

1. New school visits – Within the first four months of opening, CSD staff visit all new schools.
2. Annual visits – All schools are visited annual, generally between November and May. Annual site visits may be differentiated based on school performance, including academic, financial, and organizational performance.
3. Renewal visits – In the fall of the renewal year, CSD staff visit schools as part of renewal activities.

Two to four CSD staff member will participate in site visits. Site visits generally do not last longer than a day, but the time required depends on school performance and availability of necessary data, records, and staff time. Schools will be notified in advance as to the timing of site visits. All three types of school visits may include the following components, depending on prior year school performance:

Component	Objective	How Often?
School Leader Interview	<ul style="list-style-type: none"> <li>• Review the school leader’s operation of the school</li> <li>• <i>Includes review and discussion of:</i> school policies, processes, and implementation of material terms and required programming</li> </ul>	<ul style="list-style-type: none"> <li>• New School Visits</li> <li>• Annual Visits</li> <li>• Renewal Visits</li> </ul>
Classroom Visits	<ul style="list-style-type: none"> <li>• Confirm implementation of material terms and improvement plans (as required)</li> <li>• Review implementation of special education services, RTI, and EL supports</li> </ul>	<ul style="list-style-type: none"> <li>• New School Visits</li> <li>• As needed during Annual Visits, based on prior non-compliance, complaints, or change in leadership</li> <li>• Renewal Visits for schools whose performance profile falls within non-renewal or conditional renewal recommendation</li> </ul>
Facility Review and file review	<ul style="list-style-type: none"> <li>• Evaluate the health and safety of the school facility</li> <li>• Confirm compliance with school safety plan, and emergency drill requirements</li> </ul>	<ul style="list-style-type: none"> <li>• New School Visits</li> <li>• Annual Visits</li> <li>• Renewal Visits</li> </ul>
Review of Staff Files	<ul style="list-style-type: none"> <li>• Confirm compliance with staff credentialing and hiring requirements</li> <li>• <i>Includes review and discussion of:</i> files and documentation related to licensure, salary, background checks, parental communication, mentorship, documentation of teachers completing “Recognizing and Reporting Child Abuse” course and other required training</li> </ul>	<ul style="list-style-type: none"> <li>• New School Visits</li> <li>• As needed during Annual Visits, based on prior non-compliance, complaints, or change in leadership</li> <li>• Background checks reviewed at all Annual Visits and Renewal Visits</li> </ul>

Review of Student Files	<ul style="list-style-type: none"> <li>• Confirm compliance with requirements related to school registration and enrollment process/practices based on residency;</li> <li>• Confirm compliance with student record keeping</li> <li>• Confirm compliance with English Learners support requirements</li> </ul>	<ul style="list-style-type: none"> <li>• New School Visits</li> <li>• As needed during Annual Visits, based on prior non-compliance, complaints, or change in leadership</li> </ul>
Special Education Director Interview and file review	<ul style="list-style-type: none"> <li>• Confirm compliance with special student population requirements</li> <li>• <i>Includes review and discussion of:</i> special education program and process files, documentation of homebound or long-term suspension students, detail on how special education students are served and supported</li> </ul>	<ul style="list-style-type: none"> <li>• New School Visits</li> <li>• As needed during Annual Visits, based on prior non-compliance, complaints, or change in leadership</li> </ul>
SAT Coordinator Interview and file review	<ul style="list-style-type: none"> <li>• Confirm compliance with RTI and SAT processes requirements</li> </ul>	<ul style="list-style-type: none"> <li>• New School Visits</li> <li>• As needed during Annual Visits, based on prior non-compliance, complaints, or change in leadership</li> </ul>
Homeless Liaison Interview	<ul style="list-style-type: none"> <li>• Confirm compliance with requirements related to protecting and supporting homeless students</li> </ul>	<ul style="list-style-type: none"> <li>• New School Visits</li> <li>• As needed during Annual Visits, based on prior non-compliance, complaints, or change in leadership</li> </ul>
School Presentation (Optional)	<ul style="list-style-type: none"> <li>• Allow an opportunity for school to provide any additional information they would like to share</li> </ul>	<ul style="list-style-type: none"> <li>• New School Visits</li> <li>• Annual Visits</li> <li>• Renewal Visits</li> </ul>
Data Specialist Interview and file review	<ul style="list-style-type: none"> <li>• Confirm implementation of all required assessments</li> <li>• Confirm implementation of school improvement plans</li> <li>• Ensure school readiness to report required performance data</li> </ul>	<ul style="list-style-type: none"> <li>• New School Visits</li> <li>• As needed during Annual Visits, based on prior non-compliance, complaints, or change in leadership</li> </ul>