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SECRETARY-DESIGNATE OF EDUCATION

SUSANA MARTINEZ
Governor

August 31, 2015

Dear Public Education Commissioners:

Enclosed is the Final 2015 Charter School Application Final Analysis and Recommendation for Academic Opportunities Academy applying for a state charter in Deming, NM in the Deming Public School District to serve grades 6-8 and represented by founders, Mark Casavantes M.Ed., Ben Tice, Wes Clarkson, Martha Molina, and Elena Liberatori. The staff at the Charter Schools Division (CSD) along with a team of independent reviewers gave full consideration to the information gathered in this process.

The CSD has provided evidence and rationale gathered in the team analyses and interviews in this evaluation to fully support the recommendation.

Thank you all for your hard work and dedication to ensure that New Mexico's Charter Schools provide innovative, quality education to New Mexico's students.

Sincerely,

Katie Poulos
Director of Options for Parents

I. Recommendation

APPROVE

Overall the application is complete and adequate; and during their Capacity Interview, the applicant(s) demonstrated a clear capacity to implement the academic, organizational and financial management plans as described in the application. Nothing was identified that would indicate the applicant(s) do not have the experience, knowledge, and competence to successfully open and operate a charter school.

APPROVE WITH CONDITIONS

Overall the application is complete and adequate; and during their Capacity Interview, the applicant(s) demonstrated a general capacity to implement the academic, organizational and financial management plans as described in the application. However, the CSD has identified some specific concerns that would need to be addressed during the planning year. The CSD has listed the noted concerns and conditions to address the concerns below. If the PEC determines that there are any additional conditions that need to be addressed, those should be noted during the public hearing and all approved conditions negotiated in the final contract.

PROPOSED CONDITIONS

The Applicant will negotiate a contract with the Public Education Commission pursuant to 22-8B-9.1:

1. Obtain standing as an approved Board of Finance
2. Secure a facility that meets PSFA Approval
3. Complete the planning-year checklist

DENY

Overall the application is either incomplete or inadequate; or during their Capacity Interview, the applicant(s) did not sufficiently demonstrate the experience, knowledge, and competence to successfully open and operate a charter school.

The Charter Schools Act, in paragraph 1 of Subsection L of Section 22-8B-6 NMSA 1978, states that a chartering authority may approve, approve with conditions or deny an application. A chartering authority may deny an application if:

- (1) the application is incomplete or inadequate;
- (2) the application does not propose to offer an educational program consistent with the requirements and purposes of the Charter Schools Act;
- (3) the proposed head administrator or other administrative or fiscal staff was involved with another charter school whose charter was denied or revoked for fiscal management or the proposed head administrator or other administrative or fiscal staff was discharged from a public school for fiscal mismanagement;

- (4) for a proposed state-chartered charter school, it does not request to have the governing body of the charter school designated as a board of finance or the governing body does not qualify as a board of finance; or
- (5) 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.

CHARTER SCHOOLS DIVISION

By: _____
Katie Poulos, Director of Options for Parents

I. Overall Score Sheet

Section	Points Received	Applicant School's Possible Points
Application Overall Score	83	335
• Education Plan/Academic Framework	27	92
• Organizational Plan and Governance/Organizational Framework	36	163
• Business Plan/ Financial Framework	12	52
• Evidence of Support	4	24
• Required Appendices	4	4

II. Explanation Regarding Use of the Score Sheet

In the Recommendation and Final Analysis the CSD has considered the overall score in the written application, information obtained during the Capacity Interview and Community Input Hearing, and information obtained from the letters of support or opposition received after the Community Input Hearing.

Also please note two additional considerations:

- First, the CSD does not score the community input hearing or capacity interviews, but may reference these in the Recommendation and Final Analysis and if pertinent information was offered that contradicts or affirms what was found in the application.
- Second, if the applicant school did not answer any prompt because that prompt did not apply to the applicant school (e.g., the applicant school will be an elementary school and so did not provide responses to graduation-related prompts), then the CSD adjusted the total possible points in the application section where the non-applicable item(s) is found as well as in the final score. For this reason, you may see varying possible total points from application to application.

III. Final Analysis

Application Section	Points Received	Applicant School's Possible Points
EDUCATION PLAN/ACADEMIC FRAMEWORK	27	92
<p>Evidence/Statements Supporting Score in this Section:</p> <p>The CSD found this section to be complete but inadequate.</p> <p>The following areas of the applicant's response were found to be inadequate, for the reasons described.</p> <p>Mission</p> <p>The applicant does not clearly identify one mission statement throughout their application. Instead, the application includes two different mission statements. Additionally, one mission statement is unreasonable as it addresses "preparing students to complete high school in four or fewer years" while the applicant proposes to serve middle school students.</p> <p>Indicators/Goals</p> <p>The applicant's proposed goals are unmeasurable, and do not align with the proposed school's mission or model. Some of the proposed goals are based on assessments that do not exist and no plan has been provided for creation of the assessments. Other goals rely on measurement when students no longer attend the school and no plan is provided for being able to gather the necessary data.</p> <p>The applicant also does not provide a rationale for how the goals are related to the proposed mission(s). As identified above, the review team could not identify one mission. Additionally, the applicant does not provide rationales that connect the goal to the mission of the proposed school.</p> <p>Curriculum, Instructional Program, Student Performance Standards</p> <p>The applicant does not provide a description of a developed curriculum that has the potential to raise student achievement. Instead, the application identifies a variety of online instructional resources, with no explanation of how they would be utilized or combined to create a curriculum. Additionally, in relation to the computer programming curriculum, the applicant identifies that it has not been created and will be at some later time. No plan is provided for how or when the curriculum will be created.</p> <p>The applicant identifies several potential instructional structures and strategies, but fails to provide a clear overview of the strategies or how they will be implemented in the school. The applicant bases much of the narrative on a "Curriculum Mapping Database and Software" that does not exist and is not clearly described. The applicant does not identify the target student population or how any of the identified strategies will be effective with the population.</p> <p>The applicant does not provide a clear description of how instruction will be differentiated based on</p>		

identified student needs. Instead, the applicant again relies on its “Curriculum Mapping Database and Software” that does not exist and is not clearly described to allow teachers to differentiate instruction. The applicant also states that it will differentiate instruction by using differentiated instruction strategies, but does not identify what those might be.

Special Populations

In responding to the prompts requiring the applicant to identify how it will identify, serve, and monitor the progress of students with IEPs, ELLs, and 504 plans, the applicant does not identify particular practices or processes that will be implemented by the proposed school. Instead, the applicant merely copies and pastes information from statute, regulation, state and federal agency websites, compliance manuals, and other publicly available websites. The applicant does not provide any information about how statutory and regulatory requirements will be implemented in the proposed school.

Assessment and Accountability

The applicant does not provide a clear assessment plan that identifies appropriate assessments or how assessment will be used to inform instruction. Instead, the applicant copies and pastes information from the websites of a variety of assessments including PARCC, ACT, NWEA, AP, DIBELS, and Discovery. The applicant identifies it will administer pre-AP assessments, which do not exist. Several of the assessments would not be relevant to a school serving middle school students, which is what the proposed school would serve.

The applicant mentions its “Curriculum Mapping Database and Software” that does not exist and is not clearly described, stating it will be used to study the results of every assessment and to ensure student achievement. The applicant states it will use data to improve student performance, but does not describe how that will be done. The applicant also does not provide any detail about corrective actions that will be taken if student achievement is not acceptable, either at an individual or school level. The applicant states that a Campus improvement team will oversee and direct improvement efforts, but provides no detail about potential actions or how the team would function.

The applicant provides very limited information about how student achievement data will be communicated. Specifically, no information is provided about how data and information will be communicated to the governing board. Instead, the applicant simply states that data and information will be available to the school staff, community, and board.

Because 100 percent of the applicant’s responses were evaluated as “partially meets” or “does not meet” for the reasons described above this section of the application is inadequate.

Additionally, as noted above, the application does not propose to offer an educational program consistent with the requirements and the purposes of the Charter School Act because the application has not demonstrated the proposed school will 1) 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; 2) address the needs of all students, including those determined to be at risk; 3) improve student achievement; 4) create new, innovative and more flexible ways of educating children within the public school system; or 5) meet the department's educational standards.

Finally, also for the reasons stated above the application is 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.

Application Section	Points Received	Applicant School's Possible Points
ORGANIZATIONAL PLAN AND GOVERNANCE / ORGANIZATIONAL FRAMEWORK	36	163

Evidence/Statements Supporting Score in this Section:

The CSD found this section to be complete but inadequate.

The following areas of the applicant's response were found to be incomplete or inadequate, for the reasons described.

Governing Body Creation/Capacity

The applicant does appropriately outline the roles and responsibilities of governing body members for the governing body of a New Mexico charter school. The applicant also does not provide appropriate by laws for the governing body of a New Mexico charter school. Instead, the applicant cuts and pastes the recommendations for the LECS Charter School Subcommittee prepared by Heidi Macdonald on September 24, 2014, statutory provisions, a report by the Legislative Finance committee from July 23, 2010, and includes the bylaws for a Texas non-profit corporation.

The bylaws indicate there will be no members, and three officers of the "Board of Directors." This does not comply with statute which requires 5 governing body members, at a minimum.

The applicant's response does not indicate the applicant understands the laws governing New Mexico charter schools as compared to the laws governing Texas charter schools, and indicates the applicant plans to structure the proposed school using the requirements of Texas law.

Governing Body Training and Evaluation

The applicant does not provide a viable plan for governing body training or evaluation. The applicant's response indicates the governing board members will receive mandatory training from the NMCCS, but does not provide a plan for that training. Additionally, during the capacity interview the applicant indicated the governing body would receive some training in Texas. During the Community Input Hearing the applicant indicated the governing board would receive all NM required training in NM and additional training in TX, but again could not identify a clear plan and also could not identify how the training in Texas would be relevant or appropriate for NM governing body members.

The applicant does not provide any plan for evaluation. Rather, the applicant makes assurances that it

will conduct annual governing body evaluations and will seek out individuals or groups with expertise on this.

Leadership and Management

The applicant does not provide a clear plan for how the governing body will monitor school outcomes. Instead, the applicant makes assurances that the board will conduct a range of monitoring and evaluation activities with no detail on what these activities might entail. The applicant also states the board will receive “regular reports from the principal” without any detail on when or how these reports will be provided, what information will be included, or what the board will do with them.

The applicant does not provide a clear description of the leadership characteristics or qualifications of a desired head administrator and does not provide a plan to hire or evaluate a head administrator. Instead, the applicant provides a description of Mark Casavantes’ background. The applicant states that if Mr. Casavantes is not able to obtain a NM administrator’s license the proposed school, would seek out potential candidates. Limited information is provided on how candidates will be sought, but a clear plan is not provided.

The applicant does not identify how an administrator will be evaluated, except to state that an evaluation procedure will be developed. The applicant also does not identify how roles and responsibilities will be conveyed to the administrator. Instead, the applicant simply states that the governing body will do this.

Organizational Structure of the School

The applicant does not provide an organizational chart that identifies appropriate relationships between governance, administration, teaching, support staff, and external agencies. The manner in which the applicant identifies students and parents on the organizational chart introduces a lack of clarity and questions about how interactions with students and parents will be conducted. The applicant also fails to identify any oversight of ancillary staff and contracted services.

The applicant provides inadequate job descriptions that do not align with the school’s proposed structure and appear to align with Texas requirements rather than New Mexico requirements. Specifically, in relation to the Business Manager position, the applicant identifies that a qualified candidate must be familiar with the Texas student reporting system rather than the New Mexico student reporting system.

The applicant does not provide an adequate staffing plan to support timely implementation of the academic program. The applicant does not identify how many staff will be hired or when. Rather, the applicant states they will not hire any staff except the Principal, Assistant Principal and Business manager until “at least one student” is enrolled. The applicant then states that hiring will be based on recommendations from the Board, Principal, Assistant Principal and Office Manager.

The applicant does not provide a school schedule that identifies the number of instructional days per year. The applicant’s school schedule provides limited detail and does not identify how it will support high achieving outcomes for the target student population.

The applicant also does not provide a professional development plan. Instead, the applicant identifies the need for professional development and states that a plan will be developed and will be based off of information from the "Curriculum Mapping Database and Software" that does not exist and is not clearly described.

Employees

The applicant does not provide clear terms of employment and does not address how the school will address employee's recognized representatives. The applicant states that it will follow the provisions of the School Personnel Act, but does not demonstrate an understanding of the requirements of the act.

The applicant does not provide employment policies; rather it provides three paragraphs of "General Employment Practices." The applicant also states that it will follow guidelines provided by the New Mexico Legislature and provides an internet link. The applicant does not provide any timeline or plan for the development of these required policies.

The applicant also does not provide a clear staff discipline process. The applicant again provides general practices without specified timelines or protections. The applicant also identifies practices that may violate employee protections, including the participation of inappropriate individuals in the discipline process.

The applicant provides a limited grievance process that does not ensure appropriate protections and resolution. Specifically, the applicant's response indicates that the governing body may or *may not* make a decision, and that this is a final step with no appeals.

Community/Parent/Employee Involvement in Governance

The applicant does not describe school structures that provide meaningful parental, professional educator, and community involvement in governance and operation of the school. Instead, the applicant generally refers to the continuous improvement program without any clear identification of the structure of this program. The applicant also references informational open houses, routines and procedures it will establish to work with Deming Public Schools, and its willingness to talk to any group interested in discussing its charter school.

The applicant also does not describe a meaningful plan to receive and address complaints from the community and parents. As with the employee grievance process, the applicant states the board may not take action and thus does not ensure a meaningful response.

Student Policies

The applicant does not provide clear student discipline policies that comply with the student rights and responsibilities as set forth in the PED rules. Instead, the applicant cuts and pastes federal and state statutes and regulations, website links, and publicly available information from a variety of websites. The applicant appears to acknowledge that it has not developed student discipline policies and will do so, but it does not provide any plan for the development of these required policies.

The applicant also provides no plan for addressing alternative educational settings; rather the applicant

states it will comply with all legal requirements without demonstrating an understanding of the legal requirements.

Student Recruitment and Enrollment

The applicant does not provide an enrollment and outreach plan or a clear description of a lottery process that complies with law.

The applicant provides no details or timelines for student recruitment and enrollment; rather the applicant merely states that they will actively seek to enroll students and encourage staff and others to recruit students.

The applicant provides a lottery process that does not comply with law. Specifically, the applicant states that it will violate the statutory limits on enrollment preferences by providing preference to “siblings of current employees”, and “children in foster care and all homeless children.”

Legal Compliance

The applicant does not demonstrate a capacity to comply with legal requirements. Specifically, the applicant provides a conflict of interest policy that does not comply with NMSA 22-8B-5.2, in that the policy indicates the governing board will decide if a conflict of interest exists and the policy appears to allow board members with a financial interest to participate in the selection award of contracts.

The applicant also does not provide an explanation of how it will comply with the requirements of the Open Meetings Act and the Inspection of Public Records Act. Instead, the applicant cuts and pastes information from several government websites that describe the requirements of the acts.

Evidence of Partnership/Contractor Relationship

The applicant has indicated that there may be relationships that are integral to accomplishing the mission of the school, including relationships that will facilitate the development of the computer programming curriculum and assessments and a relationship for the delivery of the New Mexico History curriculum. However, in this section of the application that applicant has stated that it has no third party relationships and has not provided MOUs to govern these relationships.

Waivers

The applicant indicates, throughout the application, that waivers will be used, but the applicant fails to identify any waivers in this section of the application.

Transportation and Food

The applicant indicates it plans to offer transportation to its students, but provides an inadequate description of how student transportation needs will be met. The applicant simply states a bus services will provide services and describes what the company has told them about background checks and compliance with state requirements. No description of how student needs will be met is provided. No budget is identified to fund the transportation services.

The applicant indicates it plans to offer food services to its students, but provides a very limited description of how food services will be provided. The applicant identifies that it will contract for food services, utilize USDA funding, and offer breakfast, lunch, and an evening snack. The applicant further makes the assurance that all meals will comply with USDA requirements. The applicant identifies that “staff” will serve meals. Substantial details are missing from the applicant’s response, which makes the response limited.

Facilities/School Environment

The applicant does not provide a description of its projected facility and does not attach an acceptable Facilities Master Plan that was timely submitted to PSFA. Instead, the materials attached to the application that were submitted to PSFA do not align with the application. The materials that are attached contain a description of a different academic program with a different mission and goals.

The applicant also does not provide evidence that it has researched potential facilities or properties or identifies a viable property. Instead, the applicant simply identifies an available property that it proposes to use as a site. No information is provided to understand why this was identified as a viable location.

The applicant does not provide a description of potential capital outlay needs or requests for assistance.

Because 100 percent of the applicant’s responses were evaluated as “partially meets” or “does not meet” for the reasons described above this section of the application is inadequate.

Additionally, as noted above, the application does not propose to offer an educational program consistent with the requirements and the purposes of the Charter School Act because the application has not demonstrated the proposed school will 1) create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site; or 2) encourage parental and community involvement in the public school system.

Finally, also for the reasons stated above, the application is 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.

Application Section	Points Received	Applicant School’s Possible Points
BUSINESS PLAN/ FINANCIAL FRAMEWORK	12	52
<p>Evidence/Statements Supporting Score in this Section:</p> <p>The CSD found this section to be complete but inadequate.</p>		

The following areas of the applicant's response were found to be incomplete or inadequate, for the reasons described.

Budgets

The applicant does not demonstrate the capacity to implement New Mexico School funding and budget for long-term sustainability. While the applicant does provide a proposed salary schedule for most key staff that meets state requirements, the applicant does not meet the other requirements of this area of the application.

The applicant provides an inadequate 910B5 that contains significant errors and does not demonstrate a capacity to implement New Mexico School funding. The applicant does not include special education units and included 7th and 8th grade students in the Elementary PE program estimate.

The applicant also provides a 5 year budget that includes substantial errors, is inadequate, and does not demonstrate long-term sustainability. No funding is provided for transportation; inadequate funding is allocated for food services, salaries, software, office supplies, and travel expenses.

The applicant also does not provide an adequate budget narrative; failing to explain basic assumptions, how they are determined, reliable sources, or priorities. The budget narrative introduces substantial questions about the applicant's understanding of budget and budgeting. Specifically, the applicant's narrative describes only all the items that the applicant cut from the budget to balance expenses with SEG funding.

The applicant does not provide a description of budget adjustments that could be made to meet financial budget and cash-flow challenges. Instead, the applicant's response describes responsibilities of the board and finance committees and the Office Manager or Vigil Group. The applicant identifies that the committee will recommend adjustments to the board for approval, but provides no description of what these adjustments might be or how they will be identified.

Financial Policies Oversight, Compliance, and Sustainability

The applicant does not demonstrate the capacity to manage public funds.

Specifically, the applicant does not provide a description of appropriate financial policies and internal controls. Instead, the applicant appears to indicate no such policies exist when it states that the CPA will provide financial policies and internal controls that will comply with all requirements and best practices. The applicant then briefly describes responsibilities, again, of the finance committee, Office Manager or Vigil Group, and governing board.

The applicant does not provide comprehensive control procedures that will be implemented by the proposed school to safeguard assets, segregate payroll and other check disbursement duties, provide reliable financial information, promote operational efficiency and insure compliance with all federal and state statutes, regulations, and rules relative to school procedures. Instead, the applicant cuts and pastes information from public websites and in some, but not all, cases attempts to personalize the information to the school structure. The applicant consistently identifies either the Office Manager or the Vigil Group as a responsible party, but at the capacity interview stated that it may contract with the

ACES group. It is unclear who would be responsible for tasks. For these reasons, the applicant does not identify appropriate staff to perform financial tasks.

The applicant also does not provide a description of how the governing body will provide fiscal oversight and oversight of the audit and finance committees. Instead, the applicant discusses the roles of three potential staff members/individuals, including a CPA, the Vigil Group, and the office manager, in developing and implementing financial policies and controls. The applicant also identifies the creation of the finance committee and the audit committee, but does not identify the governing body's role in oversight.

Finally, the applicant does not provide adequate long range goals and strategies to build the school's capacity to ensure the school's sustainability. Instead, the applicant lists a variety of tasks it will complete during the startup year, first year, and during year two and beyond. No goals are presented, and no strategies are presented for achieving goals.

Because 90 percent of the applicant's responses were evaluated as "does not meet" for the reasons described above this section of the application is inadequate.

Additionally, as noted above, the application does not propose to offer an educational program consistent with the requirements and the purposes of the Charter School Act because the application has not demonstrated the proposed school will meet the department's fiscal requirements.

Finally, also for the reasons stated above the application is 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.

Application Section	Points Received	Applicant School's Possible Points
EVIDENCE OF SUPPORT	4	24

Evidence/Statements Supporting Score in this Section:

The CSD found this section to be complete but inadequate.

The following areas of the applicant's response were found to be incomplete or inadequate, for the reasons described.

Outreach Activities

The applicant provides inadequate evidence that it has developed an outreach program. The applicant identifies several structures it would utilize if the proposed school were opened including the "Curriculum Mapping Database and Software" that does not exist and is not clearly described, parent nights, volunteers, open houses, and board meetings. None of these structures has been used to conduct outreach to date. The applicant also identifies that it has met with Deming Public Schools, has

conducted several public meetings, and has passed out fliers and advertised in the newspaper and on the radio. No detail is provided about these efforts to understand how they are an outreach program that has addressed a broad audience. The applicant also states they have received numerous letters of support. Many of the attached letters of support are from 2013 and do not identify support for the program proposed in this application, but support for a different academic program.

Community Support

The applicant provides inadequate evidence of community or student support for the proposed school. The applicant states, in anecdote, that it has spoken with 75 students regarding the charter school and that about a dozen students are passing out information about the school. The applicant also states that it has 25 parents who want to enroll their students in the charter school. Many of the attached letters of support are from 2013 and do not identify support for the program proposed in this application, but support for a different academic program.

Community Relationships

The applicant does not provide evidence of meaningful working relationships or resource agreements with local community agencies, groups, or individuals. The applicant identifies a series of meetings it has conducted with a variety of individuals, but does not describe any meaningful working relationship. The applicant has also not provided any letters of support that document any working relationships.

Uniqueness and Innovation

The applicant has not provided evidence of the uniqueness, innovation, or significant contribution of its educational program to public education. The applicant has provided no meaningful comparison to other local schools in the area and identifies the use of strategies that are standard educational practice.

Because 100 percent of the applicant’s responses were evaluated as “partially meets” or “does not meet” for the reasons described above this section of the application is inadequate.

Finally, also for the reasons stated above the application is 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.

Application Section	Points Received	Applicant School’s Possible Points
REQUIRED APPENDICES	4	4
<p>Evidence/Statements Supporting Score in this Section:</p> <p>The CSD found this section to be complete.</p>		

Other Pertinent Information

During the Community Input Hearing the local school district, provided well composed remarks that indicated the local district did not support the proposed school. The school district's remarks mirrored many of the findings above.

The applicant did have two supporters present who made remarks in support of the applicant. One supporter was a resident of Texas who has been personally supported in her educational pursuits by Mr. Casavantes, but did not indicate any connection to the proposed school. The other supporter was a retired computer programmer who supports the need for computer programming skills and indicated she would be interested in supporting the implementation of the proposed program.