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HANNA SKANDERA
SECRETARY-DESIGNATE OF EDUCATION

SUSANA MARTINEZ
Governor

December 13, 2012

Dear Public Education Commissioners:

Enclosed is the Final 2012 Charter School Application Final Recommendation and Evaluation for Academia de Lengua y Cultura Charter School applying for a renewal state charter in Albuquerque. Please know that the staff at the Charter Schools Division analyzed the renewal applications, reviewed past performance of the school and gave full consideration to the information gathered in this process.

The Charter Schools Division (CSD) has provided prior evidence in their preliminary analysis and the charter school team has gathered to analyze the data and make the enclosed recommendation.

Thank you all for your hard work and dedication to ensure that New Mexico's Charter Schools represent the best of alternative and innovative options for parents and students.

Sincerely,

A handwritten signature in cursive script that reads "Tony Gerlicz".

Tony Gerlicz
Director
Options for Parents: Charter Schools Division

I. Recommendation

Approve: ☐

Overall the application is complete and adequate.

Approve with Conditions: ☐

Overall the application is complete and adequate.

PROPOSED CONDITIONS

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

1. N/A

Deny: ☒ The Academia de Lengua y Cultura Renewal Analysis documents the specific reasons for the denial recommendation under each of the denial categories highlighted below.

Overall, the application demonstrates that the school has:

- (1) presented one or more material violations of the conditions, standards, or procedures set forth in the charter;
- (2) not met or is not making substantial progress toward achievement of the PED's minimum educational standards or student performance standards identified in the charter application;
- (3) has not met generally accepted standards of fiscal management;
 - a. **NOTE: Audit findings reported in the Academia de Lengua y Cultura renewal application were not the same as the published audit report from Albuquerque Public Schools. This was discovered after the renewal analysis was completed.**
- (4) has violated a provision of the law from which the state-chartered charter school was not specifically exempted.

By:



Tony Gerlicz
Director

OPTIONS FOR PARENTS – CHARTER SCHOOLS DIVISION

**New Mexico Public Education Department
Options for Parents: Charter Schools Division**

**2012 State Charter Renewal Application Analysis
For the New Mexico Public Education Commission**

Charter Schools

Effective Options
for New Mexico's
Families



State Charter Renewal Application Evaluation Standards

In the state of New Mexico, the Charter Schools Act, Section 22-8B-1 NMSA 1978, governs the application and review process for charter schools seeking renewal at the end of their charter term. This statute also includes the four reasons for non-renewal of a school's charter. They are referenced here.

- Paragraph 1 of Subsection F of Section 22-8B-12 NMSA 1978 states that charter may be suspended, revoked, or not renewed by the chartering authority if the chartering authority determines that the charter school...**committed a material violation** of any of the conditions, standards, or procedures set forth in the charter.
- Paragraph 2 of Subsection F of Section 22-8B-12 NMSA 1978 states that a charter may be suspended, revoked, or not renewed by the chartering authority if the chartering authority determines that the charter school... **failed to meet or make substantial progress toward achievement of the department's minimum educational standards or student performance standards identified in the charter application.**
- Paragraph 3 of Subsection F of Section 22-8B-12 NMSA 1978 states that a charter may be suspended, revoked, or not renewed by the chartering authority if the chartering authority determines that the charter school...**failed to meet generally accepted standards of fiscal management.**
- Paragraph 2 of Subsection F of Section 22-8B-12 NMSA 1978 states that a charter may be suspended, revoked, or not renewed by the chartering authority if the chartering authority determines that the charter school...**violated any provision of law from which the charter school was not specifically exempted.**

Based on the completed renewal application, analysis from the Charter Schools Division (CSD) staff, status reports provided by the Public Education Department's (PED) divisions and bureaus, and, if applicable, the local school district, the CSD will make a recommendation to the Public Education Commission (PEC) regarding renewal of a school's charter. The following questions guide the CSD's recommendation regarding renewal and are based upon the four reasons that a chartering authority must determine a charter school has violated in order to refuse to renew a charter.

Has the school committed a material violation of any of the conditions, standards, or procedures set forth in the charter?

The school's charter defines the terms under which it proposes to operate and defines the measurable goals that the school agreed to meet. The CSD will analyze the evidence presented in the report from the school's current chartering authority regarding their determination of whether the school has committed a material violation of its charter.

Has the school failed to meet or make substantial progress toward achievement of the PED's minimum educational standards or student performance standards identified in the charter application?

The CSD will examine student achievement data on required state tests and on other measures set forth in the preliminary renewal analysis and reflected in Part A of the Renewal Application.

Has the school failed to meet generally accepted standards of fiscal management?

The CSD will rely on documentary evidence based on the reports from the PED's School Budget and Finance Analysis Bureau and the Audit and Accounting Bureau with regard to whether the school has met generally accepted standards of fiscal management.

Has the school violated any provision of law from which the state-chartered charter school was not specifically exempted?

The CSD will rely on documentary evidence gathered by the CSD staff during the term of the school's charter to determine if the school has compiled a record of substantial compliance with applicable state and federal laws and regulations, including, but not limited to, submitting items to its chartering authority in a timely manner.

TRAINING

Executive Summary & School Demographics

from the Renewal Application

Please include charter school's current authorizer, year the school charter was initially granted, and how many terms the school's charter has been renewed.

Statistics:

La Academia de Lengua y Cultura (ALC) is a district-authorized charter school in the southwest quadrant of the city of Albuquerque, NM. ALC is near the airport in a highly commercialized part of the community. The charter was approved for the first time in January 2002 by Albuquerque Public Schools (APS) and its charter expires on June 30, 2013. The school serves middle school students, grades 6-8, and focuses on bilingualism and cultural identity. Their total enrollment, according to the school's renewal application is 86 and their enrollment cap is 180. According to their first reporting period (40 day count) this number is still true: 86 students. The enrollment has fluctuated over the four years (08-09—54, 09-10—134, 10-11—78) but the trend is up again and the school leaders, the Executive Director and the Site-based Administrator confirmed, during the site visit, that enrollment is something on which they continue to focus since there are several dual language programs in Albuquerque for elementary students, but that unfortunately, these students do not have many options for continuing this learning in the upper grades. Currently, the Governing Council is in the process of searching for a public building that would allow them to expand. The school's total population is primarily made up of the following subgroups: Hispanic, English Language Learners, and students eligible for Free and Reduced Lunch. As a Title I and Title III school, the school's population for 2011-12 is 94.6% Hispanic, 2.7 African American, 1.4 Asian/Pacific, 100% Economically Disadvantaged, 10.8% Students with Disabilities, and 43.2% English Language Learners.

Mission:

ALC's mission statement from their original charter is: *Academia de Lengua y Cultura will provide middle school students with an educational experience that is both academically rigorous and relevant to regional culture. Students will experience the positive self-esteem that comes from knowledge of identity and heritage and from success with meaningful and challenging curricula in a context with small class size. The school will have a dual language enforcement enabling students to work toward becoming bilingual and bi-literate in Spanish and English and will provide an important place for community and parental involvement.*

Renewal Site Visit:

During the renewal site visit the Charter Schools Division (CSD) staff found the academic environment inviting, clean, and impressive. The facility had tremendously improved since the last time the CSD visited the school. Walls had been painted, new carpet and flooring had been installed, and the walls were covered in art made by the students. The school had two up-to-date computer labs and all of the classrooms appeared organized and properly equipped for student learning. During the tour and

throughout the day, all students and staff were fully engaged. True to their mission, the students were speaking in both Spanish and English and displays were posted in both languages. The CSD felt very welcomed by students and staff.

I.A. Material Violations

The Charter School Act provides:

A charter may be suspended, revoked, or not renewed by the chartering authority if the chartering authority determines that the charter school...committed a material violation of any of the conditions, standards or procedures set forth in the charter, 22-8B-12F (1) NMSA 1978.

The school's charter defines the terms under which it proposes to operate and defines the measurable goals the school pledges to meet. The review team has analyzed the evidence provided by both the charter school and the school's current authorizer (the PEC or the school district) with regard to material violations.

CSD Analysis of Material Violations

Renewal Application Kit:

In the Renewal Application Kit, ALC addressed the following question: **Over the past four years were there any material terms of the school's charter contract with which the chartering authority determined that the school was not in compliance and the chartering authority notified the school of the compliance violation?**

Renewal Applicant's Response:

ALC's Response to the aforementioned question: *"During the school year 2009-2010, Academia de Lengua y Cultura hired an administrator whom they suspected was taking money from the student activities fund. The governing council investigated the incident and sought legal counsel to ensure due process. By March of that year, they let the Administrator know that she would not be rehired for the next year. Although the investigation did not yield conclusive evidence of theft, the administrator admitted taking money, claiming it was an error, and repaid the school two weeks later. No charges were filed but she was released at the end of that school*

year.”

Chartering Authority (APS):

Currently, the chartering authority, APS, still believes that a material violation has been committed. APS reports: *“a material violation occurred when the governance council did not disclose the thefts (there were 2 incidents) to their authorizer or the State when they happened, as required. None of this was discussed with the authorizer or the State until July following the non-renewal of the principal’s contract.”*

CSD:

The CSD would like to note that there is an appearance of a possible criminal and/or civil offense regarding this matter, as no concrete resolution can be located. This has been referred to the Public Education Department’s (PED) legal counsel for further investigation. Additionally, since this matter is primarily related to Fiscal Management, a full analysis of the issue is analyzed in that section below.

**Applicant Response to the Analysis
of Material Violations**

See school’s response in Section I.C Fiscal management.

I.B. Achievement

The Charter School Act provides:

A charter may be suspended, revoked, or not renewed by the chartering authority if the chartering authority determines that the charter school...failed to meet or make substantial progress toward achievement of the department's minimum educational standards or student performance standards identified in the charter application, 22-8B-12F (2) NMSA 1978.

The Charter Schools Division relied on school and PED reports of NMSBA data, and evidence provided by both the charter school and reports from the school's current authorizer (the PEC or the school district) for other academic performance data, data on other student performance standards, and other school goals/performance standards that were identified in the current charter.

I.B.1. SCHOOL ACCOUNTABILITY REPORTS DATA (NMSBA School Summary – All Students)

CSD Analysis of Achievement: School Accountability NMSBA Reports Data

A note from the Charter Schools Division (CSD): The Renewal Application Tool Kit this year is a transitional document for several reasons; as a result, when reading the Renewal Application Analyses, the following information must be considered.

- The schools up for renewal will be the first charter schools to negotiate a contract with the Public Education Commission (PEC), as required by Senate Bill 446 (SB446).
- While the CSD used the charter schools' currently approved performance goals to analyze the schools' progress, these goals will inevitably change as the schools move into their next charter term.
- During the five years of these schools' current charter term, the Public Education Department (PED) has implemented a

new grading system, described in the state's School Grading Report. With this grading system come data to consider that differ slightly from what the schools have traditionally been asked to report regarding student proficiency and performance. For example, Adequate Yearly Progress (AYP) data always reported the performance of Full Academic Year (FAY) students, which is about 80% of students. The School Grading Report, which uses three years' worth of data, calculates the performance of all students on the Standards Based Assessment (SBA), whether or not those students have been at the school for a full year.

- Beyond proficiency percentages, the State Grading Report examines schools' performance in a variety of components, such as Current Standing, School Growth, Opportunity to Learn, Graduation Rates, etc. These components provide the PEC with multiple ways to understand schools' strengths and challenges.

In light of these facts the CSD's analyses used both the data provided by the schools in their Renewal Application Kits, as well as the data that is now more efficiently collected and available to the PED, particularly, the school data available in the School Grading Report. These reports offer a more nuanced picture of a school's strengths and weaknesses beyond the single lens of proficiency rates.

Renewal Application:

As a result of the transition between using AYP as the measurement of a school's success and the new *School Grading Report*, the CSD has clarified the information regarding the section of the renewal on *NMSBA School Summary* by including a revised chart. See below.

Year of Charter Term	School Year Tested	State Grade	Date of NMPED School Accountability Report	Math			Reading		
				AMO / Growth Target	% Proficient	Met proficiency goal?	AMO / Growth Target	% Proficient	Met proficiency goal?
1	2008-09		N/A	24.9%-41	35.9	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	38.8-57	41.0	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2	2009-10		10/2/09	34.19-48	14.06	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	46.47-61	26.56	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3	2010-11		10/24/11	48.44-63	9.38	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	57.61-72	21.88	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4	2011-12	D	7/22/12	52.3	13.3	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	45	37.3	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

* Lower bound confidence interval for AYP Goal. The size of the confidence interval is based on the number of students in the subgroup.

Observing the chart above, the following is true of ALC:

- 2008-2009: The school met their Annual Measureable Objective (AMO) in both reading and math.
- 2009-2010: The school did not meet their AMO in reading and math.
- 2010-2011: The school did not meet their AMO in reading and math.
- 2011-2012: The school did not meet their growth target on the *School Grading Report* in the category of *Current Standing*.

Overall, the information provided shows that the school struggled in helping students achieve proficiency from years 2009-2011. However, the information also shows that within the last year, the school has improved scores. In their self-analysis, the school attributes this fluctuation in scores to changes in leadership and staff.

School Grading Report:

On ALC's *School Grading Report* they received an overall grade of a D, an F in *Current Standing*, an F in *School Growth*, a C in *Growth of Highest Performing Students*, an A in *Growth of Lowest Performing Students*, and a B in *Opportunity to Learn*.

When examining the school's most current Grading Report, the school will soon be recognized by the Assessment and Accountability Bureau as one of the top five schools under *School Rank* on the report for the category *Student Growth, Lowest 25%*. In four out of the six subsections in this category they are among the top five of schools with comparable populations. See chart below.

Similar Schools

While statewide comparisons are helpful, schools may want to see how they rank next to their peers that have similar students and settings. The figures below show how your school contrasts with other schools in the state that are most like it in student characteristics.

Schools are grouped into categories that have similar proportions of English language learners (ELL), students with disabilities (SWD), ethnicities, economically disadvantaged (ED), and mobile students. Different schools are in each category set. A composite score incorporates all categories into a general measure of at-risk students.

	School Rank					
	ELL	SWD	Ethnicity	ED	Mobility	Composite
Current Standing	24 (31)	31 (32)	25 (31)	53 (61)	30 (31)	25 (31)
School Growth	20 (31)	29 (32)	21 (31)	44 (61)	27 (31)	18 (31)
Student Growth, Highest 75%	23 (31)	29 (32)	20 (31)	45 (61)	26 (31)	22 (31)
Student Growth, Lowest 25%	6 (31)	3 (32)	3 (31)	7 (61)	3 (31)	5 (31)
Opportunity to Learn	21 (31)	23 (32)	20 (31)	42 (61)	24 (31)	25 (31)

The first number shows the school's rank (1= highest, most points) within their category of similar schools. The second number in parentheses shows the total number of schools that were ranked in that category.

regarding proficiency, however, the report shows how that the trend is up. In Reading the school went from 22.2% proficiency in 2011 to 37.3 in 2012. In Math the school went from 8.9% proficiency in 2011 to 13.3 % in 2012. For more information regarding the *School's Grading Report*, please see the following link:

http://webapp2.ped.state.nm.us/SchoolData/docs/1112/SchoolGrading/001_013_ALBUQUERQUE_PUBLIC_SCHOOLS_LA_ACADEMIA_DE LENGUA_Y_CULTURA_CHARTER_SG2012_9_25_12.pdf

At the site visit, the administrator acknowledged the state of the school and realized that turnaround was necessary. CSD staff was made aware of the math intervention class designed to address the low scores in this subject. After working with staff on the EPSS, the administrator has successfully completed all of the documentation in the school's Web EPSS.

New Mexico Instructional Audit:

Additionally, it is important to note that New Mexico has put D, F, Focus, and Priority schools at the top of its list for improvement. With this initiative, these schools underwent an instructional audit where the district and/or state spent time in the school to help them develop a systems-wide approach to ensuring all students benefit from high-quality instruction. Specifically, the New Mexico Instructional Audit (NMIA) is part of New Mexico's A-F School Grading Accountability System of school and district support. Its purpose is to improve instruction at the classroom level through examining systems that both support and monitor teachers and other instructional personnel. The audit generates data that inform the Educational Plan for Student Success (Web EPSS), the school's improvement plan, which is required for every school in the state.

ALC has completed the instructional audit and all required documentation for this audit. As a result of ALC's instructional audit, the school has posted the following action items on their Web EPSS:

- Creation of Professional Learning Communities time for five days out of the week
- Revision of calendar to include Physical Education (PE) for students time three times a week, and intervention two times a week.
- Creation of an Algebra class for qualifying students
- Continuation of the school-wide discipline structure to support increased expectations of teachers and to better support at-risk students.
- Weekly conferences between teachers and administrator to work on professional development and mentorship
- Implementation of classroom walkthroughs 2-3 times a week to inform professional development needs and monitor quality instruction
- Application for RFA for D and F Schools funding
- Implementation of IDEAL-NM
- Collection of data on accountability cards to monitor changes in behavior and to provide teachers with data for possible interventions.

**Applicant Response to the Analysis
of NMSBA Reports Data**

**THE SCHOOL ADMINISTRATION WILL CONTINUE TO WORK TO UNDERSTAND THE RESULTS AND
CALCULATION OF THE NEW MEXICO SCHOOL REPORT CARD. ALC AGREES WITH RESULTS PROVIDED BY**

CSD.

I.B.2. STUDENT ACADEMIC PERFORMANCE STANDARDS IDENTIFIED IN THE CHARTER APPLICATION
(Short-cycle assessments and/or other standards-based instruments)

CSD Analysis Of Achievement:
Student Academic Performance Standards Identified In The Charter Application
(Short-cycle assessments and/or other standards-based instruments)

The Renewal Application Kit instructions for this section required the school to present data demonstrating progress toward achievement of the current charter goals “*as measured by the school’s selected short-cycle assessments and/or other standards-based instruments.*” The goals from ALC’s current charter (offered in Part C of the Renewal Application Kit) were not presented in the Renewal Application, nor were any data regarding the achievement of these goals. The goals are listed below:

- 1. Each student will be afforded the opportunity to learn Spanish and English in a Dual Language Environment**
 - *The student’s strengths in English and Spanish will be assessed using the Brigance test in English and Spanish*
 - *The student will be placed in English and Spanish class that meets their developmental level*
 - *Teachers will assess student’s academic progress quarterly, and the learning environment will be modified so that*

- specific weaknesses will be targeted. Assessment tools will include quarterly grades, standardized test scores, Brigance testing 3 times a year, short cycle assessments, and classroom developed assessments*
2. Each student will be given the opportunity to develop a strong sense of cultural identity
 - *Culture and heritage is integrated into the curriculum and reinforced leading to a positive sense of personal and community identity.*
 - *The curriculum integrates and relates positively to the experiences students bring to school*
 - *School activities and field trips emphasize heritage and history relevant to the region, state and community*
 3. Each student will be given the opportunity to learn in a small classroom setting
 - *Students are placed in a small classroom setting*
 - *Students will explore career interests and set goals in a small mentoring class*
 4. Each student will develop tolerance and appreciate cultural diversity
 - *The curriculum reflects a variety of viewpoints and encourages discussion*
 - *An atmosphere of tolerance and mutual respect toward fellow human beings is being developed through curricular content and classroom expectations*
 5. Community members will be involved and participate in the school
 - *Parents participate in their child's educational process and in the governance of the school in order to infuse a sense of social consciousness and responsibility*
 - *Community members are invited to support the school on many levels from being on the Governance Council to developing a school partnership*
 - *The strengths, experiences, tradition, and history of the community are an integral part of the school environment*

In the application—Part A, ALC included goals for the next charter term and then provided data using NWEA and ACCESS results. The NWEA and ACCESS results provide some information on academic performance; however, the data are not aligned to the original goals. The information provided by ALC is inadequate to determine whether or not the goals from the current charter have been achieved. In addition, please note that the current charter goals were not written in measurable terms; however, the CSD did their best to analyze what was presented in the Renewal Application Kit and during the Renewal Site Visit.

Analysis of NWEA Results:

The data for Brigance were not presented (as suggested in goal number 1); however, the school did provide NWEA results. In the renewal application the graph displaying information of NWEA results for Reading provided on page seven, shows that 6th through 8th grades continued, for the most part, to increase their proficiency from years 2008 to 2012. However, these students remain in the two categories “Beginning Steps” or “Nearing Proficient.” ***When examining these data, it is important to note that these are different sets of students.*** Using this graph to follow pseudo-cohorts it appears that the

sixth and seventh grade pseudo-cohorts of 2008-09 continued to grow in reading through their years at ALC. The NWEA Reading graph in the renewal application appears to show the school's ability to support student improvement.

Results on the NWEA graph for Math provided on page eight of the application are less consistent. Starting in the 2008-09 school year grades six and seven scores improve through the 2010-11 school year and dip slightly in the fall of 2012. For eighth grade starting with the 2008-09 school year, the scores dip slightly in 2009-10 and effectively recover in 2010-11 and then remain static in the fall of 2012. However, these students remain in the "Beginning Steps" or "Nearing Proficient." ***When examining these data, it is important to note that these are different sets of students.*** Again, the more compelling way to interpret this graph is by following pseudo-cohorts from sixth and seventh grades starting in 2008-09. This graph demonstrates, for the most part, that if a student remains in the school, they continue to improve academically. At the site visit, the school was asked to provide more information regarding the NWEA results. Specifically, the CSD believed that graphs showing actual cohorts and their growth from the beginning of a school year to the end of a school year would be more telling data. The school did send the CSD graphs regarding this request via email following the site visit. However, no narrative or analysis accompanied the graphs; therefore, the CSD cannot interpret what was sent.

ALC's analysis of these results on page eight reads as follows: *"Academia de Lengua y Cultura short cycle assessment indicates that overall students are learning and scoring higher with each year they attend school. In Reading, the eighth graders are scoring consistently above the 6th and 7th graders, which indicate that they are learning and making academic progress. The data also shows improvement in both but more so in Reading. Mean RIT scores for all grade levels (6th-8th) showed a steady increase each year beginning in 2008-09 through 2012. During that period 6th grade mean RIT Reading scores increased 5 points, from 194 to 199. Seventh grade mean RIT Reading scores improved 13 points, from 192-205. And for 8th grade mean RIT Reading for 8th grade mean RIT Reading scores increased 7 points, from 201 to 208. The decrease of mean RIT Reading score from 2007-08 to 2008-09 is believed to be a result of poor leadership. The Governance Council recognized the problem and replaced the school principal. The mean RIT Math scores over the same period (2008-09 through 2012) showed a similar pattern. Mean scores showed a steady increase. Sixth grade math scores rose 8 points, moving from 191 to 199; 7th grade Math scores improved 15 points, improving from 194 to 209; and 8th grade Math scores remained constant at 212. Again, as with the Reading scores, the decrease in RIT Math scores from 2007-08 is seen as a result of poor leadership, which was corrected."*

ACCESS Results:

As a Title III school, the renewal application also included a chart representing information regarding the ACCESS English Language Proficiency Assessment and the Home Language Survey (pp: 9-10). The Home Language Survey chart provided little information for analysis; the school confirms this in their own explanation on page ten of the application. The school

explains that: *According to the ALC Home/Heritage Language Proficiency data ALC has not conducted an assessment long enough to analyze. ALC plans to begin a more in depth look at this data beginning this year, 2012-13.*

The ACCESS chart, as presented, demonstrates that the school has success moving students from beginning levels of English language proficiency (Entering and Emerging) to mid-levels of proficiency (Developing and Expanding), and less success moving students into English Language Proficient levels (Bridging and Reaching). When asked to confirm the veracity of this observation during the site visit, the school leaders stated that the staff was aware that the students were not reaching the “Bridging” category. (Bridging means that a student is considered English Language Proficient.)

Renewal Site Visit:

ALC reported that the school is fully implementing the dual language environment as described in goal #1.

Regarding goal #1, bullet three (teachers assessing students and targeting specific weaknesses) the school leaders mentioned the room in their calendar for three professional development (PD) days each quarter. During these days, teachers organize and analyze data on their students. The teachers then use what they find to guide their plan. Also, the administrator has created a student assessment bank that is given to the teachers. Using the bank, the staff can make appropriate student placements the students and differentiate instruction in the classroom. The CSD was taken to the Professional Learning Community (PLC) room where teachers meet daily and during PD to analyze data. Student data was displayed on the walls of this room.

Regarding goal #2, the administrator mentioned online Univision, CNN news and other resources available in the Spanish classes. The school leaders took the CSD staff to the Mariachi Band room where there were 10-15 guitars and Mariachi costumes. There was artwork related to cultural identity and awareness displayed throughout the school. Visually, the CSD staff found the school to be reflective of this goal. For example, flags of all Spanish speaking countries were displayed in the rooms and hallways.

Regarding goal #3, the school leaders asserted that there were never more than 20 students per class. This was visibly confirmed as the CSD toured the school. There is an intervention class led by the administrator that serves as the “mentor class.” In each small class the students have folders where they collect, set, and analyze their goals. Finally, the administrator spoke highly of the “student-led conferences” that have been in place for three years now. The director and administrator confirmed that this practice ensured that the students take responsibility for their own progress.

Regarding goal #4, nothing concrete was presented to understand the achievement of this goal.

Regarding goal #5, ALC has a parent involvement group, which was implemented last year, called “Padres Comprometidos” (committed parents) who meet once a week for training on how to help their children succeed, how to talk to and work with teachers, and how to be involved in general. The parents must attend eight out of ten sessions to graduate. The administrator spoke of her vision of these parents feeding into the parent volunteer group.

Summary:

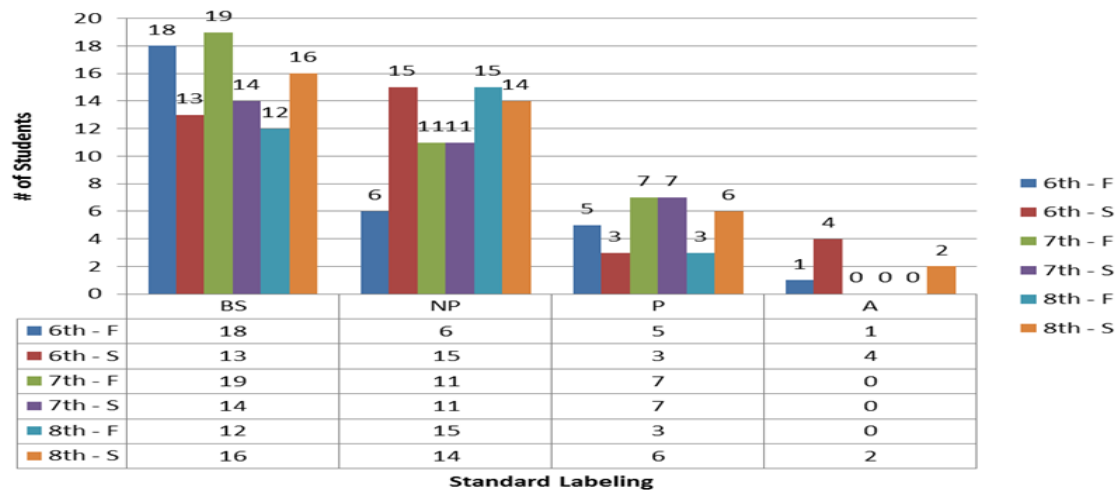
Again, the CSD could not provide much concrete data regarding the accomplishment of ALC’s current charter goals because they were not addressed in the Renewal Application and the goals were not written in measurable terms.

Applicant Response to the Analysis**Student Academic Performance Standards Identified In The Charter Application
(Short-cycle assessments and/or other standards-based instruments)**

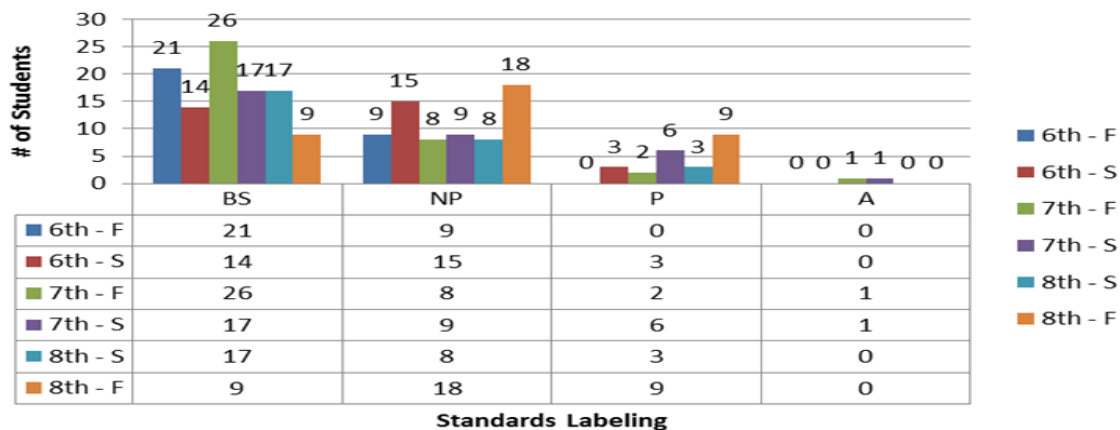
**ALC REGRETS NOT PROVIDING CSD WITH THE ANALYSIS FOR OUR SHORT CYCLE ASSESSMENT DATA.
BELOW IS THE SHORT CYCLE DATA PREVIOUSLY SUBMITTED WITH AN ANALYSIS.**

**Academia de Lengua y Cultura
NWEA Short Cycle Assessment (2009-2012)**

SY 2009 - 2010 Reading

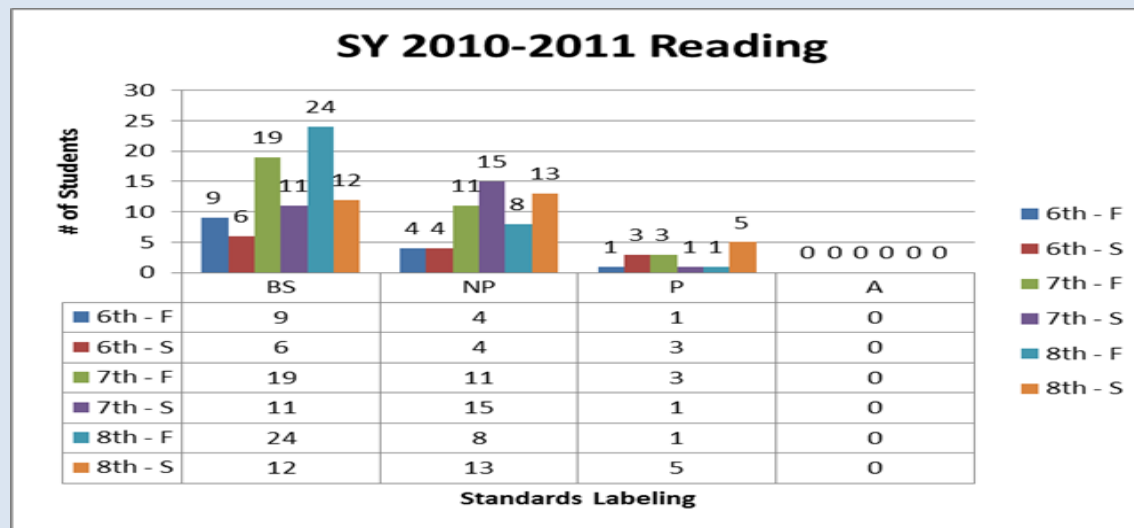


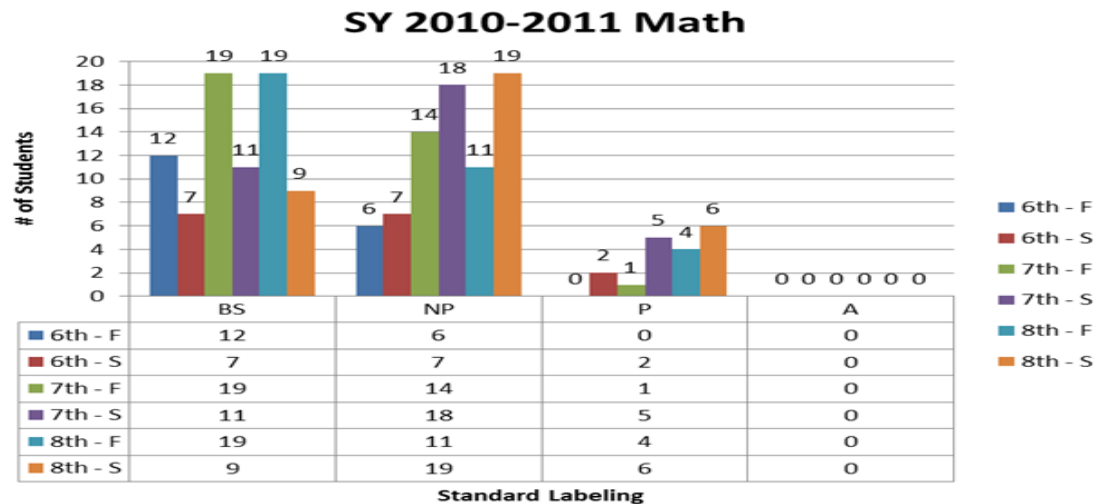
SY 2009 - 2010 Math



Subject	Year	# of Students Tested	Analysis
Reading	2009 –	6 th – 30 (F) 35 (S)	There is not significant growth in reading for any grade level. In both fall and spring

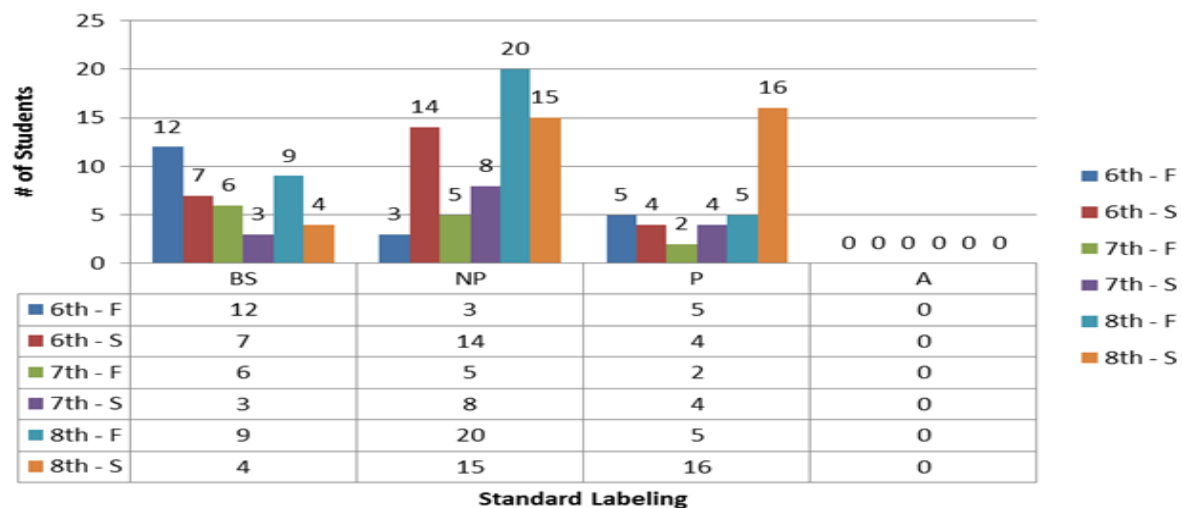
	2010	7 th – 37 (F) 32 (S) 8 th – 30 (F) 38 (S) Total – 97 (Fall) 105 (Spring)	testing sessions, only about 20% of students ever reach the Proficient or Advanced categories. Matters of fact, the 8th grade numbers grow from 12 to 16 by springtime.
Math		6 th – 30 (F) 32 (S) 7 th – 31 (F) 33 (S) 8 th – 28 (F) 36 (S) Total – 95 (Fall) 101 (Spring)	<p>There was positive growth in Math in the 6th grade. The numbers in Beginning Steps (BS) went down by 33% from the fall testing session to the spring testing session. By the spring testing session, students had progressed to Nearing Proficient (NP) and Proficient (P). There were no Advanced (A) 6th graders.</p> <p>In 7th grade, the BS numbers fell by 9 students. By the spring testing session, those students landed in the NP or P category. 7th grade is the only grade to have an advanced student in both fall and spring.</p> <p>8th grade shows the most improvement. Their BS numbers nearly drop by half, while the NP numbers double and the P numbers triple. However, there is no advanced student in 8th grade.</p>



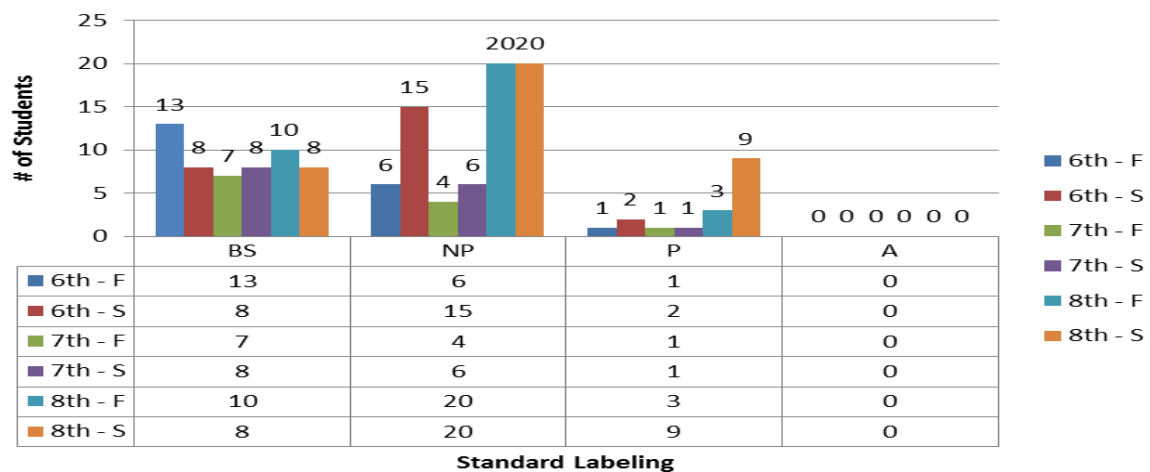


Subject	Year	# of Students Tested	Analysis
Reading	2010 - 2011	6 th – 17 (F) 13 (S) 7 th – 33 (F) 27 (S) 8 th – 33 (F) 30 (S) Total – 83 (Fall) 70 (Spring)	All grade levels show a decrease in BS numbers from the fall to the spring. The most significant drop occurs in the 8 th grade, it drops by half. The 7 th grade drops by 8 students and 6 th grade drops by 3. Again, the biggest growth in Proficient numbers is the 8 th grade, it grows by 4. There are no advanced students in fall or spring for any grade level.
		6 th – 18 (F) 16 (S) 7 th – 34 (F) 34 (S) 8 th – 34 (F) 34 (S) Total – 86 (Fall) 84 (Spring)	Math shows a drop in all grade levels in the BS numbers. 8 th grade drops by more than half. However, by the springtime, the majority of students are scoring a NP. A total of 15% of students ever reach proficiency. There are no advanced students.

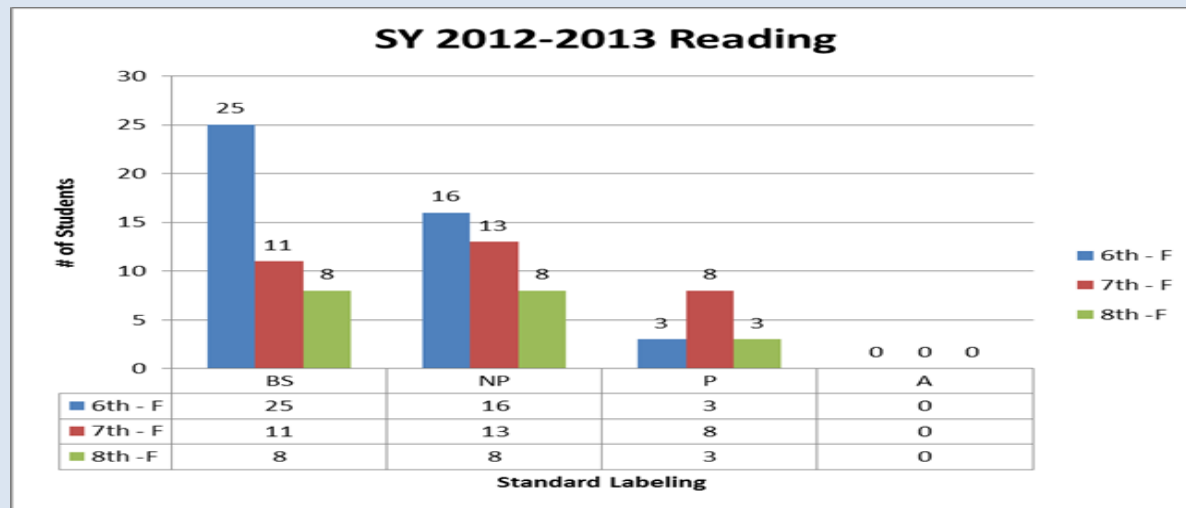
SY 2011-2012 Reading

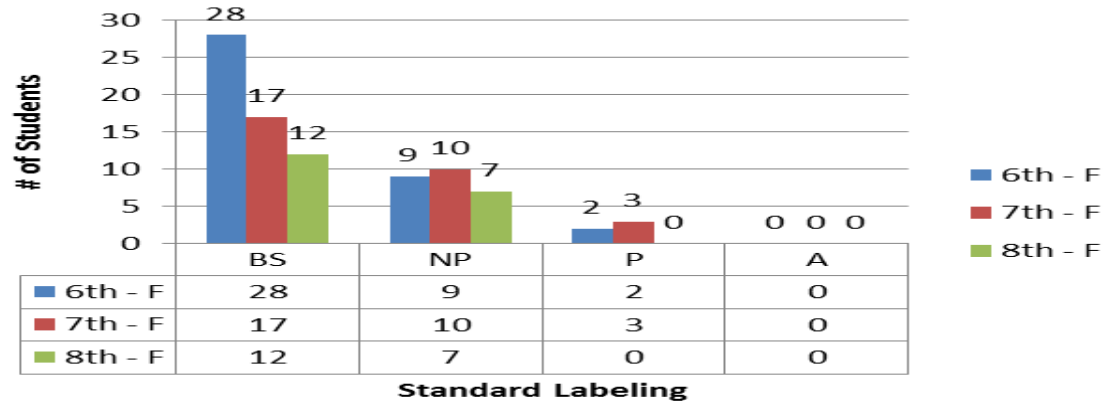


SY 2011 - 2012 Math



Subject	Year	# of Students Tested	Analysis
Reading	2011 - 2012	6 th – 20 (F) 25 (S) 7 th – 13 (F) 15 (S) 8 th – 34 (F) 35 (S) Total – 67 (Fall) 75 (Spring)	All grade levels show progression toward proficiency. By springtime, all grade levels drop their BS numbers by nearly half. The most significant number change is the 8 th grade. In the fall 29 students out of 34 are in the NP and BS categories. By springtime, there are 4 BS, 15 NP, and 16 proficient. Almost 50% of 8 th graders read at grade level!
Math		6 th – 20 (F) 25 (S) 7 th – 12 (F) 15 (S) 8 th – 33 (F) 37 (S) Total – 65 (Fall) 77 (Spring)	In all grade levels, there were not large amount of students in the BS category. The largest number was the 6 th graders at 13. However, by springtime all numbers dropped to 8 with a BS score in all grade levels. The majority of students land in the NP category by the end of the year. However, the 8 th grade proficient numbers triple.



SY 2012 - 2013 Math

Subject	Year	# of Students Tested	Analysis
Reading	2012 - 2013	6 th – 44 (F) 7 th – 32 (F) 8 th – 19 (F) Total – 95 (Fall)	<p>We have not done a second round of testing, but the fall scores tell us that our 6th graders will need a lot help in reading. All but three students in 6th grade received a NP score or lower.</p> <p>This majority of this year's 7th graders (last year's 6th graders), fall in NP. However, we can see that there was not too much "summer loss" because 8 students tested proficient at the beginning the year. This is encouraging and we will try to push them towards an advance score.</p> <p>This year's 8th graders (last year's 7th graders), do show "summer loss." Also, we know that we took in students from other schools, and we must now help them develop reading skills and strategies to raise their scores.</p> <p>Overall, we have a lot of work ahead of us because the majority of our students land in the BS and NP categories.</p>
Math		6 th – 39 (F) 7 th – 30 (F) 8 th – 19 (F) Total – 88 (Fall)	<p>As in reading, the majority of our 6th graders land in the BS and NP category (mostly in BS). Only two students scored at a proficient level.</p> <p>In the 7th grade, there are only 3 students with a proficient score. Most of our students land in the BS and NP categories.</p>

			<p>In both 8th grade and 7th grade this year, the scores show that there was “summer loss.” The 8th graders show the lowest scores with no students in proficient and most students in BS.</p>
<p>Overall, our math scores are extremely low. We have a lot of work to do with our students in order for them to reach a proficient score by springtime.</p>			

I.B.3. OTHER STUDENT PERFORMANCE STANDARDS IDENTIFIED IN THE CHARTER APPLICATION**CSD Analysis Of Achievement:
Other Student Performance Standards Identified In The Charter Application**

No other student performance standards were identified in the renewal application.

**Applicant Response to the Analysis
Other Student Performance Standards Identified In The Charter Application**

The five goals identified in the current charter were not written as SMART goals due in part because that format was not a requirement in 2003-04. However, these goals have been and continue to be very relevant and reflective of the ALC mission, as noted in the analysis. In response to the CSD’s observations, ALC administration has reworked the current goals, combining goals one and three and goals two and four. They are presented here in a SMART goal format. This work reflects the indicators of each goal, the measures and metrics, the baseline, timeline and targets. These re-worked goals will be further developed in the performance contract upon renewal of the charter.

I. Goal I: Each student will be afforded the opportunity to learn Spanish and English in a high quality dual language program while being in a small classroom setting.

Indicator	Measure	Metric	Baseline	Years	Targets
Student Performance on NMSBA/PARCC assessment	<p>NMSBA measures student performance levels in English Reading and Math and determines student achievement levels.</p> <p>Rating on other indicators found in NM School Report Card</p>	<p>%Proficient and Above in Reading and Math</p> <p>Additional Indicators found in NM School Report card</p>	<p>NM School Report Card-Current Standing Reading 37.3</p> <p>Math 13.3</p> <p>NM School Report Card overall points 47.6</p>	2012-20117	3% annual increase per year in both Reading and Math
English Language Proficiency	ACCESS-English Language Assessment -District Wide Language assessment	% of students progressing through to proficiency levels	Current year standing (Current data reflects district averages)	2012-2017	
Spanish Language Proficiency	LAS-Links Assessment	% of students progressing through to proficiency levels	Current Standing based on Title III accountability reports	2013-2017	Goals will be set after base line result in Jan 2012.
Spanish Reading Comprehension	Accelerated Reader Spanish Assessment.	Comprehension levels determined by on-line program.	Test to be administered for the first time on January 2013		

II. Goal 2: Each student will be given the opportunity to develop a strong sense of cultural identity and develop tolerance and appreciate cultural diversity.

Indicator	Measure	Metric	Baseline	Years	Targets
Student Performance on NMSBA/PARCC assessment	NMSBA measures student performance levels in English Reading and Math and determines student achievement levels. Rating on other indicators found in NM School Report Card	%Proficient and Above in Reading and Math Additional Indicators found in NM School Report card	NM School Report Card-Current Standing Reading 37.3 Math 13.3 NM School Report Card overall points 47.6	2012-2017	3% annual increase per year in both Reading and Math
School-Wide Dual Language program	Highly-qualified teachers Teacher Evidence Binders	Classroom walk-throughs Professional Development Plans Professional Learning Communities	First year of PLC School-wide in-house training	2012-2013	
Thematic Units	Measure integration of content and alignment to general curriculum	PLCs Lesson plans Long-term planning Enrichment activities		2012-2013	School Wide rubrics Full Cultural Projects
Safe School Environment	Measure quantity and types of infractions as document through the School Discipline System	Signatures and feedback from Accountability Cards	Annual data	2012-2013	
Extracurricular Activities/Fine Arts	Opportunities for students to participate in	Courses, classes offered before, during and after school.	Mariachi Band Yearbook Student Council PE Course Dance Performances	2012-2013	Regional Art and Music courses

			Fieldtrips		
III. Goal 3: Community members will be involved and participate in school.					
Indicator	Measure	Metric	Baseline	Years	Targets
Parent Involvement	Parent attendance through parent sign-in sheets Monthly GC meetings minutes Parent Survey		Results of Quality of Ed Survey from SY 2011-12	2013-2018	80% participation per event
Parent Training	Padres Comprometidos LULAC Title I (Parent Inv.)	Financial Records. Title I Sign-in Sheets		2013-2018	90% participation at each meeting 50% per school event

I.B.4. OTHER ORGANIZATIONAL PERFORMANCE STANDARDS/SCHOOL GOALS IDENTIFIED IN THE CURRENT CHARTER (If Applicable)

CSD Analysis Of Achievement:**Other Organizational Performance Standards/School Goals Identified In The Current Charter**

When this school was authorized as a charter, organizational goals were not required. At the site visit, it was confirmed that the school leaders were confused when asked about their organizational goal within the renewal application. The original charter does not contain an organizational goal. The school confirmed that what is provided on page eleven of the renewal is about looking ahead, if the school were to be renewed.

Applicant Response to the Analysis**Other Organizational Performance Standards/School Goals Identified In The Current Charter**

I.C. Fiscal Management

The Charter School Act provides:

A charter may be suspended, revoked, or not renewed by the chartering authority if the chartering authority determines that the charter school...failed to meet generally accepted standards of fiscal management, 22-8B-12F (3) NMSA 1978.

The Charter Schools Division has analyzed the evidence provided by the School Budget and Finance Analysis Bureau and the Audit and Accounting Bureau, the charter school authorizer (PEC or the school district), and the charter school with regard to generally accepted standards of fiscal management.

CSD Analysis of Fiscal Management

As reported by the school and confirmed by APS, the school's current chartering authority and the Public Education Department's Budget Analyst, the school may be guilty of unresolved financial improprieties or possible criminal and/or civil offenses as a result of the actions of a previous administrator, from school year 2009-2010 and then the ALC's Governing Council's response to this issue.

Chartering Authority (APS):

The chartering authority's (APS) documentation on ALC (sent to the CSD upon request for their analysis of this school for renewal) shows that ALC's 2009-2010 administrator allegedly embezzled a total of \$7,400 from the school; that the business manager at the time, told the Governing Council President to report the incident to APS and the State Auditor, but that the governing council president resisted that recommendation and then later reported that she had done both. To date, the chartering authority states that there has been no resolution regarding this issue. Specifically, the chartering authority reports that neither "APS, the Office of the State Auditor, or Moss Adams received any documentation [or are aware of receiving] that the Internal Audit Department has been able to locate." In addition, as APS understands it: "a material violation occurred when the governance council did not disclose the thefts (there were 2 incidents) to their authorizer or the State when they happened, as required. None of this was discussed with the authorizer or the State until July following the non-renewal of the principal's contract."

La Academia de Lengua y Cultura:

In response to their chartering authority regarding this issue, the ALC writes: "This matter occurred over two years ago...was investigated by the School and its legal counsel immediately, and was addressed at that time by the School and the Council Chair. Reports were made to APS and the State Auditor related to the matter; we addressed these allegations with you in letters dated August 16 and November 22, 2010 from our legal counsel to you and to [the business analyst; name redacted] of the New Mexico Public Education Department. Please let me know if you need copies of these letters and we will provide them to you again. In addition, the matter regarding the former administrator (who was terminated) was referred to the New Mexico Public Education Department, Licensure Division, and documents were provided by the school in conjunction with that investigation. Nothing further has been heard or received by the School or the Council with regard to this matter, despite the School's stated willingness at the time to continue to address/discuss any lingering concerns. Therefore, the School reasonably assumed that there were none."

Charter Schools Division:

As they were presented during the Renewal Site Visit, the CSD could not locate any governing council meeting minutes that reflected this specific fiscal management/material violations issue. In general, the meeting minutes, as they were presented were not well organized, well composed, or thorough, and as a result, the CSD could not locate a resolution to the matter. In addition, there does not appear to be any Corrective Action Plan and/or procedures to prevent fiduciary mishaps in the future.

Budget and Finance Analysis Bureau:

Based on the reports from the PED School Budget and Finance Analysis Bureau and the PED Audit, there are some fiscal concerns with the School.

NUMBER of Audit Findings reported by year:

2007-08	2008-09	2009-10	2010-11
0	3	13	4

The following findings are repeated: *Board Minutes*, *Segregation of Duties*, *Budgetary Conditions*, and *Internal Control* issues.

Also, the Budget and Finance Analysis Bureau Report from PED for 2011 reported that ALC received citations for fiscal noncompliance with the state and/or federal agency requirements. Specifically, they report the nature of the noncompliance issue as:

- FS 11-01 Untimely Federal Reimbursement back to government
- FS 11-02 Budgetary Conditions
- FS 11-03 PED Reports
- FS 11-04 Internal Control Structure

The Budget and Finance Analysis Bureau Report does state that the School frequently misses filing deadlines of important financial reports, but that the school is now current in submitting required financial reports.

**Applicant Response to the Analysis
of Fiscal Management**

Additional documentation has been provided to CSD regarding the alleged financial improprieties, including a letter from the school's lawyer that summarizes the outcome of her investigation and recommendations to the governance council.

Current ALC administration acknowledges that this matter was not documented adequately by the GC, nor was a corrective action plan formally written and approved. However, corrective action has taken place, both in terms of financial oversight and GC practices.

In SY 2012-13 ALC contracted with Griego Professional Services for its business management. As indicated, financial reports have been submitted timely since this year.

I.D. Compliance Review

The Charter School Act provides:

A charter may be suspended, revoked, or not renewed by the chartering authority if the chartering authority determines that the charter school...violated any provision of law from which the charter school was not specifically exempted. 22-8B-12F (4) NMSA 1978.

The Charter Schools Division relied on documentary evidence compiled during the term of the school's charter from the authorizer (PEC or the local district) to determine if the school has demonstrated a record of substantial compliance with applicable state and federal laws and regulations, including, but not limited to, submitting items to its authorizer in a timely manner.

CSD Analysis of Compliance Review

Open Meetings Act:

In their Renewal Application, ALC reports that the governing body's draft and final meeting minutes have been available for public review in compliance with the Open Meetings Act. ALC's chartering authority reports in the *Monitoring Visit Report for 2011-12* that there is concern as to whether or not there has been a quorum for some board meetings where action has been taken. APS writes in the report: *"ALC has not had the required number of 5 Governing Council members since the last site visit on March 25, 2011, and possibly before then. For the August 30, 2011 Governing Council meeting, the minutes only reflect 2 members present. The November 8, 2011 Governing Council meeting does not identify attendees. The December 2011 Governing Council meeting minutes were not available for the January 13, 2012 site visit."* APS also writes: *"Finance Committee does not have the required number of members. They are missing a parent volunteer and also a volunteer with financial knowledge/experience."*

In the Renewal Application on page 18, the school states that they have had *"considerable difficulty retaining a full roster of Council members. At times there were only three members due to resignations of members for various reasons, and to practical difficulties encountered in recruiting members from the constituencies described in the ALC Charter, over which the Council had little control. However, the Governing Council President made ongoing efforts to recruit and retain members for the Council for these constituencies."*

During the CSD's renewal site visit, there was evidence of weak governing body practices. The minutes were not available for all years of operation. The minutes that were available often did not identify attendees or action items, record dates, or fully present the items discussed at the meetings. Thus, it appears that before this school year, the governing body may have been non-compliant with the Open Meetings Act as identified in *"Open Meetings"* section 10-12-1(B), NMSA 1978, *"At which a quorum of the members of the public body is present in person or by telephone;"* and in *"Meeting Minutes"* section 10-15-1(G), NMSA 1978, *"Minutes must contain at least: The names of all members of the public body attending the meeting and of those members who are absent; a description of the substance of all proposals considered during the meeting; a draft copy of the minutes is prepared within 10 working days of the public meeting; the minutes are approved, amended or disapproved at the next meeting where a quorum of the public body is present; and all minutes are made available for public inspection."*

To date, this lack of best practices appears to have been remedied. Currently, the ALC Governing Council has seven members and school leaders offered evidence of the appropriate members necessary for the finance and audit committees.

Evaluations of Head Administrator:

ALC reported and confirmed at the site visit that there was no evidence that evaluations of the school's head administrators' performance over the years had been consistently conducted. The current administrator did assure that the Governing Council had

conducted evaluations of her performance over the past two years.

By-Laws:

Regarding the compliance question on abiding by the governing body by-laws, it is unclear as to whether the ALC Governing Council has approved a change to their by-laws regarding their stated minimum amount of members. According to the *Charter School Act*, section 22-8B-4, “*Charter schools' rights and responsibilities; operation: A charter school shall be governed by a governing body in the manner set forth in the charter; provided that a governing body shall have at least five members;*” As written, ALC’s by-laws require seven members. There was evidence presented to the CSD at the site visit that changing this minimum to five had been discussed but in meeting minutes, but no apparent action was taken. Upon CSD request, following the site visit, ALC emailed Governing Council minutes demonstrating the approval of the new By-Laws for May 8, 2012. The word document submitted to the CSD had a questionable document creation date. The CSD called ALC’s administrator for clarification. After the phone call, new minutes representing May 8, 2012 were sent in a PDF format and these minutes **did not** include the approval of By-Laws.

**Applicant Response to the Analysis
of Compliance Review**

There was a discrepancy in the April 23, 2012 minutes originally submitted to the CSD and those sent later by the administrator. The May 8 minutes submitted originally and those sent later are identical. We believe what happened was that the GC member who sent those minutes from April 23 had an old or incomplete draft copy in her possession. The school asserts that the original minutes created by the GC secretary are the correct ones.

Both copies of the May 8, 2012 minutes indicate that the by-laws were approved.

As of result of this confusion the school has adopted a procedure whereby the GC secretary sends out draft minutes (labeled with a draft watermark) and a final copy in PDF format (without the watermark).