

# ORGANIZATIONAL PERFORMANCE FRAMEWORK

The Organizational Framework primarily lists the responsibilities and duties of charter schools that the schools are already required to meet through state and federal laws. It was developed pursuant to the New Mexico Charter Schools Act. This section includes indicators, measures and metrics related to attendance; recurrent enrollment from year to year; and governing body performance, including compliance with all applicable laws, rules and terms of the charter contract (Section 22-8B-9.1A (4, 5, 9) NMSA 1978).

NACSA Principles & Standards (2012) states that,

“A Quality Authorizer implements an accountability system that effectively streamlines federal, state, and local...compliance requirements while protecting schools’ legally entitled autonomy and minimizing schools’ administrative and reporting burdens” (p. 16).

For each measure a school receives one of three ratings: “Meets Standard,” “Working to Meet Standard” and “Falls Far Below Standard” which are defined below. The term “material” used below means that the PEC deems the matter relevant to:

1. The PEC’s accountability decisions including but not limited to decisions about whether to renew, non-renew, suspend, or revoke a charter, or
2. Information that a family would consider relevant to a decision to attend the school.

The Performance Framework is the basis of the annual school review process, and the data and evidence resulting from the annual review will ultimately inform the PEC’s renewal decision. If a school receives a “Working to Meet Standard” or “Falls Far Below Standard,” this may result in closer PEC review the following year on that indicator, the PEC may require a corrective action plan or take other appropriate action.

### ***Meets Standard:***

The school meets the standard if it satisfies each of the conditions described in the paragraph.

### ***Working to Meet Standard:***

The school has not implemented the program in the manner described below; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

### ***Falls Far Below Standard:***

Evidence shows that the school has not implemented the program in the manner described below; the program area(s) not implemented were material; and, the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

# 1. EDUCATIONAL PLAN

1.a. Is the school implementing the material terms of the approved charter application as defined in the Charter Contract?

**Meets Standard:**

The school demonstrates evidence of substantially achieving the material terms of the approved charter application in all respects as defined in the Charter Contract.

**Working to Meet Standard:**

The school has not implemented the program in the manner described above, and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

**Falls Far Below Standard:**

Evidence shows that the school has not implemented the program in the manner described above, and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

1.b. Is the school complying with applicable education requirements?

**Meets Standard:**

Unless waived, the school demonstrates compliance with applicable laws, rules, and regulations relating to education requirements:

- Instructional days or hours requirements;
- Next Step Plan;
- Graduation requirements;
- Promotion/retention requirements;
- Content standards, including Common Core;
- Educational Plan for Student Success (EPSS);
- State assessments including NMSA 22-2C-1, et. seq. and if a high school, 22-2-8.11;
- Implementation of mandated programming as a result of state or federal funding; and
- Parent surveys as required by 22-2C-11.

**Working to Meet Standard:**

The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

**Falls Far Below Standard:**

Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

1.c. Is the school protecting the rights of all students?

**Meets Standard:**

The school demonstrates compliance with applicable laws, rules, and regulations relating to the rights of students by:

- Development and adherence to legally compliant policies related to admissions, lottery, waiting lists, fair and open recruitment, and enrollment, including rights to enroll or maintain enrollment;
- Adherence to due process protections, privacy, civil rights and student liberties requirements, including 1st Amendment protections and the Establishment Clause restrictions prohibiting public schools from engaging in religious instruction; and

- Development and adherence to legally compliant student discipline policies including discipline hearings, suspension and expulsion policies.

***Working to Meet Standard:***

The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

***Falls Far Below Standard:***

Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

1.d. Is the school protecting the rights of students with special needs?

***Meets Standard:***

The school demonstrates compliance with applicable laws, rules, and regulations, including but not limited to, the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act, and laws relevant to gifted children, relating to identification and referral of those suspected of having a disability or intellectual ability and providing services for students with identified needs.

***Working to Meet Standard:***

The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

***Falls Far Below Standard:***

Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

1.e. Is the school protecting the rights of English Language Learner students?

***Meets Standard:***

The school demonstrates compliance with applicable laws, rules, and regulations, including, but not limited to, Title III of the Elementary and Secondary Education Act (ESEA) and US Department of Education authorities, relating to English Language Learner requirements.

***Working to Meet Standard:***

The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

***Falls Far Below Standard:***

Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

1.f. Is the school complying with compulsory attendance laws?

**Meets Standard:**

The school demonstrates compliance with applicable laws, rules, and regulations relating to compulsory school attendance.

**Working to Meet Standard:**

The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

**Falls Far Below Standard:**

Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

1.g. Did the school meet the following recurrent enrollment goals?

*(To be completed upon negotiation with the PEC of the Performance Indicators prior to the start of a new school year)*

A. The school has the following enrollment at the present time:

\_\_\_\_\_

B. Out of these total students, the following students are eligible for re-enrollment at the school:

\_\_\_\_\_

C. Out of these total students, the following students are not eligible for re-enrollment at the school:

\_\_\_\_\_

D. Describe the reasons that the students identified immediately above are not eligible for re-enrollment:

\_\_\_\_\_  
\_\_\_\_\_

**OR Other method for assessing recurrent enrollment goals**

\_\_\_\_\_  
\_\_\_\_\_

**Meets Standard:**

Of the students eligible for re-enrollment, at least 85% of these students did re-enroll in the school.

**Working to Meet Standard:**

Of the students eligible for re-enrollment, at least 50% of these students did re-enroll in the school.

**Falls Far Below Standard:**

Of the students eligible for re-enrollment, less than 50% of these students did re-enroll in the school.

## 2. BUSINESS MANAGEMENT AND OVERSIGHT

### 2.a. Is the school meeting financial reporting and compliance requirements?

**Meets Standard:**

The school demonstrates complete and timely compliance with applicable laws, rules, and regulations relating to sound financial principles and financial reporting requirements:

- Submittal of all documentation related to the use of public funds including, annual budgets, revised budgets, if any, periodic financial reports as reasonably required by the PEC and set forth in the Charter Contract, and any reporting requirements if the school contracts with an education service provider;
- Submittal of information required to conduct and complete the annual independent audit;
- Development and adherence to sound internal control policies; and
- Development and adherence to purchasing protocols that comply with the New Mexico Procurement Code, and all other applicable purchasing laws.

**Working to Meet Standard:**

The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

**Falls Far Below Standard:**

Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

### 2.b. Is the school following Generally Accepted Accounting Principles?

**Meets Standard:**

The school demonstrates compliance with applicable laws, rules, and regulations relating to financial management and oversight expectations as evidenced by:

- An unqualified audit opinion;
- An audit devoid of significant findings and conditions, material weaknesses, or significant internal control weaknesses; and
- An audit that does not include an ongoing concern disclosure in the notes or an explanatory paragraph within the audit report.

**Working to Meet Standard:**

The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

**Falls Far Below Standard:**

Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

### 3. GOVERNANCE AND REPORTING

#### 3.a. Is the school complying with governance requirements?

**Meets Standard:**

The school demonstrates compliance with applicable laws, rules, and regulations relating to charter school governance through the adoption of and adherence to

- All required school policies;
- The Open Meetings Act and Inspection of Public Records Act;
- A conflicts of interest policy;
- An anti-nepotism policy;
- Governing body organization and membership rules (e.g. bylaws);
- Creation of required committees of the Governing body;
- Governing body mandated training requirements;
- The Governing body has a plan in place for body succession;
- Governing body members are replaced within 45 days of the vacancy occurring.

**Working to Meet Standard:**

The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

**Falls Far Below Standard:**

Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

#### 3.b. Is the school holding management accountable?

**Meets Standard:**

The school demonstrates timely compliance with applicable laws, rules, and regulations relating to oversight of school management:

- (Head of School) The governing body provides a written annual evaluation of the head of school that holds the head of school accountable for performance expectations.
- (Partner Organizations) The governing body periodically reviews the relationship and contracts with a partner organization identified in the approved charter application, as may be amended.

**Working to Meet Standard:**

The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

**Falls Far Below Standard:**

Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

## 4. EMPLOYEES

### 4.a. Is the school meeting teacher and other staff credentialing requirements?

**Meets Standard:**

The school demonstrates compliance with applicable laws, rules, and regulations relating to state certification requirements of teachers and other staff, including Title II of the ESEA for Highly Qualified Teachers and Paraprofessionals, and that the school has a licensed business manager. Credentials match the assigned work of employees or independent contractors.

**Working to Meet Standard:**

The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

**Falls Far Below Standard:**

Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

### 4.b. Is the school respecting employee rights?

**Meets Standard:**

The school demonstrates compliance with applicable laws, rules, and regulations relating to employment, including:

- School Personnel Act;
- Charter School Act;
- Family Medical Leave Act; and
- Americans with Disabilities Act.

The school develops and adheres to policies that demonstrate that the school:

- Does not interfere in employees' rights to organize collectively.
- Provides professional development and timely teacher evaluations.

The school develops and adheres to legally compliant personnel policies and an employee handbook that outline disciplinary and grievance procedures.

**Working to Meet Standard:**

The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

**Falls Far Below Standard:**

Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

### 4.c. Is the school completing required background checks?

**Meets Standard:**

The school demonstrates compliance with applicable laws, rules, and regulations relating to background checks of all individuals associated with the school, including staff and members of the community, where required.

**Working to Meet Standard:**

The school has not implemented the program in the manner described above; the program area(s) not

implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

**Falls Far Below Standard:**

Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

4.d. General Information

Has the school had more than 20% turnover in personnel in each of the past two years?

\_\_\_ Yes      \_\_\_ No

If so, please complete the following:

a. Please identify the reason for the turnover. \_\_\_\_\_

\_\_\_\_\_

b. What impact do you see this having on the school and what actions are you taking to reduce the impact on the school?

\_\_\_\_\_  
\_\_\_\_\_

c. What actions are you taking to retain staff?

\_\_\_\_\_

d. What actions are you taking to ensure that staff hired will work well at the school?

\_\_\_\_\_

**5. SCHOOL ENVIRONMENT**

5.a. Is the school complying with facilities requirements?

**Meets Standard:**

The school demonstrates compliance with applicable laws, rules, and regulations relating to the school's facilities. The school shall provide evidence of the following:

- Certificate of occupancy or other required building use authorization;
- Compliance with the facility condition rating requirements of NMSA 22-8B-4.2 as it applies to the school;
- Approved 5 year facility master plan;
- Approved 5 year facilities maintenance plan;
- Fire inspections and related records;
- If applicable, approved list of facility variances; and
- If applicable, student transportation programs.

**Working to Meet Standard:**

The school has not implemented the program in the manner described above; the program area(s) not



implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

***Falls Far Below Standard:***

Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

5.b. Is the school complying with health and safety requirements?

***Meets Standard:***

The school demonstrates compliance with applicable laws, rules, and regulations relating to safety including the provisions of providing health related services, if such services are provided. The school shall provide evidence of the following:

- Approved Safe Schools Plan;
- Completion of School Health Rules Checklists;
- Providing appropriate health services and dispensing of pharmaceuticals;
- Meeting food services requirements, if food services are offered; and
- Meeting the requirements of other resources offered, if applicable.

***Working to Meet Standard:***

The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

***Falls Far Below Standard:***

Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

5.c. Is the school handling information appropriately?

***Meets Standard:***

The school demonstrates compliance with applicable laws, rules, and regulations relating to security of information. The school shall provide evidence of the following that shows that the school:

- Maintains required information in the STARS data system;
- Collects and protects student information that has the potential of being used in discriminatory ways or otherwise contrary to law;
- Maintains the security of and provides access to student records under the Family Educational Rights and Privacy Act and other applicable authorities;
- Allows access to documents maintained by the school under the Inspection of Public Records Act and other applicable laws;
- Timely transfers student records;
- All records are safe from fire and theft and stored in a retrievable manner;
- All student records are retained and disposed of pursuant to state requirements; and
- Properly and securely maintains testing materials.

***Working to Meet Standard:***

The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

***Falls Far Below Standard:***

Evidence shows that the school has not implemented the program in the manner described above; the

**program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.**

## **6. SCHOOL SPECIFIC TERMS**

The Public Education Commission and Charter School agree to the terms specified in this Performance Framework.

Representative of the Public Education Commission

Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date of Approval: \_\_\_\_\_

Representative of the Charter School

Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date of Approval: \_\_\_\_\_



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