September 13, 2013

Dear Public Education Commissioners:

Enclosed is the 2013 Charter School Application Final Recommendation and Evaluation for Explore Academy applying for a state charter in Albuquerque to open with grades 9 – 10 and eventually expand to grade 12 represented by founder, Justin Baiardo. Please know that the process utilized this year by the Charter Schools Division (CSD) deviated from past years and was designed to reflect the Amended Charter School Act. We feel we created a very rigorous process. Three teams of highly successful and seasoned charter school leaders and business managers scored both the paper application and the capacity interview totaling up to 333 points for elementary applications and 342 points for high school applications.

Additionally, the CSD allotted itself 10% of the total points (33 & 34 for ES and HS respectively), available for dispersal called the “CSD Team Synthesis Score”. The rationale is that CSD staff has been involved with the people and the applications since the very beginning and have a perspective that is different from the reviewers and the PEC.

So in addition to the application and capacity interview score, the “CSD Team Synthesis Score”, which is on the summary score sheet, includes our analysis of whether the applicants: 1) Presented a good idea for a school that is realistic; 2) Explained their idea thoroughly in written and verbal form; 3) Have requisite capacity to make the school a success; 4) Made a convincing demonstration of capacity and 5) Have demonstrated sufficient support for the school and whether it will be sustained after the founders move on.

We realize as well that the stated goals in the entire application and proposal may be refined during the Contract and Performance Frameworks process that follows at the end of the Planning Year.

Thank you all for your hard work and dedication to ensuring that New Mexico’s Charter Schools represent the best of public school options for parents and students. We are making a difference!

Sincerely,

Tony Gerlicz

Director, Options for Parents: Charter Schools Division

**Recommendation**

Approve: with standard requirements to commence operations, (see below)

1. Obtain standing as an approved Board of Finance

2. Negotiate a contract with the Public Education Commission

3. Secure Appropriate Funding

4. Secure a facility that meets PSFA approval

5. Complete the planning-year checklist

Overall the application is complete and adequate; and during their Capacity Interview, the applicant(s) demonstrated the capacity to implement the education and governance/management plans as described in the application. The CSD sees this application as an educational delivery system that is unique and offers the opportunity to break the stranglehold that traditional educational structures have on schools. The applicant(s) have the experience, knowledge, and competence to successfully open and operate a charter school, including having an experienced educator already selected as Principal and the beginnings of an exemplary Governing Council.

Approve with Additional Conditions:

Overall the application is complete and adequate; and during their Capacity Interview, the applicant(s) demonstrated the capacity to implement the education and governance/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; however, the conditions recommended below are necessary to correct minor concerns raised by the reviewers.

**Additional Proposed Conditions**

The Applicant will complete the following additional conditions beyond the standard ones, according to the timelines set forth therein:

1. Since the Explore Academy has retained a high quality administrator as its founding principal, CSD will require that the section of the application dealing with special needs population and differentiated instruction be written to reflect the capacity of the selected principal.

Deny: X

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. Further commentary is provided in the CSD Synthesis section at the end of this report.

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.

**Options For Parents – Charter Schools Division**

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Director of Options for Parents, or Designee

1. **Overall Score Sheet**

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| --- | --- | --- | --- |
| **Section**  | **Points Received** | **Applicant School’s Possible Points** | **%** |
| Application |  |  |  |
| * School Mission
 | 4 | 6 |  |
| * Education Plan/Academic Framework
 | 45 | 90 |  |
| * Organizational Plan and Governance/Organizational Framework
 | 77.3 | 126 |  |
| * Business Plan/ Financial Framework
 | 31 | 48 |  |
| * Evidence of Support
 | 12.7 | 24 |  |
| * Required Appendices
 | 3 | 3 |  |
| Capacity Interview | 29.7 | 45 |  |
| **Sub Score** | 202.7 | 342 |  |
| CSD Team Synthesis Score - (CSD up to 33 pts available) | 28 |  |  |
| **Overall Score** | 231 | 342 |  67.5% |

**Explanation Regarding Score Sheet**

Legislation creating Charter Schools in New Mexico was initially passed in 1992, and was amended in 1999 and again in 2011.  The intent was to create independent public schools of choice that would enjoy, and be held accountable for increased autonomy.   Innovation, autonomy, choice and accountability are hallmarks of the charter movement.  In the new charter school application review process, the Charter Schools Division has done a complete analysis of all evaluation components and then analyzed how those components, and the proposed school in general, would contribute positively to the diverse public school educational landscape in New Mexico and the overarching charter schools movement.

The review teams considered three categories of each new charter school application: the Academic / Educational Plan, the Organizational Plan, and the Financial Plan.  The Paper Application consisted of 81 questions with some questions weighted more heavily than others, as reflected in the score sheets.  The Capacity Interview consisted of 14 pre-selected questions and one that was uniquely tailored to the school. Each question was weighted equally.  Subsequently, community input hearings took place in the community of the proposed school to ascertain the level of support that the applicant school has in the community.

The CSD then added its 10% ***CSD Team Synthesis Score***. The purpose of the ***CSD Team Synthesis Score*** is to ensure that the CSD bring its perspective to the analysis, in addition to the outside reviewers as explained above.

1. **Final Analysis**

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| **Application Section** | **Points Received** | **Applicant School’s Possible Points** |
| **Mission** | 4 | 6 |
| **Evidence/Statements Supporting Score in this Section:**The mission clearly focuses on providing each student with a personalized educational experience through the power of student choice in preparation for a college future. |

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| **Application Section** | **Points Received** | **Applicant School’s Possible Points** |
| **Education Plan/Academic Framework** | 45 | 90 |
| **Evidence/Statements Supporting Score in this Section:**The number of goals seems ambitious to manage in a new school with a limited staff. The rationale is that the students will perform at a high level based on being able to choose among seminar versions in a content area. Though student interest will be helpful, questions remain as to whether it is reasonable to expect that student success rate can reach 97.5% (p. 4.), especially when there will be a single summative assessment determining a student's grade for each seminar (p.6). The exit exam of each seminar will include 8-12 standards wherein each student must demonstrate proficiency or retake the seminar. Differentiation is focused on content and not instructional strategies for students with disabilities or limited English proficiency. It is questionable that a diverse clientele of students can demonstrate mastery at the level expected by the charter. We applaud the high reaching standard but wonder about its realism.The educational program consists of eighty seminars including instruction of the Common Core State Standards (CCSS) in core subjects. Each seminar will last 22 days and end with an exit exam. Problem-based learning is discussed as an instructional strategy and the use of Bloom's Taxonomy is discussed as the basis for determination of proficiency, but more explicit information is needed to understand how all students will be successful. The curriculum development timeline is not specific for the eighty core seminars planned to teach standards in English, math, history, and science. The application indicates that the founder and a group of teachers making up the school's development team will formally develop the school's theme-based, student choice-based, spiral curriculum during the Planning Year (p. 60). It was not completely clear how this work will be budgeted.The application states that all seminars will use multiple instructional strategies, including components of lecture, projects, and cooperative learning (p. 68). It further explains that in the Explore Academy system, themes will dictate strategies (p. 69), and focus will be on experiential learning (p. 69). All students will take the same exit exam for the different versions of seminars. There was no specification as to what accommodations are available for students with different learning needs. The differentiation is based more on content than on student identified needs. There is no mention of the school's role in preparing teachers to provide multiple instructional strategies or how to accommodate for diverse student needs.The application indicates compliance with special education and section 504 requirements. The school's plan is for identified students to be served through a full inclusion model (p. 80). Classroom teachers are responsible for modifications and accommodations for special education students in their classes, including creating any and all required ancillary materials for all instruction (p. 81). Special education and ELL staff are responsible for monitoring student progress and providing support to students in class as well as in a resource room on a rotation basis. It is not clear how students with special needs will be given flexibility to move at their own pace, within the limit of the 22-day course as described (p. 81). Students are expected to use the flex period in their schedule to get the additional support they need; however, some special education students still may need additional support. The application does not clearly explain how the limited special education support can support the potential number of identified students in a full inclusion model (p. 84)--One special education teacher. ELL staff is projected and budgeted on the APS student population. The application indicated the staff will be adjusted according to student enrollment (p. 91).  |

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| **Application Section** | **Points Received** | **Applicant School’s Possible Points** |
| **Organizational Plan and Governance/Organizational Framework** | 77.3 | 126 |
| **Evidence/Statements Supporting Score in this Section:**The application addresses all the appropriate concerns for governing boards. The relationships between the board and the lead administrator are clear. Board members appear to have a high level of leadership expertise and they have good executive level experience, which is key. The application provides a clear plan for Governing Body training and annual self-evaluation process. The description of the Governing Body demonstrates understanding of, and capacity to, monitor the operational, financial, and academic success of the school to ensure the school is meeting its mission. It provides evidence of a clear plan to hire and evaluate a highly qualified administrator. Job descriptions for key staff are clear, and the staff evaluation based on the Measures of Effective Teaching project is clear and comprehensive (p. 127). The staff evaluation has three components: student performance, student surveys, and teacher observation (p. 128). The organizational chart provided in the application is confusing and therefore limited in its explanation of the relationships between governance, administration, teaching, and support staff (p. 122). The application's staffing plan is limited in how it can adequately implement the complex educational program and high student performance described, especially for students with disabilities requiring inclusion support, ELL students needing language support based on levels of English proficiency and other students who may require tutoring or credit recovery (p. 135). The professional development plan lacks specificity and does not include details for time or budget.The application meets the evaluation criteria for Community/Employee/Parent Involvement in Governance. It provides student discipline policies, but the discipline matrix point system managed by the dean of students has a limited plan for addressing alternative educational settings for eligible students who are long-term suspended or expelled. The only option provided is to send the student home with an opportunity to make up work online. Suspended students may not have a place to study at home or may not have access to internet for online work. The application provides a clear outreach and recruitment plan that ensures equal access to the school by utilizing a website, brochure, and mailings to all eligible students in the planning year. There will also be an admissions event for parents and students to hear about the school. The enrollment process is described in a clear plan. Lottery procedures are described in general terms "to provide an ordered waiting list for those students not initially selected" during the monthly admission windows (p.159 ). Further explanation is needed to determine if this lottery procedure complies with state statutes; it is not clear when admission is first come, first serve and when it becomes a lottery process (p. 159). The application provides a clear Conflict of Interest policy and a clear explanation of how the school will comply with the Open Meetings Act. The school's website will be the primary means of disseminating information the public.The application provides a letter from the Public School Facilities Authority (PSFA) giving tentative approval for facility. Preliminary efforts have been made to communicate with local building owners for a prospective school facility around the Albuquerque area. The application provides a description of the school's proposed needs and adequate estimates for facility maintenance, repair, and equipment needs. |

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| **Application Section** | **Points Received** | **Applicant School’s Possible Points** |
| **Business Plan/ Financial Framework**  | 31 | 48 |
| **Evidence/Statements Supporting Score in this Section:**The 910B-5 forms provided by the CSD were completed correctly. Overall the applicants demonstrated an understanding of the public school funding formula. The form adequately provides for teachers salaries and benefits. The application’s narrative states that the General Supplies and Materials line item will provide for curriculum, technology infrastructure, including projectors, computers and other related costs. The budget includes $102,000 in year one, which might be low to provide an adequate amount to cover these costs as this will be a first time purchase and startup costs are traditionally high. In year two they increase the line item approximately 600%, with an additional increase in year three and then drop the amount back to $107,000. Without budgeting expenses to specific line items related to their expenditures instead of general supplies and materials, it is difficult to determine whether or not the budget is sufficient to support the long term goals proposed. The applicants do not appear to budget expenditures for the purchasing of supply assets or fixed assets. In the first year the expenses related to furnishing their building are relatively high. In subsequent years there are additional expenses related to assets the applicant will need to provide as depreciation occurs. Function 2600 - Amounts budgeted for utilities appear to be low and do not reflect increases each year. Utility costs traditionally increase each year due to rate increases and use as student membership increases. The application budgets for rents and leases in the operational budget. It is not an adequate financial plan to negotiate a lease above what the PSFA provides in lease assistance. Property /Liability Insurance expense budgeted appear to be low. The applicant states they will use the New Mexico Coalition of Charter Schools to provide business services. The applicants should look to hiring its own business staff to manage the finances for the schools for its long term purposes. Although hiring staff comes with increased expenses, contractors are traditionally not a stable plan for long term business services. |

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| **Application Section** | **Points Received** | **Applicant School’s Possible Points** |
| **Executive Summary, Evidence of Support, Required Appendices** | 12.7 | 24 |
| **Evidence/Statements Supporting Score in this Section:**While the application provides clear evidence that it has developed an adequate outreach program to ensure that all students have an equal opportunity to enroll in the school, evidence in the application seems to indicate limited interest according to prospective student surveys. Ties between founders and the local community provides some evidence of familiarity with the community and needs of targeted students the school intends to serve, but no letters of support are provided. The application provides evidence of uniqueness of the proposed school.  |

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| **Section** | **Points Received** | **Applicant School’s Possible Points** |
| **Capacity Interview** | 29.7 | 45 |
| **Evidence/Statements Supporting Score in this Section:**The Capacity Interview demonstrated that the founder, selected principal and Board member have a clear and compelling vision to promote to the educational community. This is a model that does not just take the existing school schedule and tweak it, but it takes the way we have always delivered education in the past and fundamentally offers a different delivery system, the seminar model. This provides customization and individuality and finally, a system where the curriculum will be competency-based rather than the Carnegie-units model.The founders and selected principal are experienced educators who know what competency-based education looks like and have the requisite educational experience to make it successful including the use of on-going data and feedback. The interview also demonstrated that Board, founders and principal are well aligned in the governance model of a charter school. By providing leadership opportunities for teachers within the school, this will increase a more democratic leadership structure and increase involvement of teachers. The Interview also made clear that the founders, principal and Board member understand the challenge of finding a facility, especially when no Federal stimulus funds are available.  |

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| **Section** | **Points Received** | **Applicant School’s Possible Points** |
| **CSD Synthesis** | 28 | 34 |

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| **Evidence/Statements Supporting Score in this Section:**The CSD recommends denial of the Explore Academy Charter School Proposal. The review teams commend the innovation, uniqueness, and strength of the Explore educational model of education which proposes to break a very difficult, departmentalized structure of schools, that of Carnegie Units and seat time. These are similar comments to the past three years of review. CSD sees this model as innovative and well-aligned with the intent behind the newly adopted Common Core Standards, which offers promise to deliver education in a more personalized fashion.On the question of special populations, this year’s reviewers write: “*The application does not clearly explain how the limited special education can support the potential number of identified students in a full inclusion model (p. 84)--1 special education teacher*.” Those sentiments are not dissimilar from years past.In the section on performance, remediation and corrective action our reviewers wrote: “*The application provides a description of the corrective actions that will be taken if the school falls short of achieving academic achievement or growth but is limited as to how the teachers and students can manage necessary remediation in one flex period per day as described.”*  Again, similar comments have been heard from years past.Despite these recurring deficiencies, CSD acknowledges and takes seriously the high praise bestowed on the founders from a variety of sectors during the Community Input Hearing this year. Thus, CSD recommends that the founders revise this model by working with an experienced administrator to address the specific gaps identified and articulated by the reviewers, most particularly in the paper application. Research indicates that an experienced leader is essential to the success of a charter school and using that experienced leader in the writing of the application is a way to approach the refinement of this unique model. The Community Input Hearing revealed two committed leaders who could assist the founders with specific revisions. Those leaders were Ms. Vicky McCarty, a qualified and experienced Public School Administrator who has had experience with start-up public schools, and Sam Obenshain the administrator of Cottonwood Classical Academy, who voiced a willingness to mentor the school if approved. The innovation in this model is fully supported by the CSD and much needed in the state of NM; however, in order to ensure its success we strongly encourage the founders to thoroughly address the recurring concerns and return next year with an improved plan of execution for their proposed model.  |