



**STATE OF NEW MEXICO  
PUBLIC EDUCATION DEPARTMENT  
300 DON GASPAR  
SANTA FE, NEW MEXICO 87501-2786  
Telephone (505) 827-5800  
[www.ped.state.nm.us](http://www.ped.state.nm.us)**

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 North Valley Academy 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. The Charter School Division of the Public Education Department has concluded that the North Valley Academy Charter School should be approved and given a three year charter renewal with conditions.

### PROPOSED CONDITIONS

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


1. Address corrective action for material violations from the previous charter as part of the material terms of the performance contract
2. Negotiate new academic and performance goals that have rigorous metrics and measures as part of the performance contract

Deny: ☐

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;
- (4) has violated a provision of the law from which the state-chartered charter school was not specifically exempted.

By:

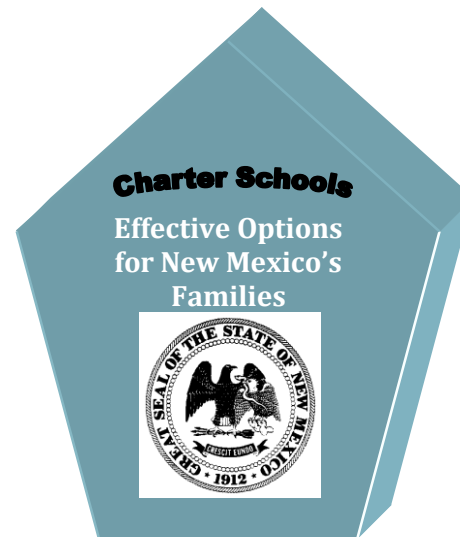


Tony Gerlicz  
Director

**OPTIONS FOR PARENTS – CHARTER SCHOOLS DIVISION**

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

**North Valley Academy - Response to Renewal Analysis - 2012**



## 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.

## Executive Summary & School Demographics

*from the Renewal Application*

### I. Executive Summary

*Mission/Vision Statement for Current Charter Term:*

#### Mission Statement

North Valley Academy Charter School is committed to providing all students with a rich and well-balanced education, through a rigorous focus on Mathematics, Language Arts, and an emphasis on Health and Wellness.

#### Vision Statement:

The vision for North Valley Academy includes a school community with a reputation for creative, dynamic teachers with regard to instruction and assessment, students who are excited about coming to school and are fully engaged and empowered with regard to their own educational program, and a strong academic tradition that includes an emphasis on Mathematics, Language Arts, and Health and Wellness.

North Valley Academy Charter School (NVA) originally opened under authorization by the Albuquerque Public Schools in 2003. In 2007 the school applied to the Public Education Commission (PEC) for renewal of its charter and was approved for a 5-year charter term effective July 1, 2008.

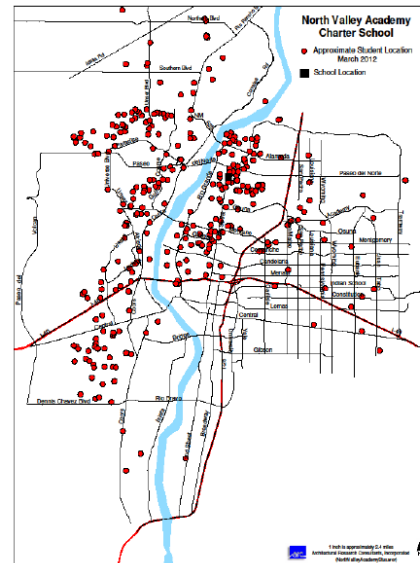
NVA serves grades K-8 and is located in the North Rio Grande Valley of Albuquerque. The facility occupied by NVA was assessed by the Public School Facilities Authority (PSFA) and received a weighted New Mexico Condition Index (wNMCI) score of 2.56%, significantly better than average.

NVA borders the Bosque of the Rio Grande River and is surrounded by a multi-generational, historic Hispanic community. 77% of NVA's students are Hispanic/Native American/Non-Caucasian. 57% of NVA students qualify for free/reduced lunches. A detailed demographic table is provided below:

**Enrollment Cap: 510**

Enrollment	2008-2009	2009-2010	2010-2011	2011-2012
Total Enrollment	430	486	485	489
Number of Students on Waiting List	70	71	82	91
Ethnicity/Race				
Asian	13	10	7	5
Black	14	12	13	13
Hispanic	291	339	335	351
Native American	10	12	8	7
White	102	113	122	113
Other				
English Language Learners	22	18	17	19
Students with Individualized Education Programs (IEP)	51	48	43	44
Eligible for Free and Reduced Lunch	239	271	268	277

The school population is drawn from a wide geographic range. The following family locator scatter-diagram demonstrates this fact:



Based on the NMPED first reporting period data (40-day report), NVA's 2012-2013 enrollment was 454 students. Compared to previous years, NVA experienced a dip in enrollment. The school stated that the decline was due to the change in leadership, but enrollment has stabilized and is beginning to increase.

Approximately 18 months prior to submitting the renewal application, NVA began to move through a transformational period. Following is an excerpt from page 15 of the renewal application:

*Over the past year-and-a-half, The North Valley Academy has experienced a difficult and fundamental transformation. This reform effort is still a work-in-progress. However, in a very short period of time, NVA has demonstrated the ability and commitment to reinvent itself and to produce measurable results.*

*During these past 18 months, the majority of Governing Council members either resigned or were replaced. During one particularly difficult period, the GC (with the support and guidance of the PED staff), appointed temporary GC members. This was a very challenging process of replacing "status quo" mind-sets, in order to create a new educational paradigm.*

*Most recently (and a month into the current school year), the GC replaced the prior Chief Administrator with their selection to lead the "NEW" North Valley Academy. This 18 month struggle has been nothing short of a school's internal struggle for its future identity. NVA has now demonstrated a determination to break-out of "Academic Under-performance" and adopt an across-the-board standard of "Excellence."*

*After more than a year of focused effort, a unified leadership team is finally complete and in-place. The new leadership team has a singular mind-set:*

- *Encourage educational reforms*
- *Produce & showcase innovation*
- *Demonstrate measurable, academic progress*

Additional detailed and comprehensive information regarding the transformation is found in the Executive Summary for Part B of the renewal application (pages 79-81). Included is an accounting of the effect the release of the Preliminary State Report Card had on NVA when the school received an "F" grade. An excerpt follows:

*During the same time period, an "academic performance storm" was brewing at the State. When PED produced its State Report Card for Schools, NVA received an "F" grade. NVA families were shocked! This was certainly NOT the grade which our 500 families were expecting! Who was to blame? The children? The school? PED? The test?*

*The irony is that by issuing that report card, PED did North Valley Academy a great favor. The "NM State Report Card for Schools" is the best thing that has happened to this school! (page 81)*



The 2012 State Report Card Grade for NVA is now a “B”.

The CSD review team requested additional information on the current membership of the Governing Council following the transformational period. NVA provided the following brief biographies:

RAY H. BARTON III (parent member)

Current: President, The Excalibur Group. (A management consulting group serving large corporations. Works with corporate boards, in leadership development and the effective operation of governing boards).

7 years: President & CEO, The St. Joseph Healthcare System and Chairman & CEO, Healthcare New Mexico. (One of the largest private employers in New Mexico).

Prior: Corporate Turnaround Executive. (Turnaround companies in financial & organizational distress).

Board: Member of over 100 boards....Served as Chair of most boards.

Family: Father of 4 children.

SCOTT FITZGERALD (community member)

Current: President & Owner, Slinky Installation, Inc. (A statewide construction management company) (Managing subcontractors for 18 years)

Board: 5 years board experience.

Family: Father of 2 children.

JOANNA FORD (parent member)

Current: President & Owner, Maid Brigade (A residential & business cleaning company, based in Albuquerque) (Managing & negotiating contracts for 22 years)

Board: 5 years board experience

Family: Mother of 3 children

ANGLEINA GARBETT (parent member)

Current: Full-time mother of 4 children.

Prior: President - School PTO.

Church: Several leadership positions, managing people & processes.

RON MONTOYA (community member)

Current: Director - Department of Senior Affairs - City of Albuquerque (retired) - 20 years experience. Managed eight Community Boards).

Prior: Assistant to the Mayor of Albuquerque

Prior: Manager - establishing Community Health Clinics

Prior: Administrator with Native American Pueblo (Worked with Tribal councils & Pueblo Governor)

Boards: Numerous Boards of Directors & Community Boards (Currently: Governor's Board on Aging)

Family: Father of 3 children

WES WILSON (community member)

Current: Senior Technical Manager, PNM Corporation. (Project Manager across maintenance, planning, purchasing & customer service, including interface with all government levels).

12 years: Various systems & management roles - with PNM

Prior: Lockheed Information Systems - interface with Kirtland A.F. Base.



**Part A — Progress Report**  
*(A Report on the Current Charter Term)*

## 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

North Valley Academy (NVA) self-reported one item included in the current charter that the school had not implemented prior to this school year. The "Teacher Governance Committee" included on the organizational chart presented in the current charter had not been formed. The Committee has now been established and is functioning under the new NVA Administrative Team.

The school's enrollment cap was exceeded during the current term of the charter. The approved charter cap was 420 students; the enrollment exceeded the cap for the first four years of the charter term. The Charter Schools Division identified the issue and directed NVA to submit a Charter Amendment Request for consideration by the Public Education Commission. On March 9, 2012, the Public Education Commission approved a new cap of 510.

### Applicant Response to the Analysis of Material Violations

## 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.*

### SCHOOL ACCOUNTABILITY REPORT DATA REQUIRED BY THE RENEWAL APPLICATION

NMSBA School Summary—All Students

Year of Charter Term	School Year Tested	State Grade	Date of NMPED School Accountability Report	Math			Reading		
				AMO	% Proficient	Met proficiency goal?	AMO	% Proficient	Met proficiency goal?
1	2008-2009		2009-2010	44	27.8	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	60	53.5*	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2	2009-2010		2010-2011	51	25.78	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	64	41.81	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3	2010-2011		2011-2012	65	23.47	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	75	41.5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4	2011-2012	B	2012 School Report Card	45.0	37.6	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	52.3	51.5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

\*AYP/Proficiency Goal was met through the lower bound confidence interval.

The table above contains some corrections when compared to the table included in the renewal application on page 15. Notably, the school did make the Reading AYP/Proficiency goal through the lower bound confidence interval based on 2008-2009 data included in the 2009-2010 School Accountability Report. In addition, the 2012 School Grade Report Card includes a math and reading goal for this school year; therefore, those proficiency goals have been added to the table under the AMO column. Given that the proficiency goal for reading was set at 52.3% proficient, NVA narrowly missed meeting that goal by .8%.

Over the term of the current charter, NVA experienced a gradual decline in proficiency in both Math and Reading during the first three years. Math proficiency began at 27.8 % during the first year (2008-2009) and declined to 23.47% by the third year. Reading proficiency began at 53.5% for the first year and declined to 41.5% by the third year. However, during the fourth year, proficiency rose to 37.6% in math and 51.5% in reading. The school's analysis attributes this sudden increase to a reform effort on the part of the Governing Council over an 18-month period. The school states on page 15 of the renewal application, *"It is recognized that SBA scores are just one set of indicators - from a one-year period. HOWEVER, THE SUBSTANTIAL IMPROVEMENT IN SBA PERFORMANCE THIS PAST YEAR, CERTAINLY DEMONSTRATES WHAT NVA & ITS STUDENTS CAN ACCOMPLISH, NOW THAT THEY ARE UNIFIED & FOCUSED."*

#### NORTH VALLEY ACADEMY'S PERFORMANCE NOTED IN THE STATE "A" THROUGH 'F' GRADE REPORT

The 2012 School Grade Report Card contains additional information for North Valley Academy's performance. The school received a final overall grade of "B". The individual components used to determine performance in math and reading show grades of "A" in **"School Growth"** (*How well the school increased grade level performance in the past 3 years*), **"Growth of Highest Performing Students"** (*How well the school helped individual Q3 students improve*), **"Growth of Lowest Performing Students"** (*How well the school helped individual Q1 students improve*), and **"Opportunity to Learn"** (*How well the school fostered an environment that facilitates learning.*) One individual component, "Current Standing", based on a single year (2011-2012), received an "F". North Valley Academy's 2012 School Grade Report Card may be accessed using the following link:

[http://webapp2.ped.state.nm.us/SchoolData/docs/1112/SchoolGrading/504\\_001\\_NORTH\\_VALLEY\\_ACADEMY\\_CHARTER\\_NORTH\\_VALLEY\\_ACADEMY\\_CHARTER\\_SG2012\\_9\\_25.pdf](http://webapp2.ped.state.nm.us/SchoolData/docs/1112/SchoolGrading/504_001_NORTH_VALLEY_ACADEMY_CHARTER_NORTH_VALLEY_ACADEMY_CHARTER_SG2012_9_25.pdf)

The 2012 School Grade Report Card also contains a section identified as **"Similar Schools"** (*reference School Rank table below*). This section ranks North Valley Academy Charter School compared to approximately 50 other schools that have similar students and settings in all categories except mobility in which the school is compared to 30 other schools. The figures show how North Valley Academy Charter School's performance contrasts with other schools in the state that are most like it in student characteristics. Different comparative schools are in each category set. A composite score incorporates all categories into a general measure of at-risk students.

Focusing on the components of **School Growth, Student Growth, Highest 75%, and Student Growth, Lowest 25%**, North Valley Academy Charter School ranked **in the top 5** in every category, including English language learner (ELL), students with disabilities (SWD), ethnicity, economically disadvantaged (ED), mobility, and in the composite category.

It should be noted that based on these rankings, North Valley Academy Charter School is eligible for "top 5" recognition for performing well when compared to other schools with the same characteristics with similar populations.

	School Rank					
	<i>ELL</i>	<i>SWD</i>	<i>Ethnicity</i>	<i>ED</i>	<i>Mobility</i>	<i>Composite</i>
Current Standing	46 ( 50 )	38 ( 50 )	33 ( 50 )	49 ( 50 )	24 ( 30 )	49 ( 50 )
School Growth	1 ( 50 )	2 ( 50 )	2 ( 50 )	1 ( 50 )	1 ( 30 )	1 ( 50 )
Student Growth, Highest 75%	2 ( 50 )	4 ( 50 )	4 ( 50 )	2 ( 50 )	1 ( 29 )	5 ( 50 )
Student Growth, Lowest 25%	1 ( 50 )	1 ( 50 )	1 ( 50 )	2 ( 50 )	2 ( 29 )	3 ( 50 )
Opportunity to Learn	40 ( 50 )	37 ( 50 )	38 ( 50 )	41 ( 50 )	26 ( 30 )	37 ( 50 )

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.

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



**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)**

North Valley Academy Charter School reported on the student academic performance goal that was approved in the Charter Application at the time of Renewal in 2007 with some modifications. The goals were written for the 2008-2009 school year only. The 2007 charter included the following statement on page 10: *"The following goals are for the 2008 – 2009 school year. North Valley Academy's goals will be revisited, reassessed, and changed to address need for each year of the five year charter term."* Consequently, at the time of renewal, there was some lack of clarity as to whether or not the goals were changed by the school for subsequent years. NVA clarified on page 16 of the renewal application that the NVA leadership team is tracking and reporting on the original goal as if it is still in-force. The school also clarified that it would include only "proficient and advanced" student performance in the analysis. This decision clarifies the data included from a longitudinal perspective. NVA has restated the academic goals for purposes of this analysis:

**Goal 1: Fourth, Seventh and Eighth Grade proficiency levels for MATHEMATICS, according to the NM-SBA, will increase by 5% at the Advanced and Proficient levels, for the 2008-2009 school year. This same goal was then renewed for the following two school years.**

Performance data was included in the renewal application for grades 4, 7 and 8:

MATHEMATICS				
Grade Level	Year 1	Year 2	Year 3	Year 4
4 <sup>th</sup> Grade	18%	29% (+ 61%)	14% (- 52%)	43% (+207%)
7 <sup>th</sup> Grade	30%	17% (- 43%)	19% (+ 12%)	26% (+37%)
8 <sup>th</sup> Grade	30%	31% (+ 3%)	12% (- 61%)	36% (+ 200%)

During the renewal site visit, the review team requested clarification regarding the method of determining the percent increases noted in the table above. NVA indicated that the percentage increases were calculated incrementally. The review team and the school representatives agreed that a 20% increase (5% increase per year) is the target that is expected for the four years of the current charter term.

Using a simple calculation of subtracting the year 1 proficiency from the year 4 proficiency for each of the grade levels, it appears that the 20% increase was met for grade 4, but not for grades 7 and 8. A different conclusion may be drawn from the incremental calculation provided by NVA.

**Goal 2. Fourth, Seventh & Eighth Grade proficiency levels for READING, according to the NM-SBA, will increase by 5% at the Advanced and Proficient levels, for the 2008-2009 school year.**

READING				
Grade Level	Year 1	Year 2	Year 3	Year 4
4 <sup>th</sup> Grade	34%	50 (+ 47%)	37% (- 26%)	55% (+ 49%)
7 <sup>th</sup> Grade	53%	34% (- 36%)	36% (+ 6%)	46% (+ 28%)
8 <sup>th</sup> Grade	70%	51% (- 27%)	41% (- 20%)	58% (+ 42%)

Again, using a simple calculation of subtracting the year 1 proficiency from the year 4 proficiency for each of the grade levels, it appears that the 20% increase was met for grade 4, but not for grades 7 and 8.

Following the renewal site visit, NVA provided additional performance information in relation to achievement of the Reading and Math goals. The additional information provided is lengthy and the school should consider submitting it in response to the CSD Analysis using the Response Box below.

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

**When viewing the entire four-year period of the current charter, NVA agrees with the conclusions of the PED staff**

The stated goals for Reading & Math were **to increase SBA scores by 20% over the four years.** The results were:

- ❖ 4<sup>th</sup> Grade = Exceeded 20% Goal (Reading)
- ❖ 4<sup>th</sup> Grade = Exceeded 20% Goal (Math)
- ❖ 7<sup>th</sup> Grade = Did not meet Goal (Reading)
- ❖ 7<sup>th</sup> Grade = Did not meet Goal (Math)
- ❖ 8<sup>th</sup> Grade = Did not meet Goal (Reading)
- ❖ 8<sup>th</sup> Grade = With 16% increase (in Math scores), did not meet Goal....but made substantial progress toward 20% goal.

**NVA would ask the PEC to also note the substantial improvement in student performance over the past 12 - 18 months.**

These SBA score results (SY 2011-12 vs SY 2012-13) are as follows:

- ❖ **4<sup>th</sup> Grade = 50 % increase in Reading scores**
- ❖ **4<sup>th</sup> Grade = 209 % increase in Math scores**
  
- ❖ **7<sup>th</sup> Grade = 28 % increase in Reading scores**
- ❖ **7<sup>th</sup> Grade = 37 % increase in Math scores**
  
- ❖ **8<sup>th</sup> Grade = 41 % increase in Reading scores**
- ❖ **8<sup>th</sup> Grade = 184 % increase in Math scores**

These one-year SBA results were the product of a school-wide resolve to add **Stronger Academic Student Performance** to the previous NVA priorities of **Educating the Whole Child**, **Health & Wellness** & **A Core of Exceptional Teachers**.

**The current, unified NVA Leadership Team remains committed to excellence in each of these pursuits.**

**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**

NVA reported on one other student performance goal identified in the current charter:

**For the 2008-2009 school year, students in grades 2 - 6 will improve performance by 5% on the sit-ups, shuttle-run, and standing jump portions of the President's Council on Youth Fitness Test, and by 10% on the one-mile run portion.**

On page 19 of the renewal application, the measures used for this goal are identified as the "SPARK" Physical Fitness instrument and the 1-mile timed run. Data for year 1 is identified as "Baseline" with no percent proficient included. For Year 2, performance improvement is stated in percentages. For Years 3 and 4, no data is provided. It is not possible with the data provided to determine if the goal was met over the 4 years of the current charter term.

NVA's analysis/explanation provided is as follows:

*The average one-year improvement in student performance, for all students in this objective (from SY 2008-09 to SY 2009-10) was:*

*Grades 2 - 6.....Sparks Performance.....Improved 7.2%*

*Grades 2 - 6.....Mile Run.....Improved 6.6%*

*The stated goal was achieved. However, the Sparks assessment tool is no longer given. In all future years [year 3 and year 4], the physical fitness objectives were incorporated into the Physical Education program and measured as a normal part of that curriculum. (page 19 of the renewal application)*

Following a discussion during the renewal site visit regarding the lack of data provided, NVA submitted additional information regarding achievement of the goal. As indicated in the section above, the additional information is lengthy and the school should consider submitting it in response to the CSD Analysis using the Response Box below.

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

NVA agrees with the PED staff conclusions, regarding this goal. The goal was achieved in the first charter year. Thereafter, the teaching and measurement of these physical activities were a normal part of the NVA curriculum. A timed-mile run is not recommended - and it should never have been part of the program for elementary-aged children (particularly with the goal of a 20% reduction in finish times).

Clearly, this P.E. goal was not well-crafted by NVA.

**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**

N/A Organizational goals were not required at the time of the 2007 charter renewal process. NVA did not develop an organizational goal.

**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

North Valley Academy Charter School, as a PEC-Authorized Charter School, is considered a component unit of the Public Education Department's audit for the current charter term. Audit information was provided for the first three years of the current charter term. (pages 21-24 of the renewal application).

As noted below, 7 audit findings were identified for FY2009, 4 audit findings for FY2010, and 5 audit findings for FY2011. No repeat findings were reported.

2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
7	4	5	Not Yet Available	Not Yet Available

The report from the NMPED School Budget & financial Analysis Bureau indicated that North Valley Academy Charter School had no material audit findings. The school has met all required filing deadlines and is current in submitting required financial reports.

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

Based on the school's self-report on compliance contained in the renewal application and on a review of documentation during the Renewal site visit, the following compliance issues were noted:

**Complaints filed with the PED or the federal Office for Civil Rights over the past four years:**

A total of five formal complaints were filed over the term of the charter. Details are provided on pages 25-26 of the renewal application. During the renewal site visit, the CSD team requested a summary of the complaints including timelines. The following information was provided following the renewal site visit.

- A. *SEXUAL HARASSMENT CLAIM - FILED WITH PED*
  - *GC retained independent investigator - rc'd report - Dec. 2010*
  - *PED issued NCA (hearing to cancel prior principal's license)-June 2011*
  - *PED cancelled hearing - deferring to GC investigation - Summer 2011*
- B. *EEOC COMPLAINT BY SPECIAL ED. TEACHER*
  - *Complaint was settled between teacher & school*
  - *Exact time not available*
  - *Approximate timeframe for complaint/settlement = 2008-2010*
- C. *EEOC COMPLAINT BY SPECIAL ED. MANAGER*
  - *Complaint heard by NVA Governing Council = June 2011*
  - *Complaint filed with EEOC = Sept. 2011*
  - *Dismissal notice from EEOC received = Oct. 2012*
- D. *TEACHER COMPLAINT #1 - FILED WITH STATE*
  - *Approximate timeframe = 2010-2011*
  - *Investigated by State - No further action or contact*
- E. *TEACHER COMPLAINT #2 - FILED WITH STATE*
  - *Approximate timeframe = 2008-2010*
  - *Investigated by State - No further action or contact*
  - *Statute of Limitations expired - issue closed*



**Governance:**

**The following issues were noted regarding Governance.**

1) NVA self reported, on page 27 of the renewal application, that a member of the Governing Council provided services to the school and received compensation. The CSD review team requested additional clarification during the renewal site visit. NVA provided the additional information following the renewal site visit.

*As reported in the original NVA Charter Application, the Governing Council was in the process of reviewing and revising policies/procedures. When reviewing the Policy on Nepotism (i.e. Related Party Contracting & Employment), the GC asked for a legal ruling on contracting for services - with a member of the GC. The legal opinion indicated that while this could be legally done, it was not advised.*

*Therefore, the member of the GC (who's firm provided the services), chose to cancel the service. The service had been provided at the request of the prior principal. In addition, it involved a minimal amount of work (deep-cleaning bathrooms, twice-a-week), and a diminimus [sic] amount of funds. The contract and cancellation were disclosed to the school auditors.*

*The housekeeping service was provided for less than six months. The timeframe was in SY 2010-11.*

2) During the 2010-2011 school year, CSD noted that Governing Council membership included a Faculty Representative, Business Manager and the Headmaster. Staff members may not be considered members of the Governing Council. NVA has since corrected this issue.

3) NVA's Governing Council membership has changed throughout the term of the charter. Board of Finance documents that were originally filed and approved with the CSD were not updated within 60 days as required. After notification from the CSD, the required documentation was submitted and records of current Board of Finance membership are on file.

4) NVA self reported some compliance issues regarding the mandatory governing body training as noted on page 31 of the renewal application. The CSD Review Team requested additional information which was provided following the renewal site visit. The school reported that additional training records have been located and NVA governing body members were in compliance for the 2<sup>nd</sup> through 5<sup>th</sup> years of the current charter term. Partial 1<sup>st</sup> year documentation was located which led NVA to conclude that it appears the governing body was in compliance with training requirements.

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