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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 Village 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 ☐

### **PROPOSED CONDITIONS**

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

Deny: ☒ The Village Academy 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;
- (4) has violated a provision of the law from which the state-chartered charter school was not specifically exempted.

By:

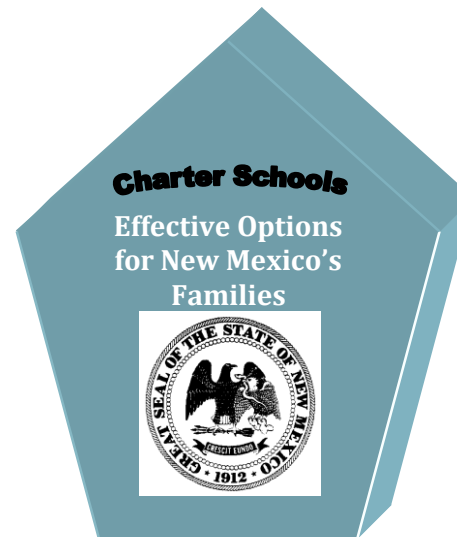


Tony Gerlicz  
Director

**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**



## 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 Statement for Current Charter Term:*

*Village Academy Charter School is a democratically structured environment for successful educational preparation that fosters students' natural curiosity, creativity, and self-awareness. The name of our charter school is an apt one, because it truly —takes a village to raise a child and to develop a student's potential for the requirements of 21st Century, global citizenship.*

*Village Academy Charter School aims to bridge the gap between the school and community with a grades 6-8 educational program where children and adults, school and community work together to understand and interpret our relationship with the world around us. We will educate the whole child, recognizing that intellectual, emotional and social needs must be met for the healthy development of a successful individual. With support and direction from skilled teachers, students learn to take initiative and assume responsibility for their own learning through constructive interaction with the local, regional, and global community.*

*Village Academy Charter School serves learners with diverse backgrounds and interests who, for a number of personal and academic reasons, may not have succeeded or thrived in a traditional school environment. Village Academy offers targeted, individualized solutions for students who prefer a smaller school setting and an alternative environment.*

*Students will graduate from Village Academy meeting or exceeding state standards; prepared for adult life, including the possibility of post-secondary education; possessing effective leadership and communication skills; possessing critical thinking skills; and with a desire to be life-long learners.*

*By offering a flexible, standards-based, curriculum that is supplemented and enriched, combined with state-certified teachers and superior individualized support, VACS has created a learning environment that empowers students to become critical thinkers and lifelong learners.*

Village Academy Charter School serves grades 6-8 and is located in the town of Bernalillo. As of the November 5, 2012 Renewal site visit, enrollment totals 31 students, an increase of three students over the 28 reported in the first reporting period (40<sup>th</sup> day count). Demographics are reported in the renewal application for a period of four years on page 39; however, the current charter term began in the 2010-2011 school year.

Enrollment	2008–2009	2009–2010	2010–2011	2011–2012
Total Enrollment	60	50	43	40
Number of Students on Waiting List	5	0	0	0
Ethnicity/ Race				
Asian	0	0	0	0
Black	0	0	0	0
Hispanic	30	22	17	16
Native American	13	17	15	21
White	17	11	11	3
Other	0	0	0	0
English Language Learners	0	0	0	0
Students with Individualized Education Programs (IEP)	19	18	14	17
Eligible for Free and Reduced Lunch	48	40	35	32

The school reports the demographic composition of the student body for the current school year as 42% Hispanic, 45% Native American, and 13% Caucasian. 79% of students have been identified as English Language Learners (ELL) and 29% have been identified as Special Education students. Note the difference in the percentage of English Language Learners reported in 2011-2012 and that reported by the school for the current school year. A brief discussion regarding the dramatic change in numbers is included in Section I.D. Compliance Review of the Progress Report that follows.

The school has had a new head administrator for each year of the current three-year charter term. Most recently, the current head administrator

has taken corrective action to remedy some compliance deficiencies that occurred earlier in the charter term, established stronger relationships with the local community, and established a professional development plan to address needs of the large ELL population and the transition to the Common Core Curriculum.

The school leases an educational facility from a church. The facility received a weighted New Mexico Condition Index (wNMCI) score of 1.11%, significantly better than average.

During the renewal site visit, it was apparent that the school is well-maintained and students are focused and clear about school expectations and procedures. Village Academy Charter School's curriculum is rooted in the Core Knowledge Scope and Sequence which is aligned to the mission. The school notes that a variety of 21<sup>st</sup> century learner development activities are planned throughout the year, including field trips, guest speakers, and community service projects, such as, volunteering at a local food bank, reading to preschoolers at Peanut Butter & Jelly Therapeutic Preschool (PB and J) and assisting senior citizens.

The school has also developed a long-term relationship with the Pueblo of Santa Ana, the local community and the Bernalillo Public Schools. A KERES Language and Cultural program is offered as an elective. Transportation and food services are provided by the local district. Community service projects are part of the students' experience as noted above.

The Governing Council membership has been stable over the current term of the charter, with only one resignation and replacement as well as one additional member bringing the total to seven.

Village Academy was originally authorized by Bernalillo Public Schools for a five-year term in 2004. In 2009, the school applied for renewal of the charter by the Public Education Commission. A renewal term of three years was approved with conditions for academic performance. Academic performance over the term of the charter will be discussed in the Progress Report Analysis below.





**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

No material violations involving changes to the school's charter were noted.

In the application, Village Academy noted that the governing body membership has changed since Board of Finance documents were originally filed with the Charter Schools Division (CSD) and approved. The school failed to comply with the requirement to notify the CSD of the change within 60 days. At the time of this occurrence, this was not considered a Material Violation, but rather a compliance issue and is addressed in Section I.D. Compliance Review to follow.

### 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.*

#### **CONDITIONS PLACED ON VILLAGE ACADEMY CHARTER SCHOOL'S ACADEMIC PERFORMANCE BY THE PUBLIC EDUCATION COMMISSION**

Village Academy was originally authorized by Bernalillo Public Schools in 2004 for a five-year term. In 2009, the school applied to the Public Education Commission for renewal of the charter. A renewal term of three years was approved with the following academic conditions:

The charter school shall make no less than a 5% gain over the 2009-2010 baseline in Reading proficiency school-wide for each of the next three years (SY2010-2011, SY2011-2012, SY2012-2013) of the charter as measured by the NMSBA

The charter school shall make no less than an 8% gain over the 2009-2010 baseline in SY 2010-2011, a 12% gain over the 2009-2010 baseline in SY 2011-2012, and a 20% gain over the 2009-2010 baseline in SY 2012-2013 in Mathematics proficiency levels school-wide as measured by the NMSBA.

As noted in the CSD statement above, the Public Education Department has determined proficiency in two ways, depending on the performance reports that were issued. AYP results for the first year of the charter term (and previous years) were based on performance of students in attendance for a Full Academic Year (FAY). The data reported in the School Grade Report Card is based on all students taking the test. For a consistent longitudinal comparison of performance, the following chart is based on all students taking the NMSBA. AYP results for 2010-2011 based on FAY student performance yielded slightly different percentages; however, the end result of meeting or not meeting the PEC yearly target was the same.

**CONDITION FOR READING PERFORMANCE:** Make no less than a 5% gain over the 2009-2010 baseline in Reading proficiency school-wide for each of the next three years (SY2010-2011, SY2011-2012, SY2012-2013) of the charter as measured by the NMSBA.

NMSBA Percent Proficient based on performance of ALL STUDENTS TESTED -READING						
2009-10 BASELINE	Academic Year Data	PEC CONDITION	Target set by PEC (above	School's performance	% over or	PEC Yearly Target Met?

			baseline)	by Academic Year	under PEC target	
25.0% based on performance of all students tested	2010-2011	5% gain over 2009-2010 baseline of 25.0%	30.00 %	53.7%	23.7% over PEC target for 2010-2011	YES (target exceeded)
	2011-2012	10% gain over 2009-2010 baseline of 25.0%	35.00%	25.7%	9.3% under PEC target for 2011-2012	NO
	2012-2013	15% gain over 2009-2010 baseline of 25.0%	40.00%	Data not available until end of school year	TBD	Data not available until end of school year

**CONDITION FOR MATHEMATICS PERFORMANCE:** Make no less than an 8% gain over the 2009-2010 baseline in SY 2010-2011, a 12% gain over the 2009-2010 baseline in SY 2011-2012, and a 20% gain over the 2009-2010 baseline in SY 2012-2013 in MATHEMATICS proficiency levels school-wide as measured by the NMSBA.

NMSBA Percent Proficient based on performance of ALL STUDENTS TESTED - MATHEMATICS						
2009-10 BASELINE	Academic Year Data	PEC CONDITION	Target set by PEC (above baseline)	Actual Gain (School's performance)	% over or under PED target	Condition Met?
15.4% based on performance of all students tested	2010-2011	8% gain over 2009-2010 baseline of 15.4%	23.4 %	31.7%	+16.3%	YES (target exceeded)
	2011-2012	12% gain over 2009-2010 baseline of 15.4%	27.4%	5.7%	-21.7	NO
	2012-2013	20% gain over 2009-2010 baseline of	35.4%	Data not available until	TBD	Data not available

		15.4%		end of school year		until end of school year
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**ANALYSIS:** Village Academy Charter was renewed for three years. The goals set by the PEC are written to include three years of data; however, only two years of data are available for consideration. The application for renewal must be submitted by October 1, 2012 and data for the third year will not be available until the third year is complete.

**2010-2011 - Year 1 of the Current Charter Term – Academic Condition Met**

The school has demonstrated that strong gains are possible as noted in the table above for Academic Year 2010-2011.

**Reading performance:** Village Academy Charter School exceeded the PEC's target for the first year by **23.7%** as measured by performance of all students who took the NMSBA.

**Math performance:** Village Academy Charter School exceeded the PEC's target for the first year by **16.3%** as measured by performance of all students who took the NMSBA.

**2011-2012 - Year 2 of the Current Charter Term – Academic Performance Condition Not Met**

Results for the second year indicated significant declines in academic performance.

**Reading Performance:** Village Academy Charter School failed to meet the PEC's second-year target by **9.3%**.

**Math Performance:** Village Academy Charter School failed to meet the PEC's second-year target by **21.7%**.

**2012-2013 - Year 3 of the Current Charter Term – Data to Measure Academic Performance Condition Not Yet Available.**

The results for the third year of the charter term are yet to be determined. Schools are required to submit their Renewal Applications by October 1<sup>st</sup> of the last year of their charter term; consequently, data will not be available until the end of the current academic year.

**VILLAGE ACADEMY'S PERFORMANCE NOTED IN THE STATE "A" THROUGH "F" GRADE REPORT**

The 2012 School Grade Report Card contains additional information for Village Academy Charter School's performance. Although the school received a final overall grade of **"D"**, the individual components used to determine performance in math and reading show grades of **"B"** in **"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*). A **"B"** grade means that Village Academy Charter School exceeded the statewide average in these areas based on three years of data. The **"Current Standing"** component based on a single year (2011-2012), received an **"F"** which correlates to the low performance noted in the charts above. The **"School Growth"** component, looking at improvement over a three-year period, also received an **"F"**, clearly affected by the 2011-2012 significant drop in performance. Village Academy Charter School's 2012 School Grade Report Card may be accessed using the following link: [http://webapp2.ped.state.nm.us/SchoolData/docs/1112/SchoolGrading/533\\_001\\_VILLAGE\\_ACADEMY\\_CHARTER\\_VILLAGE\\_ACADEMY\\_CHARTER\\_SG2012\\_9\\_25.pdf](http://webapp2.ped.state.nm.us/SchoolData/docs/1112/SchoolGrading/533_001_VILLAGE_ACADEMY_CHARTER_VILLAGE_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 Village Academy Charter School compared to approximately 30 other schools that have similar students and settings. The figures show how Village 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 **Student Growth, Lowest 25%**, Village Academy Charter School ranked **2 of 32** in the English language learner category, **5 of 30** in the students with disabilities (SWD) category, **7 of 30** in the ethnicity category, **5 of 30** in the ED (economically disadvantaged) category, **4 of 30** in the mobility category, and **9 of 31** in the composite category.

It should be noted that based on rankings in the "Student Growth, Lowest 25% component", Village 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	32 ( 32 )	30 ( 30 )	30 ( 30 )	30 ( 30 )	30 ( 30 )	30 ( 31 )
School Growth	31 ( 32 )	25 ( 30 )	25 ( 30 )	26 ( 30 )	25 ( 30 )	23 ( 31 )
Student Growth, Highest 75%	19 ( 32 )	15 ( 30 )	12 ( 30 )	17 ( 30 )	14 ( 30 )	10 ( 31 )
Student Growth, Lowest 25%	2 ( 32 )	5 ( 30 )	7 ( 30 )	5 ( 30 )	4 ( 30 )	9 ( 31 )
Opportunity to Learn	18 ( 32 )	14 ( 30 )	15 ( 30 )	14 ( 30 )	13 ( 30 )	17 ( 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.

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

Village Academy Charter School provided the required data from its School Accountability Reports and School Grade Report Card in the table on page 4 of the renewal application. The data is accurate; however, even though data from 2008-2009 and 2009-2010 were included in the table, the current 3-year term of the charter begins with 2010-2011 data. It is also important to note that on this chart, the data presented for years 2008-2009 through 2010-2011 are based on Full Academic Year (FAY) students as required for AYP reports and the data presented for the year 2011-2012 are based on all students who took the NMSBA as required for the School Grade Report Card.

Considering 2009-2010 data as the baseline data (in this case as determined by FAY student performance), the percentage of FAY students that were proficient in math increased by more than 18 percentage points in the 2010-2011 school year. During the same period, the number of FAY students that were proficient in reading increased by more than 25 percentage points.

In its analysis, the school indicates that enrollment of students with disabilities increased from 30% schoolwide in school year 2010-2011 to 40% school wide in school year 2011-2012. Total enrollment also declined by 12.5 % during the same period. The school states: *"Due to the small number of students tested, a high population in this category can drastically impact proficiency levels in both reading and math. Single-year performance will vary from year to year. It is not unusual to have a particularly challenging group of students as was demonstrated by the fall in the number of students that scored proficient in both Reading and Math in 2011-2012. This variance is within the normal variance range and should not be held against the school."* (page 5 of the renewal application)



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

**BECAUSE THE CHARTER RENEWAL WAS DUE IN OCTOBER, THIS LEFT ONLY TWO YEARS TO ANALYZE. THE FIRST YEAR SHOWS THAT VILLAGE ACADEMY (VACS) STUDENTS CAN ACHIEVE PROFICIENCY WITH THEIR FAY STUDENTS. THE SECOND YEAR WAS AFFECTED BY THREE FACTORS: NO LONGER USING FAY DECREASE IN ENROLLMENT AND AN INCREASE IN SPECIAL EDUCATION STUDENTS. IT IS NOT UNUSUAL TO HAVE A CHALLENGING GROUP OF STUDENTS IN A PARTICULAR YEAR. THE VARIANCE IS WITHIN NORMAL VARIANCE RANGE STATISTICLY AND SHOULD NOT BE HELD AGAINST THE SCHOOL. HAVING ONLY TWO YEARS OF DATA IS VERY LIMITING AND PUTS THE SCHOOL AT A DISADVANTAGE SINCE THE GOALS SET BY THE PEC WERE WRITTEN TO INCLUDE THREE YEARS OF DATA.**

**VACS HAS PROVEN THAT IT IS SUCCESSFUL WITH NON-PROFICIENT STUDENTS THROUGH THE STUDENT GROWTH, LOWEST 25% DATA AS WE ARE A TOP 5 SCHOOL IN THIS CATEGORY. THIS DEMONSTRATES THAT EVEN THOUGH A MAJORITY OF OUR STUDENTS COME TO US BELOW PROFICIENCY WE ARE SUCCESSFUL IN IMPROVING SKILL LEVEL BETTER THAN 95% OF SCH OOLS WITH SIMILAR CHARACTERISTICS AND POPULATION.**

**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)**

Village Academy Charter School reported on the student academic performance goal that was identified in the Charter Application at the time of Renewal in 2009. It is assumed that the goals stating the academic performance conditions supersede the goal that was included in the charter application. However, the data presented provides additional information regarding academic performance based on NMSBA data by grade level and short-cycle assessment data using the NWEA Measure of Academic Progress (MAP).

**Charter Goal: Students perform at State Standard.**

NMSBA Data by Grade Level: Following are the tables included in the charter application on pages 6 and 7, showing Math and Reading performance by grade levels. Data for 2009-2010 were incorrect as included in the charter application. During the Renewal site visit, clarification regarding the source of data resulted in corrected proficiency percentages as included in the tables below.

**Data – Average Proficiency Scores NMSBA Math (Proficient or Advanced):**

Grade level	Year 1 (2008-2009)	Year 2 (2009-2010)	Year 3 (2010-2011)	Year 4 (2011-2012)
Sixth	15.8%	20%	18.2%	0.0%
Seventh	9.5%	11.8%	38.5%	0.0%
Eighth	5.3%	15%	35.3%	13.3%

**Data – Average Proficiency Scores NMSBA Reading (Proficient or Advanced):**

Grade level	Year 1 (2008-2009)	Year 2 (2009-2010)	Year 3 (2010-2011)	Year 4 (2011-2012)
Sixth	36.8%	20%	45.5%	25.0%
Seventh	52.4%	23.5%	53.8%	18.2%
Eighth	31.6%	30.0%	58.8%	40.0%

As noted in the previous section, data from the current charter term begins in 2010-2011 (Year 3 on the table). Although the data available from NMPED for this table represents the average proficiency scores of all students tested, the school provides an analysis that distinguishes between the performance of students who are FAY students and those who are not. Actual data for FAY student performance are not provided in this table. The increase in the “students with disabilities” population was also mentioned as a contributing factor to the sharp decline in both math and reading proficiency scores in 2011-2012.

In regard to Math performance, the school addresses only the 2011-2012 data and states; “Of the 7<sup>th</sup> and 8<sup>th</sup> grade students that were not FAY in

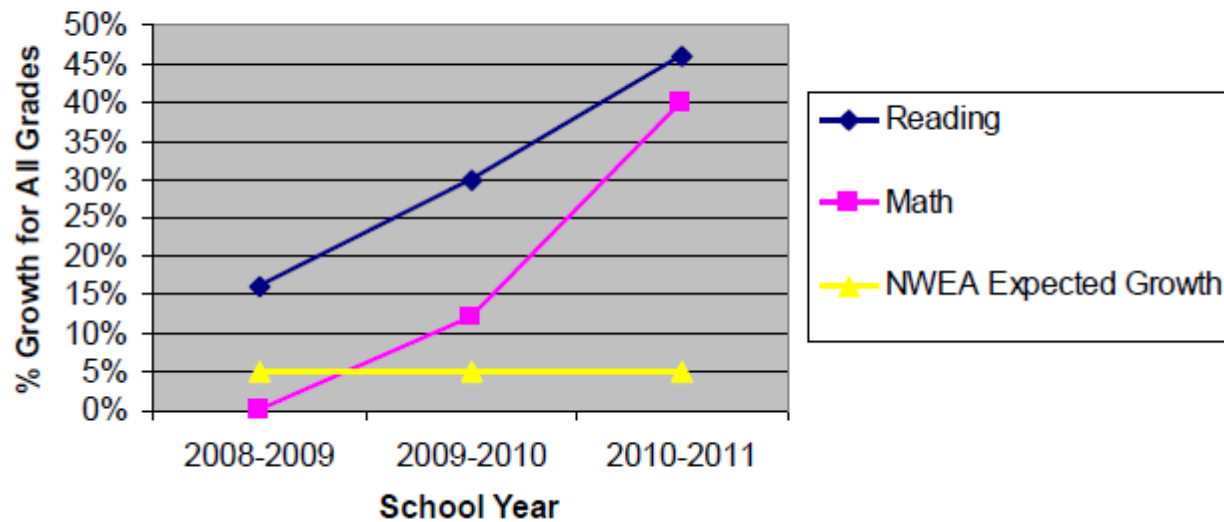
2011-2012 school year, 100% of them scored Beginning Step or Nearing proficient in Math. . . . the majority of the students that did score proficient in Math at the 7<sup>th</sup> and 8<sup>th</sup> grade levels were FAY students with whom the teachers have had time to work”(page 6).

In regard to Reading performance, the school again addresses only the 2011-2012 data and states: “Of the 7<sup>th</sup> and 8<sup>th</sup> grade students that were not FAY in 2011-2012 school year, 75% of them scored Beginning Step or nearing proficient in Reading. . . . the majority of students that did score proficient in Reading at the 7<sup>th</sup> and 8<sup>th</sup> grade levels were FAY students with whom the teachers have had time to work” (page 7 of the renewal application).

NWEA Data by Grade Level:

As with the NMSBA data, the NWEA table presented on page 7 of the renewal application includes two years from the previous charter term as well as the 2010-2011 and 2011-2012 from the current charter term. Data from the current charter term again verifies that both math and reading proficiency dropped significantly in 2011-2012.

NWEA data is typically reported in terms of RIT scores. The school indicated that for purposes of this renewal application and easier understanding, the RIT scores have been converted to percentages. Math and Reading performance graphs are presented on pages 8-10 of the renewal application. During the Renewal site visit, the team requested clarification regarding the 5% starting point noted on the “Continuous Growth for NWEA 2009-2011” graph presented on page 10 of the renewal application and below.

**Continuous Growth for NWEA 2009-2011**

The school responded:

*The 5% flat line is the goal for VA for the NMSBA - as was stated in the VA goals for this renewal. It is placed in the charts to show where the goal lies (much like the yellow line imposed by TV to show where a football team must land to reach another down).*

The 5% target increase given as a condition is only applicable to reading performance in 2010-2011. The target then increases by an additional 5% for each of the remaining two years of the current charter term. The math target begins at an 8% gain over baseline for 2010-2011, increases to a 12% gain over baseline for 2011-2012 and then to 20% over baseline for 2012-2013. The graph clearly shows school growth based on the NWEA; however, only one year of the current term is represented on the graph (2010-2011).

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

**STUDENTS WHO HAD BEEN WITH THE SCHOOL FOR AT LEAST ONE YEAR WERE THE ONES WHO DID MAKE GAINS EVEN IN 2011-2012. WHEN VACS HAS TIME WITH THESE STUDENTS GAINS ARE MADE. OUR SMALL SCHOOL ENVIRONMENT AND INDIVIDUALIZED CURRICULUM DOES INCREASE STUDENTS SKILL LEVEL.**

**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**

Village Academy Charter School reported on one other student performance goal identified in the current charter: **Students develop citizenship.**

Although the goal is not written in measurable terms, the number of students referred based on discipline referral records from 2008-2009 through 2011-2012 was provided to demonstrate success. Over the four years, student discipline referrals decreased yearly. In 2008-2009, 18 discipline referrals were reported; in 2011-2012, 7 discipline referrals were reported (page 11 of the renewal application).

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

FOR THE RENEWAL VACS DID INCORPORATE THE SPIRIT OF THIS GOAL INTO A STRATEGY OF A NEW MEASURABLE GOAL. HOWEVER, THE MEASURE USED TO DEMONSTRATE SUCCESS OF THE CURRENT GOAL DOES REFLECT THAT VACS MADE A POSITIVE DIFFERENCE IN STUDENT'S BEHAVIOR. THE SMALL SCHOOL ENVIRONMENT AND ABILITY TO FOCUS ON THE INDIVIDUAL STUDENTS HAS POSITIVE EFFECTS ON STUDENTS WHO HAD PREVIOUSLY BEEN ABLE TO 'FALL THROUGH THE CRACKS.' WE ARE GETTING THESE STUDENTS AT A CRITICAL POINT IN THEIR LIVES AND HAVE THE ABILITY TO MAKE A DIFFERENCE.

#### **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**

Village Academy Charter School reported on one organizational performance goal identified in the current charter: **School will develop infrastructure to support data driven decision-making.**

Although the goal is not written in measurable terms, NMSBA, NWEA MAP, Read 180, and Custom Core Knowledge Assessments are identified as the measures used for attainment of this goal. The MAP assessment results are presented in a table that compares performance from Fall 2010 to Winter 2011. It appears that data is presented as RIT scores and positive gains are noted.

In addition, strategies are identified for students who are not making progress and include Supplemental Reading and Math, after-school tutoring, use of RACE strategy for SBA prep, Title VII after-school reading program, and assessment strategy presentations.

The school's analysis does not fully support the goal.

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

**VACS USES A VARIETY OF CONTINUOUS IMPROVEMENT(CI) STRATEGIES TO MAKE DECISIONS BASED OFF OF DATA RESULTS. WHERE AS THE WORDING OF THIS GOAL WAS NOT WRITTEN IN MEASURABLE TERMS, CI STRATEGIES ARE USED TO GUIDE INSTRUCTION, CURRICULUM, REMEDIATION AND SCHEDULING DECISIONS. FOR THE RENEWAL VACS DID REWORK THIS GOAL TO MAKE IT MEASURABLE AS CI IS AN INTEGRAL PART OF VACS FRAMEWORK.**

## **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**

Village 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. As in prior sections, information is reported for years which are not part of the current charter term. Only one year of audit findings (FY2011) for the current charter term were available at the time of submitting the application. FY 2012 was not yet released.

The FY2011 audit identified 5 findings. Two of the five findings were identified as "Non-Compliance" and three of the five findings were identified as "Significant Deficiency". No findings were repeated. A report from the NMPED School Budget & Financial Analysis Bureau placed the three "Significant Deficiency" findings under the "material" audit findings category.

The report from the NMPED School Budget & financial Analysis Bureau also indicated that Village Academy Charter School has met all required filing deadlines and is current in submitting required financial reports.

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

**VACS BUSINESS MANAGER STATES THAT THE FINDINGS WERE SMALL IN COMPARISON TO THE RANDOM SAMPLING THAT WAS DONE AND, THEREFORE, SHOULD NOT BE CLASSIFIED AS MATERIAL. VACS HAS TAKEN THE NECESSARY CORRECTIVE ACTION TO ADDRESS THE FIVE AUDIT FINDINGS FOR FY 2011 AND IS CURRENT ON MEETING ALL REQUIRED FILING DEADLINES AND SUBMITTING FINANCIAL REPORTS.**

## 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, a report from the NMPED Special Education Bureau, and on a review of documentation during the Renewal site visit of November 5, 2012, the following compliance issues were noted:

#### State-Level Special Education Complaints

Reports from the NMPED Special Education Bureau and General Counsel indicate that four separate state-level complaints against Village Academy were filed during 2011. Corrective action plans were ordered and the requirements were completed by March of 2012.

#### English Language Proficiency Testing

Although the school provided and collected Home Language Surveys for incoming students, the current administration was unable to locate any records regarding test results for English Language proficiency during the 2010-2011 or 2011-2012 school year. This practice has been corrected for the 2012-2013 school year under the new administration. During the renewal site visit, it was confirmed that the assessment process identified 79% of students as English Language Learners (ELL). A review of data for the NMPED 2012-2013 first reporting period (40-day report), however, revealed that this number of ELL students has not been reported. The cause for the lack of ELL students showing in the STARS reports remains unclear.

The school has taken steps to accommodate the needs of ELL students, two ELL Strategy Trainings were conducted on October 8<sup>th</sup> and October 31<sup>st</sup> by Consultant Gail Goldstein. Two additional trainings are scheduled for the first semester to address the large ELL population.

#### Governing Council

A review of the Governing Council minutes raised a concern that there have been some deficiencies in the operation of the Village Academy Charter School's Governing Council. For example:

- For a period of four months (February through June 2012), Governing Council minutes were not available or approved due to what was identified as issues with a computer. During this period it appears that the Governing Council was possibly in violation of the following Open Meeting Act requirements: 1) A draft copy of the minutes must be prepared within 10 working days of the public meeting; and, 2) The minutes need to be

approved, amended or disapproved at the next meeting where a quorum of the public body is present. The issue has been resolved for the current 2012-2013 school year.

- Additionally, a statement was noted in the minutes of March 5, 2012 under “New Business”: *“VACS Bylaws – Board is not complying within the current Bylaws: meeting times; re-election of Governance Council Board members; nominating committees; voting procedures and advertising; Sandoval County and Rio Rancho Chamber of Commerce; and non-members from communities.” This statement is followed by: “Retreat scheduled for VACS Bylaws – Saturday, April 21, 2012, 9:00 am to 3:00 p.m. . . .”* Although the review team does not know the full meaning of the statement, it appears the Council may have found itself deviating from the original Bylaws and have taken steps to correct the situation. The review team confirmed that a new set of Bylaws was subsequently developed and approved by the Governing Council.

In the application under the Material Violations Section, Village Academy noted that the governing body membership has changed since Board of Finance documents were originally filed and approved with the CSD. The school failed to comply with the Board of Finance requirement to notify the CSD of the change within 60 days. This is noted as a compliance issue. After notification from the CSD, the required documentation was submitted and records of current Board of Finance membership are on file.

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

**ELL -VACS DID REPORT THEIR ELL STUDENTS ON THE 40<sup>TH</sup> DAY. PLEASE SEE ATTACHMENT (A COPY OF THE REPORT). WE DO NOT UNDERSTAND WH IT IS REPORTED WITHIN THIS DOCUMENT THAT WE DID NOT.**

**GOVERNANCE COUNCIL – VACS HAS HAD ONLY ONE NEW MEMBER ADDED TO THE GC THIS SCHOOL YEAR (2012-13), PUTTING TOTAL NUMBER OF MEMBERS TO SIX. ALL PAPERWORK FOR THIS MOST RECENT MEMBER WAS COMPLETED WITHIN THE REQUIRED TIMELINE. LAST YEAR THE GOVERNANCE COUNCIL WAS WORKING DILIGENTLY TO CORRECT ANY INCONSISTENCIES AND FILL VACATED POSITIONS. THEY WERE PLAGUED BY A SERIES RESIGNATION BUT ALWAYS FOCUSED ON DOING THE RIGHT THING FOR THE SCHOOL. THROUGH A SERIES OF EVENTS, IT BECAME EVIDENT THAT BY-LAWS NEEDED TO BE REVIEWED AND UPDATED. THIS WAS DONE IN JUNE, 2012. SINCE THEN THERE HAVE BEEN NO COMPLIANCE CONCERNS.**

## Eligible ELL from Program Qualification

School Year: 2012-2013

District : VILLAGE ACADEMY

Snapshot Date: 2012-10-01 - 40D

Full Location Name	Program	Student ID
VILLAGE ACADEMY	English Language Learner	103197984
	English Language Learner	724999230
	English Language Learner	104565981
	English Language Learner	104566005
	English Language Learner	103134987
	English Language Learner	104326830
	English Language Learner	101786028
	English Language Learner	104639117
	English Language Learner	103152302
	English Language Learner	103666673
	English Language Learner	101813962
	English Language Learner	104146089
	English Language Learner	104150214
	English Language Learner	103102281
	English Language Learner	103135364
	English Language Learner	101814002
	English Language Learner	101811297
	English Language Learner	103491130
Total		18
Grand Total		18

<http://10.15.22.80/ReportServer/https://eui.ped.state.nm.us/sites/stars/Verify/District and Location Reports/Bilingual Reports/Eligible English Lan>

