

Woerner, Karen, PED

From: Keisha Matthews <kmatthews@thegreatacademy.org>
Sent: Wednesday, December 2, 2020 1:09 PM
To: Woerner, Karen, PED
Cc: Matthews, Jasper; Anthony Fairley
Subject: [EXT] Responses to CSD Recommendation for Non-Renewal
Attachments: Resposes To CSD Recommendation Dec2020.docx

Karen,

Please see our responses and corrections that we feel need to be made to the Recommendation for Non-Renewal. We also feel that since most of the concerns were related to the 19-20 school year, it would seem more likely for a recommendation to approve with conditions addressing the noted concerns. The concerns noted are not systemic throughout the term of the contract.

Thanks,
Keisha Matthews

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TGA Response to CSD Recommendation for Non-Renewal

In addition to the **academic concerns** noted above, for 2019-2020, the school's performance on the organizational framework indicates recurring compliance concerns over the life of the current contract. Most recently, the school met standards in nine (9) of 18 indicators, working to meet the standard in seven (7) indicators, and falls far below standard in two (2) indicators (financial-related).

Organizational Framework 19-20

Meets or Exceeds - 9 of 18 = 50%

Working to Meets – 7 of 18 = 39%

Falls Far Below – 2 of 18 = 9%

The areas of concern include, but are not limited to:

- **Repeat non-compliance in protecting the rights of students with special needs including lack of direct services (using accommodations or modifications available in Edgenuity and tutoring support in lieu of direct services), services not being provided as described in Individualized Education Plan (IEP) files, inconsistent or incorrect calculations when determining levels of service (by hours) and appropriate setting designations, and no direct service logs generated**

Not “in lieu of direct services” – It’s in addition to. Special Education support provided during Edgenuity, face-to-face, small-group, pullout, and ancillary. The GREAT Academy embraces a Full Inclusion and special education services are provided in the general education setting. TGA is more than willing to work with its Special Education Liaison and CSD to develop a written plan to satisfy CSD’s concern, similar to what you mentioned in the phone call last night concerning Southwest Secondary.

- **Financial concerns being reviewed by School Budget Bureau (primarily lease concerns reported in audits) and by the NM Attorney General (regarding alleged issues with double-billing and school-owned vehicles) – see complaint documentation provided by the school**
- **Repeat concerns regarding recurrent student enrollment (66.36% and 71.54% for the last two years) and staff turnover rates (50% and 33% in last two years); in addition student withdrawal *within* the school year was 37% and 40%**

As noted in CSD’s Part A Data Analysis (page 15), TGA’s Teacher Retention Rate is listed below. Note that this is a consistent upward trend. The 33% noted in the paragraph above is not noted in CSD’s Part A Data Analysis. This is an error. Please correct. It should also be noted that VI-A.03:4d) General Info is not listed on the Organizational Framework Chart. Nor is it a part of the WebEPSS for years 2019-2020, 2017-2018, 2016-2017. We are not sure why there is this inconsistency in the monitoring.

2018 – 50% (1 teacher left to care for her husband who had been diagnosed with terminal cancer. 1 teacher recruited to be the head administrator at the private school where his 3 children attend.

2019 – 50% (TGA worked with a foreign exchange company and hired 2 teachers from The Philippines. As a cost saving measure, these two teachers shared an apartment. One left to take a job at a traditional school district because he preferred a more traditional teaching position over TGA’s hybrid model. Since the two shared transportation, the other teacher left also.

2020 – 67%

2021 – 75%

The 80% Retention Rate is a goal. Due to our small number of staff, losing one or two puts us above the noted 20%. In addition, with the current teacher shortage, teachers have more options of schools to choose from. Our school day is from 8:30a-5:30p. This is longer than what most teachers are accustomed to. Some teachers will make the commitment to working the longer day, but after a period of time, because of family and other commitments, they choose to seek employment at a school with a more traditional schedule, so they get off earlier.

- **Repeat non-compliance with fully implementing Next Step Plans for students**
- **Noncompliance in 2019-2020 regarding requirements to have accurate reporting of contract personnel FTEs and salaries in STARS**

This was merely a coding error in 1 of 4 years of the contract. 1 out of hundreds of codes does not rise to a systemic issue.

- **Other concerns in 2019-2020 include lack of timely McKinney Vento training and lacking three officers on the Governing Board.**

During the 19-20 site-visit, it was noted, Mrs. Matthews had completed the Level 1 McKinney Vento training. At the site visit at the beginning of March 2020, it was brought to the school's attention that there was a Level 2 training that also needed to be done. There had been no communication about this training, so it was not done at this time. This training was completed and the certificate proving such was provided to CSD a week after it was pointed out. The training was completed well before the end of the school year.

It should also be noted that, in relation to III-A.02 Educational Plan: Protecting the rights of all Students where McKinney Vento is addressed, TGA had the following performance:

2016-17 MEETS STANDARD

2017-18 MEETS STANDARD

2018-19 MEETS STANDARD

2019-20 WORKING TO MEET STANDARD

*This concern in no way is a pervasive issue across the term of the contract. (*See references to CSD Monitoring for this indicator at the end of this document.)*

- **Noncompliance in 2019-2020 regarding requirements to have background checks, involving two personnel, which were due to a glitch in the Gemalto system (See email evidence provided)**

Because we provided evidence that this was not the fault of The GREAT Academy, we don't feel this should be in the report as a noncompliance. In addition, The GREAT Academy assisted another charter school with background checks. 19-20 is 1 of 4 years of the contract and was not systemic.

The school's most recently published financial audit report indicates seven (7) findings including two (2) that are repeats, three (3) material weaknesses, and one (1) significant deficiency. Issues with the lease are included in one material weakness finding and in a separate significant deficiency finding.

For the FY 19-20 audit, only 3 of the 4 findings attributed to the school. Report fails to take in consideration the audits in full 4 year term of the contract. The school only received 1 finding for FY 17 and 18. FY 16 there were 2 findings.

The school's funded membership has decreased from 223 to 158 (FY16-17 to FY19-20) and the school's 40-Day enrollment in FY20-21 was 115. According to the first reporting period of this fiscal year, the school's membership is approximately 75% of budget despite the schools stated efforts to recruit new students.

The school spent an average of 43.25% of its annual operating budget on instructional costs (categories 1100, 2100, and 2200) over the last four (4) years, over 20% less than the 68% recommended per 2020 NM HB002. The percentage of operating budget spent on administrative support has averaged 35.25%, with funded enrollment averaging 183 students per year. Throughout the contract years, the school is amongst the lowest in dollar per dollar spending in instructional supports and highest in administrative supports.

As noted in TGA's response to the CSD's Preliminary Analysis, during the term of our contract, the school has gone through a number of changes. First, a few years ago we rebranded our night program from The Second Chance Program to the Bridge 2 Success Program. We realized that some of The Second Chance students were only interested in receiving a high school diploma. When we analyzed the difference between the night students that completed the program vs the night students that didn't, we discovered that the night students who were enrolled in CNM dual credits classes were more likely to complete his or her high school diploma. Therefore, we rebranded the program to the Bridge 2 Success Program requiring more participation in our CNM dual credit program. After this change we saw a slight drop in enrollment, but we saw a substantial increase in night student graduation. Next, we experienced a slight enrollment decrease after the "Age Cap" legislation (HB5) passed. This was very difficult for some of our over-aged students that returned to school to better their lives and the lives of their families. For example, our oldest night school graduate was 48 years old. He was up for a promotion at his job but could not accept it because it required a high school diploma. He completed his high school diploma in our night school. At the graduation ceremony he spoke about never giving up and the support he received from TGA teachers. He spoke about the many hurdles that he had to jump in life and said it took him 20 years to get his high school diploma and there was not a dry eye in the building. Lastly, like most of the schools in the state, we saw an enrollment decrease after the Covid-19 school closures. Over the last few months, because of our different program offerings, we have seen an increase in enrollment. And we anticipate that the enrollment trends will increase over the next few years.

The school has the support of a non-profit foundation, The GREAT Academy Foundation, Inc. As the school noted in its response, two material weakness findings and two findings of other matters in the most recently published audit were attributable to the foundation, which is listed a component unit of the school in the audit reports.

There is a potentially substantial concern regarding conflict of interest and an appearance of impropriety as the foundation board members include the Head Administrator (who is also listed as the Registered Agent for the corporation), the Secretary of the school's governing board, and a staff member (who serves as President of the Foundation).

Incorrect. Mr. Matthews and Mr. Lui were founding board members and have not been on the foundation board since 2013, 7 years.

**THE GREAT ACADEMY
MCKINNEY VENTO – MONITORING REPORTS**

From Public Education Commission (PEC) Performance Framework Summary Chart at bottom of Recommendation

III-A.02 Educational Plan: Protecting the rights of all Students (see below)

2016-17 MEETS STANDARD

2017-18 MEETS STANDARD

2018-19 MEETS STANDARD

2019-20 WORKING TO MEET STANDARD

Public Education Commission (PEC) Performance Framework

The GREAT Academy	2016-2017	2017-2018	2018-2019	2019-2020
Category I. Academic Performance Framework				
IA.00 NM All School Grading System	Meets (or Exceeds) Standard	2016-17 Below (or Does Not Meet) Standard	2018-19 Below (or Does Not Meet) Standard	
IA.01 Required Academic Performance Indicators	2016-17 Below (or Does Not Meet) Standard	2018-19 Below (or Does Not Meet) Standard	2018-19 Below (or Does Not Meet) Standard	
IA.02 Optional Supplemental Indicators (school specific items in charter)	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Category II. Financial Performance Framework				
II.A.00.06 Operating Budget/Audits/Periodic Reports/Expenditures/Reimbursements/Audits/Reviews/Meals	Meets (or Exceeds) Standard	Meets (or Exceeds) Standard	Meets (or Exceeds) Standard	Meets (or Exceeds) Standard
Category III. Organizational Performance Framework				
III.A.00 Educational Plan: material terms of the approved charter application	Meets (or Exceeds) Standard	Meets (or Exceeds) Standard	Meets (or Exceeds) Standard	Meets (or Exceeds) Standard
III.A.01 Education Plan: applicable education requirements	2016-17 Below (or Does Not Meet) Standard	Meets (or Exceeds) Standard	Working to Meet Standard	Meets (or Exceeds) Standard
III.A.02 Education Plan: protecting the rights of all students	Meets (or Exceeds) Standard	Meets (or Exceeds) Standard	Meets (or Exceeds) Standard	Working to Meet Standard
III.A.03 Education Plan: protecting the rights of students with special needs (IDEA 504, gifted)	Working to Meet Standard	Meets (or Exceeds) Standard	Working to Meet Standard	Working to Meet Standard
III.A.04 Education Plan: protecting the rights of English Language Learners (Title III)	Working to Meet Standard	Working to Meet Standard	Working to Meet Standard	Meets (or Exceeds) Standard
III.A.05 Education Plan: complying with the compulsory attendance laws	Working to Meet Standard	Meets (or Exceeds) Standard	Meets (or Exceeds) Standard	Meets (or Exceeds) Standard
III.A.06 Education Plan: meet their recurrent enrollment goals	Working to Meet Standard	Working to Meet Standard	Working to Meet Standard	Working to Meet Standard
IV.A.00 Business Management & Oversight: meeting financial reporting and compliance requirements	2016-17 Below (or Does Not Meet) Standard	Working to Meet Standard	2018-19 Below (or Does Not Meet) Standard	2018-19 Below (or Does Not Meet) Standard
IV.A.01 Business Management & Oversight: following generally accepted accounting principles	Meets (or Exceeds) Standard	Working to Meet Standard	Working to Meet Standard	Working to Meet Standard
V.A.00 Governance and Reporting: complying with governance requirements	Meets (or Exceeds) Standard	Meets (or Exceeds) Standard	Meets (or Exceeds) Standard	Working to Meet Standard
V.A.01 Governance and Reporting: holding management accountable	Meets (or Exceeds) Standard	Meets (or Exceeds) Standard	Meets (or Exceeds) Standard	Meets (or Exceeds) Standard
VI.A.00 Employees: meeting teacher and other staff credentialing requirements	2016-17 Below (or Does Not Meet) Standard	Meets (or Exceeds) Standard	Meets (or Exceeds) Standard	Meets (or Exceeds) Standard
VI.A.01 Employees: respecting employee rights	Meets (or Exceeds) Standard	Meets (or Exceeds) Standard	Working to Meet Standard	Working to Meet Standard
VI.A.02 Employees: completing required background checks	Meets (or Exceeds) Standard	Meets (or Exceeds) Standard	Meets (or Exceeds) Standard	Working to Meet Standard
VII.A.00 School Environment: complying with facilities requirements	Meets (or Exceeds) Standard	2016-17 Below (or Does Not Meet) Standard	Working to Meet Standard	Meets (or Exceeds) Standard
VII.A.01 School Environment: complying with health and safety requirements	Working to Meet Standard	Meets (or Exceeds) Standard	Meets (or Exceeds) Standard	Meets (or Exceeds) Standard
VII.A.02 School Environment: handling information appropriately	Meets (or Exceeds) Standard	Meets (or Exceeds) Standard	Working to Meet Standard	Working to Meet Standard
Category: Organizational Performance Framework				
School Specific Terms: data on any terms specified in the school's Performance Framework	Not Applicable	No Current Compliance Concerns	Not Applicable	Not Applicable

2016-17 Monitoring Report, Page 7 of 20

III-A.02: Educational Plan **Rating MEETS STANDARD**

SEA Status	Meets Standard FINAL
LEA Status	In Progress
Comments by SEA	<p>9.15.17 PED Rating: The PED has rated this indicator "Meets Standard.&quot; The PED, at this time, has not been presented with any evidence that the school is not protecting the rights of all students as required by III-A.02: Education Plan.</p> <p>3/21/17 RtI/SAT During the site visit, team members saw evidence that the school has an RtI/Sat Plan. During the visit, we saw evidence of current SAT files. These files included health screening documents , interventions, and meeting agendas.</p> <p>McKinney Vento During the site visit, PED team members confirmed that the school is complaint with the McKinney-Vento Homeless Assistance Act (42 USC 11431 et seq.). Team members saw evidence of the school's public notices of rights and liaison contact information on the school's website. is disseminated (See NMAC § 6.10.3 (D)(2)(C)). Also, team embers noted that the school has in place a McKinney Vento Complaint Policy and Dispute Resolution Process&quot;. (See NMAC § 6.10.3 (D)).</p> <p>Enrollment CSD reviewed the school's enrollment and admission policies and forms. CSD observed no evidence of discriminatory screening practices or imposition of inappropriate admission standards in the application ----- Requested Follow Up: None</p>
Comments by LEA	
Compliance Indicators	Is the school protecting the rights of all students?
Requested Documents	Evidence of compliance with applicable laws and regulations relating to: RtI and SAT processes, admissions, lottery, waiting lists, fair and open recruitment, and enrollment; adherence to due process protections, privacy, civil rights, and student liberti
Other Documents	
Legal References	

2017-18 Monitoring Report, Page 8 of 21
III-A.02: Educational Plan Rating MEETS STANDARD

III. ORGANIZATIONAL PERFORMANCE FRAMEWORK	
III-A.02: Education Plan	
Updated 05/18/2018 by Baylor Del Rosario	
SEA Status	Meets Standard
LEA Status	In Progress
Comments by SEA	<p>05.02.18 Site Visit - Student Assistance Team (SAT): The PED team reviewed one (1) of the SAT files that appeared consistent with regulation requirements (see 6.29.1.9 NMAC). The team also reviewed three (3) 504 Plans that included documentation (such as 'Student Progress for [student names]'). Specifically, the files included a "Notice of and Invitation to SAT Meeting," "SAT Referral Packet," "SAT Meeting Summary Form," and so forth that appear to be from the PED SAT Manual.</p> <p>McKinney Vento: The team observed a "McKinney-Vento Homeless Assistance Act" that was included in the Student "TGA Agenda 2017-2018." The team also observed a professional development agenda dated February 9, 2018 that included the topic "McKinney Vento Homelessness Training" for staff. During the governing council's May 17, 2018 regular meeting a McKinney-Vento Dispute Resolution Policy was reviewed and passed by the council moving the school into compliance with regulation. Requested Follow-Up: None.</p>
Comments by LEA	
Compliance Indicators	Is the school protecting the rights of all students, including, but not limited to, compliance with applicable laws and regulations relating to the McKinney Vento Act, RtI/SAT processes, admissions, lottery, waiting lists, fair and open recruitment/enrollment, discipline policies, adherence to due process protections, privacy, civil rights and
Generated by Web EPSS December 2, 2020 9:58 AM	
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2018-19 Monitoring Report, Pages 5-6 of 21
III-A.02: 1c) Educational Plan: protecting students' rights Rating MEETS STANDARD

ORGANIZATIONAL PERFORMANCE FRAMEWORK	
III-A.02: 1c) Education Plan: protecting students' rights	
Updated 08/04/2019 by Karen Woerner	
SEA Status	Meets Standard
Generated by Web EPSS September 7, 2020 6:52 PM	
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LEA Status	In Progress
Comments by SEA	<p>26 MAR 2019 Site Visit:</p> <p>Enrollment/Lottery: According to the Director of Academics, the school has not reached its enrollment capacity and did not require an active Lottery for the 2018-19 academic year.</p> <p>McKinney-Vento: The school identified Keisha Matthews as its McKinney Vento liaison. K. Matthews had completed the 20-hour online training in the previous academic year (15 JAN 2018), as required by all McKinney Vento liaisons. At the time of the site visit, updated training requirements had not been provided by the State Coordinator for Education of Homeless Children and Youth.</p> <p>During the site visit, the PED team, observed McKinney Vento posters posted in front entrance bulletin board area with the liaison's contact information visible to students. The school has partnered with community agencies for various supports and resources such as: Community housing resources, local food banks, clothing banks, bus passes, and school uniforms. The school uses the 'Student Housing Questionnaire' in the registration packet as its primary source for identifying students that may be homeless or facing transition, and through conversations and word of mouth throughout the school year. As well as, a tab on the school's web-page titled, "Resources for Homelessness", which outlines the student's educational rights and contact information for the K. Matthews. Additionally, the school has a governing board approved McKinney Vento dispute resolution that appears to align with Federal guidelines.</p> <p>At the time of the site visit, the school had identified 15 students who qualify as homeless (3 sheltered, 10 doubled-up, and 2 in hotel). The school appears to be in compliance with the requirements of the McKinney Vento Act.</p> <p>SAT: The PED team observed three student SAT files that appeared consistent with regulation requirements (NMAC 6.29.1.9). Specifically, the files included a parent invitation, SAT referral packet, and a SAT intervention plan that appear to be from the PED SAT Manual. Two of the referral packets were submitted by one teacher on 10/15/18 (with one meeting occurring on 12/8/18 and the other not until 3/21/19). Another SAT referral was submitted by a second teacher on 12/10/18 (with meeting held on 12/11/18). Files also contained student test data and health assessments.</p> <p>The school offers a math/reading intervention for high school students. All middle school students are enrolled in an extra math and reading course.</p> <p>Requested Follow-Up: None present at this time.</p>
Comments by LEA	
Compliance Indicators	Is the school protecting the rights of all students, including, but not limited to, compliance with applicable laws and regulations relating to the admissions, lottery, waiting lists, fair and open recruitment/enrollment; discipline policies including hearings, suspension, and expulsion; and adherence to due process protections, privacy, civil rights and student liberties? How is the school implementing the McKinney Vento Act and Rti/SAT procedures?
Requested Documents	
Other Documents	
Legal References	Age for Enrollment, minimum: NMSA § 22-8-2(M) Enroll Any Time: NMSA § 22-1-4(C) Enrollment and Lottery: NMSA § 22-8B-4.1 and NMAC 6.80.4.12(D)

2019-20 Monitoring Report, Rating from Monitoring Report as of 9.9.2020 Concern Identified
Final Rating as of 12.1.2020 WORKING TO MEET STANDARD
NOTE: 2019-20 Monitoring Report no longer available for viewing on WebEPSS

III-A.02: 1c) Educational Plan: protecting students' rights

ORGANIZATIONAL PERFORMANCE FRAMEWORK
III-A.02: 1c) Education Plan: protecting students' rights
Updated 09/10/2020 by Megan Plozet

SEA Status	Concern Identified
LEA Status	In Progress
Comments by SEA	04 MAR 2020 Site Visit:
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McKinney Vento Act: The school identified Keisha Matthews as its McKinney Vento liaison. At the time of the site visit, the school had 11 student(s) identified as homeless or facing housing transition. During a prior year site visit, the PED team observed K. Matthews's Level 1 Beginner McKinney Vento training certificate, dated 15 JAN 2018. However, K. Matthews had not completed the Level 2 McKinney Vento training for the 2019-20 academic year. The PED team will ask the school to provide evidence this training was obtained. In addition, the PED team observed an NM Housing Questionnaire filed within each of the student cumulative files reviewed, along with Informational Posters throughout the campus visible to students. The school provided its revised McKinney Vento dispute resolution policy that appears to be thorough and align with all federal regulations.

SAT: The school identifies Keisha Matthew's as its SAT Coordinator. At the time of the site visit, the school stated it had 20 students currently in the SAT process. Of the student SAT folders reviewed, all included detailed information for the initial SAT referral, student academic data used during the evaluation of student interventions, teacher notes and observations regarding behaviors, medical health, and social emotional factors. According to the school's SAT Coordinator, student interventions are re-evaluated every 6-9 weeks and adjustments are made as necessary among the SAT Team. In addition, the PED team observed parental invitations for SAT meetings and signatures of individuals that were involved in the student SAT meetings.

Lottery/Enrollment/Registration: The PED team reviewed twelve (12) student cumulative files. Of the files reviewed, most all contained evidence of registration packets, state assessment outcomes, immunization records, NM Housing Questionnaires, and ELL Eligibility documentation (for the most part). The school indicated it was not at its enrollment capacity and did not need to conduct a lottery for enrollment purposes.

Requested Follow-Up: No later than 30 OCT 2020, the school is asked to provide the following evidence through this Web-EPSS indicator:

- Evidence of K. Matthew's Level 2 McKinney Vento training certificate.

Comments by LEA	
Compliance Indicators	Is the school protecting the rights of all students, including, but not limited to, compliance with applicable laws and regulations relating to the admissions, lottery, waiting lists, fair and open recruitment/enrollment; discipline policies including hearings, suspension, and expulsion; and adherence to due process protections, privacy, civil rights and student liberties? How is the school implementing the McKinney Vento Act and Rti/SAT procedures?
Requested Documents	
Other Documents	
Legal References	Age for Enrollment, minimum: NMSA § 22-8-2(M) Enroll Any Time: NMSA § 22-1-4(C) Enrollment and Lottery: NMSA § 22-8B-4.1 and NMAC 6.80.4.12(D)