

## **New Mexico Charter School Authorizing Statement of Purpose**

*We, the authorizers of New Mexico, believe that all students should be provided equitable access to unique, high-quality options that prepare them for lifelong success.*

## **New Mexico Values for Quality Charter School Authorizing**

### **Equity**

*The authorizers in NM...*

- Ensure ALL students have equitable access to quality schools.
- Ensure our schools are meeting students where they are, serving them appropriately, and growing them.
- Strive for our portfolios to reflect the demographic makeup of the entire district.
- Advocate for equitable resources and opportunities.
- Advocate for funding structures that ensure all students can be served by the school.

### **Celebrating Success**

*The authorizers in NM...*

- Raise awareness of schools that achieve academic growth by celebrating their success with others.
- Facilitate sharing of best practices between schools and authorizers.
- Organize and provide consistent and uniform trainings for all.

### **Accountability**

*The authorizers in NM...*

- Commit to continuous learning and improvement to reach State and National best practices by evaluating our own performance and adjusting.
- Commit to sharing and utilizing common and effective tools and resources throughout the State of New Mexico.
- Act according to our values, principles, and standards, and are willing to speak up when expectations are not being met.

### **Transparency**

*The authorizers in NM...*

- Allow open access to information through a website and/or file-sharing.
- Foster collaboration and consistency between authorizers by proactively reaching out to each other for guidance, assistance, or clarity.
- Have clearly-stated standards to which we refer within our organization and with stakeholders and post publicly on our websites.
- Have a clear vision for the role of charters in serving students in the community.

## New Mexico Charter School Authorizing Principles

### **Protect Public Interests**

#### *A Quality Authorizer in NM...*

- Serves as a steward of the public interest through responsible decision making and oversight.
- Holds schools accountable for providing:
  - Sound governance, management, and stewardship of public funds;
  - Public information and operational transparency in accordance with law; and
  - Services that meet the needs and fulfill the rights of all students.
- Ensures authorizer integrity.
- Keeps parents and students well-informed about the quality of education provided by charter schools.

### **Promote Excellence and Accountability with Authorizing**

#### *A Quality Authorizer in NM...*

- Models conduct that is aligned with NM values for quality charter school authorizing.
- Ensures that its own work includes:
  - Focus on the NM charter school authorizing statement of purpose.
  - Clarity, consistency, and transparency in authorizing policies, practices, and decisions.
  - Effective and efficient public stewardship.
  - Compliance with applicable laws and regulations.
- Maintains high standards for contract performance expectations, new school applications, and renewal.

### **Ensure Access and Equity for All**

#### *A Quality Authorizer in NM...*

- Ensures school's enrollment policies are fair and equitable.
- Ensures proposed school models meet the expressed needs of the community.
- Ensures students' needs are met on an individual basis.
- Ensures historically at-risk students (economically-disadvantaged students, Native American students, students with disabilities, English learners, highly-mobile students) are provided resources and support to accelerate their learning.

### **Uphold School Autonomy to Foster Innovation**

#### *A Quality Authorizer in NM...*

- Preserves the autonomies crucial to school success, and supports innovative practices for schools and authorizers – including, but not limited to:
  - Governing Board;
  - Personnel;
  - School Vision and Culture;
  - Instructional Programming;
  - Budgeting.
- Holds schools accountable for outcomes rather than processes.
- Minimizes unnecessary and untimely administrative burdens.

**A. Agency Commitment & Capacity**

*A quality authorizer engages in chartering as a means to foster excellent schools that meet identified needs, clearly prioritizes a commitment to excellence in education and in authorizing practices, creates organizational structures, and commits human and financial resources necessary to conduct its authorizing duties effectively and efficiently.*

**1. Planning and Commitment to Excellence**

A Quality Authorizer...

- Implements policies, processes, and practices that streamline and systematize its work toward stated goals and executes its duties efficiently while minimizing administrative burdens on schools.
- States a clear mission for quality authorizing.
- Implements an intentional strategic vision and plan for chartering, including clear priorities, goals, and timelines.
- Evaluates its work regularly against its chartering mission and strategic plan goals, and implements plans for improvement when falling short of its mission and strategic plan.
- Commits to annual review of authorizing practices in relation to applicable State and National standards, including use of the New Mexico authorizer self-evaluation.

**2. Human Resources**

A Quality Authorizer...

- Has the necessary human resources to be effective.
- Enlists expertise and competent leadership for all areas essential to charter school oversight—including (but not limited to) education leadership; curriculum, instruction, and assessment; special education, English learners, and other diverse learning needs; performance management and accountability; law; finance; and nonprofit governance, community knowledge—through staff, contractual relationships, and/or intra-or inter-agency collaboration.
- Seeks professional development for authorizing staff and Board members related to State and National standards for quality authorizing.

**3. Financial Resources**

A Quality Authorizer...

- Has the necessary financial resources to be effective.
- Deploys funds effectively and efficiently in the interests of students and the public.
- Commits to regular and transparent reporting on the allocations and use of the administrative fee.

## **B. Application Process and Decision Making**

**A quality authorizer implements a comprehensive application process that: includes clear application questions and guidance; follows fair, transparent procedures and rigorous criteria; and grants charters only to applicants who demonstrate strong capacity to establish and operate a charter school of the highest quality, aligned to the application.**

### **1. Proposal Information, Questions, and Guidance**

A Quality Authorizer...

Issues a charter application information packet or request for proposals (RFP) that:

- States any chartering priorities the authorizer may have established.
- Presents comprehensive application questions, including: content required in the charter law to elicit information related to mission and vision; educational program, including equitable systems of support for all students, services for students with diverse needs, including students with disabilities and English learners, and a culturally and linguistically responsive framework; budget and fiscal information; operations plans; governance and management structures and systems; founding team members' background and capabilities; understanding of the needs of the community; evidence of community engagement; and evidence of the applicant's capacity to execute its plan.
- Includes distinct requirements for applicants who: 1) are existing school operators or replicators; 2) propose to contract with a nonprofit education service or management provider; 3) propose to operate virtual or online charter schools; and 4) propose to open on tribal land.
- Provides clear guidance regarding application requirements and explains evaluation criteria.
- Considers diverse educational philosophies, approaches, and school models.

### **2. Fair, Transparent, Quality-Focused Procedures**

A Quality Authorizer...

- Implements a charter application process that is open, well-publicized, and transparent.
- Allows sufficient time for each stage of the application and school pre-opening process to be carried out with quality and integrity, aligned with timeframes in charter law.
- Rigorously evaluates each application through thorough review of the written proposal, a public substantive in-person interview and/or subcommittee hearing with each qualified applicant, and other due diligence to examine the applicant's experience and capacity, including engagement with current authorizers and review of performance records of existing schools, as applicable, conducted by knowledgeable and competent evaluators.
- Engages for both written application reviews and applicant interviews, highly-competent teams of internal and/or external evaluators with relevant educational, organizational (governance and management), financial, and legal expertise, as well as an understanding of charter school autonomy and accountability.
- Provides orientation or training to application evaluators (including interviewers) to ensure consistent evaluation standards and practices, observance of essential protocols, and unbiased treatment of all applicants.

### **3. Rigorous Approval Criteria and Decision Making**

A Quality Authorizer...

- Establishes comprehensive written approval criteria for all RFP components.
- Grants charters only to applicants who have demonstrated competence and capacity to succeed in all aspects of the school, consistent with the stated approval criteria.
- Ensures that the application review process is free of conflicts of interest, and requires full disclosure of any potential conflicts of interest between reviewers or decision makers and applicants.
- Approves applications that include a detailed plan for school opening, operation, and fiscal stability, with little substantive work left for later development.
- Notifies applicants of approval or denial in writing within 14 days of the public meeting, while explaining the factors that determined the decision.

## **C. Performance Contracting**

**A quality authorizer executes contracts with charter schools that present the rights and responsibilities of each party regarding school autonomy, funding, administration and oversight, outcomes, measures for evaluating success or failure, performance consequences, and other material terms. The contract is an essential document, separate from the charter application, that establishes the legally binding agreement and terms under which the school will operate and be held accountable.**

### **1. Contract Term, Negotiation, and Execution**

A Quality Authorizer...

- Executes a contract with a legally incorporated Governing Board independent of the authorizer within 30 days of approval of the application.
- Grants contracts for an initial term of six years, inclusive of a planning year and five operating years, with renewal reviews every five years.
- Defines fundamental terms for the school within the contract, such as enrollment maximum, grades served, location, mission statement, and key design or educational program elements that cannot be changed without authorizer approval.
- Ensures mutual understanding and acceptance of the terms of the contract by the school's Governing Board prior to authorization.
- Communicates what terms of the contract are and are not negotiable.
- Allows and requires contract amendments for occasional changes to a school's fundamental terms with the approval of the chartering authority and the governing body of the charter school, but does not require amending the contract for other modifications to the school's program.
- (If Applicable) For any school that contracts with an external (third-party) provider for education design and operation or management, includes additional contractual provisions that ensure rigorous, independent contract oversight by the Charter Governing Board and the school's financial independence from the external provider.
- (If Applicable) Reviews the proposed third-party contract as a condition of charter approval to ensure that it is consistent with applicable law, authorizer policy, and the public interest.

### **2. Rights and Responsibilities**

A Quality Authorizer...

Executes charter contracts that clearly:

- State the rights and responsibilities of the school and the authorizer;
- State and respect the autonomies to which schools are entitled – based on statute, waiver, or authorizer policy – including those relating to the school's authority over educational programming, staffing, budgeting, and scheduling;
- Define performance indicators and targets for renewal, intervention, revocation, and non-renewal, while establishing the consequences for not meeting indicators and targets;
- State the statutory, regulatory, and procedural terms and conditions for the school's operation;
- State reasonable pre-opening requirements, conditions, and timelines for new schools to ensure that they meet all health, safety, and other legal requirements and are implementing the substance of the approved application and are prepared to open smoothly;

- State the responsibility of the school to adhere to essential public education obligations, including admitting and serving all eligible students as long as space is available, and not expelling or counseling out students except pursuant to a legal discipline policy approved by the authorizer;
- State the responsibilities of the school and the authorizer in the event of school closure; and
- Ensure that any fee-based services that the authorizer provides are set forth in a services agreement that respects charter school autonomy, if applicable, and ensures that purchasing such services is explicitly not a condition of charter approval, continuation, or renewal.

### 3. Performance Standards

A Quality Authorizer...

Executes a performance framework within the charter contract that:

- Includes a variety of performance indicators and targets under which schools will be evaluated, inclusive of indicators in the charter law;
- Defines clear, measurable, and attainable academic, mission-specific, financial, and organizational performance indicators and targets that the school must meet as a condition of renewal;
- Defines the sources of academic, financial, and organizational data used to evaluate each performance indicator;
- Uses objective and verifiable measures of student academic outcomes as the primary measure of school quality;
- Disaggregates academic outcomes by subgroup, including gender, race, poverty status, special education or gifted status, and English learners;
- Includes expectations for appropriate access, education, support services, and outcomes for student groups outlined in the *Martinez and Yazzie* consolidated lawsuit (students with disabilities, English learners, economically-disadvantaged students, Native American students, and highly-mobile students);
- Includes development and implementation of strategies outlined in the *Martinez and Yazzie* consolidated lawsuit; and
- Includes clear, measurable performance indicators and targets to judge the effectiveness of alternative schools and virtual schools, if applicable – requiring and appropriately weighting rigorous mission-specific performance measures and metrics that credibly demonstrate each school’s success in fulfilling its mission and serving its special population.

## **D. Ongoing Oversight and Evaluation**

**A quality authorizer conducts contract oversight that competently evaluates performance and monitors compliance; ensures schools' legally entitled autonomy; protects student rights; informs intervention, revocation, and renewal decisions; and provides annual public reports on school performance.**

### **1. Performance Evaluation and Compliance Monitoring**

A Quality Authorizer...

- Implements a comprehensive performance framework accountability and monitoring system that is defined by the charter contract and provides the data necessary to make rigorous and standards-based renewal, revocation, and intervention decisions.
- Implements an accountability system that effectively streamlines Federal, State, and local requirements while protecting schools' legally-entitled autonomy and minimizing schools' administrative and reporting burdens.
- Conducts annual site visits with clear expectations and purpose that cannot be achieved remotely and will conduct other visits, as necessary, while ensuring that the frequency, purposes, and methods of such visits respect school autonomy and avoid operational interference.
- Provides an annual written report to each school, summarizing its outcomes in relation to the performance framework in the contract over the charter term and identifying areas of strength, areas needing improvement, and prospects for renewal.

### **2. Respecting School Autonomy**

A Quality Authorizer...

- Respects the school's authority over its day-to-day operations.
- Collects information from the school in a manner that minimizes administrative burdens on the school while ensuring that performance and compliance information is collected with sufficient detail and timeliness to protect student and public interests.
- Periodically reviews performance framework accountability and monitoring system to make modifications that increase school autonomy based on flexibility in the law, streamlining requirements, demonstrated school performance, or other considerations.
- Refrains from directing or participating in educational decisions or choices that are appropriately within a school's purview under the charter law or contract.
- Allows waivers of requirements, rules, and provisions stipulated in law.
- Provides technical assistance that is open, but not required, to all schools.

### **3. Protecting Student Rights**

A Quality Authorizer...

- Ensures that schools admit students through a transparent, random selection process that is open to all students, is publicly verifiable, and does not establish undue barriers to application (such as mandatory information meetings, mandated volunteer service, or parent contracts) that exclude students based on socioeconomic, family, or language background, prior academic performance, special education status, or parental involvement.



- Ensures that schools provide equitable access, systems of support, and inclusive services, as required by applicable law, for all students, including students with disabilities, English learners, economically-disadvantaged students, students experiencing homelessness, Native American students, and highly-mobile students.
- Ensures that schools' student discipline policies and actions are legal, equitable, and fair, and that no student is suspended, expelled, or counseled out of a school outside of that process.

#### **4. Intervention**

A Quality Authorizer...

- Establishes in the contract an intervention policy or protocol that states the general conditions that may trigger interventions and the types of consequences that may ensue.
- Gives schools clear, adequate, evidence-based, and timely notice of contract violations or performance deficiencies.
- Allows schools reasonable time and opportunity for remediation in non-emergency situations.
- Where intervention is needed, engages in intervention strategies that preserve autonomy and responsibility (identifying what the school must remedy without prescribing solutions).

## **E. Revocation and Renewal Decision Making**

**A quality authorizer designs and implements a transparent and rigorous process that uses comprehensive academic, financial, and operational performance data, aligned to the performance framework and intervention protocol, to make merit-based renewal decisions and, when necessary, revokes charters to protect student and public interests.**

### **1. Renewal Decisions Based on Performance Framework**

A Quality Authorizer...

- Bases the renewal process and renewal decisions on thorough analysis of a comprehensive body of objective evidence defined by the performance framework.
- Grants renewal only to schools that are meeting most academic and mission-specific indicators, have achieved the standards and targets stated in the charter contract, are organizationally and fiscally viable, and have been faithful to the terms of the contract and applicable law.
- Does not make renewal decisions, including granting probationary or short-term renewals, on the basis of political or community pressure or solely on promises of future improvement.

### **2. Fair, Transparent Process**

A Quality Authorizer...

- Documents and shares the process for renewal decision making, including guidance regarding required content and format for renewal applications and criteria for renewal.
- Notifies each school of its renewal outcomes, including written explanation of the reasons for the decision, by the deadline specified in law.
- Promptly communicates renewal or revocation decisions to the school community and public within a timeframe that allows parents and students to exercise choices for the next school year.
- Explains in writing any available rights of legal or administrative appeal through which a school may challenge the authorizer's decision.

### **3. Cumulative Report and Renewal Application**

A Quality Authorizer...

- Provides to each school, in advance of the renewal decision, a cumulative performance report that summarizes the school's record over the charter term, aligned to the performance framework and annual reports.
- Requires any school seeking renewal to apply for it through a renewal application, inclusive of contents required by law, which provides the school a meaningful opportunity and reasonable time to respond to the cumulative report; to correct the record, if needed; and to present additional evidence regarding its performance.
- Accepts renewal applications from schools seeking a change in chartering authority and utilizes records of the current authorizer to inform renewal decisions.

### **4. Revocation**

A Quality Authorizer...

- Revokes a charter during the charter term if there is clear evidence of extreme underperformance or a violation of law or the public trust that imperils students or public funds.

## 5. Closure

A Quality Authorizer...

- In the event of a school closure, oversees and works with the School Governing Board and leadership in carrying out a detailed closure protocol that ensures timely notification to parents; orderly transition of students and student records to new schools; and disposition of school funds, property, and assets in accordance with law.
- When considering closure of a charter school located on tribal land, works with the School Governing Board and leadership to ensure that tribal consultation requirements are met.