



**STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
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KURT STEINHAUS, ED.D.
SECRETARY OF EDUCATION

MICHELLE LUJAN GRISHAM
GOVERNOR

August 5, 2022

Dear Public Education Commissioners:

Enclosed is the Final Analysis and Recommendation for the Explore Academy Rio Rancho 2022 Charter School Application. Explore Academy-Rio Rancho is applying for a state charter in Rio Rancho, New Mexico to be located within the boundaries of Rio Rancho Public School District to serve 1,200 students in grades K-12. Represented by founders, Justin Baiardo, Elisha Varela, and Karen Woerner, the proposed school would utilize the Explore Learning Model, currently implemented in both Albuquerque and Las Cruces. The attached Final Analysis and Recommendation includes a summary of the evidence and rationale gathered from the peer review team's analyses of the written application, the capacity interview and letter of concerns from the Public Education Commission (PEC). It also includes a brief summary of the participation at the community input hearing. There were no letters or emails received by the Department in support or in opposition of the application.

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,

Corina Chavez

Corina Chavez, Director
Charter Schools Division

Explore Academy Rio Rancho 2022 New Charter School Application
NMPED Charter Schools Division Recommendation

APPROVE

APPROVE WITH CONDITIONS

Overall, the application is complete and adequate; and during their Capacity Interview, the applicants demonstrated a general capacity to implement the academic, organizational and financial management plans as described in the application. However, the CSD has identified some specific concerns that would need to be addressed during the planning year. The CSD has listed the noted concerns and conditions to address the concerns below. If the PEC determines that there are any additional conditions that need to be addressed, those should be noted during the public hearing and all approved conditions negotiated in the final contract.

Peer reviewers, in the [Preliminary Analysis](#), gave the application a rating of Does Not Meet the Criteria on Part C II, Items I(1) and (2) Third Party Relationship, and for Part III, Item C.1. Fiscal Controls. The applicant team did not fully address these concerns in the [Capacity Interview](#), receiving a score of Approaches the Criteria from the peer reviewers on questions 5 (internal controls) and 6 (MOU with Explore Learning Systems). Details of the relationship with Explore Learning Systems were not fully described during the [Community Input Hearing](#).

Proposed Conditions

FOR ALL APPROVALS: The Applicant will negotiate a contract with the Public Education Commission pursuant to NMSA 22-8B-9.1:

1. Obtain standing as an approved Board of Finance
2. Secure a facility that meets PSFA Approval
3. Complete the planning-year checklist

PROPOSED CONDITIONS SPECIFIC TO EXPLORE RIO RANCHO:

1. The applicant must provide, by a date determined by the PEC, sufficient information regarding the school's foundation, Explore Learning Systems, LLC and the third-party relationships they both have with the school. Included in the information should be a) the Memorandum of Understanding (MOU) between the Foundation and Explore Academy Rio Rancho, which includes the responsibilities, activities, and costs associated with the agreement, and b) the Memorandum of Understanding (MOU) between Explore Academy Rio Rancho and Explore Learning Systems, LLC, which includes the responsibilities, activities, and costs associated with the agreement, c) full disclosure of the legal status of Explore LLC, the names, employment contracts, and contact information of the individuals who sit on the board and who are employed by Explore LLC. d) full disclosure of the foundation, with the names, employment contracts and contact information of the individuals who sit on the board and who are employed by the foundation.

2. The applicant must provide additional detail regarding the school’s finances, including a) the school’s governing board-approved fiscal controls policies and procedures, b) the names, titles and employment status of all staff contracted to provide financial services to the school and whether they hold employment with Explore Learning Systems, LLC and/or the foundation in addition to the school, c) the Finance committee membership names and contact information must be provided by a date determined by the PEC, and d) all finance committee meetings must include an agenda and minutes and be posted to the school’s website.

3. The governing body, once established, must provide an assurance that they alone will make the head administrator hiring decision, in accordance with the Charter Schools Act, including 22-8B-10 NMSA 1978 and 22-8B-4 (R) NMSA 1978.

DENY

Overall, the application is either incomplete or inadequate; or during their Capacity Interview, the applicant(s) did not sufficiently demonstrate the experience, knowledge, and competence to successfully open and operate a charter school in New Mexico.

The Charter Schools Act, in paragraph 1 of Subsection L of Section 22-8B-6 NMSA 1978, states that a chartering authority may approve, approve with conditions or deny an application. A chartering authority may deny an application if:

- 1) the application is incomplete or inadequate;
- 2) the application does not propose to offer an educational program consistent with the requirements and purposes of the Charter Schools Act;
- 3) the proposed head administrator or other administrative or fiscal staff was involved with another charter school whose charter was denied or revoked for fiscal management or the proposed head administrator or other administrative or fiscal staff was discharged from a public school for fiscal mismanagement;
- 4) for a proposed state-chartered charter school, it does not request to have the governing body of the charter school designated as a board of finance or the governing body does not qualify as a board of finance; or
- 5) the application is otherwise contrary to the best interests of the charter school’s projected students, the local community or the school district in whose geographic boundaries the charter school applies to operate

Overall Score Sheet

	Meets the Criteria	Approaches the Criteria	Does Not Meet the Criteria
Application			
Education Plan / Academic Framework	16	2	0
Organizational & Governance Plan / Framework	15	7	2
Business Plan / Financial Framework	4	3	1
Evidence of Support	1	2	0
Capacity Interview	18	3	0
Totals	54	17	3

Application Peer Review Ratings

Indicator		Rating
Education Plan / Academic Framework		
A.(1)	Mission	Meets
A.(3)	Uniqueness and Innovation	Meets
B.	Mission Specific Goals	Meets
C.	Curriculum, Educational Program, Student Performance Standards	Meets
D.(1)	Bilingual Multicultural; Indian, Hispanic, and Black Education	Approaches
D.(2)	Equity Plan	Meets
E.	Graduation Requirements	Meets
F.(1)	Instruction	Meets
F.(2)	Yearly Calendar and Daily Schedule	Approaches
F.(3)	Schedule Narrative	Meets
G.(1a)	Special Education: Students with IEPs	Meets
G.(1b)	Special Education: Progress Monitoring	Meets
G.(2a)	English Learners: Curriculum & Instruction	Meets
G.(2b)	English Learners: Progress Monitoring	Meets
G.(3)	ESSA and Special Population Needs	Meets
H.(1)	Assessment Plan	Meets
H.(2)	Assessment Data Analysis	Meets
H.(3)	Achievement Communication Plan	Meets
Organizational & Governance Plan / Framework		
A.(1)	Governance Structure	Approaches
A.(2)	Governing Board Qualifications	Approaches
A.(3)	Governing Board Recruitment	Meets
B.(1)	Annual Board Training Plan	Meets
B.(2)	Annual Board Self-Evaluation	Meets
C.(1)	Board Oversight Monitoring Plan	Meets
C.(2)	Hiring Head Administrator	Meets
C.(3)	Leadership Roles & Responsibilities	Meets
C.(4)	Annual Head Evaluation	Meets
D.(1)	Org Chart & Narrative	Approaches
D.(2)	Job Descriptions	Approaches
D.(3)	Staffing Plan	Approaches
D.(4)	Professional Development Plan	Meets
E.	Conditions of Employment	Meets
F.(1)	Meaningful Community Involvement in Governance	Meets
F.(2)	Complaint Process	Meets
G.(1)	Student Outreach & Recruitment	Meets
G.(2)	Lottery process	Meets
H.	Conflict of Interest Policy	Approaches
I.(1)	Third Party Relationship	Does Not Meet
I.(2)	If I.(1) then Appendix D	Does Not Meet
J.(1)	Transportation	Approaches
J.(2)	Food Services	Meets
K.(1)	Appendix E Facilities Master Plan	Meets

K.(2)	Potential Property	Approaches
Business Plan / Financial Framework		
A.	Meets	Meets
B.(1)	Appendix F Completed 910B5	Approaches
B.(2)	Appendix G 5 year Budget Plan	Approaches
B.(3)	Budget Narrative	Meets
B.(4)	Budget Adjustments	Meets
C.(1)	Internal Control Procedures	Does Not Meet
C.(2)	Appropriate Financial Staff	Approaches
C.(3)	Governing Board Fiduciary Oversight	Meets
Evidence of Support		
A.	Outreach Activities	Approaches
B.	Community Support	Meets
C.	Community Relationships	Approaches

Capacity Interview Peer Review Ratings

Indicator	Rating
School-specific	
Curriculum input	Meets
Model specific to K-2 students	Approaches
Gifted students	Meets
Schedule, lunch hour	Meets
Internal controls	Approaches
MOU with Explore Learning	Approaches
Education Plan	
Mission	Meets
Contribution	Meets
Progress toward mission-specific goals	Meets
Leadership and Governance	
Selecting and maintaining board members	Meets
Selecting head administrator	Meets
Transition period relationships	Meets
Incorporating peer review feedback	Meets
Policies and procedures	Meets
Updating bylaws and policies	Meets
Facility	
Acquiring facility that meets standards	Meets
Plan if cannot find adequate facility	Meets
Finance	
Implementation year budget	Meets
Enrollment projections	Meets
Plan for possible enrollment shortfall	Meets
Planning Year	
Organizational plan	Meets