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**Charter Schools Division  
Final Renewal Recommendation  
Revised December 6, 2023**

**School Name:** San Diego Riverside Charter School

**School Address:** Jemez Pueblo, NM 87024

**Head Administrator:** Cliff Tompson

**Governing Board Chair:** Margie Creel

**Contract Term:** 2019–2024

**Authorizer:** Jemez Valley Public Schools

**Statutory Renewal Requirements**

According to New Mexico Statutes Annotated (NMSA) 1979, Section 22-8B-12 K., a charter may be suspended, revoked, or not renewed by the chartering authority if the chartering authority determines that the charter school:

- (1) committed a material violation of any of the conditions, standards or procedures set forth in the charter contract;
- (2) failed to meet or make substantial progress toward achievement of the department's standards of excellence or student performance standards identified in the charter contract;
- (3) failed to meet generally accepted standards of fiscal management;
- (4) for a charter school located on tribal land, failed to comply with ongoing consultations pursuant to the Indian Education Act; or
- (5) violated any provision of law from which the charter school was not specifically exempted.

### CSD Renewal Recommendation

The Charter Schools Division (CSD) recommends renewal for three (3) years with the following conditions which are based on criteria required by law for charter renewal. **Further, we recommend data from the current school year, 2023-24, will be considered for renewal at the end of the term.**

**Condition 1:** By not consistently having the required number of governing board members or completing required training hours, San Diego Riverside (SDR) “violated [a] provision of law from which the charter school was not specifically exempted.” Therefore, SDR will continuously have five or more board members serving on the governing body throughout the charter term. The school will follow PEC governing body change notification protocol without exception. By the end of each fiscal year of the charter term, all board members will have completed all required training hours.

**Condition 2:** Due to issues around internal controls and audit findings, San Diego Riverside “failed to meet generally accepted standards of fiscal management.” Therefore, the governing board must maintain Finance and Audit Committees. In addition, school leadership and the governing board will revise internal control policies and procedures.

**Condition 3:** San Diego Riverside will complete a Transition Year Checklist by June 30, 2024. This is a checklist designed to ensure compliance with NMAC and NMSA and to promote effective academic, financial, and organizational operations of the school. Included in the checklist will be inclusive of any items from the JVPS CAP that still need to be addressed. (See Appendix on the last page for JVPS Corrective Action Plan and CSD Comments.)

### Part B: Progress Report

The schools’ narratives in Part B are rated Meets Standard, Demonstrates Substantial Progress, or Failing to Demonstrate Progress according to the rubric on pages 6-7 of the 2023 Charter School Renewal Application.

Part B: Progress Report	
Academic Performance	Rating
1.a. Student Outcomes	Demonstrates Substantial Progress
1.b. Mission-Specific Goals	N/A
Organizational Performance	Rating
2.a. Educational Program	Meets the Standards*
2.b. Financial Compliance	Demonstrates Substantial Progress
2.c. Governance Responsibilities	Demonstrates Substantial Progress
2.d. Equity and Identity	Meets the Standards
2.e. Tribal Consultation	Meets the Standards

2.f. Other Performance Framework Indicators	N/A
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\*Note: Contract with district authorizer JVPS is not available so CSD cannot verify all elements of contractual educational program.

**1.a. Student Outcomes**

Limited data is available for the charter term due to Covid and the school being under district-authorization. However, during 2021-22, data from NMVistas indicates that San Diego Riverside performed only better than 5.6% of New Mexico schools. The school received a designation of ATSI\*, meaning schools serving a student group that is performing in the lowest 5% of all schools. The school’s proficiency rates for 2021-22 were masked on NMVistas due to small sample sizes.

**Update:** The PED released 2022-23 [Vistas](#) data publicly in November 2023. The overall Vistas score is provided below, as well as the school’s 2022-23 proficiency and growth rates compared with the district where the school is located and statewide data.

**2022-23 NMVistas Score:** 36                      **2022-23 Designation:** Traditional

**2021-22 NMVistas Score:** 17                      **2021-22 Designation:** ATSI\*

\*Note: SDR’s 2021-22 NMVistas designation changed from CSI on Part A to ATSI on this report because NMVistas made updates between September and November 2023.

2022-23 PED Accountability Data	Proficiency			Growth	
	ELA	Math	Science	ELA	Math
San Diego Riverside Charter School	18%	6%	15%	9%	6%
Jemez Valley Public Schools	17%	6%	12%	3%	2%
New Mexico Statewide	38%	24%	34%	4%	0%

These growth rates in ELA and Math are substantial. Furthermore, SDR has submitted a Literacy Plan with the PED.

**1.b. Mission-specific Goals**

Not applicable as the school is a district-authorized charter school and not under the PEC Performance Framework.

**2.a. Educational Program**

San Diego Riverside Charter School (SDR) has been district authorized, however, they have not had an official contract with Jemez Valley Public Schools. The educational plan used for the purposes of evaluating [Part B](#) of their renewal application to the PEC was gleaned from their

renewal contract from 2019. While SDR has met several components of their educational plan, some elements have not been implemented. According to their 2019 renewal contract, the main components of the education plan are as follows:

- Towa language and culture instruction: the school currently demonstrates implementation of Towa language and culture instruction. CSD observed that Towa is offered as a distinct period of instruction for each grade level, and teachers indicated that they are aiming to integrate it more into other subjects across the curriculum.
- Sheltered Instruction Observation Protocol (SIOP) for English language learners: this method has not been used by instructors, as evidenced by observations and teacher focus groups. However, the school has a TESOL-certified teacher on site, and the school has EAs who speak Towa.
- Targeted, site-based remediation programs in collaboration with JVPS SPED: this element of the educational program has not been implemented. According to focus groups, the district does not share funds or data, and has not collaborated with San Diego Riverside.
- PDSA (Plan-Do-Study-Act)-- strategy for students to take ownership of their own progress: focus groups indicated that this has not been implemented.
- Integration of computer technology into the learning environment: CSD observed that this element of the educational plan is in place. School leaders indicated that the transition to online learning during Covid was challenging in their community, but they were able to get devices and internet access to their students.
- Community-based learning: this component of the educational plan is very strong at San Diego Riverside. The community is invited to participate with lessons and celebrations on a regular basis. Several community members and tribal leaders were present during CSD's visit, and actively participated in lessons, cooking, artwork, and more.
- Experiential learning activities: students are clearly engaged in experiential learning at San Diego Riverside. CSD witnessed this first-hand, for example, the students were learning the recipe for fry bread in Towa in the classroom, and then went outside to the horno and made the fry bread. Another group of students were learning about the growing cycle in science, and then went out to the gardens and picked chiles. Focus groups confirmed that experiential learning is a regular part of the curriculum.

## **2.b. Financial Compliance**

The school has had three to four audit findings in each year of the contract term, however none were material weakness findings and only two findings were repeated and three significant deficiency across the contract term.

The school's workflow is complex, involving several steps for different financial processes, including purchases orders, payroll and contracts and appears to be designed to ensure proper approval and compliance. The head administrator is new and is committed to working closely with the business manager to ensure responsible financial management. The CSD has been able to see proactive steps the school has taken in this regard.

The board does not currently have a finance or an audit committee but will establish both committees to enhance financial oversight, transparency and compliance.

The overall approach to financial management and its connection to student achievement and success appears to be structured and improving over time.

### **2.c. Governance Responsibilities**

The governing board did not meet training requirements for any year of the contract term. The school did not have five members for the entire duration of the contract term. Governance notifications are not applicable as the school is a district-authorized charter school.

Currently, the board has full membership with 5 members, and three new board members have recently registered for board training classes with CSD. At least four of the governing body members were in attendance at the recent Public Charter Schools New Mexico conference, to get course credit offered there.

### **2.d. Equity and Identity**

San Diego Riverside Charter School is situated within the Jemez Pueblo. It not only honors the culture of the pueblo, it is uniquely woven into the life of it. The Towa language and culture are actively implemented in the educational program, and the school even serves as a hub for cultural activities and celebrations. As mentioned in the educational plan, community members and tribal leaders are invited to participate in guiding and teaching the students; tribal leaders have served on the governing board. In this way, San Diego Riverside, with its rich history on the pueblo, could be said to be a model school for local identity.

In addition, the school has met all equity guidelines in the renewal application, including having an Equity Council. San Diego Riverside complies with the Martinez-Yazzie mandate “to provide culturally and linguistically relevant instruction and to support and validate students’ cultures, identities, and sense of belonging.” Furthermore, the school has worked to protect the rights of all students, fostering a supportive, culturally responsive environment with small-group and one-on-one instruction.

### **2.e. Tribal Consultation**

The school has met the requirements of the Indian Education Act (NMSA 22-23A) and 6.35.2 NMAC.

### **2.f. Other Performance Indicators**

Not applicable as the school is a district-authorized charter school and not under the PEC Performance Framework.

Unrated Sections of Application	
Part D: Petitions of Support	Submitted late*
Part E: Facilities	Submitted late
Part F: Change in Authorizer	Submitted late

\***Note:** SDR was missing components of the renewal application on the original due date, 10.2.23. The school has since submitted missing Parts B-F on 11.29.23 and 11.30.23.

**Note:** The authorizer was unable to provide a signed contract with SDR, and did not conduct annual site visits, nor annual reports as feedback to the school each year of the charter term. They did, however, send contractors to the school in the 2022-23 SY, which resulted in several questions and concerns over the charter’s compliance (see Appendix on the last page for JVPS Corrective Action Plan and CSD Comments). The CSD finds some of the items have been corrected, others need correction, and some are not applicable. Moreover, the CSD verified during and since the renewal site visit that SDR is taking direct action steps to correct issues at the school, raising internal levels of accountability.

**Site Visit Participants**

**CSD (in person):** Cheryl Rowe (lead), Corina Chavez, Dr. Brigette Russell, Lucy Valenzuela; **CSD (remote):** Kimberly Gonzalez

**School Administration:** Cliff Tompson, Head Administrator; Bernadette Garcia, Test Coordinator; John Fitzgerald Toya, Teacher; Angela Lerner, Business Manager

**School Governing Board:** LaDonna Sando; David Toledo; Kiyanie Upshaw; Margie Creel, Board Chair

## Appendix:

### JVPS Corrective Action Plan and CSD Comments

Items included on the corrective action plan issued by Jemez Valley Public Schools in 2022-23:	CSD research and conclusions as of 11.29.23
	Items in <b>red font</b> still need to be addressed by the school.
1. Hire third party to assist Governing Council (GC) and School Administrators to become compliant with current statutes, rules, regulations, and training.	Matthews/Fox was engaged, and other third parties as needed.
2. Lack of record keeping for Governing Council.	<a href="#">SDR agendas and minutes</a> are current.
3. Lack of compliance with New Mexico Open Meetings Act (OMA).	Evidence of OMA compliance can be seen on the <a href="#">website</a> , and OMA was discussed in the Governing Council <a href="#">meeting in June</a> .
4. Fulfill training requirements for new and continuing GC members pursuant to 6.80.5 NMAC.	School has until June 30, 2024, to complete Governing Council training hours, and has proactively enrolled in courses, completing those offered by PCSNM. In prior years, not all training requirements have been completed, and the board has not consistently had full membership.
5. Incomplete policies and procedures: GC Policy Handbook and Parent Student Handbook.	<a href="#">Governing Council Bylaws</a> are posted on SDR's website. The Head Administrator confirmed that there is a Parent-Student Handbook in place that was last revised in April 2023.
6. Incomplete website.	<a href="#">Website</a> is complete.
7. Mission and vision statements have not been updated since 1999.	Updating Mission statements is not required per statute or PEC's Performance Framework. However, the statement is incorrect, as the school has updated the Mission since 1999. A newer mission was featured in their 2019 renewal application with JVPS, which is also posted on the school's website.

<p>8. Provide accurate student enrollment numbers about current grades served (SDR enrolls K-8 with enrollment cap of 136).</p>	<p>Enrollment figures are accurate, per STARS reports. JVPS was concerned about declining enrollment, which is not a compliance issue, rather, an indicator of distress. There was a dip in enrollment, due to covid-related school closures, as well as when a new immersion school opened on their campus in August 2021, but now enrollment is increasing again. For example, from FY22 to FY23, enrollment went up from 55 to 59. The head administrator indicated that the school is working on building enrollment through improved relationships, building their reputation, and outreach to the Day School for 7th and 8th graders.</p>
<p>9. Incomplete data presented for 2021-22: SDR students scored lower than statewide students in all four subject areas based on statewide and NWEA assessments.</p>	<p>To address the issue of low academic performance, SDR has an improvement plan in place that has been submitted through DASH for English Language Arts.</p> <p><b>Required:</b></p> <ul style="list-style-type: none"> <li>● <b>Math DASH (improvement) Plan</b></li> <li>● <b>Student Needs Assessment (per Indian Education Act)</b></li> </ul>
<p>10. Incomplete participation in classroom/community outreach per goal in 2019 charter application.</p>	<p>According to SDR, the community outreach goal did not carry over to the 2019 charter. However, the CSD observed community participation during the renewal visit, and the Head Administrator confirmed that they are enlisting the community with their Education Plan.</p>
<p>11. Incomplete internal controls, financial policies and procedures.</p>	<p>Financial Procedures Manual included in <a href="#">SDR's renewal application</a>.  "Finance Committee Report" featured on <a href="#">Nov. 16, 2023 GC meeting agenda</a></p> <p><b>Required:</b></p> <ul style="list-style-type: none"> <li>● <b>Revise internal control policies and procedures</b></li> <li>● <b>Establish Governing Board Finance &amp; Audit Committees</b></li> </ul>
<p>12. Incomplete occupancy information provided: did not provide a copy of E-occupancy certificate, description of facility, including current lease, lease purchase agreement, including long term plans to comply with state statute, of being in a public funded building on Pueblo land.</p>	<p>Copy of lease and E-occupancy: submitted with updated renewal application materials on 11.29.23.</p>
<p>13. Inadequate administrative staffing: as of May 2023, SDR had a .50 principal, a .50 assistant principal, and no human resources or support staff.</p>	<p>The PEC does not have a requirement for staffing. However, the current Head Administrator is full-time, 1.0, and his leadership team includes a test coordinator and the art teacher. With SDR being a small school, the HA shared that everyone pitches in as a team to adequately support the students and one another. The HA is looking into getting stipends for those who help with extra duties, such as DASH planning and implementation, LETRS training, etc.</p>



<p>14. Incomplete staff training: the training is inconsistent and there is no documentation of training for the past five years.</p>	<p>Professional development is taking place on Covey’s “The Leader in Me.” The Ed Fellows program is in place for EAs to become teachers.</p> <p>PED Safe and Healthy Schools are in the process of verifying training compliance for SDR/JVPS. SDR stated they are planning to complete all required training this year.</p>
<p>15. Inaccurate title of report submitted: SDR submitted a report stating it was an Annual Report but should have been dated from August 2019-February 2023.</p>	<p>This item is irrelevant to PEC renewal; titles of annual reports are the responsibility of the authorizers.</p>
<p>16. Insufficient information on the Towa Language Curriculum: SDRCS needs to provide information related to current Towa Language Curriculum, how it is being taught, specific staff members who teach it, and what the current training or certification is for staff teaching the curriculum.</p>	<p>CSD confirmed during the renewal visit that Towa language and culture is being taught at SDR. Mr. Dominic Toya is the primary Towa language teacher. HA confirmed Mr. Toya holds a PreK–12 Native Language and Culture Certificate, license number 373932, expires June 30, 2027.</p>
<p>17. No information submitted from request to letter sent by Dr. Medrano November 4, 2022: 57 questions were to be answered regarding compliance issues.</p>	<p>The <a href="#">letter containing the 57 questions</a> pertained to a Performance Framework; however, the district did not use a performance framework, nor did they do annual reviews or visits. Furthermore, SDR responded with a letter on June 20, 2023 outlining steps taken by the school to remedy issues on the CAP (letter included in application materials submitted on 11.29.23).</p>
<p>18. Missing assessment data for 2018-2019 school year.</p>	<p>Data from 2018-2019 is not relevant to this charter term, which began in 2019.</p>

# Transition School Checklist

	Item	Requirement	Due Date	Reference
	<b>Governance Council</b>			
G.1	Bylaws	To include provisions for removing or replacing members Must include provisions for audit and finance committees. Submitted to CSD.	January 2024	NMSA 22-8-12.3 and 22-8B-4.A
G.2	Current Membership/Leadership	List of governing body members and leadership positions (chair, vice chair etc.). Website updated to include governing body & officers,email and phone contact information for each.	January 2024	Bylaws
G.3	Finance Committee established	Names of Individuals serving on the committee, evidence of agenda of FC meetings to prepare FY25 budget	January 2024	NMSA 22-8-12.3C and 6.20.2.11-6.20.2.18 NMAC
G.4	Audit Committee established	Names of Individuals serving on the committee, evidence of agenda of AC meetings to review FY22 Audit results and management's response to any findings	March 2023	NMSA 22-8-12.3D
G.5	Conflict of Interest Policy and disclosures	Aligns with statute, approved by the board (if changes are made to existing).	March 2024	NMSA 22-8B-5.2
G.6	Anti-nepotism Policy and Procedure	Aligns with statute, approved by the board (if changes are made to existing).	March 2024	NMSA 22-8B-10
G.7	Complaint Policy and Procedure	including a process for receiving, tracking, and resolving community, parental, and other public complaints. Complaint policy to CSD.	March 2024	6.10.3 NMAC
G.8	Head Administrator Evaluation process	A Head Administrator(s) evaluation process with timeline, responsible parties, forms and outcomes (evidenced in annual calendar)	March 2024	6.29.1.9(A2) NMAC
G.9	Internal Control Procedures	Review of existing and admended if needed to transition to a state-charter.	May 2024	6.20.2.11 NMAC
G.10	Board of Finance Application	Includes three documents: <a href="#">Statement of Governing Body to Consult with PED</a> ; <a href="#">Affidavit of Governing Body Members</a> ; and <a href="#">Affidavit of Financial Records Custodian</a>	May 2024	NMSA 22-8B-6.1 and 22-8-38.B
G.11	Employment Background Check Policy and Procedure	Review of existing and admended if needed. For the GC, volunteers, and all school personnel including the HA who may have unsupervised contact with children or students on school premises. Criteria for disqualification	May 2024	NMSA 22-10A-5
	<b>Compliance Policies and Procedures</b>			
C.1	Code of Ethics	Evidence of dissemination of the Code of Ethics and Standards of Professional Conduct to all licensed employees at a staff meeting; policy (if in place)	March 2024	6.60.9.8 and 6.60.9.9 NMAC
C.2	Safe Schools Plan	Determine where the school is in the 3 year cycle; if not current complete the plan with guidance by safe & healthy school.	TBD	6.12.7 NMAC
C.3	Certificate of Assurances to comply with state and federal laws	Signed by the GC and submitted as part of contract development	May 2024	<a href="#">Link to form</a>
	<b>Student Focused</b>			
S.1	School schedule and calendar	Provide CSD copies of approved calendar, submitted with FY23 budget	January 2024	6.10.5 NMAC
S.2	English Learner support plan	Review of existing and admended if needed. To include identification, testing and services provided to ELs	March 2024	NMSA 22-13-5; 22-13-8; 6.29.1.9; 6.29.5.
S.3	Special Education program plan	Review of existing and admended if needed. To include process for tracking special education services.	March 2024	NMSA 22-13-5; 22-13-8; 6.29.1.9; 6.29.5.
S.4	Distance and hybrid learning policy	Evidence the school has a program of distance learning courses in place, approved by the board if changes are needed.	March 2024	NMSA 22-12-1.4; 6.30.8 NMAC
S.5	Attendance policy and procedures	Aligns with Attendance for success, approved by the board if changes are needed.	March 2024	NMSA 22-12A-6 et. seq.
S.6	Bullying prevention policy and procedures	Aligns with rule, approved by the board if changes are needed.	April 2024	6.12.7 NMAC
S.7	Student Discipline policy and procedures	Including policies and procedures for detention, suspension, or expulsion;approved by the board if changes are needed.	April 2024	6.11.2.1 NMAC; NMSA 22-5-4.3
S.8	Enrollment policies and procedures	Alignment with PED guidance	April 2024	<a href="#">Link to guidance</a>
	<b>Finance and Operations Documents</b>			
FO.1	Chief Procurement Officer	Evidence of staff member certification	February 2024	NMSA 13.1-95.2
FO.2	Student Information System	Determine if system tied to the district system or if it is compatible with STARS/NOVA	February 2024	6.19.5.8
FO.3	Procurement Procedures	Evidence of review and if needed, amendmements made	March 2024	6.20.2.17 NMAC
FO.4	MOU with 3rd Parties (if applicable)	Copy of Agreement	March 2024	<a href="#">Charter Contract Requirements</a>
	<b>Teacher Focused</b>			
T.1	Staff Performance Evaluation and Feedback	Timeline and procedures	January 2024	6.69.2 NMAC
T.2	Staff Professional Development plan	Schedule and topics	January 2024	6.6.11.8 NMAC and 6.60.6 NMAC

	Facilities Focused			
F.1	Facilities Assurance	Occupancy Certificate	April 2024	NMSA 22-8B-4.2
F.2	Insurance Document	From Poms & Associates	April 2024	

Note: Items related to contract development noted in red.