



STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
300 DON GASPAR
SANTA FE, NEW MEXICO 87501-2786
Telephone (505) 827-5800
www.ped.state.nm.us

MARIANA D. PADILLA
SECRETARY DESIGNATE OF PUBLIC EDUCATION

MICHELLE LUJAN GRISHAM
GOVERNOR

**Charter Schools Division
2023-24 Preliminary Annual Report
Revised September 11, 2024**

School Name: Estancia Valley Classical Academy

School Address: 110 Hwy 344 Edgewood, NM 87015

Head Administrator: Jennifer Rivera

Governing Board Chair: Kim Adams

Business Manager: Marla E. Lovato

Authorized Grade Levels: K-12

Grade Levels Served: K-12

Authorized Enrollment Cap: 780

2023-24 120-Day Enrollment: 585

Contract Term: 2022-2027

CAPs or Conditions: SPED Corrective Action Plan; Financial Corrective Action Plan

Notice from 2022-23 Annual Report: Satisfactory performance

Unsatisfactory terms that need to be addressed from 2022-23 Annual Report:

PEC has identified several areas of unsatisfactory performance related to the “working to meet” criteria on the second school specific goal regarding history grades; a graduation rate that is below state standards; and regarding 5.b Accounting principles on page 11 of the annual report.

Waivers: none

Mission:

To preserve our Nation's founding principles, Estancia Valley Classical Academy seeks to furnish willing students a rigorous education in the humanities, the sciences, and the arts with such instruction in the virtues as will best develop the mind and character of its pupils.

Educational Program:

- i. The EVCA provides students with a content-rich, academically-rigorous education in the classical liberal arts tradition.
- ii. EVCA grounds education in the humanities, the sciences, and the arts in several current and research-based curricula/programs in the elementary and middle schools. First is the Core Knowledge Sequence - a specific, grade-by-grade core curriculum of common learning. The Sequence is distinguished by a planned progression of specific knowledge in world history and geography, American history and geography, mathematics, science, language arts, visual arts and music. Students read and discuss classical literature. Core Knowledge is supplemented with a multi-sensory, brain-based approach for teaching "explicit" phonics, reading and language arts; and a conceptual approach to mathematical skill building and problem solving.
- iii. Students at EVCA also receive instruction in the fine arts. In keeping with classical education, the EVCA teaches music and art largely through an intensive study of technique and through the works of the masters. In music, students are exposed to a wide array of music. They learn about composers and their music, the elements of music, and vocal ranges. In the visual arts, students learn about the elements of art and works of art from various periods and cultures.
- iv. In the high school, students receive a classical liberal arts education that aligns with but exceeds New Mexico standards. High school students complete 23.5 credits of core curriculum and 1.5 credits of elective courses.
- v. Students in grades 7-12 are required to complete at least two years of Latin.
- vi. Seniors are required to complete a Moral Philosophy course and present a Senior Thesis. These represent an in-depth inquiry into a question or topic that is the culmination of the student's academic and character development at the EVCA. The process of researching and completing the thesis hones students' ability to conduct research, to analyze and synthesize information, and to communicate effectively about what they have learned.
- vii. To achieve our mission, EVCA teachers employ the following methods:
 - a. The Socratic Method
 - b. Use of Primary Source documents in History
 - c. Integrating a Standard of Excellence represented in the Eight Pillars of Character (citizenship, cooperation, courage, honesty, integrity, perseverance, respect, responsibility). Teaching and coaching in the classical virtues are integrated throughout the curriculum and in all grades, specifically through student exposure to stories of self-command and self-sacrifice found in classical literature and history.
 - d. Teaching of Study Skills
 - e. Studying Latin and Greek roots in K-6.

Demographics as reported in Nova 2023-24 (120-Day)

Note: demographics by subgroup is not yet available; pending Nova certification.

Academic Performance

Academic Performance Framework Indicators	2022-23 Score (100 points possible)	2023-24 Score (100 points possible)
1: State Accountability System: NMVistas Overall Score	Spotlight 75.9	pending*
2: Subgroup performance: high, middle, and low-performing quartiles	unavailable	unavailable
3: School-specific Goals: if two goals, average of points on each	62.5	87.5
Overall Academic Score: average of indicators 1 and 3	69.2	–

***Note:** NM Vistas scores are not yet available. Report will be updated when published.

State Accountability System:

State and federal statute mandates accountability for all public schools. This section provides a snapshot of the school's academic performance according to data collected by the Public Education Department (PED) for the school years 2021-22, 2022-23, and 2023-24 (when available).

The New Mexico State Accountability System ([NM Vistas](#)) gives every public school in the state an overall score. NM Vistas scored schools according to the following designations:

<p>Spotlight: Top 25% of schools, excluding schools with designations of CSI, Graduation Rate or TSI/ATSI</p>	<p>Traditional: No other designation</p>	<p>TSI (Targeted Support and Improvement): Multi-year low performing subgroup(s)</p>
		<p>ATSI (Additional Targeted Support and Improvement): TSI in the lowest 5% of schools. Exit from ATSI status requires an increase in subgroup performance in both of the next 2 years.</p>
		<p>CSI (Comprehensive Support): Lowest 5% of all schools; OR 3 years in ATSI; OR 3-year average of 4-Year Graduation rate is below 66.67%</p>
		<p>MRI (More Rigorous Intervention): on CSI for 3 years</p>

Note about 2022-23 NM Vistas Revision: on May 20, 2024, the Accountability, Research, Evaluation, and Assessment (AREA) Division released new figures on NM Vistas for the school year 2022-23. The figures were recalculated because: 1) AREA received a high number of appeals from schools about their data; 2) the Vistas data and designations needed to align with the state’s *Consolidated State Plan* (CSP) that is sent to the U.S. Department of Education as part of the *State ESSA (Every Student Succeeds Act) Accountability Model*; 3) during the initial release of Vistas 2022-23 reports, a number of schools were prematurely exited from designations of CSI and ATSI. Those schools are on a three-year cycle, some of which started in 2018-19. Because of Covid, two years of accountability reports were waived, so the designation should have continued through 2022-23.

Important: According to the May 20, 2024 NM Vistas revision, the highest **overall** designation a school may receive is “Spotlight,” however, an additional designation/distinction of “Excellence” is assigned to schools scoring above the 90th percentile on specific indicators.

Refer to the [2022-23 Accountability Measures Overview](#) for a summary of indicators included in Vistas calculations. Further details and criteria for each designation are provided in the *Accountability Technical Manual* linked to the [NM Vistas](#) web page.

Note: NM Vistas designations and academic proficiencies are not available at this time. Report will be updated when data are available.

Mission-Specific Goals

Goal 1: The EVCA seeks to furnish students with a classical education in the Humanities, Sciences, and the Arts. A key to such an education is the learning of Art. Goal: 75-89% of 1st, 3rd, and 7th grade

students, and high school students enrolled in Art, who are enrolled on the 40th day and included in the end-of-year (EOY) report to the state, will receive a grade of C or better in Art, graded by art rubrics.

Performance Level	Target	Points
Exceeds Standard	90% or more of 1st, 3rd, and 7th grade students, and high school students enrolled in Art, who are enrolled on the 40th day and included in the end of year (EOY) report to the state, will receive a grade of C or better in Art.	100
Meets Standard	75-89% of 1st, 3rd, and 7th grade students, and high school students enrolled in Art, who are enrolled on the 40th day and included in the end of year (EOY) report to the state, will receive a grade of C or better in Art.	75
Working to Meet Standard	50-74% of 1st, 3rd, and 7th grade students, and high school students enrolled in Art, who are enrolled on the 40th day and included in the end of year (EOY) report to the state, will receive a grade of C or better in Art.	25
Does Not Meet Standard	Less than 50% of 1st, 3rd, and 7th grade students, and high school students enrolled in Art, who are enrolled on the 40th day and included in the end of year (EOY) report to the state, will receive a grade of C or better in Art.	0

Goal 1 Rating: Exceeds Standards- 96% attainment. **Score: 100**

Goal 2: The Estancia Valley Classical Academy seeks to furnish students a classical education. A key to such an education is the learning of History. Goal: 75-89% of 3rd, 6th, 9th, and 11th grade students, who are enrolled in the EVCA on the 40th day and included in the end of year (EOY) report to the state, will receive a grade of C or better in History.

Performance Level	Target	Points
Exceeds Standard	90% or more of 3rd, 6th, 9th, and 11th grade students, who are enrolled in the EVCA on the 40th day and included in the end of year (EOY) report to the state, will receive a grade of C or better in History.	100
Meets Standard	75-89% of 3rd, 6th, 9th, and 11th grade students, who are enrolled in the EVCA on the 40th day and included in the end of year (EOY) report to the state, will receive a grade of C or better in History.	75
Working to Meet Standard	50-74% of 3rd, 6th, 9th, and 11th grade students, who are enrolled in the EVCA on the 40th day and included in the end of year (EOY) report to the state, will receive a grade of C or better in History.	25
Does Not Meet Standard	Less than 50% of 3rd, 6th, 9th, and 11th grade students, who are enrolled in the EVCA on the 40th day and included in the end of year (EOY) report to the state, will receive a grade of C or better in History.	0

Goal 2 Rating: Meets- 82% attainment. **Score: 75**

Organizational and Financial Performance Framework

2023-24 Overall Rating: Does Not Meet

Pursuant to the [PEC Performance Framework and Accountability System](#), schools receive ratings of **Meets Standard**, **Working to Meet Standard**, or **Does Not Meet Standard** for individual indicators in the framework. Explanations for any rating other than Meets Standard are provided below.

The school also receives an overall rating of either **Meets Standard** or **Does Not Meet Standard** for the year. If a school receives a **Does Not Meet Standard** rating for three or more indicators, it will receive an overall rating of **Does Not Meet Standard**.

If a school receives a **Does Not Meet Standard** rating, on any indicator, the CSD and PEC may conduct a closer review the following year on that indicator, and/or the PEC may require the school to submit a corrective action plan in order to specify actions and a timeline to correct the performance deficiency.

A school may receive a **Working to Meet Standard** rating on multiple indicators and still receive an overall rating of **Meets Standard**. If a school receives this rating across multiple years, the CSD and PEC may conduct a closer review the following year on that indicator, and the school will need to address the issue in its renewal application at the end of its charter term.

Screenshot of Multi-year Performance Framework Ratings

Estancia Valley Classical Academy	2022-23	2023-24
Organizational and Financial Performance Ratings		
1a Mission and Educational Program	Meets Standard	Meets Standard
1b State Assessment Requirements	Meets Standard	Pending
1c Rights of Students with Disabilities	Meets Standard	Working to Meet Standard
1d Rights of English Learners	Meets Standard	Meets Standard
1e Meeting Program Requirements	Meets Standard	Meets Standard
1f NM DASH Plan	N/A	N/A
2a Governance Requirements	Meets Standard	Meets Standard
2b Nepotism, Conflict of Interest	Meets Standard	Meets Standard
2c Reporting Requirements	Working to Meet Standard	Does Not Meet Standard
3a Rights of All Students	Meets Standard	Meets Standard
3b Attendance and Retention	Meets Standard	Pending
3c Staff Credentialing	Meets Standard	Does Not Meet Standard
3d Employee Rights	Meets Standard	Meets Standard
3e Background Checks, Ethics	Meets Standard	Meets Standard
4a Facilities	Meets Standard	Meets Standard
4b Transportation	N/A	N/A
4c Health and Safety	Meets Standard	Meets Standard
4d Handling Information	Meets Standard	Meets Standard
4e Information accessible to the public	Meets Standard	Meets Standard
4f School climate	Meets Standard	Meets Standard
5a Financial Reporting and Compliance	Working to Meet Standard	Meets Standard
5b Accounting Principles	Does Not Meet Standard	Does Not Meet Standard
5c Responsive to Audit Findings	Working to Meet Standard	Does Not Meet Standard
5d Managing Grant Funds	Meets Standard	Meets Standard
5e Staffing for Fiscal Management	Meets Standard	Meets Standard
5f Internal Controls	Meets Standard	Meets Standard

Explanation of 2023-24 Indicator Ratings

- 1.b. Participation data will be provided in Fall 2024.
- 1.c. School was issued a Corrective Action Plan on February 7, 2024 from the office of Special Education.
- 2.c. School had one late notification for CPO change, one late notification of a GC board member resignation and the additional square footage amendment was not submitted on time.
- 3.b. Rating is pending until certified 120D attendance data is available from Nova.
- 3.c. Licensure discrepancies not resolved by 120D.
- 5.b. [FY23](#): Audit had 9 Findings, (5) Material weakness (2) Significant deficiencies.
- 5.c. [FY23](#): 5 Repeat audit findings.

Site Visit Attendees

March 18, 2024

CSD Team: Lucy Valenzuela (lead), Dr. Brigette Russell, Kristen LaVolpa and Ted Farnath

School Leadership: Jennifer Rivera (head administrator), Ryan Homistek and Tamara Carlisle

Governing Board: Theresa Terri Nunneley, Tera Dick and Kim Adams

Estancia Valley Classical Academy DRAFT CSD Financial CAP

Financial concerns from FY2023 Audit			To be filled out by School	CSD to review (BB Consulting to review Financials)
Concern	Expected Outcomes	Deadline or Complete Actions by	Completed by (school fills out)	Meets/Working to Meet/Does Not Meet
2023-001 - Internal Controls over Cash Receipts (Material Weakness)	<p>Through document submission to and reviewed by CSD/BB Consulting Services, the business manager demonstrates:</p> <p>* Receipts are being completed for all revenue received and deposits are being made within 24 hours of receipt</p>	<p>CSD, through BB Consulting Services, will request a software report monthly for revenue.</p> <p>This report will be requested to EVCA on or about 5/20, 6/15, 7/15, and 8/15. Within 5 days of receiving this report CSD/BB Consulting Services will choose random receipt packets to be emailed to CSD/BB Consulting Services. These packets will be reviewed and a report from CSD will be submitted to the school approximately 5 days from receipt of the receipts packets.</p> <p>Final review and determination that this audit finding is cleared will be through review of the FY24 audit findings and that there is no repeat audit finding.</p>	Marla Lovato (Business Manager), Jennifer Dukes (assistant Business Manager)	
2023-002 - Contracts and Controls over	Through document submission to and reviewed by CSD/BB	CSD, through BB Consulting Services, will request reports to confirm progress on these findings.	Marla Lovato (Business Manager), Jennifer Dukes (assistant	

<p>Payroll (Significant Deficiency)</p>	<p>Consulting Services, the business manager demonstrates:</p> <p>* The first payroll of the school year will be created and distributed after the first reporting day for staff</p> <p>* Payroll reports are being reviewed and approved as evidenced by signatures on reports</p>	<p>*The first payroll of the school year, showing the date that paychecks were direct deposited and/or the date on hard checks along with the school's calendar noting the first day that staff returned to school will be submitted to CSD/BB Consulting Services on August 31, 2024.</p> <p>*CSD, through BB Consulting Services, will request a Payroll Calendar for FY24 and FY25. Payroll reports will be randomly selected and requested from EVCS on or about 5/20, 6/15, 7/15, and 8/15. Within 5 days of receiving the request, EVCA will email requested payroll reports which note that they have been reviewed by administration. A report from CSD to the school will be approximately 5 days from receipt of the payroll reports.</p> <p>The school will provide a report to the school whenever there is an early terminated employee. The report will demonstrate that the terminated employee's final paycheck was calculated correctly and that the final pay was approved by administration.</p> <p>Final review and determination that this audit finding is cleared will be through review of the FY24 audit findings and that there is no repeat audit finding.</p>	<p>Business Manager)</p>	
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	<p>*Early terminated employees are paid accurately as evidenced by a documented worksheet</p>			
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<p>2023-003 - Internal Controls over Cash Disbursements (Significant Deficiency)</p>	<p>Through document submission to and reviewed by CSD/BB Consulting Services, the business manager demonstrates:</p>	<p>CSD, through BB Consulting Services, will request reports to confirm progress on these findings.</p> <p>An expenditure report from the schools accounting software will be requested. This report will be requested to EVCA on or about 5/20, 6/15, 7/15, and 8/15. Within 5 days of receiving this report CSD/BB Consulting will request a random sample of transactions. These transactions will be reviewed and a report from CSD to the school will be approximately 5 days from receipt of the transactions</p> <p>For purchase orders, an accounts payable packet will be requested.</p> <p>For Travel expenditures, a travel reimbursement request from the employee will be requested.</p> <p>For object code verification, an accounts</p>	<p>Marla Lovato (Business Manager), Jennifer Dukes (assistant Business Manager)</p>	
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	<p>*Purchase Orders will be utilized for all purchases, including those made through debit card payments and all other payment methods (ie paypal, checking account, etc) and will be issued prior to any purchase made</p> <p>*Travel expenditures will be made within state statute limits</p> <p>*Correct object codes will be utilized for all expenditures</p> <p>*RFPs will be created for all expenditures of \$60,000 or more</p>	<p>payable packet will be requested along with any journal entry if the expenditure was reclassified after payment.</p> <p>For RFPs a copy of the RFP will be requested.</p> <p>Final review and determination that this audit finding is cleared will be through review of the FY24 audit findings and that there is no repeat audit finding</p>		
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<p>2023-004 - Budgetary Conditions (Repeat)</p>	<p>Through document submission to and reviewed by CSD/BB Consulting Services, the business manager demonstrates:</p> <p>* All BARs are being submitted to PED timely and the budget in the school's software system is being updated upon BAR approval</p>	<p>CSD, through BB Consulting Services, will request reports to confirm progress on these findings.</p> <p>A report from the school's accounting software system showing BARs were entered will be requested on or about 5/20, 6/15, 7/15, and 8/15 as well as Budget vs Actual Reports for the same time period. These reports will be reviewed and a report from the CSD to the school will be approximately 5 days from review of the reports.</p> <p>Final review and determination that this audit finding is cleared will be through review of the FY24 audit findings and that there is no repeat audit finding.</p>	<p>Marla Lovato (Business Manager), Jennifer Dukes (assistant Business Manager)</p>	
<p>2023-005 - Financial Close & Reporting (Material Weakness) (Repeat)</p>	<p>Through document submission to and reviewed by CSD/BB Consulting Services, the business manager demonstrates:</p> <p>*FY23 Financial Close was performed and the Cash and Fund</p>	<p>CSD, through BB Consulting Services, will request reports to confirm progress on these findings</p> <p>The school will provide Balance sheet dated 7/1/2023 and the first quarter PED Cash Report that proves the General Ledger cash the balance and fund fund balance agree to</p>	<p>Marla Lovato (Business Manager), Jennifer Dukes (assistant Business Manager)</p>	

	<p>Balances and the Accrued Payroll agree to the FY23 Q4 reconciled PED Cash Report</p> <p>*Accurate Trial Balance and General Ledger reports are given to the auditor at the beginning of the FY24 Audit</p> <p>*Santa Fe County tax distributions were not maintained</p>	<p>beginning balances of the FY24 PED Cash Report</p> <p>*The school will provide the source document of the tax distribution and a revenue report from the school's accounting software showing which fund the revenue was posted to as well as accounting for the 1% county fee. This report will be requested for random months on 5/20, 6/15, 7/15, and 8/15.</p> <p>Final review and determination that this audit finding is cleared will be through review of FY24 audit findings and that there is no repeat audit finding.</p>		
<p>2023-006 - Internal Controls over Bank Reconciliations (Material Weakness) (Repeat)</p>	<p>Through document submission to and reviewed by CSD/BB Consulting Services, the business manager demonstrates:</p> <p>*Bank Reconciliations are performed monthly and are reviewed by and signed by the HA and a member of the Finance Committee.</p>	<p>CSD, through BB Consulting Services, will request reports to confirm progress on these findings</p> <p>Bank Reconciliations for selected months will be requested on or about 5/20, 6/15, 7/15, and 8/15. Documents to be submitted are:</p> <p>*The first page of all bank statements</p> <p>*The software generated reconciliation report which should include the date the reconciliation was performed, outstanding checks and deposits, cleared checks and</p>	<p>Marla Lovato (Business Manager), Jennifer Dukes (assistant Business Manager)</p>	

	<p>The review will include proof that the Bank Reconciliation is balanced to the General Ledger.</p>	<p>deposits and a reconciliation that show the bank statement ending balance reconciles to the general ledger. The reconciliation should note the date it was reviewed by administration and/or the GC and the date it was reviewed.</p> <p>Final review and determination that this audit finding is cleared will be through review of FY24 audit findings and that there is no repeat audit finding.</p>		
<p>2023-007 - Controls over Capital Assets (Material Weakness) (Repeat)</p>	<p>Through document submission to and reviewed by CSD/BB Consulting Services, the business manager demonstrates:</p> <p>*All capital assets are accounted for and added to the capital asset listing and depreciation schedule at the time of purchase.</p>	<p>CSD, through BB Consulting Services, will request reports to confirm progress on these findings</p> <p>*The school will submit a general ledger reports YTD on 5/20 for all non-payroll and non-payroll benefit expenditure accounts and then monthly through 8/31/2024. CSD/BB Consulting Services will review these reports to ascertain that all Capital Asset purchases have been posted to correct object codes. The school will also submit updated Capital Assets and depreciation schedules with these reports to demonstrate that all Capital Assets have been included.</p> <p>The final review and determination that this</p>	<p>Marla Lovato (Business Manager), Jennifer Dukes (assistant Business Manager)</p>	

		audit finding is cleared will be through review of the FY24 audit findings and that there is no repeat audit finding.		
2023-008 - Audit Untimeliness (Material Weakness) (Repeat)	All requests from the audit firm, will be submitted by the deadline imposed by the audit firm	FY24 Audit as evidenced by the FY24 Audit Report The final review and determination that this audit finding is cleared will be through review of the FY24 audit findings and that there is no repeat audit finding.	Marla Lovato (Business Manager), Jennifer Dukes (assistant Business Manager)	
2023-009 - Withholding and Benefit Compliance	Through document submission to and reviewed by CSD/BB Consulting Services, the business manager demonstrates: The school is maintaining copies of all ERB and RHC Reports and the reports agree to actual amounts due and are submitted by the submittal and remittance deadline.	CSD, through BB Consulting Services, will request reports to confirm progress on these findings Copies of ERB and RHC Reports for selected months will be requested on or about 5/20, 6/15, 7/15, and 8/15 along with proof of the date the payment was made. Additionally, for those months selected, the school will submit a report from the general ledger demonstrating that the amounts noted as being paid on the reports equal what has been accrued on the general ledger, plus or minus any small amount for rounding or any explanation for the variance, and that the variance was posted to the general ledger.	Marla Lovato (Business Manager), Jennifer Dukes (assistant Business Manager)	

		The final review and determination that this audit finding is cleared will be through review of the FY24 audit findings and that there is no repeat audit finding.		
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ARSENIO ROMERO, PH.D.
SECRETARY OF EDUCATION

MICHELLE LUJAN GRISHAM
GOVERNOR

February 07, 2024

Executive Director Jennifer Rivera
Estancia Valley Classical Academy
P.O. Box 1780
Edgewood, NM 87015

RE: Annual Determination 2022-2023 School Year (Corrective Action Required)

Dear Executive Director Rivera:

Each year, the New Mexico Public Education Department (PED), as the State Education Agency (SEA), is required to assign annual determinations in accordance with the Individuals with Disabilities Education Act (IDEA) at 34 CFR § 300.600(a)(2) and Subsection F of 6.31.2.9 NMAC. This determination is made based upon data submitted by the Local Education Agency (LEA) through the Student Teacher Accountability Reporting System (STARS) and participation in random sampling of student post-secondary transition data. Information is also obtained through monitoring visits, dispute resolution information, and any other public documentation made available.

Making Determinations

In making determinations, data submitted for State Performance Plan (SPP) and Annual Performance Report (APR) indicators 1-14 were examined to determine the validity and reliability of the submitted data and its consistency with the required measures outlined in the SPP and APR, Part B Measurement Table. Specific compliance indicators (9, 10, 11, 12, and 13) were reviewed to determine if the LEA demonstrated substantial compliance of 95% or higher. Indicator 4B data were reviewed to ensure that LEAs did not have any significant discrepancy in the rates of long-term suspensions and expulsions. The correction of issues of non-compliance, the submission of timely and valid data as well as audit findings were also considered in assigning the LEA an annual determination.

The SEA also considered the following factors in making an annual determination for the LEA:

- Unresolved special conditions;

2022-2023 Annual Determination

February 07, 2024

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- Designation as a "high risk" LEA;
- Long standing audit issues;
- Length of time a problem existed was unacceptable;
- Magnitude of the problem was a concern;
- Progress the LEA made to correct the problem was insufficient.

The determination criteria are further summarized in the enclosed *2022-2023 Determination Criteria* table.

LEA Determination

Based upon a comprehensive review of the LEA's data and information, Estancia Valley Classical Academy is assigned an annual determination of **Needs Assistance - Year 1** for School Year 2022-2023. The data used to make this annual determination was based on the data in the enclosed document titled *2022-2023 Annual Determination Data and is listed below.*

- **Indicator 4B**

For LEAs that were found to have non-compliance with a compliance indicator (4B, 9, 10, 11, 12, or 13), this letter serves as the official notification of non-compliance. According to 34 CFR § 300.600 (e), LEAs must correct non-compliance as soon as possible, and in no case later than one year after the state's identification of the non-compliance.

About an "Intervention" Designation

If your LEA was assigned the determination of Needs Intervention or Needs Substantial Intervention, you may request an informal hearing in accordance with Subsection F of 6.31.2.9 NMAC. The hearing will afford the LEA an opportunity to demonstrate why a determination of Needs Intervention or Needs Substantial Intervention should not be made. The request for the hearing must be made in writing to the New Mexico Secretary of Education within 30 days of the date of the determination. The hearing will be conducted by the Secretary or the Secretary's designee. The formal rules of evidence shall not apply to the hearing.

Correcting Non-Compliance

Although 95% is considered a level of substantial compliance, all non-compliance must be fully corrected as soon as possible and in no case later than one year from the SEA's identification of the non-compliance in accordance with 34 CFR §300.600(e). The targets for compliance indicators 11, 12, and 13 must be 100% and the targets for indicators 4A, 4B, 9, and 10 are 0%. Correction of non-compliance is required for LEAs that were found to be Meets Requirements but had a score of less than 100% or greater than 0% for a compliance indicator.

An SEA or LEA is not considered to be compliant with the indicators unless it meets the target set by the U.S. Secretary of Education in accordance with 34 CFR §§ 300.600(d) and 300.601(a)(3) and has fully corrected any non-compliance. This includes ensuring that LEAs demonstrate correction of non-compliance in accordance with the Office of Special Education Programs

(OSEP) Question and Answer (QA) 23-01 document (copy enclosed). States are not permitted to establish thresholds for meeting compliance that is less than full compliance (100%).

The determination of the correction of non-compliance is based on an updated review of the data and information primarily obtained from the LEA. This includes correction of individual case(s)

2022-2023 Annual Determination

February 07, 2024

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of non-compliance and a conclusion that the LEA is correctly implementing the specific regulatory requirements. This two-prong approach is consistent with the OSEP QA 23-01 regarding "Reporting on Correction of Non-compliance in the Annual Performance Report Required under Sections 616 and 642 of the Individuals with Disabilities Education Act."

As a result of the identified non-compliance, the Special Education Division (SED) will be issuing a Corrective Action Plan (CAP) to address the identified non-compliance. As part of the CAP process, the LEA will initially be required to complete either a Root Cause Analysis (RCA) and/or a Self-Assessment (SA) for missed compliance indicators. The RCA/SA must be completed and returned to the assigned SED Education Administrator, Catherine Quick, no later than February 29, 2024.

Based upon the results of the RCA or SA, the areas of non-compliance will be addressed through a CAP. The CAP may also include any target indicators where the set target was not met by the LEA. All non-compliance identified in this letter must be corrected no later than February 07, 2025.

If you have any questions or concerns, please do not hesitate to call Catherine Quick at (505) 470-9013. Thank you for your efforts to improve the educational outcomes for students with disabilities.

Sincerely,

DocuSigned by:

Arsenio Romero
Secretary of Education

AR/cm

Enc. (5): How the State Made Determinations under Section 616
2022-2023 Annual Determination Data
2022-2023 Determination Criteria
OSEP QA 23-01
Root Cause Analysis (RCA) Form(s):

cc: Corina Chavez, Director, Charter Schools Division, PED
Catherine Quick, Education Administrator, Special Education Division, PED
Tamara Carlisle, Special Education Director, Estancia Valley Classical Academy