

New Mexico Public Education Commission



New Mexico Charter School Performance Framework

Approved by the PEC: November 15, 2024

For *[insert school name]*

For the charter term: *[insert charter term]*

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Contents

Introduction	3
How the Performance Framework Is Used	3
Statutory Requirements for the Performance Framework	3
Framework, Categories, and Performance Indicators	5
Annual Evaluation and Reports.....	6
Part I: Academic Framework.....	7
Part II: Organizational Framework.....	12
Part III: Financial Framework	14

Introduction

The New Mexico Charter Schools Performance Framework supports the Public Education Commission (PEC), state-authorized charter schools, and the Charter Schools Division (CSD) in answering a series of three questions posed by an approach called [Results-Based Accountability](https://clearimpact.com/results-based-accountability/)TM: How much did each charter school do? How well did they do it? Is anyone better off as a result?¹ This process resulted in measures that include both *school-specific performance indicators* that give schools flexibility in capturing how their mission is being operationalized and fulfilled and *universal performance indicators* applied across all state-authorized charter schools. These universal performance indicators capture the PEC's priorities surrounding standard quality processes and outcomes across all schools in its portfolio.

The Performance Framework provides a roadmap for the annual evaluation of the performance of state-authorized charter schools and is a material term of the charter schools' contracts, as stated in NMSA §22-8B-9.1 (1978).

How the Performance Framework Is Used

As the authorizer of state-chartered schools, the PEC uses the Performance Framework as the primary tool for school monitoring and accountability. The PEC, in collaboration with the CSD, has designed the New Mexico Performance Framework to be more than just that. In addition to providing transparent criteria by which the PEC will consider to make informed charter authorization decisions, the Performance Framework is also intended to support all parties with the following:

- 1) Understanding where schools are strong and where they need support,
- 2) Supporting schools' internal continuous improvement efforts,
- 3) Identifying and celebrating promising practices and programs, and
- 4) Providing the PEC and individual schools with data and stories that help communicate a meaningful and positive narrative about New Mexican students, communities, and schools.

Statutory Requirements for the Performance Framework

This document meets the requirements of New Mexico Statutes Annotated §§ 22-8B-9 and 9.1, NMSA 1978, and will allow the PEC and CSD to effectively monitor school performance in a transparent and clear manner. According to § 22-8B-9(B.11), "the process and criteria that the chartering authority intends to use to annually monitor and evaluate the fiscal well-being, overall governance, and student performance of the charter school, including the method that the chartering authority intends to use to conduct the evaluation as required by Section 22-8B-12 NMSA 1978."

¹ <https://clearimpact.com/results-based-accountability/>

Further, the following is required for a performance framework:

§ 22-8B-9.1. Performance Framework

- A. The performance provisions in the charter contract shall be based on a Framework that clearly sets forth the academic and operations performance indicators and performance targets that will guide the chartering authority's evaluation of each charter school. The Performance Framework shall be a material term of the charter school contract and shall include performance indicators and performance targets for, at a minimum:
- (1) student academic performance;
 - (2) student academic growth;
 - (3) achievement gaps in both proficiency and growth between student subgroups;
 - (4) attendance;
 - (5) recurrent enrollment from year to year;
 - (6) if the charter school is a high school, post-secondary readiness;
 - (7) if the charter school is a high school, the graduation rate;
 - (8) financial performance and sustainability; and
 - (9) governing body performance, including compliance with all applicable laws, rules, and terms of the charter contract.
- B. Annual performance targets shall be set by each chartering authority in consultation with its charter schools and shall be designed to help each charter school meet applicable federal, state, and chartering authority expectations as set forth in the charter contracts to which the authority is a party.
- C. The performance framework shall allow for the inclusion of additional rigorous, valid, and reliable indicators proposed by a charter school to augment external evaluations of its performance, provided that the chartering authority shall approve the quality and rigor of such proposed indicators and the indicators are consistent with the purposes of the Charter Schools Act.
- D. The performance framework shall require the disaggregation of all student performance data collected in compliance with this section by student subgroup, including gender, race, poverty status, special education or gifted status, and English language learner.
- E. The chartering authority shall collect, analyze and report all data from state assessment tests in accordance with the performance Framework set forth in the charter contract for each charter school overseen by that chartering authority.

NMAC 6.2.9.11 – 6.2.9.13 provides further direction regarding how this Performance Framework and the performance indicators will be incorporated into the CSD annual reports and possibly form the basis for corrective action issued by the PEC to the school.

Framework, Categories, and Performance Indicators

Framework	Category	Performance Indicator
Academic	State Accountability System	1.A. State Accountability System
		1.B. Outcomes for Special Student Groups
		1.C. Participation Rate
	School-Specific	2.A. Mission Goal
		2.B. Education Program Implementation
		2.C. Conducive Learning Culture
Organizational	Governing Body Membership, Training, and Responsibilities	3.A.1. Membership
		3.A.2. Training
		3.A.3. Meeting Transparency and Documentation
	Equitable Enrollment Process	3.B. Non-discriminatory enrollment process
	Compliance with Legal Requirements	3.C. Annual Compliance Requirements
Financial	Financial Health	4.A. Days Cash on Hand
		4.B. Annual Financial Audit
		4.C. Financial Reporting and Compliance
		4.D. Fiscal Oversight
		4.E. Enrollment Variance

For each performance indicator, the PEC has determined the performance measure and performance criteria. For a number of performance indicators in the Academic Framework, the PEC has embedded school choice in selecting performance measures. This provides flexibility for a school to demonstrate academic performance that is directly aligned with its mission, vision, and educational program and meets the needs of its families.

Annual Evaluation and Reports

Schools will receive an annual evaluation based on their performance on all three areas of the Performance Framework combined (Academic, Organizational and Financial). The annual evaluation provides the PEC and the public with information about the school's overall performance in the previous school year. The evaluation provides the school with useful information on their performance and transparency into their strengths and areas for improvement. The purpose of providing this evaluation is to set clear expectations, promote continuous improvement and provide clear results contained in the school's record of performance as required by NMAC 6.2.9.11.

The CSD may recommend, and the PEC may provide a notice of exemplary performance, a notice of satisfactory performance, a notice of unsatisfactory performance or a notice of uncorrected unsatisfactory performance based on the Annual Report. A school may receive a notice of unsatisfactory or uncorrected unsatisfactory performance for any indicator that scores below a "Meets Performance Expectations" even if a school earns an overall evaluation rating of "On Track for Expedited Renewal" or "On Track for Renewal."

PEC will then accept the annual reports, issue corrective action as it deems necessary during the term of the charter contract and make a decision on renewal at the end of the charter term on the full record of performance and consistent with § 22-8B-12, NMSA 1978 and NMAC 6.2.9.11, 12, 13, 16 and 17.

Overall Evaluation		
Tier Status	Likely Renewal Outcome ²	Description
Tier 1	On Track for Expedited Renewal	The school earns Meets or Exceeds for all performance indicators in all frameworks.
Tier 2	On Track for Renewal	The school earns a Meets or Exceeds in all performance indicators in the Academic Framework and earns Working to Meet or Meets for all performance indicators in the Financial and Operational Frameworks.
Tier 3	On Track for Renewal with Conditions or Possible Non-Renewal	The school earns Working to Meet in one or more performance indicators of the Academic Framework but does not meet the criteria for Does Not Meet Performance Expectations .
Tier 4	Not on Track for Renewal	Earns a Does Not Meet in 1.A or 1.B. or in three (3) or more performance indicators of the Academic Framework. OR The school earns (8) eight or more Does Not Meet ratings across the Academic, Organizational, and Financial Frameworks.
	Not Applicable	The school is in its first year of operation. Data will be displayed for each applicable measure for informational purposes only.

² While the Overall Evaluation provides a likely renewal outcome to provide transparency and clarity on the performance of a school, the designations are intended as an acknowledgment of positive performance or a warning and should trigger action on the part of the school to improve its performance. Actual non-renewal is a determination made by PEC only at the time of renewal based on a school's record of performance across the entire contract term.

Individual Performance Indicator Ratings

Each Performance Indicator will receive one of the following ratings based on the criteria established. Failure of the school to provide data will result in a "Does Not Meet" Performance Expectations.

Performance Indicator Rating	Definition
Exceeds Performance Expectations <i>*Academic Framework Only*</i>	The school's outcomes are exemplary in this academic performance indicator.
Meets Performance Expectations	The school's outcomes meet expectations in this performance indicator.
Working to Meet Performance Expectations	The school is showing inconsistencies in the performance indicator that may warrant oversight to ensure outcomes are met.
Does Not Meet Performance Expectations	The school is not meeting the expectations in the performance indicator, which warrants oversight ensure outcomes are met.
Not Applicable	<p>Academic and Organizational Frameworks: The school is in its first year and lacks sufficient data to be rated.</p> <p>Financial Framework: The school is in its first two years of operation and lacks sufficient data; financials will be reviewed, however, and feedback provided.</p>

The Performance Framework is scored according to business rules approved by the PEC and posted on the [PEC Performance Framework](#) web page.

Part I: Academic Framework

The PEC and CSD provide a fair and equitable academic oversight process for the public charter schools within PEC's portfolio. Therefore, this Academic Framework embeds choice for each school in determining the assessments used. Each school will negotiate with the PEC to include mission-specific measures and optional assessments. Results for each performance indicator will be determined annually and included in an overall performance rating.

Option	Performance Measure	Performance Criteria
1.A. State Accountability System: The school ensures students meet or exceed the expectations established by PED for all New Mexican students, including sufficient academic achievement and academic growth.		
1.A.1.	The school's overall performance on the state accountability system as compared to all other public schools.	<p>Exceeds: ≥ 75th percentile</p> <p>Meets: ≥ 50th but < 75th percentile</p> <p>Working to Meet: ≥ 25th but < 50th percentile</p> <p>Does Not Meet: < 25th percentile</p>
1.A.2.	<p>The school's overall performance on the state accountability system,</p> <p style="text-align: center;">AND</p> <p>Supplemental proficiency and growth data using PED-approved nationally and/or state-normed assessments or, under special circumstances, with PEC-approved rationale, nationally and/or state-normed assessments with explicit growth targets and business rules for calculating the growth target as agreed to in the school's charter contract.</p>	<p>Exceeds: ≥ 75th percentile on the state accountability system</p> <p style="text-align: center;">OR</p> <p>≥ 50th but < 75th percentile on the state accountability system AND, based on the school's assessment and growth measure, as defined in the charter contract and meets the terms defined by the testing company, at least 80% of students meet one or more of the following proficiency or growth criteria (these apply to Meets and Working to Meet criteria below) in both reading and math:</p> <ul style="list-style-type: none"> • At or above grade level (or grade level equivalent) • Meet their growth target • Show the equivalent of one year's worth of growth • Other, as defined by the testing company <p>Meets: ≥ 50th but < 75th percentile on the state accountability system</p> <p style="text-align: center;">OR</p> <p>≥ 25th but < 50th percentile on the state accountability system AND, based on the school's assessment and growth measure, at least 60% of students meet one or more of the proficiency or growth criteria (see above).</p> <p>Working to Meet: ≥ 25th but < 50th percentile on the state accountability system</p> <p style="text-align: center;">OR</p> <p>≤ 25th percentile on the state accountability system AND, based on the school's assessment and growth measure, ≥ 50% of students meet one or more of the proficiency or growth criteria (see above).</p> <p>Does Not Meet: Does not meet the criteria established for Exceeds, Meets, or Working to Meet.</p>
1.A.3.	The school's overall performance on the state accountability system is replaced with a PEC-approved performance system using PED-approved nationally normed assessments or, under special circumstances, with PEC-approved	<p>The school must negotiate a performance scale that is comparable to Option 1 and, based on 100 points, approved by PEC.</p> <p>Exceeds: ≥ 75% of possible points</p> <p>Meets: ≥ 50% but < 75% of possible points</p> <p>Working to Meet: ≥ 25% but < 50% of possible points</p>

	assessments that are nationally and/or state-normed with explicit growth targets and business rules for calculating the growth target as agreed to in the school's charter contract.	Does Not Meet: < 25% of possible points
1.B. Outcomes for Student Groups: The school ensures the student groups included in the state accountability system demonstrate academic excellence through individual growth.		
1.B.1.	The school's performance on the state accountability system for unmasked student groups using the state-generated rating, if applicable.	<p>Exceeds: In reading and math, each student group has a median (Student Growth Percentile) SGP of at least 60</p> <p>Meets: In reading and math, each student group has a median SGP of at least 45</p> <p>Working to Meet: In reading and math, at least half of student groups have a median SGP of at least 35</p> <p>Does Not Meet: In reading and math, over half of the student groups have a median SGP of below 35</p>
1.B.2.	The school's performance on the state accountability system by special student groups, AND Growth data using PED-approved nationally normed assessments or, under special circumstances, with PEC-approved rationale, nationally and/or state-normed assessments with explicit growth targets and business rules for calculating the growth target as agreed to in the school's charter contract.	<p>Exceeds: In reading and math, each student group has a median SGP of at least 60 OR at least 70% of students in each student group meet their growth target on the school-based accountability system</p> <p>Meets: In reading and math, each student group has a median SGP of at least 45 OR at least 60% of students in each student group meet their growth target, as per their assessment guidelines</p> <p>Working to Meet: In reading and math, ≥ 50% of student groups have a median SGP of at least 35 OR at least 30% of students in ≥ 50% of student groups meet their growth target, as per their assessment guideline</p> <p>Does Not Meet: Does not meet the criteria for Working to Meet</p>
1.B.3.	The school's performance on the state accountability system for student groups is replaced with a PEC-approved performance system using PED-approved nationally normed assessments or, under special circumstances, with PEC-approved assessments that are nationally and/or state-normed assessments with explicit growth targets and business rules for calculating the growth target as agreed to in the school's charter contract.	The school must negotiate a performance scale that is comparable to Option 1 and, based on 100 points, approved by PEC.

1.C. Participation Rate: The school assesses student progress and achievement annually.	
The school complies with state and contractual assessment requirements.	Participation in all state-wide assessments: Exceeds: ≥ 95% of all students AND of every student group Meets: ≥ 95% of all students Working to Meet: < 95% but ≥ 85% of all students Does Not Meet: < 85% of all students
Schools selecting option 1.A.3 and option 1.B.3: The school may propose an alternative definition of students who take the test other than full academic year students.	
2.A. Mission Goals: The school's education program effectively supports mission implementation, student academic success, and overall student well-being that supports the community in which they serve. ³	
2.A.1.	<p>Provide ONE Mission-Specific Goal that covers and assess all students at the school related to the School mission.</p> <p>Within the charter contract, briefly describe what the school is doing to meet its mission and how it will be measured⁴ to demonstrate that students are better off as a result.</p> <p>Supporting Narrative: Using Results-Based Accountability (RBA) as a model, reflect on the following questions: How much did the school do? How well did the school do it? Is anyone better off as a result? How do you know?</p>
2.A.2.	<p>Schools may optionally add a second Mission-Specific Goal into their charter contract.</p> <p>The second goal follows the same guidance as for Option 2.A.1. The school will receive a rating for each goal.</p>

³ If fewer than 85% of students identified to be tested are tested on the mission-specific assessment, or if testing data are not , provided to CSD for review by the timeline established by CSD, the results are considered invalid, and the rating will be Does Not Meet. A change in assessments or the way in which the measure is calculated, is considered a material change of the charter contract and requires prior PEC approval.

⁴ The goal should cover and assess all students at the school. The assessment can vary by grade and certain assessments can be more rigorous than others (i.e., if a school's mission culminates in a senior-year capstone project, the senior year assessment can be the most rigorous, and the assessments of 9-11 grade students could be assessed showing that they are gaining the building blocks necessary to be successful in their senior year capstone project such as learning and practicing interview skills needed for the capstone project.)

<p>2.B. Education Program Implementation: The school's education program fulfills a need in the community in which they serve, as documented in their charter contract and PEC-approved amendments.</p>	
<p>The school is implementing the program as outlined in its charter contract.</p>	<p>During the annual site visit conducted by CSD:</p> <p>Meets: All elements of the education program as outlined in the charter contract are implemented when CSD does its annual site visit review.</p> <p>Working to Meet: Due to lack of observable evidence, CSD is unable to confirm that all elements of the education program as outlined in the charter contract are implemented at its annual site visit review, but the school is able to submit evidence within 90 days of the review to confirm implementation.</p> <p>Does Not Meet: One or more elements of the school's education program as outlined in the charter contract are not implemented when CSD does its annual site visit review nor submitted within 90 days of the review.</p>
<p>2.C. Conducive Learning Culture: The school's culture meets the needs of the community in which it is located and equitably encourages all students to thrive in their learning environment.</p>	
<p>Eligible student re-enrollment (recurrent enrollment) in the school from the 40th day count of the previous school year to the 40th day count of the current school year.</p>	<p>Percentage of eligible students who re-enroll:</p> <p>Exceeds: ≥ 90%</p> <p>Meets: < 90% but ≥ 80%</p> <p>Working to Meet: < 80% but ≥ 70%</p> <p>Does Not Meet: < 70%</p>
<p>Schools selecting option 1.A.3 and option 1.B.3: The quarterly/trimester/semester average re-enrollment rate for eligible students within the school year.</p>	

Part II: Organizational Framework

The PEC and CSD are dedicated to providing a fair and equitable organizational oversight process for the state charter schools within PEC's portfolio. Therefore, this details the organizational requirements of state charter schools. Results for each performance indicator will be determined annually and included in an overall performance rating. The Organizational Framework has three categories and six performance indicators designed to encourage transparent, compliant public schools.

Performance Indicator	Performance Measure	Performance Criteria
3.A. Governing Body Membership, Training, and Responsibilities: The governing board effectively oversees the school's management to ensure that the school is financially responsible, compliant with applicable laws, and fulfilling its mission and the academic success of students.		
3.A.1. Membership	The number of governing council members stays within the range designated in the school's bylaws.	<p>Meets: The number of governing council members stays within the range designated in bylaws during the school year, or if it drops below, all vacancies are filled within 45 days (or 75, with an extension provided by the CSD)</p> <p>Does Not Meet: The number of governing council members during the school year is below the number designated in bylaws for more than 45 days (or 75 with extension)</p>
3.A.2. Training	All members of the governing body, and new members who have served for at least six months, have completed all training hours required law by the end of the fiscal year.	<p>Meets: All members of the governing body and new members who have served for at least six months on the school's board have completed all training hours required by law by the end of the fiscal year.</p> <p>Working to Meet: At least 80% of required total training hours combined for the governing body, and new members who have served for at least six (6) months have completed as required by law by the end of the fiscal year.</p> <p>Does Not Meet: The school did not meet the criteria for Working to Meet.</p>
3.A.3. Meeting Transparency and Documentation	The school is in compliance with publicly posting meetings, minutes, and calendar of meetings.	<p>Meets: The school provides an accurate board calendar. For EVERY meeting in which a quorum of the governing body is present, the school (1) publicly posts a notification with the agenda at least 72 hours prior to the meeting and (2) publicly post on their website a board-approved copy of the minutes within ten (10) days after approval, which must occur at their next regularly scheduled board meeting.</p> <p>Working to Meet: The school provides an accurate board calendar. For at least 75% of the board meetings in which a quorum of the governing body is present, the school (1) publicly posts a notification with the agenda at least 72 hours prior to the meeting and (2) publicly post on their website a board-approved copy of the</p>

		minutes within ten (10) days after approval, which must occur at their next regularly scheduled board meeting. Does Not Meet: The school fails to provide an accurate board calendar. For more than 25% of the meetings in which a quorum of the governing body is present, the school did not (1) publicly post notification with agenda at least 72 hours prior to the meeting or (2) publicly post a board-approved copy of the minutes within ten (10) days after the approval.
3.B. Equitable Enrollment Process: The school ensures that all families have the opportunity to learn about, apply to, and enroll in the school.		
Non-discriminatory Enrollment Process	The school has an Enrollment Policy consistent with Lottery Guidance and with two distinct sections: Lottery Form/Lottery Process and Enrollment/Registration	Meets: The school's Enrollment Policy is consistent with the Lottery Guidance criteria on the CSD website or lottery/enrollment laws and rules, if promulgated. Does Not Meet: The school does not have an Enrollment Policy, or the Policy does not meet all of the Lottery Guidance criteria or lottery/enrollment laws and rules, if promulgated.
3.C. Compliance with Legal Requirements: The school creates a safe environment and is in compliance with the charter contract, federal and state statutes and rules, and PED guidelines unless waivers preserving charter autonomy are in place.		
Annual Compliance Requirements	List of Annual Compliance Requirements, as approved annually no later than July 1 by PEC, and distributed by CSD to schools by that time.	Meets: In compliance with all requirements, is timely with submissions and does not have to resubmit due to errors. Working to Meet: In compliance with all requirements but may be late with submissions and may have to resubmit due to errors in the initial submission. Does Not Meet: Out of compliance with one or more requirement or one or more compliance requirement is not submitted.

Part III: Financial Framework

The PEC and CSD are dedicated to protecting school autonomy while holding public charter schools within PEC’s portfolio to high standards. The Financial Framework has four performance indicators. Results for each performance indicator will be determined annually and included in an overall performance rating.

Performance Measure	Performance Criteria
4.A. Days of Cash on Hand: The school demonstrates its financial health by having sufficient cash to ensure operations can withstand an immediate need.	
The school has the cash available to pay bills that meet or exceed the expectations established by PEC.	The school’s unrestricted days cash ratio is: Meets: ≥ 60 days OR > 30 days with a positive increase in the most recent fiscal year Working to Meet: > 30 days but does not meet the criteria for “Meets” Does Not Meet: ≤ 30 days
4.B. Annual Financial Audit: The school follows the Generally Accepted Accounting Principles (GAAP), financial management, and internal controls.	
The results of the financial audit demonstrate that the school meets basic expectations of financial oversight.	Meets: The school’s received audit has an unqualified opinion, is devoid of significant deficiency and material weakness findings, and does not include a going concern disclosure. Working to Meet: The school does not meet the criteria for “Meets” but demonstrates improvement from the previous year’s audit. Does Not Meet: The school’s received audit has a qualified opinion, includes a significant deficiency or material weakness finding, has a going concern disclosure, or the school does not submit a financial audit.
4.C. Financial Reporting and Compliance: The school demonstrates its ability to oversee public funding designated for New Mexico's students.	
The school and its governing board effectively establish and approve the budget and meet all financial reporting and compliance requirements. (NMSA 22-8-6.1 and 10)	Meets: The school submits all budget request documents and budget approval documents to the PED according to PED's established deadlines; submits quarterly reports according to PEDs established deadlines without frequent, repeated errors; and publicly posts all required reports. Working to Meet: Sometime during the fiscal year, the school was required to do monthly reporting; OR the school does not meet the criteria for "Meets" but does not meet the criteria for "Does Not Meet." Does Not Meet: The school consistently fails to submit required budget documents or reports according to PED’s established

	deadlines; submits reports with frequent, repeated errors; or fails to publicly post required reports.
4.D. Fiscal Oversight: The school and its governing board effectively provide fiscal oversight by establishing, approving, and monitoring annual budget execution and safeguarding the financial health and activities of the school.	
<p>The school has employed financial expertise and/or contracts with a licensed business manager and licensed procurement officer.</p> <p>The governing board:</p> <ol style="list-style-type: none"> 1. has adopted and maintains financial-related policies. 2. reviews financial reports and statements, including a statement of net position, a budget to an actual statement of revenues, expenditures, and changes in fund balance, and a cash flow statement at all meetings. 3. annually reviews the audited financial statements, related reports, and management letters and ensures all findings are addressed. 4. has an audit committee that fulfills its requirements as described in statute. 5. has a finance committee fulfills its requirements as described in statute. <p>At least annually, the finance committee tests internal audit controls.</p>	<p>Meets: The school and board provide evidence of compliance with the requirements of all seven indicators during the fiscal year.</p> <p>Working to Meet: The school and board provide evidence of compliance with the requirements of at least five of the seven indicators during the fiscal year.</p> <p>Does Not Meet: The school did not meet the criteria for Working to Meet.</p>
4.E. Enrollment Variance: The school's budgeted enrollment is close to its actual enrollment, requiring no or slight budget revisions.	
<p>The school makes accurate enrollment assumptions, resulting in a budget that is sound.</p>	<p>Enrollment variance (actual enrollment/budgeted enrollment) is:</p> <p>Meets: ≥ 95%</p> <p>Working to Meet: < 95% but ≥ 85%</p> <p>Does Not Meet: < 85%</p>