

MEMORANDUM

To: Public Education Commission

From: Charter Schools Division (CSD), Authorizing Team

Date: February 10, 2025

RE: Explore Academy - Las Cruces 2023-24 Annual Report

CSD rated indicator **5.a. Facilities** as Does Not Meet Standard on the Explore Academy - Las Cruces annual report in alignment with the PEC-approved rubric. During the annual site visit on February 8, 2024, there were observable safety concerns, as well complaints from staff and students about the safety of the building and the playground that were verified during the visit. The issues were not resolved within 30 days, warranting the Does Not Meet Standard rating (see the rubric below).

Exit doors:

Before they were fixed, the exits in school buildings required a key to exit, which violates the fire code. A site visit team member was unable to leave the building and had to search for someone with a key. Focus groups shared the same concerns with CSD during the visit. CSD was told that only some doors required a fob to exit the building.

The school's letter states that the doors were fixed on May 20, 2024. This means that the staff and students went through the entire school year—presumably since the school opened at the Telshor location—with the doors not meeting fire code. Communication between CSD and the school regarding this issue is detailed below. A safety concern resolved more than 30 days from CSD notification of the concern (Feb. 8, 2024) warrants a Does Not Meet rating per the rubric.

Playground:

During the visit, CSD staff noticed that the play structure had a hard asphalt surface underneath it. In focus groups, concerns were raised about a high number of head injuries on account of it. When the team discussed the safety concern about the playground with Explore's Chief Compliance Officer, she stated that the school was not required to have a playground, so she wasn't aware of them having to abide by any playground safety regulations. The school has now indicated that they are working to make improvements to the playground. CSD has removed any reference to the playground in the annual report. In future, CSD will request an inspection by POMS & Associates when conditions such as these are observed.

Conclusions:

The 5.a. rating of Does Not Meet Standard is justified for the exit doors alone, without consideration of the playground, because the safety concern was not remedied within 30 days of notification. The site team had other concerns during the visit, such as 4.d. Employee Rights, and 1.c. Rights of Students with Disabilities, but because CSD was not able to verify them, the rating for both of those indicators was Meets Standard because the team used the rubric with fidelity. The explanation for the rating in the revised report reads: "Safety concerns observed at site visit not resolved within 30 days."

The PEC-approved Rubric for PF 2019, which resides in the signed contract of Explore Academy - Las Cruces:

Indicators		Meets Standard (unless otherwise stated, must meet all listed)	Working to Meet Standard (unless otherwise stated, one or more means WTM)	Does Not Meet Standard (unless otherwise stated, one or more means DNM)
School Environment				
5.a.	Is the school complying with facilities requirements?	School has a current lease agreement with no PSFA concerns; no complaints about safety/condition/cleanliness of facilities; ; all documents listed in PF produced upon request; no safety concerns observed at site visit	Issues with lease agreement resolved within 30 days; 1-2 complaints, resolved within 30 days; requested documents unavailable upon request but produced within 30 days; minor safety concerns observed at site visit resolved within 30 days	Issues with lease agreement not resolved; complaints not resolved within 30 days safety concerns observed at site visit not resolved within 30 days

Communication:

The school's letter claims that emails and reports were sent to the wrong people during their transition. There was no confusion at CSD about the change of leadership at Explore Academy - Las Cruces. Emails and the school's preliminary report drafts were sent by site team lead Cheryl Rowe to the proper Head Administrators as follows:

- Feb. 8, 2024: Karen Casedy and Karen Woerner were at the site visit exit meeting when CSD went over the preliminary ratings and raised our concerns in-person.
- March 1, 2024: the school's preliminary ratings and explanations emailed to Karen Casedy
- June 27, 2024: Cheryl Rowe emailed Karen Woerner to inquire whether any facilities improvements had been made.
- July 30, 2024: Karen Woerner responded over a month later, unable to verify whether the doors had been fixed.
- Aug. 2, 2024: Cheryl Rowe contacted the fire marshall, who offered to send someone to the school to inspect.
- August 6, 2024: Dr. Hull emailed, confirming that the doors had been fixed.
- Aug. 13, 2024: Las Cruces Fire Department confirmed that the school had replaced the locks with push-bars.
- Aug. 13, 2024: Cheryl Rowe emailed Dr. Hull, asking **when** the doors had been fixed.
- Aug. 31, 2024: Dr. Hull replied, stating that the school had push doors and they were working on the playground, but did not indicate when the doors had been fixed.
- Aug. 21, 2024 and Sept. 10, 20: preliminary ratings emailed again to Dr. Hull.
- Oct. 2, 2024: CSD met with Karen Woerner to discuss another Explore school, at which time the safety issue at Explore - Las Cruces was discussed again. CSD encouraged Ms. Woerner to write a response to the PF ratings which we would attach to the annual report, per 6.2.9 NMAC; Dr. Hull sent the letter, which CSD attached to the report.
- Jan. 17, 2024: PEC questioned CSD's rating of indicator 5.a. at their meeting.