



December 8, 2009

Madame Chair and PEC Commissioners:

I am submitting my recommendations for the eleven (11) charter schools that submitted a renewal application packet to the Charter Schools Division (CSD) on October 1, 2009. The eleven charter schools were initially authorized by their local districts and are now seeking to renew with the Public Education Commission (PEC).

I would like to remind the commissioners that this process is not the same as the initial application process. These are schools that have been in operation for at least 4 years and are seeking to be renewed. Some of these schools are renewing for a second time. Their district authorized the approval of the original charter and set conditions for their operation. The process for renewal is articulated in 22-8B-12 NMSA 1978.

The Charter Schools Division (CSD) of the Public Education Department is charged with the duty to “. . . make recommendations to the commission regarding the approval, denial, suspension or revocation of the charter of a state-chartered charter school [22-8B-17].

The reasons for not renewing a chartering school are set forth by the legislature in 22-8B-12 F NMSA 1978:

A charter **may** (emphasis added) be suspended, revoked or not renewed by the chartering authority if the chartering authority determines that the charter school did any of the following:

- (1) committed a material violation of any of the conditions, standards or procedures set forth in the charter;
- (2) failed to meet or make substantial progress toward achievement of the department's minimum educational standards or student performance standards identified in the charter application;
- (3) failed to meet generally accepted standards of fiscal management; or
- (4) violated any provision of law from which the charter school was not specifically exempted.

The legislature, by virtue of the language used in section 22-8B-12 of the Charter Schools Act, determined that a school's charter should be renewed unless the authorizer can determine that the school did any of the four things aforementioned.

The CSD utilized two instruments as part of the data gathering for the Renewal Application Process:

1. The End-of-Term Report that consists of:
 - A report regarding material violations of the charter;
 - A summary of progress toward achievement of New Mexico Educational Standards and charter performance standards;
 - A summary of progress towards meeting standards of fiscal management
 - A legal review of charter history and record; and
2. The Renewal Charter Analysis Tool (RCAT) that reviewed the charter that the school is proposing to operate under for the next renewal term.

The CSD staff also received information from the local district authorizer regarding the eleven renewal schools as well as information from various PED bureaus and divisions regarding the performance and compliance of the schools over the past four years.

Once the CSD staff completed an analysis of the Renewal Application and had reviewed records and information regarding the charter school's performance in relation to the four sections of the End-of-Term

Report as stated above, the CSD staff conducted on-site, in-depth visits of all the schools requesting renewal with the PEC.

The purpose of this visit was to provide the Renewal Applicant and the CSD staff an opportunity to clarify and/or verify information provided in the Renewal Application and information that may be included in the End-of-Term Report. These reports, along with information provided at the site visit, were utilized by the reviewers to compile a Preliminary Analysis for each of the eleven schools. The Preliminary Analysis was given to the schools and each was given an opportunity to clarify information presented.

The Renewal Application, the End-of-Term-Report, and data collected from the authorizing district, PED bureaus, and independent audit reports all helped to inform my final recommendation to the Public Education Commission. In the cases where I recommended renewal of the charter, I did not find, by the preponderance of the evidence, that the schools committed any of the acts that would lead to nonrenewal. However, in the circumstances where the preponderance of data gathered by the Charter Schools Division is significant enough to support a determination that the charter school's performance met one or more of the reasons for not renewing a charter, I have recommended that the school's charter not be renewed.

The Charter Schools Division staff found instances of practices which were not in compliance with CSD guidance, rules, and statute. These compliance findings were not significant enough to support a recommendation not to renew the school's charter. In these circumstances, the Charter Schools Division staff or other PED divisions will provide technical assistance to the schools on the issues of compliance and monitor the schools to ensure that they develop and consistently implement practices that are in compliance with applicable guidance, statutes, and rules.

Part C of the Renewal application is the proposed charter for the school for their next term. I have identified my recommendations to approve or deny changes to the charter. I recommended approval of those changes that would support the mission and goals of the schools, and where the school provided clear and well-developed rationale for the changes. The Charter School Act and other state statutes give authority to the Secretary to grant or deny the specific waivers. I have not made recommendations on waivers since only the Secretary has the authority to grant waivers. However, I have cautioned schools on whether some of the waiver requests were even in the purview of the Secretary's authority.

Sincerely,

Dr. Don Duran
Assistant Secretary of Education
NMPED-Charter Schools Division