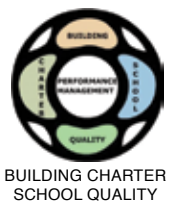


Building Charter School Quality in New Mexico

November 2010



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Introduction

Eighteen years after the nation's first charter school opened in Minnesota in 1992, more than 4,600 charter schools currently serve approximately 1.6 million public school students in 39 states and the District of Columbia. As the charter school movement continues to grow, one of its key challenges is the wide range in charter school quality. While a growing number of charter schools rank among the country's best schools, a notable minority are chronically poorly performing.

To address this challenge, four leading organizations came together to spearhead the Building Charter School Quality (BCSQ) project as a force for improving the performance of charter schools nationwide.

The convening partners are the Colorado League of Charter Schools, the Center for Research on Education Outcomes (CREDO) at Stanford University, the National Alliance for Public Charter Schools, and the National Association of Charter School Authorizers (NACSA).

As part of the BCSQ project, the convening partners chose New Mexico as one of the project's target states. Over the last year, the BCSQ project's activities in New Mexico have included Performance Management Institutes, authorizer trainings, and public policy support, with the goal of improving the performance

of New Mexico charter schools. This report, "Building Charter School Quality in New Mexico," is also part of those activities.

This report provides an overview of the state's charter school landscape as well as offers gap analyses of the charter school policies, charter school authorizer practices, support services for public charter schools, and the public education data system policies. The overarching purpose of this report is to guide improvement in the New Mexico charter school sector, which in turn will lead the way to improving the performance of all public schools and the students they serve.



A Snapshot of New Mexico Charter Schools

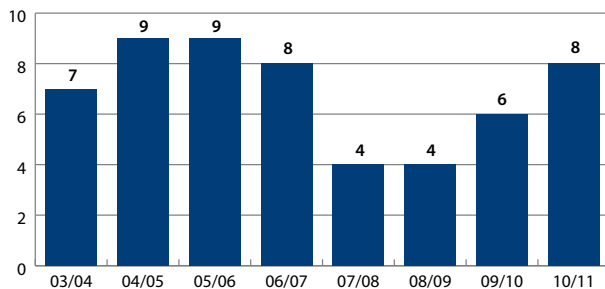
Over the last two decades, public charter schools have become an increasingly accepted component of the public school system across the nation. In New Mexico, however, the public charter school sector continues to face challenges in realizing its full potential.

Currently, 82 charter schools serve close to 14,300 students throughout all four quadrants of New Mexico. Charter school enrollment is almost 4% of the entire New Mexico public school student population, with 24 of the state's 89 school districts having at least one charter school located within them. With approximately 9,000 students attending 44 charter schools, Albuquerque has the largest number of both charter students and schools.

The ethnic breakdown in charter schools mirrors that of the traditional public schools in New Mexico: 54% Hispanic; 11% Native American; 1% Asian; 3% African-American; and 31% Caucasian. The majority of New Mexico charter schools are high schools, which enroll approximately 70% of all charter school students. More than 25% of the state's charter schools serve students deemed at risk for academic failure. The chart below illustrates the growth in the number of new charter schools each year since 2003-04.

In terms of performance, the good news is that recent reports show that New Mexico charter schools are getting better over time and that authorizer practices are generally improving. At the same time, it is apparent that work needs to be done to improve the quality of public charter schools in New Mexico so they can play a central role in closing the state's chronic achievement gap.¹

New Mexico is at a critical time in the evolution of its public charter school sector. We urge the state to create and implement a comprehensive strategy for improving the performance of its public charter schools. This strategy should encompass improvements in its charter school policies, its charter school authorizer practices, its support services for charter schools, and its public education data system policies.



1 See Center for Research on Education Outcomes at Stanford University's June 2010 report for the Public Education Commission.



Charter School Policy Gap Analysis

This section focuses on how New Mexico can improve its charter school law to better support the growth of high-quality public charter schools in the state. In June 2009, the National Alliance for Public Charter Schools released a new model charter school law organized around 20 essential components of a strong charter school law.² Six months later, it published the first-ever rankings of state charter school laws against the new model law.³ New Mexico's charter school law was ranked 18th out of 40, receiving 106 out of 208 points possible in the rankings report's scoring system.

To identify policy improvements, this section reviews the 12 components of the model law that receive the greatest weight in the rankings report's scoring system. These 12 areas received either a "4" or a "3" (on a scale where "4" was the highest and "1" was the lowest) in the scoring system.

Weight: 4

- Transparent Charter Application, Review, and Decision-making Processes.
- Performance-Based Contracts Required.
- Comprehensive Charter School Monitoring and Data Collection Processes.
- Clear Processes for Renewal, Nonrenewal, and Revocation Decisions.

Weight: 3

- No Caps.
- Multiple Authorizers Available.*
- Authorizer and Overall Program Accountability System Required.
- Fiscally and Legally Autonomous Schools, with Independent Public Charter School Boards.*
- Automatic Exemptions from Many State and District Laws and Regulations.
- Automatic Collective Bargaining Exemption.*
- Equitable Operational Funding and Equal Access to All State and Federal Categorical Funding.
- Equitable Access to Capital Funding and Facilities.

* *New Mexico received the highest score possible for these components, so this analysis excludes them.*

These "components" are shorthand for key policy areas that the model law addresses in detail through carefully crafted provisions, often with a number of important subcomponents. Readers should refer to the model law and its accompanying explanations for full perspective on each component, policy rationales, and model language for particular provisions.

In addition to the policy gaps highlighted in this analysis, readers should be aware of all the gaps between New Mexico's law and the model law's 20 essential components (including the eight less-weighted components not discussed here), as described in Appendix A. The 20 essential components of the model law offer a strong framework to guide comprehensive improvement of New Mexico's law to support quality growth of charter schools.

What follows is a summary of the gaps in New Mexico's charter school law in the 12 areas outlined above. We recommend that New Mexico adopt all provisions of the model law that the state currently lacks.

2 See "A New Model Law For Supporting The Growth of High-Quality Public Charter Schools," (June 2009), www.publiccharters.org/modellaw.

3 See "How State Charter Laws Rank Against The New Model Public Charter School Law," (January 2010), www.publiccharters.org/modellaw.



Transparent Charter Application, Review, and Decision-making Processes

Current New Mexico score in National Alliance’s charter laws rankings report: 8 points out of 16 possible

New Mexico lacks many of the model law’s provisions for ensuring that authorizers follow rigorous and transparent charter application, review, and decision-making processes. These provisions are essential to ensure that charters are granted only to applicants that demonstrate sound educational and organizational plans and have the long-term capacity to open and operate successful schools.

RECOMMENDATIONS

New Mexico should amend its law to include the following requirements for quality charter application review and decision-making processes by all authorizers:

- A. The law should clarify application content requirements and approval criteria.
- B. In addition to specifying general application content requirements, the law should specify application content requirements specific to proposals involving school replications and virtual charter schools.
- C. The law should require authorizers to thoroughly evaluate each application, including conducting an in-person interview with each applicant team.

Performance-Based Contracts Required

Current New Mexico score in National Alliance’s charter laws rankings report: 4 points out of 16 possible

New Mexico lacks most of the model law’s provisions for performance-based charter contracts. These provisions are essential to ensure the outcomes for which charter schools are accountable and to protect the autonomy they are granted in statute. All charter agreements should be mutually agreed upon and set forth in a legally-binding contract.

RECOMMENDATIONS

New Mexico should amend its law to include the following requirements for charter contracts:

- A. The law should require that charter performance contracts be separate and distinct from the charter application and executed by both the governing board of the charter school and the authorizer.
- B. The law should require charter contracts to define the respective roles, powers, and responsibilities of the school and its authorizer.
- C. The law should require that charter contracts define academic and operational performance expectations by which the school will be judged, using a performance framework that, at a minimum, includes measures and metrics for student academic proficiency and growth, achievement gaps, attendance, recurrent enrollment, postsecondary readiness (high schools), financial performance, and board stewardship (including compliance).
- D. The law should require that charter contracts include requirements addressing the unique environments of virtual schools, if applicable.

Comprehensive Charter School Monitoring and Data Collection Processes

Current New Mexico score in National Alliance’s charter laws rankings report: 4 points out of 16 possible

New Mexico lacks most of the model law’s provisions for comprehensive charter school monitoring and data collection by authorizers. These provisions are essential to ensure that all authorizers: a) amass the comprehensive body of evidence needed to inform sound high-stakes judgments of each charter school; b) report publicly on charter school performance; and c) provide schools a fair opportunity to remedy identified problems.



RECOMMENDATIONS

New Mexico should amend its law to strengthen authorizers' monitoring and data collection processes in the following ways:

- A.** The law should require authorizers to collect and issue progress reports using student outcome data consistent with the performance framework outlined in the charter contract.
- B.** The law should clarify authorizers' authority with respect to oversight activities.
- C.** The law should require authorizers to produce and publicize annual school performance reports.
- D.** The law should require authorizers to notify their schools of perceived problems and to provide schools with opportunities to remedy such problems.
- E.** The law should give authorizers the authority to exercise sanctions short of revocation.

Clear Processes for Renewal, Nonrenewal, and Revocation Decisions

Current New Mexico score in National Alliance's charter laws rankings report: 8 points out of 16 possible

New Mexico lacks some of the model law's provisions for clear, merit-based renewal, nonrenewal, and revocation decision processes. These provisions are essential to ensure that authorizers use an evidence-based and objective process for making high-stakes decisions and to protect both student and public interests in the event of school closure.

RECOMMENDATIONS

New Mexico should amend its law to improve authorizers' renewal, nonrenewal, and revocation processes in the following ways:

- A.** The law should require authorizers to issue performance renewal reports to schools, inclusive of academic and operational performance, whose charter contracts will expire the following year.
- B.** The law should require authorizers to issue renewal application guidance that provides an opportunity for schools to augment their performance record and discuss improvements and future plans.
- C.** The law should require authorizers to base renewal decisions on evidence regarding the school's performance over the term of the charter contract (in accordance with the performance framework set forth in the charter contract).
- D.** The law should require authorizers to provide charter schools with timely notification of potential revocation or non-renewal (including reasons) and reasonable time to respond.
- E.** The law should require authorizers to have school closure protocols to ensure timely parent notification, orderly student and record transitions, and property and asset disposition in accordance with laws and regulations.

No Caps

Current New Mexico score in National Alliance's charter laws rankings report: 6 points out of 12 possible

New Mexico lacks some of the model law's provisions for allowing unrestricted or adequate growth of charter schools across the state. These provisions are essential to ensure that quality charter schools are available to meet the educational needs and community demands in districts across the state.

RECOMMENDATIONS

- A.** New Mexico should amend its law to eliminate all of its limits on the number of public charter schools and students in the state.



Authorizer and Overall Program Accountability System Required

Current New Mexico score in National Alliance’s charter laws rankings report: 0 points out of 12 possible

New Mexico currently lacks all of the model law’s key provisions to ensure authorizer commitment and accountability, as well as accountability for the state’s charter program as a whole. These provisions are essential to ensure that authorizers demonstrate sufficient commitment and capacity for quality authorizing before undertaking the role. These provisions further guarantee that all authorizers be publicly accountable for their own authorizing performance and that the state as a whole periodically evaluates the implementation and outcomes of its charter program to identify and inform necessary improvements.

RECOMMENDATIONS

New Mexico should amend its law to strengthen authorizer program accountability in the following ways:

- A.** The law should require a registration process for local school boards to affirm their interest in authorizing to the state.
- B.** The law should require authorizers to submit an annual report to the Cabinet Secretary of Education, which summarizes the agency’s authorizing activities as well as the performance of its school portfolio.
- C.** The law should require a regular review of authorizer performance by the Cabinet Secretary of Education.
- D.** The law should give the Cabinet Secretary of Education the authority to sanction authorizers, including removal of an entity’s ability to authorize schools.
- E.** The law should require a periodic formal evaluation of the overall state charter school program and outcomes.

Automatic Exemptions from Many State and District Laws and Regulations

Current New Mexico score in National Alliance’s charter laws rankings report: 3 points out of 12 possible

New Mexico falls short of the model law’s provisions of granting charter schools broad, automatic exemptions from all but essential state laws and regulations as well as from teacher certification requirements. These provisions are essential to ensure that charter schools maintain – and do not have to continually fight for – the core autonomy provided by law to produce high levels of student outcomes.

RECOMMENDATIONS

New Mexico should amend its law to provide more flexibility to charter schools in the following areas:

- A.** The law should provide charter schools automatic exemptions from all laws and regulations other than those covering health, safety, civil rights, student accountability, employee criminal history checks, open meetings, freedom of information, and generally-accepted accounting principles.
- B.** The law should provide an automatic exemption from state teacher certification requirements.



Equitable Operational Funding and Equal Access to All State and Federal Categorical Funding

Current New Mexico score in National Alliance's charter laws rankings report: 6 points out of 12 possible

New Mexico falls short of the model law's provisions for equitable operational funding and equal access to categorical funding for charter schools. These provisions are essential to ensure that charter school students are funded as fairly and as equitably as all other public school students.

RECOMMENDATIONS

New Mexico should amend its law to provide equitable funding to public charter school students in the following ways:

- A.** The law should clarify a charter school student's equal access to all applicable categorical federal and state funding, and include timeframes on the pass-through of such funds for public charter schools.
- B.** The law should provide funding for transportation of charter school students similar to the funding school districts receive.

Equitable Access to Capital Funding and Facilities

Current New Mexico score in National Alliance's charter laws rankings report: 9 points out of 12 possible

New Mexico lacks some of the model law's provisions for equitable charter school access to capital funding and facilities. These provisions are essential to ensure that charter schools have appropriate facilities that allow them to carry out their academic programs and are not forced to cannibalize their operational funding for capital costs.

RECOMMENDATIONS

New Mexico should amend its law to provide equitable support for charter school facilities in the following ways:

- A.** The law should align the state's lease assistance fund to reflect the actual average of district capital costs and allow these funds to be used for a wider variety of facilities-related purposes.
- B.** The law should create a state grant program for charter schools that allows grant funds to be used for a wide variety of facilities-related purposes.
- C.** The law should create a state loan program for charter schools that allows grant funds to be used for a wide variety of facilities-related purposes.
- D.** The law should provide a mechanism to provide credit enhancement for public charter school facilities.
- E.** The law should clarify current statutes that provide a first right of refusal to charter schools to lease or buy, at or below fair market value, any closed, unused, or underused traditional public school facility or property.
- F.** The law should prohibit facility-related requirements for public charter schools that are stricter than those applied to traditional public schools.



Charter School Authorizer Practices Gap Analysis

Oversight is a function shared by various entities, but is primarily performed by charter school authorizers. This section identifies strengths and gaps in the practices of New Mexico’s largest charter school authorizers. Addressing these gaps in charter school authorizing will help improve the quality of the state’s charter school movement. The following pages highlight the authorizing practices of the New Mexico Public Education Commission (PEC) and the Albuquerque Public Schools District (APS), the state’s two largest authorizers.

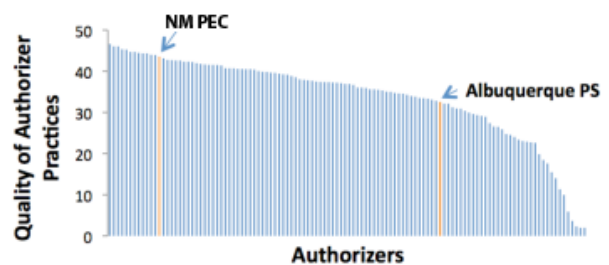
Gap Analysis Background

The National Association of Charter School Authorizers (NACSA) conducts an annual survey of charter school authorizers. This survey collects self-reported data about the policies and practices of charter school authorizers. Using its survey, NACSA can compare the relative performance of individual authorizers to national averages and to NACSA’s *Principles and Standards for Quality Charter School Authorizing*. This survey data includes practices in five functional areas in charter school authorizing:

- A.** The review of applications.
- B.** Contracting and working with schools as they open.
- C.** Oversight and monitoring.
- D.** The review of performance for high-stakes decisions regarding renewal.
- E.** The use of resources and strategic planning.

The New Mexico Public Education Commission and Albuquerque Public Schools responded to NACSA’s annual survey in both 2009 and 2010. Using the results from the survey, NACSA gave each authorizer a quality index score from 0 to 50. PEC scored a 44 and APS scored a 33 on this index. When all practices are combined, the PEC’s established policies place it among the stronger authorizers in the nation, while Albuquerque’s responses place it in the bottom third of large authorizers. The following table illustrates the relative strength of each authorizer’s practices.

FIGURE 1. RELATIVE SCORES OF PEC AND ALBUQUERQUE ON NACSA AUTHORIZER QUALITY INDEX



New Mexico Public Education Commission

The New Mexico Public Education Commission (PEC) authorized its first charter school in 2007. During the 2008-09 school year, the PEC oversaw 10 charter schools and this number increased to 14 charter schools during the 2009-10 school year.

The PEC implements many practices recommended by NACSA. The PEC’s practices are strongest for the contracting process, oversight and monitoring, and the review of performance. The PEC is also relatively strong in its application process. The PEC’s overall strategic vision and the financial and human resources dedicated to authorizing are comparable to large authorizers nationally, but they are slightly weaker in other functional areas.



The PEC reported practices for Charter Applications that align with NACSA's *Principles and Standards for Quality Charter School Authorizing*. The PEC publishes timelines and materials for application submission, review, and approval; makes application evaluation criteria available to applicants; uses the same evaluation criteria to evaluate all charter applications; and uses external panels of experts to evaluate charter school applications.

During the 2008-09 school year, the PEC received ten charter school applications and approved six. During 2009-10, it received 16 applications and approved eight. Overall, the PEC's application process is in close alignment with NACSA's *Principles and Standards for Quality Charter School Authorizing*, reflecting the implementation of practices over the past few years designed to promote rigor. A few specific issues could be strengthened. These include details in how the PEC addresses the replication of successful schools and how the PEC handles applications when a single charter school board oversees multiple schools. The application process follows NACSA recommendations by including both interviews with applicants and an expert panel review of those applications. The PEC could strengthen those processes by giving greater weight to each and by having reviewers comment on the entire application in addition to providing analysis of the area of their specific expertise.

Quality face-to-face interviews and an external panel of reviewers are an important component of an authorizer's charter school application process. Interviews provide a unique source of information about a charter school applicant's capacity to achieve the plan set forth in their charter application. They help assess the applicant's capacity to perform a variety of tasks related to operating a school, including financial management, nonprofit governance, and school leadership. Having a wide range of expertise among panel members is also important to a quality charter application process because no one reviewer is likely to be knowledgeable in all the areas a charter school must master. External (as opposed to internal) experts help insulate the application review from the political influence of applicants or other factors

extraneous to the operation of a successful school.

The PEC's work in the area of Contracting and School Opening are comparable to practices used by the top authorizers in the nation. The PEC signs contracts with every charter school they oversee. Their contracts include specific performance expectations.

In the Oversight and Operations area, the PEC's practices also closely align with NACSA's *Principles and Standards for Quality Charter School Authorizing*. Among the most important, the PEC requires each charter school it oversees to submit to an annual financial audit performed by an independent, qualified auditor. The PEC could improve this practice by monitoring student expulsions in their charter schools and by modifying their intervention strategies for struggling schools to better protect charter school autonomy.

The PEC's practices in the Performance Review area are comparable to other large authorizers nationally. The PEC could strengthen this area by incorporating parental surveys and student re-enrollment rates when making renewal decisions.

In the area of Resources and Strategy, the PEC has several gaps in both practice and policy. The most significant gap is the lack of a budget dedicated only to charter school authorizing. A comparison of subjective reports from similar authorizers also suggests that the PEC perceives that their office has insufficient resources to carry out their responsibilities as authorizers, yet their ratio of full-time employees to schools is higher than the average. The PEC could strengthen their performance in this area by releasing an annual report on the performance of their charter schools. Annual reports provide an opportunity for authorizers to reflect on the status and performance of their schools and make strategic decisions about their portfolios. These reports also increase the transparency of an authorizer's work, providing the public important information and ensuring accountability.



Albuquerque Public Schools

Albuquerque Public Schools (APS) authorized their first charter school in 1999. During the 2008-09 school year, they oversaw 36 charter schools and this number decreased during the 2009-10 school year to 33 charter schools.

APS reports many application practices in alignment with NACSA's *Principles and Standards for Quality Charter School Authorizing*. However, several gaps also appear. In contrast with NACSA's recommended practices for the application process, in the 2009 survey, APS reported that their stated policies do not support the replication of successful charter schools. While APS uses panels of experts to evaluate their charter applications, none of the panel members are external to the school district. Finally, APS places low importance on interviewing prospective charter applicants and does not require application reviewers to review and comment on the entire application in addition to providing analysis of each section of the application.

In the area of Contracting and Opening, the APS practices reflect a close alignment with NACSA's *Principles and Standards for Quality Charter School Authorizing*. APS signs contracts with every charter school it authorizes. Their contract specifies academic, fiscal, organizational, and compliance reporting performance expectations. Their contracts also describe the criteria and processes for intervening in a school's operations, the process for charter revocation, and the performance standards that provide the basis for renewal decisions based on state, federal, and charter requirements. Finally, their contracts include the definition of, and procedure for, contract amendment and dispute resolution; waivers from traditional public school laws and regulations; a requirement for a governing board to have legally valid bylaws; and expectations for compliance with the procedural requirements of relevant federal programs.

In 2009, APS Oversight Practices appear to align with NACSA's *Principles and Standards for Quality Charter School Authorizing*. Like the PEC, APS requires each

charter school it oversees to submit to an annual financial audit performed by an independent, qualified auditor. However, APS lacks written protocols for monitoring legal and regulatory compliance requirements. In 2009, APS reported that they did not conduct regular compliance reviews of their charter schools, but this practice appears to be in place currently. APS further reported employing several school intervention strategies that either infringed upon charter school autonomy or reduced the ability of the authorizer to attribute school performance to the charter school during high-stakes renewal decisions. Survey responses suggest that APS employs intervention strategies that could undermine charter school autonomy.

APS practices in the Performance Review area could be strengthened. The district could incorporate a wider array of student performance measures, such as status measures and comparison measures between schools when making decisions about charter school renewal. They also appear to undervalue parental surveys and student re-enrollment rates when making renewal decisions. Finally, in 2009, APS reviewed for renewal only two out of the 36 charter schools in their portfolio. In 2010, their renewal review rate remained low with only three out of the 33 schools in their portfolio reviewed for renewal. Regular high-stakes reviews of charter schools are essential to holding charter schools accountable. Across the country, authorizers are far more likely to close underperforming schools during a high-stakes renewal than outside of the renewal process.

APS has the greatest weaknesses in the Resources and Strategy area. In 2009, APS reported that it lacked sufficient resources to carry out its responsibilities as a charter school authorizer. APS oversaw 36 charter schools with three full-time equivalent employees dedicated to authorizing duties. APS reports that it lacks a budget dedicated to charter school authorizing. APS could improve its alignment with NACSA's recommended practices by publishing its financial standards and compliance protocols.



Support Services for Charter Schools Gap Analysis

Among the critical elements necessary for quality charter schools to flourish within a state are the support services available to charter schools in their various stages of development. In most states, these services are provided by organizations commonly referred to as charter support organizations (CSOs). Most often, CSOs are independent, non-profit organizations dedicated to serving and advocating for quality charter schools as a powerful reform strategy for public education.⁴ While CSOs tend to be the primary source of services for charter schools in a state, other organizations may provide support services as well.

There are a variety of support services that charter schools need or want, such as advocacy, group purchasing, or recruiting. For the purposes of this analysis, however, we have identified the five critical support services that most promote the growth of quality charter schools within a state:

- Proactive advocacy for charter schools.
- Education of charter school board members.
- Support in the development and start-up years.
- Support during the renewal process.
- Help in implementing performance management practices.

While the first charter school opened in New Mexico in 1992, the New Mexico Coalition for Charter Schools (Coalition) was not fully operational until 2005. Lacking a support infrastructure to serve their interests, the early charter schools in New Mexico were authorized without the benefits of a strong and effective charter support organization. In some ways, the repercussions of early chartering without a strong CSO are still apparent. However, over the last few years, the Coalition (as well as the Charter Schools Division of the New Mexico Public Education Department (PED)) has increased its services and programs to help elevate charter school performance, provide a collective policy voice, and increase accountability measures for both authorizers and charter schools.

This section of the report outlines the support services available to charter schools in New Mexico and identifies the gaps in such services, with an eye toward creating an environment in which quality charter schools flourish and poor performing charter schools close. For each support service, we outline which services are available and provide recommendations on how the services can be strengthened.

Proactive Advocacy for Charter Schools

Proactive advocacy for charter schools is essential to ensure a policy environment that allows for charter schools to operate with the flexibility and accountability necessary to foster the growth of quality charter schools. Because CSOs often work most closely with the charters in their states, they are best informed on what policies are necessary to promote autonomy and assure high-performing charter schools. Through both grassroots advocacy and lobbying, CSOs influence what legislation gets passed in their state. In addition, proactive advocacy by CSOs includes taking public and firm stances on quality in a variety of ways, such as publishing quality standards and certifying schools according to specified criteria.

⁴ See "Growing the Movement; The National Charter School Support Grid." The National Alliance for Public Charter Schools, (February 2009), www.publiccharters.org.



SUMMARY OF PROACTIVE ADVOCACY ACTIVITIES FOR NEW MEXICO CHARTER SCHOOLS

SPECIFIC SERVICES	PRESENCE AND QUALITY OF SERVICE	SERVICE PROVIDER(S)
Initiating legislation that promotes charter quality	✓+	Coalition
Blocking legislation that undermines charter quality	✓+	Coalition
Informing stakeholders on agendas and outcomes	✓+	Coalition
Encouraging grassroots advocacy	✓	Coalition
Publishing quality standards based on nationally accepted standards	✓-	Coalition

LEGEND:

- ✓+ means that services are available and quality of services appears strong
- ✓ means that services are available and quality of services is adequate
- ✓- means that services are available and quality of services needs improvement

A blank cell means that services are not available

Since its foundation, the Coalition has focused resources on proactive advocacy to help pass stronger charter school laws, such as by reducing the funding disparity between charter schools and gaining a second authorizer. Additionally, the Coalition has developed several tools to help charter stakeholders communicate effectively with key decision-makers, including guidelines for calling, e-mailing, or meeting with decision-makers and helpful tips on constructing a one-page document for communicating with decision-makers. In 2010, the Coalition also adopted its *Quality Indicators for Charter School Performance* that substantially align with national standards.

RECOMMENDATIONS

There are two items that should be strengthened within the proactive advocacy services in New Mexico:

- A. Grassroots advocacy:** To help better organize grassroots advocacy efforts and ensure that the number of individuals participating in these efforts is sufficient, we recommend that the Coalition purchase grassroots lobbying software. Such software will allow the Coalition to communicate important messages on a timely basis to charter supporters, issue “call to actions” that make it easy for advocates to send targeted e-mails to lawmakers, and track the performance of its messages to supporters and lawmakers. This type of system has been successful for several other CSOs as well as for the National Alliance for Public Charter Schools.
- B. Quality standards:** The Coalition has adopted its *Quality Indicators for Charter School Performance* for charter schools in various stages of development and for founding groups. While the Quality Indicators include some nationally-accepted measures of charter quality, they also use a number of inputs for academic achievement, e.g., “ensuring an innovative curriculum” and “teachers use data driven decision making.” Both of these practices could, if implemented with fidelity, help lead to strong academic outcomes for students, yet in and of themselves do not specifically ensure that such outcomes will happen. We recommend that any indicators around academic quality remain focused on outcomes rather than inputs.



Education of Charter School Governing Board Members

The education of charter school board members on their roles and responsibilities is essential for the quality of every charter school. As the entity that holds the charter, the board is responsible for ensuring that all contractual agreements are upheld. Without proper education, charter boards may step beyond the boundaries of oversight into the day-to-day management of the school. Additionally, as volunteer board members are generally not trained in education, they need to be informed on local, state, and federal accountability requirements.

SUMMARY OF BOARD DEVELOPMENT TRAINING TOPICS AVAILABLE TO NEW MEXICO CHARTER SCHOOLS

SPECIFIC SUPPORT SERVICES	PRESENCE AND QUALITY OF SERVICE	SERVICE PROVIDER
Ethics	✓	Coalition
Charter school law and policy environment	✓+	Coalition
Charter board responsibilities	✓	Coalition
– Budgeting/financial/operational efficiency (or fiduciary responsibilities)	✓+	Coalition
– Academic oversight	✓-	Coalition
– Public trust	✓	Coalition
Public school employment laws	✓+	Coalition
Charter administration responsibilities	✓	Coalition
Authorizer responsibilities and relationships		
Performance Management	✓	Coalition
Strategic planning	✓+	Coalition
State, local, and federal accountability systems	✓	Coalition
Data systems		
Assessments	✓-	Coalition
Staff professional development program, including recruitment, new teacher orientation, ongoing training, evaluation rubrics and remediation as needed		
Board by-laws	✓+	Coalition

LEGEND:

- ✓+ means that services are available and quality of services appears strong
- ✓ means that services are available and quality of services is adequate
- ✓- means that services are available and quality of services needs improvement

A blank cell means that services are not available



With the passage, in 2009, of legislation that requires charter school board members to participate in five hours of annual board development, the Coalition developed a series of trainings to accommodate this requirement. Charter schools may comply with this training component by either attending five hours of training held in conjunction with the Annual State Charter Schools Conference or by participating in webinars. In addition to this five-hour curriculum, the Coalition tailors professional development trainings to individual schools that request more individualized attention.

The five-hour curriculum covers:

a) governance basics, such as the New Mexico Open Meetings Act and charter school operational items such as budgeting; b) board roles (i.e., oversight vs. management); c) board members' fiduciary responsibility; d) effective principal evaluation; and e) introduction to performance management. The curriculum also includes an introduction to choosing and implementing a performance management system. The Coalition's *Quality Indicators for Charter School Performance* provide a framework for the trainings.

Along with sessions at the Annual State Conference, the Coalition provides other opportunities to learn about performance management trainings by offering sessions to individual school governing boards and school leaders on a fee-for-service basis. During these engagements, the Coalition helps board members and school leaders identify the school's key goals and create a strategy map for reaching those goals, including the establishment of a balanced scorecard for tracking progress toward the goals. This training is important not because board members will conduct data collection and analysis themselves, but because they should understand that dedicating appropriate resources to implementing a performance management system will help focus, track, and ultimately elevate a school's overall performance, which is their primary duty as overseers of public funds and keepers of the public trust.

Given the short amount of time that the Coalition has offered board member trainings, it is not surprising that some improvement is needed. While the five-hour curriculum provides a broad introduction to several key areas of board governance, more time is needed to treat each topic in more depth. As an important example, educating boards on the key components of effective performance management is needed. A sharper focus on data collection and the use of the data for decision making about school improvement would also enhance board member trainings.

RECOMMENDATIONS

- A.** We recommend that the Coalition significantly expand the breadth and depth of its performance management content during all of its training sessions.
- B.** We also recommend that the Coalition add staff members who are knowledgeable about New Mexico's accountability system, student information systems, interim assessments, and data-driven decision-making. These individuals also need to be able to effectively communicate with people who are not data savvy.
- C.** We further recommend that the Coalition enhance its governing board evaluation rubric to provide an opportunity to demonstrate the knowledge obtained during the trainings. Rather than having board members simply hand in a certificate of completion for merely sitting through the trainings, it is more meaningful to have certification based on evidence of understanding.



Support in the Development and Start-Up Years of Charter Schools

The active support of charter school groups in the development and start-up phases of their schools is one way for CSOs to help ensure that developing groups understand the complexity and serious nature of starting a public school using public funds. Providing these support services also helps CSOs monitor and assure the quality and long-term viability of the charter school movement.

LIST OF SUPPORT SERVICES AVAILABLE DURING THE DEVELOPMENT AND START-UP YEARS OF CHARTER SCHOOLS

SPECIFIC SERVICES	PRESENCE AND QUALITY OF SERVICE	SERVICE PROVIDER(S)
Application content review	✓	PED & Coalition
Founding group training	✓	PED & Coalition
Contract review		
Grant and funding assistance	✓	Coalition
Facilities support	✓	Coalition
Access to cost saving products and services	✓	Coalition
Financial services	✓+	Coalition
Recruitment support	✓	Coalition

LEGEND:

✓+ means that services are available and quality of services appears strong

✓ means that services are available and quality of services is adequate

✓- means that services are available and quality of services needs improvement

A blank cell means that services are not available

Together, the Coalition and the Public Education Department's (PED) Charter Schools Division offer a variety of critical support for charter schools in the development (i.e., pre-application submission) and start-up (i.e., post-approval, pre-opening) phases. The PED offers an annual event for founding groups to address the state's expectations for the completion

of each section of a charter school application. It also offers to review applications for completeness, but will not critique the strength of the application. For such critiques and alignment with its quality standards, founding groups may contact the Coalition, which uses a peer review process to provide constructive feedback and evaluation on a group's application.

The Coalition and PED jointly sponsor a series of five monthly trainings for applicants. Each session focuses on one of the five required components of a charter school application. Once an application has been approved, groups can participate in the Coalition's *Charter Launch* Program. According to the Coalition website, the *Charter Launch* Program includes the following:

- Three-year membership with the Coalition (which includes access to the charter cooperative programs, grants, an online resource library, legislative updates, and member meetings).
- Attendance for ten individuals at the Annual State Charter Schools Conference.
- Attendance at required Governance Council training for up to ten people in the planning year.
- Financial management services for one year (which includes support with writing the federal stimulus grant, setting up and registering the charter with all the appropriate and federal regulators, setting up payroll and accounts receivable and payable, processing purchase requisition, processing vendor invoices, and ensuring the appropriate financial management reports are generated and filed).
- Performance Management Services (which includes on-site strategic planning and accountability trainings to align the approved charter outcomes to strategy maps, development of key success factors for a school, development of a performance framework and scorecard, and development of appropriate three-year action plans with timelines).

There was reference made to a facilities co-op on the Coalition's website, but no information could be found on what this service included.



RECOMMENDATIONS

The support for founding groups in New Mexico is robust and should help new schools get well established by opening day.

- A. However, we recommend that the Coalition work with schools to review contracts to ensure that these critical documents are setting schools up for success.

Support During the Renewal Process for Schools

Similar to supporting founding charter school groups, ensuring that charters are renewed based on a comprehensive and objective renewal application process, using empirical evidence of the schools’ academic progress, helps assure that high-quality schools remain open and provides a defensible basis for closing low-performing schools.

RENEWAL SUPPORT AVAILABLE TO CHARTER SCHOOLS

SPECIFIC SERVICES	PRESENCE AND QUALITY OF SERVICE	SERVICE PROVIDER(S)
Renewal application review	✓	Coalition
School and/or student data analysis		
Renewal contract review		

LEGEND:

- ✓+ means that services are available and quality of services appears strong
 - ✓ means that services are available and quality of services is adequate
 - ✓- means that services are available and quality of services needs improvement
- A blank cell means that services are not available

During the 2009-2010 academic year, the Coalition began offering renewal support in response to requests gathered from its Annual Membership Survey. This fee-for-service activity includes group meetings (during which all participating boards and school leaders come together for introductions to the renewal process) and customized work sessions for individual school leaders. In total, the renewal service provided by the Coalition covers a series of five meetings – two group meetings and three customized work sessions. It also includes a session with a peer reviewer and an attorney to review the policy and regulatory environments.

RECOMMENDATIONS

While the Coalition’s services walk charter school administrators and governing boards through the renewal process and outline the need to provide data to demonstrate that schools are making progress toward meeting the goals in their charters, Coalition staff does not currently operate with full capacity to provide school and student data analysis to its charter schools.

- A. The Coalition should add staff members knowledgeable about accountability systems, student information systems, interim assessments, and data-driven decision-making. These staff members could assist governing boards with measuring progress toward school goals – another potential fee-for-service activity. Staff members with this capacity would also be ideally situated to help create and review charter goals that are rigorous, realistic, measurable, and tied directly to student academic outcomes.



Help in Implementing Performance Management Practices

Tracking and monitoring student progress through data allows teachers, principals, and governing board members to make truly informed decisions about overall programmatic improvements and about appropriate individual student interventions. To teach school stakeholders about the importance of building a data-driven school culture, CSOs need to facilitate professional development and networking opportunities.

PERFORMANCE MANAGEMENT SUPPORT AVAILABLE TO CHARTER SCHOOLS

SPECIFIC SERVICES	PRESENCE AND QUALITY OF SERVICE	SERVICE PROVIDER(S)
Facilitate professional development opportunities for founding groups and new and existing charter teachers and leaders on:		
- Accountability systems		
- Data management systems		
- Interim assessments		
- Data-driven decision making		

LEGEND:

- ✓+ means that services are available and quality of services appears strong
 - ✓ means that services are available and quality of services is adequate
 - ✓- means that services are available and quality of services needs improvement
- A blank cell means that services are not available

The New Mexico Coalition for Charter Schools, in collaboration with the Colorado League of Charter Schools and CREDO at Stanford University, have recently organized several Performance Management Institutes, with each event selling out and at full capacity. This partnership has helped the Coalition begin to build a data-driven culture of performance in the charter school sector.

RECOMMENDATIONS

To provide New Mexico charter schools with more robust support around performance management, we recommend the Coalition develop an extensive menu of performance management professional development opportunities for teachers, school leaders, governing boards and data teams. Third-party vendors or regional trainings are two ways in which the Coalition could provide low-cost trainings to charter schools. The Coalition could also collaborate with CSOs in other states to help increase the depth and breadth of its emerging data collection and analysis services within its performance management program. Ideally, this menu of professional development opportunities would include trainings to facilitate the understanding of:

- Federal, state, and local accountability systems.
- The effective use of data management systems (including student information systems and data warehouses).
- The selection and effective use of interim (short-cycle) assessments.
- Data-driven decision making at the classroom and building level.



Public Education Data System Gap Analysis

This section focuses on analyzing New Mexico's statewide data infrastructure against the essential expectations of the BCSQ Project's *A Framework for Academic Quality*.⁵ We include this analysis in the report because states that collect and maintain high-quality data are in a better position to evaluate the performance of all public schools and set priorities to improve student performance.

New Mexico currently has many of the essential elements of a robust data system in place. However, the state still faces challenges in implementing, funding, and providing access to the system.

In 2010, the state enacted House Bill 70, codifying all requirements for a pre-kindergarten through postsecondary (P-20) education accountability data system in order to: a) collect, integrate, and report longitudinal student-level and educator data required to implement federal or state education performance accountability measures; b) conduct research and evaluation of federal, state, and local education programs; and c) audit program compliance with federal and state requirements. House Bill 70 includes the use of a common student identifier and an educator identifier as data components. Once fully funded and implemented, this legislation will accomplish many of the following recommendations contained in this report.

This section consists of the following parts:

- **Essential Elements of a Robust State Longitudinal Data System:** This subsection identifies a gap between current New Mexico policy and the Data Quality Campaign's 10 Essential Elements of a robust longitudinal data system.
- **Essential State Actions to Ensure Effective Use of Education Data:** This subsection identifies gaps between current New Mexico policy and the Data Quality Campaign's 10 Actions that states must take to ensure effective use of data to increase student achievement.

- **Student Growth Data System:** This section discusses the need for New Mexico to provide for student-level academic growth analysis as part of its state assessment system.

Essential Elements of a Robust State Longitudinal Data System

This section uses results from the 2009-2010 Annual Survey Update and State Progress Report⁶ by the Data Quality Campaign (DQC) to convey the degree to which New Mexico meets the DQC's 10 Essential Elements of a robust state longitudinal education data system capable of providing timely, valid, and relevant data to the state's charter schools, authorizers, and other education stakeholders. A robust longitudinal data system is a cornerstone of state infrastructure for building and achieving quality statewide public education.

The DQC was launched in 2005 to support state development of longitudinal data systems that provide policymakers and educators with information to help adjust policies and practices to improve student achievement. Since 2005, the DQC's annual survey has tracked state progress in implementing the 10 Essential Elements to ensure that policymakers and educators have the longitudinal data systems capable of providing timely, valid, and relevant data to inform decisions at all levels.

5 See "A Framework for Academic Quality: A Report from the National Consensus Panel on Charter School Academic Quality," (June 2008), www.bcsq.org/downloads/BCSQ_Report.pdf.

6 The Essential Element and State Action summary descriptions in Parts B and C of this report are taken directly from the "DQC 2009-2010 Annual Survey Update & State Progress Report," available at: www.dataqualitycampaign.org/survey/states/NM.



Currently, New Mexico has nine of the 10 Essential Elements in place for its longitudinal data system.⁷ The only Essential Element that New Mexico lacks is student-level college readiness test scores, which are examined further below.

Student-level College Readiness Test Scores

To ensure that students transition successfully from high school to postsecondary education, it is important for states to collect and report student performance data on college admissions, placement, and readiness tests. Student performance on SAT, SAT II, ACT, Advanced Placement (AP), and International Baccalaureate (IB) exams are important indicators of students' college readiness. These data are important for charter schools and authorizers – as for all public schools and education leaders – to track.

RECOMMENDATIONS

New Mexico should enact policy to collect and report student-level college readiness data annually for all public schools, including each of the following components of this Essential Element:

- A.** The state collects and permanently stores student-level AP exam results.
- B.** The state collects and permanently stores student-level SAT exam results.
- C.** The state collects and permanently stores student-level ACT exam results.

Essential State Actions to Ensure Effective Use of Education Data

The DQC has identified 10 State Actions to ensure the effective use of education data and to outline the fundamental steps that states must take to change the culture around how data are used to inform decisions and policies to improve student achievement. These State Actions are important not just for charter schools

and authorizers, but also for the public education system as a whole.

According to the DQC's 2009-10 Annual Survey Update and State Progress Report, New Mexico has achieved three of the 10 State Actions.⁸ The state must continue to work to achieve the following State Actions:

- Link state data systems.
- Create stable and sustained funding streams.
- Create progress reports using individual student data to improve student performance.
- Create reports using longitudinal statistics to guide system-wide improvement efforts.
- Develop a P-20/workforce research agenda.
- Promote educator professional development and credentialing.
- Promote strategies to raise awareness of available data.

Note: We do not know at this time whether New Mexico has achieved the DQC State Action to implement systems to provide timely access to information. The DQC did not evaluate this Action last year due to a flaw in the survey. Although the DQC did not evaluate this Action in the 2009-10 survey, it is included in this report for New Mexico policymakers' awareness and consideration.

The rest of this subsection discusses the specific components that New Mexico lacks regarding each of the State Actions.

⁷ The complete 2009-10 Essential Elements survey results for New Mexico are available at: www.dataqualitycampaign.org/survey/states/NM?tab=elements.

⁸ The complete 2009-10 State Actions survey results for New Mexico are available at: www.dataqualitycampaign.org/survey/states/NM?tab=actions.



Link State Data Systems

Academic data and performance histories alone cannot provide a complete picture of the challenges students face because the programs and services students use outside the classroom also affect student achievement. By linking data systems across the P-20/workforce spectrum, states will be able to evaluate whether: a) students, schools, and districts are meeting college and career readiness expectations; b) students are receiving services for which they are eligible; and c) students are receiving effective interventions that address the factors negatively impacting their ability to succeed.

RECOMMENDATIONS

New Mexico should implement House Bill 70 to implement the following component of this State Action:

- A. Student-level K-12 records match with the records of the same students in the state’s workforce data system(s).

Create Stable, Sustained Support

Longitudinal data systems are not one-time investments but critical state infrastructure that requires ongoing maintenance and enhancements to meet new stakeholder demands. A key factor in ensuring that state longitudinal data systems remain viable over time is stakeholder use and demand for such systems. States can help to foster such sustainability through codifying a state P-20 longitudinal data system and providing maintenance and funding for its expansion, full implementation, and constant use by all stakeholders.

RECOMMENDATIONS

New Mexico should enact a policy to implement the following components of this State Action:

- A. State P-20 longitudinal data systems receive adequate state funding on a yearly basis for ongoing maintenance and full expansion.
- B. State P-20 longitudinal data systems receive adequate state funding for full system expansion.

Implement Systems to Provide All Stakeholders with Timely Access to the Information They Need While Protecting Student Privacy⁹

Data are useful only if people are able to access, understand, and use them to make informed decisions. Without access to empirical information, stakeholders are forced to make decisions based on anecdote, experience, or instinct. In other words, for information to be useful, it must be timely, readily available, and easy to understand.

Different stakeholders require different types of information. For example, teachers and school administrators need to know individual student longitudinal information while parents may simply want to know how their children are performing in certain classes. Other users, such as charter school authorizers and members of the general public, may seek specific information on the performance of certain schools. These stakeholder groups must have access to aggregate statistics based on longitudinal data that do not reveal information on individual students. It is essential that data be readily available and transparent to different stakeholder groups while at the same time fully protect student privacy.

RECOMMENDATIONS

New Mexico policy leaders should broaden the extent to which their state education data systems allow open and timely access to information for all stakeholders.

⁹ The DQC did not issue an analysis on Action 5 in its 2009-2010 survey because the survey instrument failed to collect adequate information. The DQC will provide this information in its 2010-11 analysis. Action 5 is nevertheless included here for New Mexico policymakers’ awareness and consideration.



Create Progress Reports with Individual Student Data to Improve Student Performance

Creating progress reports using student-level longitudinal data enriches the information that is available to parents and teachers by providing information on a student's academic history, including courses taken, grades received, and scores on formative and statewide assessments.

RECOMMENDATIONS

New Mexico should enact policies to implement the following components of this State Action:

- A.** State produces at least two yearly reports using student-level data from state-mandated tests.
- B.** State produces early warning indicator reports and predictive reports.
- C.** Teachers, counselors, administrators, district staff members, and select state education agency staff are provided access to at least two performance reports.
- D.** Postsecondary staff members, parents, and students are provided access to at least two performance reports.

Create Reports Using Longitudinal Statistics to Guide System-wide Improvement Efforts

All stakeholders need information on school, district, and state performance to make decisions that support continuous improvement at all education levels. Data reports that include longitudinal statistics provide valuable information about the effectiveness of schools, programs, policies, and interventions for students who often start out at different academic performance levels.

RECOMMENDATIONS

New Mexico should enact policies to implement the following components of this State Action:

- A.** State produces feedback report(s) on academic progress.
- B.** State produces report(s) using relational analysis.
- C.** At least two reports using aggregate data are posted on the state education agency's website.

Expand the State P-20/ Workforce Research Agenda

To make full use of the longitudinal data, states need access to individuals with high-level analytical skills and research training to mine the data and help use the data to answer a multitude of policy and evaluation questions. By forming strategic partnerships with universities and other organizations that conduct educational research or serve as advocates, states will benefit from data analysis and expertise to make sound education policy and support decisions that demand higher student and data system performance.

RECOMMENDATIONS

New Mexico should enact policies to implement the following components of this State Action:

- A.** State has developed a P-20 workforce agenda in conjunction with an inter-agency data governance committee.
- B.** State has developed a P-20 workforce agenda in conjunction with outside researchers and other intermediaries.



Promote Educator Professional Development and Credentialing

To ensure that data are used to inform teaching in the classroom and to promote continuous improvement at the school and district levels, educators must be trained in how to access, analyze, and interpret the data. States can develop the capacity of educators to use data by implementing appropriate policies for both new and veteran teachers.

RECOMMENDATIONS

New Mexico should enact policies to implement the following components of this State Action:

- A. State’s credentialing or licensure processes require teachers to demonstrate adequate ability to interpret and use student-level and aggregate-level data.
- B. State’s credentialing or licensure processes require principals to demonstrate adequate ability to interpret and use student-level and aggregate-level data.
- C. State’s credentialing or licensure processes require superintendents to demonstrate adequate ability to interpret and use student-level and aggregate-level data.
- D. State provides support to postsecondary institutions to offer instruction to teachers on how to use student-level data.
- E. State automatically shares student performance and workforce readiness data with teacher preparation programs to improve educator quality.
- F. State shares individual teacher data with teacher preparation programs to improve educator preparation programs on an ongoing basis.
- G. State shares aggregate-level data with teacher preparation programs.
- H. State shares aggregate-level information about how teachers perform as measured through their students’ performance data and course data.

Promote Strategies to Raise Awareness of Available Data

In addition to educators, other stakeholders such as students, parents, charter authorizers, policymakers, and community members must know what data are available and must be able to access and use them effectively. Since just a few stakeholders currently have full access to the state’s longitudinal education data, only a handful of stakeholders know how to use this information effectively.

RECOMMENDATIONS

New Mexico should enact policies to implement the following components of this State Action:

- A. Key stakeholders are provided with training on how to use data and reports, including parents, students, school governance boards, media, and community and business leaders.
- B. State provides at least two means of training to all stakeholder groups.
- C. Parents and students are offered data training.

Student Growth Data System

Central to data quality and a well-designed state assessment system is the ability of schools, authorizers, policymakers, and other stakeholders to track student academic growth over time, using student-level data. Measuring student academic growth is an essential part of the BCSQ Project’s *A Framework for Academic Quality*.¹⁰ There are various types of growth measures and methodologies – not all equally rigorous or informative – and states are increasingly adopting assessment systems that include some type of growth model as the key to revealing and understanding student academic progress over time.¹¹

10 See “A Framework for Academic Quality: A Report from the National Consensus Panel on Charter School Academic Quality,” (June 2008), www.bcsq.org/downloads/BCSQ_Report.pdf.

11 The U.S. Department of Education is encouraging and approving more states each year to implement high-quality growth models to improve their state accountability systems under No Child Left Behind. For a concise, practical guide to growth models and explanation of why rigorously measuring student academic growth is critical to school evaluation, see NACSA Issue Brief No. 19, “Leave No Charter Behind: An Authorizer’s Guide to the Use of Student Growth Data,” (June 2009), www.qualitycharters.org/images/stories/publications/Issue_Briefs/July09_Issue_Brief_Growth_Data.pdf.



Rigorously demanding and measuring student academic growth is necessary for any well-informed school evaluation because it reveals what schools are accomplishing or not accomplishing with their students over a period of time. Measuring student progress over time often provides a dramatically different picture of school performance than does a purely status-based or “snapshot” assessment. In many ways, measuring academic growth “lifts the shades” on educational performance, revealing, for example, that a school normally judged as “low-performing” according to snapshot proficiency levels is actually accelerating student learning over time much faster than another school. Conversely, “lifting the shade” can also show that a school consistently praised as “high-performing” is simply maintaining students at the same level, rather than challenging and helping them achieve more each year.¹²

Evidence of sound growth measures and data are especially important for gauging school performance when making high-stakes charter renewal decisions. New Mexico should fully implement a data system to measure student growth in all its public schools by using a sound model embedded in strong state policy. Developing and implementing an assessment system that will produce quality student growth data requires state policy leaders to understand the more common methods of growth analysis and their respective advantages, limitations, and appropriate (or inappropriate) uses.¹³

Once a state has selected or developed a strong system for assessing individual student growth, the state must then determine how to weigh growth versus school-status measures in its assessment framework. The BCSQ Project recommends giving greater weight to growth measures because of the depth and quality

of performance insight they provide. For example, Colorado has established a ratio of 75/25 for weighting growth over status measures in its accountability system.¹⁴

New Mexico’s assessment system currently does not provide for any type of student growth analysis.

The state’s charter schools and authorizers cannot track student academic progress unless they choose to administer a commercially-standardized assessment that measures growth. **The lack of student growth analysis is a major education policy deficiency that New Mexico should rectify as soon as possible for all public schools, including charters.** The state assessment system is still designed to judge school academic performance solely by school-wide proficiency level or “status.” This approach simply provides a “snapshot” that reveals nothing about school productivity or how much schools improve (or fail to improve) student learning over time using individual student baseline starting points.

RECOMMENDATIONS

- A.** To enable clear understanding of student academic progress over time, New Mexico should prioritize the adoption and implementation of a rigorous student growth model as part of its assessment system.

12 Adapted from Lin, M., “It Depends on the Meaning of ‘Bad’: The Evidence Base Needed for School Closure,” in *Accountability in Action: A Comprehensive Guide to School Closure*, (NACSA, forthcoming 2010).

13 For example, improvement in a school’s school-wide achievement level from one year to the next is not a measure of student academic growth. It is simply a status improvement – which could easily occur due to changes in the student population, rather than indicating academic growth for students who have stayed in the school continuously. See Ernst, J. and Wenning, R., NACSA Issue Brief No. 19, “Leave No Charter Behind: An Authorizer’s Guide to the Use of Growth Data,” for discussion of growth-model options.

14 See www.schoolview.org for information on the Colorado Growth Model, which numerous other states have chosen to adopt, as it is adaptable to any state’s existing assessment system (provided that the system is built upon annual assessments).



Next Steps

While we think that all of the recommendations in this report will elevate the quality of New Mexico charter schools, the following are suggested priorities for each of the four major sections of this report.

Align New Mexico’s Charter School Law with the Model Charter School Law: Over the next few years, we recommend that the state align New Mexico’s charter school law with all 20 of the essential components of the Alliance’s Model Charter School Law. **As a starting point, we recommend that lawmakers pass legislation in 2011 that delineates authorizer roles and responsibilities** in the following areas to further advance charter school oversight and performance: charter application, review, and decision-making processes; performance-based contracts that adopt the BCSQ frameworks for academic and operational quality; charter school monitoring and data collection processes; and renewal, nonrenewal, and revocation processes.

Align Authorizer Practices with *Principles and Standards for Quality Charter School Authorizing*: Over the next few years, we recommend that the state’s authorizers align their practices with NACSA’s *Principles and Standards for Quality Charter School Authorizing*. **As first steps, we recommend that the PEC and APS strengthen their application, oversight, and performance review processes and release an annual report on the performance of their charter schools.**

Convene Performance Management Institutes for Charter Schools: Over the next few years, we recommend that the Coalition build upon the enthusiasm and interest that charter schools have shown for performance management by continuing to offer performance management services and expanding them to include charter school teachers. The Coalition should also research possible funding sources to help expand its capacity to provide data collection and analysis to member schools. **As a first step, we recommend that the Coalition organize a new series of Performance Management Institutes for 2011 that incorporate the Coalition’s *Quality Indicators for Charter School Performance* and the BCSQ *Frameworks for Academic and Operational Quality*.**

Fully Build and Fund the State’s Public Education Data System: Over the next few years, we recommend that the state continue to build and fund the state’s public education data system. A fully functional data system will provide important information to all public education stakeholders. **As a first step, we recommend that lawmakers pass legislation in 2011 that gives the state the ability to measure student growth over time.**

Appendix A

Analysis of New Mexico's Charter School Law

Against the 20 Essential Components of the Model Public Charter School Law

Ranking: 18 out of 40

Score: 106 points out of 208

New Mexico passed its charter law in 1993. In 2009-10, there were 71 charter schools operating, serving an estimated 13,293 students. New Mexico law allows local school districts and the Public Education Commission to approve charter applications. It also provides that no more than 15 schools may open each year with a five-year cap of 75, with slots not filled within a five-year period rolled over to the next five years. New Mexico law also requires that an application for a charter school in a district with 1,300 or fewer students may not enroll more than 10% of the students in the district in which the charter school will be located.

New Mexico is one of the national leaders in making headway on providing facilities support to charter schools, although challenges remain. Potential areas for improvement include ensuring authorizer accountability, beefing up the requirements for performance-based contracts and charter oversight, and increasing operational autonomy.

ESSENTIAL COMPONENTS OF STRONG PUBLIC CHARTER SCHOOL LAW	CURRENT STATE POLICIES VS. MODEL COMPONENTS (YES/SOME/NO)	RATING	WEIGHT	SCORE
1) No Caps, whereby:		2	3	6
1A. No limits are placed on the number of public charter schools or students (and no geographic limits).	No			
1B. If caps exist, adequate room for growth.	Some			
Current Component Description: New Mexico law provides that no more than 15 schools may open each year with a five year cap of 75, with slots not filled within a five-year period rolled over to the next five years. New Mexico law also requires that an application for a charter school in a district with 1,300 or fewer students may not enroll more than 10% of the students in the district in which the charter school will be located.				
2) A Variety of Public Charter Schools Allowed, including:		3	1	3
2A. New start-ups.	Yes			
2B. Public school conversions.	No			
2C. Virtual schools.	Yes			
Current Component Description: New Mexico law allows new start-ups and virtual schools, but not public school conversions.				
3) Multiple Authorizers Available, including:		4	3	12
3A. Two viable authorizing options for each applicant with direct application allowed to each authorizing option.	Yes			
Current Component Description: New Mexico law allows local school districts and the public education commission to approve charter applications.				
4) Authorizer & Overall Program Accountability System Required, including:		0	3	0
4A. At least a registration process for local school boards to affirm their interest in chartering to the state.	No			
4B. Application process for other eligible authorizing entities.	N/A			
4C. Authorizer submission of annual report, which summarizes the agency's authorizing activities as well as the performance of its school portfolio.	No			
4D. A regular review process by authorizer oversight body.	No			
4E. Authorizer oversight body with authority to sanction authorizers, including removal of authorizer right to approve schools.	No			
4F. Periodic formal evaluation of overall state charter school program and outcomes.	No			
Current Component Description: New Mexico law includes none of the elements of the model law's authorizer and overall program accountability system.				

ESSENTIAL COMPONENTS OF STRONG PUBLIC CHARTER SCHOOL LAW	CURRENT STATE POLICIES VS. MODEL COMPONENTS (YES/SOME/NO)	RATING	WEIGHT	SCORE
5) Adequate Authorizer Funding, including:		2	2	4
5A. Adequate funding from authorizing fees (or other sources).	Yes			
5B. Guaranteed funding from authorizing fees (or from sources not subject to annual legislative appropriations).	Yes			
5C. Requirement to publicly report detailed authorizer expenditures.	No			
5D. Separate contract for any services purchased from an authorizer by a school.	Some			
5E. Prohibition on authorizers requiring schools to purchase services from them.	No			
<p>Current Component Description: New Mexico law allows authorizers to withhold and use two percent of the school-generated program cost for its administrative support of a charter school, but does not require public accountability for such funding.</p> <p>New Mexico law allows a charter school to contract with a school district, a university or college, the state, another political subdivision of the state, the federal government or one of its agencies, a tribal government or any other third party for the use of a facility, its operation and maintenance and the provision of any service or activity that the charter school is required to perform in order to carry out the educational program described in its charter.</p>				
6) Transparent Charter Application, Review, and Decision-making Processes, including:		2	4	8
6A. Application elements for all schools.	Yes			
6B. Additional application elements specific to conversion schools.	N/A			
6C. Additional application elements specific to virtual schools.	No			
6D. Additional application elements specific when using educational service providers.	No			
6E. Additional application elements specific to replications.	No			
6F. Authorizer-issued request for proposals (including application requirements and approval criteria).	No			
6G. Thorough evaluation of each application including an in-person interview and a public meeting.	Some			
6H. All charter approval or denial decisions made in a public meeting, with authorizers stating reasons for denials in writing.	Yes			
<p>Current Component Description: New Mexico law contains application elements for all schools.</p> <p>New Mexico law requires an authorizer to hold at least one public subcommittee hearing in the school district in which the charter school is proposed to be located to obtain information and community input to assist it in its decision whether to grant a charter school application. The law allows the authorizer to designate a subcommittee of no fewer than three members to hold the public hearing, and, if so, the law requires the hearing to be transcribed for later review by other members of the authorizer. The law provides that community input may include written or oral comments in favor of or in opposition to the application from the applicant, the district, the local community, and local school board in whose geographical boundaries the charter school is proposed to be located.</p> <p>New Mexico law requires all charter approval or denial decisions to be made in a public meeting, with authorizers stating reasons for denials in writing at the time of the hearing.</p>				
7) Performance-Based Charter Contracts Required, with such contracts:		1	4	4
7A. Being created as a separate document from the application and executed by the governing board of the charter school and the authorizer.	No			
7B. Defining the roles, powers, and responsibilities for the school and its authorizer.	No			
7C. Defining academic and operational performance expectations by which the school will be judged, based on a performance framework that includes measures and metrics for, at a minimum, student academic proficiency and growth, achievement gaps, attendance, recurrent enrollment, postsecondary readiness (high schools), financial performance, and board stewardship (including compliance).	Some			
7D. Providing an initial term of five operating years (or a longer term with periodic high-stakes reviews).	Yes			
7E. Including requirements addressing the unique environments of virtual schools, if applicable.	No			
<p>Current Component Description: According to New Mexico law, the entire charter application serves as the charter contract. Regulations require measurable goals must be included in the charter application.</p> <p>According to New Mexico law, a charter school may be approved for an initial term of six years; provided that the first year shall be used exclusively for planning and not for completing the application.</p>				

ESSENTIAL COMPONENTS OF STRONG PUBLIC CHARTER SCHOOL LAW	CURRENT STATE POLICIES VS. MODEL COMPONENTS (YES/SOME/NO)	RATING	WEIGHT	SCORE
8) Comprehensive Charter School Monitoring and Data Collection Processes, including:		1	4	4
8A. The collection and analysis of student outcome data at least annually by authorizers (consistent with performance framework outlined in the contract).	No			
8B. Financial accountability for charter schools (e.g., Generally Accepted Accounting Principles, independent annual audit reported to authorizer).	Yes			
8C. Authorizer authority to conduct or require oversight activities.	Some			
8D. Annual school performance reports which are made public.	No			
8E. Authorizer notification to their schools of perceived problems, with opportunities to remedy such problems.	No			
8F. Authorizer authority to take appropriate corrective actions or exercise sanctions short of revocation.	No			
<p>Current Component Description: The law provides that charter schools must adhere to the same reporting requirements as traditional schools, including quarterly financial reports, an annual outside audit, and 40, 60, and 120 day student counts. Regulations require state-authorized charter schools to conduct an annual self-review. In practice, authorizers conduct on-site visits, but act on their own accord. No uniformity is assured by law.</p>				
9) Clear Processes for Renewal, Nonrenewal, and Revocation Decisions, including:		2	4	8
9A. Authorizer must issue school performance renewal reports to schools whose charter will expire the following year.	No			
9B. Schools seeking renewal must apply for it.	Yes			
9C. Authorizers must issue renewal application guidance that provides an opportunity for schools to augment their performance record and discuss improvements and future plans.	No			
9D. Clear criteria for renewal and nonrenewal/revocation.	Yes			
9E. Authorizers must ground renewal decisions based on evidence regarding the school's performance over the term of the charter contract (in accordance with the performance framework set forth in the charter contract).	No			
9F. Authorizer authority to vary length of charter renewal contract terms based on performance or other issues.	Yes			
9G. Authorizers must provide charter schools with timely notification of potential revocation or non-renewal (including reasons) and reasonable time to respond.	No			
9H. Authorizers must provide charter schools with due process for nonrenewal and revocation decisions (e.g., public hearing, submission of evidence).	No			
9I. All charter renewal, non-renewal, and revocation decisions made in a public meeting, with authorizers stating reasons for non-renewals and revocations in writing.	Yes			
9J. Authorizers must have school closure protocols to ensure timely parent notification, orderly student and record transitions, and property and asset disposition.	No			
<p>Current Component Description: New Mexico law allows an authorizer to suspend, revoke, or not renew a charter if it determines that the charter school did any of the following: committed a material violation or breach of any of the conditions, standards or procedures set forth in the charter; 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 or required by law; failed to meet generally accepted standards of fiscal management; or violated any provision of law from which the charter school was not specifically exempted.</p> <p>New Mexico law allows a charter to be renewed for successive periods of five years each and allows approvals of less than five years if agreed to between the charter school and the authorizer.</p> <p>While New Mexico law doesn't require authorizers to provide charter schools with due process for nonrenewal and revocation decisions, it does allow charter schools to appeal authorizer decisions to revoke or not renew a charter to the state secretary of education.</p> <p>New Mexico law requires all charter renewal, nonrenewal, and revocation decisions to be made in a public meeting and requires authorizers to state their reasons for revocation or non-renewal in writing.</p>				

ESSENTIAL COMPONENTS OF STRONG PUBLIC CHARTER SCHOOL LAW	CURRENT STATE POLICIES VS. MODEL COMPONENTS (YES/SOME/NO)	RATING	WEIGHT	SCORE
10) Educational Service Providers Allowed, including:		0	2	0
10A. All types of educational service providers to operate all or parts of charter schools.	No			
10B. A performance contract between the independent public charter school board and the service provider.	No			
10C. Existing and potential conflicts of interest between the two entities disclosed and explained in application.	No			
Current Component Description: New Mexico law includes none of the model law's provisions for educational service providers. In fact, state law prohibits a charter school governing body from contracting with a for-profit entity for the management of the charter school.				
11) Fiscally and Legally Autonomous Schools, with Independent Public Charter School Boards, including:		4	3	12
11A. Fiscally and legally autonomous schools (e.g., schools have authority to receive and disburse funds, enter into contracts, and sue and be sued in their own names).	Yes			
11B. School governing boards independent of the authorizer and created specifically to govern their charter school(s).	Yes			
Current Component Description: New Mexico law provides requirements for fiscally and legally autonomous schools with independent charter school boards.				
12) Clear Student Recruitment, Enrollment and Lottery Procedures, including:		2	1	2
12A. Open enrollment to any student in the state.	Yes			
12B. Lottery requirements.	Yes			
12C. Required enrollment preferences for previously enrolled students within conversions, prior year students within chartered schools, siblings of enrolled students enrolled at a charter school.	Some			
12D. Optional enrollment preference for children of a school's founders, governing board members, and full-time employees, not exceeding 10% of the school's total student population.	No			
Current Component Description: New Mexico law provides that charter schools must provide open enrollment to any student in the state. New Mexico law provides that charters may either enroll students on a first-come, first-served basis or through a lottery selection process if the total number of applicants exceeds the number of spaces available at the school. New Mexico law provides that charter schools must give enrollment preference to students who have been admitted to the charter school through an appropriate admission process and remain in attendance through subsequent grades and siblings of students already admitted to or attending the same charter school.				
13) Automatic Exemptions from Most State and District Laws and Regulations, including:				
13A. Exemptions from all laws, except those covering health, safety, civil rights, student accountability, employee criminal history checks, open meetings, freedom of information, and generally accepted accounting principles.	Some	1	3	3
13B. Exemption from state teacher certification requirements.	No			
Current Component Description: New Mexico law provides the following parameters for exemptions: (1) It allows a local school board to waive only locally imposed school district requirements for locally chartered charter schools. (2) It provides that a state-chartered charter school is exempt from school district requirements. (3) It requires the state department of education to waive requirements or rules and provisions of the Public School Code [22-1-1 NMSA 1978] pertaining to individual class load, teaching load, length of the school day, staffing patterns, subject areas, purchase of instructional material, evaluation standards for school personnel, school principal duties and driver education. (4) It allows the state department of education to waive requirements or rules and provisions of the Public School Code pertaining to graduation requirements as long as the requirements are higher than the state's. (5) It provides that any waivers granted pursuant to this section are for the term of the charter granted but may be suspended or revoked earlier by the department. In practice, however, stringent regulations force applicants to request and explain the reasoning for such waivers. New Mexico law requires charter school teachers to have the same certification, and adhere to the same three-tiered salary schedule as traditional public schools and adhere to the NM School Personnel Act.				

ESSENTIAL COMPONENTS OF STRONG PUBLIC CHARTER SCHOOL LAW	CURRENT STATE POLICIES VS. MODEL COMPONENTS (YES/SOME/NO)	RATING	WEIGHT	SCORE
14) Automatic Collective Bargaining Exemption, whereby:		4	3	12
14A. Charter schools authorized by non-local board authorizers are exempt from participation in any outside collective bargaining agreements.	Yes			
14B. Charter schools authorized by local boards are exempt from participation in any district collective bargaining agreements.	Yes			
Current Component Description: New Mexico law does not require any charter schools to be part of existing collective bargaining agreements.				
15) Multi-School Charter Contracts and/or Multi-Charter Contract Boards Allowed, whereby an independent public charter school board may:		1	1	1
15A. Oversee multiple schools linked under a single contract with independent fiscal and academic accountability for each school.	Some			
15B. Hold multiple charter contracts with independent fiscal and academic accountability for each school.	No			
Current Component Description: New Mexico law is silent regarding these arrangements. In practice, the state allows independent public charter school boards to oversee multiple schools linked under a single contract, but does not require independent fiscal and academic accountability for each school.				
16) Extra-Curricular and Interscholastic Activities Eligibility and Access, whereby:		2	1	2
16A. Laws or regulations explicitly state that charter school students and employees are eligible to participate in all interscholastic leagues, competitions, awards, scholarships, and recognition programs available to non-charter public school students and employees.	No			
16B. Laws or regulations explicitly allow charter school students in schools not providing extra-curricular and interscholastic activities to have access to those activities at non-charter public schools for a fee by a mutual agreement.	Yes			
Current Component Description: New Mexico law allows charter school students to participate in district activities sanctioned by the New Mexico Activities Association.				
17) Clear Identification of Special Education Responsibilities, including:		2	2	4
17A. Clarity regarding which entity is the local education agency (LEA) responsible for providing special education services.	Some			
17B. Clarity regarding funding for low-incident, high-cost services for charter schools (in the same amount and/or in a manner similar to other LEAs).	No			
Current Component Description: New Mexico law provides that: charter schools must comply with all applicable state and federal laws and rules related to providing special education services; charter school students with disabilities and their parents retain all rights under the federal Individuals with Disabilities Education Act and its implementing state and federal rules; each charter school is responsible for identifying, evaluating and offering a free appropriate public education to all eligible children who are accepted for enrollment in that charter school; and a state-chartered charter school, as a local educational agency, shall assume responsibility for determining students' needs for special education and related services.				
18) Equitable Operational Funding and Equal Access to All State and Federal Categorical Funding, including:		2	3	6
18A. Equitable operational funding statutorily driven.	Some			
18B. Equal access to all applicable categorical federal and state funding, and clear guidance on the pass-through of such funds.	Some			
18C. Funding for transportation similar to school districts.	No			
Current Component Description: New Mexico law provides the amount of funding allocated to a charter school must be not less than ninety-eight percent of the school-generated program cost. It allows an authorizer to withhold and use two percent of the school-generated program cost for its administrative support of a charter school. The law provides that portion of money from state or federal programs generated by students enrolled in a locally chartered charter school must be allocated to that charter school serving students eligible for that aid. The law provides that when a state-chartered charter school is designated as a board of finance pursuant to Section 22-8-38 NMSA 1978, it must receive state and federal funds for which it is eligible. The law provides that charter schools may apply for all federal funds for which they are eligible.				

ESSENTIAL COMPONENTS OF STRONG PUBLIC CHARTER SCHOOL LAW	CURRENT STATE POLICIES VS. MODEL COMPONENTS (YES/SOME/NO)	RATING	WEIGHT	SCORE
19) Equitable Access to Capital Funding and Facilities, including:		3	3	9
19A. A per-pupil facilities allowance which annually reflects actual average district capital costs.	Some			
19B. A state grant program for charter school facilities.	No			
19C. A state loan program for charter school facilities.	No			
19D. Equal access to tax-exempt bonding authorities or allow charter schools to have their own bonding authority.	Yes			
19E. A mechanism to provide credit enhancement for public charter school facilities.	No			
19F. Equal access to existing state facilities programs available to non-charter public schools.	Yes			
19G. Right of first refusal to purchase or lease at or below fair market value a closed, unused, or underused public school facility or property.	Some			
19H. Prohibition of facility-related requirements stricter than those applied to traditional public schools.	No			
<p>Current Component Description: New Mexico law provides lease payments for charter schools at \$700 per student for 2009-10. The law pegs this amount to an inflation index to determine future year allotments.</p> <p>The law allows the New Mexico Finance Authority to use public bond funds to construct charter facilities in a pilot program for up to seven charter schools. It allows funds loaned by the Finance Authority may be used for the acquisition of buildings, land and facilities.</p> <p>The law allows charter schools to access tax-exempt debt from counties.</p> <p>The law requires school districts to share local facilities funds with public charter schools in a proportionate share to a charter's enrollment. It allows these funds to be used as payments for approved lease-to-purchase agreements.</p> <p>The law requires tax levy resolutions submitted by a district to the voters for approval to contain capital improvement funding for public charter schools (but in practice this is a battle).</p> <p>The law allows charter schools to access public capital outlay grants through the Public School Capital Outlay Council in similar ways other public schools in the state.</p> <p>The law requires the school district in which a charter school is geographically located to provide a charter school with available facilities for the school's operations unless the facilities are currently used for other educational purposes. It allows an agreement for the use of school district facilities by a charter school to provide for reasonable lease payments.</p> <p>The law requires public charter schools to move to public buildings by 2015.</p>				
20) Access to Relevant Employee Retirement Systems, whereby:		2	2	4
20A. Charter schools have access to relevant state retirement systems available to other public schools.	Yes			
20B. Charter schools have the option to participate (i.e., not required).	No			
<p>Current Component Description: New Mexico law requires charter schools to participate in the relevant employee retirement systems.</p>				

