

**U.S. Department of Education - EDCAPS  
G5-Technical Review Form (New)**

Status: Submitted

Last Updated: 06/26/2017 12:41 PM

## Technical Review Coversheet

**Applicant:** New Mexico Public Education Department (U282A170031)

**Reader #1:** \*\*\*\*\*

	Points Possible	Points Scored
<b>Questions</b>		
<b>Selection criteria</b>		
<b>Flexibility</b>		
1. Flexibility	10	10
<b>Sub Total</b>	10	10
<b>Selection Criteria</b>		
<b>Objectives</b>		
1. Objectives	15	12
<b>Quality of Eligible Subgrant Applicants</b>		
1. Quality of Subgrant	15	13
<b>State Plan</b>		
1. State Plan	20	20
<b>Parent and Community Involvement</b>		
1. Involvement	10	6
<b>Quality of Project Design</b>		
1. Project Design	15	12
<b>Quality of the Management Plan, Theory of Action</b>		
1. Management Plan	15	7
<b>Sub Total</b>	90	70
<b>Priority Questions</b>		
<b>Competitive Preference Priority 1</b>		
<b>Periodic Review and Evaluation</b>		
1. Review and Evaluation	5	5
<b>Sub Total</b>	5	5
<b>Competitive Preference Priority 2</b>		
<b>Charter School Oversight</b>		
1. Charter School Oversight	5	5
<b>Sub Total</b>	5	5
<b>Competitive Preference Priority 3</b>		
<b>Authorizer other than LEA or Appeal Process</b>		
1. Authorizer other than LEA	2	2
<b>Sub Total</b>	2	2

**Competitive Preference Priority 4**

**Equitable Financing**

1. Equitable Financing	2	1
<b>Sub Total</b>	<b>2</b>	<b>1</b>

**Competitive Preference Priority 5**

**Charter School Facilities**

1. Charter School Facilities	2	2
<b>Sub Total</b>	<b>2</b>	<b>2</b>

**Competitive Preference Priority 6**

**Best Practices to Improve Struggling Schools/LEAs**

1. Struggling Schools	2	0
<b>Sub Total</b>	<b>2</b>	<b>0</b>

**Competitive Preference Priority 7**

**Serving At-Risk Students**

1. Serving At-Risk Students	2	1
<b>Sub Total</b>	<b>2</b>	<b>1</b>

**Competitive Preference Priority 8**

**Best Practices for Charter School Authorizing**

1. Best Practices	5	5
<b>Sub Total</b>	<b>5</b>	<b>5</b>

<b>Total</b>	<b>125</b>	<b>101</b>
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# Technical Review Form

Panel #15 - Panel 15 - New Mexico - 1: 84.282A

Reader #1: \*\*\*\*\*

Applicant: New Mexico Public Education Department (U282A170031)

## Questions

### Selection criteria - Flexibility

1. The degree of flexibility afforded by the State's charter school law and how the State entity will work to maximize the flexibility provided to charter schools under such law.

#### Strengths:

The applicant clearly describes both the extent of flexibility afforded to charter schools and how the state will work to maximize that flexibility. For example, on (p47) the applicant specifies that flexibility for charters initially is within their budgets and have significant autonomy in teaching methods and administration. Charters are only bound within state procurement codes and programmatic descriptions identified within their charter. These statements are justified through the state code reference which mentions how it waives requirements such as class/teaching load, length of day, staffing patterns, and evaluation standards. This flexibility is compounded by the fact that the Secretary has broad authority (p48) to give autonomy from most requirements to 'exemplar charters'. On page 47 the Public Education Department describes its plan to review all current regulations and look for additional areas of flexibility that can be recommended. This will include possibly recommending new regulations and codifying flexibility for exemplar schools for the future. The applicant also describes a recent court ruling (p48) that allowed an exemplar school to have absolutely any public school code waived except for the alcohol free zone.

#### Weaknesses:

No weaknesses noted.

Reader's Score: 10

### Selection Criteria - Objectives

1. The ambitiousness of the State entity's objectives for the quality charter school program carried out under this program.

#### Strengths:

New Mexico's objective 1 is very well developed. There are clearly defined performance measures, with baseline data. There is strong evidence provided to justify why the measurement was chosen and that it is both rigorous and achievable. (p15-18) The applicant clearly describes plans to use the CSP grant to award funds for the development of 15 new schools, 7 replication schools and issue 8 expansion grants over the next five years. Applicant justifies this method for determining the funding use by clearly explaining the current and anticipated pipeline of high quality operators and school models. For example, New Schools Venture Fund, Excellent Schools New Mexico and Building Excellent Schools are all working closely with Public Education Department currently to support start up efforts across the state. Each of these organizations is well qualified and has a strong history of success in starting high quality charters in other states. (p64-68) The applicant clearly describes Objective 1's performance measurement. When baseline is available, it is provided. The measurement also includes evidence to show the measurement is both rigorous and achievable. For example – objective 1.2 describes that by the end of the grant, 60% of charters will meet academic requirement of high quality charter. 17 charters currently meet that definition and in order to meet the goal, there will be a 41% increase required by the end of the 2nd year. Benchmark goals are set for each year to guide the applicant in meeting objectives. When looking holistically at the application, Objective 2 also meets the criteria as both rigorous and achievable. (p33-36) Activities

related to authorizer improvement are described thoroughly and well aligned with the objective. (p66-67) The applicant describes the performance measures. While baseline data is not available, a metric is provided that will be more clearly defined post award.

**Weaknesses:**

In the abstract (no page number, but should be e18), the applicant very clearly defines 3 objectives but throughout most of the proposal, the applicant focuses on only Objective 1. In the Objectives section (p48-49) of the proposal, the only objective mentioned is Objective 1(new/expansion schools). When reviewing the proposal holistically, the information regarding all three objectives was found, however, the proposal's organization made it challenging to find relevant information. Objective 3 is primarily referenced within the abstract and the management plan (p67). Very little information is provided regarding activities to improve fiscal/audit performance and the performance measures are not well designed.

**Reader's Score: 12**

**Selection Criteria - Quality of Eligible Subgrant Applicants**

**1. The likelihood that the eligible applicants receiving subgrants under the program will meet those objectives and improve educational results for students.**

**Strengths:**

p15-18) The applicant comprehensively describes the relationship building and planning efforts that have been undertaken with several high quality operators including New Schools Venture Fund, Excellent Schools New Mexico and Building Excellent Schools. In this same section, the applicant describes talent pipeline efforts to grow and expand current high-quality charter schools. In addition, on p39-42 the applicant provides significant details on the changes to the charter application and how the new application is designed to improve likelihood that eligible applicants will meet the objectives. Together, these strategies will make it likely that subgrants will meet the objectives and improve educational results.

**Weaknesses:**

The applicant relies heavily on the Behavioral Event Interview (BEI) process (p39-40) for determining competencies of leadership for new schools. However, the proposal lacks sufficient evidence demonstrating that this tool is reliable and a strong predictor of high quality charter schools.

**Reader's Score: 13**

**Selection Criteria - State Plan**

**1. The State entity's plan to--**

- 1) Adequately monitor the eligible applicants receiving subgrants under the State entity's program;**
- 2) Work with the authorized public chartering agencies involved to avoid duplication of work for the charter schools and authorized public chartering agencies; and**
- 3) Provide technical assistance and support for--**
  - i. The eligible applicants receiving subgrants under the State entity's program; and**
  - ii. Quality authorizing efforts in the State.**

**Strengths:**

The Public Education Department clearly defined its capacity to effectively monitor subgrantees. Currently, Public Education Commission is the only authorizer required to have clear plans and procedures to assist students if the school closes, but the Public Education Department plans (p26) to create regulations to enforce these rules by October 2018 so that district authorized charters also must follow these rules. The Public Education Department describes processes for

improving monitoring practices to ensure all charters use equitable enrollment practices. Monitoring and support for new schools (p29-30) includes working with them to understand requirements for serving special needs populations including special education and English learners. Funds are planning to be allocated to include an IDEA specialist in onsite reviews to further ensure compliance with these regulations. The applicant clearly describes that ongoing funding for a subgrantee (p50) will be contingent on meeting monitoring requirements and benchmarks. When monitors identify concerns, subgrantee will be notified and supported, but if they do not make required improvement within 3 months funding will be revoked.

On p27, the applicant describes a plan of action to create model policy and forms to assist schools in developing and implementing equitable recruitment and enrollment practices and (p28) discipline practices to reduce out of school disciplinary practices. The Public Education Department is encouraging authorizers and operators to use common lotteries or lottery dates so they are pooling resources to distribute information about charters. The Public Education Department already is publishing information on lottery and enrollment (p53) on its website. These strategies will reduce duplication and improve access for families to understand options. The applicant plans to work with charters and authorizers to create a system for evaluating both with similar goals minimizing data collection and reporting requirements for schools and authorizers, while improving systems of accountability.

On p19, the Public Education Department describes process of informing community of grants in several ways. This includes collaboration with NEW MEXICO Coalition of Charters, distribution of information through key service providers and free monthly trainings. The trainings will help applicants learn to write successful applications. On the same page, the applicant describes that budget analysts support charters in identifying state/federal funding for which they are eligible. The Public Education Department provides email bulletins of federal funding notices. The Public Education Department provides monthly trainings (p20) during planning year to help schools with both the required and optional program applications.

The applicant clearly describes supports for quality authorizing. This includes providing model authorizer tools, policies and practices as well as training and technical assistance. On p4, policy changes to support quality authorizing are described and on p31-32, the new needs assessment for authorizers and NACSA trainings/ tools for authorizers are noted. The Public Education Department will support authorizers in assessing annual performance data, reviewing audits and holding schools accountable. Since all authorizing organizations are elected (p33), The Public Education Department does not have the ability to revoke authorizing authority of an organization if they do not follow best practices. However, the Public Education Department is demonstrating strong efforts to work with Public Education Commission and Albuquerque Public Schools on authorizing practices because these two authorizers oversee 85% of all charters in the state. The Public Education Department is also planning to improve consistence and quality of the state required annual reports authorizers are required to submit.

**Weaknesses:**

No weaknesses noted.

**Reader's Score: 20**

**Selection Criteria - Parent and Community Involvement**

**1. The State entity's plan to solicit and consider input from parents and other members of the community on the implementation and operation of charter schools in the State.**

**Strengths:**

On p54, the applicant describes two strategies for soliciting input from parents and community. The state has added a public hearing during the charter school application process and the state now requires that authorizers consider parent

and community input as part of the decision-making process. Throughout the proposal, the applicant describes strong processes for data collection which will increase the state's capacity to include family and community input within their decision-making processes.

**Weaknesses:**

On p54, the applicant describes its engagement practices as a 'robust plan'. While the aforementioned strategies are important and are likely to improve stakeholder input in charter school startup/renewal, these strategies alone do not make a robust plan. For example including ongoing community engagement and outreach, strategies for convening stakeholders to provide input on authorization quality and including strategies for soliciting input from hard to engage or at-risk families to ensure their needs are met.

**Reader's Score: 6**

**Selection Criteria - Quality of Project Design**

**1. The Secretary considers the quality of the design of the State entity's charter school subgrant program, including the extent to which the project design furthers the State entity's overall strategy for increasing the number of high-quality charter schools in the State and improving student academic achievement. In determining the quality of the project design, the Secretary considers the quality of the State entity's process for awarding subgrants for planning, program design, and initial implementation including--**

**1) The subgrant application and peer review process, timelines for these processes, and how the State entity intends to ensure that subgrants will be awarded to eligible applicants demonstrating the capacity to create high-quality charter schools; and**

**2) A reasonable year-by-year estimate, with supporting evidence, of (i) the number of subgrants the State entity expects to award during the project period and the average size of those subgrants, including an explanation of any assumptions upon which the estimates are based; and (ii) if the State entity has previously received a CSP grant, the percentage of eligible applicants that were awarded subgrants and how this percentage related to the overall quality of the applicant pool.**

**Strengths:**

On p39-42, the applicant describes a two-step subgrant application for new school development grants and a differentiated system for replication or expansion grants. Once an applicant successfully completes those steps, they are invited to a Behavioral Event Interview (BEI). The purpose of the BEI is to determine operator's competencies based on predictors of success for new or turnaround school leaders. The most important aspect of the expansion or replication process (p42) is review of current data that demonstrates the school or operator is already a high-quality charter school. Regardless of type of application, all potential grantees must participate in a community input hearing. On p43, the applicant adequately describes a peer review process, including credentials for individual reviewers and the RFA process that will be used to select peer reviewers. The applicant provides comprehensive overview of subgrantee timeline (pp 51, 55-56) and expectations for monitoring. This includes task such as monthly communication from the Public Education Department to grantees, monthly activity reports submitted by grantees, quarterly reports and associated deadlines and content which is required in each report. Site visits are well described and timeline for state reports back to schools is included.

The applicant provides a convincing analysis (p58-59) of the number of subgrants, the size and the assumptions upon which these choices were made. For example, replication and expansion cost less than initial startup and are therefore funded at lower rates. All subgrants are funded on cost per student that is based upon the cost for implementing services in each grade band. The applicant also provides explanation for why they expect a certain number of funded applications by specific grade bands. All information is reasonable.

The applicant notes (p59-60) that NEW MEXICO received CSP grants in 2006, 2009 and 2011. In each of those CSP grants the program administrator did not believe it was appropriate to be selective in the award process and therefore awarded subgrants to all eligible applicants. The Public Education Department staff research also determined that at the time, there was a very negative perception of charter schools which limited the quality of the applicant pool. With these challenges, the past the Public Education Department staff found it difficult to find enough applicants to award all grant. The applicant acknowledges these past difficulties and has plans to address them. Also, the applicant states that current

Secretary of Education is much more charter friendly which will improve overall Departmental support for CSP programming. In addition, the Public Education Department has developed improved systems so these challenges will not occur should a new award be received.

**Weaknesses:**

While the applicant describes a two-step process to award subgrants (39) the manner in which it was described makes it very challenging to understand. In particular, it was hard to follow the New School Subgrant explanation on whether or not a school could use the same application for both a charter application and CSP subgrant application. The applicant describes a highly rigorous screening process for peer reviewers (p43). While this is laudable, the extensiveness of the screening process may limit the Public Education Department ability to recruit high quality reviewers.

**Reader's Score: 12**

**Selection Criteria - Quality of the Management Plan, Theory of Action**

**1. The Secretary considers the quality of the management plan and the project's theory of action. In determining the quality of the management plan and the project's theory of action, the Secretary considers the following factors:**

- 1) The quality, including the cohesiveness and strength of reasoning, of the "logic model" (as defined in this notice), and the extent to which it addresses the role of the grant in promoting the State-level strategy for using charter schools to improve educational outcomes for students through CSP subgrants for planning, program design, and initial implementation and other strategies;**
- 2) The extent to which the State entity's project-specific performance measures, including any measures required by the Department, support the logic model; and**
- 3) The adequacy of the management plan to--**
  - i. Achieve the objectives of the proposed project on time and within budget, including the existence of clearly defined responsibilities, timelines, and milestones for accomplishing project tasks; and**
  - ii. Address any compliance issues or findings related to the CSP that are identified in an audit or other monitoring review.**

**Strengths:**

On p61-63, the applicant provides a logic model. It meets the requirements defined in the notice. The logic model is generally aligned to the defined state strategy outlined within the application.

On p64-68, the applicant clearly describes each of the 3 program specific objectives and associated performance measurements.

On p68-73, the applicant provides a comprehensive management plan that lists the activities for Objective 1 and Objective 2 along with embedded timeline, resources, primary leadership responsible for work and key milestones. Then, the applicant lists the timeline, resources, primary leadership responsible for the work and key milestones. By following this plan and working swiftly toward meeting milestones, applicant is likely to meet Objectives 1 and 2 on time.

On p73, the applicant provides assurances that it will address any compliance issues or findings. Specifically, this includes: monitoring subgrantees to ensure compliance and requiring subgrantees to meet corrective action plans within three months or risk loss of funding.

**Weaknesses:**

The logic model does not provide outcomes related to Objective 3. GPRA objectives not identified within the application. The Comprehensive Management Plan on (p 68-73) does not include timeline, resources, primary leadership responsible for work or key milestones for Objective 3. There is a multi-million dollar discrepancy among the budget figures noted within the application. For example: ED524 (e6) and project abstract request is for a total of \$27,750,441.6, but on (p14) the applicant states budget request is \$22,282,728.16. The budget narrative states the budget request is \$26,761,781.60.



Given this discrepancy the proposed budget is unclear.

3ii: The applicant cites a strategy on (p73) that will be used to address compliance issues of subgrants when identified during monitoring, but this strategy does not give assurances or strategies for addressing compliance issues should USDOE identify compliance issues related to the applicant's implementation.

**Reader's Score:** 7

## Priority Questions

### Competitive Preference Priority 1 - Periodic Review and Evaluation

- 1. To meet this priority, an applicant must demonstrate that the State provides for periodic review and evaluation by the authorized public chartering agency of each charter school at least once every five years, unless required more frequently by State law, and takes steps to ensure that such reviews take place. The review and evaluation must serve to determine whether the charter school is meeting the terms of the school's charter and meeting or exceeding the student academic achievement requirements and goals for charter schools as set forth in the school's charter or under State law, a State regulation, or a State policy, provided that the student academic achievement requirements and goals for charter schools established by that policy meet or exceed those set forth under applicable State law or State regulation. This periodic review and evaluation must include an opportunity for the authorized public chartering agency to take appropriate action or impose meaningful consequences on the charter school, if necessary.**

#### **Strengths:**

In the first paragraph (p1), the applicant succinctly provides evidence demonstrating how the state meets the periodic review and evaluation criteria. This is evidenced by NEW MEXICO statute 22-8B-12. For example, even though a school's first charter is 6 years, the first year is planning only and so the renewal is truly every 5 years. The applicant states the purpose of the review is to determine whether a charter is meeting both contract terms and student achievement expectations as required by state law. This review gives authorizers the opportunity to take appropriate action or impose consequences as evidenced by a (p1) description that authorizers can renew, deny renewal, impose conditional renewal or short-term renewal and provides three conditions such consequences/actions may be taken. This is further evidenced by data showing authorizers do take actions when needed. For example, in 2016: 2 of the 13 applications for renewal were denied and had to close. On p2, per state law, if an authorizer discovers fiscal, governance, performance or legal compliance unsatisfactory the authorizer must notify the school's governing body and give them a chance to remedy the problem. That said, immediate revocation may occur if violations are serious enough, which has occurred once in the past 2 years.

#### **Weaknesses:**

No weaknesses noted.

**Reader's Score:** 5

### Competitive Preference Priority 2 - Charter School Oversight

- 1. To meet this priority, an application must demonstrate that State law, regulations, or other policies in the State where the applicant is located require the following:**
  - a) That each charter school in the State--**
    - 1. Operates under a legally binding charter or performance contract between itself and the school's authorized public chartering agency that describes the rights and responsibilities of the school and the authorized public chartering agency;**
    - 2. Conducts annual, timely, and independent audits of the school's financial statements that are filed with the school's authorized public chartering agency; and**
    - 3. Demonstrates improved student academic achievement; and**

**b) That all authorized public chartering agencies in the State use increases in student academic achievement for all groups of students described in section 1111(c)(2) of the ESEA (20 U.S.C. 6311(c)(2)) as one of the most important factors when determining whether to renew or revoke a school's charter.**

**Strengths:**

(p3) There is clear evidence of each key indicator: legally binding charter, rights and responsibilities of school and rights and responsibilities of authorizer. For example: NMSA 22-8B-9 requires legally binding performance contracts between the school and authorizer and these contracts must be signed within 30 days of approval. Such contracts must also be able to guide evaluation of the school by having "clearly set forth academic and operational indicators". Both schools and authorizers have well defined rights and responsibilities, both within statute and in practice. This includes the authorizer requirement (p2) to visit each charter at least once annually to provide technical assistance and review progress towards contract performance goals. This visit includes determining if charter is on track for meeting achievement goals. The school has the right to make changes before any consequences are assigned, unless the issue is egregious which would result in automatic closure.

Every charter must have an annual budget review (p2) by the Public Education Department School Budget Office. State statute is provided to demonstrate that not only are schools required to have annual, independent audits filed with authorizer, but the audits are reviewed by Public Education Department and schools must submit corrective action plan if there are any findings.

Relevant statute is provided (p4) which identifies the purpose of charter schools to be improve student achievement and that schools must demonstrate improved achievement (which includes setting target for student growth) as part of the performance framework. In addition, failure to make substantial progress toward achievement of minimum standards is a statutory basis for non-renewal or revocation of charter.

The applicant states it follows federal law (ESEA) and meets this priority because authorizers are required to use increase student achievement for all subgroups "as one of the most important factors when determining whether to renew or revoke a school's charter". This is evidenced in two ways. First, relevant statute excerpt is provided on (p4). Second, this requirement is also built within the state's proposal ESSA Plan.

**Weaknesses:**

No weaknesses noted.

**Reader's Score: 5**

**Competitive Preference Priority 3 - Authorizer other than LEA or Appeal Process**

**1. To meet this priority, the applicant must demonstrate that the State--**

**a) Provides for one authorized public chartering agency that is not an LEA, such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to State law; or**

**b) In the case of a State in which LEAs are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school.**

**Note: In order to meet this priority under paragraph (b) above, the entity hearing appeal must have the authority to approve the charter application over the objections of the LEA.**

**Strengths:**

On p5, the applicant states that LEAs are authorizers but the state also has one non-LEA authorizer, the Public Education Commission (PEC) which was put into place in 2006 by the NEW MEXICO legislature.

On p5, the applicant describes PEC as being an independent, elected body that is an advisory body to the Secretary of Education and it can act independently to make determinations on both authorizations and renewal. On p6, the applicant identifies the Secretary of Education as the initial appeals body for both LEA or PEC decisions. The appeal process requires a public hearing and identifies three specific reasons for which Secretary may reverse a decision made by an authorizer.

**Weaknesses:**

No weaknesses noted.

**Reader's Score: 2**

**Competitive Preference Priority 4 - Equitable Financing**

- 1. To receive points under this priority, an applicant must demonstrate the extent to which the State in which it is located ensures equitable financing, as compared to traditional public schools, for charter schools and students in a prompt manner.**

**Strengths:**

On p5, the applicant states that LEAs are authorizers but the state also has one non-LEA authorizer, the Public Education Commission (PEC) which was put into place in 2006 by the NEW MEXICO legislature.

On p5, the applicant describes PEC as being an independent, elected body that is an advisory body to the Secretary of Education and it can act independently to make determinations on both authorizations and renewal. On p6, the applicant identifies the Secretary of Education as the initial appeals body for both LEA or PEC decisions. The appeal process requires a public hearing and identifies three specific reasons for which Secretary may reverse a decision made by an authorizer.

**Weaknesses:**

The final part of the criteria requires the applicant to describe finances are both equitable and that funding is received in a prompt manner. The applicant does not provide this information.

**Reader's Score: 1**

**Competitive Preference Priority 5 - Charter School Facilities**

- 1. To receive points under this priority, an applicant must demonstrate the extent to which the State in which it is located provides charter schools one or more of the following:**

- a) Funding for facilities;**
- b) Assistance with facilities acquisition;**
- c) Access to public facilities;**
- d) The ability to share in bonds or mill levies;**
- e) The right of first refusal to purchase public school buildings; or**
- f) Low- or no-cost leasing privileges.**

**Strengths:**

On p7, the applicant demonstrates that NEW MEXICO meets this competitive preference in several ways. First, state statute is referenced and provided in appendix that describes charter ability to have assistance with lease payments, access to facility funding, access to public facilities and the ability to share in bonds/levies. Applicant goes above and beyond providing evidence that not only do these statutes exist, but charters actually can and do receive facility supports. For example, this year, 94 of 99 charters received lease payment reimbursements and over \$5M have been award for facilities master planning, renovations etc. In addition, (p8) notes that for over a decade, NEW MEXICO charters have been allowed to benefit from bonds/levies. The applicant identifies at one school district that has passed a bond issue which provided funds for charter school improvements.

**Weaknesses:**

No weaknesses noted.

**Reader's Score: 2**

**Competitive Preference Priority 6 - Best Practices to Improve Struggling Schools/LEAs**

- 1. To receive points under this priority, an applicant must demonstrate the extent to which the State in which it is located uses best practices from charter schools to help improve struggling schools and local educational**

**Strengths:**

No strengths noted.

**Weaknesses:**

While the applicant lists 9 practices and says they come from charter schools (p8), there is little evidence provided to demonstrate what charters incubated these practices. The applicant also does not define 'best practice' to help understand the true quality of practices (such as research base, vetting process, impact on achievement, operations or finance). The applicant provides a document in the appendix that lists funds awarded to charters, but does not define the purpose of said funds. On p25, the applicant describes plans to use charters to improve turnaround schools and that the Public Education Department will require LEAs that do not improve performance on their own to choose one of 4 turnaround options. While one of those options is closure and re-opening under charter operator there is no description of the process used to identify which charter operators are considered high quality or the best practices those operators use that will be replicated in the re-opened school.

**Reader's Score: 0**

**Competitive Preference Priority 7 - Serving At-Risk Students**

- 1. To receive points under this priority, an applicant must demonstrate the extent to which it supports charter schools that serve at-risk students through activities such as dropout prevention, dropout recovery, or comprehensive career counseling services.**

**Strengths:**

On (p13) the applicant describes two different statewide initiatives to support at risk youth – Truancy and Dropout Prevention Coaches (TDPC) and Early Warning System (EWS). Charters are eligible to participate in each program.

**Weaknesses:**

While charters are eligible for these programs, and do participate in them (p13), it is hard to determine extent to which charters have equitable access to these programs. Seven charters participated this year in TDPC, but there is no data to describe how many traditional schools participated, thus no way to tell the extent to which charters are supported. In the EWS program, charters have been involved each year but the data for this year states that 13 charter and alternative schools participated so it is not possible to know how many of those participants were charters.

**Reader's Score: 1**

**Competitive Preference Priority 8 - Best Practices for Charter School Authorizing**

- 1. To receive points under this priority, an applicant must demonstrate the extent to which it has taken steps to ensure that all authorized public chartering agencies implement best practices for charter school authorizing.**

**Strengths:**

The applicant has convincingly provided documentation demonstrating expectations (p14) that authorizers use best practices. The state requires all authorizers to implement National Association of Charter School Authorizers best practices for authorizing. NEW MEXICO has codified these expectations so that they are becoming part of the inherent responsibilities of all authorizers. In addition, all authorizers are elected bodies which means they are accountable to their constituents if they are not meeting state expectations. The applicant provides evidence of professional development and technical assistance to authorizers to assist them in meeting this expectation. CSP grant funds will be used to formalize reporting processes so the state has clear evidence of authorizer use of best practices.

**Weaknesses:**

No weaknesses noted.

**Reader's Score:** 5

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**Status:** Submitted

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**Applicant:** New Mexico Public Education Department (U282A170031)

**Reader #2:** \*\*\*\*\*

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**Competitive Preference Priority 4**

**Equitable Financing**

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<b>Sub Total</b>	<b>2</b>	<b>1</b>

**Competitive Preference Priority 5**

**Charter School Facilities**

1. Charter School Facilities	2	2
<b>Sub Total</b>	<b>2</b>	<b>2</b>

**Competitive Preference Priority 6**

**Best Practices to Improve Struggling Schools/LEAs**

1. Struggling Schools	2	0
<b>Sub Total</b>	<b>2</b>	<b>0</b>

**Competitive Preference Priority 7**

**Serving At-Risk Students**

1. Serving At-Risk Students	2	1
<b>Sub Total</b>	<b>2</b>	<b>1</b>

**Competitive Preference Priority 8**

**Best Practices for Charter School Authorizing**

1. Best Practices	5	4
<b>Sub Total</b>	<b>5</b>	<b>4</b>

<b>Total</b>	<b>125</b>	<b>100</b>
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# Technical Review Form

Panel #15 - Panel 15 - New Mexico - 1: 84.282A

Reader #2: \*\*\*\*\*

Applicant: New Mexico Public Education Department (U282A170031)

## Questions

### Selection criteria - Flexibility

1. **The degree of flexibility afforded by the State's charter school law and how the State entity will work to maximize the flexibility provided to charter schools under such law.**

#### Strengths:

The applicant supported statutory flexibility by describing how charter school specific budgeting means charter schools are not bound to make expenditures that are commensurate with how funds are generated (narrative pg. 47). In addition, the applicant provided statute that grants autonomy in the teaching methods and administration of schools (narrative pg. 47). The Public Education Department is required to exempt charter schools from requirements or rules and provisions of the Public School Code 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 (pg. e14). Finally, charter schools may waive requirements or rules and provisions pertaining to graduation requirements (pg. e14, narrative pg. 47).

The applicant states the Public Education Departments plans to review all current regulations to look for additional areas of flexibility, make revisions to increase flexibility for charters, and implement new regulations to codify additional areas of flexibility beyond the term of the current office administration (narrative pg. 47).

#### Weaknesses:

No weaknesses found.

Reader's Score: 10

### Selection Criteria - Objectives

1. **The ambitiousness of the State entity's objectives for the quality charter school program carried out under this program.**

#### Strengths:

The applicant's three stated objectives are clearly stated.

Objective 1: Improve academic performance of the charter sector by creating 22 new high-quality charter schools and growing 8 high quality schools. The applicant states the CSP will increase the number of high-quality charter schools and strengthen the state's charter school sector through the following parallel initiatives: (a) supporting high-quality charter school development and growth through a competitive subgrant program, (b) building high-quality authorizing practices among the state's authorizing agencies, (c) strengthening charter school accountability by supporting the closure of academically poor-performing charter schools, and (d) disseminating best practices from successful charter schools to school districts, charter schools and developers, and other public schools throughout the state (abstract narrative). This objective is ambitious as evidenced by the proposed 25% increase in the number of charter schools statewide (narrative pgs. 14-15). In addition, the objective is feasible as evidenced by the list of interested charter developers and number of proposed schools in the pipeline (narrative pgs. 15-18).



Objective 2: Improve charter authorizing practices. To meet this objective, the applicant describes having formative evaluations of authorizers using a tool that will be developed in conjunction with the National Association of Charter School Authorizers (NACSA) and authorizers across the state using NACSA's Principles and Standards (narrative pgs. 66-67). The applicant's expectation is that at least 70% of authorizers are evaluated as effective. In addition, the Public Education Commission will have an evaluation of its practices by NACSA, and will demonstrate substantial improvement (i.e., three or more "well developed" ratings and three or fewer ratings below "well developed") (narrative pg. 66).

Objective 3: Improve the fiscal/audit and organizational performance of the charter school sector (abstract narrative). To meet objective 3, the applicant describes increasing training, support, and reporting and authorizing practices (narrative pg. 67).

**Weaknesses:**

Objective 2 is very ambitious as described by the applicant, as NACSA's most recent evaluation of the Public Education Department rated one area as "approaching well developed" and nine areas as "partially developed" or "minimally developed" (narrative pg. 67). However, upon review of the report, it appears there are 19 categories "partially developed," "minimally developed," or "undeveloped," and seven categories "approaching well developed" or "well developed" (pgs. e745-e803). The applicant was not clear regarding the areas in the NACSA report it plans to improve under the CSP grant.

Objective 3 seeks to improve the fiscal/audit and organizational performance of the charter school sector, but the evaluation looks only at state charter performance – not all charter school performance (narrative pg. 67).

**Reader's Score: 12**

**Selection Criteria - Quality of Eligible Subgrant Applicants**

**1. The likelihood that the eligible applicants receiving subgrants under the program will meet those objectives and improve educational results for students.**

**Strengths:**

The applicant provides a draft subgrant application and application process developed to ensure that applicants receiving subgrants under this program will meet the program objectives and improve educational results for students (pgs. e609-e635). Specifically, the subgrant evaluation process is based on clear rubrics focused on the subgrant applicant developing a plan that supports the startup of a new school that will improve educational results for students and establishes a minimum scoring requirement of 95% (pgs. e612, e615). The final step of the subgrant evaluation process is to interview potential charter school applicant groups to determine if they possess the competencies necessary for success in high stakes, challenging school environments (narrative pgs. 40-41 and 50).

**Weaknesses:**

The process described for identification of high-quality subgrant applicant groups is specifically designed to identifying school turnaround leaders. The applicant believes use of this process will ensure applicants receiving subgrants will meet program objectives and improve educational results for students (narrative pg. 50). However, the applicant did not provide a research base or supporting evidence articulating these two concepts (i.e., school turnaround leader interview with ability to meet all four grant objectives).

**Reader's Score: 14**

**Selection Criteria - State Plan**

**1. The State entity's plan to--**

- 1) Adequately monitor the eligible applicants receiving subgrants under the State entity's program;
- 2) Work with the authorized public chartering agencies involved to avoid duplication of work for the charter schools and authorized public chartering agencies; and
- 3) Provide technical assistance and support for--
  - i. The eligible applicants receiving subgrants under the State entity's program; and
  - ii. Quality authorizing efforts in the State.

**Strengths:**

(1) The applicant describes monitoring activities the New Mexico Charter School Department staff will implement, such as: monthly Request for Reimbursement screening (pgs. e554-e604, narrative pg. 51); quarterly reports identifying programmatic activities aligned with program objectives, benchmarks achieved and deadlines met, and expenses aligned with allowed expenditures (narrative pg. 51); regular trainings; cohort meetings where they report on their best practices and challenges (narrative pg. 52); annual reports including all elements of quarterly reports, project and budget variances and adjustments, and success in obtaining program objectives (narrative pg. 52); and onsite monitoring visits. Onsite monitoring visits include (a) technical assistance along with an evaluation of the program implemented, (b) verification of the uses of grant funds, (c) checks for compliance with laws, rules, and regulations, (d) monitoring student progress, and (e) a written report within fifteen days of the visit identifying concerns and offering technical assistance (narrative pg. 53).

(2) The applicant ensures duplication of work will be avoided by scheduling site visits in conjunction with the other authorizer and Public Education Department staff, the use of information previously reported to the authorizer or other Public Education Department bureaus, and the same goals are used to evaluate the charter through the authorizer process and subgrant process (narrative pg. 53).

(3i) The applicant describes its plan to provide technical assistance to eligible applicants of the subgrant, which includes an initial grant training and monthly information on reporting requirements, an assigned liaison responsible for regular communication and technical assistance, monthly trainings in the planning and program development term. Targeted technical assistance when any concerns are raised about a subgrantees' performance or compliance, and annual site visits (narrative pg. 54).

(3ii) Finally, the technical assistance plan to support quality authorizing efforts in the State includes (1) redesigning the performance framework to better measure and assess charter financial, academic, and organizational performance (narrative pg. 31), (2) formalizing technical assistance to small charter school authorizers on model authorizer tools, policies, and practices (narrative pg. 31), and (3) offering quarterly trainings focused on improving the quality of authorizer practices statewide (narrative pg. 31).

**Weaknesses:**

No weaknesses found.

**Reader's Score: 20**

**Selection Criteria - Parent and Community Involvement**

1. The State entity's plan to solicit and consider input from parents and other members of the community on the implementation and operation of charter schools in the State.

**Strengths:**

State statute requires the chartering authority to hold at least one public hearing in the school district in which the charter is proposed to be located to obtain information and community input to assist it in its decision whether to grant a charter applicant (pg. e17). The Public Education Department plans to incorporate this practices as an element of the subgrant applicant (narrative pg. 55).

**Weaknesses:**

The applicant states the Public Education Department will reach out to parents for their input on charter schools participating in the subgrant applicant process, but does not indicate how it will consider the input in making changes to the implementation and operation of charter schools in the state outside of this program or after schools are operational (narrative pg. 55).

**Reader's Score:** 6

**Selection Criteria - Quality of Project Design**

**1. The Secretary considers the quality of the design of the State entity's charter school subgrant program, including the extent to which the project design furthers the State entity's overall strategy for increasing the number of high-quality charter schools in the State and improving student academic achievement. In determining the quality of the project design, the Secretary considers the quality of the State entity's process for awarding subgrants for planning, program design, and initial implementation including--**

**1) The subgrant application and peer review process, timelines for these processes, and how the State entity intends to ensure that subgrants will be awarded to eligible applicants demonstrating the capacity to create high-quality charter schools; and**

**2) A reasonable year-by-year estimate, with supporting evidence, of (i) the number of subgrants the State entity expects to award during the project period and the average size of those subgrants, including an explanation of any assumptions upon which the estimates are based; and (ii) if the State entity has previously received a CSP grant, the percentage of eligible applicants that were awarded subgrants and how this percentage related to the overall quality of the applicant pool.**

**Strengths:**

(1) The components of the subgrant application for new, replication, and expansion schools are rigorous, clearly defined, and further the state's overall objectives (pgs. e609-e635). In addition, the applicant provides the specific criteria by which subgrant applicants will be evaluated, the minimum score for consideration, and the timeline ensures adequate time for a quality applicant and peer review process (narrative pgs. 55-57).

(2i) The estimated number of subgrants year-by-year is reasonable and includes both the number and average dollar amount of subgrant awards based on the number of pupils in the school (narrative pgs. 58-59).

(2ii) The applicant describes challenges with previous CSP grants, as well as how these challenges will not arise under the current grant terms (i.e., the applicant developed significant and substantial partnerships, a pipeline of applicants and leaders, and established a high bar for subgrant awardees) (pgs. e804-e819, narrative 60).

**Weaknesses:**

(1) The applicant described a two phase subgrant application process with phase one being meeting the minimum scoring requirements of the Public Education Commission's new school application and phase two being submitting a subgrant application and completing a behavioral event interview (narrative pgs. 39-41). It is not clear when, in the scoring of the new application, the subgrant application, the behavioral event interview, and community input, the process to open a new school ends and the process for receiving a subgrant begins.

(2ii) Though the applicant stated all previous subgrantee applicants received awards, it did not provide information of how this percentage related to the overall quality of the applicant pool (narrative pg. 60).

**Reader's Score:** 12

**Selection Criteria - Quality of the Management Plan, Theory of Action**

1. The Secretary considers the quality of the management plan and the project's theory of action. In determining the quality of the management plan and the project's theory of action, the Secretary considers the following factors:

- 1) The quality, including the cohesiveness and strength of reasoning, of the "logic model" (as defined in this notice), and the extent to which it addresses the role of the grant in promoting the State-level strategy for using charter schools to improve educational outcomes for students through CSP subgrants for planning, program design, and initial implementation and other strategies;
- 2) The extent to which the State entity's project-specific performance measures, including any measures required by the Department, support the logic model; and
- 3) The adequacy of the management plan to--
  - i. Achieve the objectives of the proposed project on time and within budget, including the existence of clearly defined responsibilities, timelines, and milestones for accomplishing project tasks; and
  - ii. Address any compliance issues or findings related to the CSP that are identified in an audit or other monitoring review.

**Strengths:**

(1) The applicant's logic model adequately addresses the role of this grant in using charter schools to improve educational outcomes for students (narrative pgs. 60-66).

(2) The applicant's short-, medium-, and long-term outcomes adequately support the logic model (narrative pgs. 62-63). The quantitative nature of the project-specific performance measures provides clear and measurable expectations (narrative pgs. 64-68).

(3i) The timeline, budget, defined responsibilities, and milestones for accomplishing project tasks are adequately defined and appear to support the achievement of the proposed project objectives (narrative pgs. 68-72, budget narrative pgs. 1-6).

**Weaknesses:**

(1) The applicant's improved educational outcomes for students is limited to one statement in the logic model: "an increase student outcomes for students statewide" (narrative pg. 63). Otherwise, all other outcomes focus on the practices of the school and authorizer rather than the student (narrative pgs. 62-63).

(3i) The budget narrative described the school budget office's indication elementary students are funded at 110% of middle school students and high school students are funded at 115% of middle school student. But, it is not clear in the budget narrative why the proposed CSP funding per pupil dollar amount is less for middle school students than high school or elementary school students (budget narrative 4). In addition, it appears your indirect costs are incorrectly calculated on ED 524 and, as currently calculated, are not in compliance with the CSP requirement of 90% subgrants, 7% technical assistance, and 3% administration (pg. e6).

(3ii) The applicant indicates the Public Education Department will address any compliance issues or findings related to the CSP that are identified in an audit or other monitoring review, but the described plan only addresses the corrective actions that will be completed by the subgrantee (narrative pg. 73).

**Reader's Score: 6**

**Priority Questions**

**Competitive Preference Priority 1 - Periodic Review and Evaluation**

1. To meet this priority, an applicant must demonstrate that the State provides for periodic review and evaluation by the authorized public chartering agency of each charter school at least once every five years, unless required more frequently by State law, and takes steps to ensure that such reviews take place. The review and evaluation must serve to determine whether the charter school is meeting the terms of the school's charter and meeting or exceeding the student academic achievement requirements and goals for charter schools as set forth in the school's charter or under State law, a State regulation, or a State policy, provided that the student academic achievement requirements and goals for charter schools established by that policy meet or exceed those set forth under applicable State law or State regulation. This periodic review and evaluation must include an

**chartering agency to take appropriate action or impose meaningful consequences on the charter school, if necessary.**

**Strengths:**

The applicant provides statutory evidence that charter schools in their planning year must file three status reports to their authorizer to demonstrate progress consistent with the conditions, standards, and procedures of the charter (pg. e25, narrative pg. 3). In addition, the Public Education Department, through the Charter Division, provides monthly monitoring of new state-chartered schools during their planning year (narrative pg. 3).

After opening, statute requires that each charter school authorizer must visit each charter school at least once annually to provide technical assistance and determine the status of the progress of the charter school toward the performance framework goals in its contract (pg. e26, narrative pg. 2). If the authorizer finds the charter's fiscal, governance, student performance, or legal compliance is unsatisfactory, the authorizer is required to notify the governing body of the charter and provide an opportunity for the charter to remedy the problems.

If, however, findings are serious enough, revocation may be immediately warranted (narrative pg. 2). Alternatively, the authorizer may require the charter to execute a corrective action plan or may provide technical assistance (narrative pg. 2).

**Weaknesses:**

No weaknesses found.

**Reader's Score: 5**

**Competitive Preference Priority 2 - Charter School Oversight**

**1. To meet this priority, an application must demonstrate that State law, regulations, or other policies in the State where the applicant is located require the following:**

**a) That each charter school in the State--**

- 1. Operates under a legally binding charter or performance contract between itself and the school's authorized public chartering agency that describes the rights and responsibilities of the school and the authorized public chartering agency;**
- 2. Conducts annual, timely, and independent audits of the school's financial statements that are filed with the school's authorized public chartering agency; and**
- 3. Demonstrates improved student academic achievement; and**

**b) That all authorized public chartering agencies in the State use increases in student academic achievement for all groups of students described in section 1111(c)(2) of the ESEA (20 U.S.C. 6311(c)(2)) as one of the most important factors when determining whether to renew or revoke a school's charter.**

**Strengths:**

(a1) The applicant demonstrated New Mexico State Law required that each charter school operate under a legally binding charter contract, which is the final authorization for the charter school and is part of the charter (pg. e21). The charter contract must contain, among other things, any material term and performance provisions based on a framework that clearly sets forth the academic and operations performance indicators and targets that will guide the chartering authorizer's evaluation of the charter school (pg. e23, narrative pg. 3).

(a2) Statute requires each charter have an annual audit as required by the Audit Act and rules of the state auditor, submitted to the state auditor and the Public Education Department (pg. e102, narrative pg. 4).

(a3) The applicant explains one of the statutory bases for non-renewal or revocation is failure to meet, or make substantial progress toward achievement of, Public Education Department's minimum standards, including educational standards (pg. e27, narrative pg. 4).

(b) The State's plan for ESSA includes a rigorous and transparent process for holding charter schools accountable, including a school grades report card with each indicator disaggregated by traditional achievement groups (i.e., ethnicity, gender, ELL, SWD, and economically disadvantaged) (pgs. e138-e297, e299-e335, e336-e360, e361-e384, narrative pg. 5).

**Weaknesses:**

No weaknesses found.

**Reader's Score: 5**

**Competitive Preference Priority 3 - Authorizer other than LEA or Appeal Process**

**1. To meet this priority, the applicant must demonstrate that the State--**

**a) Provides for one authorized public chartering agency that is not an LEA, such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to State law; or**

**b) In the case of a State in which LEAs are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school.**

**Note: In order to meet this priority under paragraph (b) above, the entity hearing appeal must have the authority to approve the charter application over the objections of the LEA.**

**Strengths:**

(a) The applicant provides statutory evidence New Mexico provides for two chartering entities, including a local board of trustees of a school district and the Public Education Commission (pgs. e7, e17, e26, narrative 5-6).

(b) Statute also provides an appeal process for the denial of an applicant for a charter school to the Education Secretary (pgs. e19, narrative 5-6).

**Weaknesses:**

No weaknesses found.

**Reader's Score: 2**

**Competitive Preference Priority 4 - Equitable Financing**

**1. To receive points under this priority, an applicant must demonstrate the extent to which the State in which it is located ensures equitable financing, as compared to traditional public schools, for charter schools and students in a prompt manner.**

**Strengths:**

The applicant provided details about charter school funding showing it was equitable through the state equalization guarantee distribution (pg. e118), transportation distribution (pg. e121), and supplemental distribution (narrative pg. 6). In addition, charter schools receive funding for instructional materials, school library materials, and are able to demand the local district include them in bond and mill levy elections and provide them with an equitable share of the funding (narrative pg. 7).

**Weaknesses:**

No information was provided in the applicant's narrative or supporting documentation to answer if charter schools received funding in a prompt manner.

Reader's Score: 1

#### Competitive Preference Priority 5 - Charter School Facilities

1. To receive points under this priority, an applicant must demonstrate the extent to which the State in which it is located provides charter schools one or more of the following:

- a) Funding for facilities;
- b) Assistance with facilities acquisition;
- c) Access to public facilities;
- d) The ability to share in bonds or mill levies;
- e) The right of first refusal to purchase public school buildings; or
- f) Low- or no-cost leasing privileges.

**Strengths:**

The applicant demonstrates New Mexico provides charter schools with funding for facilities through (f) lease assistance from the state (pgs. e47, e13, narrative pg. 7). In addition, charter schools are given (c) access to public facilities (pg. e72, narrative pg. 7). And, when a charter school has completed the terms of its initial charter and received its first reauthorization, it is eligible to apply for consideration of a (a) standards-based award for the construction of a new facility or renovation of a public facility (pgs. e44-e72, narrative pg. 7).

**Weaknesses:**

No weaknesses found.

Reader's Score: 2

#### Competitive Preference Priority 6 - Best Practices to Improve Struggling Schools/LEAs

1. To receive points under this priority, an applicant must demonstrate the extent to which the State in which it is located uses best practices from charter schools to help improve struggling schools and local educational

**Strengths:**

No strengths found.

**Weaknesses:**

The applicant explains the Public Education Department has, through targeted funding initiatives, implemented and supported the use of best practices from charters to help struggling schools, LEAs, and the state as a whole (narrative pg. 8). However, no specific examples were provided describing which best practices came from charter schools, save mention of teacher leadership (narrative pg. 12). Instead, examples discussed how each best practice was a Public Education Department initiative (narrative pgs. 8-13).

Reader's Score: 0

#### Competitive Preference Priority 7 - Serving At-Risk Students

1. To receive points under this priority, an applicant must demonstrate the extent to which it supports charter schools that serve at-risk students through activities such as dropout prevention, dropout recovery, or comprehensive career counseling services.

**Strengths:**

The applicant provides two specific examples of initiatives supporting charter schools that serve at-risk students, including Truancy and Dropout Prevention Coaches (TDPC) and Early Warning System (EWS) (narrative pg. 13). As evidence, the

applicant indicated in FY17, seven charters received \$435K through the TDPC program and 13 charter and alternative schools have received in-depth training for the EWS (narrative pg. 13).

**Weaknesses:**

The applicant's narrative was unclear regarding the number of charter schools that were eligible for TDPC or EWS and did not receive support or financial assistance in implementing programs that serve at-risk students (i.e., was charter access to and participation in TDPC and EWS equitable).

**Reader's Score:** 1

**Competitive Preference Priority 8 - Best Practices for Charter School Authorizing**

- 1. To receive points under this priority, an applicant must demonstrate the extent to which it has taken steps to ensure that all authorized public chartering agencies implement best practices for charter school authorizing.**

**Strengths:**

The applicant indicates the Public Education Department works to ensure that all authorizers implement the National Association of Charter School Authorizers' (NACSA) best practices for charter authorizing. They accomplished this by working with the state legislature to ensure these best practices were codified in statute (pg. e16, narrative pg. 14).

In addition, the applicant states the leaders of the two largest authorizing offices in the state have participated in the NACSA Leaders Program and completed NACSA Authorizer Evaluations in FY17 (narrative pg. 14).

**Weaknesses:**

It is not clear if all authorizing entities have implemented best practices in charter school authorizing, as the applicant focuses almost solely on the Public Education Department's activities and the two largest authorizing offices in the state.

**Reader's Score:** 4

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**Status:** Submitted

**Last Updated:** 06/26/2017 12:41 PM



Status: Submitted

Last Updated: 06/26/2017 12:41 PM

## Technical Review Coversheet

**Applicant:** New Mexico Public Education Department (U282A170031)

**Reader #3:** \*\*\*\*\*

	Points Possible	Points Scored
<b>Questions</b>		
<b>Selection criteria</b>		
<b>Flexibility</b>		
1. Flexibility	10	10
<b>Sub Total</b>	10	10
<b>Selection Criteria</b>		
<b>Objectives</b>		
1. Objectives	15	11
<b>Quality of Eligible Subgrant Applicants</b>		
1. Quality of Subgrant	15	14
<b>State Plan</b>		
1. State Plan	20	20
<b>Parent and Community Involvement</b>		
1. Involvement	10	6
<b>Quality of Project Design</b>		
1. Project Design	15	12
<b>Quality of the Management Plan, Theory of Action</b>		
1. Management Plan	15	7
<b>Sub Total</b>	90	70
<b>Priority Questions</b>		
<b>Competitive Preference Priority 1</b>		
<b>Periodic Review and Evaluation</b>		
1. Review and Evaluation	5	5
<b>Sub Total</b>	5	5
<b>Competitive Preference Priority 2</b>		
<b>Charter School Oversight</b>		
1. Charter School Oversight	5	5
<b>Sub Total</b>	5	5
<b>Competitive Preference Priority 3</b>		
<b>Authorizer other than LEA or Appeal Process</b>		
1. Authorizer other than LEA	2	2
<b>Sub Total</b>	2	2

**Competitive Preference Priority 4**

**Equitable Financing**

1. Equitable Financing	2	1
<b>Sub Total</b>	<b>2</b>	<b>1</b>

**Competitive Preference Priority 5**

**Charter School Facilities**

1. Charter School Facilities	2	2
<b>Sub Total</b>	<b>2</b>	<b>2</b>

**Competitive Preference Priority 6**

**Best Practices to Improve Struggling Schools/LEAs**

1. Struggling Schools	2	1
<b>Sub Total</b>	<b>2</b>	<b>1</b>

**Competitive Preference Priority 7**

**Serving At-Risk Students**

1. Serving At-Risk Students	2	1
<b>Sub Total</b>	<b>2</b>	<b>1</b>

**Competitive Preference Priority 8**

**Best Practices for Charter School Authorizing**

1. Best Practices	5	5
<b>Sub Total</b>	<b>5</b>	<b>5</b>

<b>Total</b>	<b>125</b>	<b>102</b>
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# Technical Review Form

Panel #15 - Panel 15 - New Mexico - 1: 84.282A

Reader #3: \*\*\*\*\*

Applicant: New Mexico Public Education Department (U282A170031)

## Questions

### Selection criteria - Flexibility

1. The degree of flexibility afforded by the State's charter school law and how the State entity will work to maximize the flexibility provided to charter schools under such law.

#### Strengths:

New Mexico charter school law affords charter schools significant flexibility in spending as well as program design and implementation. The only requirement around spending is that schools adhere to the commitments made in their charters and abide by procurement codes. The law also provides for autonomy in almost all aspects of operations from staffing to evaluations to school day structure and instructional delivery. Further, the high-performing charter schools (currently defined as those earning an A on the state assessment for three consecutive years) can be exempt from even more legal requirements for public schools by the Secretary of Education. (p.46-48)

#### Weaknesses:

No weaknesses identified

Reader's Score: 10

### Selection Criteria - Objectives

1. The ambitiousness of the State entity's objectives for the quality charter school program carried out under this program.

#### Strengths:

New Mexico sets three objectives in its proposal stated in the abstract. The first is a goal to improve the academic performance of the charter school sector by opening 22 new charter schools and expanding/replicating 8 high quality schools in the next five years. A review of new and replicated charter school success in the past demonstrates the ambitiousness of this objective. No charter schools in New Mexico have replicated, and of the seven new charter schools approved in the past three years, one never opened and one closed within the past year. While acknowledging that this objective is ambitious, the proposal outlines multiple best practices that New Mexico is already employing to set current and future charter school operators up for success. (p.15-18)(p.48-49) (p.64-68)

#### Weaknesses:

Though three objectives are listed in the abstract, the proposal minimally addresses objective 3: Improve the fiscal-audit an organizational performance of the charter school sector. This objective is not mentioned in majority of the application, and no context is provided for its inclusion in the management plan. (p.67)

Reader's Score: 11

### Selection Criteria - Quality of Eligible Subgrant Applicants

**1. The likelihood that the eligible applicants receiving subgrants under the program will meet those objectives and improve educational results for students.**

**Strengths:**

New Mexico provides a detailed description of its subgrantee application process for both new and expanding charter schools. Both processes consist of a two-phase application and a community input hearing. The first phase is a written application with a high minimum scoring requirement for new charters and a Letter of Intent for expanding schools. Most notable is the second phase, the behavioral event interview (BEI). The BEI is a proprietary method developed to analyze the competencies that are predictors of success for new/turnaround school leaders in challenging school environments. The process is rounded out by a community input hearing, which offers community members, and especially potential parents, the opportunity to comment on the school application. (p.39-40)

In preparation for expansion of the sector, the Public Education Department (PED) developed relationships with local and national partners including Excellent Schools New Mexico (ESNM), Building Excellent Schools (BES), NewSchools Venture Fund (NSVF), and IDEA Public Schools to encourage their development of new high-quality charters. They anticipate that as a result of these efforts, they already have four new applicants for year one of the CSP grant. (p.15) The PED also identified two high-performing schools in New Mexico who are primed for growth. PED is facilitating each school's expansion or replication by partnering them with ESNM, the Charter School Growth Fund, and Bellweather Education Partners to develop growth plans. (p.17-18)

**Weaknesses:**

The subgrantee application process relies heavily on BEI; however, there is no data to demonstrate how reliable BEI is as a predictor of success for charter school leaders.

**Reader's Score: 14**

**Selection Criteria - State Plan**

**1. The State entity's plan to--**

- 1) Adequately monitor the eligible applicants receiving subgrants under the State entity's program;**
- 2) Work with the authorized public chartering agencies involved to avoid duplication of work for the charter schools and authorized public chartering agencies; and**
- 3) Provide technical assistance and support for--**
  - i. The eligible applicants receiving subgrants under the State entity's program; and**
  - ii. Quality authorizing efforts in the State.**

**Strengths:**

The proposal details an annual timeline of monitoring and technical assistance activities. The plan is comprehensive with timely reporting features (monthly and quarterly reporting) as well as onsite visits to be scheduled in conjunction with the school's authorizer. (p.50-54)

The Public Education Department (PED) aims to position operators for successful implementation by providing initial and ongoing grant training, monthly communications about reporting requirements, monthly training, and operator specific technical assistance if needed. (p.28-29, 54) Additionally, PED plans to offer (and often require attendance at) multiple opportunities for the sharing of best practices between subgrantees. PED explains the ways in which duplication of work will be at a minimum by using previously established reporting and seeking to have the authorizers and CSP program use the same goals to evaluate subgrantees (p.53).

PED also presents a solid plan to support charter authorizers. 85% of charters in New Mexico are authorized by two entities. As such, PED will encourage these two authorizers to complete the NACSA evaluation. In an effort to ground all authorizing in best practice, PED is working with Public Impact to create tools, policies and practices for share. These will be disseminated through quarterly trainings. (p.30-31)

**Weaknesses:**

No weaknesses identified

**Reader's Score: 20**

**Selection Criteria - Parent and Community Involvement**

- 1. The State entity's plan to solicit and consider input from parents and other members of the community on the implementation and operation of charter schools in the State.**

**Strengths:**

The Public Education Department (PED) solicits community and parent input through a community input hearing, a key component of the application process for new and replicating/expanding subgrantees (NMSA 1978 22-8B-6(J)). Input from these hearings is formally evaluated using a rubric provided by PED. (p.41)

**Weaknesses:**

The applicant primarily speaks to how PED collects and incorporates input from parents and community at the initial application stage. Little detail is provided as to how PED would use the collected feedback for sector or school improvements. (p.55)

**Reader's Score: 6**

**Selection Criteria - Quality of Project Design**

- 1. The Secretary considers the quality of the design of the State entity's charter school subgrant program, including the extent to which the project design furthers the State entity's overall strategy for increasing the number of high-quality charter schools in the State and improving student academic achievement. In determining the quality of the project design, the Secretary considers the quality of the State entity's process for awarding subgrants for planning, program design, and initial implementation including--**

- 1) The subgrant application and peer review process, timelines for these processes, and how the State entity intends to ensure that subgrants will be awarded to eligible applicants demonstrating the capacity to create high-quality charter schools; and**
- 2) A reasonable year-by-year estimate, with supporting evidence, of (i) the number of subgrants the State entity expects to award during the project period and the average size of those subgrants, including an explanation of any assumptions upon which the estimates are based; and (ii) if the State entity has previously received a CSP grant, the percentage of eligible applicants that were awarded subgrants and how this percentage related to the overall quality of the applicant pool.**

**Strengths:**

The Public Education Department (PED) uses a rigorous application process aimed at increasing the number of high-quality charters in the state. PED employs peer reviewer teams to evaluate applications. A four-person peer review team is solicited from practitioners across the state and selected by members of the PED staff. All participants are trained and calibrated before the evaluation process begins. (p.43)

The application for both new and replicating/expanding schools consists of three primary parts: a written application/letter of intent, a behavioral event interview (BEI), and a community hearing whose feedback is captured using a defined rubric. PED ensures that new applicants are of the highest quality through a scoring system. All written applications are scored, and only those above a minimum scoring threshold are eligible to advance. PED argues that the BEI also plays a significant role in determining the future success of the applicant by evaluating the leaders' abilities to navigate the challenges of opening or expanding a school. (p.39-42)

PED provides a detailed estimate of the number of subgrantees and the amounts at which they will be funded. These

estimates are grounded in national and local data and account for the work PED has done to build partnerships with future operators in advance of the CSP competition. (p.39, 55)

**Weaknesses:**

New Mexico previously received three CSP grants. In each grant period, PED awarded subgrants to all eligible applicants without significant evaluation. Though PED acknowledges these past issues and proposes a more rigorous selection process for CSP funds moving forward, it is challenging to evaluate the quality of the applicant pool given this past performance. (p.59-60)

The applicant does not fully explain the rationale for its proposed subgrantee awards. According to the budget narrative, elementary schools will be funded at 110% of middle schools, and high schools will be funded at 115% of middle schools. However, the narrative does not include an explanation for why middle school serves as the baseline nor why elementary and high schools warrant additional funding.

**Reader's Score: 12**

**Selection Criteria - Quality of the Management Plan, Theory of Action**

**1. The Secretary considers the quality of the management plan and the project's theory of action. In determining the quality of the management plan and the project's theory of action, the Secretary considers the following factors:**

- 1) The quality, including the cohesiveness and strength of reasoning, of the "logic model" (as defined in this notice), and the extent to which it addresses the role of the grant in promoting the State-level strategy for using charter schools to improve educational outcomes for students through CSP subgrants for planning, program design, and initial implementation and other strategies;**
- 2) The extent to which the State entity's project-specific performance measures, including any measures required by the Department, support the logic model; and**
- 3) The adequacy of the management plan to--**
  - i. Achieve the objectives of the proposed project on time and within budget, including the existence of clearly defined responsibilities, timelines, and milestones for accomplishing project tasks; and**
  - ii. Address any compliance issues or findings related to the CSP that are identified in an audit or other monitoring review.**

**Strengths:**

The logic model is effectively aligned to the state's strategy to increase high-quality charters in New Mexico. The corresponding milestones and activities within the logic model also support this pursuit. (p.64-67)

The project-specific performance measures are quantifiable and appropriate for achieving each of the stated objectives. Each performance measure is also aligned with the logic model. (p.61-68)

**Weaknesses:**

The logic model was not traditionally formatted, impacting its effectiveness in communicating its content. (p. 61-63) The logic model effectively addresses objective 1 and 2, but it does not include outcomes for objective 3.

Though the "comprehensive management plan" ties specific actions to the certain staff members, the applicant does not include a list of defined roles and responsibilities for the CSP grant implementation team. Furthermore, the applicant did not provide or an overview of the staff or offices involved in the award. (p. 68-73)

There are significant discrepancies in budgetary figures throughout the application. In Section A-Budget Summary, the total amount requested is \$26,750,441.61 (p.e6). However, the amount is listed as \$22,507,806.22 in the abstract, and \$22,282,728.16 on p.14 of the application.

Reader's Score: 7

## Priority Questions

### Competitive Preference Priority 1 - Periodic Review and Evaluation

1. To meet this priority, an applicant must demonstrate that the State provides for periodic review and evaluation by the authorized public chartering agency of each charter school at least once every five years, unless required more frequently by State law, and takes steps to ensure that such reviews take place. The review and evaluation must serve to determine whether the charter school is meeting the terms of the school's charter and meeting or exceeding the student academic achievement requirements and goals for charter schools as set forth in the school's charter or under State law, a State regulation, or a State policy, provided that the student academic achievement requirements and goals for charter schools established by that policy meet or exceed those set forth under applicable State law or State regulation. This periodic review and evaluation must include an opportunity for the authorized public chartering agency to take appropriate action or impose meaningful consequences on the charter school, if necessary.

#### Strengths:

The applicant describes a robust review and evaluation process for charter schools mandated by statute 22-8B-12. In New Mexico, a school is issued an initial charter of six years, which includes one year for planning, and subsequent renewals are for five-year terms. All charters are reviewed at least once every five years. This includes a review of the budget and an evaluation of progress towards performance and charter goals. Charter contracts may not be renewed if schools do not show adequate student achievement gains set by the Public Education Commission (PEC), violate the contract, mismanage funds, or violate a law. (p.1-3)

#### Weaknesses:

No weaknesses identified.

Reader's Score: 5

### Competitive Preference Priority 2 - Charter School Oversight

1. To meet this priority, an application must demonstrate that State law, regulations, or other policies in the State where the applicant is located require the following:
  - a) That each charter school in the State--
    1. Operates under a legally binding charter or performance contract between itself and the school's authorized public chartering agency that describes the rights and responsibilities of the school and the authorized public chartering agency;
    2. Conducts annual, timely, and independent audits of the school's financial statements that are filed with the school's authorized public chartering agency; and
    3. Demonstrates improved student academic achievement; and
  - b) That all authorized public chartering agencies in the State use increases in student academic achievement for all groups of students described in section 1111(c)(2) of the ESEA (20 U.S.C. 6311(c)(2)) as one of the most important factors when determining whether to renew or revoke a school's charter.

#### Strengths:

New Mexico employs high-quality practices in charter oversight. All charters in New Mexico must operate under a legally binding contract, which is either issued by a school district or the Public Education Commission (PEC). On an annual basis, schools must submit an independent financial audit. Each school is also evaluated on students' overall improved academic achievement and achievement by subgroup. Subgroup achievement is one of the most important factors in

determining whether to renew or revoke a charter. (p.3-5)

**Weaknesses:**

No weaknesses identified.

**Reader's Score: 5**

**Competitive Preference Priority 3 - Authorizer other than LEA or Appeal Process**

**1. To meet this priority, the applicant must demonstrate that the State--**

- a) Provides for one authorized public chartering agency that is not an LEA, such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to State law; or
- b) In the case of a State in which LEAs are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school.

**Note: In order to meet this priority under paragraph (b) above, the entity hearing appeal must have the authority to approve the charter application over the objections of the LEA.**

**Strengths:**

New Mexico has two authorizing bodies- local school districts and the Public Education Commission (PEC). Charter developers whose initial or renewal applications are denied may appeal to the New Mexico Secretary of Education. (p.5-6)

**Weaknesses:**

No weaknesses identified.

**Reader's Score: 2**

**Competitive Preference Priority 4 - Equitable Financing**

**1. To receive points under this priority, an applicant must demonstrate the extent to which the State in which it is located ensures equitable financing, as compared to traditional public schools, for charter schools and students in a prompt manner.**

**Strengths:**

New Mexico has the proper structures in place to ensure equitable funding for charter schools. Funds are based on student enrollment and distributed to charters using the same mechanisms as traditional public schools. Charters receive similar supplemental funds, such as funding for instructional materials and school library materials, as traditional schools. (p.6-7)

**Weaknesses:**

The applicant did not provide evidence that funds are disseminated to schools in a timely manner.

**Reader's Score: 1**

**Competitive Preference Priority 5 - Charter School Facilities**

**1. To receive points under this priority, an applicant must demonstrate the extent to which the State in which it is located provides charter schools one or more of the following:**



- a) Funding for facilities;
- b) Assistance with facilities acquisition;
- c) Access to public facilities;
- d) The ability to share in bonds or mill levies;
- e) The right of first refusal to purchase public school buildings; or
- f) Low- or no-cost leasing privileges.

**Strengths:**

New Mexico assists charter schools with facility funding in multiple ways. Each method is codified in state statutes. NMCS 1978 22-24-4(I) gives charter schools the opportunity to receive lease assistance for payments on classroom facilities. NMSA 1978 Chapter 22, Articles 24 and 26 gives charter schools the right to share in bonds or mill levies. NMSA 1978 Charter Chapter 22 also gives charters eligibility for new construction relief and funding for facility planning, renovations, etc.). (p.7-8)

**Weaknesses:**

No weaknesses identified.

**Reader's Score: 2**

**Competitive Preference Priority 6 - Best Practices to Improve Struggling Schools/LEAs**

1. To receive points under this priority, an applicant must demonstrate the extent to which the State in which it is located uses best practices from charter schools to help improve struggling schools and local educational

**Strengths:**

The proposal outlines several best practices New Mexico uses to improve teacher and leader quality and ultimately student achievement. All teachers are assessed using a common teacher evaluation system. In order to generate a sufficient teaching pool, New Mexico has used financial incentives such as bonuses for teachers in hard-to-staff areas or subjects and rewards for performance. New Mexico also encourages alternative teacher and leader training programs, and will begin using an Educator Prep Report Card to ensure that these training programs are of high quality. (p.8-12)

**Weaknesses:**

Although the applicant details several promising practices, no evidence is provided that these programs are specifically best practices for charter schools.

**Reader's Score: 1**

**Competitive Preference Priority 7 - Serving At-Risk Students**

1. To receive points under this priority, an applicant must demonstrate the extent to which it supports charter schools that serve at-risk students through activities such as dropout prevention, dropout recovery, or comprehensive career counseling services.

**Strengths:**

New Mexico highlights two statewide programs used by traditional public and charter schools to serve at-risk students. The Truancy Dropout Prevention Coaches (TDPC) program places coaches at schools with habitually high truancy and/or dropout rates to decrease absenteeism, truancy, and dropout. Early Warning System (EWS) trains schools staff to identify early warning signs for at-risk students. (p.13)

**Weaknesses:**

Though the description includes the number of charter schools participating in each program, it is unclear how many total charter schools qualify but are not able to access services do to limited program scope.

**Reader's Score:** 1

**Competitive Preference Priority 8 - Best Practices for Charter School Authorizing**

**1. To receive points under this priority, an applicant must demonstrate the extent to which it has taken steps to ensure that all authorized public chartering agencies implement best practices for charter school authorizing.**

**Strengths:**

New Mexico ensures that it is implementing best practices in charter authorizing by codifying its importance via state statute-NMSA 1978 22-8B-5.3. Additionally, all authorizers are elected bodies held accountable using an annual report that helps their constituents evaluate their performance. (p.14)

**Weaknesses:**

No weaknesses identified.

**Reader's Score:** 5

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