

Board Member Questions and Answers

Prior to Nov. 8, 2023, Special Board of Education Meeting on Charter Schools

4.1: Consider Approval of Amendment to the Contract for East Mountain High School

What are the raw numbers associated with the demographics chart in the EMHS application?

ALL Schools Subgroup	East Mountain High School	East Mountain High School
Male	49.9%	186
Female	49.3%	184
Caucasian	65.1%	243
Hispanic	26.3%	98
African-American	2.1%	8
Asian/Pacific	2.4%	9
Native American	3.2%	12
Economically Disadvantaged	23.1%	86
Students with Disabilities	9.4%	35
English Language Learners	0.3%	1
All Students		373

How does the school leadership justify expanding a school that has not recruited more Hispanics to represent at least what other APS Charter numbers show and/or what APS Public Schools represents, let alone the state of NM?

From Trey Smith, Executive Director, East Mountain High School:

1. EMHS serves a percentage of Hispanic students that meets or exceeds the percentage of the local communities in which the school is located. While the town EMHS is located in (Sandia Park) contains 19% Hispanic individuals, the school serves 27%. The school also exceeds the percentage of Hispanic individuals from the bordering town of Cedar Crest, which is at 22%, and

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is at the same percentage of Hispanic individuals as the town of Edgewood (27%), the school's largest municipality draw.

2. EMHS offers a dynamic ELL program with highly qualified teachers serving many students.
3. The state charter law requires a blind lottery drawing and does not allow schools discretion in choosing the background of the students who enter via the lottery, nor should it.
4. Comparing demographic percentages of a neighborhood against the demographic percentages of another neighborhood is a false equivalency.

Please provide ALL zip codes for current students and for projected students. Also provide how many students from each zip code attend.

From Trey Smith, Executive Director, East Mountain High School:

Projected student zip codes are difficult to predict but the majority current zip codes are Sandia Park (87047), Edgewood (87015), Cedar Crest (87008), and Tijeras (87059):

- 87008 43
- 87015 92
- 87016 2
- 87035 4
- 87047 121
- 87056 2
- 87059 119
- 87108 1
- 87109 2
- 87110 1
- 87111 5
- 87112 1
- 87114 1
- 87121 1
- 87122 1
- 87123 8

Please provide an impact analysis on Roosevelt Middle School.

The charter school team did not do an impact analysis for Roosevelt Middle School. The review team used the following questions in review of the written plan and in-person site visit:

- Has the school demonstrated a community need for their amendment?
- Has the school developed a strong academic program for the middle school?
- Is the middle school program in line with the mission of the school?
- Is the middle school program innovative?

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- Has the school developed a strong plan for the middle school expansion which demonstrates that the amendment should be approved?

What is the district doing to assist A. Montoya and RMS with their Magnet applications? If we are going to privilege EMHS, what is APS doing to help these schools that serve a higher Hispanic population?

The Office of Innovation and School Choice is working with Roosevelt Middle School and A. Montoya Elementary school through their Instructional Council.

What tribal affiliations are represented at Roosevelt middle school? The dashboard lists tribal affiliation 5.4% but it doesn't clarify what that means.

From Phil Farson, APS Indian Education:

Roosevelt has 16 Native American students who have provided tribal affiliation:

Blackfeet	1
Isleta	1
Navajo	10
Seminole	1
Zuni	3

Regarding East Mountain high school, and its budget, how does it plan to pay for the construction of a mid school addition? What capital monies are being used? What is the source of those monies?

From Trey Smith, Executive Director, East Mountain High School:

The EMHS Foundation is the owner and landlord of the current facility. The Foundation is researching financial partnerships to finance a construction loan. Through a lease purchase agreement, the school pays the Foundation for those costs. EMHS, and most charter schools in the state, receive lease assistance via the New Mexico Public School Facilities Authority. The school also utilizes funds received from HB33 and SB9 disbursements for construction and loan payments.

What are the laws and contractual, if any, obligations around financial solvency and loans for APS S authorized charter schools?

Here are the state laws dealing with charter schools and finances:

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NMSA 1978 § 22-8B-4N: Within constitutional and statutory limits, a charter school may acquire and dispose of property; provided that, upon termination of the charter, all assets of the locally chartered charter school shall revert to the local school board and all assets of the state-chartered charter school shall revert to the state, except that, if all or any portion of a state-chartered charter school facility is financed with the proceeds of general obligation bonds issued by a local school board, the facility shall revert to the local school board.

NMSA 1978 § 22-8B-4P: The governing body may contract and sue and be sued. A local school board shall not be liable for any acts or omissions of the charter school.

NMSA 1978 § 22-8B-12D: A chartering authority shall monitor the fiscal, overall governance and student performance and legal compliance of the charter schools that it oversees, including reviewing the data provided by the charter school to support ongoing evaluation according to the charter contract. Every chartering authority may conduct or require oversight activities that allow the chartering authority to fulfill its responsibilities under the Charter Schools Act, including conducting appropriate inquiries and investigations; provided that the chartering authority complies with the provisions of the Charter Schools Act and the terms of the charter contract and does not unduly inhibit the autonomy granted to the charter schools that it governs.

NMSA 1978 § 22-8B-12.1.C: When a charter school is closed, the assets of the school shall be distributed first to satisfy outstanding payroll obligations for employees of the school, then to creditors of the school and then to the state treasury to the credit of the current school fund. If the assets of the school are insufficient to pay all parties to whom the schools owes compensation, the prioritization of the distribution of assets may be determined by decree of a court of law.

Regarding budgets, how does a charter school plan and pay for its buildings? What capital monies are being used? What is the source of those monies?

Here is some information on Charter School Capital Funding from [Public Charter Schools of New Mexico](#):

- Charter schools are public entities without public financing for facilities
- Lease assistance is the only facility funding mechanism Lease Assistance only funds 80% of lease costs

Charter schools are underfunded when it comes to facility funding. The mechanisms schools are funded with (lease assistance) only covers 80% of facilities. That means schools must use operational funding meant for students to pay for buildings.

Currently, there are two ways for schools to be funded: on a per-student basis or based on square footage. Square footage calculations do not count hallways or bathrooms. There is no viable state mechanism to help charter schools build facilities. As a result, charter schools must consult with private banks – most of which are outside of New Mexico – to finance a facility purchase.

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Here is information from the [New Mexico Public School Facilities Authority on the Lease Assistance Program](#).

What are the legal and/or contractual obligations, if any, around financial solvency?

NMSA 1978 § 22-8B-12D: A chartering authority shall monitor the fiscal, overall governance and student performance and legal compliance of the charter schools that it oversees, including reviewing the data provided by the charter school to support ongoing evaluation according to the charter contract. Every chartering authority may conduct or require oversight activities that allow the chartering authority to fulfill its responsibilities under the Charter Schools Act, including conducting appropriate inquiries and investigations; provided that the chartering authority complies with the provisions of the Charter Schools Act and the terms of the charter contract and does not unduly inhibit the autonomy granted to the charter schools that it governs.

Additionally we are monitoring the schools quarterly financial reports to the Public Education Department. From these reports we monitor:

- Current Ratios - Measures the school's ability to pay its debt as they come due. Ratio should be greater than 1:1 and not less than or equal to 0.9
- Liquidity - Measures the school's ability to pay its obligations over the next 12 months. School should have at least 1 month and not less than .5 months
- Total Margin - Measures the deficit or surplus a school yields out of its total revenues. Three year should be positive and most recent year is positive

Are APS authorized charter schools allowed to take out loans for capital or operational expenses? What are the key rules governing these loans?

The New Mexico Constitution prohibits charter schools from going into debt. Charter school foundations often seek to obtain debt from private banks for facilities.

Constitution of New Mexico Article IX Section 11:

- A. Except as provided in Subsection C of this section, no school district shall borrow money except for the purpose of erecting, remodeling, making additions to and furnishing school buildings or purchasing or improving school grounds or any combination of these purposes, and in such cases only when the proposition to create the debt has been submitted to a vote of such qualified electors of the district as are owners of real estate within the school district and a majority of those voting on the question has voted in favor of creating such debt.
- B. No school district shall ever become indebted in an amount exceeding six percent on the assessed valuation of the taxable property within the school district as shown by the preceding general assessment.
- C. A school district may create a debt by entering into a lease-purchase arrangement to acquire education technology equipment without submitting the proposition to a vote of

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the qualified electors of the district, but any debt created is subject to the limitation of Subsection B of this section.

- D. For the purposes of this section, a financing agreement entered into by a school district or a charter school for the leasing of a building or other real property with an option to purchase for a price that is reduced according to the payments made by the school district or charter school pursuant to the financing agreement is not a debt if:

(1) there is no legal obligation for the school district or charter school to continue the lease from year to year or to purchase the real property; and

(2) the agreement provides that the lease shall be terminated if sufficient money is not available to meet the current lease payments. (As amended September 19, 1933, September 28, 1965, November 5, 1996 and November 7, 2006.)

What governance models do our APS authorized Charter Schools use?

Charter Schools use a traditional governance model. We are hopeful that Governing Council's will grow to use Student Outcomes Focused Governance. We took our first step during our meeting on November 3.

How do you hold charters accountable for budgets and financial decisions?

We follow national best practices from the [National Association of Charter School Authorizers](#) to do ongoing monitoring of charter school finances. Here is an excerpt from their guidance:

Authorizers should conduct general monitoring of schools' finances by requiring submission of reporting on an interim basis more frequently than the annual audit. Because there is a significant lag between the school's year end and when the authorizer receives the audit, year-end Financial Performance Framework assessment is indicative of performance from at least four to six months back. Using audited financials for the comparative testing is important for data accuracy and consistency, but ongoing monitoring can assist the authorizer in identifying pressing financial concerns. The extent and frequency of this monitoring, however, should be carefully determined in order to maintain the balance between oversight and autonomy.

The most useful financial reports for the authorizer to review on a periodic (generally quarterly) basis are:

- *Income statement and balance sheet showing year-to-date actual, year-to-date budget, variance, and year-end budget*
- *Year-to-date statement of cash flows and cash flow projection through year end*

Interim reviews are key to identifying new and unresolved problems, as well as items that, due to timing of the audit, may not have triggered a review in the framework. Because a number of

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the measures include balance sheet figures (a snapshot of a point in time), these measures can be manipulated, intentionally or unintentionally, due to timing. For example, management may choose not to pay a large invoice before year end to inflate its cash balance, or revenue from the state may come just before year end in one year and after in another. Interim reviews will assist the authorizer in avoiding undue reliance on what might be skewed data.

How do you hold charters accountable for student outcomes?

Each school sets academic targets and projects those targets 5-years out. Additionally, we follow national best practices from the [National Association of Charter School Authorizers](#) to do ongoing monitoring of charter academic achievement. Here is an excerpt from their guidance:

- 1. State and Federal Accountability** The framework includes reference to existing state and federal accountability measures and targets. All states have federal Annual Measurable Objectives (AMOs), whether under No Child Left Behind (NCLB) or Elementary and Secondary Education Act (ESEA) waivers. Many states use additional ratings or grading systems to evaluate schools. All authorizers should include state and federal accountability systems in their Performance Frameworks in some form. We discuss in more detail below the options authorizers may consider for how to address these measures within their frameworks.
- 2. Student Progress Over Time (Growth)** Growth models measure how much students learn and improve over the course of a school year. The inclusion of growth measures in the framework acknowledges that relying solely on a snapshot of student proficiency misses progress that schools may be making over time in bringing students up to grade level, a task that may take more than a single year. Students who enter school behind their peers and students who are not meeting state standards need to make more than a year's worth of growth each year to "catch up." Equally important, students who are already at grade level, or proficient, should continue to make sufficient growth to meet and exceed proficiency standards. The framework considers aggregate growth for each charter school as well as progress of significant subgroups within the school.
- 3. Student Achievement (Status)** The student achievement indicator focuses on the percentage of students meeting standards for proficiency on state assessments. Charter schools should ultimately be accountable for how well children are mastering fundamental skills and content such as literacy and mathematics. The framework includes an analysis of overall and subgroup proficiency rates in charter schools and compares these rates to the overall state rates and rates of schools that students might otherwise attend, as well as schools serving demographically similar populations.
- 4. Post-Secondary Readiness (for High Schools)** This indicator examines how well a school's students are prepared for college or employment after graduation. The framework includes SAT/ACT results and graduation rates and recommends additional data-collection efforts to assess post-secondary success of graduates. For many authorizers, the relevant data have limited availability, so the measures of post-secondary success will be aspirational in nature. Many states, however, are improving coordination between K-12 and post-secondary data systems. Thus, NACSA anticipates that these data will become increasingly available to authorizers for inclusion in Academic Performance Frameworks.

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5. Mission-Specific Academic Goals The framework allows for the inclusion of school-specific measures of academic outcomes that are agreed upon by individual schools and authorizers. These measures should be applied only if the goals are valid, reliable, measurable, and quantifiable and are not otherwise captured in the Performance Framework. NACSA recommends that mission-specific goals be optional, rather than mandatory, on a school-by-school basis; however, schools with unique missions not captured by traditional measures (e.g., dual language, performing arts) should be expected to develop mission-specific goals.

Are you required to address concerns around the Martinez Yazzie cases?

Yes, all charter schools must address concerns around the Martinez Yazzie case. Additionally, each school sets academic targets for reading, math, and science by subgroup.

Regarding the SAT Grade 11 Summary, please breakdown with raw numbers. You show that your African American population scored very well in proficiency in ELA and Math. How many students are represented here?

From Trey Smith, Executive Director, East Mountain High School:

I've attached included our school profile, which includes demographic percentages, and an in-depth explanation of our graduation requirements and program. In terms of raw numbers, there are currently 12 African American students at EMHS.

[2023 11 08 Support Document for Q&As: 23-24 East Mountain High School Profile](#)

Same question for all others on this page.

Regarding the 4 year cohort graduation rates...how do you account for your results?

From Trey Smith, Executive Director, East Mountain High School:

The EMHS graduation rate is high because of the incredible commitment and dedication of the EMHS staff and faculty. The school implements a strong MLSS/Early Warning System program that has been modeled across the state. Counselors and administrators meet weekly to monitor grades, attendance, and discipline and implement interventions immediately when there are concerns about any students falling behind. The 2018 US Dept of Education National Blue Ribbon award was based on the school's ability to close the achievement gap and help students fund success no matter their previous background.