



# Choice Out West

## Charters and public school choice out West:

Lessons and challenges from  
Idaho, Colorado and New Mexico.

*By Alan Gottlieb*



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CHARTER SCHOOLS

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We are proud of the work our public charter school partners and public school choice advocates are doing in our three states to create more educational opportunities and to improve outcomes for our students and families. Our Mountain West states have some of the nation’s oldest charter school laws with all three of our laws going back more than 25 years. In our states close **to 10 percent or more** of students attend public charter schools and many more benefit from opportunities like open enrollment, magnet schools, innovation schools and more recently micro-schools and community-based learning societies.

Innovation permeates our states’ education systems and has for decades. We are unabashedly supportive of advocating for and pushing continuous improvement efforts by encouraging the expansion and growth of public charter schools and kindred school improvement efforts. We are also realists and understand that there are opponents in our states who dislike and fight the work we and our school partners do to improve educational opportunities for our children.

Opponents argue our work is a threat to the “traditional public school system.” We argue families benefit when they have quality choices for their children. We know one-size education no longer works for many of our families and children, if in fact it ever has. Our friend and mentor from California, Jed Wallace, warns that “we in the charter world have lost that sense of moxie, we have lost a sense of confidence that we are on the right side of history.”

The sense that the best days are behind for those of us who support public school choice is real, **but 25+ years into this work** we are here to say that in our states, the best days for our public charter school sectors and public school choice more generally, are yet to come. We not only believe this, we live it. We work every day in our states with educators and allies across our vast geographies to defend and expand our charter school sectors. We live the ups and downs and political challenges over time. We don’t give in because there are thousands of educators, and tens of thousands of families and students, working and learning in our schools of choice.

To tell the story of “Charters and School Choice Out West,” our three organizations came together to commission the Denver-based journalist Alan Gottlieb to write this report. We have all worked with Alan over the years and respect him and his journalism. We

shared our address books (aka virtual contacts) with him and asked him “to generate a multi-state report on the status and future of school improvement and reform efforts in Idaho, New Mexico and Colorado.” Each of our states has its own unique story and we have different politics and history. We also share not only beautiful vistas, mountain streams and world-class skiing, but some common values and experience around how to innovate in education to better prepare our students for life success and citizenship in our great states.

We are appreciative of the excellent work Alan has done in capturing our collective stories. It is a good read. It reminds us of the great work done over the years in our states to improve education. It also makes clear that **all three of our states face serious challenges in the coming years** and that it will take resolute commitment and toil by our states’ education reformers and innovators to ensure our collective efforts continue to benefit our families and children.

We also owe a great deal to the many individuals who spoke to Alan for this report. Their voices made this all possible and improved its content. Thanks greatly to them all for giving so freely of their time and thoughtfulness. We also have to thank the J.A. and Kathryn Albertson Family Foundation and the Daniels Fund for their support over the years for the work they help empower us to do in our states. Special thanks to Jed Wallace for also giving freely of his time not only for this report but for the work we do every day. He is a friend to us all. Finally, thank you to the many educators, families, and students we have the privilege to work with and support in our states. It is for them and their future that we generated this report and the lessons shared in it.

**Terry Ryan**  
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## Introduction

Attitudes about school choice shift with the political winds, nationally and state by state. Advocates in three western states – deep red Idaho, purplish-blue Colorado, and deep blue New Mexico, commissioned this report to get a better sense of the current and future challenges and opportunities, primarily for charter schools but other forms of public school choice as well.

What is the current state of school choice in these three states? What are today’s perceived strengths and weaknesses in their diverse choice landscapes, from a variety of perspectives in each jurisdiction? What are the greatest hopes and worries facing choice advocates in the years to come? What are some of the promising practices emerging, including in rural areas of three still largely rural states?

Dozens of interviews spanning Idaho, Colorado, and New Mexico found some commonalities and some distinct differences. In Colorado and New Mexico, where teachers unions are stronger, charters in particular, but even more modest forms of choice like district-run innovation schools, have come under increasingly pointed attack in recent years. Those attacks distract and obfuscate, despite often being based on half-truths at best, and lies and distortions at worst.

“Because of charter schools’ amazing success and momentum, teachers unions, and the other pillars of the establishment have made stopping charter schools their number one priority,” said Jed Wallace, a longtime charter advocate who, among other duties, ran the California Charter School Association for five years. “And we in the charter world have lost that sense of moxie, we have lost a sense of confidence that we are on the right side of history.”

“Regaining that confidence and communicating it effectively is essential to the public school choice movement’s future, especially in blue states,” Wallace said.

Colorado has an almost three-decade history of successful charter schools and networks across the state, but as the state turns bluer, political obstacles are mounting, especially along the populous Front Range corridor. Still, innovation continues to flourish.

New Mexico, where the sector was initially weak and under-performing, has gained strength and momentum in recent years, and has, according to Luke Ragland of The Daniels Fund, become one of the most promising and exciting charter environments in the country.

In Idaho, where teachers unions are weaker, concerns center more on issues of population shifts and gentrification in more urban areas, providing quality options in remote, rural areas, and land and construction costs across the state. Idaho charter advocates also worry about the state’s charter authorizing capacity as demand for independently run public schools continues to grow.

This report includes separate sections on the current and future state of public school choice in Idaho, Colorado, and New Mexico, focusing primarily but not exclusively on public charters. It concludes with a call to action, inspired by long-time charter advocate Jed Wallace, and a couple of observations about commonalities.

One common threat to school choice that spans all three states is the widening national political divide, though in Idaho, where Democrats hold little sway, the divide is less evident. What had been a bipartisan consensus in support of high-performing charter schools among more moderate Democrats and Republicans during the first 15-years of this century began to break down during the Trump years.

That fracture could be exacerbated should the U.S. Supreme Court decide that it would be unconstitutional to deny approval of religious-based charter schools. The court opened the door to that possibility in the 2022 *Carson vs. Makin* decision.

For now, however, school choice in the form of charters and other public options continues to enjoy some bipartisan support, though, again, it looks different in each of the three states covered here. We begin with Idaho, where partisan politics plays less of a role in the debate over school choice, and rapidly evolving economic and demographic factors are more influential.

***“Regaining that confidence and communicating it effectively is essential to the public school choice movement’s future, especially in blue states,” Wallace said.***

|                   | Charter Law Enacted | Number of Charters | Number of Charter Students | % of Students in Charters |
|-------------------|---------------------|--------------------|----------------------------|---------------------------|
| <b>Idaho</b>      | 1998                | 75                 | 29,200                     | 10%                       |
| <b>Colorado</b>   | 1993                | 269                | 134,000                    | 15%                       |
| <b>New Mexico</b> | 1992                | 101                | 29,000                     | 9%                        |

***This report includes separate sections on the current and future state of public school choice in Idaho, Colorado, and New Mexico, focusing primarily but not exclusively on public charters.***



## Idaho: Growth, expansion, limited by rising costs, human capital

Thanks in large part to the J.A. and Kathryn Albertson Family Foundation (JKAF) and Bluum, a funding intermediary and local champion for supporting entrepreneurial education ventures, school choice is thriving in Idaho, particularly charter school growth. The Gem State is home to **70+ public charter schools** (six of which are statewide virtual schools), serving about **30,000 students**.

Bluum, founded in 2015, has supported 36 schools, to seed 15,000 new seats, through the daunting challenges of planning and opening, from land acquisition to building construction or renovation to identification and training of school leaders. Bluum schools can be found in the Boise urban core, in suburban areas, and in far-flung rural communities.

Idaho is in some ways a unicorn because of the largesse of JKAF, a significant family foundation that does all its giving within the borders of Idaho. Bluum, since its founding, has worked with JKAF to allocate \$37 million to partner schools while also allocating \$22 million in federal Charter School Program grants. All in, Bluum has worked to allocate **\$67.75 million for new charter school seats**. JKAF has also worked with the nonprofit facility financing group Building Hope to support more than \$150 million in new school construction.

Surveying the charter school landscape in Idaho, two highly promising trends stand out. First, successful charter school models are beginning aggressive replication efforts and are expanding across the state. Second, the variety of school models is truly impressive. Some are traditional college prep schools. But there are also trail-blazing Career and Technical Education (CTE) schools, an arts-focused school, a progressive STEM school where students are referred to as engineers, and a new experiment in micro-schooling that is poised to spread rapidly throughout rural pockets of Idaho.

“The innovations that are happening here are exciting, and the replications offer a lot of promise for Idaho and beyond,” said Terry Ryan, Bluum’s chief executive officer. “People are coming up with creative ways to meet challenges, but our challenges are growing and getting more complex as well.”

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The chief challenges to the school choice landscape cited by Ryan and others include the rising cost of land and construction materials, housing affordability and gentrification, attracting teaching talent, especially to rural areas, and charter school authorizing capacity.

We will first examine the innovations and other promising developments. Next, we’ll describe some of the challenges, as well as the ways in which people are surmounting them.

## STRENGTHS

### *Gem Prep Learning Societies*

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Gem Prep K-12 charter schools offer a unique mix of brick-and-mortar schools that offer a blend of online and in-person instruction, and a highly successful fully online school. The network has been growing and today, between its online program and six physical schools, educates more than 4,000 Idaho students. A seventh school is slated to open next summer in Twin Falls and two years after that another school is set to open in the Idaho Falls area.

Innovation is part of Gem Prep’s DNA, and its latest experiment may well be its most audacious idea to date. At the start of the 2022-23 school year, Gem Prep launched two “Learning Societies,” best described as pandemic pods augmented by professional educators and its online school, Gem Prep’s excellent and rigorous curriculum, and a physical location for students to gather.

The idea for Learning Societies developed naturally from the growing demand for access to Gem Prep schools, both online and brick and mortar. State data for Idaho public schools from 2021-22 show GEM Prep Online and its brick-and-mortar schools across the state as top performers. A challenge for many families with online school, however, is that an adult has to be home and monitoring a student full-time for it to work.

“A lot of families just can’t do that,” said Jason Bransford, Gem Prep’s CEO. “There are a lot of single parent households, or households where both parents work out of the home full-time.”

During the height of the COVID-19 pandemic, when everyone was forced into a form of home-schooling for a time, an idea crystallized among Bransford and his team. What if Gem Prep could offer supervised online micro-schooling, where a handful of students gathered under adult supervision, to learn online together? It would solve the adult-must-be-home problem, it would give the students social interaction as well as opportunities for some in-person instruction to augment the online experience.

Thus, were Learning Societies born. In the 2022-23 school year, there are two kindergarten through fifth-grade Learning Society micro-schools, one in the rural community of Emmett in southwest Idaho, the other in the town of Lewiston in central Idaho. Each location has a capacity of about 20 students supervised by two adults. The adults needn't be certified teachers, but must be high school graduates, preferably with some post-secondary education "have a love of children and be highly organized, highly driven," Bransford said.

It's too early to know how well the microschools are working, but Bransford and his deputy, Adam Bruno, are enthusiastic about the idea and have plans to expand the number of Learning Societies rapidly as demand dictates. The beauty of the idea, they say, is that they can meet a need, especially in rural areas, and if Gem Prep can partner with churches or other community centers, as it has in Emmett and Lewiston, the cost can be kept low.

### **Elevate Academy Expansion**

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Elevate Academy, a public charter Career and Technical Education (CTE) school in Caldwell serving at-risk students in grades 6-12, has so successfully addressed an unmet need that the model is expanding statewide. Two new schools opened for the 2022-23 school year, in Nampa and in Post Falls in the northern part of the state.

And that's just the beginning, according to Elevate co-founders Monica White and Matt Strong. In 2024 an Elevate campus will open in Idaho Falls with the school being authorized by the local school district. In the next five years, they envision four additional schools opening, many of them in the Treasure Valley, bringing the total to eight schools, serving about 450 kids each. In time, the model could expand to other states as well.

The Elevate model has caught fire because it fulfills one of the original goals of charter schools when the concept was first articulated several decades ago: **Filling a niche and innovating where traditional public schools have failed to do so.**

Elevate serves a specialized population: All its students are at-risk under the state definition of the term, and many of whom have struggled to the point of quitting their traditional schools.

***"We work with students who are completely disenfranchised and struggling, and oftentimes districts haven't found a solution for them," White said.***

Although relationships between school districts and charter schools can sometimes be tense, Elevate co-founders Monica White and Matt Strong have found that some districts appreciate what they offer, because they take students that have been unsuccessful in more traditional schools and, so far at least, get them through high school and into postsecondary education or well-paying jobs.

"We work with students who are completely disenfranchised and struggling, and oftentimes districts haven't found a solution for them," White said.

On top of that, with Idaho's population booming, growing districts are having a tough time keeping up with demand, especially since in a politically and fiscally conservative state, getting voters to pass bond issues for new schools is challenging at best; and requires 66 percent of voters to approve.

"You're seeing more and more modular classrooms, you're seeing class sizes increase," White said. "In some areas we are a safety valve with some of the most disenfranchised students. So I think that we're adding value in communities in several ways now where superintendents are looking at this a lot differently than they were five years ago."

Elevate to date has been able to fund the construction of new buildings to house its schools, thanks to a partnership and support of the J.A. and Kathryn Albertson Family Foundation, Bluum, the Charter School Growth Fund and Building Hope, a national nonprofit that specializes in providing financial and logistical assistance for charter school facilities.

### **American Classical Schools of Idaho**

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Treasure Valley Classical Academy (TVCA), which opened three years ago as a stand-alone charter school in rural Fruitland, has proved so popular that the model is expanding across Idaho under the banner of a new nonprofit Charter Support Organization called American Classical Schools of Idaho (ACS-I).

Steve Lambert, the retired Air Force colonel who founded TVCA and now heads ACS-I, said he has been contacted by groups across Idaho and the West more generally interested in opening classical academies of their own.

“South Meridian, Kuna, Rexburg, Idaho Falls,” Lambert said, ticking off the names of communities that have reached out to him. “There is an interest in the Bonners Ferry to Sandpoint corridor. There’s interest across the state and so we’re trying to be faithful to that interest in an organized way.”

The first replication of TVCA, Idaho Novus Classical Academy, will open in August 2024 in Avimor, a northwest Boise foothills development. Future new schools will open only if-and-when there is a true ground-up local movement to bring the model to a community, Lambert said. While Novus and TVCA operate with 54 students per grade level, Lambert said he will explore ways to bring classical academies to smaller communities that can’t provide that many students.

The three examples above encapsulate the general Idaho attitude toward school choice and the expansion of options: Parents should drive the conversation, and where there is demand, supply should expand to meet it.

## CHALLENGES AND OPPORTUNITIES

The COVID-19 pandemic accelerated a trend that had been developing for several years before 2020: people moving to Idaho from the West Coast, and particularly California, for a quieter, more tranquil way of life. As some employers learned that remote work was a feasible option, it became easier for workers to relocate to a place they wanted to live, and Idaho proved a popular choice.

**The influx caused a dramatic rise in real estate prices**, especially in and around Boise and Couer d’Alene. This in turn created two trends potentially detrimental to charter schools and their mission.

**The first was gentrification of urban areas**, where some schools aimed to serve low-income or mixed-income populations as part of their core mission. As low-income families were pushed out by rising costs, schools like the K-6 Future Public School in Garden City found it challenging to retain the students they most wanted to serve.

“Families that we are most urgent about serving can no longer afford to live within a two-mile radius, if not more, of the school,” said Amanda Cox, Future Public School’s cofounder and leader.

**The second potentially troublesome trend is the rising cost of land, existing buildings, and construction materials and labor.** Schools hoping to open or expand faced almost insurmountable obstacles buying land or constructing affordable school buildings.

While reversing gentrification is impossible unless a community commits to building affordable rental housing, the challenge of rising costs is being met in some creative ways by schools. **Most notable is a budding partnership with developers** that is benefitting both Gem Prep and the American Classical Academies of Idaho.

**“Families that we are most urgent about serving can no longer afford to live within a two-mile radius, if not more, of the school,”** said Amanda Cox, Future Public School’s cofounder and leader.

Jason Bransford was connected with David Turnbull, a real estate developer who was building a huge new development in Meridian. Turnbull sold a piece of land to Gem Prep at a deep discount, which made it possible, with philanthropic support, for the charter network to construct its new Meridian South Campus, which opened for the 2022-23 school year.

“We were really excited because the location was just ideal. It’s a beautiful area, and it was great working with a developer who knows what he’s doing. It came together really nicely,” Bransford said. He said he is in conversation with other developers about similar deals elsewhere in Idaho’s fast-growing Treasure Valley.

This kind of partnership becomes increasingly vital as the cost of land rises and supply issues make building materials scarcer and more expensive as well, Bransford said. “You can try to raise more and more money, but at some point, you really just have to say we’re only going to do this if we can find a donated piece of property or a significantly reduced property” he said.

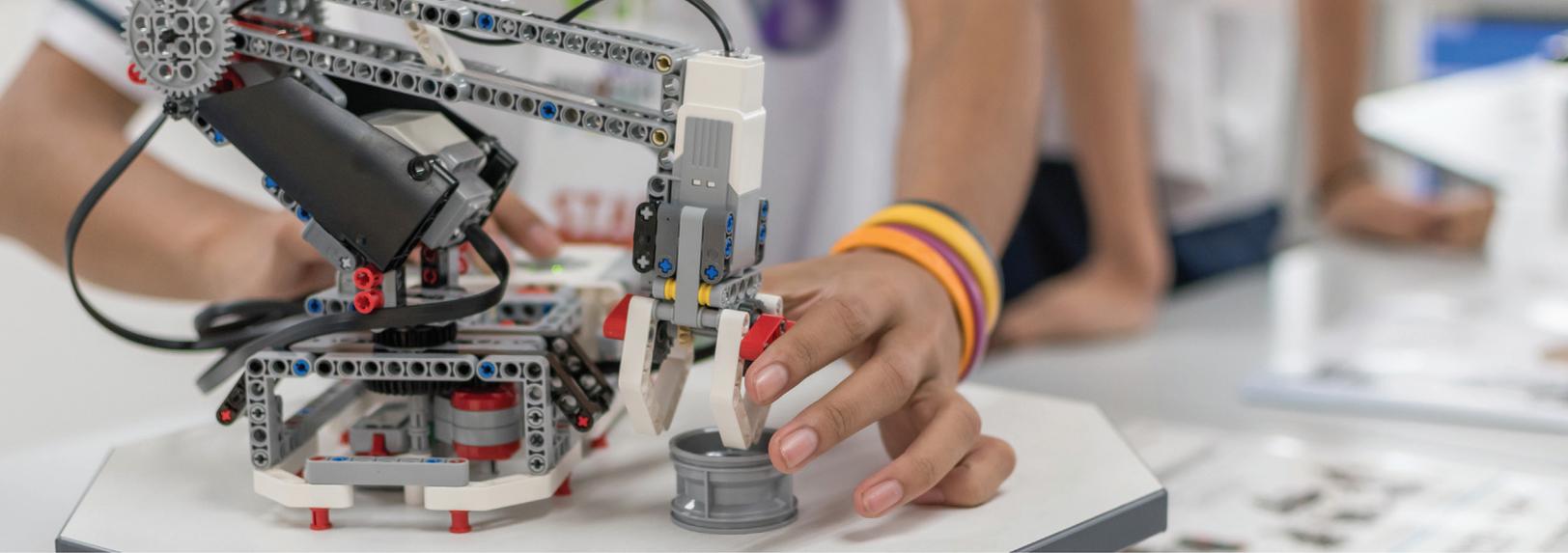
Turnbull, for his part, said providing space for a charter school in his development was an easy decision. He wanted a school, and he did not want to work with the local school district, with which he had had “frustrating” experiences in the past.

“After connecting with Jason, I was really impressed with Gem Prep’s leadership,” Turnbull said. And having a charter school onsite fit with his educational philosophy as well.

“I think one-size-fits-all is a bad model,” Turnbull said. Having a variety of choices serves the customer, the student better and also leads to more accountability and more scrutiny by parents, by students and by elected officials. I appreciate the ‘let a thousand flowers bloom’ mentality.”

In a similar vein, developer Dan Richter is working with American Classical Academies of Idaho to locate their schools in a massive new development he is building in phases north of Boise called Avimor. Eventually the development will be home to 25,000 people, he said.

That school will open there in 2024 on land Richter donated for the purpose. Richter said eventually there will be room for several schools.



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“I personally would love it if we had very few of the district schools and more charter schools here,” Richter said.

One growing issue for the Gem State is that 3 in 4 charters – over 70 in all – are authorized by the Idaho Public Charter School Commission. The commission is the only statewide authorizer in Idaho (districts can authorize within their boundaries), and as demand for charters grows, the capacity of the commission and its small staff is being stretched.

Some charter advocates, like Bluum’s Terry Ryan, have been working to draw a state college or university into serving as a charter school authorizer. Under Idaho law public colleges and universities can take on this role but so far none have done so. “This is a frustration and a missing part of our efforts to create, support and sustain great options for our families and students,” Ryan said. “We need more partners to share the responsibility of supporting the quality oversight and expansion of public charter schools.”

## **RURAL CONTEXT**

As charter networks continue to expand in Idaho, some rural communities are benefitting, thanks to innovations like Learning Societies and Elevate Academy’s expansion in northern Idaho. But there are innovative, standalone rural charters as well.

Examples include the Upper Carmen Charter School and Fern Waters in Salmon, Island Park Charter School on the edge of Yellowstone and the North Idaho STEM Academy in Rathdrum. Another example is RISE, a school that opened for the 2021-22 school year in Kimberly, a small community in southeastern Idaho. RISE opened serving 25 students in each grade 4-8 and expects to grow year-by-year through high school.

Heidi Child, the school director, said the school’s mastery, project-based learning approach is best suited to older students, who have already learned the basics of reading, writing, and math.

RISE was authorized by the local school district as a needed alternative to the more traditional learning approach offered by district schools. The district opened a new elementary school recently and left the old building empty, which created an opportunity for a different kind of school to occupy the space.

“It has been great for families because as a parent I know that my kids are all very different, even though they’ve all come from the same family,” Child said. “We have many families that have one child at one of the district elementary schools, one at RISE and one at the high school. And that has worked wonderfully.”

Child taught for many years in the Kimberly School District, so the process of planning and opening the school was collaborative and collegial, she said. And she was able to recruit some veteran district teachers to RISE, who were looking for a different approach to teaching and learning.

Attracting teachers from elsewhere to a small rural community is tough, Child said, and even more so now that real estate prices, even in a small town, have gotten out of reach for many people.

## Colorado: A mature charter sector faces headwinds but continues to expand and evolve

Colorado became the third state in the nation to allow charter schools when it passed its 1993 charter school law. Today, 269 charter schools operate throughout the state, in urban, suburban, and rural settings.

The National Alliance for Public Charter Schools consistently rates Colorado's charter law as among the strongest in the nation, citing absence of a cap on charter school growth, the amount of autonomy and accountability granted to charter schools, a statewide authorizer (the Charter School Institute) as well as district authorizing, and a robust appeals process for charter school applicants denied by their local school board.

***This charter friendly environment persists in many ways, but storm clouds are building.*** This applies not only to charter schools, but to innovation schools as well. Innovation schools are schools run by districts, but granted under state law some limited, charter-like autonomies to steer their own course.

As Colorado tilts more progressive, and as the state becomes an increasingly expensive place to live, pressure is building from some predictable quarters to limit school choice. This is especially true in urban and suburban areas, where school enrollment has been declining for the past several years. That trend is likely to continue for the foreseeable future, state and school district demographers say. According to the National Center for Educational Statistics, Colorado elementary and secondary school enrollment peaked at just over 913,000 in 2019 and is projected to drop to 817,000 by 2030 – a drop of almost 100,000 students.

Luke Ragland, senior vice president of the grants program at The Daniels Fund, a large, Denver-based philanthropic foundation, and a major proponent of school choice, said he feels the future is bright for school choice in Colorado.

"I'm still extremely positive about the charter sector in Colorado," Ragland said. He described the Colorado charter movement as entering a third wave. ***The first wave***, he said, was the "wild west" early days, with a wide variety of schools of different models opened

across the state, but concentrated in suburban communities around Denver.

***The second wave***, concentrated mostly around Denver as well, featured schools focused primarily on college prep, particularly for students of color and low-income students, who had been poorly served by more traditional schools.

***This new wave***, Ragland said, embraces elements of the first two waves, but adds a different twist. "There is an additional focus on pluralistic quality of charters alongside quality as a value," he said. "The blending of those two elements is potentially an exciting development."

Dan Schaller, president of the Colorado League of Charter Schools, shares Ragland's generally optimistic outlook. Despite the disruptions of the COVID-19 pandemic, "We're continuing to see strong results and strong demand," Schaller said.

***"Even in the midst of all the challenges and struggles that the pandemic has brought for our schools, charter schools across the state are outperforming state averages, not only in the aggregate, but for virtually all of our most historically underserved student populations: students in poverty, students of color, and students with special needs."***

"Even in the midst of all the challenges and struggles that the pandemic has brought for our schools, charter schools across the state are outperforming state averages, not only in the aggregate, but for virtually all of our most historically underserved student populations: students in poverty, students of color, and students with special needs."

Choice skeptics in Colorado are buoyed by a transition over the past few years of Denver Public Schools, the state's largest school district. Until recently, DPS was widely considered a national model of a portfolio district. The district's leadership and school board were agnostic about governance models. Whether they were district-run, innovation, or charter, schools were considered part of what the district termed the "family of schools."

That is decidedly no longer the case. The composition of the school board has changed radically over the course of the last two election cycles – 2019 and 2021. All seven members of the board are now backed by the Denver Classroom Teachers Association,

the powerful local union. Downward demographic trends in district enrollment and students choosing to attend neighboring districts have given the board cover to carry out a campaign of eroding school choice in Denver. The “family” has fractured.

The picture is less dire elsewhere in Colorado, and particularly in the Colorado Springs area, where a half-dozen districts generally have a friendlier outlook toward charters. There are some promising rural charters as well, and some interesting schools with unique focuses are opening around the state.

In part because of the breadth of the state’s choice movement, school choice advocates, while aware of the challenges, remain mostly optimistic about both the current state and future prospects for charters, innovation, and other public school choice models in the Centennial State.

In the section that follows, we will look at the sources of strength in Colorado’s charter and choice sectors. After that, we will look at issues constraining continued growth, and possible ways to loosen those constraints.

## STRENGTHS

As Ragland observed above, Colorado’s charter and innovation school sectors continue to innovate and evolve. Seasoned educational leaders are opening new schools, more schools targeting specific populations or interests are opening, more autonomous innovation zones have formed (at least in Denver), and at least in some communities, stronger bonds are forming between local charters and districts.

### Third Future Schools

Mike Miles has an impressive pedigree that extends beyond education. Earlier in his career, he was a decorated Army Ranger and later a diplomat, serving in Poland and Russia as the Cold War was coming to a close. He spent six years as superintendent of the Harrison School District in Colorado Springs.

During his tenure, Harrison developed a reputation as a cutting-edge district that pushed innovation and accountability. Miles then spent three years as superintendent of the Dallas, Texas Independent School District before returning to Colorado to launch the Third Future Schools charter school network in 2016.

Third Future now operates three K-8 schools in Colorado – one in Aurora, and two in Colorado Springs – and three schools in Texas.

### Denver charter network merger

In a challenging environment for charter school growth in Denver, Colorado’s largest school district, networks and schools are finding ways to adapt to ensure their survival and to keep the possibility for future expansion on the table.

One notable development in 2022 was the announced merger of two of the city’s most highly regarded charter networks, STRIVE and Rocky Mountain Prep (RMP). The most important factor driving the merger is the needs of students and their families. Rocky Mountain Prep and STRIVE leaders believe families will be better served by having a seamless ECE-12 pipeline for hundreds of students. Rocky Mountain Prep operates four ECE-5 schools, and STRIVE runs one elementary school, seven middle schools and two high schools in the Denver metro area.

### “Demographics continue to change.

Our context within the Denver Public Schools district continues to change. So we have been asking: What is the future going to entail?”

Challenges of expanding in an era of declining enrollment also played a role in the conversations. Tricia Noyoa, who heads the RMP network and will also run the merged organization, said that “Demographics continue to change. Our context within the Denver Public Schools district continues to change. So we have been asking: What is the future going to entail? What is the best way to keep serving the families we’re serving but improve on quality? How do we make sure that we’re putting our resources where they matter most, which is in front of students?”

### The merger also points to the evolution of the networks’ educational philosophies over time.

STRIVE Prep launched its first school in 2006. In many respects, STRIVE Prep, in its early years, was a textbook example of a ‘no excuses’ charter. The schools served (and continue to serve) almost exclusively low-income students of color. Its curriculum in the early years was strictly proscribed, discipline policies firm and unyielding, and the atmosphere inside the buildings serious and at times lacking a sense that learning can be fun.

Although the schools generally performed well, especially in the early years, *leaders made significant course corrections over the years in an effort to inject joy* and a lighter atmosphere into their campuses.

Rocky Mountain Prep, which serves a similar population of students, opened its first school in 2011. From the outset, the school put forward its two founding principles as rigor and love, signaling that it would be a program that expected great things from its students, but would help them achieve using a softer approach.

The pending merger represents a tacit acknowledgement that the landscape in Denver is different than it was just a few years ago.

*Politics, economics, and demographics dictated the decision, which should help ensure the long-term survival of the new network*, while also providing parents with a feeder pattern through middle school.

### **Innovation zones**

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Outside of the charter sector, Colorado has experimented since 2009 with granting some district-run schools a taste of charter school autonomy by allowing them to become innovation schools. This was an idea that was later exported to Idaho. These schools, under the law, can win waivers from some district regulations and pieces of collective bargaining agreements, allowing them some room to chart their own course. There are 107 innovation schools in Colorado, about half of them in Denver.

*Innovation schools have been a mixed bag achievement-wise*, in part because the process by which districts approve them is far less rigorous than many charter school authorization processes. Denver Public Schools (DPS) in particular, in the early days of innovation schools, had a “let one thousand flowers bloom” philosophy toward approvals, and the result was many schools with poorly thought-out plans that did nothing to bolster student learning.

*Over the last five years or so, though, DPS has implemented a rigorous approval process that mirrors charter authorization, and the newer innovation schools generally outperform the older ones.*

More recently, innovation zones have come into play, again primarily in Denver. Three such zones have formed in Denver, and after arduous negotiations with the district, these zones have governing boards under the aegis of nonprofit organizations, giving them more autonomy from DPS.

The Denver school board that took office in December 2021 began attempting to dismantle innovation schools and zones almost immediately. All seven board members had been endorsed by the Denver Classroom Teachers Association, whose leadership complained that teacher rights were undermined by the innovation plans.

An attempt last spring to strip innovation schools of much of their autonomy was largely successful, though the board backtracked modestly after a major public outcry. Just how successful will be determined in the coming years as many of these schools must reapply for their innovation status. The board will without a doubt scrutinize them closely.

A bill to protect the limited autonomy of innovation schools was watered down before passing the state legislature in June, and being signed into law by Gov. Jared Polis. But a section of the bill that codified innovation zones run by separate entities survived revisions, opening the door for more such zones to launch in districts outside Denver. Zone advocates consider this a significant victory.

### **Schools with specialized focus – Metro and beyond**

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*Back in the charter realm, schools with a specialized focus have a better shot at opening and surviving, even in an environment as hostile as Denver has become.* It’s harder for even an anti-charter, progressive school board to turn down or close, for example, the American Indian Academy of Denver (though enrollment and financial challenges have placed that school in peril) or the 5280 Freedom School (focused on Black students) than another college-prep charter school, viewed by some as direct competition with district-run schools.

A couple of other charter schools that have opened in recent years in the Denver metro area illustrate this point.

*New Legacy Charter School opened its doors in the fall of 2015*, with a mission of serving two generations of students simultaneously: pregnant teens and teen parents in a new high school building, and their young children up to age five in an attached early childhood education center.

Having high-quality daycare and preschool on-site removed a major obstacle impeding teen parents from staying in school—affordable childcare. The school serves about 100 high school students—primarily teen parents, pregnant teens, and students in the foster care system—and 45 young children.

New Legacy serves a population that Aurora Public Schools (APS) doesn’t, or at least not effectively. Still, to open, the school had to work with the Charter School Institute (CSI), Colorado’s statewide authorizer, rather than the charter-skeptical APS leadership and board. While CSI has a highly regarded staff and provides an array of services to its client schools, district-authorized charters receive significantly more dollars per-pupil, through mill-levy distributions, than do schools authorized by CSI (see more on this below).

New Legacy has been successful working with a population that for obvious reasons is highly at risk of dropping out. In 2021, the school’s graduation rate was 88 percent, and 100 percent among teen parents, nearly double the national average. The Early Learning Center also earns high marks from the statewide rating system.

The French American School is a language-immersion K-8 school in central Denver (currently serving students in grades K-4) that



was approved in 2019. The Denver metro area is home to roughly 20,000 native French speakers, many of them African immigrants. The idea behind the school was to mix students whose families wanted them to learn French as a second language with native speakers, creating a diverse student body. Such schools have become popular in the area over the past decade, with the Denver Language School providing immersive Mandarin and Spanish instruction, and a district-run dual-language Montessori school helping native Spanish-speakers learn English and vice-versa.

Perhaps the most intriguing new school with a specialized focus is located on the Ute Mountain Ute reservation in Towaoc, 400 miles southwest of Denver. Tribal members organized to create the Kwiyyagat Community Academy because they feared their language and culture could disappear as elders who hold those customs pass away.

Sherrell Lang, a tribal member who helped launch the school, said her grandmother was a native language instructor in the 1970s who taught the Ute language in the Montezuma-Cortez School District Re-1 that abuts the reservation. But she died in 2001, and since that time, there has been no formal teaching of the language, which has no written component. Most of the people who can still speak it learned it from Lang's grandmother.

Lang got connected to the school's planning committee by Tina King Washington, a tribal member who spent 10 years as the Ute Mountain Ute K-12 education director. She also served on the Montezuma-Cortez school board. "Tina said that the (Montezuma-Cortez) school system didn't fit well with our kids and their learning styles," Lang said. "There's no learning about their own heritage and their self-identity." And she said, "Well, the only way to make that change is to start our own school."

School founders worked with Albuquerque's Native American Community Academy (NACA), a K-12 charter school, and its NACA Inspired Schools Network to develop a plan for Kwiyyagat. Lang received a two-year paid fellowship with the network, giving her the opportunity to work on a charter plan and application with NACA's founders and leaders of other NACA-inspired schools in New Mexico and South Dakota. Other network schools are in the planning stages in Minnesota and California.

Lang said she was inspired to get involved by her son's difficult experiences in traditional public schools. As a kindergartner he came home from school in tears repeatedly, worried that the teacher would yell at him because he hadn't yet learned to read. Conferences with the teacher didn't reassure Lang and her husband.

"He wasn't receiving what he was needing: patience and compassion," Lang said. "And so when they offered me the fellowship I said yes, I will do that."

"As native people, we know what our kids are in need of and how to best create this environment," she said. "One of the biggest factors for me was I want our community kids to love learning, enjoy going to school, have fun while they're learning all this information, and all these things that are important for them to be successful as they get older."

Kwiyyagat opened in August 2021 with kindergarten and first grade classes. It added second grade this school year and will add an additional grade each year until it is a fully functioning K-5 school.

## CHALLENGES

***Opponents of public-school choice in Colorado are using current economic and demographic trends to their advantage*** to argue that education funding is a zero-sum game and if charters win, district-run public schools lose. Some opponents have demonstrated a willingness to use half-truths and outright falsehoods to push an anti-charter narrative – charters aren't public schools, they skim the best kids from districts, they don't serve special education students, etc. These falsehoods have been disproven so many times and so thoroughly that we will not debunk them here. But the fact that they continue to spread shows that they do have an impact on public attitudes.

“When I lived in Denver, I was always surprised by how effective the disinformation campaigns were,” said Brenda Dickhoner, executive director Ready Colorado, a conservative education advocacy organization. “I'd talk to neighbors who thought charters were just for wealthy white kids, or that they were for-profit, or that they weren't public schools.”

***Undoubtedly, fewer charter schools would exist today in Colorado were it not for the right to appeal local school board denials to the State Board of Education.*** In the spring of 2022, the progressive Denver school board rejected an application from the 5280 Freedom School, centered on the needs of Black students, on the grounds that the school had not demonstrated it would enroll enough students to remain viable.

The State Board overturned that denial, led in part by its most conservative member, who said he strongly opposed the school's professed beliefs, but placed parental choice above his own political philosophy.

But the State Board could possibly flip from its pro-charter stance to one more skeptical of school choice in 2024, when two pro-charter members – one Democrat, one Republican – are term-limited and must leave the board.

Mike Miles, who heads the Third Future Schools charter school network, said he has stopped trying to expand in Colorado and has shifted his attention to Texas, ***because Colorado is no longer as charter-friendly as it once was.***

“Over the last couple of years, it just seems there is less appetite among school board members and community folks alike to have a charter school,” Miles said. As an example, he cited his experience in Aurora.

There, he said, his school was renewed on a squeaker of a 4-3 vote in mid-2021 despite booming enrollment, strong achievement, and winning a prestigious Succeeds Prize from Colorado Succeeds, a coalition of business people and education advocates.

“There was not one negative thing said by any board member, and yet they almost voted not to renew us,” Miles said.

One reason for the cooling of sentiment among district officials for charters along the populous Front Range is growing enrollment pressure, as rising home and land prices push people of moderate means farther out from the urban core.

DPS enrollment peaked at just under 94,000 students in 2019. It is projected to drop to 87,000 by 2026. Jeffco (Jefferson County) Public Schools, the state's second largest district, has seen enrollment drop from 86,721 in 2015-16 to 78,486 in 2021-22, with continued declines forecast over at least the next five years. Declines of this magnitude create significant budget pressures, which in turn engender hostility toward charter schools, perceived to be draining “our money” and “our kids” from districts.

***Finding a facility is becoming increasingly challenging for Colorado charter schools as well.*** Rising costs make affording a facility or bringing it up to school code prohibitive. And, especially in the past few years, school districts feeling enrollment pressures have become increasingly reluctant to allow characters to use their vacant or under-utilized buildings.

Under state law, Colorado has one statewide charter school authorizer that in theory helps mitigate against districts' self-interested reluctance to authorize charter schools within their boundaries. The state legislature created the Colorado Charter School Institute (CSI) in 2004 to address the growing demand across the state for charter schools.

One flaw in the law, however, is a stipulation that only those districts that have, through egregious charter school application denials, lost their exclusive chartering authority can be forced to accept CSI-authorized schools.

***Only six districts in Colorado do not have exclusive chartering authority. It's an easy status to attain and a difficult one to lose.***

This leaves CSI with only two options: work exclusively in those districts, or strike deals within other districts to open schools there.

There are currently 43 CSI-authorized schools operating in Colorado, and only one of those is in a district that lacks exclusive chartering authority. The other 42 exist either because the district lacked exclusive chartering authority when the school opened, or because CSI was able to strike a deal with a district to operate there.

“There are a number of chronically low-performing districts that have exclusive chartering authority,” said CSI Executive Director Terry Croy Lewis. “There are charter networks in Denver and elsewhere eager to expand into those districts, but they can't. It would benefit children, but currently the law makes those expansions impossible without district approval.”



***“The danger always is that we’re putting politics before students, that we’re not thinking about how funding is something that should follow the students, and that should meet the needs of the student. We have to change our thinking on that,” she said.***

Croy Lewis said if districts thought differently about exclusive chartering authority – or if the language were changed so that it didn’t sound as if districts were surrendering power, then progress might be possible.

The fact is that CSI has a highly experienced staff of 35 that has expertise in quality authorizing. This would benefit districts that chose to work with CSI, if they saw it as an advantage rather than a threat, Croy Lewis said.

“The danger always is that we’re putting politics before students, that we’re not thinking about how funding is something that should follow the students, and that should meet the needs of the student. We have to change our thinking on that,” she said.

Additional challenges that could also be considered opportunities include districts with different authorization standards, different application timelines, and different application requirements. Some districts have much experience in authorizing and some have no staff and no experience. This intense variability in the quality of the authorizers is a significant challenge, one of which the National Association of Charter School Authorizers (NACSA) is aware.

For example: Just north of Denver, Adams 14 is a high-poverty district with a track record of failure. Standardized scores consistently rank at the bottom of the state. Dropout rates are high, and graduation rates low. The district has been locked in an ongoing battle with the Colorado Department of Education, which has stripped it of accreditation and turned operations over to a private management company.

Despite the dysfunction and poor performance, the district’s school board recently rejected a contract with University Prep, a high-performing Denver charter network that wanted to open an elementary school in Adams 14. Yet the district to date retains its exclusive chartering authority.

## New Mexico: Charters are gaining momentum in a tough political environment

The state legislature passed a law in 1992 establishing charter schools in New Mexico, making it among one of the earliest states in the nation to allow for independently managed public schools. Eight schools opened in the first wave.

**From the outset, however, the state limited the number and autonomy of charters.** In 1998, the law was amended to allow 75 new start-up and conversion schools authorized by local school districts and gave more autonomy and authority to charter schools. Then, in 2006, the legislature established a statewide charter school authorizer – the Public Education Commission (PEC) and a Charter School Division within the Public Education Department.

In an awkward arrangement, the PEC has no staff of its own. Rather, it relies on Public Education Department staff, setting up a host of potential conflicts.

There are currently 101 charter schools operating in New Mexico, 56 of which are authorized by the Public Education Commission, the lone statewide authorizer. The remaining 45 are authorized by districts, and therein lies one major challenge, as described by charter advocates. About 29,000 New Mexico students attend charter schools.

**Many districts lack experienced, knowledgeable authorizers.** As a result, schools with little likelihood of success get approved, and then rarely if ever are shut down. This tarnishes the image of the entire charter school sector.

**“District authorizers are often not equipped and do not have the right resources to do a quality job** in holding charter schools that they authorized to a high bar of rigorous standards and quality,” said one well-positioned observer who asked not to be named. “They just don’t have the skill set to be quality authorizers and as a result, often district authorized schools can fly under the radar performing poorly for many years.”

Over time, the PEC has become a stronger authorizer than it was initially. While some larger districts, like Albuquerque Public Schools, have gained experience in charter authorizing over the

years, they still rarely move to close even the worst-performing charters. There seems to be a general consensus that in recent years at least, PEC-authorized schools have been more thoroughly vetted before approval than their district-authorized counterparts.

Combining better authorizing with the growing influence of several school development and education advocacy nonprofits has, over the past three years, made New Mexico a player in the school choice arena for the first time. In fact, said Luke Ragland of The Daniels Fund, he finds the New Mexico school choice environment one of the most exciting in the nation.

**“In five years, people will look back and will be writing stories about what happened in New Mexico’s charter school space,”** Ragland said. **“New Mexico is poised for some of the most impressive charter growth in the country.”**

“In five years, people will look back and will be writing stories about what happened in New Mexico’s charter school space,” Ragland said. “New Mexico is poised for some of the most impressive charter growth in the country.”

Despite excellent schools opening and others maintaining their high standards through the challenges of COVID-19, New Mexico faces both some challenges similar to other blue states and some unique to its own particular culture and history. **The overarching challenges include deliberate campaigns of disinformation** about charter schools in particular, and funding inequities that put charter schools at a disadvantage compared to district-run schools.

Unique to New Mexico is a pervasive insularity that makes policymakers in particular suspicious of school models from outside the state, even those that have been proven effective elsewhere. That, coupled with a baffling sense of complacency or resignation about the state’s persistently poor academic performance creates barriers to innovation and improvement.

In this section of the report, we will highlight promising trends in New Mexico school choice, citing some positive examples, both urban and rural. Next, we will examine the challenges and strategies for surmounting them.

### STRENGTHS

#### ***New or reinvigorated education nonprofits***

Over the past seven years, New Mexico education advocates have built an organizational infrastructure that has begun showing results, with strong charter schools opening and attracting large numbers of students.



NewMexicoKidsCAN, part of the national 50Can network, launched in 2018. Its mission is to “serve as a catalyst and conduit to advocate for community-informed, student-centered and research-backed education policies that work best for the children of New Mexico. Connecting policy, instructional practice and politics, we work to reimagine what is possible in New Mexico’s public education system.”

Excellent Schools New Mexico (ESNM) “partners with entrepreneurial local educators to create innovative public schools that put the needs of children and families first.” Founded in 2016, ESNM works with both charter schools and innovative district-run schools. It provides capital startup grants to schools that show strong parental demand; offers zero-interest loans so that partner schools can tap into low-interest private debt financing for construction; and makes grants to organizations that offer high-quality professional development to educators.

ESNM has funded a portfolio of schools that will serve more than 7,000 students at-scale (or close to 25 percent of the state’s charter population). ESNM’s portfolio of schools serves representative demographics of students, outperforms their local districts, and significantly outperforms similar schools. The organization has played a major role in raising both the profile and the quality of charter schools in the state.

Teach Plus New Mexico, the local chapter of a national organization, was founded in 2016. It helps committed teachers become effective policy and practice advocates. The nine-month Teach Plus New Mexico Policy Fellowship steeps educators in education policy, and pays them a stipend without removing

them from the classroom. Teach Plus aims to have its fellows “deepen their knowledge of education policy and gain a voice in decisions that affect their students and the teaching profession, at the district, state, and national level.” Teach Plus also manages a teacher network that brings together teachers across the state interested in education policy.

Public Charter Schools of New Mexico is a statewide charter school advocacy organization, founded in 2003. It advocates for charter school quality, growth, and autonomy. While the organization has been around for longer than the others mentioned here, there is broad consensus that it became a more effective advocate for school choice when current executive director Matt Pahl took the helm in 2017.

The Greater Albuquerque Chamber of Commerce is also playing a growing role in education advocacy in New Mexico’s largest city. Chamber funds and influence helped elect a slate of new school board members in 2021. A majority of the school board now supports significant reforms to the district, and is also more amenable to expansion of charter schools in the city.

These five organizations often work together, and form something of a constellation around which a variety of education improvement efforts coalesce. For example, NewMexicoKidsCan and ESNM jointly run a program called Changemakers, a nine-month fellowship that equips New Mexico community leaders with the knowledge and skills necessary to positively impact the state’s K-12 public education system today.



ESNM also runs the seven-week New Mexico Parents Together Education Fellowship, which Executive Director Scott Hindman said has been popular, and effective in creating grassroots organizers to push for change and improvement.

Creating cadres of leaders with a similar orientation toward issues positions New Mexico school choice advocates to continue increasing their coordination and effectiveness, in ever-larger numbers.

**“That’s the long game,” Hindman said.** “Engage with and train thousands of parents and hundreds of business leaders, most of whom are younger, over the next decade. All of a sudden, these people understand the issues and are advocating for change. That is something that we didn’t have before.”

### Exemplar schools

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“The strongest part of our movement is that we have differentiated learning models that are showing success,” said Pahl of Public Charter Schools of New Mexico. “We have successful Montessori schools. We have successful art schools. We have successful blended learning programs. We’re doing a lot of different things well, and when communities get access to many of those different options, then it can really start thriving, as parents learn about these options.”

**Pahl also said that when there is enough “charter school penetration” in a district,** the district tends to start looking to innovate in its own schools.

Here are a few examples of successful charter schools in New Mexico.

Altura Prep is a four-year-old charter elementary school that opened in Albuquerque in 2018. Co-founders Lissa Hines and Meaghan Hindman both had experience in schools in the Bay Area. They wanted to bring some of what worked well there to Albuquerque, where large numbers of students attend failing schools.

They were especially intrigued by Rocketship Education, which operates high-performing charter elementary schools in underserved parts of the Bay Area, Milwaukee, Texas, Nashville, and Washington, D.C. Rocketship is best known for highly personalized learning and training parents to be advocates for their children’s education.

Hindman and Hines longed to start their own school, and targeted Albuquerque, where Hindman was born and raised, as a place that had a crying need for quality schools.

“We sat down in the middle of Thanksgiving break one year and asked ourselves, what do we want our school to look like? And

one of the first things we talked about was what we had seen at different high performing CMOs that we wanted to take, because we weren’t trying to reinvent the wheel.”

But this being New Mexico, Hindman and Hines were careful not to say they were basing their school on any particular national model. That would have met immediate resistance, they said

One unusual feature of Altura Prep is that teachers specialize in content areas at the elementary level. “No one had heard of content specialists in elementary school out here in New Mexico. And our thinking was, if we are trying to retain teachers, instead of having them be jack of all trades, having to do so many things K-5 and then leave the profession because it is overwhelming. What if we had them specialize?”

Teachers have loved it, and the school has thrived.

Mission Achievement and Success Charter School (MAS) opened in Albuquerque in 2012, led by founder JoAnn Mitchell. She had been authorized to open a school serving students in grades 6-12. But after just a couple of years, Mitchell concluded that the school needed to start working with students from their earliest years of schooling, to keep them from falling behind.

Today MAS serves more than 2,200 students in grades PreK-12, and has a lengthy waiting list. MAS stands out for having all of its students graduate high school, with 100 percent being admitted to college or the military. **Its literacy and math achievement rates are far higher than Albuquerque Public Schools,** the state of New Mexico as a whole, and even the suburban Rio Rancho school district. MAS recently received a \$3 million grant from philanthropist MacKenzie Scott.

**“Any kid who’s come here and stayed, regardless of when they came, we have gotten them to graduate,” Mitchell said.**

“Any kid who’s come here and stayed, regardless of when they came, we have gotten them to graduate,” Mitchell said. “We’re obsessive about stalking kids down. We’ll drive to their house to get them to school. We’ll go to any means possible to make sure kids are successful. And when kids do leave here (transfer to another school), we try hard to keep track of them.”

Mitchell developed the MAS approach to education by taking the best elements of schools where she had worked previously. Her ex-husband was a professional hockey player, which means they moved frequently, and she gained teaching experience in a variety of environments, from high poverty, all-Black schools in rural Georgia to urban schools in New York.



***“I learned that despite different ethnicities, kids and their needs and challenges just weren’t that different from place to place,” she said.*** “But in New Mexico I found that the educational challenges were pretty profound. I felt like if there was ever a state that had a need for high quality education, it was New Mexico.

Like the Altura founders, Mitchell cherry-picked what she saw working wells in schools where she worked. “The philosophy of MAS was a hybrid of a lot of different experiences and a lot of my own reading and my love of learning about what I saw work in various places. And my own experience of having grown up in situations similar to a lot of students I’ve worked with just gives me a different lens on things than a lot of other educators have.”

Sidney Gutierrez In Roswell, a town in rural southeastern New Mexico, opened as a charter middle school in 2001 and expanded to serve grades K-8 in 2020, with 22 students per grade level.

“Small class sizes and small schools can develop community, which facilitates authentic and personalized learning,” the school’s website says. “In small schools and classes, students can have a significant impact on each other, the school and their own leadership abilities...The goal of the school’s academic program is to promote students who are excellent writers, readers and problem solvers, who are conversant in a second language, knowledgeable about our society and other cultures, history and current events, and who are comfortable using technology as a tool for learning.”

While district-run schools in Roswell typically have some of the lowest test scores in a low-performing state, Sidney Gutierrez has been a notable exception. While the state’s students struggled mightily in the wake of COVID-19, as measured by New Mexico’s

state assessment, the percentage of Sidney (as the school is commonly known) students who score proficient or better was more than double the state average on third, fourth, and fifth grade English and math tests.

Yasine Armstrong, formerly the president and currently the vice-president of the school’s governing council, attributes its durable success to its unusual approach to improvement, which she likened to tech start-ups she has launched.

***“Charter schools are potentially the startups of education,” she said.*** “The whole point is to be able to pivot quickly when you find things that are working and things that are not working, and that’s something Sidney has been really good at from the outset.”

Sidney is authorized by the Roswell School District and has a strong and positive working relationship with district officials and the school board, Armstrong said. The school has an agreement with the district to receive business services from the district, rather than hiring staff to run business operations internally.

The school’s sustained excellence in an isolated area where other options are less desirable has created pressure to expand the school. Armstrong said that, given the waitlist, Sidney could easily double its size. But the school leadership has resisted that temptation.

“We face the challenges that other schools and districts have as well,” she said. We have challenges with recruiting and retaining teachers, we continue to have challenges with facilities. And so we feel strongly we don’t want to do anything to harm the integrity of our academic program and potentially doubling the size of the school will just add a whole new layer of challenges.”



## CHALLENGES

### *Funding inequity*

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When, earlier this year, the state legislature approved a charter school facilities law, advocates saw it as a major victory for school choice in New Mexico. The key element was creation of a \$10 million Charter School Facility Revolving Fund. The fund can't be used for construction but will be available for schools currently in lease purchase agreements to use for refinancing. Only charter schools that are established and have been renewed at least once are eligible to tap the fund.

Creation of the fund was a good first step. ***“There have been some significant wins as far as creating equity and funding for charter schools in New Mexico,”*** said ***Rebekka Burt***, chair of the Public Education Commission, the statewide authorizer. “And the idea that charter school students should be equally funded as traditional school students is gaining momentum in New Mexico. But there is still a long way to go before charter schools are funded on a par with district schools.”

Matt Pahl, executive director Public Charter Schools of New Mexico, agreed that more needs to be done to ensure funding equity. He cited state funding for charter transportation as one crying need. He also said that some districts siphon off nearly 20 percent of federal special education funds that should go to charters.

Fortunately, Pahl said, many legislators are more open and responsive to charter school needs than they were in the past, as schools continue to flourish. “(Legislators) are open to listen to us right now, and that wasn't always true,” he said. “We need to take advantage of this time. Because of the way the general public feels about us, most legislators are willing to at least listen, and that's the beginning of helping them understand the issues so we can get some solutions.”

### *School quality, authorizing and oversight*

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Although by most accounts the Public Education Commission has become a stronger statewide authorizer over time, ***district authorizing in much of the state remains weak, and as a result, low-performing schools tend to remain open indefinitely,*** regardless of how poorly they might be serving their students.

Rebekka Burt of the Public Education Commission said her organization has been working on revising and updating the performance framework for the state's charter schools. Until 2019, she said, schools received a letter grade of A through F based on performance. While that might have been a bit reductive, it had the advantage of being crystal clear. If a school received a D or F, it was not performing up to par. The current system is less clear.

The PEC is now focused, Burt said, on clearly communicating to state-authorized charters about their performance and the

commission's expectations. “We are moving in a direction of more transparency, clear communication, and holding really high standards and bars for our charter schools, where we expect them to be academically, financially and organizationally.”

Pahl agreed that oversight and accountability from the PEC has improved. This includes an increased willingness to move against failing schools and to close them down. ***“Over the last seven years the closure side of the equation has really been brought to bear in a way that it hadn't in the first decade of the charter movement here,”*** he said.

Amanda Aragon, executive director of NewMexicoKidsCAN, said this trend toward greater accountability is important to the state's choice movement, because if charter schools aren't serving students better than district-run schools, then it's hard to make an argument for their growth and expansion.

“I take the deal of more flexibility for more accountability very seriously,” Aragon said. “Four or five years back, when we looked at the data, charters weren't performing better than the traditional district schools. Since then, there has been a general uptick in performance, though more slowly than any of us would like. We're beginning to show the real range of academic value that charters can bring to New Mexico students and families in a way that I hope will make them a little bit easier to protect.”

***“When district-authorized schools close, more often than not it's for some local political reason rather than a quality issue.”***

But the picture isn't as bright with school district-authorized charters. “District authorizers by and large just don't know what they're doing,” Pahl said. “When district-authorized schools close, more often than not it's for some local political reason rather than a quality issue.”

Like the PEC, Pahl's organization is working to change that. “The biggest thing we do when we talk to authorizers is to help ensure that there's a transparent bar, and that it's applied to schools equally. And we think that that bar should be high,” he said.

### *Lack of choice penetration*

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While schools like Roswell's Sidney Gutierrez are examples of successful charters outside the Albuquerque-Santa Fe-Taos corridor, there are many outlying communities that would benefit from charters or other innovative school models, regardless of governance structure. Even in Roswell, Sidney Gutierrez barely makes a dent in the need for quality schools. Pahl said Roswell alone could use at least five high quality schools serving grades K through 12.



Because of the reputation Sidney Gutierrez has built over the years, Roswell might be open to an expansion of choice, especially given the local school district's poor performance. But, there are large swaths of the state without charters or choice, and where residents know little if anything about those options.

"We just don't have a presence in places like Las Cruces," Pahl said. "This just adds some urgency to what the next step of the movement is going to be in New Mexico, which is ensuring that there are options for kids in a number of school districts in which they're otherwise not served well. Traditional public schools in those areas have had decades to figure it out and do it by themselves and they're just not being responsive."

***One challenge hampering school choice in New Mexico is a parochialism, especially but not exclusively in rural areas, that makes breaking through with new ideas difficult.*** Every New Mexico school choice advocate interviewed for this report said there is a skepticism about ideas and models coming from outside the state.

There's also a pervasive attitude in some school districts that they have been dealt a challenging hand with the students they enroll, and that it's unrealistic to expect strong performance from kids facing socioeconomic and other challenges. Perhaps that attitude helps explain why New Mexico ranked dead last in National Assessment of Educational Progress exams, results of which were released in late October.





## In conclusion

As disparate as the three states' experiences and history with school choice have been, in Idaho, Colorado, and New Mexico, effective advocacy and authorizing stand out as attributes that have helped charter schools in particular proliferate and flourish.

**Organizations like Bluum, the Colorado League of Charter Schools, and Excellent Schools New Mexico** (the three organizations that commissioned this report) have pushed consistently for policies and practices that give charter schools a fair chance at success. Their efforts have been broadbased, but have included advocating for fair funding for charters, access to facilities and transportation, and high-quality authorizing, including options for authorizing other than local school districts. Their advocacy ranges from more traditional statehouse lobbying to parent education programs that create a grassroots base of support for school choice.

In all three states, strong organizations have urged policymakers at the state and local level to increase the rigor of authorizing. It serves no one well to approve schools that have little chance for academic or financial success. Nor does it help students, families, or the choice movement to allow failing schools to remain open because authorizing and oversight is weak.

Strong advocacy coupled with effective authorizing help develop a healthy and sustainable environment for charter and school choice success in Idaho, Colorado, and New Mexico, as well as other states across the country.

It seems fitting to conclude this report with some fiery and inspirational words from Jed Wallace, longtime charter school and school choice advocate. Among the many hats he wears, Wallace runs an excellent blog called CharterFolk, which is worth visiting regularly.

In an interview for this report, Wallace kept returning to an unusual phrase he coined: Greatly More Public Schools. He argues that charter schools are, in fact, the purest and most democratic form of public education, and charter advocates need to stop behaving as though they must apologize for supporting them.

Here's how Wallace describes his view: "We have to build the strength to be able to deal with being the number one priority of our adversaries. We haven't been able to do it. But it's not rocket science. The answer is a better north star, presenting ourselves more forcefully as on the right side of history. And then we have to build advocacy organizations that authentically bring our base in to do the work in ways that we've not done in the past.

Our adversaries have learned a lesson from Aristotle. What's the origin of drama? Conflict. Choose your conflict well, and you can capture the attention of your audience. We in the charter school movement are not willing or able to advance a narrative through the policies that we advocate for. And until we get out of that posture, we will never drive a narrative that will compare with the narrative that is going against us.

If we did the right work in terms of presenting our work as ultimately about trying to purge from our public education system historical inequities that resonate with Democrats, it's there for the taking, but we have to do it and the reason we haven't done it is mostly fear.

I believe that the message is Greatly More Public Schools. The charter school movement exists because, sadly, our public education system has turned out to be not that public. And the role of charter schools should be to make sure that all of public education becomes greatly more public."

Wallace said there are three levers by which charter schools work to make our nation's public education system greatly more public. **The first** is to "grow a bunch of new schools which model what greatly more public schooling is all about. Excellent startup new charter schools."

**The second** component is to go back to converting traditional public schools to charter status, a strategy abandoned years ago, mistakenly, he believes. "When you abandon the conversion, basically you identify charter schools as one massive replacement strategy. And of course, everybody within the establishment should be totally fearful of that and trying to stop it. We're basically saying that all those kids, all those parents and all the teachers and principals in the traditional public school system don't care enough about their kids. That's a terrible message."

"The better message is they care about those kids as much as we do. They just want the additional freedom and flexibility to be even more successful. And we as a movement are here for them."

**The final** component is to push districts via policy proposals to become greatly more public themselves.

"We force them to give up the redlining attendance boundaries. We force them to give up their selective admissions. We force them to give up on avoiding accountability. Like charters, they can't keep operating their schools without having an authorizer review how they're doing every five years."

Opening new schools, converting struggling schools, and forcing all district-run schools to become more open – greatly more public – and more accountable. In Idaho, Colorado, and New Mexico, school choice advocates seem to be putting all of their energy into the first of those options. Is it time to also consider the other two?

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Excellent Schools  
NEW MEXICO



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CHARTER SCHOOLS