

**School Location within District Notification Policy and Form (pages 2-5)  
vs. New School or School Site Amendment Request (pages 6-12)**

The CSD staff requested that the PEC review the policies and forms and advise which should be used under each of the following circumstances. *Notes in italics were from the March work session but may need further discussion.*

- A. School wants to relocate to a new facility  
*(School Location Within District Notification)*
- B. School wants to add a portable building on site with no enrollment cap increase  
*(School Location Within District Notification)*
- C. School wants to add grade levels in a new facility onsite  
*(School Location Within District Notification)*
- D. School wants to add grade levels in a new facility offsite  
*(New School or School Site Amendment Request)*
- E. School wants to increase enrollment in a new facility onsite  
*(School Location Within District Notification)*
- F. School wants to increase enrollment in a new facility offsite  
*(New School or School Site Amendment Request)*
- G. School wants to increase enrollment and separate lower grades (already served) in a new facility offsite
- H. School wants to add a facility to serve the same grades in the same city/district
- I. School wants to add a facility to serve the same grades in a different city/district
- J. Others? *Different grades*

<i>Onsite = contiguous with same admin</i>
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**Additional questions:**

1. It is assumed that “new facility” includes adding a portable, building a new building, building an addition, and leasing additional space. Is that correct?
2. Is it the same for on the same property, adjacent property, or another area of town? *If a second Head Administrator is needed at the other building due to the distance, it is considered offsite.*
3. Can we create separate forms for “changing school location” vs “adding an additional facility”?  
Yes

# School Location Within District Notification

## Purpose

The *School Location Within District Notification* is used to notify the Public Education Commission of a planned change in the school's physical location including additional facilities or facility space, *as identified in the charter contract*, when the school will be staying within the same school district. This notification shall also be used to notify the PEC when the school is adding an additional facility or facility space within the same school district because the primary facility does not have sufficient capacity.

This request is **not** used to add a second site or school that serves, or will serve, the same grades as the first (primary) site, with its own administration; please use the New School or School Site Amendment Request for this circumstance.

The school shall **not** change its physical location until after the PEC has received the notification and the school's notification has been considered by the PEC.

## Submission Deadline

A *School Location Within District Notification* must be submitted in time for the notification to be considered by the PEC **prior** to the physical move being executed.

## PEC Consideration

An administratively complete *School Location Within District Notification* shall be placed on the agenda of the next regular PEC meeting if the complete notification was received at least 7 days prior to the meeting, or at the subsequent meeting if the complete notification was not received at least 7 days prior to the next regularly scheduled meeting.

- A finding that the Charter School is not in compliance with governance reporting requirements **will result in a delay** in consideration of the request until the school comes into compliance, or if the school does not come into compliance, until the last meeting within the contractual timeline for a decision from the PEC.

A *School Location Within District Notification* will be placed on the consent agenda of a regular PEC meeting. Any notification may be removed from the consent agenda during the scheduled PEC meeting for full discussion and possible action by the Commission.

## Instructions for the Request

**If you have questions about completing the form or uploading documents, contact [charter.schools@state.nm.us](mailto:charter.schools@state.nm.us)**. Complete all required fields and attachments (denoted by "\*").

### Form Fields

Field	Instructions
Original Address, Phone Number, and	Identify the original school address, phone number, and fax number.

## School Location Within District Notification

### Fax Number \*

**Effective Date of Change \*** Identify the date on which the change in physical address is intended to be implemented.

**New Physical Address\*** Identify the new address at which the school will be operating, including the street address, city, state, zip, phone, and fax number. If complete address is not available, please provide cross streets or parcel number.

**New Mailing Address** If this information is the same as the physical address, check the "Same as new physical address" box. If not, identify the new address at which the school will be receiving mail, including the street address, city, state, zip, phone, and fax number.

## Attachments

### Approved Board Minutes or Certification of the Vote taken by the Board \*

Attach evidence that the change has been approved by the Charter School Board; certification must be signed by an authorized member of the board.

### Occupancy Documentation\*

For the new facility, clearly label and provide the following documents:

- ☐ A Certificate of Occupancy, approved for educational use; *OR* An assurance that the school will not occupy any space until the school possesses a Certificate of Occupancy and provides the same to the PEC;
- ☐ NMCI letter from the PSFA; *OR* An assurance that the school will not occupy any space until the school possesses a NMCI letter from the PSFA and provides the same to the PEC;
- ☐ Documentation of the capacity load of the facility to document capacity that can sustain enrollment requested (hand-drawn images will not be accepted) ; *OR* An assurance that the school will not occupy any space that does not have a sufficient capacity load to sustain the enrollment requested and provides documentation of the capacity load to the PEC; and
- ☐ Proposed lease (as relevant), lease purchase agreement (as relevant), or purchase contract (as relevant) and an affidavit verifying compliance with legal requirements of Section 22-8B-4.2 NMSA 1978; *OR* An assurance that the school will not occupy any space that does not meet the ownership and leasing requirements of Section 22-8B-4.2 NMSA 1978 and the school will not occupy the facility until a copy of the fully executed lease has been provided to the PEC.

### Copy of Liability Insurance Coverage\*

Attach appropriate documentation, which must identify the charter school requesting the move and agreement to provide coverage at the proposed site.

### Narrative\*

Upload a narrative that responds to the following prompts:

- ☐ Provide the rationale for moving the school to a new location.
- ☐ Identify the number of students displaced by the move and discuss the plan to support these students:

### **School Location Within District Notification**

- Discuss communication of the planned move to the school community;
- Discuss how displaced students will be/have been supported in identifying other educational options; and
- Enrolling in another school.

## **Administrative Completeness Review**

An administratively complete request includes the following:

- ☐ Fully Completed Form
- ☐ Approved Board Minutes or Certification of the Vote taken by the Board
  - Comply with Open Meeting Law
  - Board aligns with what is currently on file with PEC
- ☐ Narrative, addressing all prompts
- ☐ Occupancy Documentation
- ☐ Copy of Liability Insurance Coverage

## School Location Within District Notification Form

The Charter Contract, was entered into by and between the New Mexico Public Education Commission, and [SCHOOL NAME], effective [DAY] of [MONTH], [YEAR]. [SCHOOL NAME] was approved for a [YEAR TERM] Charter Contract.

[SCHOOL NAME] requests consideration from the Public Education Commission (PEC) to change the terms of its Contract as follows:

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Charter Contract currently states:

**SCHOOL NAME:**

**ORIGINAL ADDRESS:**

**AUTHORIZED GRADE LEVELS:**

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Notifies the Public Education Commission, Section \_\_\_\_\_ of the school's contract shall state beginning on:

**EFFECTIVE DATE OF CHANGE:**

**SCHOOL NAME:**

**NEW PHYSICAL ADDRESS:**

**AUTHORIZED GRADE LEVELS:**

Identify the new address at which the school will be operating, including the street address, city, state, and zip code.

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[SCHOOL NAME'S] School Location within District Notification is hereby submitted by, [CHARTER SCHOOL REPRESENTATIVE], on [DATE], and affirms the school meets the following eligibility criteria:

- ☐ Notification must be submitted and approved by the PEC prior to the physical move; and
- ☐ The school's governing board is in compliance with all reporting requirements.

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Charter School Representative Signature

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Date

[SCHOOL NAME'S] School Location within District Notification was:

☐ Approved ☐ Denied

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Chair, Public Education Commission

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Date

# New School or School Site Amendment Request

## Purpose

The *New School or School Site Amendment Request* is used to add a new charter school or school site to the existing contract.

This request is only used when there will be a second site or school that serves, or will serve, the same grades as the first (primary) site, with its own administration. This notification should **not** be used to add a facility at a second address that is only being used to provide additional capacity because the primary facility does not have sufficient capacity to serve.

Any *New School or School Site Amendment Request* approval is conditional upon the school completing the implementation checklist, and securing an adequate facility and demonstrating the facility meets all requirements of Section 22-8B-4.2 NMSA1978 on or before June 1.

The addition of a new school or school is **not** effective until approved by the PEC.

## Determining Eligibility

Schools shall only be eligible to submit a *New School or School Site Amendment Request* if the school is on a 2018 or post-2018 contract. Schools using the pre-2018 contract who seek to submit a *New School or School Site Amendment Request* may do so concurrently with or after requesting that the commission negotiate with them to enter into a new contract using the 2018 template.

To determine whether your charter school is eligible to expand (add a new school or school site) using the *New School or School Site Amendment Request*, review the performance of the school. The expansion process is open to any charter school if the school has:

- Been renewed at least once or is eligible for expedited renewal;
- Received no lower than a "B" letter grade in any of the past three years with no single indicator in the letter grade receiving a rating below "C" in the most recent year, or in all of the past 3 years for which a Tier evaluation is available, have been identified as Tier 1 in the Academic Performance Framework;
- Has not had its board of finance revoked within the last three years;
- Informed the school district in which the school is seeking to locate the new school or school site of the intention to open a new school in the district. Notification must have been provided on or before the second Tuesday of January or before submission of the amendment request, whichever is earlier;
- With the participation of the PEC, held a community input hearing in the district in which the school is seeking to locate the new school or school site; and
- Is seeking to open a new school or school site located in the same district as the current school.

OR

- Has received a discretionary waiver from the Secretary of Education to locate in a different district.



## Submission Window

### Identify the submission window:

The *New School or School Site Amendment Request* may only be submitted for consideration at the September through the first PEC meeting of the calendar year to go into effect in the subsequent fiscal year.

The request must be submitted timely so that it may be processed within the timeframe provided in the PEC policy and implemented starting at the beginning of the next fiscal year (consideration at the first meeting of the calendar year is the latest possible consideration for an amendment to become effective in the next fiscal year).

If the fiscal year has started or will start prior to the request being considered by the PEC, an amendment request will be effective only in the subsequent fiscal year, if it is approved.

## PEC Consideration

An administratively complete *New School or School Site Amendment Request* submitted by a charter school that meets the eligibility criteria shall be placed on the agenda of the next regular PEC meeting if the complete request was received at least 28 days prior to the meeting, or at the subsequent meeting if the complete request was not received at least 28 days prior to the next regularly scheduled meeting.

- A finding that the Charter School is not in compliance with governance reporting and training requirements **will result in a delay** in consideration of the request until the school comes into compliance, or if the school does not come into compliance, until the last meeting within the contractual timeline for a decision from the PEC.
- All performance data (academic, organizational, and financial) for the last three years including any outstanding complaints or investigations will be provided to the PEC for its consideration of the amendment request.

A recommendation for approval from the CSD does not guarantee the request will be approved by the PEC. The PEC is the final decision maker and is not obligated to accept the recommendations of the CSD.

## Recommendation and Approval Factors

The recommendation from the PEC's authorized representatives and the PEC's decision to approve or deny an *New School or School Site Amendment Request* will be based on the following considerations, which will be weighed to determine if the applicant has the capacity to implement the requested expansion and ensure continued success in all applicable performance measures for both the new school and the currently existing school:

Has the applicant adequately met its mission;
Is the applicant's academic performance stable or improving;
Has the applicant demonstrated financial stability and good financial management (this will include a review of the financial audits for the past 3 years);
Has the applicant adequately met its organizational performance requirements;
Has the applicant demonstrated community need, support, and satisfaction; and
Has the applicant demonstrated capacity to successfully implement the requested expansion.

## Instructions for the Request

If you have questions about completing the form or uploading documents, contact [charter.schools@state.nm.us](mailto:charter.schools@state.nm.us). Complete all required fields and attachments (denoted by "\*").

### Form Fields

Field	Instructions
<b>Name of Proposed New School *</b>	Enter the proposed name of the new school or school site.
<b>Grade Levels to be Served *</b>	Check the boxes for the grades to be served by the new school or school site when phased in to its full capacity. The grades must be currently approved for the charter or the application must be accompanied by a Grade Level Amendment Request.
<b>Requested Enrollment Cap *</b>	Enter the enrollment cap for the new school or school site.
<b>Proposed Service Location *</b>	Identify the proposed location of the school by identifying the school district and the high school feeder pattern in which the proposed school is to be located.
<b>First day of Operation*</b>	Enter the proposed first day of school for the new school or school site.
<b>Proposed School Leader *</b>	Identify the proposed leader of the new school or school site, if the individual has been identified already.
<b>Governing Board Structure *</b>	If the school will have a separate governing board, identify the proposed founding members of the new school's governing board.

### Attachments

#### Approved Board Minutes\*

Attach evidence that the requested change has been approved by the Charter School Board.

#### Narrative\*

Attach a narrative that responds to the following prompts:

- ☐ Describe the rationale for this request.
- ☐ Identify at least one appropriate, viable facility/ property in the targeted geographic location.
- ☐ Provide a detailed staffing plan consistent with each Staffing Chart submitted with this request. Describe how the staffing (administrative, instructional, and non-instructional), enrollment, and target population needs will be addressed by the following processes:
  - Recruitment;
  - Hiring; and
  - Training.
- ☐ If changes to staffing are not needed, provide an explanation.



### Amendment or Notification Name

- ☐ Identify the target population of the proposed school, and demonstrate a clear understanding of the following:
  - The students the proposed school intends to serve;
  - Demand for this program within the identified location of the proposed new school;
  - How the population is similar to, or different from, the population currently served by the school(s) operating under the charter;
  - Whether the students will be primarily neighborhood or commuter;
  - A demographic profile of the population;
  - Current levels of academic performance for the target population; and
  - Needs not currently met for the target population.
- ☐ Describe how the school will provide a quality academic option and/or a unique program of instruction that is currently unavailable to the target population and how it will meet the needs of the target population.
- ☐ Provide a detailed description of how the charter school will meet the enrollment targets identified in the Enrollment Matrix. Include the following:
  - A plan for meeting targets;
  - Necessary advertising and/or promotion to meet the targets;
  - The timeline for enrollment at the proposed school, and explains the process for communicating to the public.
- ☐ Provide a description of the market analysis that supports the successful enrollment of the projected student count. Include the following:
  - Other educational options available to students in the target area;
  - An explanation of need for the school; and
  - Factual data to support the need.
- ☐ Identify the concrete resources, if any, needed for implementation. Consider the changes needed to curriculum, assessment, and instruction to implement this request. Provide the rationale for your response. If the response indicates that resources are not needed to implement the request, explain why.
- ☐ The first payment for a school year is not distributed until July 1st of the Fiscal Year. Explain how the school will manage all expenses prior to receiving this initial payment, including, but not limited to, those already identified in the staffing and resource components of the narrative. Include the following, as applicable:
  - Recruiting, hiring, and training employees
  - Advertising and/or promoting the school
  - Enrolling students

### **Amendment or Notification Name**

- Purchase of concrete resources
- Facilities
- Other items as indicated by the request

### **Additional Information**

Attach each of the following documents:

- ☐ Enrollment Matrix
    - Complete for the current school, detailing the current and targeted number of students served per grade for the subsequent three Fiscal Years.
    - Additionally, complete the matrix for the proposed school for its first three Fiscal Years.
  - ☐ Staffing Chart
    - Complete for the current school, identifying the current and anticipated staffing information for the subsequent three Fiscal Years.
    - Additionally, complete the chart for the proposed school in its first three Fiscal Years.
  - ☐ Certification that the new school or school site is located in the same district as the current school
- OR
- Copy of the discretionary waiver from the Secretary of Education to locate in a different district.
- ☐ Transcript from the community input hearing in the district in which the school is seeking to locate the new school or school site.

## **Administrative Completeness Review**

An administratively complete request includes the following:

- ☐ Fully Completed Form
- ☐ Approved Board Minutes
  - Comply with Open Meeting Law (if applicable)
  - Board aligns with what is currently on file with PEC
- ☐ Narrative, addressing all prompts
- ☐ Additional Information
  - Enrollment Matrices
  - Staffing Charts
  - Certification or Discretionary Waiver
  - Community Input Hearing Transcript

## New School or New Site Amendment Request Form

The Charter Contract, was entered into by and between the New Mexico Public Education Commission, and [SCHOOL NAME], effective [DAY] of [MONTH], [YEAR]. [SCHOOL NAME] was approved for a [YEAR TERM] Charter Contract.

[SCHOOL NAME] Charter Contract currently states:

**CURRENT SCHOOL SITE:**

**GRADE LEVELS SERVED:**

[SCHOOL NAME] requests consideration from the Public Education Commission (PEC) to change the terms of its Charter Contract, Section \_\_\_\_\_, as follows:

**PROPOSED NEW SCHOOL OR SCHOOL SITE:**

**GRADE LEVELS TO BE SERVED:**

**REQUESTED ENROLLMENT CAP:**

**PROPOSED SERVICE LOCATION:**

**FIRST DAY OF OPERATIONS:**

**PROPOSED SCHOOL LEADER:**

**GOVERNING BOARD STRUCTURE:**

[SCHOOL NAME] New School or New Site amendment request is hereby submitted by, [CHARTER SCHOOL REPRESENTATIVE], on [DATE], and affirms the school meets the following eligibility criteria:

- ☐ Received no lower than an overall "B" letter grade in any of the past three years with no single indicator in the letter grade receiving a rating below "C" in the most recent year, or in all of the past three as for which a Tier evaluation is available, have been identified as Tier 1 in the Academic Performance Framework; and
- ☐ Has been renewed at least once or is eligible for expedited renewal; and
- ☐ Has not had its board of finance revoked within the last three years; and
- ☐ Informed the school district in which the school is seeking to locate a new school or school site of the intention to open a new school in the district. Notification must have been provided on or before the second Tuesday of January or before submission of the amendment request, whichever is earlier; and
- ☐ With the participation of the PEC, held a community input hearing in the district in which the school is seeking to locate the new school or school site; and
- ☐ Is seeking to open a new school or school site located in the same district as the current school; and

☐ The school must confer with the PEC to convert to the 2018 contract template within 30 days of the vote on this request; and

☐ The school's governing board is in compliance with all reporting requirements.

OR

☐ Has received a discretionary waiver from the Secretary of Education to locate in a different district.

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Charter School Representative Signature

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Date

**[SCHOOL NAME'S]** New School or School Site amendment request was reviewed and voted upon by the Public Education Commission and is hereby:

☐ APPROVED

☐ DENIED

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Chair, Public Education Commission

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Date