

Enrollment Cap Amendment Request

Purpose

The *Enrollment Cap Amendment Request* is used to change the number of students the school is approved to serve as described in the charter contract.

An enrollment cap is **not** effective until approved by the PEC.

Enrollment cap requests must be submitted for approval at least two months prior to the school's enrollment period.

Determining Eligibility

Schools shall only be eligible to submit an *Enrollment Cap Amendment Request* if the school is on a 2018 or post-2018 contract. Schools using the pre-2018 contract who seek to submit an *Enrollment Cap 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 (**increase** the enrollment cap) using the *Enrollment Cap Amendment Request*, review the performance of the school. The expansion process is open to any charter school if the school has:

- Received no lower than a "C" letter grade in any of the past three years, or in all of the past 3 years for which a Tier evaluation is available, have been identified as Tier 2 or better in the Academic Performance Framework; and
- Has not had its board of finance revoked within the last three years.

Submission Window

The *Enrollment Cap Amendment Request* must be submitted at least two months prior to the school's enrollment period for any changes to be effective for the subsequent school year.

The *Enrollment Cap Amendment 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 June meeting 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 *Enrollment Cap 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

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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.

Requests to decrease the enrollment cap will be placed on the consent agenda of a regular PEC meeting. Any request may be removed from the consent agenda either before the scheduled PEC meeting or during the scheduled PEC meeting. If an item is removed from the consent agenda and school representatives are not available, the item will be added for consideration at the next scheduled PEC meeting.

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 *Enrollment Cap Amendment Request* to increase the enrollment cap 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:

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. Complete all required fields and attachments (denoted by "*").

Form Fields

Field	Instructions
Current Information*	Identify the Current Enrollment Cap approved for the charter contract.
Proposed Change*	Enter the Enrollment Cap being requested, ensuring it is supported by the documented capacity of the facility/facilities identified.

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:

- (Decrease and Increase) Describe the rationale for this request.
- (Increase Only) 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:
 - o Recruitment;
 - o Hiring; and
 - o Training.
- If changes to staffing are not needed, provide an explanation.
- (Increase Only) Provide a detailed description of how the Charter school will meet the enrollment targets identified in each Enrollment Matrix submitted. Include the following:
 - o A plan for meeting targets;
 - o Necessary advertising and/or promotion to meet the targets;
 - o Number of returning students; and
 - o Anticipated new student enrollment.
- (Increase Only) 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.
- (Decrease Only) An explanation of how the decrease will not displace any currently enrolled students, who are eligible to return in the next school year. If the current enrollment is higher than the proposed enrollment, a phase out plan that ensures the decrease will not displace any currently enrolled students, who are eligible to return in the next school year.

Occupancy Documentation (Increase Only)

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

- Documentation of the capacity load of the facility to document capacity that can sustain projected growth in enrollment. Hand-drawn images will not be accepted.
- If an additional facility will be utilized:
 - o 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;
 - o 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;
 - o Documentation of the capacity load of the facility to document capacity that can sustain

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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.

Additional Information (Increase Only)

Attach each of the following documents:

- Enrollment Matrix
 - Detail the current and targeted number of students served per grade for the subsequent three Fiscal Years both in the primary educational program and the requested additional educational program.
- Staffing Chart
 - Identify the current and anticipated staffing information for the subsequent three Fiscal Years both in the primary educational program and the requested additional educational program.

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
- Facility Information, If Required
- Additional Information, If Required
 - Enrollment Matrix
 - Staffing Chart

Enrollment Cap 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:

ENROLLMENT CAP:

AUTHORIZED GRADE LEVELS:

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

PROPOSED ENROLLMENT CAP:

ENROLLMENT CHANGE: INCREASE DECREASE

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

- Received no lower than a "C" letter grade in any of the past three years, or in all of the past three years for which a Tier evaluation is available, have been identified as Tier 2 or better in the Academic Performance Framework; and
- Has not had its board of finance revoked within the last three years; and
- If the fiscal year has started or will start prior to the request being considered by the PEC, the amendment request will be effective only in the subsequent fiscal year; and
- The school's governing board is in compliance with all reporting requirements.

Charter School Representative Signature

Date

[SCHOOL NAME'S] Enrollment Cap amendment request was reviewed and voted upon by the Public Education Commission and is hereby:

APPROVED

DENIED

Chair, Public Education Commission

Date