**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

Your charter school is eligible to apply to expand (**increase** the enrollment cap) using the *Enrollment Cap Amendment Request*, if the performance of the school meets the following conditions.

In the prior three (3) school years, the school has:

* Received no lower than a “C” letter grade on the state report card (applicable for SY18 and prior) AND Received no lower than the top 75% academic designation on the NM System of School Support and Accountability (applicable for SY19 and forward);
* Received an overall academic tier rating of Tier 1 or Tier 2 on the school’s PEC approved Academic Performance Framework, for years in which a PEC Tier Level is available.

AND

* Has not had their Board of Finance revoked within the prior three (3) years.

Schools shall only be eligible to submit an *Enrollment Cap Amendment Request* if the school is on current version of the charter contract (2019). A school under an earlier version of the charter contract may submit this amendment request if it also requests to negotiate its charter contract to the current version.

# 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.

High schools with an Early College designation from the NM PED are eligible to apply for an enrollment cap increase for second semester. The form and supporting documentation must be submitted no later than 28 days prior to the October PEC meeting and, if approved, the increase will take effect the following January.

# PEC Consideration

An administratively complete *Enrollment Cap Amendment Request* submitted by a charter school that meets the eligibility criteria may 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.

Requests to decrease the enrollment cap may 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.

# Approval Factors

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 or Certificate of Governing Body Vote\*

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:
	+ Recruitment;
	+ Hiring; and
	+ 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:
	+ A plan for meeting targets;
	+ Necessary advertising and/or promotion to meet the targets;
	+ Number of returning students; and
	+ 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:
	+ 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.

### 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.
* Staffing Chart
	+ Identify the current and anticipated staffing information for the subsequent three Fiscal Years.

# Administrative Completeness Review

An administratively complete request includes the following:

* Fully Completed Form
* Approved Board Minutes
	+ Comply with Open Meeting Law (if applicable)
	+ Board membership 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