**Partner or Non-Profit Management Company Amendment Request**

# Purpose

The *Partner or Non-Profit Management Company Amendment Request* is used to change a Partner or Non-Profit Management Company *identified* *in the charter contract.* The change may be a removal, addition, or change.

The change in Partner or Non-Profit Management Company is ***not*** effective until approved by the PEC.

# Determining Eligibility

Any Charter School may submit a *Partner or Non-Profit Management Company Amendment Request*. However, no school may contract with a for-profit company for management of the charter school.

# Submission Window

The *Partner or Non-Profit Management Company Amendment Request* must be submitted for consideration by the PEC and must be approved by the PEC before the change can go into effect.

# PEC Consideration

An administratively complete *Partner or Non-Profit Management Company 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.

# Approval Factors

The PEC’s decision to approve or deny a *Partner or Non-Profit Management Company Amendment Request* will be based on the following considerations:

|  |
| --- |
| Agreement, MOU, or Contract under which the school and the Partner or Non-Profit Management Company are operating does not violate Section 22-8B-4(R) NMSA, which prohibits charter schools from “contract[ing] with a for-profit entity for the management of the charter school.” |
| The change in the Partner or Non-Profit Management Company does not change the essence of the school’s program. |
| The Charter School must be financially independent from the partner organization or non-profit management company. |
| The applicant demonstrated capacity to successfully implement the requested change. |

# 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 Partner or Non-Profit Management Company included in the charter contract, if there is none please state “None”. |
| **Proposed Change\*** | Identify the new language that is to be included in the charter contract. This may be an addition, removal (None), or change. |

## Attachments

**Approved Board Minutes or Certificate of Governing Body Vote\***

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

### Agreement, MOU, or Contract\*

Provide the Agreement, MOU, or Contract under which the school and the Partner or Non-Profit Management Company are operating. This agreement must clearly identify all rights, responsibilities, activities, and costs of both sides.

### Corporate Status of Partner or Non-Profit Management Company\*

Provide documentation of the corporate status (for-profit or non-profit) of the Partner or Non-Profit Management Company.

### Partner or Non-Profit Management Company Annual Report\*

Provide the most recent annual report for the Partner or Non-Profit Management Company.

**Narrative\***

Attach a narrative that responds to the following prompts:

□ Describe the rationale for the school’s engagement with the proposed partner or non-profit management company. (Addition or Change Only)

□ Describe the rationale for the school’s initial engagement with the partner or non-profit management company and the rationale for terminating the engagement at this point in time. (Removal or Change Only)

□ Describe all legal implications of the relationship including the legal benefits and responsibilities of each party.

□ Identify specific individuals employed or selected by the Partner or Non-Profit Management Company that will be associated with the school, their responsibilities, and their contact information. (Addition or Change Only)

□ Describe the criteria and procedures the school uses to review the provider's performance under the MOU, Agreement, or Contract, including a timeline for how often this review is conducted and the school’s rights to terminate the agreement based on performance or for other causes. (Addition or Change Only)

□ Describe the relationship between the school and the partner or non-profit management company to demonstrate the charter school is operationally and financially independent from the Partner or NonProfit Management Company. (Addition or Change Only)

# Administrative Completeness Review

An administratively complete request includes the following:

□ Fully Completed Form

□ Approved Board Minutes

o Comply with Open Meetings Act

o Board membership aligns with what is currently on file with PEC

□ Agreement, MOU, or Contract

□ Corporate Status of Partner or Non-Profit Management Company

□ Annual Report for Partner or Non-Profit Management Company

□ Narrative, addressing all prompts