

# Public Education Commission

## Enrollment Cap and/or Grade Level Amendment

### 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.

OR/AND

The *Grade Level Change to Contract Amendment Request* is used to change the grade levels the school is approved to serve as described in the charter contract.

The change in grade levels is **not** effective until approved by the PEC.

### Determining Eligibility

A charter school is eligible to apply to expand (**increase** the enrollment cap) using the *Enrollment Cap Amendment Request*, AND/OR expand the grade levels served if the performance of the school meets the following conditions.

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

- Met or Exceeded 80% of the indicators on the Performance Framework as measured during the Annual Performance Report
- The school is meeting the academic performance, financial compliance and governance responsibilities of as outlined in its charter contract, including achieving the goals, objectives, student performance outcomes, state standards of excellence and other terms of the charter contract, including the accountability requirements set forth in the Assessment
- The charter school's proposed enrollment for all grades in combination with any other charter school's enrollment for all grades **would not be** equal or exceed ten percent of the total MEM of the school district in which the charter school will be geographically located and that school district has a total enrollment of not more than one thousand three hundred students

AND

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

Any charter school is eligible to submit a *Grade Level Change to Charter Amendment Request* to **decrease** the grade levels the Charter school is approved to serve.

### Submission Window

The *Enrollment Cap and/or Grade Level Amendment Request* may only be submitted for consideration 28 days prior to any PEC meeting to go into effect in the subsequent fiscal year. (Consideration at the June meeting is the latest

possible consideration for an amendment to become effective in the next fiscal year.) An Enrollment Cap and/or Grade Level Amendment may be submitted by a charter school that meets the eligibility criteria. The amendment request will 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.

**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

All performance data (academic, organizational, and financial) for the last three years including any outstanding compliance or investigations will be provided to the PEC for consideration of the amendment request.

## Approval Factors

The PEC's decision to approve or deny an *Enrollment Cap and/or Grade Level Amendment Request* will be based on the following considerations:

- Fully Completed Form
  - Attached Approved Board Minutes of Governance Board vote on proposed change(s)
  - Attached Narrative, addressing: the rationale for the change(s). The narrative should address how the proposed changes will or will not affect: (1) staffing; (2) enrollment targets; (3) advertising and marketing; (4) the curriculum, assessment and instruction; (5) resources and budget; and (6) the capacity of the facility.
  - If an additional facility will be utilized attach a(n):
    - 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.
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# Enrollment Cap and/or Grade Level Amendment Request FORM

If you have questions about completing the form or uploading documents, contact:

[charter.schools@state.nm.us](mailto:charter.schools@state.nm.us).

The Charter Contract was entered into by and between the New Mexico Public Education Commission and [ ], hereafter the School, effective [ ] of [ ], [ ]. The School was approved for a [ ] Charter Contract.

The School's Charter Contract currently states:

**ENROLLMENT CAP:**

**GRADE LEVELS SERVED:**

The School requests consideration from the Public Education Commission (PEC) to change the terms of its Charter Contract, Section(s) \_\_\_\_\_, as follows (write N/A if you are only requesting one change):

**PROPOSED ENROLLMENT CAP:**

**PROPOSED GRADE LEVELS SERVED:**

**ENROLLMENT CHANGE:**  INCREASE  DECREASE

**GRADE LEVELS:**  INCREASE  DECREASE

**EFFECTIVE DATE OF CHANGE:**

**RATIONALE FOR CHANGE:**

The School's Enrollment Cap and/or Grade Level Amendment Request is hereby submitted by [ ] on [ ], and affirms the school meets the following eligibility criteria:

- Amendment must be submitted and approved by the PEC prior to the change being communicated or utilized; and
- The school's governing board is in compliance with all reporting requirements and approved the change.

\_\_\_\_\_  
Charter School Representative Signature

\_\_\_\_\_  
Date

The School'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

