



## New Mexico Public Education Commission (PEC)

### Additional Square Footage Amendment Instructions

#### **Purpose:**

To notify the Public Education Commission (PEC) when the school is adding square footage to the existing facility or adding another building, including portable buildings, on or adjacent to the current site. This amendment is not used to add a second site or school with its own administration that serves, or will serve, the same grades as the first (primary) site.

This amendment cannot be used to add a second site or school with its own administration that serves, or will serve, the same grades as the first (primary) site.

#### **Submission Deadline:**

The PEC must approve the requested amendment before the school may implement the change. Complete amendment requests that are submitted 28 days prior to the next PEC meeting will be placed on the next agenda.

(If the facility is now owned by a Foundation (Component Unit) of the school, please complete form A.6 Non-profit Foundation Partnership Agreement form as well.)

#### **Information provided by the School:**

X Fully completed form

X Approved board minutes or certification of the vote taken by the board

X Rationale for the change (on form)

X Provide a short narrative addressing, if applicable, the number of students displaced/impacted by the move and a plan to support these students and the community in the change (on form)

X 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

X Copy of Liability Insurance Coverage Please note that the liability insurance coverage for the current facility has been attached and updated coverage will be obtained as soon as the lease is finalized and executed.

X Current NMCI rank as per 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

X Documentation of the capacity load of the facility to document capacity that can sustain enrollment; OR An assurance that the school will not occupy any space that does not have a sufficient capacity load to sustain the enrollment and provides documentation of the capacity load to the PEC

X Proposed lease, lease purchase agreement, or purchase contract 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 Lease or Lease Purchase Arrangement if changed as a consequence of the change in ownership and an affidavit verifying that the lease or lease purchase agreement has been reviewed by legal counsel for the School for compliance with New Mexico statute.

Contact [charter.schools@ped.nm.gov](mailto:charter.schools@ped.nm.gov) if you have questions about completing or submitting documents.



## New Mexico Public Education Commission (PEC)

### School Relocation Amendment FORM

Submit this form and all supporting documents to [charter.schools@ped.nm.gov](mailto:charter.schools@ped.nm.gov)

The Charter Contract was entered into by and between the New Mexico Public Education Commission (PEC) and Explore Academy - Las Cruces, hereafter "the School," effective on July 1, 2021.

**The School requests consideration from the PEC to change the terms of its Contract as follows:**

To divide the school in two facilities, one for elementary level and one for secondary level

**Current square footage:** 46,000 square feet

Current Facility: 850 N. Telshor Blvd, Las Cruces, NM

**Proposed addition (explain the form in which the additional square footage will take):**

Add an additional 46,000 square feet at the second location; Current facility will serve grades K-5 and the second facility will serve grades 6-12.

**Rationale for the change:** The school believes it is in the best interest of its proposed elementary school program to have the campus separated from the middle/high school program for safety and for developmental separation of age groups. However, as the schools may draw from similar resources, and given that there will be parents that have students at both sites, the convenience of the facilities existing one mile apart from one another will be a strong advantage for both programs.

**Effective Date:** July 1, 2024

**Provide a narrative addressing the effects of change (see above):**

Explore Academy - Las Cruces is seeking to utilize the current location for the expansion of the elementary grades (K-5) and to occupy a second location, approximately one mile away, for the middle and high school grades (6-12). The current facility has E-Occupancy certification and has been used by Explore Academy - Las Cruces for the past year (grades 6-9) and will be used in 2023-2024 for grades 5-10. Its configuration would require very little modification to transform it to serve grades K-5. Due to the close proximity of the second location, there will be no displacement of current students.

Though the transition will not take place until the 2024-2025 school year, the school is seeking approval from the Public Education Commission in order to secure the facility. Negotiations are ongoing and this approval will allow the board to finalize the arrangements.

Communication of the planned move to the school community

If approved, the school will announce this proposal to the school community in several ways: weekly announcements to parents, social media, local newspaper, and at school events, including school information nights for potential students and Meet-and-Greet events for newly enrolled students.

How will displaced students be supported

The student population would not be affected by this move as the second location is in close proximity to the current location. Additionally, the school offers bus transportation to all students.

**Identify school personnel who work for or are on the board of the non-profit foundation if the building is now owned by a non-profit foundation:** The building is privately owned (not by a non-profit foundation) and will be leased by the school.

**The School's Relocation notification is hereby submitted by:**



5/15/2023

Clara Raley

Charter School Representative

Date

**School Amendment Approval (electronic signature of governing board chair):**

Click to enter signature

Click or tap to enter a date.

Governing Board Chair/President

Date

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**For PEC/CSD use only**

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**PEC Meeting Date:** Click or tap to enter a date.

**Agenda:**

- Regular
- Consent

**The Contract Amendment was:**

- Approved
- Denied (see transcript)

**Electronic signature of PEC Chair:**

*PEC Chair*

Click to enter signature

**Date**

Click or tap to enter a date.

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## CERTIFICATE OF GOVERNING BODY VOTE

This document certifies that on May 10, 2023 at 6:00 pm, a meeting of the Governing Body of **Explore Academy - Las Cruces**, a New Mexico public state charter school, was held virtually (via the Zoom webinar platform). The meeting and all votes were conducted in compliance with the New Mexico Open Meetings Act.

A quorum of the Governing Body's members being present and voting, it was voted four (4) in favor and zero (0) opposed to approve the submission of an amendment request to the Public Education Commission for a second building in order to separate elementary students in grades (K-5; bands A-L) from those in grades 6-12, beginning in SY24-25.

Chair Clara Raley, Vice-Chair Gabriela Graham, Secretary Claren Wilson Mulhall, and Jenifer Lichtenfels were present. Kimberly Knox was not present.

I, the undersigned, certify that this is a true copy.



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Board President Clara Raley



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/15/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).**

|   |   |
|---|---|
| <b>PRODUCER</b><br><br>Poms & Associates Insurance Brokers<br>CA License #0814733<br>5700 Canoga Avenue<br>Woodland Hills, CA 91367 | <b>CONTACT NAME:</b> Risk Services  |
|   | <b>PHONE (A/C, No, Ext):</b> (800) 578-8802 <b>FAX (A/C, No):</b> (818)449-9449 |
|   | <b>E-MAIL ADDRESS:</b> rservices@pomsassoc.com                                  |
|   | <b>INSURER(S) AFFORDING COVERAGE</b> <b>NAIC #</b>                              |
|   | <b>INSURER A :</b> New Mexico Public Schools Insurance Authority      N/A       |
|   | <b>INSURER B :</b> Safety National  |
|   | <b>INSURER C :</b>  |
|   | <b>INSURER D :</b>  |
|   | <b>INSURER E :</b>  |
|   | <b>INSURER F :</b>  |

**INSURED**  
 New Mexico Public Schools Insurance Authority  
 Member: Explore Academy-Las Cruces  
 4110 Old Taos Highway  
 Santa Fe, NM 87501

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE   | ADDL INSD                      | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS   |               |
|----------|---|--------------------------------|----------|---------------|-------------------------|-------------------------|--|---------------|
| A        | <b>COMMERCIAL GENERAL LIABILITY</b>   |                                |          | MOC NO L0025  | 07/01/2022              | 07/01/2023              | EACH OCCURRENCE  | \$ Tort Limit |
|          | <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR    |                                |          |               |                         |                         | DAMAGE TO RENTED PREMISES (Ea occurrence)                                      | \$ Tort Limit |
|          | <input checked="" type="checkbox"/> Owners Contractors Protective Liability       |                                |          |               |                         |                         | MED EXP (Any one person)   | \$ Tort Limit |
|          |   |                                |          |               |                         |                         | PERSONAL & ADV INJURY  | \$ Tort Limit |
|          |   |                                |          |               |                         |                         | GENERAL AGGREGATE  | \$ Tort Limit |
|          |   |                                |          |               |                         |                         | PRODUCTS - COMP/OP AGG   | \$ Tort Limit |
|          |   |                                |          |               |                         |                         | Maximum Liability  | \$ 1,050,000  |
| A        | <b>AUTOMOBILE LIABILITY</b>   |                                |          | MOC NO. L0025 | 07/01/2022              | 07/01/2023              | COMBINED SINGLE LIMIT (Ea accident)  | \$ Tort Limit |
|          | <input checked="" type="checkbox"/> ANY AUTO                                      |                                |          |               |                         |                         | BODILY INJURY (Per person)   | \$ Tort Limit |
|          | <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS |                                |          |               |                         |                         | BODILY INJURY (Per accident)   | \$ Tort Limit |
|          | <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS     |                                |          |               |                         |                         | PROPERTY DAMAGE (Per accident)   | \$ Tort Limit |
|          |   |                                |          |               |                         |                         | Maximum Liability  | \$ 1,050,000  |
|          | <b>UMBRELLA LIAB</b>  |                                |          |               |                         |                         | EACH OCCURRENCE  |               |
|          | <b>EXCESS LIAB</b>  |                                |          |               |                         |                         | AGGREGATE  |               |
|          | DED      RETENTION \$   |                                |          |               |                         |                         |  |               |
| B        | <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>                              |                                |          | SP406664      | 07/01/2022              | 07/01/2023              | <input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER |               |
|          | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)       | Y / N                          |          |               |                         |                         | E.L. EACH ACCIDENT   | \$1,000,000   |
|          | If yes, describe under DESCRIPTION OF OPERATIONS below                            | <input type="checkbox"/> N / A |          |               |                         |                         | E.L. DISEASE - EA EMPLOYEE   | \$1,000,000   |
|          |   |                                |          |               |                         |                         | E.L. DISEASE - POLICY LIMIT  | \$1,000,000   |
|          |   |                                |          |               |                         |                         | Each Occurrence  |               |
|          |   |                                |          |               |                         |                         | Maximum Liability  |               |

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**

See attached New Mexico Tort Claims Act Section 41-4-19: Maximum Liability Summary. General Liability Retention=\$750K. Auto Liability Retention=\$750K. Work Comp Retention=\$1M.

**CERTIFICATE HOLDER****CANCELLATION**

|               |   |
|---------------|---|
| Evidence Only | <b>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.</b> |
|               | <b>AUTHORIZED REPRESENTATIVE</b>  |

AGENCY CUSTOMER ID: \_\_\_\_\_

LOC #: \_\_\_\_\_



# ADDITIONAL REMARKS SCHEDULE

Page \_\_\_\_\_ of \_\_\_\_\_

|   |           |  |  |
|---|-----------|--|--|
| AGENCY<br>Poms & Associates Insurance Brokers |           | NAMED INSURED<br>New Mexico Public Schools Insurance Authority |  |
| POLICY NUMBER                                 |           | EFFECTIVE DATE:  |  |
| CARRIER                                       | NAIC CODE |  |  |

## ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,  
 FORM NUMBER: \_\_\_\_\_ FORM TITLE: : Notes

**Summary of New Mexico Tort Claims Act Section 41-4-19:**  
 Maximum Liability Governmental entities and agencies, including public schools, public charter schools and community colleges and universities are granted immunity from liability.  
 Commercial General Liability Products and Completed Operations Professional Liability Contractual Liability  
 Imposed by New Mexico Tort Claims Act [ NMSA 1975 §41-4-1 through 41-4-29]  
 \$400,000 Bodily Injury Per Person  
 \$200,000 Property Damage Per Property Address  
 \$300,000 Medical  
 \$750,000 Per Occurrence  
 \$1,050,000 Combined Limit/Maximum Liability

# FACILITY ASSURANCES



## EXPLORE ACADEMY - LAS CRUCES

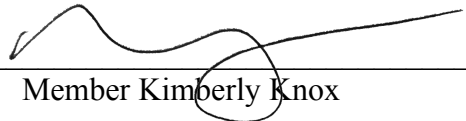
TO: Public Education Commission  
FROM: Explore Academy- Las Cruces Governing Board  
DATE: May 10, 2023

The Governing Board of Explore Academy - Las Cruces hereby assures that the school will not occupy any space until/unless the following four (4) conditions are met:

1. The school possesses a Certificate of Occupancy and provides the same to the PEC;
2. The school possesses a NMCI letter from the PSFA and provides the same to the PEC;
3. The facility has a sufficient capacity load to sustain the enrollment requested and provides documentation of the capacity load to the PEC; and
4. The school has met the ownership and leasing requirements of Section 22-8B-4.2 NMSA 1978 and has provided a copy of the fully executed lease to the PEC.

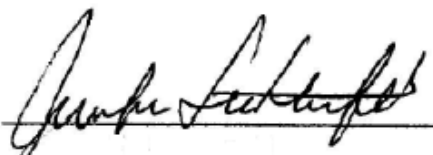
The undersigned officials certify that we have read and understand the obligations as described and that the school will comply with the aforementioned requirements.

1.   
Chair Clara Raley

5.   
Member Kimberly Knox

2.   
Vice Chair Gabriela Graham

3.   
Secretary Claren Mulhall

4.   
Member Jenifer Lichtenfels