

	District	School	State (S) or District (D) Charter	w/NMCI - published average = 15.24%	Agreement	Lessor	Meets NMSA 22-8B-4	How Compliance with NMSA 22-8B-2 is Achieved	
1	Albuquerque	Gordon Bernell Charter School 100 Deputy Dean Miera	D	3.88%	Lease	County	X	Certification A - Located in a Public Facility	1
2	Albuquerque	Gordon Bernell Charter School 401 Roma NW	D	3.88%	Lease	County	X	Certification A - Located in a Public Facility	2
3	Albuquerque	The Albuquerque Sign Language Academy	S	3.10%	Lease	County	X	Certification A - Located in Public Facility	3
4	Albuquerque	Digital Arts and Technology Academy HS	D	27.88%	Lease Purchase	District	X	Certification A -Located in Public Facility Lease Purchase Approved by PED 8/12/13	4
5	Albuquerque	Montessori of the Rio Grande	D	21.29%	Lease	District	X	Certification A - Located in Public Facility	5
6	Albuquerque	Public Academy for Performing Arts	D	19.39%	Lease	District	X	Certification A - Located in Public Facility	6
7	Albuquerque	Robert F. Kennedy Charter MS/HS 1021 Isleta Rd. SW	D	8.78%	Lease	District	X	Certification A - Located in Public Facility	7
8	Albuquerque	Robert F. Kennedy Charter MS/HS 4300 Blake Rd. SW	D	8.78%	Lease	District	X	Certification A -Located in Public Facility	8
9	Albuquerque	South Valley Academy Charter School	D	8.48%	Lease	District	X	Certification A - Located in Public Facility	9
10	Albuquerque	La Resolana Leadership Academy	L	4.62%	Lease	Municipality	X	Certification A- Located in a Public Facility	10
11	Albuquerque	Southwest Aeronautics, Mathematics & Science Academy	S	3.73%	Lease	Municipality	X	Certification B - No Public Facility Available	11
12	Albuquerque	Academy of Trades & Technology HS	S	21.55%	Lease With Option to Purchase	Non Profit	X	Certification B - No Public Facility Available N-LWOP PED approved 8/23/10	12
13	Albuquerque	ACE Leadership High School	S	0.13%	Lease With Option to Purchase	Non Profit	X	Certification C - Facility Owner Nonprofit N-LWOP PED approved 3/21/2014	13
14	Albuquerque	Alice King Community School	D	18.68%	Lease	Non Profit	X	Certification C - Facility Owner Non-Profit	14
15	Albuquerque	Amy Biehl High School	S	25.74%	Lease	Non Profit	X	Certification B - No Public Facility Available Certification C - Facility Owner Non-Profit	15
16	Albuquerque	Cesar Chavez Community School	S	18.13%	Lease	Non Profit	X	Certification B - No Public Facility Available	16
17	Albuquerque	Coral Community Charter School	S	0.00%	Lease	Non Profit	X	Certification C - Facility Owner Non-Profit	17
18	Albuquerque	Cottonwood Classical Preparatory School	S	6.49%	Lease With Option to Purchase	Non Profit	X	Certification C - Facility Owner Non-Profit	18

	District	School	State (S) or District (D) Charter	w/NMCI - published average = 15.24%	Agreement	Lessor	Meets NMSA 22-8B-4	How Compliance with NMSA 22-8B-2 is Achieved	
19	Albuquerque	East Mountain High School	D	6.76%	Lease Purchase	Non Profit	X	Certification - Facility Owner Non-Profit	19
20	Albuquerque	Horizon Academy West	S	2.54%	Lease Purchase	Non Profit	X	Lease Purchase - PED Approved 6/29/17	20
21	Albuquerque	La Promesa Early Learning Center Charter School	S	2.98%	Lease	Non Profit	X	Certification B - No Public Facility Available	21
22	Albuquerque	Los Puentes Charter School	D	8.63%	Lease Purchase	Non Profit	X	Certification C - Facility Owned by Nonprofit N-LWOP PED approved 9/19/14	22
23	Albuquerque	The GREAT Academy	S	49.53%	Lease	Non Profit	X	Certification C - Facility Owner Non-profit Foundation	23
24	Albuquerque	William W. & Josephine Dorn Charter Community	D	12.15%	Lease	Non Profit	X	Certification B - No Public Facility Available	24
25	Albuquerque	SAHQ (Student Athlete Headquarters)	S	10.60%	Lease	Non-Profit	X	Certification C - Facility Owner Non-Profit	25
26	Albuquerque	Albuquerque Charter School (f/k/a School for Integrated Academics & Technologies (SIA Tech))	D	21.18%	Lease With Option to Purchase	Private	X	LWOP PED approved 5/23/14	26
27	Albuquerque	Albuquerque School of Excellence	S	5.34%	Lease	Private	X	Certification B - No Public Facility Available	27
28	Albuquerque	Christine Duncan's Heritage Academy	D	4.92%	Lease	Private	X	Certification B - No Public Facility Available	28
29	Albuquerque	Cien Aguas International School	D	11.50%	Lease	Private	X	Certification B - No Public Facility Available	29
30	Albuquerque	Corrales International School	D	0.12%	Lease	Private	X	Certification B - No Public Facilities Available	30
31	Albuquerque	El Camino Real Academy	D	26.47%	Lease With Option to Purchase	Private	X	LWOP - PED Approved 5/18/2012	31
32	Albuquerque	Explore Academy	S	3.26%	Lease	Private	X	Certification B - No Public Facility Available	32
33	Albuquerque	Gilbert L. Sena Charter HS	S	13.45%	Lease	Private	X	Certification B - No Public Facility Available	33
34	Albuquerque	La Academia de Esperanza	D	31.54%	Lease	Private	X	Certificate B - No Public Facility Available	34
35	Albuquerque	Media Arts Collaborative Charter #1 Nob Hill Studios	S	13.00%	Lease	Private	X	Certification B - No Public Facility Available	35
36	Albuquerque	Media Arts Collaborative Charter School #2	S	13.00%	Lease Purchase	Private	X	LWOP PED Approved 5/2/09	36

	District	School	State (S) or District (D) Charter	w/NMCI - published average = 15.24%	Agreement	Lessor	Meets NMSA 22-8B-4	How Compliance with NMSA 22-8B-2 is Achieved	
37	Albuquerque	Mission Achievement and Success	S	35.91%	Lease	Private	X	Certification B - No Public Facility Available Certification C - Owner Maintains Adequacy	37
38	Albuquerque	Mountain Mahogany Community School	D	10.26%	Lease Purchase	Private	X	Lease Purchase PED Approved 12/5/13 Certification A - Located in Public Facility	38
39	Albuquerque	New Mexico International School	S	0.90%	Lease	Private	X	Certification B - No Public Facility Available	39
40	Albuquerque	North Valley Academy	S	9.63%	Lease	Private	X	Certification B - No Public Facility Available Lease Amendment - Owner Maintains Adequacy	40
41	Albuquerque	Nuestros Valores Charter School	D	6.22%	Lease	Private	X	Certification B - No Public Facility Available	41
42	Albuquerque	Siembra Leadership HS	D	8.78%	Lease	Private	X	Certification B - No Public Facilities Available Lease amendment - Owner Maintains Adequacy	42
43	Albuquerque	South Valley Preparatory School	S	23.44%	Lease	Private	X	Certification B - No Public Facility Available	43
44	Albuquerque	Southwest Preparatory Learning Center	S	4.60%	Lease	Private	X	Certification B - No Public Facility Available	44
45	Albuquerque	Southwest Secondary Learning Center	S	4.60%	Lease	Private	X	Certification B - No Public Facility Available	45
46	Albuquerque	Technology Leadership High School	S	4.26%	Lease	Private	X	Certification B - No Public Facility	46
47	Albuquerque	The International School at Mesa del Sol	S	16.75%	Lease	Private	X	Certification B - No Public Facility Available	47
48	Albuquerque	The Montessori Elementary School	S	14.19%	Lease	Private	X	Certification B - No Public Facility	48
49	Albuquerque	The New America School	S	3.58%	Lease	Private	X	Certification B - No Public Facility Available	49
50	Albuquerque	Tierra Adentro	S	34.02%	Lease	Private	X	Certification B - No Public Facility Available	50
51	Albuquerque	Twenty 21 <sup>st</sup> Century Public Academy *	D	12.36%	Lease	Private	X	Certificate B - No Public Facility Available PED is currently reviewing the Lease Purchase agreement.	51
52	Albuquerque	Albuquerque Talent Development Secondary Charter	D	6.22%	Lease	Private	X	Certification B - No Public Facility Available	52
53	Albuquerque	Albuquerque Institute for Math & Science 800 Bradbury	S	6.14%	Lease	University	X	Certification A - Located in a Public Facility	53
54	Albuquerque	Albuquerque Institute for Math & Science 933 Bradbury	S	6.14%	Lease	University	X	Certification A - Located in a Public Facility	54

	District	School	State (S) or District (D) Charter	w/NMCI - published average = 15.24%	Agreement	Lessor	Meets NMSA 22-8B-4	How Compliance with NMSA 22-8B-2 is Achieved	
55	Albuquerque	Native American Community Academy	D	8.21%	Lease	University	X	Certification A - Located in Public Facility	55
56	Albuquerque	Health Leadership High School	S	17.36%	Lease	Private	X	Certification B - No Public Facility Available	56
57	Aztec	Mosaic Academy (Gym) Aztec Boys & Girls Club, Williams Scotsman	D	9.27%	Lease	Non Profit	X	Certification B - No Public Facility Available	57
58	Aztec	Mosaic Academy (Land,) Aztec Boys & Girls Club, Williams Scotsman	D	n/a	Lease	Non Profit	X	Certification B - No Public Facility Available	58
59	Aztec	Mosaic Academy (Portables), Aztec Boys & Girls Club, Williams Scotsman	D	9.27%	Lease	Private	X	Certification B - No Public Facility Available	59
60	Carlsbad	Jefferson Montessori Academy	D	19.63%	Lease	District	X	Certification A - Located in a Public Facility	60
61	Central	Dream Dine' Charter School	S	19.43%	Lease	Non-Profit	X	Certification B - No Public Facility Available Certification C - Non-Profit Foundation	61
62	Cimarron	Moreno Valley High School Temporary B occupancy	D	5.88%	Lease	District	X	Certification A - Located in a Public Facility	62
63	Deming	Deming Cesar Chavez Charter High School	D	15.61%	Lease	District	X	Certification A - Located in a Public Facility	63
64	Espanola	McCurdy Charter School	S	6.73%	Lease	Non Profit	X	Certification B - No Public Facilities	64
65	Espanola	La Tierra Montessori School of the Arts and Sciences	S	5.78%	Lease	Tribal	X	Certification A - Located in a Public Facility	65
66	Gadsden	Anthony Charter School (Land)	S	n/a	Lease	Municipality	X	Certification A - Located in Public Facility	66
67	Gallup	Dzil Diti'ooi School of Empowerment, Action and Perseverance Charter (DEAP)	S	15.00%	Lease	Private	X	Land -Tribal / Portables Private Certification B - No Public Facility Available	67
68	Gallup	Middle College High School	D	14.20%	Lease	University	X	Certification A - Located in Public Facility	68
69	Gallup-McKinley	Six Directions Indigenous School	S	7.00%	Lease	Private	X	Certification B - No Public Facility Available	69
70	Jemez Valley	San Diego Riverside Charter School	D	22.21%	Lease	Tribal	X	Certification A - Public Facility	70
71	Jemez Valley	Walatowa High Charter School	S	6.48%	Lease	Tribal	X	Certification A - Public Facility	71
72	Las Cruces	Alma d'arte Charter HS	S	12.85%	Lease	District	X	Certification A -Located in Public Facility	72

	District	School	State (S) or District (D) Charter	w/NMCI - published average = 15.24%	Agreement	Lessor	Meets NMSA 22-8B-4	How Compliance with NMSA 22-8B-2 is Achieved	
73	Las Cruces	J. Paul Taylor Academy	S	0.04%	Lease	District	X	Certification A - Located in Public Facility	73
74	Las Cruces	Las Montanas Charter High School	S	2.85%	Lease	District	X	Certification A - Located in Public Facility	74
75	Las Cruces	La Academia Dolores Huerta	S	60.61%	Lease	Private	X	Certification B - No Public Facility Available	75
76	Las Cruces	The New America School - Las Cruces	S	18.52%	Lease	Non-Profit	X	Certificate B - No Public Facility Available	76
77	Los Lunas	School of Dreams Academy	S	5.28%	Lease	Village	X	Certification A - Located in Public Facility	77
78	Moriarty	Estancia Valley Classical Academy	S	0.00%	Lease	Non Profit	X	Certification C- Non Profit Foundation	78
79	Questa	Red River Valley Charter	S	22.79%	Lease	District	X	Certification A - Located in Public Facility	79
80	Questa	Roots & Wings Community School	S	6.00%	Lease	Private	X	Certification B - No Public Facility Available	80
81	Rio Rancho	The ASK Academy	S	0.03%	Lease	Non Profit	X	Certification C - Non-Profit Foundation	81
82	Rio Rancho	Sandoval Academy of Bilingual Education	S	8.12%	Lease	Private	X	Certification B - No Public Facility Available	82
83	Roswell	Sidney Gutierrez Middle School	D	22.50%	Lease	Municipality	X	Certification A - Located in Public Facility	83
84	Santa Fe	Turquoise Trail Charter School	S	7.45%		District	X	Certification A - Public Facility	84
85	Santa Fe	The Academy for Technology & the Classics	D	3.42%	Lease Purchase	Non Profit	X	Non Profit- Lease with option to purchase	85
86	Santa Fe	Monte de Sol Charter School	S	9.83%	Lease With Option to Purchase	Non-Profit	X	N-LWOP PED Approved 11/2/12 Certification A - Located in Public Facility	86
87	Santa Fe	New Mexico School for the Arts	S	25.88%	Lease	Private	X	Certification B - No Public Facility Available	87
88	Santa Fe	Tierra Encantada Charter High School	S	11.61%	Lease	Private	X	Certification B - No Public Facility	88
89	Santa Fe	The MASTERS Program	S	7.27%	Lease	University	X	Certification A - Located in Public Facility	89
90	Silver	Aldo Leopold Charter School (Existing)	S	10.50%	Lease	Private	X	Certification B - No Public Facility	90

	District	School	State (S) or District (D) Charter	w/NMCI - published average = 15.24%	Agreement	Lessor	Meets NMSA 22-8B-4	How Compliance with NMSA 22-8B-2 is Achieved	
91	Silver	Aldo Leopold High School (WNMU)	S	10.50%	Lease	University	X	Certification A - Located in Public Facility	91
92	Socorro	Cottonwood Valley Charter School	D	6.495	Lease Purchase	County	X	Certification A - Located in Public Facility	92
93	Taos	Vista Grande High School	D	3.59%	Lease	District	X	Certificate A - Located in Public Facility	93
94	Taos	Anansi Charter School	D	1.31%	Lease With Option to Purchase	Non Profit	X	Non profit-Lease With Option Purchase Approved PED 12/15/2014	94
95	Taos	Taos Municipal Charter School	D	2.55%	Lease	Non Profit	X	Certification C - Non-Profit Foundation	95
96	Taos	Taos Integrated School of the Arts	S	7.37%	Lease	Private	X	Certification B - No Public Facility Available	96
97	Taos	Taos International School	S	11.25%	Lease	Private	X	Certification B - No Public Facility Available	97
98	Taos	Taos Academy Charter School	S	0.06%	Lease Purchase	Public	X	N-LP PED Approved 6/30/16 Certification C - Facility Owner - Non-Profit Foundation	98
99	West Las Vegas	Rio Gallinas School ES - Montezuma Street Facility	D	13.63%	Lease	District		Certificate A - Located in Public Facility	99
100	West Las Vegas	Rio Gallinas School HS- Luna Community College	D	13.63%	Lease	University		Certificate A - Located in Public Facility	100

## Progress of Charter Schools Located in Compliant Facilities

### NMSA 22-8B-4

Requirements for compliance in a private facility:

1. Certified that there are no public facilities available
2. PED approved charter lease purchase arrangement
3. Owner is a Non Profit specifically formed for the charter and the charter leases from the Non Profit

There are three certifications administered by PSFA that confirm compliance with [NMSA 22-8B-4].

The certification content confirms the following;

1. Located in a public building – Certification A
2. No public buildings available – Certification B
3. Facility owner is a non-profit specifically formed for the purpose of the charter – Certification C

If the above conditions are met, and the lease does not indicate who will maintain the facility to adequacy a lease amendment is necessary for;

Owner maintains facility to adequacy- PSFA provides an optional template for Charters to use.

#### **Progression of NMSA 22-8B-4.2;**

The facilities of a charter school that is approved on or after July 1, 2005 and before July 1, 2015, shall meet **educational occupancy standards** as required by the applicable NM Construction Codes. **[NMSA 22-8B-4.2 A]**.

On or after July 1, 2011 a new charter school shall not open and an existing charter school shall not relocate unless the facilities of the new or relocated charter school, as measured by the New Mexico Condition Index (NMCI), receive a condition rating equal or better than the average condition for all NM public schools or the charter school demonstrates within eighteen months of occupancy

or relocation of the charter, the way in which the facilities will achieve a rating equal to or better than the average NMCI. **[NMSA 22-8B-4.2 C]**.

If approved on or after July 1, 2015 this additional requirement must be met;

- Prior to relocation or opening a charter school must meet the average wNMCI and or demonstrate within 18 months the way in which the facilities will meet the average NMCI

Private Facilities Summary	
Lease - no public buildings available	35
PED approved lease with option to purchase	2
PED approved lease purchase	2
Total Compliant located in Private Facilities	39



## 22-8B-4.2. Charter school facilities; standards.

A. The facilities of a charter school that is approved on or after July 1, 2005 and before July 1, 2015 shall meet educational occupancy standards required by applicable New Mexico construction codes.

B. The facilities of a charter school whose charter has been renewed at least once shall be evaluated, prioritized and eligible for grants pursuant to the Public School Capital Outlay Act [Chapter [22](#), Article 24 NMSA 1978] in the same manner as all other public schools in the state; provided that for charter school facilities in leased facilities, grants may be used to provide additional lease payments for leasehold improvements made by the lessor.

C. On or after July 1, 2011, a new charter school shall not open and an existing charter school shall not relocate unless the facilities of the new or relocated charter school, as measured by the New Mexico condition index, receive a condition rating equal to or better than the average condition for all New Mexico public schools for that year or the charter school demonstrates, within eighteen months of occupancy or relocation of the charter, the way in which the facilities will achieve a rating equal to or better than the average New Mexico condition index.

D. On or after July 1, 2015, a new charter school shall not open and an existing charter shall not be renewed unless the charter school:

(1) is housed in a building that is:

(a) owned by the charter school, the school district, the state, an institution of the state, another political subdivision of the state, the federal government or one of its agencies or a tribal government; or

(b) subject to a lease-purchase arrangement that has been entered into and approved pursuant to the Public School Lease Purchase Act [Chapter [22](#), Article 26A NMSA 1978]; or

(2) if it is not housed in a building described in Paragraph (1) of this subsection, demonstrates that:

(a) the facility in which the charter school is housed meets the statewide adequacy standards developed pursuant to the Public School Capital Outlay Act and the owner of the facility is contractually obligated to maintain those standards at no additional cost to the charter school or the state; and

(b) either: 1) public buildings are not available or adequate for the educational program of the charter school; or 2) the owner of the facility is a nonprofit entity specifically organized for the purpose of providing the facility for the charter school.

E. Without the approval of the public school facilities authority pursuant to Section [22-20-1](#) NMSA 1978, a charter school shall not enter into a lease-purchase agreement.

F. The public school capital outlay council:

(1) shall determine whether facilities of a charter school meet the educational occupancy standards pursuant to the requirements of Subsection A of this section or the requirements of Subsections B, C and D of this section, as applicable; and

(2) upon a determination that specific requirements are not appropriate or reasonable for a charter school, may grant a variance from those requirements for that charter school.

History: Laws 2005, ch. 221, § 3; 2005, ch. 274, § 2; 2007, ch. 366, § 17; 2009, ch. 258, § 1; 2011, ch. 69, § 2.

**CERTIFICATION A**  
**Public Facility**

The undersigned hereby certify under penalty of perjury that the owner of the facility in which (insert name of charter school) is a public facility owned by (insert name of facility owner) and providing the facility for (insert name of charter school).

**Charter School Governing Board**

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Print Title: \_\_\_\_\_  
Date: \_\_\_\_\_

STATE OF NEW MEXICO            )  
  ) ss.  
COUNTY OF \_\_\_\_\_        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned officer, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the within instrument, and acknowledged executing the same for the purpose therein contained.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

**Charter School Principal / Administrator**

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Print Title: \_\_\_\_\_  
Date: \_\_\_\_\_

STATE OF NEW MEXICO            )  
  ) ss.  
COUNTY OF BERNALILLO        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned officer, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the within instrument, and acknowledged executing the same for the purpose therein contained.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

**Use note:**

For use by charter schools that are housed in a facility that is owned by the charter school, the school, the state, an institution of the state, another political subdivision of the state, the federal government or one of its agencies or a tribal government.

**CERTIFICATION B**  
**No Public Facility Available**

The undersigned hereby certify under penalty of perjury that (insert name of charter school) has diligently sought space in public buildings and that such public buildings are not available or have been determined not to be adequate for the education program of (insert name of charter school).

**Charter School Governing Board**

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Print Title: \_\_\_\_\_  
Date: \_\_\_\_\_

STATE OF NEW MEXICO            )  
  ) ss.  
COUNTY OF BERNALILLO        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, before me, the undersigned officer, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the within instrument, and acknowledged executing the same for the purpose therein contained.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
  
\_\_\_\_\_

**Charter School Principal / Administrator**

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Print Title: \_\_\_\_\_  
Date: \_\_\_\_\_

STATE OF NEW MEXICO            )  
  ) ss.  
COUNTY OF \_\_\_\_\_        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, before me, the undersigned officer, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the within instrument, and acknowledged executing the same for the purpose therein contained.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
  
\_\_\_\_\_

**Use note:**

This certification is intended for use by charter schools **not** housed in a building that is owned by the charter school, a nonprofit entity specifically organized for the purpose of providing the facility to this charter school, a school district, the state, an institution of the state, another political subdivision of the state, the federal government or one of its agencies or a tribal government or subject to a lease-purchase arrangement that has been entered into and approved pursuant to the Public School Lease Purchase Act.

**CERTIFICATION C**  
**Facility Owner - Non-Profit Foundation**

The undersigned hereby certify under penalty of perjury that the owner of the facility in which (insert name of charter school) is housed as a nonprofit entity specifically organized for the purpose of providing the facility for (insert name of charter school).

**Charter School Governing Board**

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Print Title: \_\_\_\_\_  
Date: \_\_\_\_\_

STATE OF NEW MEXICO            )  
  ) ss.  
COUNTY OF \_\_\_\_\_            )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, before me, the undersigned officer, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the within instrument, and acknowledged executing the same for the purpose therein contained.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

**Charter School Principal / Administrator**

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Print Title: \_\_\_\_\_  
Date: \_\_\_\_\_

STATE OF NEW MEXICO            )  
  ) ss.  
COUNTY OF \_\_\_\_\_            )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, before me, the undersigned officer, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the within instrument, and acknowledged executing the same for the purpose therein contained.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

**Use note:**

For use by charter schools that are housed in a facility that is owned by the charter school, the school, the state, an institution of the state, another political subdivision of the state, the federal government or one of its agencies or a tribal government.

**LEASE AMENDMENT**  
**Owner Maintains Facility to Statewide Adequacy Standards**

\_\_\_\_\_ (FIRST, SECOND, ETC.) AMENDMENT to \_\_\_\_\_ (INSERT TITLE OF LEASE AGREEMENT)

This \_\_\_\_\_ (FIRST, SECOND, ETC.) AMENDMENT to the \_\_\_\_\_ (INSERT TITLE OF LEASE AGREEMENT) is entered into on \_\_\_\_\_ (DATE) by and between \_\_\_\_\_ (“Owner”) and \_\_\_\_\_ (“Lessee”) (collectively, the “parties”).

WHEREAS Owner and Lessee entered into a \_\_\_\_\_ (INSERT TITLE OF LEASE AGREEMENT) dated \_\_\_\_\_ (“Agreement”); and

WHEREAS Owner and Lessee desire to amend the Agreement to clarify Owner’s maintenance obligations pursuant to *NMSA 1978 Section 22-8B-4.2(D)(2)(a)*;

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereto agree as follows:

1. The Owner of the facility shall be responsible for maintaining the facility to the statewide adequacy standards applicable to charter schools, at no additional cost to Lessee or to the state, as set forth in *NMSA 1978 Section 22-8B-4.2(D)(2)(a)*, or a successor statute.
2. In the event of any conflict between this \_\_\_\_\_(FIRST, SECOND, ETC.) AMENDMENT and the parties Agreement, this document will prevail over the parties Agreement.

IN WITNESS WHEREOF, the parties have executed this \_\_\_\_\_ (FIRST, SECOND, ETC.) AMENDMENT, effective as of the date indicted above.

**NAME OF LESSOR:**

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Print Title: \_\_\_\_\_

**NAME OF LESSEE:**

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Print Title: \_\_\_\_\_