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**HOUSE BILL 753**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Richard D. Vigil**

**AN ACT**

**RELATING TO CHARTER SCHOOLS; CREATING A TEN-MILE LIMIT ON  
TRANSPORTATION PROVIDED TO AND FROM CHARTER SCHOOLS; AMENDING  
A SECTION OF THE NMSA 1978.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. Section 22-8B-4 NMSA 1978 (being Laws 1999,  
Chapter 281, Section 4, as amended) is amended to read:**

**"22-8B-4. CHARTER SCHOOLS' RIGHTS AND RESPONSIBILITIES--  
OPERATION. --**

**A. A charter school shall be subject to all  
federal and state laws and constitutional provisions  
prohibiting discrimination on the basis of disability, race,  
creed, color, gender, national origin, religion, ancestry or  
need for special education services.**

**B. A charter school shall be administered and**

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1 governed by a governing body in the manner set forth in the  
2 charter.

3 C. A charter school shall be responsible for its  
4 own operation, including preparation of a budget, contracting  
5 for services and personnel matters.

6 D. A charter school may negotiate or contract with  
7 a local school district, a university or college or any third  
8 party for the use of a facility, its operation and maintenance  
9 and the provision of any service or activity that the charter  
10 school is required to perform in order to carry out the  
11 educational program described in its charter.

12 E. In no event shall a charter school be required  
13 to pay rent for space that is deemed available, as negotiated  
14 by contract, in school district facilities; provided that the  
15 facilities can be made available at no cost to the district.  
16 All costs for the operation and maintenance of the facilities  
17 used by the charter school shall be subject to negotiation  
18 between the charter school and the district.

19 F. A charter school ~~may~~ shall negotiate with a  
20 local school district to provide transportation to students  
21 eligible for transportation under the provisions of the Public  
22 School Code. The local school district, in conjunction with  
23 the charter school, shall establish a limit for student  
24 transportation to and from the charter school site not to  
25 exceed a ten-mile radius, provided that the limit shall not

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1 extend beyond the local school district boundary.

2 G. A charter school may negotiate with a local  
3 school district for capital expenditures.

4 H. A charter school shall be a nonsectarian,  
5 nonreligious and non-home-based public school that operates  
6 within a public school district.

7 I. Except as otherwise provided in the Public  
8 School Code, a charter school shall not charge tuition or have  
9 admission requirements.

10 J. A charter school shall be subject to the  
11 provisions of Sections 22-1-6 and 22-2-8 NMSA 1978.

12 K. A charter school may acquire, pledge and  
13 dispose of property; provided that upon termination of the  
14 charter, all assets of the charter school shall revert to the  
15 local school board that authorized the charter.

16 L. A charter school may accept or reject any  
17 charitable gift, grant, devise or bequest; provided that no  
18 such gift, grant, devise or bequest shall be accepted if  
19 subject to any condition contrary to law or to the terms of  
20 the charter. The particular gift, grant, devise or bequest  
21 shall be considered an asset of the charter school to which it  
22 is given.

23 M. A charter school may contract and sue and be  
24 sued. A local school board that approves a charter school  
25 shall not be liable for any acts or omissions of the charter

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1 school.

2 N. A charter school shall comply with all state  
3 and federal health and safety requirements applicable to  
4 public schools. "

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