

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 203

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Mark Boitano

AN ACT

RELATING TO EDUCATION; AMENDING SECTIONS OF THE 1999 CHARTER SCHOOLS ACT; PROVIDING CONVERSION SCHOOLS WITH THE ABILITY TO CONTRACT FOR THE USE OF FACILITIES AND EQUIPMENT USED PRIOR TO CONVERSION; REQUIRING DISTRICTS TO OFFER CHARTER SCHOOLS VACANT LAND AND FACILITIES; INCREASING THE CHARTER SCHOOL TERM TO SIX YEARS; INCREASING THE ALLOWABLE USES OF THE CHARTER SCHOOLS STIMULUS FUND TO INCLUDE CAPITAL BUILDING PURPOSES.

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

underscored material = new
[bracketed material] = delete

1 prohibiting discrimination on the basis of disability, race,
2 creed, color, gender, national origin, religion, ancestry or
3 need for special education services.

4 B. A charter school shall be administered and
5 governed by a governing body in the manner set forth in the
6 charter.

7 C. A charter school shall be responsible for its
8 own operation, including preparation of a budget, contracting
9 for services and personnel matters.

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

16 E. A local school district shall offer a
17 conversion school the use of school district facilities,
18 equipment and supplies that it used prior to conversion.

19 F. During negotiation and contingent upon the
20 local school district's anticipated use of land and facilities
21 in accordance with its master facilities plan, the school
22 district shall offer vacant land and facilities for use by the
23 charter school. In no event shall a charter school be
24 required to pay rent for space that is deemed available, as
25 negotiated by contract, in school district facilities;

. 140307. 1

underscored material = new
[bracketed material] = delete

1 provided that the facilities can be made available at no cost
2 to the school district. All costs for the operation and
3 maintenance of the facilities used by the charter school shall
4 be subject to negotiation between the charter school and the
5 school district.

6 ~~[F.]~~ G. A charter school shall negotiate with a
7 local school district to provide transportation to students
8 eligible for transportation under the provisions of the Public
9 School Code. The local school district, in conjunction with
10 the charter school, may establish a limit for student
11 transportation to and from the charter school site not to
12 extend beyond the local school district boundary.

13 ~~[G.]~~ H. A charter school may negotiate with a
14 local school district for capital expenditures.

15 ~~[H.]~~ I. A charter school shall be a nonsectarian,
16 nonreligious and non-home-based public school that operates
17 within a public school district.

18 ~~[I.]~~ J. Except as otherwise provided in the Public
19 School Code, a charter school shall not charge tuition or have
20 admission requirements.

21 ~~[J.]~~ K. A charter school shall be subject to the
22 provisions of Sections 22-1-6 and 22-2-8 NMSA 1978.

23 ~~[K.]~~ L. A charter school may acquire, pledge and
24 dispose of property; provided that, upon termination of the
25 charter, all assets of the charter school shall revert to the

underscored material = new
[bracketed material] = delete

1 local school board that authorized the charter.

2 [L-] M. A charter school ~~may~~ accept or reject any
3 charitable gift, grant, devise or bequest; provided that no
4 such gift, grant, devise or bequest shall be accepted if
5 subject to any condition contrary to law or to the terms of
6 the charter. The particular gift, grant, devise or bequest
7 shall be considered an asset of the charter school to which it
8 is given.

9 [M-] N. A charter school ~~may~~ contract and sue and
10 be sued. A local school board that approves a charter school
11 shall not be liable for any acts or omissions of the charter
12 school.

13 [N-] O. A charter school shall comply with all
14 state and federal health and safety requirements applicable to
15 public schools. "

16 Section 2. Section 22-8B-12 NMSA 1978 (being Laws 1999,
17 Chapter 281, Section 12) is amended to read:

18 "22-8B-12. CHARTER SCHOOLS--TERM-RENEWAL OF CHARTER--
19 GROUNDS FOR NONRENEWAL OR REVOCATION.--

20 A. Unless otherwise agreed to between the charter
21 school and the local school board, a charter school [~~may~~]
22 shall be approved for an initial term of [~~five~~] six years,
23 provided that the first year of the charter is used by the
24 charter school for planning purposes. A charter ~~may~~ be
25 renewed for successive periods of five years each [~~approvals~~]

. 140307. 1

underscored material = new
[bracketed material] = delete

1 ~~of less than five years can be agreed to between the charter~~
2 ~~school and the local school board].~~

3 B. No later than January 1 of the year prior to
4 the year in which the charter expires, the governing body of a
5 charter school may submit a renewal application to the local
6 school board. The local school board shall rule in a public
7 hearing on the renewal application no later than March 1 of
8 the year in which the charter expires, or on a mutually agreed
9 date.

10 C. A charter school renewal application submitted
11 to the local school board shall contain:

12 (1) a report on the progress of the charter
13 school in achieving the goals, objectives, student performance
14 standards, state board minimum educational standards and other
15 terms of the initial approved charter application, including
16 the accountability requirements set forth in Section 22-1-6
17 NMSA 1978;

18 (2) a financial statement that discloses the
19 costs of administration, instruction and other spending
20 categories for the charter school that is understandable to
21 the general public, that will allow comparison of costs to
22 other schools or comparable organizations and that is in a
23 format required by the state board;

24 (3) contents of the charter application set
25 forth in Section ~~[8 of the 1999 Charter Schools Act]~~ 22-8B-8

. 140307. 1

underscored material = new
[bracketed material] = delete

1 NMSA 1978;

2 (4) a petition in support of the charter
3 school renewing its charter status signed by not less than
4 sixty-five percent of the employees in the charter school; and

5 (5) a petition in support of the charter
6 school renewing its charter status signed by a majority of the
7 households whose children are enrolled in the charter school.

8 D. A charter may be revoked or not renewed by the
9 local school board if the board determines that the charter
10 school did any of the following:

11 (1) committed a material violation of any of
12 the conditions, standards or procedures set forth in the
13 charter;

14 (2) failed to meet or make substantial
15 progress toward achievement of the state board minimum
16 educational standards or student performance standards
17 identified in the charter application;

18 (3) failed to meet generally accepted
19 standards of fiscal management; or

20 (4) violated any provision of law from which
21 the charter school was not specifically exempted.

22 E. If a local school board revokes or does not
23 renew a charter, the local school board shall state in writing
24 its reasons for the revocation or nonrenewal.

25 F. A decision to revoke or not to renew a charter

. 140307. 1

underscored material = new
[bracketed material] = delete

1 may be appealed by the governing body of the charter school
2 pursuant to Section [~~7 of the 1999 Charter Schools Act~~]
3 22-8B-7 NMSA 1978. "

4 Section 3. Section 22-8B-14 NMSA 1978 (being Laws 1999,
5 Chapter 281, Section 14) is amended to read:

6 "22-8B-14. CHARTER SCHOOLS STIMULUS FUND CREATED. --

7 A. The "charter schools stimulus fund" is created
8 in the state treasury. Money in the fund is appropriated to
9 the department of education to provide financial support to
10 charter schools, whether start-up or conversion, for initial
11 start-up costs, including planning, and initial costs
12 associated with renovating or remodeling existing buildings
13 and structures for expenditure in fiscal year 2000 and
14 subsequent fiscal years. Upon approval by the department of
15 education, money in the fund may also be allocated for capital
16 building purposes to access matching federal funds. The fund
17 shall consist of money appropriated by the legislature and
18 grants, gifts, devises and donations from any public or
19 private source. The department of education shall administer
20 the fund in accordance with rules adopted by the state board.
21 The department of education may use up to three percent of the
22 fund for administrative costs. Money in the fund shall not
23 revert to the general fund at the end of a fiscal year.

24 B. If the charter school receives an initial grant
25 and fails to begin operating a charter school within the next

. 140307. 1

underscored material = new
[bracketed material] = delete

1 [eighteen] twenty-four months, the charter school shall
2 immediately reimburse the fund."

3 - 8 -

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25