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SENATE BILL 208

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

INTRODUCED BY

Shirley M Bailey

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO CHARTER SCHOOLS; CHANGING THE INITIAL CHARTER SCHOOL APPROVAL TERM; ALLOWING CHARTER SCHOOLS TO USE GRANTS FROM THE CHARTER SCHOOLS STIMULUS FUND FOR PLANNING.

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

Section 1. Section 22-8B-12 NMSA 1978 (being Laws 1999, Chapter 281, Section 12) is amended to read:

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

A. A charter school may be approved for an initial term of ~~[five]~~ six years, provided that year one is used for planning purposes. A charter may be renewed for successive periods of five years each. Approvals of less ~~[than five years]~~ time can be agreed to between the charter school and the local school board.

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

8 C. A charter school renewal application submitted
9 to the local school board shall contain:

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

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

22 (3) contents of the charter application set
23 forth in Section ~~[8 of the 1999 Charter Schools Act]~~ 22-8B-8
24 NMSA 1978;

25 (4) a petition in support of the charter

1 school renewing its charter status signed by not less than
2 sixty-five percent of the employees in the charter school; and

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

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

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

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

16 (3) failed to meet generally accepted
17 standards of fiscal management; or

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

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

23 F. A decision to revoke or not to renew a charter
24 may be appealed by the governing body of the charter school
25 pursuant to Section [7 of the 1999 Charter Schools Act]

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1 22-8B-7 NMSA 1978. "

2 Section 2. Section 22-8B-14 NMSA 1978 (being Laws 1999,
3 Chapter 281, Section 14) is amended to read:

4 "22-8B-14. CHARTER SCHOOLS STIMULUS FUND CREATED. --

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

20 B. If the charter school receives an initial grant
21 and fails to begin operating a charter school within the next
22 eighteen months, the charter school shall immediately
23 reimburse the fund. "

24 Section 3. EFFECTIVE DATE. -- The effective date of the
25 provisions of this act is July 1, 2002.

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