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SENATE BILL 310

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

INTRODUCED BY

Linda M Lopez

AN ACT

RELATING TO CHARTER SCHOOLS; CLARIFYING AUTHORITY REGARDING
BUDGET AND CONTRACT REVISIONS; AMENDING SECTIONS OF THE NMSA
1978.

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

Section 1. Section 22-8-6.1 NMSA 1978 (being Laws 1993,
Chapter 227, Section 8, as amended) is amended to read:

"22-8-6.1. CERTAIN SCHOOL DISTRICT BUDGETS. -- Each
charter school shall submit to the local school board a
school-based budget. The budget shall be based upon the
projected number of program units generated by that charter
school and its students, using the at-risk index and the
instructional staff training and experience index of the
district. The budget shall be submitted to the local school
board for approval or amendment. The approval or amendment

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1 authority of the local school board relative to the charter
2 school budget is limited to ensuring that sound fiscal
3 practices are followed in the development of the budget and
4 that the charter school budget is within the allotted
5 resources. The local school board shall have no veto
6 authority over individual line items or projected student
7 membership within the charter school's proposed budget, but
8 shall approve or disapprove the budget in its entirety. Upon
9 final approval of the ~~[local]~~ school district budget by the
10 local school board, the individual charter school budget shall
11 be included separately in the budget submission to the
12 department ~~[of education]~~ required pursuant to the Public
13 School Finance Act and the 1999 Charter Schools Act. "

14 Section 2. Section 22-8B-9 NMSA 1978 (being Laws 1999,
15 Chapter 281, Section 9) is amended to read:

16 "22-8B-9. CHARTER SCHOOL--CONTRACT CONTENTS--RULES.--

17 A. An approved charter application shall be a
18 contract between the charter school and the local school
19 board.

20 B. The contract between the charter school and the
21 local school board shall reflect all agreements regarding the
22 release of the charter school from school district policies.

23 C. The contract between the charter school and the
24 local school board shall reflect all requests for release of
25 the charter school from state board rules or the Public School

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1 Code. Within ten days after the contract is approved by the
2 local school board, any request for release from state board
3 rules or the Public School Code shall be delivered by the
4 local school board to the state board. If the state board
5 grants the request, it shall notify the local school board and
6 the charter school of its decision. If the state board denies
7 the request, it shall notify the local school board and the
8 charter school that the request is denied and specify the
9 reasons for denial.

10 D. Upon approval of the charter by the local
11 school board, the charter school shall be waived from the
12 Public School Code provisions relating to individual class
13 load and teaching load requirements, length of school day,
14 staffing patterns, subject areas and purchase of instructional
15 materials.

16 E. The charter school shall participate in the
17 public school insurance authority.

18 F. Any revision or amendment to the terms of the
19 contract may be made only with the approval of the local
20 school board and the governing body of the charter school,
21 except for revisions of projected student membership, which
22 may be modified at the discretion of the governing body of the
23 charter school.

24 G. The charter shall include procedures agreed
25 upon by the charter school and the local school board for the

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1 resolution of disputes between the charter school and the
2 local school board.

3 H. The charter shall include procedures that shall
4 be agreed upon by the charter school and the local school
5 board in the event that such board determines that the charter
6 shall be revoked pursuant to the provisions of Section [~~12 of~~
7 ~~the 1999 Charter Schools Act~~] 22-8B-12 NMSA 1978. "

8 Section 3. Section 22-8B-12 NMSA 1978 (being Laws 1999,
9 Chapter 281, Section 12) is amended to read:

10 "22-8B-12. CHARTER SCHOOLS--TERM-RENEWAL OF CHARTER--
11 GROUNDS FOR NONRENEWAL OR REVOCATION.--

12 A. A charter school may be approved for an initial
13 term of five years. [~~A charter may be renewed for successive~~
14 ~~periods of five years each. Approvals of less than five years~~
15 ~~can be agreed to between the charter school and the local~~
16 ~~school board.] A charter renewed for a successive period shall
17 be for five years unless the charter school requests a charter
18 for less than five years.~~

19 B. No later than January 1 of the year prior to
20 the year in which the charter expires, the governing body of a
21 charter school may submit a renewal application to the local
22 school board. The local school board shall rule in a public
23 hearing on the renewal application no later than March 1 of
24 the year in which the charter expires, or on a mutually agreed
25 date.

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1 C. A charter school renewal application submitted
2 to the local school board shall contain:

3 (1) a report on the progress of the charter
4 school in achieving the goals, objectives, student performance
5 standards, state board minimum educational standards and other
6 terms of the initial approved charter application, including
7 the accountability requirements set forth in Section 22-1-6
8 NMSA 1978;

9 (2) a financial statement that discloses the
10 costs of administration, instruction and other spending
11 categories for the charter school that is understandable to
12 the general public, that will allow comparison of costs to
13 other schools or comparable organizations and that is in a
14 format required by the state board;

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

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

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

24 D. A charter may be revoked or not renewed by the
25 local school board if the board determines that the charter

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1 school did any of the following:

2 (1) committed a material violation of any of
3 the conditions, standards or procedures set forth in the
4 charter;

5 (2) failed to meet or make substantial
6 progress toward achievement of the state board minimum
7 educational standards or student performance standards
8 identified in the charter application;

9 (3) failed to meet generally accepted
10 standards of fiscal management; or

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

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

16 F. A decision to revoke or not to renew a charter
17 may be appealed by the governing body of the charter school
18 pursuant to Section [~~7 of the 1999 Charter Schools Act~~]
19 22-8B-7 NMSA 1978. "