

1 SENATE BILL 338

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Gay G. Kernan

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10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; DEFINING "VIRTUAL CHARTER SCHOOL";
12 ESTABLISHING A ONE-YEAR MORATORIUM ON THE CREATION OF NEW
13 VIRTUAL CHARTER SCHOOLS TO ALLOW TIME TO STUDY ISSUES RELATED
14 TO THOSE SCHOOLS; DECLARING AN EMERGENCY.

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

17 SECTION 1. Section 22-8B-2 NMSA 1978 (being Laws 1999,
18 Chapter 281, Section 2, as amended) is amended to read:

19 "22-8B-2. DEFINITIONS.--As used in the Charter Schools
20 Act:

21 A. "charter school" means a conversion school or
22 start-up school authorized by the chartering authority to
23 operate as a public school;

24 B. "chartering authority" means either a local
25 school board or the commission;

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1 C. "commission" means the public education
2 commission;

3 D. "conversion school" means an existing public
4 school within a school district that was authorized by a local
5 school board to become a charter school prior to July 1, 2007;

6 E. "division" means the charter schools division of
7 the department;

8 F. "governing body" means the governing structure
9 of a charter school as set forth in the school's charter; [~~and~~]

10 G. "start-up school" means a public school
11 developed by one or more parents, teachers or community members
12 authorized by the chartering authority to become a charter
13 school; and

14 H. "virtual charter school" means a full-time,
15 online public school, chartered by a local school board or the
16 commission, that delivers a program to a student primarily
17 through the use of the internet of synchronous instruction, in
18 which the teacher and student are online at the same time, or
19 asynchronous instruction, in which the student and teacher are
20 not online at the same time. A virtual charter school has its
21 own assigned school code and operates under its own
22 administrator, has its own budget and offers a complete
23 instructional program."

24 SECTION 2. TEMPORARY PROVISION--VIRTUAL CHARTER SCHOOL
25 MORATORIUM.--From June 1, 2013 through May 31, 2014, no new

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1 initial applications for virtual charter schools shall be
2 accepted or approved by a chartering authority in order to
3 allow the public education department, in coordination with the
4 legislative education study committee, a year in which to
5 review outstanding questions and issues regarding the impact of
6 virtual charter schools on students and school systems; to
7 identify sections of state law that may affect or be affected
8 by the establishment of virtual charter schools; and, if
9 necessary, to propose changes to the law to accommodate and
10 regulate virtual charter schools.

11 SECTION 3. EMERGENCY.--It is necessary for the public
12 peace, health and safety that this act take effect immediately.