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HOUSE BILL 229

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

Rebecca Dow

AN ACT

RELATING TO CHARTER SCHOOLS; REQUIRING ADDITIONAL WAIVERS TO
GIVE CHARTER SCHOOLS MORE FLEXIBILITY IN HIRING TEACHING STAFF.

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

SECTION 1. Section 22-8B-5 NMSA 1978 (being Laws 1999,
Chapter 281, Section 5, as amended) is amended to read:

"22-8B-5. CHARTER SCHOOLS--STATUS--LOCAL SCHOOL BOARD
AUTHORITY.--

A. The local school board may waive only locally
imposed school district requirements for locally chartered
charter schools.

B. A state-chartered charter school is exempt from
school district requirements. A state-chartered charter school
is responsible for developing its own written policies and
procedures in accordance with this section.

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1 C. The department shall waive requirements or rules
2 and provisions of the Public School Code pertaining to
3 individual class load, teaching load, length of the school day,
4 staffing patterns, subject areas, purchase of instructional
5 material, evaluation standards for school personnel, school
6 principal duties and driver education. After a teacher is
7 licensed pursuant to the School Personnel Act and has met the
8 educational requirements specified in Section 22-10A-6 NMSA
9 1978, the department shall waive additional qualifications for
10 specific grade levels, types and subject areas of licensure.
11 The department shall create vocational licensure requirements
12 so charter schools are able to hire subject-matter experts in
13 vocational subject areas, including arts and computer coding
14 fields. The department may waive requirements or rules and
15 provisions of the Public School Code pertaining to graduation
16 requirements. Any waivers granted pursuant to this section
17 shall be for the term of the charter granted but may be
18 suspended or revoked earlier by the department.

19 D. A charter school shall be a public school
20 accredited by the department and shall be accountable to the
21 chartering authority for purposes of ensuring compliance with
22 applicable laws, rules and charter provisions.

23 E. A local school board shall not require any
24 employee of the school district to be employed in a charter
25 school.

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F. A local school board shall not require any student residing within the geographic boundary of its district to enroll in a charter school.

G. A student who is suspended or expelled from a charter school shall be deemed to be suspended or expelled from the school district in which the student resides."