

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

AN ACT

RELATING TO CHARTER SCHOOLS; REQUIRING THE CHARTERING
AUTHORITY TO PROVIDE AN OVERSIGHT AND EXPENDITURE PLAN FOR
THE MONEY RETAINED FROM A CHARTER SCHOOL'S STATE EQUALIZATION
GUARANTEE DISTRIBUTION; REQUIRING REPORTS.

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

SECTION 1. Section 22-8B-13 NMSA 1978 (being Laws 1999,
Chapter 281, Section 13, as amended) is amended to read:

"22-8B-13. CHARTER SCHOOL FINANCING.--

A. The amount of funding allocated to a charter
school shall be not less than ninety-eight percent of the
school-generated program cost. The school district or
division may withhold and use up to two percent of the
school-generated program cost for its administrative support
of a charter school and its monitoring and oversight
obligations specified in Section 22-8B-12 NMSA 1978.

B. That portion of money from state or federal
programs generated by students enrolled in a locally
chartered charter school shall be allocated to that charter
school serving students eligible for that aid. Any other
public school program not offered by the locally chartered
charter school shall not be entitled to the share of money
generated by a charter school program.

C. When a state-chartered charter school is

1 designated as a board of finance pursuant to Section 22-8-38
2 NMSA 1978, it shall receive state and federal funds for which
3 it is eligible.

4 D. Charter schools may apply for all federal funds
5 for which they are eligible.

6 E. All services centrally or otherwise provided by
7 a local school district, including custodial, maintenance and
8 media services, libraries and warehousing, shall be subject
9 to negotiation between the charter school and the school
10 district. Any services for which a charter school contracts
11 with a school district shall be provided by the district at a
12 reasonable cost.

13 F. By July 15, 2024 and each year thereafter,
14 every local chartering authority and the division acting for
15 the commission for state-chartered charter schools shall
16 provide to every charter school that it charters an oversight
17 and expenditure plan for the money withheld from each charter
18 school's school-generated program cost that includes:

19 (1) the percentage and amount of the planned
20 withholding;

21 (2) the detail of how the chartering
22 authority plans to spend that percentage to monitor the
23 fiscal practices, overall governance, student performance,
24 progress toward performance framework goals and legal
25 compliance with state law and the charter contract and

1 perform any other obligations of the chartering authority to
2 the charter school pursuant to the charter contract; and

3 (3) a budget for the oversight and
4 expenditure plan.

5 G. By August 1, 2024 and each year thereafter,
6 every local chartering authority and the division acting for
7 the commission for state-chartered charter schools shall
8 provide to every charter school that it charters a detailed
9 review of how the withheld percentage and amount was spent in
10 the prior year, including proposed and actual expenditures,
11 and how activities of the chartering authority pursuant to
12 its plan resulted in measurable value to the charter school
13 and improvements in the financial management, governance or
14 performance of the charter school." _____