

POP Quiz

CHARTER SCHOOLS

QUESTION 1

- Are charter schools public schools, private schools, or other?

Answer 1

- Charter schools are public schools that are required to meet the same state and federal standards as all public schools, including open enrollment, free tuition, nonsectarian instruction, nondiscrimination policies, public funding (based on enrollment), and academic standards.
- *While charter schools are schools of choice, they are public schools, funded through the Public School Funding Formula, and open to all NM students. They are, however, exempt from certain requirements of the Public School Code and PED rule.*
- *PED shall waive certain requirements having to do with class loads, teaching loads, length of school day, etc. though such waivers do not relieve schools of satisfying underlying obligations.*

QUESTION 2

- Are charter schools bound by requirements pertaining to the length of the school day, or the minimum instruction time?

Answer 2

- Charter schools are automatically waived from requirements pertaining to length of the school day, but are not relieved of their duty to provide the minimum required number of instructional hours per year.
- *See §22-8B-5, Charter schools; status; local school board authority.*
- *See §22-2-8.1, School year; length of school day; minimum*
- *It is unclear how virtual charter schools are meeting the minimum instructional time requirements.*

Question 3

- What is the length of a charter school's charter?

Answer 3

- The initial charter is for 6 years, so long as the first year is used as a planning year; otherwise, the term is for five years, with renewals usually for five years, absent any other considerations or conditions. Note, however, that some schools are being authorized for less than 5 years if, for example, their authorizer had concerns about some aspect of their charter or performance framework.
- *See §22-8B-12(A). Charter Schools. Terms, etc.*
- *There has been some discussion by PED of offering high-performing charter schools extended terms, to allow them to better focus resources on their respective missions over the longer charter period.*

Question 4

- Is there a limit on the number of charter schools that may be authorized?

Answer 4

- Yes. Up to 15 charter schools may be authorized each year; any remaining slots will be rolled over to the next year, up to a maximum of 75 schools in a five-year period.
- *See §22-8B-11. Charter Schools. Maximum number established.*
- *As a practical matter, this limit has never been reached.*

Question 5

- Are charter schools parts of a school district or are they districts unto themselves?

Answer 5

- Locally chartered charter schools are a part of the local school district that authorized them. State-chartered charter schools are considered “local education agencies,” a term analogous to school districts, with certain limitations; however, state charters are a component part of PED.
- *See §22-8B-4. Charter Schools’ rights responsibilities; operations*
- *See §22-8B-5. Charter Schools; status; local school board authority*
- *Local school boards may only waive local requirements. State charters are exempt from district-level requirements, though they must develop their own policies and procedures.*

Question 6

- Are charter schools required to notify a school district of their intent to apply for a charter to be located in the district?

Answer 6

- Yes. All charter applicants are required to file a letter of intent that must be sent to both PED and the pertinent school district, even if the prospective school is seeking authorization from the PEC rather than a school district.
- *See §22-8B-6(B) Charter school requirements; application process; authorization; state board of finance designation required; public hearings; subcommittees*

Question 7

- May charter schools place limits upon the number and sorts of students they serve?

Answer 7

- As public schools, charter schools are open to all students who choose to attend, within the limits of the schools' enrollment caps. Enrollment is decided on a first-come, first-served basis, or through a lottery. Any remaining students are placed on a wait list.
- *See §22-8B-4.1, Charter schools' enrollment procedures*
- *A lottery is permitted if applicants exceed available spaces. After initial years, charter schools must give preference to students who have been admitted already through an appropriate admissions process, and remain in attendance through subsequent years, as well as to their siblings*

Question 8

- Do charter schools have attendance boundaries?

Answer 8

- Generally, no. Charter schools are schools of choice, and as such, are open to any student who wants to apply, regardless of their location, though transportation in these instances may be an issue.
- *This issue is of particular note with regard to virtual charters and online programs. While any charter school may draw students from far afield, it is the virtual schools that are the most likely to draw students away from school districts throughout New Mexico, thus potentially having a wide-reaching effect upon districts within the state, especially with regard to drawing State Equalization Guarantee (SEG) money from other districts.*

Question 9

- Do special education students have the same access to charter schools as other students?

Answer 9

- Yes. All students have the right to enroll, or to participate in a charter school's enrollment lottery. The obligation to provide a free and appropriate education applies to all public schools, which are likewise required to offer Individualized Education Programs (IEPs) to students identified as having special needs.
- *See §22-8B-4(A)&(T). Charter schools' rights, responsibilities; operations*
- *Charter schools may not discriminate based on need for special services, and must comply with all related state and federal laws and rules, including the federal Individuals with Disabilities Education Act. Charter schools are responsible for identifying, evaluating, and offering FAPE to all eligible children accepted in the school. State-chartered charter schools must assume all responsibility for determining students' needs for special education and related services; sufficient resources, however are often a problem.*

Question 10

- Are all charter schools focused on alternative curricula, programs, and missions?

Answer 10

- Some are, but not all. Rather, all charter schools are guided by their own charters and performance frameworks, which means they have the flexibility to develop nontraditional academic programs, or curricula that are innovative or fit special needs. Some charters offer education with an emphasis on the arts, science, technology, engineering and math courses (STEM), or foreign languages, for example. Others have a more traditional approach, while others are highly experimental. Whatever their individual mission, as noted above, charter schools are exempt from some requirements of the Public School Code and PED regulations so that they may pursue those avenues with greater freedom than traditional public schools.
- *One of the original ideas behind charter schools was that they might, in their efforts to offer experimental or focused curricula, structure and programs, act as crucibles to see which new ideas were the most successful, so that those programs and ideas might be transplanted to traditional public schools. However, it is arguable whether this happens; few experimental charter school programs or focused curricula in New Mexico have made the transition from their origin in charter schools to wider dissemination and use in traditional school districts.*

Question 11

- Must charter schools participate in the same standardized testing as their traditional school counterparts?

Answer 11

- Yes. Again, while charter schools have some flexibility in administration of curricular and programmatic requirements, they must administer the same tests and are evaluated under the same accountability system.

Question 12

- May charter schools hire less qualified staff than traditional public schools?

Answer 12

- No. Like other public school teachers, charter school teachers must be state-certified and meet all other state and federal requirements in order to teach; likewise, they are subject to the same teacher evaluation system as teachers from traditional public schools.

Question 13

- Are charter schools responsible for providing transportation to and from school for their students?

Answer 13

- No, but state-chartered charter schools may receive transportation funding, while locally chartered charter schools negotiate with the local school district in which the school is located to provide transportation to eligible students. There is no requirement, however, that charter schools provide such transportation, except what may be required in a student's IEP. Locally chartered charter schools and their local school district may establish a transportation boundary not to exceed the borders of the school district.
- *See § 22-8B-4(l), (R), Charter schools' rights and responsibilities; operation.*

Question 14

- Are charter schools responsible to the public for the management and success of their programs and students?

Answer 14

- While, the answer is “yes,” it is not unqualified. Charter schools are directly managed by their governing bodies, which are not elected by public vote. Locally chartered charter schools are overseen by local school boards, while state-chartered charter schools are authorized and overseen by the PEC. Both local school boards and the PEC are elected bodies who execute enforceable agreements with charter schools, and in that way, charter schools are responsible to members of the public, though perhaps at a greater remove than traditional public schools.
- *LESC-endorsed legislation offered during the 2015 regular legislative session proposed to amend the Public School Code to pattern the powers and duties of charter school governing bodies after those of local school boards, in that way attempting to create more parallel power structures between charters and traditional public schools. Another bill offered that session proposed to place the election of charter school governing body members directly under the Election Code. Ultimately, neither bill passed.*

Question 15

- Do charter schools receive funding at the same level and by the same mechanisms as traditional public schools?

Answer 15

- Yes, although differences in various adjustment factors, such as school size adjustment, enrollment growth, transportation funding, and the withholding of 2 percent administrative offset can result in differences in funding levels for some charter schools compared with traditional public schools. These differences can be exaggerated in the case of virtual charter schools, which are still funded according to the PSFF, but have much lower overhead and maintenance costs than traditional brick-and-mortar schools.
- *According to a recent LFC report, New Mexico's charter schools, while only serving 7 percent of the student population, have received 46 percent of public school funding increases over the past seven years. The Public School Funding Formula gives extra weight to smaller schools, which often benefits charter schools, many of which have small enrollments. The report noted that charter schools dilute the amounts of money available to all public schools through size adjustment, enrollment growth, etc., while performing at levels that generally are on par with traditional public schools.*
- *During the 2015-2016 school year, districts received an average of \$7638.44 per student while charters received an average of \$8731.91 per student, or \$1,093.47, or 14.3 percent more operational funding per student than school districts.*
- *Only charter schools are permitted to count basic membership generated in new programs toward enrollment growth units, resulting in the double-funding of these students.*

Question 16

- Do charter schools outperform traditional public schools?

Answer 16

- No. According to both PED and LFC, charter schools' performance is not better. Despite them being afforded waivers from many provisions of the Public School Code, charter schools do not outperform their traditional public school peers.

Question 17

- Are state-chartered and locally chartered schools eligible for capital outlay funding under the Public School Capital Improvements Act (Senate Bill 9) and the Public School Buildings Act (House Bill 33)?

Answer 17

- Yes
- *See §22-25-3 (Authorization for local school board to submit question of capital improvements tax imposition) of the Public School Capital Improvement Act, which states that the amount of tax revenue distributed to each charter school included in the resolution is to be determined each year, in the same proportion as the average prior year 40th day count is to the total such enrollment in the school district. (State-chartered charter students are to be counted as part of a local school district's total enrollment for purposes of this section.)*
- *See §22-26-3 (Authorization for local school board to submit question of capital improvements tax imposition) of the Public School Buildings Act, which states that such a resolution shall include capital improvements funding for locally chartered and state-chartered charter school located within the school district, if necessary information for the resolution is submitted in a timely manner identifying the improvements for which the revenue will be used.*
- *See §22-26-9 (Charter schools; receipt of local property tax revenue), which states that , the amount of tax revenue distributed to each charter school included in the resolution is to be determined each year, in the same proportion as the average prior year enrollment on the first reporting date ear is to the total such enrollment in the district.*