

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
ENACTING THE CHARTER SCHOOL DISTRICT ACT OF 2005; PROVIDING
PROCEDURES FOR A SCHOOL DISTRICT TO BECOME A CHARTER SCHOOL
DISTRICT.

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

Section 1. A new section of the Public School Code is enacted to read:

"SHORT TITLE.--Sections 1 through 8 of this act may be cited as the "Charter School District Act of 2005"."

Section 2. A new section of the Public School Code is enacted to read:

"DEFINITION.--As used in the Charter School District Act of 2005, "charter school district" means an existing school district that operates under a charter approved by the department, that is nonreligious, that does not charge tuition and that does not have admission requirements in addition to those found in the Public School Code."

Section 3. A new section of the Public School Code is enacted to read:

"CHARTER SCHOOL DISTRICT APPLICATION REQUIREMENTS--
PROCESS.--

A. Before a school district applies for a charter from the department, the local school board shall adopt a

resolution approving the application plan and hold at least two public hearings on the matter. The school district shall advertise the charter school district application plan in the same manner as other legal notices of the school district. In addition, the school district shall send a notice to the principal of each school in the district, with instructions that each school distribute the notice to the families whose children are enrolled in the school. The local school board may amend the charter school district application after the public hearings. The local school board shall vote to approve the final application before the school district submits it to the department.

B. Not less than sixty-five percent of the employees of the school district must sign a petition in support of the school district becoming a charter school district.

C. The department shall establish by rule the process and requirements for applying for charter school district status and the process and requirements for renewing charter school district status. In each case, the department shall hold a public hearing.

D. The department shall approve no more than nine charter school districts altogether, three small, three medium and three large districts as determined by the department.

E. The department shall disapprove an initial

application or application for renewal of charter school district status when it determines, after a hearing, that the application is not in the best interests of the students, the school district or the community."

Section 4. A new section of the Public School Code is enacted to read:

"CHARTER CONTRACT.--

A. The local school board of a school district that meets the requirements for a charter school district shall enter into a contract with the department establishing its charter to operate as a charter school district for five years.

B. The contract shall reflect all agreements regarding the operation of the charter school district. The terms of the contract may be revised at any time with the approval of both the department and the charter school district.

C. The charter shall include:

(1) assurances that the charter school district shall comply with state laws pertaining to accreditation, state educational standards, assessment and accountability and financial requirements;

(2) a statement of mission and purpose for the operation of the charter school district, including the charter school district's goals and objectives;

(3) evidence that the charter school district's educational and operational plans are economically sound and comply with all state and federal laws and rules;

(4) a description of the charter school district's educational programs and student performance standards and curriculum that must meet or exceed department standards and must be designed to enable each student to achieve those standards;

(5) a description of the way the charter school district's educational program will meet the individual needs of the students, including students with disabilities and students determined to be at risk;

(6) an explanation of the relationship that will exist between the charter school district and its employees and a description of the way the terms and conditions of employment will be addressed with affected employees; and

(7) a description of all waivers from department rules requested and granted.

D. The charter school district shall:

(1) continue to operate as a public, nonsectarian public school district and operate in the same geographic boundaries that existed for the school district prior to becoming a charter school district;

(2) receive state money as provided in the

Public School Code;

(3) provide special education services as required by state and federal law;

(4) be liable for timely payment on its bonded indebtedness and subject to the same bonded indebtedness limitations as it was before becoming a charter school district; and

(5) be subject to all state and federal laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry or need for special education services.

E. The charter school district shall be accountable to the department for ensuring compliance with its charter and applicable state and federal laws and rules.

F. Employees of a charter school district shall be considered continuous employees without interruption of employment pursuant to the School Personnel Act and shall be afforded procedural due process rights and protection.

G. The governing body of the charter school district shall continue to be the local school board."

Section 5. A new section of the Public School Code is enacted to read:

"CHARTER SCHOOL DISTRICT RESPONSIBILITIES--EXEMPTIONS FROM PUBLIC SCHOOL CODE.--

A. The charter school district shall promulgate policies to ensure that the individual needs of students and schools in the district are met.

B. The charter school district is exempt from provisions of the Public School Code and rules adopted pursuant to that act pertaining to the length of the school day, staffing patterns, subject areas and instructional materials.

C. The department may waive other requirements the secretary deems appropriate."

Section 6. A new section of the Public School Code is enacted to read:

"RENEWAL OF CHARTER.--

A. A charter for a charter school district may be renewed for successive periods of five years each.

B. Before it submits an application for renewal to the department, the local school board shall hold a public hearing to adopt a resolution approving the application for renewal.

C. A charter school district renewal application submitted to the department shall contain:

(1) a report on the progress that the charter school district has made toward achieving the goals of its charter;

(2) a list of schools in the charter school

district that have made adequate yearly progress;

(3) a list of schools in the charter school district that have not made adequate yearly progress, together with an indication of the school improvement status of each of those schools;

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

(5) a resolution by the local school board requesting renewal of the charter; and

(6) any other information that the department deems appropriate."

Section 7. A new section of the Public School Code is enacted to read:

"EVALUATION--GROUNDS FOR NONRENEWAL, PROBATION OR REVOCATION OF CHARTER.--

A. The department shall provide ongoing evaluation of the charter school district's compliance with accreditation and state laws pertaining to state educational standards, assessment and accountability and financial requirements. Department staff shall visit the charter school district at least once each year to provide technical assistance and to determine the status of the charter school district and the progress of the charter school district toward the goals of

its charter.

B. If the department finds that the charter school district is not in compliance with its charter or with any applicable state or federal law or rules, or is not in the best interests of the students, the school district or the community, the department may deny renewal, revoke the charter or place the charter school district on probationary status."

Section 8. A new section of the Public School Code is enacted to read:

"REPORT TO THE LEGISLATIVE EDUCATION STUDY COMMITTEE AND THE GOVERNOR.--Each December, the department and each charter school district shall report to the legislative education study committee and the governor regarding the progress that each charter school district has made toward achieving the goals of its charter."

Section 9. REPEAL.--Sections 22-8C-1 through 22-8C-7 and 22-8D-1 through 22-8D-7 NMSA 1978 (being Laws 1999, Chapter 293, Sections 1 through 7 and Laws 2003, Chapter 434, Sections 1 through 7) are repealed.

Section 10. EFFECTIVE DATE.--The effective date of the provisions of Section 9 of this act is July 1, 2005. _____