

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill No: SB 314**

**48th Legislature, 2nd Session, 2008**

**Short Title: Study Charter School Innovations**

**Sponsor(s): Senators Mark L. Boitano and Gerald Ortiz y Pino**

**Analyst: David Harrell**

**Date: January 29, 2008**

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**Bill Summary:**

SB 314 appropriates funds to the Public Education Department (PED) to study the innovations that are emerging from New Mexico's charter schools and to report on those innovations to the Legislative Education Study Committee, the State School Boards Association, and the State Superintendents Association.

**Fiscal Impact:**

\$75,000 is appropriated from the General Fund for FY 09. The bill contains a reversion clause.

The PED analysis of SB 314 notes that "previous studies of this nature" have cost approximately \$90,000.

**Issues:**

In New Mexico, innovation has been a component of charter school legislation since the beginning.

- The first version of the state's charter school legislation, the *Charter Schools Act* (1993), cited the purpose of the legislation as enabling individual schools "to restructure their educational curriculum to encourage the use of different and innovative teaching methods . . . ." Under the 1993 legislation, however, opportunities for innovation may have been limited by other provisions in the law: a limit of five charter schools statewide and a requirement that those schools be formed from regular public schools (conversion schools).
- In 1999, the original *Charter Schools Act* was repealed and the more extensive *1999 Charter Schools Act* was enacted, allowing the approval by local school boards of up to 20 charter schools per year (15 start-up schools and five conversion schools) and up to 100 charter schools altogether in any five-year period. The 1999 law also expanded the purpose of the act in terms of innovation by identifying the innovative teaching methods as those "that are based on reliable research and effective practices or have been replicated successfully in schools with diverse characteristics." The 1999 law also added these purposes: "to allow the development of different and innovative forms of measuring student learning and achievement . . . [and] to provide parents and students with an educational alternative to create new, innovative and more flexible ways of educating children within the public school system . . . ."

- The current charter school legislation, the *Charter Schools Act* (enacted in 2006, effective as of July 1, 2007), continues the theme of innovation by retaining the purpose language from the 1997 law virtually unchanged.

Prior to SB 314, there have been studies that either focused on or addressed the innovations in charter schools in New Mexico.

- For example, the PED analysis cites a study published by the New Mexico Research and Study Council in 2004 that “described effective practices in charter schools and brought to light interesting and promising practices in schools at that time.”
- In September 2005, the Synergy Group published its evaluation of charter schools during school year 2004-2005, conducted on behalf of PED. In general, this study found that, while there was little difference between charter schools’ curricula and the curricula of regular public schools during the first two years after enactment of the 1999 law, “After five years, the curriculum of the charter schools, in general, may be characterized by three unique qualities: *cohesiveness, integration, and innovation*” (emphasis in original). Among the particular innovations in certain schools, the study identified the use of individualized learning plans for all students, not just those in special education; and the use of community experts and specialists to enhance the curriculum.

As the PED analysis points out, however, these studies are somewhat dated and the number of charter schools in New Mexico has increased significantly (68 projected for school year 2008-2009). Thus, the PED analysis suggests that the study proposed by SB 314 “would provide policymakers and other stakeholders updated information as to what degree and in what ways charter schools in New Mexico are innovating.”

Innovation in charter schools has also been the subject of national research. One of the most recent examples is the 2007 version of the annual survey conducted by the Center for Education Reform, a charter school advocacy organization. One of the findings of this survey is that 82 percent of the schools responding have developed their curriculum around a particular theme. In some cases, the theme is a specific discipline like math, science, or the arts; in others, it is a focus on students’ futures, as in college preparation or school-to-work. Another finding of the survey is that 32 percent of the charter schools responding have increased instructional time during the school year.

Finally, while SB 314 does call for a study of and a report on innovations in New Mexico’s public schools, it offers little direction for the study itself. Beyond simple identification, such a study might profitably consider such points as these: which successful innovations might be replicated in public schools in general; which ones, if any, are possible only under the status of a charter school; and the extent to which New Mexico’s charter schools have fulfilled the expectations for innovation expressed in state law. A deadline for the report might be a helpful addition, as well.

**Related Bills:**

- HB 55 *Charter School Stimulus Fund Uses*
- HB 117 *Charter School Authority Transfers*