

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill No:** HB 289a

**49th Legislature, 1st Session, 2009**

**Short Title:** Charter School Authority Subcommittees

**Sponsor(s):** Representative Dennis J. Roch

**Analyst:** David Harrell

**Date:** March 10, 2009

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**AS AMENDED**

**The Senate Education Committee amendment requires members of the chartering authority who were not present at the subcommittee's public hearing to receive, rather than review, the transcript, together with any other related documents, prior to the public meeting of the full chartering authority to rule on the application.**

**The House Consumer and Public Affairs Committee amendment requires that the chartering authority's subcommittee comprise at least three members.**

**Original Bill Summary:**

HB 289 makes three changes to the *Charter Schools Act*:

- it changes the required public meeting to obtain information and community input on an application for a charter school (see "Background," below) to a public "hearing";
- it allows a chartering authority, whether a local school board or the Public Education Commission (PEC), to designate a subcommittee to hold the public hearing required by law, adding that, if such a subcommittee is designated, the hearing must be transcribed for later review by the other members of the chartering authority; and
- it requires members of the chartering authority who were not present at the subcommittee's public hearing to review the transcript, together with any other related documents, prior to the public meeting of the full chartering authority to rule on the application.

**Fiscal Impact:**

HB 289 makes no appropriation.

The analysis of HB 289 by the Public Education Department (PED) suggests that the bill will result in a budget savings for the PEC. Depending upon the location of each meeting and the number of commissioners attending, the per diem cost could exceed \$10,000. While the required transcript would incur a cost, it would be considerably less than the per diem expense.

## **Issues:**

The PED analysis of HB 289 explains that the bill is intended to address the logistical difficulties that the PEC encounters while conducting public hearings for charter school applicants:

Depending on the number of applicants, the PEC could spend up to one week traveling through the state conducting the hearings. Typically each hearing takes about one hour but it is not unusual for the commission to listen to over 4 hours of public testimony. In addition to the time commitment for each commissioner, the requirement that the PEC conduct a “meeting” necessitates a quorum of the commissioners (6 members must be present). Because of the distance for each “meeting” plus the commitment of a week, it has been a challenge to meet the quorum. The lack of a quorum under the present legislation would mean the rescheduling of the public meeting. If the legislation were enacted, the “meeting” would be a “hearing” and the requirement for a quorum would not be necessary.

The analysis by the Higher Education Department (HED) summarizes this rationale as an attempt “at increasing both temporal and fiscal efficiency.”

Presumably, HB 289 would affect the PEC as a chartering authority more so than local school boards because, in the latter case, travel throughout the state to hold hearings in the affected districts would not be an issue.

## **Background:**

The *Charter Schools Act* currently requires a chartering authority to hold at least one public meeting in the school district in which a proposed charter school is to be located to obtain information and community input “to assist it in its decision whether to grant a charter school application.” The act also requires the chartering authority to rule on the application in another public meeting within 60 days after receiving the application.

During school year 2008-2009, 63 charter schools are operating throughout New Mexico. Four are chartered by the PEC and the rest by their respective local school boards. Six more PEC-chartered charter schools have been approved to open in the fall of 2009, and one more locally chartered school has been approved for fall 2009.

## **Related Bills:**

HB 292 *School Chartering Authority Transfers*  
SB 27a *Charter School Application Time Period*  
SB 148 *Charter School Governing Body Training*