

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** SB 358

**51st Legislature, 1st Session, 2013**

**Tracking Number:** .191756.2

**Short Title:** School Districts Governing Charter Schools

**Sponsor(s):** Senator John Arthur Smith

**Analyst:** Sarah Amador-Guzman

**Date:** February 23, 2013

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**Bill Summary:**

SB 358 proposes to amend the *Charter Schools Act* to:

- make a local school board the governing body of all charter schools located within the geographic boundaries of the school district, if the district has 10 or more charter schools within its boundaries; and
- allow a school board member to be a member of a charter school governing board when that charter school is located within the board member's school district and that district has 10 or more charter schools within its geographic boundaries.

**Fiscal Impact:**

SB 358 does not contain an appropriation.

**Fiscal Issues:**

According to the Public Education Department (PED) bill analysis, SB 358 may:

- save administrative costs, in total, as support for individual boards would be consolidated under a single school board;
- require the Albuquerque Public Schools (APS) board to oversee approximately 55 charter schools, among them both state- and locally chartered charter schools; and
- require a significant increase of staff because currently the APS board has only one or two staff members supporting the board.

**Substantive Issues:**

According to PED:

- SB 358 would remove the autonomy of individual locally chartered schools in school districts that have more than 10 charters located within the district boundaries;
- the bill would give local school districts the power to select the leadership of charter schools within their districts;

- because local school boards also serve as authorizers of locally chartered charter schools; serving as the governing board as well may create a conflict of interest since the board would be recommending itself for reauthorization, approval, denial, or revocation of charters; and
- SB 358 may cause individual charter schools within school districts to conform to the mission of the district, rather than their own.

Finally, SB 358 provides no mechanism or timeline for a local school board to become the governing body of the 10 or more charter schools within the district's boundaries.

**Background:**

According to the National Alliance for Public Charter Schools, charter school students represent 4.6 percent of the total number of students in New Mexico public schools. Currently in school year 2012-2013, PED reported:

- a total of 95 charter schools operating in 24 districts throughout New Mexico;
- of those 95 schools, 44 are locally chartered and 51 are state-chartered charter schools;
- currently, APS is the only school district with 10 or more charter schools within the district's boundaries;
- Las Cruces Public Schools, Santa Fe Public Schools, and Taos Municipal Schools have five or more charter schools within the district's boundaries, and
- as additional charter schools are authorized other districts may be impacted by SB 358 as well.

**Committee Referrals:**

SEC/SPAC

**Related Bills:**

- \*CS/SB 338 *Define Virtual Charter School & Moratorium*
- SB 476 *Public Education Commission as Independent* (Identical to HB 392)
- HB 166 *Charter School Audit Finding Reporting*
- HB 392 *Public Education Commission as Independent* (Identical to SB 476)
- HB 453 *School Chartering Authority to State*
- HB 460 *School Management Contracts & Charter Boards*
- HB 622 *Charter Schools as Local Agencies*