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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
53rd Legislature, 1st Session, 2017

Bill Number	<u>SB140/SFCS</u>	Sponsor	<u>SFC</u>
Tracking Number	<u>.207406.2</u>	Committee Referrals	<u>SEC/SFC</u>
Short Title	<u>School District Flexibility</u>		
Analyst	<u>McCorquodale</u>	Original Date	<u>2/20/17</u>
		Last Updated	<u></u>

BILL SUMMARY

Synopsis of Bill

Senate Finance Committee Substitute for Senate Bill 140 (SB140/SFCS) amends the Public School Code to allow a school that is not a charter school that achieves a grade of A or B for two consecutive years to have some of the same waiver flexibility provided for charter schools. The bill requires the Public Education Department (PED) to waive the following for public schools that are not charter schools: length of school day; individual class load, teaching load, and staffing patterns; subject area; and driver education. In addition, the department shall waive the requirement that the school district shall purchase instructional material from the department-approved multiple-list. Additionally, PED may waive graduation requirements; school principal duties; and evaluation standards for school personnel. The waiver will remain in effect until the school district or school that is not a charter school receives a C, D, or F for two consecutive years.

FISCAL IMPACT

SB140/SFCS does not contain an appropriation but could result in budget flexibility for school districts and schools that are not charter schools that are granted the waiver.

SUBSTANTIVE ISSUES

Statute mandates charter school waivers for the following requirements: accreditation review; length of school day; individual class load, teaching load, and staffing patterns; subject area; purchase of instructional material from the department-approved multiple list; school principal duties; evaluation standards for school personnel; and driver education. Additionally, PED may waive graduation requirements for charter schools.

Charter schools are perceived as laboratories of innovation and are given flexibility from certain statutory requirements to see if there are practices that could further accelerate student achievement. Charter schools, in their applications, request exemptions from particular state statutes.

However, current provisions in statute allowing waivers for public schools require a school to “exceed educational standards” before a waiver may be considered by PED; “exceed education standards” is not defined and it is unclear if PED grants any waivers pursuant to this provision, or if a school ever applies for these waivers.

Provisions in SB140/SFCS require school districts, and schools that are not charter schools to demonstrate performance before the department grants waivers unlike charter schools, which are automatically granted waivers simply because they are charter schools. The flexibility inherent in waiving these requirements for high-performing school districts and schools that are not charter schools could allow for the same innovative environments that charter schools enjoy allowing high-performing school districts and schools that are not charter schools to compete with charter schools and explore innovative practices.

TECHNICAL ISSUES

SB140/SFCS does not address waiving school principal duties as provided in Section 22-10A-18 NMSA 1978.

ADMINISTRATIVE IMPLICATIONS

Some indeterminate fraction of full-time equivalent may be necessary to process applications for both the applicant and PED.

SOURCES OF INFORMATION

- LESC Files

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