

A JOINT MEMORIAL

REQUESTING THE LEGISLATIVE EDUCATION STUDY COMMITTEE TO STUDY THE
FACILITY NEEDS OF CHARTER SCHOOLS AND TO MAKE RECOMMENDATIONS
FOR MEETING THOSE NEEDS.

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WHEREAS, the 1999 Charter Schools Act provides for both conversion charter schools, which are regular public schools that become charter schools, and start-up charter schools, which are newly established schools; and

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WHEREAS, finding suitable facilities and retaining suitable facilities have been greater obstacles for start-up charter schools than for conversion charter schools; and

WHEREAS, the 1999 Charter Schools Act permits a charter school to negotiate or contract with a local school district, a university or college or any third party for the use of a facility as well as its operation and maintenance; and

WHEREAS, the 1999 Charter Schools Act prohibits a school district from charging a charter school rent for facilities made available at no cost to the school district; and

WHEREAS, the 1999 Charter Schools Act creates the "charter schools stimulus fund" and allows money in the fund to be appropriated to the state department of public education to provide financial support, in a single one-time distribution, to charter schools for renovating or remodeling existing buildings and structures; and

WHEREAS, charter schools cannot make lease payments with the federal funds that they are eligible to receive through three-year planning and implementation grants from the public charter school fund; and

WHEREAS, twenty-one of the twenty-seven charter schools operating in New

Mexico for school year 2002-2003 are leasing facilities from private owners; and

WHEREAS, charter schools that pay monthly leases for facilities must do so with operational funds, thereby reducing the amount of money available for programs;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the legislative education study committee, in collaboration with the state department of public education and in consultation with charter schools, study the facility needs of charter schools, particularly the issues of the availability of public facilities, public versus private ownership of charter school facilities, the fair market value of leased facilities and the legal and constitutional means of providing funds for charter school facilities; and

BE IT FURTHER RESOLVED that the legislative education study committee, together with the state department of public education, report its findings and recommendations to the legislature by December 2003; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the director of the legislative education study committee and the superintendent of public instruction for appropriate distribution.

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