

HOUSE JOINT MEMORIAL 121

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

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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.

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

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

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

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

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

14 WHEREAS, twenty-one of the twenty-seven charter schools
15 operating in New Mexico for school year 2002-2003 are leasing
16 facilities from private owners; and

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

20 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
21 STATE OF NEW MEXICO that the legislative education study
22 committee, in collaboration with the state department of public
23 education and in consultation with charter schools, study the
24 facility needs of charter schools, particularly the issues of
25 the availability of public facilities, public versus private

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1 ownership of charter school facilities, the fair market value
2 of leased facilities and the legal and constitutional means of
3 providing funds for charter school facilities; and

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

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