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HOUSE BILL 117

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

INTRODUCED BY

James Roger Madalena

FOR THE PUBLIC SCHOOL CAPITAL OUTLAY OVERSIGHT TASK FORCE

AN ACT

RELATING TO CHARTER SCHOOLS; PROVIDING THAT, UNDER CERTAIN  
CONDITIONS, THE CHARTERING AUTHORITY FOR A LOCALLY CHARTERED  
CHARTER SCHOOL MAY BE TRANSFERRED TO THE PUBLIC EDUCATION  
COMMISSION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-8B-16 NMSA 1978 (being Laws 2006,  
Chapter 94, Section 29) is amended to read:

"22-8B-16. PUBLIC EDUCATION COMMISSION--POWERS AND  
DUTIES.--

A. The commission shall receive applications for  
initial chartering and renewals of charters for charter schools  
that want to be chartered by the state and approve or  
disapprove those charter applications.

B. The commission may approve, deny, suspend or

underscored material = new  
[bracketed material] = delete

1 revoke the charter of a state-chartered charter school in  
2 accordance with the provisions of the Charter Schools Act.

3 C. In addition to the commission becoming a  
4 chartering authority pursuant to Subsection A of this section,  
5 the chartering authority for a charter school existing on July  
6 1, 2007 may be transferred to the commission at any time after  
7 its charter has been renewed by the local school board if the  
8 governing body, the local school board and the commission  
9 agree to the transfer; provided, however, that [if a school  
10 chartered under a previous chartering authority chooses to  
11 transfer its chartering authority, it]:

12 (1) the charter may be amended as agreed to by  
13 the governing body, the local school board and the commission;  
14 and

15 (2) after the transfer, the charter, as  
16 amended, shall be deemed to be a contract between the  
17 commission and the school, and the school shall continue to  
18 operate under the provisions of that charter until its renewal  
19 date unless it is suspended or revoked by the commission.

20 D. An application for a charter school filed with a  
21 local school board prior to July 1, 2007, but not approved, may  
22 be transferred to the commission on July 1, 2007."