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HOUSE BILL 289

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Dennis J. Roch

AN ACT

RELATING TO PUBLIC SCHOOLS; ALLOWING CHARTERING AUTHORITIES TO DESIGNATE SUBCOMMITTEES FOR PUBLIC HEARINGS; REQUIRING OTHER MEMBERS TO REVIEW THE RECORD PRIOR TO RULING ON A CHARTER SCHOOL APPLICATION.

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

Section 1. Section 22-8B-6 NMSA 1978 (being Laws 1999, Chapter 281, Section 6, as amended) is amended to read:

"22-8B-6. CHARTER SCHOOL REQUIREMENTS--APPLICATION PROCESS--AUTHORIZATION--BOARD OF FINANCE DESIGNATION REQUIRED--PUBLIC HEARINGS--SUBCOMMITTEES.--

A. A local school board has the authority to approve the establishment of a charter school within the school district in which it is located.

B. At least one hundred eighty days prior to

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1 initial application, the organizers of a proposed charter
2 school shall provide written notification to the commission and
3 the school district in which the charter school is proposed to
4 be located of intent to establish a charter school. Failure to
5 notify may result in an application not being accepted.

6 C. A charter school applicant shall apply to either
7 a local school board or the commission for a charter. If an
8 application is submitted to a chartering authority, it must
9 process the application. Applications for initial charters
10 shall be submitted by July 1 to be eligible for consideration
11 for the following fiscal year; provided that the July 1
12 deadline may be waived upon agreement of the applicant and the
13 chartering authority.

14 D. An application shall include the total number of
15 grades the charter school proposes to provide, either
16 immediately or phased. A charter school may decrease the
17 number of grades it eventually offers, but it shall not
18 increase the number of grades or the total number of students
19 proposed to be served in each grade.

20 E. An application shall include a detailed
21 description of the charter school's projected capital outlay
22 needs, including projected requests for capital outlay
23 assistance.

24 F. An application for a start-up school may be made
25 by one or more teachers, parents or community members or by a

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1 public post-secondary educational institution or nonprofit
2 organization. Municipalities, counties, private post-secondary
3 educational institutions and for-profit business entities are
4 not eligible to apply for or receive a charter.

5 G. An initial application for a charter school
6 shall not be made after June 30, 2007 if the proposed charter
7 school's proposed enrollment for all grades or the proposed
8 charter school's proposed enrollment for all grades in
9 combination with any other charter school's enrollment for all
10 grades would equal or exceed ten percent of the total MEM of
11 the school district in which the charter school will be
12 geographically located and that school district has a total
13 enrollment of not more than one thousand three hundred
14 students.

15 H. A state-chartered charter school shall not be
16 approved for operation unless its governing body has qualified
17 to be a board of finance.

18 I. The chartering authority shall receive and
19 review all applications for charter schools submitted to it.
20 The chartering authority shall not charge application fees.

21 J. The chartering authority shall hold at least one
22 public [~~meeting~~] hearing in the school district in which the
23 charter school is proposed to be located to obtain information
24 and community input to assist it in its decision whether to
25 grant a charter school application. The chartering authority

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1 may designate a subcommittee to hold the public hearing, and,
2 if so, the hearing shall be transcribed for later review by
3 other members of the chartering authority. Community input may
4 include written or oral comments in favor of or in opposition
5 to the application from the applicant, the local community and,
6 for state-chartered charter schools, the local school board and
7 school district in whose geographical boundaries the charter
8 school is proposed to be located.

9 K. The chartering authority shall rule on the
10 application for a charter school in a public meeting within
11 sixty days after receiving the application; provided, however,
12 that prior to ruling on the application for which a designated
13 subcommittee was used, any member of the chartering authority
14 who was not present at the public hearing shall review the
15 transcript of the public hearing together with documents
16 submitted for the public hearing. If not ruled upon within
17 sixty days, the charter application shall be automatically
18 reviewed by the secretary in accordance with the provisions of
19 Section 22-8B-7 NMSA 1978. The charter school applicant and
20 the chartering authority may, however, jointly waive the
21 deadlines set forth in this section.

22 [~~K.~~] L. A chartering authority may approve, approve
23 with conditions or deny an application. A chartering authority
24 may deny an application if:

- 25 (1) the application is incomplete or

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1 inadequate;

2 (2) the application does not propose to offer
3 an educational program consistent with the requirements and
4 purposes of the Charter Schools Act;

5 (3) the proposed head administrator or other
6 administrative or fiscal staff was involved with another
7 charter school whose charter was denied or revoked for fiscal
8 mismanagement or the proposed head administrator or other
9 administrative or fiscal staff was discharged from a public
10 school for fiscal mismanagement;

11 (4) for a proposed state-chartered charter
12 school, it does not request to have the governing body of the
13 charter school designated as a board of finance or the
14 governing body does not qualify as a board of finance; or

15 (5) the application is otherwise contrary to
16 the best interests of the charter school's projected students,
17 the local community or the school district in whose geographic
18 boundaries the charter school applies to operate.

19 [~~E.~~] M. If the chartering authority denies a
20 charter school application or approves the application with
21 conditions, it shall state its reasons for the denial or
22 conditions in writing within fourteen days of the meeting. If
23 the chartering authority grants a charter, the approved charter
24 shall be provided to the applicant together with any imposed
25 conditions.

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[M-] N. A charter school that has received a notice from the chartering authority denying approval of the charter shall have a right to a hearing by the secretary as provided in Section 22-8B-7 NMSA 1978."