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HOUSE BILL 97

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Jimmie C. Hall

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; CLARIFYING THE ATTENDANCE
PRIORITIES FOR SCHOOLS THAT ARE CONVERTED TO CHARTER SCHOOLS
PURSUANT TO THE ACCOUNTABILITY AND ACCESSIBILITY ACT.

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

SECTION 1. Section 22-2C-7.1 NMSA 1978 (being Laws 2007,
Chapter 309, Section 6) is amended to read:

"22-2C-7.1. FAILING SCHOOL SUBJECT TO REOPENING AS STATE-
CHARTERED CHARTER SCHOOL--REQUIREMENTS.--

A. If, pursuant to Subsections I and J of Section
22-2C-7 NMSA 1978, the school district in which a public school
that has failed to make adequate yearly progress for five
consecutive years recommends that the public school be reopened
as a state-chartered charter school, the department, after
holding a public hearing in the school district, may take steps

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1 to have the public school reopened as a state-chartered charter
2 school.

3 B. To reopen as a state-chartered charter school:

4 (1) the school's current enrollment for all
5 grades cannot exceed ten percent of the total MEM of the school
6 district where it is located when the school district has a
7 total enrollment of less than one thousand three hundred
8 students;

9 (2) the students enrolled at the time of its
10 reopening as a state-chartered charter school, as well as those
11 students' siblings, shall be given enrollment performance;

12 [~~2~~] (3) the department, after obtaining
13 information and community input during the public hearing,
14 shall find at least five qualified persons willing to serve in
15 an interim capacity as a governing body;

16 [~~3~~] (4) the governing body shall employ a
17 qualified school administrator within thirty days of its
18 appointment by the department;

19 [~~4~~] (5) the governing body shall qualify as
20 a board of finance and satisfy any conditions imposed by the
21 commission prior to commencing full operation;

22 [~~5~~] (6) the governing body shall develop a
23 written plan and proposed charter that is satisfactory to the
24 commission and that at a minimum addresses the following
25 issues:

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1 (a) the employment, discharge,
2 termination or displacement of current school employees,
3 including the effect of employment decisions on current
4 employment contracts and collective bargaining agreements;
5 (b) fiscal and records management;
6 (c) instructional and administrative
7 facilities;
8 (d) student transportation;
9 (e) special education;
10 (f) curriculum;
11 (g) education-related and other
12 services;
13 (h) accreditation;
14 (i) food service;
15 (j) graduation requirements, if a waiver
16 of state graduation requirements is sought;
17 (k) governance turnover; and
18 (l) student assessments and school
19 accountability;
20 [~~(6)~~] (7) the governing body and the school
21 shall comply with any other substantive or procedural
22 requirements imposed on them by law or rule of the department;
23 and
24 [~~(7)~~] (8) the department and the governing
25 body shall have a plan to provide for an orderly transition.

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