

1 SENATE BILL 605

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Michael S. Sanchez

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10 AN ACT

11 RELATING TO PUBLIC EDUCATION; INDEXING CHARTER SCHOOL HEAD
12 ADMINISTRATOR COMPENSATION TO AN AMOUNT BETWEEN THAT RECEIVED
13 BY SCHOOL DISTRICT SUPERINTENDENTS AND SCHOOL PRINCIPALS.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 22-8B-4 NMSA 1978 (being Laws 1999,
17 Chapter 281, Section 4, as amended) is amended to read:

18 "22-8B-4. CHARTER SCHOOLS' RIGHTS AND RESPONSIBILITIES--
19 OPERATION.--

20 A. A charter school shall be subject to all federal
21 and state laws and constitutional provisions prohibiting
22 discrimination on the basis of disability, physical or mental
23 handicap, serious medical condition, race, creed, color, sex,
24 gender identity, sexual orientation, spousal affiliation,
25 national origin, religion, ancestry or need for special

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1 education services.

2 B. A charter school shall be governed by a
3 governing body in the manner set forth in the charter contract;
4 provided that a governing body shall have at least five
5 members; and provided further that no member of a governing
6 body for a charter school that is initially approved on or
7 after July 1, 2005 or whose charter is renewed on or after July
8 1, 2005 shall serve on the governing body of another charter
9 school. No member of a local school board shall be a member of
10 a governing body for a charter school or employed in any
11 capacity by a locally chartered charter school located within
12 the local school board's school district during the term of
13 office for which the member was elected or appointed.

14 C. A charter school shall be responsible for:

15 (1) its own operation, including preparation
16 of a budget, subject to audits pursuant to the Audit Act; and

17 (2) contracting for services and personnel
18 matters.

19 D. A charter school may contract with a school
20 district, a university or college, the state, another political
21 subdivision of the state, the federal government or one of its
22 agencies, a tribal government or any other third party for the
23 use of a facility, its operation and maintenance and the
24 provision of any service or activity that the charter school is
25 required to perform in order to carry out the educational

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1 program described in its charter contract. Facilities used by
2 a charter school shall meet the standards required pursuant to
3 Section 22-8B-4.2 NMSA 1978.

4 E. A conversion school chartered before July 1,
5 2007 may choose to continue using the school district
6 facilities and equipment it had been using prior to conversion,
7 subject to the provisions of Subsection F of this section.

8 F. The school district in which a charter school is
9 geographically located shall provide a charter school with
10 available facilities for the school's operations unless the
11 facilities are currently used for other educational purposes.
12 An agreement for the use of school district facilities by a
13 charter school may provide for reasonable lease payments;
14 provided that the payments do not exceed the sum of the lease
15 reimbursement rate provided in Subparagraph (b) of Paragraph
16 (1) of Subsection I of Section 22-24-4 NMSA 1978 plus any
17 reimbursement for actual direct costs incurred by the school
18 district in providing the facilities; and provided further that
19 any lease payments received by a school district may be
20 retained by the school district and shall not be considered to
21 be cash balances in any calculation pursuant to Section 22-8-41
22 NMSA 1978. The available facilities provided by a school
23 district to a charter school shall meet all occupancy standards
24 as specified by the public school capital outlay council. As
25 used in this subsection, "other educational purposes" includes

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1 health clinics, daycare centers, teacher training centers,
2 school district administration functions and other ancillary
3 services related to a school district's functions and
4 operations.

5 G. A locally chartered charter school may pay the
6 costs of operation and maintenance of its facilities or may
7 contract with the school district to provide facility operation
8 and maintenance services.

9 H. Locally chartered charter school facilities are
10 eligible for state and local capital outlay funds and shall be
11 included in the school district's five-year facilities plan.

12 I. A locally chartered charter school shall
13 negotiate with a school district to provide transportation to
14 students eligible for transportation under the provisions of
15 the Public School Code. The school district, in conjunction
16 with the charter school, may establish a limit for student
17 transportation to and from the charter school site not to
18 extend beyond the school district boundary.

19 J. A charter school shall be a nonsectarian,
20 nonreligious and non-home-based public school.

21 K. Except as otherwise provided in the Public
22 School Code, a charter school shall not charge tuition or have
23 admission requirements.

24 L. With the approval of the chartering authority, a
25 single charter school may maintain separate facilities at two

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1 or more locations within the same school district; but, for
2 purposes of calculating program units pursuant to the Public
3 School Finance Act, the separate facilities shall be treated
4 together as one school.

5 M. A charter school shall be subject to the
6 provisions of Section 22-2-8 NMSA 1978 and the Assessment and
7 Accountability Act.

8 N. Within constitutional and statutory limits, a
9 charter school may acquire and dispose of property; provided
10 that, upon termination of the charter, all assets of the
11 locally chartered charter school shall revert to the local
12 school board and all assets of the state-chartered charter
13 school shall revert to the state, except that, if all or any
14 portion of a state-chartered charter school facility is
15 financed with the proceeds of general obligation bonds issued
16 by a local school board, the facility shall revert to the local
17 school board.

18 O. The governing body of a charter school may
19 accept or reject any charitable gift, grant, devise or bequest;
20 provided that no such gift, grant, devise or bequest shall be
21 accepted if subject to any condition contrary to law or to the
22 terms of the charter. The particular gift, grant, devise or
23 bequest shall be considered an asset of the charter school to
24 which it is given.

25 P. The governing body may contract and sue and be

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1 sued. A local school board shall not be liable for any acts or
2 omissions of the charter school.

3 Q. A charter school shall comply with all state and
4 federal health and safety requirements applicable to public
5 schools, including those health and safety codes relating to
6 educational building occupancy.

7 R. A charter school is a public school that may
8 contract with a school district or other party for provision of
9 financial management, food services, transportation, facilities,
10 education-related services or other services. The governing
11 body shall not contract with a for-profit entity for the
12 management of the charter school.

13 S. To enable state-chartered charter schools to
14 submit required data to the department, an accountability data
15 system shall be maintained by the department.

16 T. A charter school shall comply with all
17 applicable state and federal laws and rules related to
18 providing special education services. Charter school students
19 with disabilities and their parents retain all rights under the
20 federal Individuals with Disabilities Education Act and its
21 implementing state and federal rules. Each charter school is
22 responsible for identifying, evaluating and offering a free
23 appropriate public education to all eligible children who are
24 accepted for enrollment in that charter school. The state-
25 chartered charter school, as a local educational agency, shall

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1 assume responsibility for determining students' needs for
2 special education and related services. The division may
3 promulgate rules to implement the requirements of this
4 subsection.

5 U. Included in a charter school contract with an
6 educational or charter management organization shall be the
7 requirement that the compensation for a head administrator of a
8 charter school shall not exceed:

9 (1) eighty percent of the compensation of the
10 local superintendent of the school district where the charter
11 school is located; or

12 (2) by more than ten percent the average
13 compensation for school principals in the school district where
14 the charter school is located.

15 V. As used in this section, "compensation" includes
16 salary and benefits."