

1 SENATE BILL 305

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 John M. Sapien

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10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; AMENDING THE PUBLIC SCHOOL CODE TO
12 PROVIDE A REDUCED STATE EQUALIZATION GUARANTEE AMOUNT FOR
13 CERTAIN CHARTER SCHOOLS.

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

16 SECTION 1. Section 22-8-15 NMSA 1978 (being Laws 1967,
17 Chapter 16, Section 70, as amended) is amended to read:

18 "22-8-15. ALLOCATION LIMITATION.--

19 A. The department shall determine the allocations
20 to each school district and charter school from each of the
21 distributions of the public school fund, subject to the limits
22 established by law; provided that the allocation to a virtual
23 charter school, as defined in the Charter Schools Act, shall be
24 seventy-five percent of the virtual charter school's total
25 state equalization guarantee pursuant to Section 22-8-25 NMSA

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1 1978.

2 B. The local school board in each school district
3 with locally chartered charter schools shall allocate the
4 appropriate distributions of the public school fund to
5 individual locally chartered charter schools pursuant to each
6 locally chartered charter school's school-based budget approved
7 by the local school board and the department. The appropriate
8 distribution of the public school fund shall flow to the
9 locally chartered charter school within five days after the
10 school district's receipt of the state equalization guarantee
11 for that month."

12 **SECTION 2.** Section 22-8B-2 NMSA 1978 (being Laws 1999,
13 Chapter 281, Section 2, as amended) is amended to read:

14 "22-8B-2. DEFINITIONS.--As used in the Charter Schools
15 Act:

16 A. "charter school" means a conversion school or
17 start-up school authorized by the chartering authority to
18 operate as a public school;

19 B. "chartering authority" means either a local
20 school board or the commission;

21 C. "commission" means the public education
22 commission;

23 D. "conversion school" means an existing public
24 school within a school district that was authorized by a local
25 school board to become a charter school prior to July 1, 2007;

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1 E. "division" means the charter schools division of
2 the department;

3 F. "enrollment preference" means filling a charter
4 school's openings with students, or siblings of students, who
5 have already been admitted to the school through an appropriate
6 admission process or are continuing through subsequent grades;

7 G. "governing body" means the governing structure
8 of a charter school as set forth in the school's charter;

9 H. "governing body training" means the training
10 required pursuant to Section 22-8B-5.1 NMSA 1978 to educate
11 governing body members and ensure compliance with all
12 applicable laws, which training may be obtained from any
13 source, individual or entity that has been approved by the
14 department;

15 I. "management" means authority over the hiring,
16 termination and day-to-day direction of a school's employees or
17 contractors, whether they are licensed or not;

18 J. "material violation" means the act of failing to
19 accomplish a requirement of a law, rule or contract or a
20 charter school's bylaws that substantially affects the charter
21 school's employees' or students' rights or privileges;

22 K. "nondiscretionary waiver" means a waiver of
23 requirements or rules and the provisions of the Public School
24 Code that the department shall grant pursuant to Section
25 22-8B-5 NMSA 1978 and for which a charter school shall not

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1 require separate approval by the department;

2 L. "performance indicator" means a measurement tool
3 that enables selected issues or conditions to be monitored over
4 time for the purposes of evaluating progress toward or away
5 from a desired direction;

6 M. "performance target" means the specific rating
7 to which the data from a school's performance indicators shall
8 be compared to determine whether the school exceeds, meets,
9 does not meet or falls far below that rating;

10 N. "siblings" means:

11 (1) students living in the same residence at
12 least fifty percent of the time in a permanent or semipermanent
13 situation, such as long-term foster care placements; or

14 (2) students related to each other by blood,
15 marriage or cohabitation; ~~and~~

16 O. "start-up school" means a public school
17 developed by one or more parents, teachers or community members
18 authorized by the chartering authority to become a charter
19 school; and

20 P. "virtual charter school" means a charter school
21 established under provisions of the Charter Schools Act that
22 differs from locally chartered and state-chartered charter
23 schools in that virtual charter schools are educational
24 organizations that offer one or more kindergarten through grade
25 twelve courses through the internet and one in which teachers

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1 and students are separated geographically and do not
2 necessarily work together in the same time frame."

3 SECTION 3. Section 22-8B-13 NMSA 1978 (being Laws 1999,
4 Chapter 281, Section 13, as amended) is amended to read:

5 "22-8B-13. CHARTER SCHOOL FINANCING.--

6 A. The amount of funding allocated to a charter
7 school shall be not less than ninety-eight percent of the
8 school-generated program cost; provided that the allocation to
9 a virtual charter school, as defined in the Charter Schools
10 Act, shall be an amount equal to seventy-five percent of the
11 virtual charter school's total state equalization guarantee
12 pursuant to Section 22-8-25 NMSA 1978. The school district or
13 division may withhold and use two percent of the school-
14 generated program cost for its administrative support of a
15 charter school.

16 B. That portion of money from state or federal
17 programs generated by students enrolled in a locally chartered
18 charter school shall be allocated to that charter school
19 serving students eligible for that aid. Any other public
20 school program not offered by the locally chartered charter
21 school shall not be entitled to the share of money generated by
22 a charter school program.

23 C. When a state-chartered charter school is
24 designated as a board of finance pursuant to Section 22-8-38
25 NMSA 1978, it shall receive state and federal funds for which

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1 it is eligible.

2 D. Charter schools may apply for all federal funds
3 for which they are eligible.

4 E. All services centrally or otherwise provided by
5 a local school district, including custodial, maintenance and
6 media services, libraries and warehousing, shall be subject to
7 negotiation between the charter school and the school district.
8 Any services for which a charter school contracts with a school
9 district shall be provided by the district at a reasonable
10 cost."