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HOUSE BILL 476

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

JAMES ROGER MADALENA

FOR THE INDIAN AFFAIRS COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING THE CHARTER SCHOOLS ACT TO
INCLUDE FEDERAL BUREAU OF INDIAN AFFAIRS SCHOOLS, TO REMOVE THE
RESTRICTION ON THE NUMBER OF CHARTER SCHOOLS ALLOWED AND TO
CHANGE CRITERIA FOR THE ESTABLISHMENT OF A CHARTER SCHOOL;
AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 22-8A-2 NMSA 1978 (being Laws 1993,
Chapter 227, Section 2) is amended to read:

"22-8A-2. DEFINITIONS. -- As used in the Charter Schools
Act:

A. "bureau of Indian affairs agency" means the
office within the bureau of Indian affairs of the United States
department of the interior that regulates bureau of Indian
affairs funded schools;

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1 B. "bureau of Indian affairs school" means a school
2 operated by the bureau of Indian affairs of the United States
3 department of the interior or funded by the bureau but privately
4 operated;

5 [A-] C. "charter school" means an individual school
6 within a school district, authorized by the state board to
7 develop and implement an alternative educational curriculum and
8 authorized by law to develop and utilize a school-based budget
9 and an individual bureau of Indian affairs school within a
10 bureau of Indian affairs agency recognized by the state board
11 through an accreditation process acceptable to the state board;
12 and

13 [B-] D. "state board" means the state board of
14 education. "

15 Section 2. Section 22-8A-3 NMSA 1978 (being Laws 1993,
16 Chapter 227, Section 3) is amended to read:

17 "22-8A-3. PURPOSE. --The purpose of the Charter Schools Act
18 is to enable individual schools, including bureau of Indian
19 affairs schools, to restructure their educational curriculum to
20 encourage the use of different and innovative teaching methods
21 and to enable individual schools within a school district to be
22 responsible for site-based budgeting and expenditures. "

23 Section 3. Section 22-8A-4 NMSA 1978 (being Laws 1993,
24 Chapter 227, Section 4) is amended to read:

25 "22-8A-4. CHARTER SCHOOLS AUTHORIZED. --

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1 A. The state board may authorize any school within
2 ~~[local]~~ a school ~~[districts]~~ district or bureau of Indian
3 affairs agency to become a charter school.

4 B. The state board may authorize the existence of a
5 charter school for a period not to exceed five years. At the
6 end of five years, a charter school may reapply to the state
7 board to continue operation of the charter school.

8 ~~[C. The state board shall not authorize the~~
9 ~~existence of more than five charter schools in the state.]"~~

10 Section 4. Section 22-8A-5 NMSA 1978 (being Laws 1993,
11 Chapter 227, Section 5) is amended to read:

12 "22-8A-5. CHARTER SCHOOLS CREATED. --

13 A. An individual ~~[schools]~~ school wishing to become
14 a charter ~~[schools]~~ school shall apply through ~~[their]~~ its local
15 school board to the state board for authorization to become a
16 charter ~~[schools]~~ school. In transmitting the application to
17 the state board, the local school board may include a
18 recommendation regarding the establishment of that charter
19 school.

20 B. The state board may authorize the existence of a
21 charter school upon a finding that:

22 (1) not less than ~~[sixty-five]~~ fifty-one
23 percent of the ~~[teachers in the]~~ school ~~[have]~~ staff has signed
24 a petition in support of that school becoming a charter school;

25 (2) parents of children in the proposed charter

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1 school have had substantial involvement in the development of
2 the charter school proposal and support the establishment of the
3 charter school;

4 (3) the school proposing to become a charter
5 school has submitted to the state board a comprehensive plan for
6 implementing alternative education curricula at the school;
7 [and]

8 (4) [~~the~~] a school within a school district
9 proposing to become a charter school [~~shall provide~~] has
10 provided a detailed proposed budget to meet anticipated
11 educational and administrative costs of the charter school; and

12 (5) the school proposing to become a charter
13 school has submitted a plan and developed bylaws to elect a
14 community school board with full authority of a school district,
15 authorized by the state board, for the purpose of operating the
16 charter school. Oversight shall be maintained by the local
17 school district of the individual school. "

18 Section 5. Section 22-8A-6 NMSA 1978 (being Laws 1993,
19 Chapter 227, Section 6) is amended to read:

20 "22-8A-6. CHARTER SCHOOLS--COMPLIANCE WITH PUBLIC SCHOOL
21 CODE--EXCEPTIONS. --

22 A. A charter school shall comply with all provisions
23 of the Public School Code; provided that the charter school may
24 request and the state board may grant a waiver of certain
25 provisions of the Public School Code for the purpose of

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1 operating the charter school. The state board may grant
2 [~~wai-vers~~] a waiver to a charter school for the purpose of
3 providing class size and structure flexibility, alternative
4 curriculum opportunities and alternative budget opportunities.

5 B. The provisions of this section do not apply to
6 bureau of Indian affairs schools. Bureau of Indian affairs
7 schools shall comply with comparable rules and regulations under
8 federal law and in accordance with accreditation standards
9 acceptable to the state board. The federally recognized tribe
10 on whose land the school is located shall not waive any
11 sovereign right. A bureau of Indian affairs charter school may
12 request and the state board shall grant a waiver of certain
13 provisions of the school's accreditation requirements, the
14 department of education's licensure requirements and other
15 relevant department requirements for the purpose of operating
16 the charter school. "

17 Section 6. Section 22-8-6 NMSA 1978 (being Laws 1967,
18 Chapter 16, Section 60, as amended by Laws 1993, Chapter 224,
19 Section 2 and also by Laws 1993, Chapter 227, Section 9) is
20 amended to read:

21 "22-8-6. BUDGETS--SUBMISSION--FAILURE TO SUBMIT.--

22 A. Prior to April 15 of each year and in
23 consultation with the community school board, each local school
24 board shall submit to the department an estimated budget for the
25 school district for the ensuing fiscal year. Upon written

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1 approval ~~[of]~~ by the state superintendent, the date for the
2 submission of the estimated budget as required by this section
3 may be extended to a later date fixed by the state
4 superintendent.

5 B. The estimated budget required by this section may
6 include:

7 (1) estimates of the cost of insurance policies
8 for periods up to five years if a lower rate may be obtained by
9 purchasing insurance for the longer term; or

10 (2) estimates of the cost of contracts for the
11 transportation of students for terms extending up to four years.

12 C. The estimated budget required by this section
13 shall include a proposed breakdown for charter schools in the
14 ~~[local]~~ school district, by individual charter school, of the
15 membership projected for each charter school, the total program
16 units generated at that charter school and approximate
17 anticipated disbursements and expenditures at each charter
18 school. This information shall be prepared in consultation with
19 each community school board of each charter school within the
20 school district.

21 D. If a local school board fails to submit a budget
22 pursuant to this section, the department shall prepare the
23 estimated budget for the school district for the ensuing fiscal
24 year. A local school board shall be considered as failing to
25 submit a budget pursuant to this section if the budget submitted

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1 exceeds the total projected resources of the school district or
2 if the budget submitted does not comply with the law or the
3 manual of accounting and budgeting of the department.

4 E. The provisions of this section do not apply to
5 schools operated by the bureau of Indian affairs of the United
6 States department of the interior or funded by the bureau but
7 privately operated."

8 Section 7. Section 22-8-6.1 NMSA 1978 (being Laws 1993,
9 Chapter 227, Section 8) is amended to read:

10 "22-8-6.1. CERTAIN SCHOOL DISTRICT BUDGETS. --

11 A. In those school districts with authorized charter
12 schools, each charter school shall submit to the local school
13 board a school-based budget through its community school board.
14 The budget shall be based upon the projected total MEM at that
15 school and the projected number of program units generated by
16 students at that individual school. The budget shall be
17 submitted to the local school board for approval or amendment.
18 Upon final approval of the budget by the local school board, the
19 individual school budget shall be included in the budget
20 submission to the department [~~of education~~] required pursuant to
21 the Public School Finance Act and required pursuant to the
22 Charter Schools Act.

23 B. The provisions of this section do not apply to
24 schools operated by the bureau of Indian affairs of the United
25 States department of the interior or funded by the bureau but

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1 privately operated."

2 Section 8. Section 22-8-15 NMSA 1978 (being Laws 1967,
3 Chapter 16, Section 70, as amended by Laws 1993, Chapter 224,
4 Section 3 and also by Laws 1993, Chapter 227, Section 10) is
5 amended to read:

6 "22-8-15. ALLOCATION LIMITATION. --

7 A. The department shall determine the allocations to
8 each school district from each of the distributions of the
9 public school fund, subject to the limits established by law.

10 B. The local school board in each [~~local~~] school
11 district with authorized charter schools shall allocate the
12 appropriate distributions of the public school fund to
13 individual charter schools pursuant to each charter school's
14 school-based budget approved by the local school board and the
15 department. The local school board may retain an amount not to
16 exceed the school district's administrative cost relevant to
17 that charter school upon consent of the community school board.

18 C. The local school board in each [~~local~~] school
19 district with authorized charter schools shall establish an
20 individual charter school account to receive public school fund
21 disbursements for each charter school.

22 D. The provisions of this section do not apply to
23 schools operated by the bureau of Indian affairs of the United
24 States department of the interior or funded by the bureau but
25 privately operated."

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