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SENATE BILL 641

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

INTRODUCED BY

JOHN PINTO

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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1 FORTY-THIRD LEGISLATURE  
2 FIRST SESSION, 1997  
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6 February 18, 1997  
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8 Mr. President:

9  
10 Your INDIAN & CULTURAL AFFAIRS COMMITTEE, to whom  
11 has been referred  
12

13 SENATE BILL 641  
14

15 has had it under consideration and reports same with  
16 recommendation that it DO PASS, and thence referred to the  
17 EDUCATION COMMITTEE.  
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20 Respectfully submitted,  
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24 \_\_\_\_\_  
25 John Pinto, Chairman

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

1 (Chief Clerk)

(Chief Clerk)

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4 Date \_\_\_\_\_

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7 The roll call vote was 5 For 0 Against

8 Yes: 5

9 No: 0

10 Excused: Carraro, Davis, Kysar, Rawson

11 Absent: None

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