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April 23, 2014

MEMORANDUM

TO: Legislative Education Study Committee

FR: Kevin Force

RE: STAFF BRIEF: OPTIONS FOR CHARTER SCHOOL EXPANSIONS

As charter schools become a more commonplace educational option for families in New Mexico, and with the corresponding proliferation of the number, types, and missions of these schools, the issue of charter school expansion is also becoming a more frequent question for the consideration of authorizers and the public. The "expansion" of a charter school can occur as either an increase in a school's enrollment limits, expansion into additional grade-levels within the school, or a move into an additional location, and can implicate more than one of these issues.

In New Mexico, the process to create and maintain a charter school is governed mainly by:

- the *Charter Schools Act* (22-8B-1 NMSA 1978, et seq.); and
- Public Education Department (PED) rule, specifically 6.30.8 of the New Mexico Administrative Code, "Charter School Application and Appeal Requirements."

This staff brief discusses potential expansion of charter schools, by focusing on:

- amendments and charter school "expansion"; and
- background, including:
 - a brief overview the chartering process and deadlines; and
 - a review of charter school contracts.

AMENDMENTS AND CHARTER SCHOOL “EXPANSION”

According to the *Charter Schools Act*, regarding the issue of amendment to the terms of the charter contract:

“The process for revision or amendment to the terms of the charter contract shall be made only with the approval of the chartering authority and the governing body of the charter school. If they cannot agree, either party may appeal to the secretary . . .”¹

The provisions of this section would apply to any amendment or revision to the terms of the charter contract. Common charter amendments include such things as the addition of a grade-level to a school, a change in location, a change to the enrollment limitations, changes to the mission statement of the school, and any changes to the structure of a school’s governing body. In the case of state-chartered charter schools, proposed amendments, much like initial applications and contracts, are reviewed by the Charter Schools Division (CSD), which then makes recommendations to the Public Education Commission (PEC) regarding the approval or denial of the proposed amendment.

The possibility of the “expansion” of a charter school might take several forms. For example, an amendment proposing to expand a charter school might seek to do so through one or more of the following:

- increase a school’s enrollment cap;
- add one or more grade-levels to the school; or
- expand facilities, either within the school’s current location, or by relocating to another facility.

The first two instances, the increase in a school’s enrollment cap, or the addition of one or more grade-levels to the school, are somewhat common amendments, especially for schools that are succeeding in their mission. These instances are dealt with through the usual amendment process that involves submitting a request form (see, e.g., **Attachment 1, *State Charter School Change/Amendment Request Form***), which, in the case of state-chartered charter schools, would require review by the PEC’s legal counsel and the CSD, who then make their recommendations to the commission. The amendment is reviewed at a public hearing, according to the requirements of the *Open Meetings Act*, where the authorizing body has the opportunity to review the material and ask any questions they might have for the school’s representatives, before finally voting on whether to approve the requested change.

In many cases, this third example of charter school expansion, expanding facilities, will involve either growth within existing facilities, the addition of new facilities in the same or a nearby location, or relocation to a new facility in the same school district as that in which the charter school in question currently is located. In these instances, the ordinary review process should be sufficient to address the potential amendment, disposing of it either positively or negatively, as the chartering authority deems appropriate. There is, however, one possible avenue of expansion

¹ 22-8B-9(C) NMSA 1978. See also 6.80.4.12(E) NMAC, which states, “Any revision or amendment to the terms of the charter contract may be made only with the written approval of the authorizer.”

that may be more problematic than those discussed, above: the instance where an existing charter school seeks to expand their current school, with the same charter and governance, into an additional location in a school district *other* than the school's current home district. Such an instance may run afoul of certain restrictions in the *Charter Schools Act*.

According to Section 22-8B-4(L) NMSA 1978:

“With the approval of the *chartering authority*, a single charter school may maintain separate facilities at two or more locations within the same school district; but, for purposes of calculating program units pursuant to the Public School Finance Act . . . the separate facilities shall be treated together as one school.” (Emphasis added.)

Thus, according to this section, expansion by a single school across school districts, operating under the same aegis, with the same governing body, charter and contract, is only permissible where it is *within the same school district*. Note, however, that nothing in the law currently would stop the same persons from, building off the successes of their current school, opening a similar, or even identical, school in a separate school district. That case, however, would require initiation and administration of an entirely new chartering process, with initial notice of intent, contract and performance framework negotiations, opportunity for public notice and comment, and a new, separate hearing before the chartering authority. Essentially, despite any administrative relationship, this process creates an entirely new and separate school, not an extension of the same school, as is contemplated by Section 22-8B-4.

For a better understanding of this matter, a review of the pertinent provision and the legislative history may prove useful. Section 22-8B-4(L), in its current form, first appeared in 2005, where it was enacted as Laws 2005, Chapter 211 (formerly HB 510). The final, chaptered version of the subparagraph read:

“With the approval of the *school district*, a single charter school may maintain separate facilities at two or more locations within the same school district; but, for purposes of calculating program units pursuant to the Public School Finance Act, the separate facilities shall be treated together as one school.” (Emphasis added.)

Note the difference between the current and 2005 versions of the subparagraph: In the 2005 instance, what currently is the “chartering authority” was limited to the “school district.” At the time of the enactment of this subparagraph, the PEC had not yet been made a chartering authority for state-chartered charter schools; that change occurred in 2006, with the enactment of Laws 2006, Chapter 94, compiled as Section 22-8B-16 NMSA 1978, the same chapter that amended the instant subparagraph to read “chartering authority” rather than “school district.” It was this legislation that created New Mexico’s current system of two tiers of charter schools, state- and locally chartered charter schools.

At that time, the original introduced version of the bill (SB 600, 2006) would have amended subparagraph (L) to read:

“With the approval of the *commission* [where “commission” refers to the PEC], a single charter school may maintain separate facilities at two or more locations

within the same school district; but, for purposes of calculating program units pursuant to the Public School Finance Act . . . the separate facilities shall be treated together as one school.”

The Senate Finance Committee, recommending that SB 600 do not pass, offered a substitute bill instead, where the pertinent subsection then read, as the law does currently:

“With the approval of the *chartering authority*, a single charter school may maintain separate facilities at two or more locations within the same school district . . . ”²

While the reasoning behind the particular change to subparagraph 22-8B-4(L) is not readily apparent from a review of the legislative history, one can suppose a couple of potential reasons that may have contributed to the Legislature’s apparent decision to disallow expansion of charter schools across district lines:

1. The possible lack of public notice and opportunity to comment on a potential new charter school in the target community. Laws 2006, Chapter 94 also added subparagraph (J) to Section 22-8B-6, requiring a chartering authority to hold at least one hearing in the community in which a charter school is proposed to be located, to give the members of the community adequate opportunity to obtain relevant information on the charter school and offer input on its potential location in their community. Further, according to the National Association of Charter School Authorizers’ *Principles and Standards for Quality Charter School Authorizers*,³ Standard 2 for the charter application process and decision-making is related to transparency in proceedings, and should:
 - implement an application process that is well publicized and transparent;
 - allows sufficient time for each stage of the application process to be carried out with quality and integrity; and
 - communicate the process, approval criteria, and decisions clearly to the public.

Allowing a charter school, merely via the less comprehensive amendment process, to expand into a school district other than the one proposed and approved in the original charter would appear to deny the community of the proposed new location the opportunity to obtain information about the school and offer input.

It should be noted, however, that while the lack of opportunity for public comment may well be a consequence of this sort of charter school expansion, currently nothing beyond geographic convenience limits the districts and communities from which a charter school, particularly a state-chartered charter school, can draw its students. This is also of particular relevance to virtual charter schools, which have a source of potential students largely unlimited even by most geographic constraints, as a result of the online nature of

² Please note that, while the final chaptered and compiled version of the bill was Senate Floor Substitute for Senate Finance Committee Substitute for SB 600, it was identical to the Senate Finance Committee version with respect to the pertinent subparagraph.

³ See *Principles and Standards for Quality Charter School Authorizing*, 2012 Edition, NACSA, at: http://www.qualitycharters.org/assets/files/images/stories/publications/Principles.Standards.2012_pub.pdf.

their curricula. In any of these cases, while a charter school may not be physically located within a community, it is nevertheless affecting the students, families, schools, and finances of that community, without there ever having been an opportunity for that particular school district or community to offer input into the potential impact of these charter schools.

2. The effect on the state equalization guarantee in potential target school districts. Because program units in New Mexico follow the student, locating a branch of charter school in a new, separate school district might have the effect of drawing units from the newly targeted local school district to support those students who would move from a traditional public school to attend a more specifically mission-driven charter school.

However, similarly to the point regarding public comment discussed above, there nevertheless exist a number of instances in New Mexico law where a charter school may draw on program units that would otherwise have been allocated to the local school district where a charter school's students resided. As noted, since these program units follow the student, and not the school or its district, a student may already opt to attend either a charter school in a district other than the one in which he or she resides, or one of New Mexico's virtual charter schools. In either instance, the school district would no longer have access to the student's program units, when they follow them to their new schools, even lacking any opportunity for public input and participation.

It should be noted that LESC staff review of pertinent PED guidance yielded a document that appears to contemplate charter amendments that would permit a school to change locations, within the same *county*, to a new location:

“Amendments may be presented to allow a range of options that may take place in the future. For example, if the school is intending to move within the same county to an as-of-yet identified location, the amendment could seek a change of location within the *same county* as long as all other state requirements and approvals are obtained to operate in the new building.” (Emphasis added.) (See **Attachment 2, Guidance Document, Charter School Renewal**⁴)

Guidance documents, of course, do not carry the weight of law, either statutory or regulatory. Further, this document specifically refers to a potential “move,” rather than an expansion, suggesting a change of location instead of an additional one. Additionally, inasmuch as this document might address the issue under consideration, charter school expansion, it contravenes the plain language of Section 22-8B-4(L), which disallows moves between different school districts. The guidance addresses moves within the same county, which in New Mexico may include more than one school district, thus appearing, in certain cases, to allow that which the statute specifically prohibits.

⁴ See <http://ped.state.nm.us/ped/CharterSchoolsDocs/Renewals/Guidance%20Document%20-%20Renewal%20Process%20PEC%20Reviewed%20032814%20To%20Post.docx>.

BACKGROUND

CHARTERING PROCESS AND DEADLINES

Applications

In all cases, the chartering process requires adherence to certain procedural requirements and specific deadlines in order for a charter school to be approved.⁵ This process includes:

- By the second Tuesday of January of the year in which an application will be filed, the submission of a “letter of intent” to open a charter school to the Public Education Commission (PEC), as well as to the school district within which the charter school is to be located, is required.⁶ Failure to do so, without a demonstration of good cause, may result in rejection of the application.
- Between June 1 and July 1, a prospective applicant must apply to either the PEC or a local school board for charter approval to be eligible to open a charter school in the next fiscal year, although the July 1 deadline may be waived upon agreement of the parties.
- After receiving an application, the prospective chartering authority must review the application⁷ to ensure that it includes details of the proposed school’s facility needs,⁸ and the director of the Public School Facilities Authority (PSFA) must respond within 45 days to a written request to review a charter application.⁹
- For a state-chartered charter school to be approved, its governing body must qualify to act as a board of finance prior to the end of its planning year.¹⁰ In order to so qualify, the governing body of a state-chartered charter school is required to file a separate application with the PEC seeking approval as a board of finance, which the commission shall approve or deny within 30 days of it being filed.¹¹
- Prior to a public meeting where the chartering authority will decide whether to approve a potential charter, it shall hold at least one public hearing in the school district wherein the charter school is proposed to be located, in order to obtain public input on the matter.¹²
- By September 1 of the year when the application was received, and no sooner than three days after the public hearing to obtain community input, the chartering authority shall rule on the application at a public hearing, except that:
 - the applicant and authority may jointly waive the September deadline in a written statement; and
 - if the authority fails to rule on the application by September 1, the application automatically shall be reviewed by the secretary.¹³

⁵ See, generally, 22-8B-6 NMSA 1978.

⁶ 6.80.4.8(A) NMAC.

⁷ 6.80.4.12(C) NMAC.

⁸ 6.80.4.9(N) NMAC.

⁹ 22-8B-6(E) NMSA 1978.

¹⁰ 6.80.4.11(D) NMAC.

¹¹ 6.80.4.16(B) NMAC.

¹² 22-8B-6(J) NMSA 1978 and 6.80.4.12(S) NMAC.

¹³ 6.80.4.12(U) NMAC.

- The chartering authority may approve, approve with conditions, or deny an application to start a charter school.¹⁴ When a charter is denied, or approved with conditions, the chartering authority must state its reasons for the denial or conditions, in writing, within 14 days of the public meeting held to rule on the application.¹⁵
- If a charter is denied, or if any conditions of approval are unacceptable to the applicant, the applicant may appeal the decision to the secretary.¹⁶

The charter application must contain a number of statutorily required elements, including:¹⁷

- the mission statement of the school;
- goals and student outcome aspirations;
- descriptions of the academic program, curricula, and performance standards that meet PED required standards;
- a description of assessments to be used to measure student performance;
- evidence of the school’s economic soundness;
- a description of the governing body and its operation of the school, including board member qualifications, terms, and selection methods;
- employment and student discipline policies;
- a description of how the school plans to meet transportation and food service requirements;
- a description of discretionary waivers, as well as those waivers granted by operation of law;¹⁸ and
- a description of the school facilities.

Renewals

Charter schools are usually approved for an initial term of six years, provided that the first year is used exclusively as a “planning year” and not for completion of the application.¹⁹ After the initial term:

- a charter may be renewed for successive five-year periods, although approvals for fewer years may be agreed upon by the charter school and its authorizer;²⁰
- at least 270 days prior to the expiration of the charter, the governing body of the charter school may submit an application for renewal to either the PEC or the local school board of the district within which the school is located, regardless of which authority granted the original charter,²¹ but it must do so by October 1 of the fiscal year prior to the expiration of the current charter;²²

¹⁴ 6.80.4.12(V) NMAC.

¹⁵ 6.80.4.12(W) NMAC.

¹⁶ 22-8B-6(N) and 22-8B-7 NMSA 1978, and 6.80.4.12(Y) and 6.80.4.14 NMAC.

¹⁷ See 22-8B-8 NMSA 1978.

¹⁸ See 22-8B-5 NMSA 1978.

¹⁹ See, generally, 22-8B-12 NMSA 1978. See also 6.80.4.10(A) NMAC.

²⁰ 6.80.4.10(B) NMAC.

²¹ 6.80.4.13(A) and (B).

²² 6.80.4.13(B) NMAC.

- by January 1 of the fiscal year in which a school’s current charter expires, and no later than 180 days prior to the expiration of the charter, the chartering authority to which the renewal application was submitted must rule on the application in a public hearing;²³
- if a renewal application is denied, or granted with conditions, the authority must state its reasons, in writing, for the nonrenewal or imposition of conditions,²⁴ within 14 days of the hearing where the decision was rendered;²⁵ and
- if the application for renewal is denied, or renewed with conditions that the applicant finds unacceptable, the applicant may appeal the chartering authority’s decision to the secretary.²⁶

Denials, Imposition of Conditions, Appeals, and Reviews on the Secretary’s Own Motion

When an applicant is denied a charter or renewal, or when the chartering authority revokes a charter or imposes conditions upon the charter or renewal that the applicant finds unacceptable, the law provides for the possibility of appellate review of the negative decision. Moreover, there are instances where the Secretary may initiate a review of a chartering authority’s decision, even absent any formal notice of appeal by the applicant. Appeals of a chartering authority’s decisions are administered according to the following procedure:

- within 30 days of the authority’s disputed decision, an applicant or governing body that wishes to appeal a decision of a chartering authority must provide notice of appeal to the secretary;²⁷
- the grounds of the appeal must be limited to the stated grounds for denial, revocation, or imposition of conditions;²⁸
- within 10 days of receiving notice of appeal, the secretary shall notify all parties of the time and location of the hearing of the appeal;²⁹
- within 10 days of filing the notice of appeal, the appellant must file notice with the secretary, and serve upon the chartering authority, the appellant’s arguments in favor of appeal, the authority’s decision that is the subject of the appeal, the charter in question, and any other materials the appellant wishes to be considered;³⁰
- within 10 days of receiving the notice of appeal, the chartering authority must file its response with the secretary and the appellant, as well as any other materials the chartering authority wishes to be considered;³¹
- within five days before the hearing date, if requested to do so by the secretary, CSD must prepare a report on the appeal and simultaneously supply copies to the parties to the appeal;³²

²³ 6.80.4.13(A) NMAC.

²⁴ 6.80.4.13(E) NMAC.

²⁵ Id.

²⁶ 22-8B-12(N) NMSA 1978 and 6.80.4.13(G) NMAC, and 22-8B-7 NMSA 1978 and 6.60.4.14 NMAC.

²⁷ 22-8B-7(B) NMSA 1978 and 6.80.4.14(B)(1) NMAC.

²⁸ 22-8B-7(B) NMSA 1978 and 6.80.4.14(B)(2) NMAC.

²⁹ 6.80.4.14(D)(1) NMAC.

³⁰ 6.80.4.14(D)(5) NMAC.

³¹ 6.80.4.14(D)(6) NMAC.

³² 6.80.4.14(D)(7) and (8) NMAC.

- while the secretary considers the appeal, parties are encouraged to continue negotiations and, if appropriate, the appeal may be withdrawn, whereupon the secretary prepares an appropriate order of dismissal that may incorporate any terms agreed upon by the parties;³³
- at a public hearing held within 60 days of receiving the notice of appeal, the secretary shall review the chartering authority's decision and make findings;³⁴ and
- the secretary may reverse the decision of the chartering authority if it is found that the chartering authority:
 - was arbitrary and capricious when rendering its decision leading to the appeal;
 - rendered a decision not supported by the evidence;
 - failed to act in accordance with the law;³⁵ or
 - based its decision upon a determination by the Public School Capital Outlay Council, which was, in turn:
 - arbitrary and capricious;
 - not supported by evidence; or
 - not in accordance with the law.³⁶

Similarly, on his or her own motion, the secretary also may review an authority's decision to grant a charter:

- Within 10 days of so moving, the secretary, at a public hearing, shall issue an order to parties to submit information and arguments for review.³⁷
- At a public hearing held within 60 days after the secretary moves to review, the secretary shall review the decision to determine whether it was arbitrary and capricious, or whether the establishment of the charter school in the particular case would be in violation of law.³⁸
- If the charter is found to be illegal, the secretary shall reverse and remand to the chartering authority for denial, revocation, or suspension of the charter.³⁹

Upon either appellate review or review by the secretary's own motion, the decision by the secretary shall be final, except that a person aggrieved by the secretary's decision may appeal to the district court.⁴⁰

³³ 6.80.4.14(D)(9) NMAC.

³⁴ According to Section 22-8B-7(B) this public hearing may be held in either the charter school's home district or the district in which it has applied for a charter, but according to 6.8-.4.14(E), this hearing may be held in the district where the school has applied for a charter, or in Santa Fe.

³⁵ 22-8B-7(B) and 6.80.4.14(E)(5).

³⁶ 22-8B-7(E) and 6.80.4.15(E)(6).

³⁷ 6.80.4.15(B) NMAC.

³⁸ 22-8B-7(C) NMSA 1978 and 6.80.4.15(C) NMAC.

³⁹ 22-8B-7(D) NMSA 1978 and 6.80.4.15(D) NMAC.

⁴⁰ 22-8B-7(D) and (F) NMSA 1978 and 6.80.4.14(E)(8) and 6.80.4.15(F); see also 39-3-1.1 NMSA 1978.

CHARTER SCHOOL CONTRACTS

Within 30 days of an application being approved by a chartering authority, the authority and the governing body of the applicant school shall enter into a contract for the administration of the school, which shall serve as the final authorization of the school, and shall be a part of the charter. If the parties fail to agree upon terms within the 30-day period, either party may appeal to the secretary to finalize the contract, provided that they do so within 45 days of the approval of the application. Failure to finalize the contract precludes the chartering authority from finally authorizing the school.⁴¹ The contract must contain a number of elements, including:

- all requests for, and agreements regarding, releasing the charter school from department and local school board policies, including those discretionary waivers, and waivers granted by operation of law, under the *Charter Schools Act*;⁴²
- the school's mission statement;
- admission policies and procedures;
- criteria and processes that the chartering authority will employ for oversight of the school;
- if the school is state-chartered, the process by which the governing board of the school may qualify as a board of finance; and
- the performance framework⁴³ for academics and operations at the school, which shall include indicators and measures for a number of criteria, including:
 - student achievement, for performance and growth;
 - achievement gaps in both proficiency and growth between subgroups;
 - attendance;
 - recurrent enrollment;
 - if the school is a high school, graduation rates and postsecondary readiness;
 - financial performance; and
 - governing body performance.

CONCLUSION

As charter schools of various types and missions proliferate around New Mexico, the issue of proper oversight and procedure is becoming increasingly important to the appropriate administration of this growth, and the operation of these schools. While the plain language of Section 22-8B-4(L) NMSA 1978 would appear to address issues of public notice and community input regarding the existence, authorization and administration of charter schools, there are other charter-school-related processes and issues in New Mexico that may, at least to some degree, obviate the apparent intentions of the Legislature in the enactment of this subsection. Namely, charter schools, particularly state-chartered charter schools and virtual charter schools, while required to undertake a specific and rigorous amendment process in order to expand or move into new locations, may still affect communities other than the ones in which they are physically

⁴¹ 22-8B-9(A) NMSA 1978.

⁴² See 22-8B-5 NMSA 1978; see also 22-8B-9(B)(15), requiring submission of all requests for release from provisions of PED rules, or of the *Public School Code*, to the department within 10 days of the approval of the contract.

⁴³ See 22-8B-9.1 NMSA 1978.

located, absent any of the procedural safeguards offered by the *Charter Schools Act* in general, and Section 22-8B-4 in particular.

The committee may wish to consider reviewing provisions of the act, and accompanying administrative rules, to determine both whether the intent of the Legislature is being accurately administered, and whether further amendments to relevant statutes may be necessary in order to more equitably administer the chartering process and protect the interests of the public.

STATE CHARTER SCHOOL CHANGE/AMENDMENT REQUEST FORM

This Request Form **MUST** include a copy of the governing body minutes from the meeting at which the amendment was approved.

Please complete and submit this form to: **Abby Lewis, Attorney for the Public Education Commission**, New Mexico Attorney General's Office, P.O. Box 1508, Santa Fe, NM 87504

And

Julia Barnes, Interim Director, Options for Parents, Public Education Department, Charter Schools Division, Room 301, 300 Don Gaspar, Santa Fe, NM 87501

Name of State-Chartered School: _____

Date submitted: _____ Contact Name: _____ E-mail: _____

Current Charter Application or Contract Section and Page	Current Charter Statement(s)	Proposed Revision/Amendment Statement(s)	Rationale for Revision/Amendment	Date of Governing Body Approval

Original Signature of Governing Council President or Designee: _____ Date: _____

Printed Name of Governing Council President or Designee: _____

Public Education Commission use only

Public Education Commission Chair: _____ Date: _____

APPROVED DENIED

ATTACHMENT 1

Guidance Document
Charter School Renewal

This non-regulatory guidance addresses questions the Charter School Division has received regarding the renewal process and later contract negotiation. These guidelines do not contain all of the information that charter schools leaders need to understand to go through the renewal and contracting process, but are intended to provide general guidance on the renewal process. There are additional guidance documents regarding the renewal and contracting processes. In addition, the New Mexico Charter School act contains information on renewal and contracting requirements (NMSA 22-8B-1 et. seq.), or school leaders should contact a lawyer with questions.

Charter schools are renewed after a set term, typically every five years.

Key concepts:

1. The charter school may select the authorizer to which it applies for renewal. There are presently two types of authorizers – the Public Education Commission (PEC) as a statewide authorizer or the local school district.
2. In the renewal process, the authorizer looks at past performance to determine if a renewed charter term is appropriate. The grounds for non-renewal are if the school:
 - a. Committed a material violation of any of the conditions, standards or procedures set forth in the charter contract;
 - b. Failed to meet or make substantial progress toward achievement of the department’s minimum educational standards or student performance standards identified in the charter contract;
 - c. Failed to meet generally accepted standards of fiscal management; or
 - d. Violated any provision of law from which the school was not specifically exempted.
NMSA 22-8B-12 K.
3. The Amended Charter School Act requires schools to identify at least two mission-specific indicators/goals in the renewal application that set targets for the implementation of the school mission. If you select the PEC as your authorizer, mission-specific indicators/goals **MUST BE** provided within the renewal application. If the application is approved by the PEC, these indicators/goals will be used as a “first draft” for discussion during the negotiations with the PEC.
4. During the renewal process with the PEC, the school is encouraged to consider the need for any amendments to the charter contract. The PEC will consider amendments after approving the renewal application. The school may seek an amendment at other times, but is encouraged to take this opportunity during renewal to propose amendments.
5. Amendments may be presented to allow a range of options that may take place in the future. For example, if the school is intending to move within the same county to an as-of-yet identified location, the amendment could seek a change of location within the same county as long as all other state requirements and approvals are obtained to operate in the new building.

6. The renewal application requires that the school submit “a petition in support of the charter school renewing its charter status signed by not less than sixty-five percent of the employees of the charter school.”(NMSA 22-8B-12 J. (4)) This provision applies only to charter school employees and not contractors or staff paid for by some other entity.