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August 27, 2014 (revised August 29, 2014)

**MEMORANDUM**

**TO:** Legislative Education Study Committee Charter Schools Subcommittee

**FR:** David T. Craig

**RE: STAFF BRIEF: SCHOOL TRANSPORTATION FUNDING**

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**INTRODUCTION**

During the 2012 and 2013 interims, the Legislative Education Study Committee (LESC) convened the LESL Interim Subcommittee on Public School Transportation to examine issues related to school transportation that had arisen since the last time the topic was studied, in the 1990s. Among the issues discussed by that subcommittee was the application of the transportation funding formula (TFF) to state-chartered charter schools.

This staff brief gives an overview and update on the following with regard to charter schools:

- the LESL subcommittees on public school transportation discussion of charter school transportation funding;
- new charter school funding; and
- geographic boundary and distance considerations.

Lastly, the staff brief concludes with some policy considerations for the Subcommittee.

**THE LESC SUBCOMMITTEES ON PUBLIC SCHOOL TRANSPORTATION  
DISCUSSION OF CHARTER SCHOOL TRANSPORTATION FUNDING**

Subcommittee testimony on school transportation during the 2013 interim began with a staff background on the school transportation program. In addition to a review of the work of the 2012 interim subcommittee, this testimony noted that the Legislature appropriates transportation funds to the Public Education Department (PED), which then distributes funds to the school districts through a statutory, categorical funding formula designed to provide for eligible to-and-from school transportation costs. During the subcommittee’s discussion, the issue of state-chartered charter schools receiving school transportation funding formula allocations in excess of what may be needed was raised by PED staff. To illustrate, Chart 1. FY 13 State-chartered Charter Schools Transportation Revenues and Expenditures, provides transportation revenues and expenditures for state-chartered charter schools in FY 13.

**Chart 1. FY 13 STATE-CHARTERED CHARTER SCHOOLS TRANSPORTATION REVENUES AND EXPENDITURES**

State-Chartered Charter School	Transportation Revenues (13000)	Transportation To-and-from expenditures (13000)	Difference	Percentage of Revenues Unspent
Albuquerque Sign Language Academy	\$264,359	\$221,545	\$42,814	16.20%
Cien Aguas International School	\$83,845	\$52,622	\$31,223	37.24%
Cottonwood Classical Preparatory School	\$265,091	\$140,834	\$124,257	46.87%
Red River Valley Charter School	\$114,147	\$36,000	\$78,147	68.46%
Southwest Secondary Learning Center	\$92,027	\$69,938	\$22,089	24.00%
SW Aeronautics, Mathematics and Science Academy	\$199,312	\$113,252	\$86,060	43.18%
Uplift Community School	\$137,395	\$56,573	\$80,823	58.82%
<b>TOTAL</b>	<b>\$1,156,176</b>	<b>\$690,764</b>	<b>\$465,412</b>	<b>40.25%</b>

SOURCE: LESC Analysis of PED Statbooks - 8/2014

*Proposed Legislation*

In the 2013 Session, legislation was introduced (see **Attachment 1**) that proposed to make changes to the calculation of transportation allocation for state-chartered charter schools by treating them as part of the school district in which they geographically reside; however, the legislation did not pass. Among its provisions, the proposed legislation required state chartered charter schools to:

- be renewed at least once before receiving school transportation funding;
- include student transportation services in its charter; and
- notify PED one year prior to requesting school transportation funding.

According to the PED analysis of that bill (see **Attachment 2**):

- state-chartered charter schools are currently eligible to receive transportation funding if their charter reflects that they are going to provide transportation;
- state-chartered charter schools can receive funding through the formula just like a regular school district;

- provisions contained in the proposed bill changed how state-chartered charter schools receive funding through the formula; and
- the proposed changes would ensure the schools receive sufficient funding but at the same time prevent any over allocating of funds.

The PED analysis of the proposed bill also included a chart that reflected what the state-chartered charter schools would have received if the change were incorporated for FY 13.

## NEW CHARTER SCHOOL FUNDING

### *Comparison of FY 14 Final and FY 15 Initial Transportation Funding Formula Allocations*

As shown in **Attachment 3**, 64 school districts and seven state-chartered charter schools will see a reduction from the final FY 14 transportation funding formula allocation to the FY 15 initial transportation allocation. The total reduction is approximately \$2.2 million. Conversely, 25 school districts and seven charters schools had the initial transportation funding formula allocation increase by the same amount. Of the seven charter schools receiving an increase, six are new state-chartered charter schools beginning operations in FY 15 and will receive new transportation funding formula allocations totaling \$550,030. Initial allocations to school districts and state-chartered charter schools based on funds appropriated for FY 15 for transportation will not be adjusted to the final allocation until after the November 15, 2014 reporting date.

### *Provisions in Law Relating to Charter School Transportation Funding*

Provisions in law relating to transportation for charter schools exist in the *Public School Code*, the *Public School Finance Act*, and the *Charter Schools Act*, as well as in the PED administrative rule. Provisions in current law and rule:

- require locally chartered charter schools to negotiate with the chartering district for transportation;
- requires a separate transportation budget and calculation of allocation for the locally chartered charter school charter school;
- requires the district to collect and submit required reporting for the locally chartered charter school's transportation;
- PED must calculate transportation allocations for each state-chartered charter school, and state-chartered charter schools must report information related to transportation allocations to the state transportation director;
- the allocations are to be *based on* (emphasis added) the tentative transportation budget of the state-charter for the current fiscal year; and
- periodic installment payments to state charters are to be *based on* (emphasis added) the allocations certified by the state transportation director; and
- subject to approval of the state transportation director, state-chartered charter schools may provide additional services for established program needs.

However, with regard to state-chartered charter schools, provisions in the *Public School Finance Act* do not specify whether all state-chartered charter schools are to receive a transportation

funding formula distribution or are eligible to receive such funding. Charter schools are required to provide a description of any transportation services provided in their application. State-chartered charter schools are not required to provide transportation services as they are waived from all school district requirements. As discussed earlier, PED has indicated in its analysis on proposed legislation that state-chartered charter schools are “eligible” to receive funding under the *Public School Finance Act*.

In summary, allocations for locally chartered charter schools are included to local school districts, and though allocations for state-chartered charter schools are required to be calculated under one section of law, other sections require that the allocations be *based on* the funding formula and the state-chartered charter schools’ tentative transportation budgets.

## **GEOGRAPHIC BOUNDARY AND DISTANCE CONSIDERATIONS**

With regard to geographic boundaries for transportation, provisions in current law:

- related to the school district creation of geographic boundaries for public schools that would be designated as “walk zones” do not apply to charter schools;
- locally chartered schools are required to negotiate with a school district for transportation; and
- as part of the negotiation the school district shall establish the limit not to exceed the school district boundary.

Among other provisions, PED’s administrative rule for locally chartered charter schools negotiating transportation services:

- require transportation to be limited to the school district boundary;
- require negotiations to be limited to transportation by school bus or a per capita feeder agreement only;
- indicates the charter school may elect not to provide transportation services;
- requires the cost to the charter school to not exceed the amount generated by the eligible student allocation if services are provided by existing to-and-from services or resources;
- requires school districts to be responsible for additional costs associated with establishment of new to-and-from transportation systems;
- requires a separate transportation budget and calculation of allocation for the charter school; and
- requires the district to collect and submit required reporting for the charter school’s transportation.

There are no provisions in law that relate to transportation boundaries or distances for state-chartered charter schools.

Geographic boundary and distance considerations for charter school transportation were the subject of past legislation. Available as Attachment 4, during the 2001 regular session, legislation was introduced and chaptered that created the requirement for locally chartered

schools to negotiate with a school district for transportation and the school district shall establish the limit not to exceed the school district boundary. However, as introduced, the legislation:

- established a limit for student transportation to and from the charter school site not to exceed a 10-mile radius, providing that the limit does not extend beyond the local school district limit; and
- originally applied the limitation to all charter schools, the Public Education Commission operating as a state authorizer had not been created in 2001.

## **POLICY CONSIDERATIONS**

The Legislature may wish to consider whether charter schools should be eligible for transportation allocations.

If the Legislature determines that charter schools are eligible for transportation allocations, the Legislature may also wish to consider:

- whether the current mechanism for allocating transportation funding to state-chartered charter schools is adequate;
- clarifying the eligibility criteria for charter schools to receive a transportation allocation; and
- whether geographic boundaries or distances should be established for charter school transportation services.

HOUSE BILL 553

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Roberto "Bobby" J. Gonzales

AN ACT

RELATING TO PUBLIC SCHOOL TRANSPORTATION; PROVIDING A PUBLIC SCHOOL TRANSPORTATION FUNDING FORMULA FOR STATE-CHARTERED CHARTER SCHOOLS.

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

SECTION 1. Section 22-8-29.1 NMSA 1978 (being Laws 1995, Chapter 208, Section 10, as amended) is amended to read:

"22-8-29.1. CALCULATION OF TRANSPORTATION ALLOCATION--  
PUBLIC SCHOOL DISTRICTS AND STATE-CHARTERED CHARTER SCHOOLS.--

A. As used in this section:

(1) "annual variables" means the coefficients calculated by regressing the total operational expenditures from two years prior to the current school year for each school district and state-chartered charter school using the number of students transported and the numerical value of site

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1 characteristics;

2 (2) "base amount" means the fixed amount that  
3 is the same for all school districts and an amount established  
4 by rule for state-chartered charter schools;

5 (3) "total operational expenditures" means the  
6 sum of all to-and-from school transportation expenditures,  
7 excluding expenditures incurred in accordance with the  
8 provisions of Section 22-8-27 NMSA 1978; and

9 (4) "variable amount" means the sum of the  
10 product of the annual variables multiplied by each school  
11 district's or state-chartered charter school's numerical value  
12 of the school district's and state-chartered charter school's  
13 site characteristics multiplied by the number of days of  
14 operation for each school district or state-chartered charter  
15 school.

16 B. The department shall calculate the  
17 transportation allocation for each school district [~~and state-~~  
18 ~~chartered charter school~~] in the following manner:

19 [~~G.~~] (1) the base amount is designated as  
20 product A. Product A is the constant calculated by regressing  
21 the total operations expenditures from the two years prior to  
22 the current school year for school district [~~or state-chartered~~  
23 ~~charter school~~] operations using the numerical value of site  
24 characteristics approved by the department. The legislative  
25 education study committee and the legislative finance committee

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1 may review the site characteristics developed by the state  
2 transportation director prior to approval by the department;

3 ~~[D.]~~ (2) the variable amount is designated as  
4 product B. Product B is the predicted additional expenditures  
5 for each school district ~~[or state-chartered charter school]~~  
6 based on the regression analysis using the site characteristics  
7 as predictor variables multiplied by the number of days;

8 ~~[E.]~~ (3) the allocation to each school  
9 district ~~[and state-chartered charter school]~~ shall be equal to  
10 product A plus product B; and

11 ~~[F. For the 2001-2002, 2002-2003 and 2003-2004~~  
12 ~~school years, the transportation allocation for each school~~  
13 ~~district shall not be less than ninety-five percent or more~~  
14 ~~than one hundred five percent of the prior school year's~~  
15 ~~transportation expenditure.~~

16 ~~G.]~~ (4) the adjustment factor shall be applied  
17 to the allocation amount determined pursuant to ~~[Subsections E~~  
18 ~~and F of this section]~~ Paragraph (3) of this subsection.

19 C. The department shall make an allocation to a  
20 state-chartered charter school by including the annual  
21 variables of to-and-from school transportation expenditures of  
22 the state-chartered charter school with the annual variables of  
23 the school district in which the state-chartered charter school  
24 is geographically located. The department shall use the  
25 combined variables to calculate the school district's and

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1 state-chartered charter school's allocation. The department  
2 shall then remove the state-chartered charter school's annual  
3 variables from the formula and provide funding to the state-  
4 chartered charter school that equals the difference between the  
5 two calculations. A state-chartered charter school:

6 (1) shall not receive transportation funding  
7 until after its first renewal;

8 (2) shall include in its charter that it is  
9 providing transportation services to students; and

10 (3) shall notify the department one year in  
11 advance of its request for school transportation funding."

<b>LFC Requester:</b>	<b>Rachel Gudgel</b>
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**AGENCY BILL ANALYSIS  
2013 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**LFC@NMLEGIS.GOV**

*And*

**DFA@STATE.NM.US**

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original**     **Amendment**      
**Correction**     **Substitute**   

**Date** 2-15-13

**Bill No:** HB-553

**Sponsor:**    Rep. Roberto "Bobby" J. Gonzales

**Reviewing Agency:**    Aguilar

**Person Writing**    Antonio Ortiz

**Short Title:**    Charter Schools Transportation Funding

**Email** Antonio.Ortiz1@state.nm.us

**Phone:** 827-3863

**SECTION II: FISCAL IMPACT**

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>		See Fiscal Implications Below				

(Parenthesis ( ) Indicate Expenditure Decreases)

**SECTION III: NARRATIVE**

**BILL SUMMARY**

House Bill 553 (HB-553) changes the method in which state chartered charter schools are allocated funds through the transportation formula.

**FISCAL IMPLICATIONS**

State chartered charter schools are currently eligible to receive transportation funding if their charter reflects that they are going to provide transportation. These schools can receive funding through the formula just like a regular school district pursuant to 22-8-26 NMSA 1978.

Provisions contained in this bill change how state charter chartered schools receive funding through the formula. The changes will ensure these schools receive sufficient funding but at the same time prevent any over allocating of funds. Currently there are 7 state chartered charter schools receiving funding through the formula. The chart reflects what these state chartered charter schools would have received if this change was incorporated for FY13.

<b>CHARTER</b>	<b>FY13 ALLOCATION</b>	<b>NEW ALLOCATION</b>	<b>DIFFERENCE</b>
ASL Charter School	\$264,359	\$149,559	\$114,800
Cien Aguas	\$83,845	\$22,437	\$61,408
Cottonwood Classical	\$265,091	\$177,243	\$87,848
S.W. AM&SA	\$199,312	\$130,666	\$68,646
S.W. Secondary	\$92,027	\$39,222	\$52,805
Red River Charter	\$91,566	\$77,557	\$14,009
Uplift Charter	\$137,395	\$45,652	\$91,743
	\$1,133,595	\$642,336	\$491,259

The new method of funding would flow \$491,259 to all the other school districts through the formula. It is important to note that contractors may increase the price of their services knowing the amount a state charter chartered school is receiving through the formula versus bidding on the actual cost to provide the services.

### **SIGNIFICANT ISSUES**

The current formula is a distribution model. The formula allocates funding appropriated in HB-2 based on 40<sup>th</sup> day information submitted by school districts and charter schools. Currently there are 7 state chartered charter schools receiving transportation funding. As a result of these seven charter schools receiving funding through a formula designed for districts and not individual schools, it appears these schools receive funding at a level greater than they need to provide services for their children.

### **OTHER SUBSTANTIVE ISSUES**

Provisions contained in the bill requiring charter schools to wait until they renew their charter to receive funding for transportation costs will put a strain on these schools to cover the cost of transportation for five years. This provision appears to be unreasonable and goes against the reasoning for formula distribution. The need to transport school will not wait until a charter had renewed its charter. PED recommends this provision be removed as it is fairness and equity issue. Some

### **ALTERNATIVES**

The PED may look at incorporate some of these changes through the New Mexico Administrative Code process.

**COMPARISON OF FY 14 FINAL TRANSPORTATION ALLOCATION TO FY 15 INITIAL  
TRANSPORTATION ALLOCATION**

District/ Charter School Name	FY 14 FINAL ALLOCATION	District/ Charter School Name	FY 15 INITIAL ALLOCATION	Difference (Decrease)	Difference (Increase)
ALAMOGORDO	\$1,354,801	ALAMOGORDO	\$1,340,617	(\$14,184)	
ALBUQUERQUE	\$17,422,584	ALBUQUERQUE	\$17,540,856		\$118,272
ASL CHARTER SCHOOL	\$241,802	ASL CHARTER SCHOOL	\$241,662	(\$140)	
ANIMAS	\$337,723	ANIMAS	\$338,526		\$803
ARTESIA	\$1,132,196	ARTESIA	\$1,104,603	(\$27,593)	
AZTEC	\$1,237,162	AZTEC	\$1,211,521	(\$25,641)	
BELEN	\$1,434,135	BELEN	\$1,472,736		\$38,601
BERNALILLO	\$1,315,036	BERNALILLO	\$1,327,549		\$12,513
BLOOMFIELD	\$1,236,669	BLOOMFIELD	\$1,203,952	(\$32,717)	
CAPITAN	\$332,638	CAPITAN	\$316,706	(\$15,932)	
CARLSBAD	\$1,349,123	CARLSBAD	\$1,360,126		\$11,003
CARRIZOZO	\$167,504	CARRIZOZO	\$165,045	(\$2,459)	
CENTRAL CONS.	\$2,361,573	CENTRAL CONS.	\$2,459,033		\$97,460
CHAMA	\$259,322	CHAMA	\$257,190	(\$2,132)	
CIEN AGUAS	\$75,941	CIEN AGUAS	\$67,239	(\$8,702)	
CIMARRON	\$373,518	CIMARRON	\$386,709		\$13,191
CLAYTON	\$717,383	CLAYTON	\$715,915	(\$1,468)	
CLOUDCROFT	\$252,687	CLOUDCROFT	\$228,909	(\$23,778)	
CLOVIS	\$1,276,617	CLOVIS	\$1,124,267	(\$152,350)	
COBRE CONS.	\$579,489	COBRE CONS.	\$534,283	(\$45,206)	
CORONA	\$264,199	CORONA	\$285,962		\$21,763
COTTONWOOD CLASSICAL	\$253,768	COTTONWOOD CLASSICAL	\$234,904	(\$18,864)	
CUBA	\$658,277	CUBA	\$666,087		\$7,810
DEMING	\$1,951,783	DEMING	\$1,927,426	(\$24,357)	
DES MOINES	\$228,858	DES MOINES	\$225,458	(\$3,400)	
DEXTER	\$499,975	DEXTER	\$498,279	(\$1,696)	
DORA	\$252,536	DORA	\$233,303	(\$19,233)	
DULCE	\$192,735	DULCE	\$173,572	(\$19,163)	
ELIDA	\$209,342	ELIDA	\$206,437	(\$2,905)	
ESPANOLA	\$1,436,743	ESPANOLA	\$1,451,446		\$14,703
ESTANCIA	\$403,738	ESTANCIA	\$384,746	(\$18,992)	
EUNICE	\$247,640	EUNICE	\$241,935	(\$5,705)	
		EXPLORE ACADEMY CHARTER	\$163,770		\$163,770
FARMINGTON	\$2,877,620	FARMINGTON	\$3,004,135		\$126,515
FLOYD	\$142,406	FLOYD	\$126,869	(\$15,537)	
FT. SUMNER	\$459,231	FT. SUMNER	\$476,846		\$17,615
GADSDEN	\$4,553,149	GADSDEN	\$4,724,594		\$171,445
GALLUP	\$4,549,566	GALLUP	\$5,148,107		\$598,541
GRADY	\$190,650	GRADY	\$181,351	(\$9,299)	
GRANTS	\$985,206	GRANTS	\$1,041,571		\$56,365

## COMPARISON OF FY 14 FINAL TRANSPORTATION ALLOCATION TO FY 15 INITIAL TRANSPORTATION ALLOCATION

District/ Charter School Name	FY 14 FINAL ALLOCATION	District/ Charter School Name	FY 15 INITIAL ALLOCATION	Difference (Decrease)	Difference (Increase)
HAGERMAN	\$252,660	HAGERMAN	\$230,671	(\$21,989)	
HATCH	\$673,795	HATCH	\$612,574	(\$61,221)	
		HEALTH SCIENCES ACADEMY CHARTER	\$102,670		\$102,670
HOBBS	\$1,544,658	HOBBS	\$1,508,314	(\$36,344)	
HONDO	\$203,848	HONDO	\$184,000	(\$19,848)	
HOUSE	\$172,793	HOUSE	\$156,254	(\$16,539)	
		INTERNATIONAL SCHOOL AT MESA DEL SOL	\$68,432		\$68,432
JAL	\$175,273	JAL	\$163,332	(\$11,941)	
JEMEZ MOUNTAIN	\$427,157	JEMEZ MOUNTAIN	\$409,149	(\$18,008)	
JEMEZ VALLEY	\$470,526	JEMEZ VALLEY	\$440,160	(\$30,366)	
		LA PROMESA CHARTER SCHOOL	\$70,120		\$70,120
LA TIERRA MONTESSORI CHOO L OF THE ARTS	\$40,244	LA TIERRA MONTESSORI CHOO L OF THE ARTS	\$37,252	(\$2,992)	
LAKE ARTHUR	\$132,269	LAKE ARTHUR	\$123,901	(\$8,368)	
LAS CRUCES	\$4,558,287	LAS CRUCES	\$4,606,689		\$48,402
LAS VEGAS EAST	\$638,532	LAS VEGAS EAST	\$631,350	(\$7,182)	
LAS VEGAS WEST	\$644,600	LAS VEGAS WEST	\$630,596	(\$14,004)	
LOGAN	\$244,123	LOGAN	\$240,417	(\$3,706)	
LORDBURG	\$385,408	LORDBURG	\$357,647	(\$27,761)	
LOS ALAMOS	\$489,733	LOS ALAMOS	\$412,933	(\$76,800)	
LOS LUNAS	\$2,211,648	LOS LUNAS	\$2,267,947		\$56,299
LOVING	\$129,578	LOVING	\$119,886	(\$9,692)	
LOVINGTON	\$960,460	LOVINGTON	\$821,970	(\$138,490)	
MAGDALENA	\$278,694	MAGDALENA	\$305,646		\$26,952
MAXWELL	\$77,645	MAXWELL	\$69,988	(\$7,657)	
MELROSE	\$265,094	MELROSE	\$243,616	(\$21,478)	
MESA VISTA	\$292,610	MESA VISTA	\$288,805	(\$3,805)	
		MISSION ACHIEVEMENT & SUCCESS CHARTER	\$84,407		\$84,407
MORA	\$398,060	MORA	\$374,893	(\$23,167)	
MORIARTY	\$1,471,244	MORIARTY	\$1,569,714		\$98,470
MOSQUERO	\$219,181	MOSQUERO	\$257,573		\$38,392
MOUNTAINAIR	\$284,042	MOUNTAINAIR	\$259,167	(\$24,875)	
		NEW MEXICO INTERNATIONAL CHARTER	\$60,631		\$60,631
PECOS	\$396,543	PECOS	\$377,106	(\$19,437)	
PENASCO	\$265,089	PENASCO	\$246,466	(\$18,623)	
POJOAQUE	\$788,599	POJOAQUE	\$820,578		\$31,979
PORTALES	\$903,956	PORTALES	\$849,168	(\$54,788)	
QUEMADO	\$355,416	QUEMADO	\$381,803		\$26,387
QUESTA	\$321,229	QUESTA	\$318,582	(\$2,647)	
RATON	\$473,223	RATON	\$382,828	(\$90,395)	

**COMPARISON OF FY 14 FINAL TRANSPORTATION ALLOCATION TO FY 15 INITIAL TRANSPORTATION ALLOCATION**

District/ Charter School Name	FY 14 FINAL ALLOCATION	District/ Charter School Name	FY 15 INITIAL ALLOCATION	Difference (Decrease)	Difference (Increase)
RED RIVER CHARTER	\$36,141	RED RIVER CHARTER	\$31,399	(\$4,742)	
RESERVE	\$202,607	RESERVE	\$196,051	(\$6,556)	
RIO RANCHO	\$3,204,538	RIO RANCHO	\$2,990,811	(\$213,727)	
ROSWELL	\$2,278,360	ROSWELL	\$2,006,477	(\$271,883)	
ROY	\$95,496	ROY	\$96,022		\$526
RUIDOSO	\$662,172	RUIDOSO	\$629,785	(\$32,387)	
SAN JON	\$170,541	SAN JON	\$153,009	(\$17,532)	
SANTA FE	\$3,507,469	SANTA FE	\$3,485,693	(\$21,776)	
SANTA ROSA	\$477,650	SANTA ROSA	\$470,143	(\$7,507)	
SILVER CITY	\$920,877	SILVER CITY	\$935,556		\$14,679
SOCORRO	\$698,224	SOCORRO	\$639,754	(\$58,470)	
S.W. AM&SA	\$169,474	S.W. AM&SA	\$178,407		\$8,933
S.W. SECONDARY	\$49,869	S.W. SECONDARY	\$49,375	(\$494)	
SPRINGER	\$183,028	SPRINGER	\$166,958	(\$16,070)	
TAOS	\$880,909	TAOS	\$839,790	(\$41,119)	
TATUM	\$261,549	TATUM	\$260,326	(\$1,223)	
TEXICO	\$238,941	TEXICO	\$226,805	(\$12,136)	
TRUTH OR CONS.	\$819,499	TRUTH OR CONS.	\$820,065		\$566
TUCUMCARI	\$523,252	TUCUMCARI	\$423,755	(\$99,497)	
TULAROSA	\$487,743	TULAROSA	\$461,017	(\$26,726)	
UPLIFT COMMUNITY	\$134,151	UPLIFT COMMUNITY	\$118,130	(\$16,021)	
VAUGHN	\$115,829	VAUGHN	\$106,766	(\$9,063)	
WAGON MOUND	\$149,190	WAGON MOUND	\$138,042	(\$11,148)	
ZUNI	\$515,629	ZUNI	\$439,067	(\$76,562)	
<i>SUBTOTAL SIX NEW STATE CHARTERED CHARTER SCHOOL TRANSPORTATION PROGRAMS</i>					\$550,030
<b>TOTALS</b>	<b>\$91,744,680</b>	<b>TOTALS</b>	<b>\$91,744,680</b>	<b>(\$2,208,215)</b>	<b>\$2,208,215</b>

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**HOUSE BILL 753**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Richard D. Vigil**

**AN ACT**

**RELATING TO CHARTER SCHOOLS; CREATING A TEN-MILE LIMIT ON  
TRANSPORTATION PROVIDED TO AND FROM CHARTER SCHOOLS; AMENDING  
A SECTION OF THE NMSA 1978.**

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

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

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

**A. A charter school shall be subject to all  
federal and state laws and constitutional provisions  
prohibiting discrimination on the basis of disability, race,  
creed, color, gender, national origin, religion, ancestry or  
need for special education services.**

**B. A charter school shall be administered and**

underscored material = new  
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1 governed by a governing body in the manner set forth in the  
2 charter.

3 C. A charter school shall be responsible for its  
4 own operation, including preparation of a budget, contracting  
5 for services and personnel matters.

6 D. A charter school may negotiate or contract with  
7 a local school district, a university or college or any third  
8 party for the use of a facility, its operation and maintenance  
9 and the provision of any service or activity that the charter  
10 school is required to perform in order to carry out the  
11 educational program described in its charter.

12 E. In no event shall a charter school be required  
13 to pay rent for space that is deemed available, as negotiated  
14 by contract, in school district facilities; provided that the  
15 facilities can be made available at no cost to the district.  
16 All costs for the operation and maintenance of the facilities  
17 used by the charter school shall be subject to negotiation  
18 between the charter school and the district.

19 F. A charter school ~~may~~ shall negotiate with a  
20 local school district to provide transportation to students  
21 eligible for transportation under the provisions of the Public  
22 School Code. The local school district, in conjunction with  
23 the charter school, shall establish a limit for student  
24 transportation to and from the charter school site not to  
25 exceed a ten-mile radius, provided that the limit shall not



underscored material = new  
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1 extend beyond the local school district boundary.

2 G. A charter school may negotiate with a local  
3 school district for capital expenditures.

4 H. A charter school shall be a nonsectarian,  
5 nonreligious and non-home-based public school that operates  
6 within a public school district.

7 I. Except as otherwise provided in the Public  
8 School Code, a charter school shall not charge tuition or have  
9 admission requirements.

10 J. A charter school shall be subject to the  
11 provisions of Sections 22-1-6 and 22-2-8 NMSA 1978.

12 K. A charter school may acquire, pledge and  
13 dispose of property; provided that upon termination of the  
14 charter, all assets of the charter school shall revert to the  
15 local school board that authorized the charter.

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

23 M A charter school may contract and sue and be  
24 sued. A local school board that approves a charter school  
25 shall not be liable for any acts or omissions of the charter

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1 school.

2 N. A charter school shall comply with all state  
3 and federal health and safety requirements applicable to  
4 public schools. "

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Chapter 281, Section 4, as amended) is amended to read:

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

A. A charter school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry or need for special education services.

B. A charter school shall be administered and governed by a governing body in the manner set forth in the charter.

C. A charter school shall be responsible for its own operation, including preparation of a budget, contracting for services and personnel matters.

D. A charter school may negotiate or contract with a local school district, a university or college or any third party for the use of a facility, its operation and maintenance and the provision of any service or activity that

the charter school is required to perform in order to carry out the educational program described in its charter.

E. In no event shall a charter school be required to pay rent for space that is deemed available, as negotiated by contract, in school district facilities; provided that the facilities can be made available at no cost to the district. All costs for the operation and maintenance of the facilities used by the charter school shall be subject to negotiation between the charter school and the district.

F. A charter school shall negotiate with a local school district to provide transportation to students eligible for transportation under the provisions of the Public School Code. The local school district, in conjunction with the charter school, may establish a limit for student transportation to and from the charter school site not to extend beyond the local school district boundary.

G. A charter school may negotiate with a local school district for capital expenditures.

H. A charter school shall be a nonsectarian, nonreligious and non-home-based public school that operates within a public school district.

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

J. A charter school shall be subject to the

provisions of Sections 22-1-6 and 22-2-8 NMSA 1978.

K. A charter school may acquire, pledge and dispose of property; provided that upon termination of the charter, all assets of the charter school shall revert to the local school board that authorized the charter.

L. A charter school may accept or reject any charitable gift, grant, devise or bequest; provided that no such gift, grant, devise or bequest shall be accepted if subject to any condition contrary to law or to the terms of the charter. The particular gift, grant, devise or bequest shall be considered an asset of the charter school to which it is given.

M. A charter school may contract and sue and be sued. A local school board that approves a charter school shall not be liable for any acts or omissions of the charter school.

N. A charter school shall comply with all state and federal health and safety requirements applicable to public schools. "

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