

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

BILL

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO PUBLIC EDUCATION; ENACTING SECTIONS OF THE PUBLIC SCHOOL CODE RELATING TO GOVERNANCE OF CHARTER SCHOOLS.

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

SECTION 1. A new section of the Charter Schools Act is enacted to read:

"[NEW MATERIAL] CHARTER SCHOOL GOVERNING BODIES-- MEMBERS.--A governing body shall be composed of five qualified electors residing in the state selected by a majority of the members of the charter school's founding governing body."

SECTION 2. A new section of the Charter Schools Act is enacted to read:

"[NEW MATERIAL] CHARTER SCHOOL GOVERNING BODIES--POWERS AND DUTIES.--A governing body:

A. subject to rules of the department, shall

underscoring material = new  
~~[bracketed material] = delete~~

underscoring material = new  
~~[bracketed material] = delete~~

1 develop educational policies for the charter school;

2 B. shall employ a head administrator of the charter  
3 school and fix the head administrator's salary;

4 C. shall review and approve the charter school's  
5 annual budget;

6 D. may acquire, lease and dispose of property;

7 E. may sue and be sued;

8 F. shall provide for the repair of and maintain all  
9 property belonging to the charter school;

10 G. except for expenditures for salaries, shall  
11 contract for the expenditure of money according to the  
12 provisions of the Procurement Code;

13 H. shall adopt rules pertaining to the  
14 administration of all powers or duties of the governing body;

15 I. shall become qualified as a board of finance for  
16 the charter school;

17 J. may accept or reject any charitable gift, grant,  
18 devise or bequest. The particular gift, grant, devise or  
19 bequest accepted shall be considered an asset of the charter  
20 school; and

21 K. may offer and, upon compliance with the  
22 conditions of such offer, pay rewards for information leading  
23 to the arrest and conviction or other appropriate disciplinary  
24 disposition by the courts or juvenile authorities of offenders  
25 in case of theft, defacement or destruction of charter school

.197801.1

underscoring material = new  
~~[bracketed material] = delete~~

1 property. All such awards shall be paid from school district  
2 funds in accordance with rules promulgated by the department."

3 SECTION 3. A new section of the Charter Schools Act is  
4 enacted to read:

5 "[NEW MATERIAL] CHARTER SCHOOL DISCIPLINE POLICIES--  
6 STUDENT SELF-ADMINISTRATION OF CERTAIN MEDICATIONS--WEAPON-FREE  
7 SCHOOLS.--

8 A. Governing bodies shall establish student  
9 discipline policies and shall file them with the department.  
10 The governing body shall involve parents, school personnel and  
11 students in the development of these policies.

12 B. Each charter school discipline policy shall  
13 establish rules of conduct governing areas of student and  
14 school activity; detail specific prohibited acts and  
15 activities; and enumerate possible disciplinary sanctions that  
16 may include in-school suspension, school service, suspension or  
17 expulsion. Corporal punishment shall be prohibited.

18 C. No school employee who in good faith reports any  
19 known or suspected violation of the school discipline policy or  
20 in good faith attempts to enforce the policy shall be held  
21 liable for any civil damages as a result of such report or of  
22 the employee's efforts to enforce any part of the policy.

23 D. All charter school discipline policies shall  
24 allow students to carry and self-administer asthma medication  
25 and emergency anaphylaxis medication that has been legally

.197801.1

underscored material = new  
~~[bracketed material] = delete~~

1 prescribed to the student by a licensed health care provider  
2 under the following conditions:

3 (1) the health care provider has instructed  
4 the student in the correct and responsible use of the  
5 medication;

6 (2) the student has demonstrated to the health  
7 care provider and the school nurse or other school official the  
8 skill level necessary to use the medication and any device that  
9 is necessary to administer the medication as prescribed;

10 (3) the health care provider formulates a  
11 written treatment plan for managing asthma or anaphylaxis  
12 episodes of the student and for medication use by the student  
13 during school hours or school-sponsored activities, including  
14 transit to or from school or school-sponsored activities; and

15 (4) the student's parent has completed and  
16 submitted to the charter school any written documentation  
17 required by the charter school's governing body, including the  
18 treatment plan required in Paragraph (3) of this subsection and  
19 other documents related to liability.

20 E. The parent of a charter school student who is  
21 allowed to carry and self-administer asthma medication and  
22 emergency anaphylaxis medication may provide the charter school  
23 with backup medication, which shall be kept in a location to  
24 which the student has immediate access in the event of an  
25 asthma or anaphylaxis emergency.

.197801.1

underscored material = new  
[bracketed material] = delete

1 F. Authorized charter school personnel who in good  
2 faith provide a person with backup medication as provided in  
3 this section shall not be held liable for civil damages as a  
4 result of providing the medication.

5 G. Each governing body shall:

6 (1) adopt a policy providing for the expulsion  
7 from school, for a period of not less than one year, of any  
8 student who is determined to have knowingly brought a weapon to  
9 a charter school under the jurisdiction of the governing body.  
10 The governing body or head administrator of the charter school  
11 may modify the expulsion requirement on a case-by-case basis;  
12 and

13 (2) provide for placement in an alternative  
14 educational setting, for not more than forty-five days, of any  
15 student with a disability who is determined to have knowingly  
16 brought a weapon to a school under the jurisdiction of the  
17 governing body. If a parent or guardian requests a due process  
18 hearing, the student shall remain in the alternative education  
19 setting during the pendency of any proceeding, unless the  
20 parent or guardian and the governing body or head administrator  
21 of the charter school agree otherwise.

22 H. For purposes of this section, "weapon" means:

23 (1) any firearm that is designed to, may  
24 readily be converted to or will expel a projectile by the  
25 action of an explosion; and

.197801.1

underscored material = new  
[bracketed material] = delete

1 (2) any destructive device that is an  
2 explosive or incendiary device, bomb, grenade, rocket having  
3 propellant charge of more than four ounces, missile having an  
4 explosive or incendiary charge of more than one-fourth ounce,  
5 mine or similar device."

6 SECTION 4. A new section of the Charter Schools Act is  
7 enacted to read:

8 "[NEW MATERIAL] NEPOTISM PROHIBITED.--A head administrator  
9 of a charter school shall not initially employ or approve the  
10 initial employment in any capacity of a person who is the  
11 spouse, father, father-in-law, mother, mother-in-law, son, son-  
12 in-law, daughter, daughter-in-law, brother, brother-in-law,  
13 sister or sister-in-law of a member of the charter school's  
14 governing body or the head administrator."

15 SECTION 5. A new section of the Charter Schools Act is  
16 enacted to read:

17 "[NEW MATERIAL] OFFICERS--SURETY BONDS.--

18 A. From among its members, a governing body shall  
19 elect a president, vice president and secretary.

20 B. Before assuming the duties of office, the  
21 president and secretary of a governing body and the head  
22 administrator of a charter school shall each obtain an official  
23 bond payable to the school district and conditioned upon the  
24 faithful performance of their respective duties during their  
25 terms of office. The bonds shall be executed by a corporate

.197801.1

underscored material = new  
[bracketed material] = delete

1 surety company authorized to do business in this state. The  
2 amount of each bond required shall be fixed by the governing  
3 body but shall not be less than five thousand dollars (\$5,000).

4 C. A governing body may elect to obtain a schedule  
5 or blanket corporate surety bond covering all of the charter  
6 school's governing body members, administrators and employees  
7 for any period not exceeding four years.

8 D. The cost of bonds obtained pursuant to this  
9 section shall be paid from the operation fund of the charter  
10 school. The bonds shall be approved by the secretary of public  
11 education and filed with the secretary of finance and  
12 administration."

13 SECTION 6. A new section of the Charter Schools Act is  
14 enacted to read:

15 "[NEW MATERIAL] CHARTER SCHOOL GOVERNING BODY VACANCIES.--

16 A. A vacancy occurring in the membership of a  
17 governing body shall be filled at an open meeting at which a  
18 quorum of the membership is present, by a majority vote of the  
19 remaining members appointing a qualified person to fill the  
20 vacancy.

21 B. A qualified person appointed to fill a vacancy  
22 occurring in the membership of a governing body shall hold that  
23 office until the member chooses to vacate the office or the  
24 member is replaced by a majority vote of the other governing  
25 body members.

.197801.1

underscored material = new  
[bracketed material] = delete

1 C. If a qualified person is not appointed to fill a  
2 vacancy within forty-five days from the date that the vacancy  
3 occurred, the secretary shall appoint a qualified person to  
4 fill the vacancy.

5 D. In the event that vacancies occur in a majority  
6 of the full membership of a governing body, the secretary shall  
7 appoint qualified persons to fill the vacancies until a  
8 majority has been appointed; at which time, the majority shall  
9 appoint additional members until the membership of the board is  
10 complete."

11 SECTION 7. A new section of the Charter Schools Act is  
12 enacted to read:

13 "[NEW MATERIAL] CHARTER SCHOOL HEAD ADMINISTRATOR--POWERS  
14 AND DUTIES.--

15 A. The head administrator is the chief executive  
16 officer of a charter school.

17 B. The head administrator shall:

18 (1) carry out the educational policies and  
19 rules of the department and the charter school's governing  
20 body;

21 (2) administer and supervise the charter  
22 school;

23 (3) employ, fix the salaries of, assign,  
24 terminate or discharge all employees of the charter school;

25 (4) prepare the charter school budget based

.197801.1

underscoring material = new  
~~[bracketed material] = delete~~

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

upon the governing body's recommendations and review; and  
(5) perform other duties as required by law,  
the department and the charter school's governing body."

**SECTION 8. EFFECTIVE DATE.**--The effective date of the  
provisions of this act is July 1, 2015.