

INDEX OF PROPOSED CHANGES IN CHARTER SCHOOL LEGISLATION
FOR THE 2015 REGULAR LEGISLATIVE SESSION

202 Number	Title	Description of Proposed Amendments
.197704.4 Lunar Blue	<i>Relating to Public Education;</i> <i>Removing the PEC's Administrative Attachment to the PED (PEC Bill)</i>	<p><u>Section 1 (pages 1-3)</u></p> <ul style="list-style-type: none"> • Expressly grants PEC rulemaking authority, subject to the Secretary's approval. • Allows for employment of staff, subject to legislative appropriation. • Directs PEC to prepare an annual budget. • Directs PEC to report to the Legislature and Governor on PEC rules, policies and actions to grant, renew or deny applications for state charters. <p><u>Section 2 (pages 3-7)</u></p> <ul style="list-style-type: none"> • Notes that, for state charters, the SEG distribution is the difference between the charter school's program cost and the two percent for administrative services that is to be withheld by the PEC rather than PED. <p><u>Section 3 (page 7-12)</u></p> <ul style="list-style-type: none"> • Clarifies that PEC may approve or deny state charters, and local school boards may approve or deny locally chartered charters within the local school board's district. • Clarifies timelines and deadlines for the application and approval process. <p><u>Section 5 (pages 15-16)</u></p> <ul style="list-style-type: none"> • In reference to the two percent set-aside for administrative support, changes reference to the more general "chartering authority," rather than a school district or the CSD.

202 Number	Title	Description of Proposed Amendments
.197704.4 Lunar Blue (continued)	<i>Relating to Public Education; Removing the PEC's Administrative Attachment to the PED (PEC Bill, continued)</i>	<p><u>Section 7 (page 17-18)</u></p> <ul style="list-style-type: none"> • Adds to the CSD a duty of reporting to the PEC on state charter budget matters; • For purposes of section 22-8B-17, defines “staff support” to mean employees who are directed to perform duties as delegated to them by the commission in order to render technical assistance to charter schools and to assist the commission in the performance of their statutory duties. <p><u>Section 8 (page 18)</u></p> <ul style="list-style-type: none"> • Appropriates \$1.1M to the PEC, with remainder reverting to the General Fund.

202 Number	Title	Description of Proposed Amendments
.197716.3 Yellow	<i>Relating to Public Education; Amending the PSC to Define Certain Charter School Terms and to Clarify Certain Responsibilities of Charter School Authorizers, Charter School Governing Bodies and Charter Schools (Cleanup Bill)</i>	<p>Section 1 (pages 1-5)</p> <ul style="list-style-type: none"> • Adds a definition for “charter school” to mean a school authorized by a chartering authority to operate as a public school; and • Includes charter school head administrator in the definition of “school administrator.” <p>Section 2 (pages 5-7)</p> <ul style="list-style-type: none"> • Clarifies that local school boards AND governing bodies of charter schools shall adopt bullying prevention policies, with programs to be implemented by schools. <p>Section 3 (pages 7-10)</p> <ul style="list-style-type: none"> • Clarifies that PED is to ensure that, for charter schools, the governing bodies are to prioritize resources of a school rated ‘D’ or ‘F’ toward proven programs and improved student achievement until a ‘C’ or better is earned for two consecutive years. <p>Section 4 (pages 11-14)</p> <ul style="list-style-type: none"> • Requires state charters to submit a school-based budget to the PEC. • Limits PEC’s approval and amendment authority to ensuring sound fiscal practices, forbids line-item veto power and requires submission of the budget to PED for general approval or amendment. <p>Section 5 (page 14)</p> <ul style="list-style-type: none"> • Requires all budgets submitted by districts or charter schools to PED to be in a manner specified by the department.

202 Number	Title	Description of Proposed Amendments
.197716.2 Yellow (continued)	<i>Relating to Public Education; Amending the PSC to Define Certain Charter School Terms and to Clarify Certain Responsibilities of Charter School Authorizers, Charter School Governing Bodies and Charter Schools (Cleanup Bill, Continued)</i>	<p>Section 6 (pages 14-15)</p> <ul style="list-style-type: none"> • Clarifies that PED is to certify operating budgets to local school boards and governing bodies of all charter schools, rather than just state charters. <p>Section 7 (pages 15-17)</p> <ul style="list-style-type: none"> • Clarifies that it is that is the responsibility of local school boards and, for charter schools, the governing body, to determine its programmatic priorities for the community each serve. • Notes that PED must ensure school boards and governing bodies, as appropriate, are prioritizing resources toward proven programs and improved student achievement, parallel to provisions in the <i>A-B-C-D-F School Ratings Act</i>. <p>Section 8 (pages 17-20)</p> <ul style="list-style-type: none"> • Adds definitions for: <ul style="list-style-type: none"> ➤ <u>“enrollment preference”</u>; ➤ <u>“governing body training”</u>; ➤ <u>“management”</u>; ➤ <u>“material violation”</u>; ➤ <u>“nondiscretionary waiver”</u>; ➤ <u>“performance indicator”</u>; ➤ <u>“performance target”</u>; and ➤ <u>“siblings”</u>. <p>Section 9 (pages 20-24)</p> <ul style="list-style-type: none"> • Clarifies that local school boards may approve a locally chartered charter school within the school board’s district. • Notes that applications for initial charters are to be submitted to a chartering authority by June 1, though the deadline may be waived by agreement of the applicant and chartering authority.

202 Number	Title	Description of Proposed Amendments
.197716.2 Yellow (continued)	<i>Relating to Public Education; Amending the PSC to Define Certain Charter School Terms and to Clarify Certain Responsibilities of Charter School Authorizers, Charter School Governing Bodies and Charter Schools (Cleanup Bill, Continued)</i>	<p><u>Section 10 (pages 24-28)</u></p> <ul style="list-style-type: none"> Clarifies that the contract shall include both discretionary and those nondiscretionary waivers provided for in §22-8B-5.3. <p><u>Section 11 (pages 28-30)</u></p> <ul style="list-style-type: none"> Notes that the framework shall set forth the academic and operations performance indicators and performance targets to guide a chartering authority’s evaluation of each charter school. Indicates that the performance framework shall be a material term of the charter school contract. <p><u>Section 12 (pages 30-36)</u></p> <ul style="list-style-type: none"> Corrects outdated language that referred to the department’s minimum education standards so that it now refers to “standards of excellence,” the term currently used in pertinent department rule. <p><u>Section 13 (pages 36-37)</u></p> <ul style="list-style-type: none"> Allows both state- and locally chartered charter schools, along with school districts, to prepare and submit to PED a fine arts education program. (p37, 17) Requires both sorts of charter schools, and districts, to review priorities of the fine arts education program and make recommendations to the secretary. <p><u>Section 14 (pages 37-38)</u></p> <ul style="list-style-type: none"> Removes “charter schools” from the definition of “district”. Strikes the definitions of “department” and “school board.”

202 Number	Title	Description of Proposed Amendments
.197716.2 Yellow (continued)	<i>Relating to Public Education; Amending the PSC to Define Certain Charter School Terms and to Clarify Certain Responsibilities of Charter School Authorizers, Charter School Governing Bodies and Charter Schools (Cleanup Bill, Continued)</i>	<p><u>Section 15 (pages 38-40)</u></p> <ul style="list-style-type: none"> Continuing the clarifying changes of Section 15, above, when appropriate. When the language refers to districts, includes “charter schools,” and where it refers to “school boards,” includes governing bodies. Currently, the statutory language fails to differentiate between the two sorts of charter schools, so that school boards are making decisions for charter schools that would be better left to their governing bodies.

202 Number	Title	Description of Proposed Amendments
.197726.2 Tan	<i>Relating to Public Education; Amending the PSC to Remove Charter School Eligibility for Small-School Size Adjustment Program Units and Making State-Chartered Charter Schools Eligible for At-Risk Units (Small-School Size Adjustment)</i>	<p><u>Section 1 (pages 1-4)</u></p> <ul style="list-style-type: none"> • Adds charter schools to those schools that are not eligible for the SSSA. <p><u>Section 2 (pages 4-6)</u></p> <ul style="list-style-type: none"> • Places state-chartered charter schools on their own calculation for at-risk program units.

202 Number	Title	Description of Proposed Amendments
<p>.197727.2 Lilac</p>	<p><i>Relating to Public Education; Allowing School Districts and Charter Schools to Establish Transportation Agreements to Transport Charter School Students</i> (Transportation)</p>	<p><u>Section 1 (pages 1-3)</u></p> <ul style="list-style-type: none"> Removes state-chartered charter schools from transportation allocation and distribution. <p><u>Section 2 (pages 3-6)</u></p> <ul style="list-style-type: none"> Removes reference to state charters from provision requiring PED to establish a payment schedule for rental fees for contractor-owned buses. <p><u>Section 3 (pages 6-8)</u></p> <ul style="list-style-type: none"> Removes state charters and their governing boards from requirements for reporting certain information to the state transportation director. Removes state charters from those schools whose transportation allocations the transportation director must certify to the secretary as being based upon the transportation distribution formula. <p><u>Section 4 (pages 8-10)</u></p> <ul style="list-style-type: none"> Paragraph A, removes reference to state charters from all section-specific definitions. Removes requirement that PED calculate allocations, base amounts and variable amounts for state charters. <p><u>Section 5 (pages 10-11)</u></p> <ul style="list-style-type: none"> Removes state charters from requirement that PED establish a transportation distribution adjustment factor.

202 Number	Title	Description of Proposed Amendments
.197727.2 Lilac (continued)	<i>Relating to Public Education; Allowing School Districts and Charter Schools to Establish Transportation Agreements to Transport Charter School Students</i> (Transportation, continued)	<p><u>Section 6 (pages 11-17)</u></p> <ul style="list-style-type: none"> • Any charter school in which 20 percent of students qualify for transportation services, in compliance with an IEP or Section 504 of the federal Rehabilitation Act of 1973, may choose to provide state-funded transportation services for its eligible students, provided that the eligible students are not receiving transportation services that are provided for all students. • As with locally chartered charter schools, state charters may now choose to provide state-funded transportation to its students. • Charter schools that choose to provide transportation services shall negotiate with the school district in which it is geographically located to provide transportation to eligible students. • Notes that, while required to negotiate, there is no requirement that a charter school and a district reach an agreement with regard to transportation services.

202 Number	Title	Description of Proposed Amendments
.197795.1 Salmon	<p><i>Relating to Public Schools; Amending the Public School Lease Purchase Act to Clarify the Definition of “Governing Body”; Establishing the Relationship between a Governing Body and a School District or a Locally Chartered or State-Chartered Charter School in the Acquisition of Public School Facilities Pursuant to Lease Purchase Arrangements; Repealing a Section of the NMSA 1978 (Public School Lease Purchase Act)</i></p>	<p><u>Section 1 (pages 1-2)</u></p> <ul style="list-style-type: none"> Removes definitions for “local school board” and “school district” that were overly broad, as they included, in all instances, charter school governing boards and charter schools, respectively. Further removes unnecessary limiting reference to 22-26A-19) Adds a new definition for “governing body,” which includes local school boards as the governing bodies of school districts. New definition allows for separate reference to local school boards, which is necessary to preserve their power to adopt resolutions proposing the imposition of property taxes to pay for lease purchase arrangements. <p><u>Sections 2 (pages 2-3) and subsequent sections</u></p> <ul style="list-style-type: none"> Changes references to “local school boards,” under the old definitions, to references to “governing bodies,” under the new definition. <p><u>Sections 3 (pages 3-6) and subsequent sections</u></p> <ul style="list-style-type: none"> Where statutory language refers to “school districts,” adds “and/or charter schools,” as appropriate, so that language now covers all instances previously dealt with by old definitions. <p><u>Section 4 (pages 6-9)</u></p> <ul style="list-style-type: none"> Notes that if a charter school governing body finds that the imposition or a property tax is necessary to pay for the lease purchase arrangement, the local school board of the district in which the charter school is located may adopt a resolution to be presented to the voters on the question of the imposition of the tax.

202 Number	Title	Description of Proposed Amendments
.197795.1 Salmon (continued)	<i>Relating to Public Schools; Amending the Public School Lease Purchase Act to Clarify the Definition of “Governing Body”; Establishing the Relationship between a Governing Body and a School District or a Locally Chartered or State-Chartered Charter School in the Acquisition of Public School Facilities Pursuant to Lease Purchase Arrangements; Repealing a Section of the NMSA 1978 (Public School Lease Purchase Act, continued)</i>	<p>Section 11 (page 14)</p> <ul style="list-style-type: none"> • Repeals §22-26A-19, which, reserving these powers to local school boards, barred governing bodies of charter schools from: <ul style="list-style-type: none"> ➤ adopting resolutions proposing property taxes to pay for lease purchase arrangements; ➤ proposing taxes; and ➤ conducting elections. • These issues were addressed through the inclusion of the new definitions and changes made directly to the relevant sections, rendering §22-26A-19 unnecessary.

202 Number	Title	Description of Proposed Amendments
.197801.2 Cherry	<i>Relating to Public Education; Enacting Sections of the Public School Code Relating to Governance of Charter Schools (Governance)</i>	<p><u>Section 1 (pages 1-2)</u></p> <ul style="list-style-type: none"> • Notes that a charter school governing body shall be governed by a governing body in the manner set forth in the charter contract. • The governing body shall have at least five members. • No member of a governing body of a charter school that was initially approved on or after July 1, 2005 or whose charter was renewed on or after July 1, 2005 shall serve on the governing body of another charter school. • No member of a school board shall be a member of a governing body of a charter school or employed by a locally-chartered charter school located within that local school district during the member’s term of office. <p><u>Section 2 (pages 2-3)</u></p> <ul style="list-style-type: none"> • Develop educational policies for their schools; • Employ a head administrator and establish their salary; • Review and approve annual budget; • May acquire, lease, and dispose of property; • Contract, sue and be sued; • Repair and maintenance; • Except for salaries, shall contract for expenditure of money according to the <i>Procurement Code</i>; • Adopt rules pertaining to administration of governing bodies’ duties; • Shall qualify as board of finance, as required by 22-8-38; • Accept or reject charitable gifts, grants, devises, and bequests; • Establish and maintain a publicly available website which shall include school policies and current contact information for governing body members and administration; and • Offer rewards for information leading to arrest and conviction of thieves and vandals.

202 Number	Title	Description of Proposed Amendments
197801.2 Cherry (continued)	<i>Relating to Public Education; Enacting Sections of the Public School Code Relating to Governance of Charter Schools (Governance, continued)</i>	<p><u>Section 3 (pages 3-6)</u></p> <ul style="list-style-type: none"> • Establish and file with PED discipline policies. • Allow for student carry and self-administration of asthma and emergency anaphylaxis medication. • Adopt policies for expulsion of students who bring weapons to school. • Defines “weapons” as firearms and destructive or incendiary devices, bombs, grenades, etc. <p><u>Section 4 (pages 6-7)</u></p> <ul style="list-style-type: none"> • Requires a governing body to elect a president, vice president, and secretary from among its members. • Requires presidents and secretaries of governing bodies, and head administrators of charter schools, to obtain a bond of at least \$5,000, payable to the charter school, and conditioned upon the faithful performance of their duties. <p><u>Section 5 (pages 7-8)</u></p> <ul style="list-style-type: none"> • Vacancies to be filled at open meeting, with quorum of members, by a majority vote of remaining members. • If vacancy not filled within 45 days, the secretary shall appoint a replacement. • If a vacancy of a majority of members occurs, the secretary shall appoint replacements until a majority is reached, whereupon that majority shall appoint additional members until a full board is achieved.

202 Number	Title	Description of Proposed Amendments
197801.2 Cherry (continued)	<i>Relating to Public Education; Enacting Sections of the Public School Code Relating to Governance of Charter Schools (Governance, Continued)</i>	<p><u>Section 6 (pages 8-9)</u></p> <ul style="list-style-type: none"> • Head administrator is the chief executive officer of a charter school and shall: <ul style="list-style-type: none"> ✓ carry out the educational policies and rules of the department and the charter school's governing body; ✓ administer and supervise the charter school; ✓ employ, establish the salaries of, assign/terminate/discharge all employees of the charter school pursuant to the School Personnel Act; ✓ not initially employ an immediate relative of the member of the governing body or the head administrator, although the governing body may waive this nepotism rule of the head administrator; ✓ prepare the charter school budget; and ✓ perform other duties. <p><u>Section 8 (page 15)</u></p> <ul style="list-style-type: none"> ✓ Repeal 22-8B-10 (charter school employees)

202 Number	Title	Description of Proposed Amendments
.197728.2 Green	<i>Relating to Public Education; Including Locally Chartered and State-Chartered Charter Schools in the Definition of “Agency” for Purposes of the Audit Act. (Agency/Component Unit)</i>	<p><u>Section 1 (pages 1-2)</u></p> <ul style="list-style-type: none"> • Adds charter school to the definition of ‘agency.’