

**Policy and Statute/Administrative Rule Considerations**  
 Locally Chartered Charter Schools and Public School Transportation

<p align="center"><b>Policy Consideration</b> <i>(Guiding Questions)</i></p>	<p align="center"><b>Statute Considerations</b></p>	<p align="center"><b>Relevant Sections of the Administrative Code</b></p>
<p>Do the provisions in the <i>Charter Schools Act</i> require locally chartered charter schools to:</p> <ul style="list-style-type: none"> <li>• negotiate transportation services with a school district;</li> <li>• provide transportation services; OR</li> <li>• negotiate with a school district in order to provide transportation services?</li> </ul> <p>Should locally chartered charter schools be required to include student transportation services in the charter school contract (and not solely in the application)?</p> <p>Should local school districts be required to give advance notice to PED of the intent to seek transportation funding for a locally chartered charter school?</p>	<p><b>22-8B-4. Charter schools’ rights and responsibilities; operation (I)</b> These provisions may imply that a locally chartered charter school is required to provide school transportation through a school district. The subcommittee may wish to consider removing the whole section if eliminating transportation services;</p> <p>OR consider amending these provisions consider provisions in the PED rule (<b>see next column</b>).</p> <p><b>22-8B-8 (M)</b> The subcommittee may wish to consider removing “transportation” in this section if eliminating transportation.</p> <p>The subcommittee may wish to amend <b>22-8B-9. Charter school contract; contents; rules.</b> to address whether locally chartered charter school must include transportation services in the charter school contract.</p> <p>The subcommittee may wish to amend in <b>22-8-29. Transportation distributions; reports; payments.</b> to address advance notice for funding.</p> <p><b>6-21-3. (F) (New Mexico Finance Act, or NMFA)</b> These provisions state that a “qualified entity” includes charter schools and that “public transportation systems” are a “public project” which may allow for charters to receive NMFA loans to buy school buses. The subcommittee may wish to consider amending these provisions to require prior approval of the State</p>	<p><b>6.43.4.8 LOCAL SCHOOL DISTRICT AND CHARTER SCHOOL RESPONSIBILITIES:</b></p> <p>A. Charter schools shall negotiate to-and-from transportation services for eligible students by means of a school bus or a per capita feeder agreement only. The charter school may elect not to provide transportation services.</p>

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	<p>Transportation Director at PED for charter schools using these proceeds to purchase to and from school buses.</p>	
<p>Should transportation funding be provided directly to the locally chartered charter schools?</p> <p>Should locally chartered charter school students be provided transportation through other means than by school bus or per capita feeder? (<b>refer to last column</b>)</p>	<p><b>22-8-29. Transportation distributions; reports; payments.</b> The subcommittee may wish to consider adding “locally chartered charter school” in paragraphs A, B, C and D. (If this change is made, <b>22-8B-9. Charter school contract; contents; rules.</b> provisions may need to be amended).</p> <p>With regard to per capita feeders, the subcommittee may wish to amend <b>22-16-6. Reimbursement of parents or guardians.</b> to add “governing body of a charter school.”</p>	<p><b>6.43.4.8 LOCAL SCHOOL DISTRICT AND CHARTER SCHOOL RESPONSIBILITIES:</b>        A. Charter schools shall negotiate to-and-from transportation services for eligible students by means of a school bus or a per capita feeder agreement only. The charter school may elect not to provide transportation services.</p>
<p>Should geographic boundaries other than the school district limits be established for locally chartered charter school transportation services?</p> <p>Is the limit of the school district boundary appropriate?</p> <p>Should locally chartered charter schools be subject to the limitations in <b>22-16-4. School bus routes; limitations; exceptions; minimum requirements?</b></p>	<p><b>22-8B-4 (I). Charter school rights and responsibilities; operation.</b> These provisions require the negotiation process for transportation to be limited to a school district boundary.</p> <p><b>22-16-4. School bus routes; limitations; exceptions; minimum requirements.</b> provisions require that no school bus route to be maintained for certain distances.</p>	<p><b>6.43.4.8 LOCAL SCHOOL DISTRICT AND CHARTER SCHOOL RESPONSIBILITIES:</b>        F. The school district shall determine the routes and stops in accordance with Section 22-16-4 NMSA 1978. A request may be made to the state transportation director for new equipment based upon need identified by the school district.</p> <p><b>6.43.4.8 LOCAL SCHOOL DISTRICT AND CHARTER SCHOOL RESPONSIBILITIES:</b>        A local school district shall negotiate with a charter school to provide transportation to eligible students. Transportation services</p>

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		are confined within the limits established by the public school district, in conjunction with the charter school. The transportation limits shall be within the school district boundary or as adjusted in accordance with an approved school district transportation boundary agreement.
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