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August 23, 2010

MEMORANDUM

TO: Legislative Education Study Committee

FR: David Harrell

RE: STAFF BRIEF: IMPLEMENTATION OF HB 74a, *CHARTER SCHOOL OVERSIGHT FOR 1 YEAR*

Provisions of Law

During the 2010 legislative session, the Legislative Education Study Committee (LESC) endorsed successful legislation to:

- ensure that, during the planning year, a charter school develops in accordance with the conditions, standards, and procedures of its approved charter, as demonstrated by three status reports during that year; and
- require that the chartering authority and the charter school agree to the content, format, and schedule of the reports prior to signing the charter contract.¹

According to the session bill analysis by the Public Education Department (PED), the legislation gives local school boards that authorize charter schools the same authority currently afforded to the Public Education Commission (PEC) "in terms of their ability to require the charter schools under their authority to demonstrate their 'readiness' to commence operations."

¹ HB 74a, *Charter School Oversight for 1 Year*, was signed into law as Laws 2010, Chapter 48.

Implementation

In 2010, a total of 13 applicants submitted applications to start charter schools in school year 2011-2012: the PEC received 12 of the applications, and Albuquerque Public Schools (APS) received the other one.² In mid-August, however, PED reported that three of the applicants to the PEC withdrew their applications.³ With its effective date of May 19, 2010, the planning year legislation will affect any of those charters that are approved for a six-year term (see “Background,” below).

Because of provisions already in law prior to the enactment of HB 74a, the Charter Schools Division at PED had already developed a monitoring process for those schools authorized by the PEC. This process includes a planning-year checklist that the division plans to share with local school districts. So far, as noted above, APS is the only district to which the planning year provisions apply; and that district has included an account of this legislation in its procedural directive to charter schools, including a requirement that the three reports be filed with the district’s Charter/Magnet School Department by December 30, March 30, and June 30.

Background

The need for this legislation arose during the 2009 interim, when the LESC heard an update on charter schools in New Mexico by committee staff and the New Mexico Coalition for Charter Schools (NMCCS). One of the issues that emerged from the committee discussion of the presentation was how to ensure that, during the planning year, the governing body of a charter school does not deviate substantially from the terms of the approved charter. The original bill was amended through collaboration among the LESC, the NMCCS, the New Mexico Coalition of School Administrators, and PED.

The *Charter Schools Act* allows a charter to be approved for an initial term of six years, provided that the first year is used exclusively for planning and not for completing the application. After that, a charter may be renewed for successive periods of five years each.

Presenter

For this presentation, Mr. Sam Obenshain, Program Manager, Charter Schools Division, PED, will explain the steps that the division has taken to implement the planning year legislation for state-chartered charter schools and to assist school districts in implementing the legislation for locally chartered charter schools.

² While the deadline for the applications themselves was July 1, 2010, the process began in early January with the required filing of a letter of intent to establish a charter school.

³ The three PEC applicants that withdrew are the Abbie Paiz Charter High School, in Belen; The Edge Academy, in Albuquerque; and the Sports and Entertainment Marketing Academy, also in Albuquerque. Remaining applicants are: in Albuquerque, New Mexico International School, Kid’s College Academy Charter K-8 School, Aspen Grove Academy, The Great Academy, Achieve Academy, and Sage Academy; in Española, Trinity High School; in Gallup, Uplift: A School of Expeditionary Learning; and in Las Cruces, J. Paul Taylor Academy.