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HOUSE BILL 58
45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY
Rick Miera

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT
RELATING TO CHARTER SCHOOLS; ALLOWING CONVERSION SCHOOLS
CONTINUED USE OF THEIR EXISTING FACILITIES.

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 governed by a governing body in the manner set forth in the

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1 charter.

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

5 D. A conversion school may choose to use the
6 school district facilities and equipment that it had been
7 using prior to conversion. A [~~charter~~] start-up school may
8 negotiate or contract with a local school district, a
9 university or college or any third party for the use of a
10 facility, its operation and maintenance and the provision of
11 any service or activity that the [~~charter~~] school is required
12 to perform in order to carry out the educational program
13 described in its charter.

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

21 F. A charter school shall negotiate with a local
22 school district to provide transportation to students eligible
23 for transportation under the provisions of the Public School
24 Code. The local school district, in conjunction with the
25 charter school, may establish a limit for student

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1 transportation to and from the charter school site not to
2 extend beyond the local school district boundary.

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

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

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

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

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

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

24 M A charter school may contract and sue and be
25 sued. A local school board that approves a charter school

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1 shall not be liable for any acts or omissions of the charter
2 school.

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

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