

AN ACT

RELATING TO PUBLIC SCHOOLS; ENACTING THE SPECIAL URBAN SCHOOL DISTRICT ACT; PROVIDING POWERS AND DUTIES; DECLARING AN EMERGENCY.

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

Section 1. A new section of the Public School Code is enacted to read:

"SHORT TITLE.--This act may be cited as the "Special Urban School District Act"."

Section 2. A new section of the Public School Code is enacted to read:

"DEFINITION.--As used in the Special Urban School District Act, "special urban school district" means a school district with student enrollment over thirty-five thousand that does not charge tuition and does not have admission requirements in addition to those found in the Public School Code."

Section 3. A new section of the Public School Code is enacted to read:

"SPECIAL URBAN SCHOOL DISTRICT APPLICATION REQUIREMENTS--PROCESS--ELECTION.--

A. Before a local school board applies for a charter to the state board, the board shall submit the question of whether to operate the school district as a charter school district to the qualified electors of the school district at any regular school board election or at any special election called for the purpose of voting on the question. Any election called for this purpose shall be conducted pursuant to the School Election Law.

B. If a majority of those voting voted in favor of the district becoming a charter school district, the local school board shall submit an application for charter

school district status to the state board.

C. Not less than sixty-five percent of the employees of the school district must sign a petition in support of the school district becoming a charter school district."

Section 4. A new section of the Public School Code is enacted to read:

"SPECIAL URBAN SCHOOL DISTRICT--CHARTER REQUIREMENTS.--

A. A local school board of a school district that meets the requirements for a special urban school district shall enter into a contract with the state board establishing its charter to operate as a special urban school district from July 1, 2003 through June 30, 2007.

B. The contract shall reflect all agreements regarding the operation of the special urban school district. The terms of the contract may be revised at any time with the approval of both the state board and the special urban school district.

C. The charter shall include:

(1) assurances that the special urban school district shall comply with state laws pertaining to accreditation, state educational standards, assessment and accountability and financial requirements;

(2) a statement of mission and purpose for the operation of the special urban school district, including the district's goals and objectives;

(3) evidence that the special urban school district's educational and operational plans are economically sound and comply with all state and federal laws;

(4) evidence that the charter is educationally sound and is in the best interests of the students, the schools and the school clusters;

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(5) a description of the way the special urban school district's educational program will meet the individual needs of the students, including students with disabilities and students determined to be at risk;

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(6) an explanation of the relationship that will exist between the special urban school district and its employees and a description of the way the terms and conditions of employment will be addressed with affected employees;

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(7) a description of all waivers from state board rules requested and granted; and

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(8) a description of school clusters and a description by cluster, including but not limited to:

(a) the pre-kindergarten through grade twelve alignment of instructional practices designed to achieve student success and a coordinated professional development program reflecting the instructional alignment;

(b) the accountability system that measures student and instructional outcomes;

(c) how financial resources will be directed to each cluster and school's instructional program; and

(d) how parental, educator and community involvement at the school, cluster and district levels will be achieved.

D. The special urban school district shall:

(1) continue to operate as a public, nonsectarian public school district and operate in the same geographic boundaries that existed for the school district prior to becoming a special urban school district;

(2) receive state money as provided in the Public School Code;

(3) provide special education services as required by state and federal law;

(4) be liable for timely payment on its bonded indebtedness and subject to the same bonded indebtedness limitations as it was before becoming a special urban school district; and

(5) be subject to all state and federal 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.

E. The special urban school district shall be accountable to the state board for ensuring compliance with its charter and applicable state law.

F. Employees of a special urban school district shall be considered continuous employees without interruption of employment pursuant to the School Personnel Act and shall be afforded procedural due process rights and protection.

G. The governing body of the special urban school district shall continue to be the local school board."

Section 5. A new section of the Public School Code is enacted to read:

"DISTRICT RESPONSIBILITIES--EXEMPTIONS FROM PUBLIC SCHOOL CODE.--

A. The special urban school district shall promulgate rules to ensure that the individual needs of students, schools and school clusters are met.

B. The special urban school district is exempt from provisions of the Public School Code and rules adopted pursuant to that act pertaining to the individual class load, teaching load, length of the school day, staffing patterns, subject areas and instructional materials.

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C. The state board may waive state board requirements or rules and provisions of the Public School Code pertaining to graduation requirements, evaluation standards for school personnel, school principal duties and driver education."

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Section 6. A new section of the Public School Code is enacted to read:

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"GROUNDS FOR NONRENEWAL, PROBATION OR REVOCATION OF CHARTER--APPEAL.--

A. The department of education shall provide ongoing evaluation of the special urban school district's compliance with accreditation and state laws pertaining to state educational standards, assessment and accountability and financial requirements. Department of education staff shall visit the special urban school district at least once each year to provide technical assistance and to determine the status of the district and the progress of the district toward the goals of its charter.

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B. If the department of education finds that the special urban school district is not in compliance with its charter or with any applicable state or federal law or regulation, the state board may revoke the charter or place the district on probationary status."

Section 7. A new section of the Public School Code is enacted to read:

"REPORT TO LEGISLATURE AND GOVERNOR.--Not later than September 30, 2006, the special urban school district and the department of education shall report to the legislature and the governor on the progress of the special urban school district and make recommendations regarding the continuation of the special charter."

Section 8. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

HEC/HB 819

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