

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 819

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

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

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:

"[NEW MATERIAL] SHORT TITLE. -- This act may be cited as the  
"Special Charter School District Act". "

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

"[NEW MATERIAL] DEFINITION. -- As used in the Special  
Charter School District Act, "special charter school district"  
means a school district with student enrollment over thirty-  
five thousand that does not charge tuition and does not have

1 admission requirements in addition to those found in the Public  
2 School Code. "

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

5 "[NEW MATERIAL] SPECIAL CHARTER SCHOOL DISTRICT--CHARTER  
6 REQUIREMENTS. --

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

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

17 C. The charter shall include:

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

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

25 (3) evidence that the special charter school

1 district's educational and operational plans are economically  
2 sound and comply with all state and federal laws;

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

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

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

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

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

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

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

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

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1 and

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

5 D. The special charter school district shall:

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

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

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

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

18 (5) be subject to all state and federal laws  
19 and constitutional provisions prohibiting discrimination on the  
20 basis of disability, race, creed, color, gender, national  
21 origin, religion, ancestry or need for special education  
22 services.

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

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

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

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

9 "[NEW MATERIAL] DISTRICT RESPONSIBILITIES-- EXEMPTIONS FROM  
10 PUBLIC SCHOOL CODE. --

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

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

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

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

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1           "[NEW MATERIAL] GROUNDS FOR NONRENEWAL, PROBATION OR  
2 REVOCATION OF CHARTER-- APPEAL. --

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

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

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

19           "[NEW MATERIAL] REPORT TO LEGISLATURE AND GOVERNOR. --Not  
20 later than September 30, 2006, the special charter school  
21 district and the department of education shall report to the  
22 legislature and the governor on the progress of the special  
23 charter school district and make recommendations regarding the  
24 continuation of the special charter. "

25           Section 7. EMERGENCY.--It is necessary for the public

underscored material = new  
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1 peace, health and safety that this act take effect immediately.

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