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SENATE BILL 634

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Cynthia Nava

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING PROCEDURES FOR MEETING THE NEEDS OF STATE-CHARTERED AND LOCALLY CHARTERED CHARTER SCHOOLS FOR ADEQUATE FACILITIES; CREATING A FUND; MAKING AN APPROPRIATION.

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

Section 1. A new section of the Public School Capital Outlay Act, Section 22-24-6.1 NMSA 1978, is enacted to read:

"22-24-6.1. [NEW MATERIAL] PROCEDURES FOR A STATE-CHARTERED CHARTER SCHOOL.--All of the provisions of the Public School Capital Outlay Act apply to an application by a state-chartered charter school for grant assistance for a capital project except:

A. the portion of the cost of the project to be paid from the fund shall be calculated pursuant to Paragraph .165092.3GR

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1 (5) of Subsection B of Section 22-24-5 NMSA 1978 using data
2 from the school district in which the state-chartered charter
3 school is located;

4 B. in calculating a reduction pursuant to Paragraph
5 (6) of Subsection B of Section 22-24-5 NMSA 1978, the amount to
6 be used in Subparagraph (a) of that paragraph shall equal the
7 total of all legislative appropriations made after January 1,
8 2007 for nonoperating expenses either directly to the charter
9 school or to another governmental entity for the purpose of
10 passing the money through directly to the charter school,
11 regardless of whether the charter school was a state-chartered
12 charter school at the time of the appropriation or later opted
13 to become a state-chartered charter school, except that the
14 total shall not include any such appropriation if, before the
15 charter school became a state-chartered charter school, the
16 appropriation was previously used to calculate a reduction
17 pursuant to Paragraph (6) of Subsection B of Section 22-24-5
18 NMSA 1978; and

19 C. if the council determines that the state-
20 chartered charter school does not have the resources to pay all
21 or a portion of the total cost of the capital outlay project
22 that is not funded with grant assistance from the fund, to the
23 extent that money is available in the charter school capital
24 outlay fund, the council shall make an award from that fund for
25 the remaining amount necessary to pay for the project. The

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1 council may establish, by rule, a procedure for determining the
2 amount of resources available to the charter school and the
3 amount needed from the charter school capital outlay fund."

4 Section 2. A new section of the Public School Capital
5 Outlay Act, Section 22-24-6.2 NMSA 1978, is enacted to read:

6 "22-24-6.2. [NEW MATERIAL] PUBLIC FACILITIES FOR CHARTER
7 SCHOOLS.--

8 A. The council shall develop a program for
9 assisting charter schools in meeting the requirement of
10 Subsection C of Section 22-8B-4.2 NMSA 1978.

11 B. A locally chartered or state-chartered charter
12 school, desiring assistance pursuant to this section, shall
13 make application to the council for a grant. The application
14 shall include:

15 (1) a summary of the efforts that have been
16 made by the charter school to be located in a public facility;

17 (2) an estimate of the costs necessary to
18 bring the public facilities up to the statewide adequacy
19 standards; and

20 (3) such other information as required by rule
21 of the council.

22 C. The public school facilities authority shall
23 review the information submitted by the charter school and rank
24 the application with similar applications pursuant to a
25 methodology adopted by the council.

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1 D. After a public hearing and to the extent that
2 money is available in the charter school capital outlay fund
3 for such purposes, the council shall approve grants from the
4 fund on the established priority basis.

5 E. An award made pursuant to this section shall not
6 be considered when calculating an amount to offset grants to a
7 school district or state-chartered charter school pursuant to
8 Paragraph (6) of Subsection B of Section 22-24-5 NMSA 1978 or
9 Subsection B of Section 22-24-6.1 NMSA 1978."

10 Section 3. A new section of the Public School Capital
11 Outlay Act is enacted to read:

12 "[NEW MATERIAL] CHARTER SCHOOL CAPITAL OUTLAY FUND.--

13 A. The "charter school capital outlay fund" is
14 created in the state treasury. The fund shall consist of
15 appropriations, gifts, grants, donations and bequests made to
16 the fund. Income from the fund shall be credited to the fund,
17 and money in the fund shall not revert or be transferred to any
18 other fund at the end of a fiscal year. Money in the fund is
19 appropriated to the council for the purposes of making grants
20 pursuant to Subsection B of this section. Expenditures from
21 the fund shall be made on warrant of the secretary of finance
22 and administration pursuant to vouchers signed by the director
23 of the public school facilities authority.

24 B. Balances in the charter school capital outlay
25 fund shall be used for the following purposes and, to the

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1 extent money is available in the fund, in the following order:

2 (1) for making grants to state-chartered
3 charter schools pursuant to Subsection C of Section 22-24-6.1
4 NMSA 1978 to assist with the local match needed for an approved
5 public school capital outlay project;

6 (2) if the council determines that money in
7 the fund is not needed for grants pursuant to Paragraph (1) of
8 this subsection, remaining balances in the fund may be used for
9 providing assistance to charter schools pursuant to Section
10 22-24-6.2 NMSA 1978;

11 (3) if the council determines that money in
12 the fund is not needed for grants pursuant to Paragraph (2) of
13 this subsection, remaining balances in the fund may be used to
14 provide the local district's match necessary for approved
15 public school capital outlay projects for the facilities of
16 locally chartered charter schools; and

17 (4) if the council determines that money in
18 the fund is not needed for grants pursuant to Paragraph (3) of
19 this subsection, remaining balances in the fund may be used by
20 the council to provide the portion of the cost of approved
21 public school capital outlay projects for charter schools that
22 would otherwise be paid from the public school capital outlay
23 fund; provided that no money shall be expended pursuant to this
24 paragraph until the council has adopted rules to effectuate its
25 purposes."

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