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AN ACT

RELATING TO PUBLIC SCHOOLS; LIMITING THE PERIOD IN WHICH
CHARTER SCHOOL APPLICATIONS MAY BE SUBMITTED IN ANY YEAR.

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

Section 1. Section 22-8B-6 NMSA 1978 (being Laws 1999,
Chapter 281, Section 6, as amended) is amended to read:

"22-8B-6. CHARTER SCHOOL REQUIREMENTS--APPLICATION
PROCESS--AUTHORIZATION--BOARD OF FINANCE DESIGNATION
REQUIRED.--

A. A local school board has the authority to
approve the establishment of a charter school within the
school district in which it is located.

B. No later than the second Tuesday of January of
the year in which an application will be filed, the
organizers of a proposed charter school shall provide written
notification to the commission and the school district in
which the charter school is proposed to be located of their
intent to establish a charter school. Failure to notify may
result in an application not being accepted.

C. A charter school applicant shall apply to
either a local school board or the commission for a charter.
If an application is submitted to a chartering authority, it
must process the application. Applications for initial
charters shall be submitted between June 1 and July 1 to be

1 eligible for consideration for the following fiscal year;
2 provided that the July 1 deadline may be waived upon
3 agreement of the applicant and the chartering authority.

4 D. An application shall include the total number
5 of grades the charter school proposes to provide, either
6 immediately or phased. A charter school may decrease the
7 number of grades it eventually offers, but it shall not
8 increase the number of grades or the total number of students
9 proposed to be served in each grade.

10 E. An application shall include a detailed
11 description of the charter school's projected capital outlay
12 needs, including projected requests for capital outlay
13 assistance.

14 F. An application may be made by one or more
15 teachers, parents or community members or by a public
16 post-secondary educational institution or nonprofit
17 organization. Municipalities, counties, private
18 post-secondary educational institutions and for-profit
19 business entities are not eligible to apply for or receive a
20 charter.

21 G. An initial application for a charter school
22 shall not be made after June 30, 2007 if the proposed charter
23 school's proposed enrollment for all grades or the proposed
24 charter school's proposed enrollment for all grades in
25 combination with any other charter school's enrollment for

1 all grades would equal or exceed ten percent of the total MEM
2 of the school district in which the charter school will be
3 geographically located and that school district has a total
4 enrollment of not more than one thousand three hundred
5 students.

6 H. A state-chartered charter school shall not be
7 approved for operation unless its governing body has
8 qualified to be a board of finance.

9 I. The chartering authority shall receive and
10 review all applications for charter schools submitted to it.
11 The chartering authority shall not charge application fees.

12 J. The chartering authority shall hold at least
13 one public meeting in the school district in which the
14 charter school is proposed to be located to obtain
15 information and community input to assist it in its decision
16 whether to grant a charter school application. Community
17 input may include written or oral comments in favor of or in
18 opposition to the application from the applicant, the local
19 community and, for state-chartered charter schools, the local
20 school board and school district in whose geographical
21 boundaries the charter school is proposed to be located. The
22 chartering authority shall rule on the application for a
23 charter school in a public meeting by September 1 of the year
24 the application was received. If not ruled upon by that
25 date, the charter application shall be automatically reviewed

1 by the secretary in accordance with the provisions of Section
2 22-8B-7 NMSA 1978. The charter school applicant and the
3 chartering authority may, however, jointly waive the
4 deadlines set forth in this section.

5 K. A chartering authority may approve, approve
6 with conditions or deny an application. A chartering
7 authority may deny an application if:

8 (1) the application is incomplete or
9 inadequate;

10 (2) the application does not propose to
11 offer an educational program consistent with the requirements
12 and purposes of the Charter Schools Act;

13 (3) the proposed head administrator or other
14 administrative or fiscal staff was involved with another
15 charter school whose charter was denied or revoked for fiscal
16 mismanagement or the proposed head administrator or other
17 administrative or fiscal staff was discharged from a public
18 school for fiscal mismanagement;

19 (4) for a proposed state-chartered charter
20 school, it does not request to have the governing body of the
21 charter school designated as a board of finance or the
22 governing body does not qualify as a board of finance; or

23 (5) the application is otherwise contrary to
24 the best interests of the charter school's projected
25 students, the local community or the school district in whose

1 geographic boundaries the charter school applies to operate.

2 L. If the chartering authority denies a charter
3 school application or approves the application with
4 conditions, it shall state its reasons for the denial or
5 conditions in writing within fourteen days of the meeting.
6 If the chartering authority grants a charter, the approved
7 charter shall be provided to the applicant together with any
8 imposed conditions.

9 M. A charter school that has received a notice
10 from the chartering authority denying approval of the charter
11 shall have a right to a hearing by the secretary as provided
12 in Section 22-8B-7 NMSA 1978."

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