

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 74a

49th Legislature, 2nd Session, 2010

Tracking Number: .180281.1

Short Title: Charter School Oversight for 1 Year

Sponsor(s): Representative Roberto “Bobby” J. Gonzales and Others

Analyst: David Harrell

Date: February 11, 2010

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AS AMENDED

The House Education Committee (HEC) amendments delete Subsection B on page 2 of the bill and replace it with a new subsection:

- **requiring charter schools to file a minimum of three status reports with the chartering authority and the Public Education Department to demonstrate “that the charter school’s implementation progress [during the planning year] is consistent with the conditions, standards and procedures of its approved charter”; and**
- **requiring that the chartering authority and the charter school agree to the content, format, and schedule of the reports prior to signing the charter contract.**

The HEC amendments also strike a provision allowing a chartering authority to suspend, revoke, or not renew a charter if the charter school deviated in a material way from the conditions, standards, and procedures of its approved charter during the planning year because this authority is already provided in existing law.

Original Bill Summary:

House Bill 74 amends the *Charter Schools Act* to:

- **require a new charter school, during the planning year, to file quarterly status reports with the chartering authority and the Public Education Department (PED) according to a schedule and in a format agreed to by the chartering authority and the charter school;**
- **require the chartering authority to review these reports, requesting other information as needed, to ensure that the charter school is developing in accordance with the conditions, standards, and procedures of its approved charter; and**
- **allow a chartering authority to suspend, revoke, or not renew a charter if the charter school deviated in a material way from the conditions, standards, and procedures of its approved charter during the planning year.**

Fiscal Impact:

HB 74 makes no appropriation.

Substantive Issues:

During the 2009 interim, the Legislative Education Study Committee (LESC) heard an update on charter schools in New Mexico by committee staff and the New Mexico Coalition for Charter Schools. One of the issues that emerged from the committee discussion of the presentation was how to ensure that, during the planning year, the governing body of a charter school does not deviate substantially from the terms of the approved charter. HB 74 is in response to that issue.

Currently, the *Charter Schools Act* requires a state-chartered charter school to demonstrate to the Public Education Commission (PEC), before the end of the planning year, that it has qualified as a board of finance and has satisfied any conditions imposed by the PEC before it can begin full operation for the remainder of the charter, which is five years. According to the PED analysis, HB 74 would give local school boards that authorize charter schools the same authority currently afforded to the PEC “in terms of their ability to require the charter schools under their authority to demonstrate their ‘readiness’ to commence operations.”

The PED analysis adds that the Charter Schools Division has developed and implemented a monitoring tool called the “Planning-Year Checklist,” which the division would make available to local school districts to facilitate their monitoring of charter schools per the provisions of HB 74.

Background:

Since 1993, the *Public School Code* has provided for charter schools to operate in New Mexico. From the original five that were authorized under the 1993 legislation, the number of charter schools in New Mexico has grown to 73 operating in school year 2009-2010, according to PED. The New Mexico Coalition for Charter Schools has noted that charter schools are located in 22 of the state’s 89 school districts, with 42 charter schools in the Albuquerque Public Schools district alone.

Finally, legislation enacted in 2006 (effective July 1, 2007) allowed the PEC, in addition to local school boards, to authorize charter schools. This legislation (the current *Charter Schools Act*) also allowed a charter school to seek a renewal of its charter with either the local school board or the PEC.

Related Bill(s):

SB 124 *Repeal Charter School Limits*