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HOUSE BILL 74

**49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010**

INTRODUCED BY

Roberto "Bobby" J. Gonzales

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO CHARTER SCHOOLS; REQUIRING OVERSIGHT DURING THE  
CHARTER SCHOOL'S PLANNING YEAR.

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

Section 1. Section 22-8B-12 NMSA 1978 (being Laws 1999,  
Chapter 281, Section 12, as amended) is amended to read:

"22-8B-12. CHARTER SCHOOLS--TERM--RENEWAL OF CHARTER--  
GROUNDS FOR NONRENEWAL OR REVOCATION.--

A. A charter school may be approved for an initial  
term of six years; provided that the first year shall be used  
exclusively for planning and not for completing the  
application. A charter may be renewed for successive periods  
of five years each. Approvals of less than five years may be  
agreed to between the charter school and the chartering  
authority.

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1           B. During the planning year, the charter school  
2 shall file quarterly status reports with the chartering  
3 authority and the department pursuant to a schedule and in a  
4 format agreed to by the chartering authority and the charter  
5 school. The chartering authority shall review each status  
6 report and may request other information necessary to ensure  
7 that the charter school is developing in accordance with the  
8 conditions, standards and procedures of its approved charter.

9           ~~[B.]~~ C. Prior to the end of the planning year, the  
10 charter school shall demonstrate that its facilities meet the  
11 requirements of Section 22-8B-4.2 NMSA 1978.

12           ~~[C.]~~ D. Prior to the end of the planning year, a  
13 state-chartered charter school shall demonstrate that it has  
14 qualified as a board of finance and has satisfied any  
15 conditions imposed by the commission before commencing full  
16 operation for the remainder of its charter term. The  
17 commission shall either issue or refuse to issue the  
18 authorization to commence full operation within twenty-one days  
19 of the request. If the commission refuses to issue the  
20 authorization, it shall provide its reasons in writing to the  
21 charter school.

22           ~~[D.]~~ E. No later than two hundred seventy days  
23 prior to the date in which the charter expires, the governing  
24 body may submit a renewal application to the chartering  
25 authority. A charter school may apply to a different

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1 chartering authority for renewal. The chartering authority  
2 shall rule in a public hearing on the renewal application no  
3 later than one hundred eighty days prior to the expiration of  
4 the charter.

5 ~~[E-]~~ F. A charter school renewal application  
6 submitted to the chartering authority shall contain:

7 (1) a report on the progress of the charter  
8 school in achieving the goals, objectives, student performance  
9 standards, state minimum educational standards and other terms  
10 of the initial approved charter application, including the  
11 accountability requirements set forth in the Assessment and  
12 Accountability Act;

13 (2) a financial statement that discloses the  
14 costs of administration, instruction and other spending  
15 categories for the charter school that is understandable to the  
16 general public, that allows comparison of costs to other  
17 schools or comparable organizations and that is in a format  
18 required by the department;

19 (3) contents of the charter application set  
20 forth in Section 22-8B-8 NMSA 1978;

21 (4) a petition in support of the charter  
22 school renewing its charter status signed by not less than  
23 sixty-five percent of the employees in the charter school;

24 (5) a petition in support of the charter  
25 school renewing its charter status signed by at least seventy-

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1 five percent of the households whose children are enrolled in  
2 the charter school; and

3 (6) a description of the charter school  
4 facilities and assurances that the facilities are in compliance  
5 with the requirements of Section 22-8B-4.2 NMSA 1978.

6 [~~F.~~] G. A charter may be suspended, revoked or not  
7 renewed by the chartering authority if the chartering authority  
8 determines that the charter school did any of the following:

9 (1) deviated in a material way from the  
10 conditions, standards and procedures of its approved charter  
11 during the planning year;

12 [~~(1)~~] (2) committed a material violation of  
13 any of the conditions, standards or procedures set forth in the  
14 charter;

15 [~~(2)~~] (3) failed to meet or make substantial  
16 progress toward achievement of the department's minimum  
17 educational standards or student performance standards  
18 identified in the charter application;

19 [~~(3)~~] (4) failed to meet generally accepted  
20 standards of fiscal management; or

21 [~~(4)~~] (5) violated any provision of law from  
22 which the charter school was not specifically exempted.

23 [~~G.~~] H. If a chartering authority suspends, revokes  
24 or does not renew a charter, the chartering authority shall  
25 state in writing its reasons for the suspension, revocation or

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nonrenewal.

[H.] I. A decision to suspend, revoke or not to  
renew a charter may be appealed by the governing body pursuant  
to Section 22-8B-7 NMSA 1978."