

1 SENATE BILL 344

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Mark Boitano and Al Park

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10 AN ACT

11 RELATING TO PUBLIC SCHOOL FACILITIES; ALLOWING THE NEW MEXICO  
12 STATE FAIRGROUNDS TO QUALIFY AS A PUBLIC BUILDING FOR CHARTER  
13 RENEWAL.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 22-8B-4.2 NMSA 1978 (being Laws 2005,  
17 Chapter 221, Section 3 and Laws 2005, Chapter 274, Section 2,  
18 as amended) is amended to read:

19 "22-8B-4.2. CHARTER SCHOOL FACILITIES--STANDARDS.--

20 A. The facilities of a charter school that is  
21 approved on or after July 1, 2005 and before July 1, 2015 shall  
22 meet educational occupancy standards required by applicable New  
23 Mexico construction codes.

24 B. The facilities of a charter school whose charter  
25 has been renewed at least once shall be evaluated, prioritized

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1 and eligible for grants pursuant to the Public School Capital  
2 Outlay Act in the same manner as all other public schools in  
3 the state; provided that for charter school facilities in  
4 leased facilities, grants may be used to provide additional  
5 lease payments for leasehold improvements made by the lessor.

6 C. On or after July 1, 2015, a new charter school  
7 shall not open and an existing charter shall not be renewed  
8 unless the charter school:

9 (1) is housed in a building that is:

10 (a) owned by the charter school, the  
11 school district, the state, an institution of the state,  
12 another political subdivision of the state, a state  
13 governmental instrumentality, including the New Mexico state  
14 fair, the federal government or one of its agencies or a tribal  
15 government; or

16 (b) subject to a lease purchase  
17 arrangement that has been entered into and approved pursuant to  
18 the Public School Lease Purchase Act; or

19 (2) if it is not housed in a building  
20 described in Paragraph (1) of this subsection, demonstrates  
21 that:

22 (a) the facility in which the charter  
23 school is housed meets the statewide adequacy standards  
24 developed pursuant to the Public School Capital Outlay Act and  
25 the owner of the facility is contractually obligated to

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1 maintain those standards at no additional cost to the charter  
2 school or the state; and

3 (b) either: 1) public buildings are not  
4 available or adequate for the educational program of the  
5 charter school; or 2) the owner of the facility is a nonprofit  
6 entity specifically organized for the purpose of providing the  
7 facility for the charter school.

8 D. The public school capital outlay council:

9 (1) shall determine whether facilities of a  
10 charter school meet the educational occupancy standards  
11 pursuant to the requirements of Subsection A of this section  
12 or the requirements of Subsections B and C of this section, as  
13 applicable; and

14 (2) upon a determination that specific  
15 requirements are not appropriate or reasonable for a charter  
16 school, may grant a variance from those requirements for that  
17 charter school."