



The Legislature  
of the  
State of New Mexico

49th Legislature, 2nd Session

LAWS 2010

CHAPTER 48

HOUSE BILL 74, as amended

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Introduced by

REPRESENTATIVE ROBERTO "BOBBY" J. GONZALES

REPRESENTATIVE RICK MIERA

REPRESENTATIVE JONI MARIE GUTIERREZ



FOR THE LEGISLATIVE EDUCATION  
STUDY COMMITTEE

# Chapter 48

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.

B. During the planning year, the charter school  
shall file a minimum of three status reports with the  
chartering authority and the department for the purpose of  
demonstrating that the charter school's implementation  
progress is consistent with the conditions, standards and  
procedures of its approved charter. The report content,  
format and schedule for submission shall be agreed to by the  
chartering authority and the charter school prior to signing  
the charter contract.

1 C. Prior to the end of the planning year, the  
2 charter school shall demonstrate that its facilities meet the  
3 requirements of Section 22-8B-4.2 NMSA 1978.

4 D. Prior to the end of the planning year, a state-  
5 chartered charter school shall demonstrate that it has  
6 qualified as a board of finance and has satisfied any  
7 conditions imposed by the commission before commencing full  
8 operation for the remainder of its charter term. The  
9 commission shall either issue or refuse to issue the  
10 authorization to commence full operation within twenty-one  
11 days of the request. If the commission refuses to issue the  
12 authorization, it shall provide its reasons in writing to the  
13 charter school.

14 E. No later than two hundred seventy days prior to  
15 the date in which the charter expires, the governing body may  
16 submit a renewal application to the chartering authority. A  
17 charter school may apply to a different chartering authority  
18 for renewal. The chartering authority shall rule in a public  
19 hearing on the renewal application no later than one hundred  
20 eighty days prior to the expiration of the charter.

21 F. A charter school renewal application submitted  
22 to the chartering authority shall contain:

23 (1) a report on the progress of the charter  
24 school in achieving the goals, objectives, student performance  
25 standards, state minimum educational standards and other terms

1 of the initial approved charter application, including the  
2 accountability requirements set forth in the Assessment and  
3 Accountability Act;

4 (2) a financial statement that discloses the  
5 costs of administration, instruction and other spending  
6 categories for the charter school that is understandable to  
7 the general public, that allows comparison of costs to other  
8 schools or comparable organizations and that is in a format  
9 required by the department;

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

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

15 (5) a petition in support of the charter  
16 school renewing its charter status signed by at least seventy-  
17 five percent of the households whose children are enrolled in  
18 the charter school; and

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

23 G. A charter may be suspended, revoked or not  
24 renewed by the chartering authority if the chartering  
25 authority determines that the charter school did any of the

1 following:

2 (1) committed a material violation of any of  
3 the conditions, standards or procedures set forth in the  
4 charter;

5 (2) failed to meet or make substantial  
6 progress toward achievement of the department's minimum  
7 educational standards or student performance standards  
8 identified in the charter application;

9 (3) failed to meet generally accepted  
10 standards of fiscal management; or

11 (4) violated any provision of law from which  
12 the charter school was not specifically exempted.

13 H. If a chartering authority suspends, revokes or  
14 does not renew a charter, the chartering authority shall state  
15 in writing its reasons for the suspension, revocation or  
16 nonrenewal.

17 I. A decision to suspend, revoke or not to renew a  
18 charter may be appealed by the governing body pursuant to  
19 Section 22-8B-7 NMSA 1978." \_\_\_\_\_

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BEN LUJAN, SPEAKER  
HOUSE OF REPRESENTATIVES



STEPHEN R. ARIAS, CHIEF CLERK  
HOUSE OF REPRESENTATIVES



DIANE D. DENISH, PRESIDENT  
SENATE



LENORE M. NARANJO, CHIEF CLERK  
SENATE

Approved by me this 8<sup>th</sup> day of March, 2010



BILL RICHARDSON, GOVERNOR  
STATE OF NEW MEXICO

SECRETARY OF STATE  
10 MAR 3 2010

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