



The Legislature
of the
State of New Mexico

50th Legislature, 1st Session

LAWS 2011

CHAPTER 66

HOUSE BILL 97, as amended

Introduced by

REPRESENTATIVE JIMMIE C. HALL

REPRESENTATIVE RICK MIERA
REPRESENTATIVE SHIRLEY A. TYLER
REPRESENTATIVE MIMI STEWART
REPRESENTATIVE DENNIS J. ROCH



FOR THE LEGISLATIVE EDUCATION STUDY
COMMITTEE

Chapter 66

AN ACT

RELATING TO PUBLIC SCHOOLS; CLARIFYING THE ATTENDANCE
PRIORITIES FOR SCHOOLS THAT ARE CONVERTED TO CHARTER SCHOOLS
PURSUANT TO THE ASSESSMENT AND ACCOUNTABILITY ACT.

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

SECTION 1. Section 22-2C-7.1 NMSA 1978 (being Laws
2007, Chapter 309, Section 6) is amended to read:

"22-2C-7.1. FAILING SCHOOL SUBJECT TO REOPENING AS
STATE-CHARTERED CHARTER SCHOOL--REQUIREMENTS.--

A. If, pursuant to Subsections I and J of Section
22-2C-7 NMSA 1978, the school district in which a public
school that has failed to make adequate yearly progress for
five consecutive years recommends that the public school be
reopened as a state-chartered charter school, the department,
after holding a public hearing in the school district, may
take steps to have the public school reopened as a state-
chartered charter school.

B. To reopen as a state-chartered charter school:

(1) the school's current enrollment for all
grades cannot exceed ten percent of the total MEM of the
school district where it is located when the school district
has a total enrollment of less than one thousand three hundred
students;

(2) the students enrolled at the time of its

1 reopening as a state-chartered charter school, as well as
2 those students' siblings, shall be given enrollment
3 preference;

4 (3) the department, after obtaining
5 information and community input during the public hearing,
6 shall find at least five qualified persons willing to serve in
7 an interim capacity as a governing body;

8 (4) the governing body shall employ a
9 qualified school administrator within thirty days of its
10 appointment by the department;

11 (5) the governing body shall qualify as a
12 board of finance and satisfy any conditions imposed by the
13 commission prior to commencing full operation;

14 (6) the governing body shall develop a
15 written plan and proposed charter that is satisfactory to the
16 commission and that at a minimum addresses the following
17 issues:

18 (a) the employment, discharge,
19 termination or displacement of current school employees,
20 including the effect of employment decisions on current
21 employment contracts and collective bargaining agreements;

22 (b) fiscal and records management;

23 (c) instructional and administrative
24 facilities;

25 (d) student transportation;

1 (e) special education;
2 (f) curriculum;
3 (g) education-related and other
4 services;
5 (h) accreditation;
6 (i) food service;
7 (j) graduation requirements, if a
8 waiver of state graduation requirements is sought;
9 (k) governance turnover; and
10 (l) student assessments and school
11 accountability;

12 (7) the governing body and the school shall
13 comply with any other substantive or procedural requirements
14 imposed on them by law or rule of the department; and

15 (8) the department and the governing body
16 shall have a plan to provide for an orderly transition.

17 C. If, within ninety days of its determination
18 that the school should be reopened as a state-chartered
19 charter school, the department is unable to constitute a
20 qualified governing body or the governing body does not have
21 its charter approved by the commission and does not find a
22 qualified school administrator able to commence operation of
23 the proposed state-chartered charter school, the failing
24 school shall not be reopened as a state-chartered charter
25 school. Failure to reopen the school as a state-chartered

1 charter school does not affect other actions that may be taken
2 to improve the school.

3 D. The provisions of the Charter Schools Act shall
4 apply to a public school that is reopened as a state-chartered
5 charter school." _____

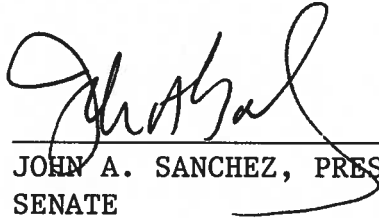
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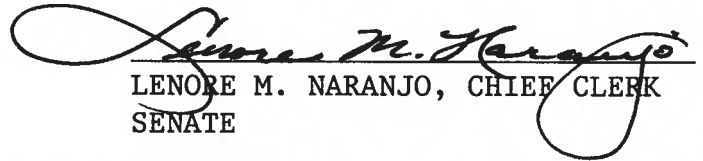
BEN LUJAN, SPEAKER
HOUSE OF REPRESENTATIVES



STEPHEN R. ARIAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES



JOHN A. SANCHEZ, PRESIDENT
SENATE



LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this 5th day of April, 2011



SUSANA MARTINEZ, GOVERNOR
STATE OF NEW MEXICO

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