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HOUSE BILL 181

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Linda M. Trujillo

AN ACT

RELATING TO CHARTER SCHOOLS; GRANTING AN ENROLLMENT PREFERENCE FOR CONVERSION CHARTER SCHOOL STUDENTS TO THOSE WHO LIVE WITHIN THE ATTENDANCE AREA OF THE PUBLIC SCHOOL THAT EXISTED PRIOR TO ITS CONVERSION TO A CHARTER SCHOOL.

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

SECTION 1. Section 22-8B-2 NMSA 1978 (being Laws 1999, Chapter 281, Section 2, as amended) is amended to read:

"22-8B-2. DEFINITIONS.--As used in the Charter Schools Act:

A. "charter school" means a conversion school or start-up school authorized by the chartering authority to operate as a public school;

B. "chartering authority" means either a local school board or the commission;

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1 C. "commission" means the public education
2 commission;

3 D. "conversion school" means an existing public
4 school within a school district that was authorized by a local
5 school board to become a charter school prior to July 1, 2007;

6 E. "division" means the charter schools division of
7 the department;

8 ~~[F. "enrollment preference" means filling a charter~~
9 ~~school's openings with students, or siblings of students, who~~
10 ~~have already been admitted to the school through an appropriate~~
11 ~~admission process or are continuing through subsequent grades;~~

12 ~~G.]~~ F. "governing body" means the governing
13 structure of a charter school as set forth in the school's
14 charter;

15 ~~[H.]~~ G. "governing body training" means the
16 training required pursuant to Section 22-8B-5.1 NMSA 1978 to
17 educate governing body members and ensure compliance with all
18 applicable laws, which training may be obtained from any
19 source, individual or entity that has been approved by the
20 department;

21 ~~[I.]~~ H. "management" means authority over the
22 hiring, termination and day-to-day direction of a school's
23 employees or contractors, whether they are licensed or not;

24 ~~[J.]~~ I. "material violation" means the act of
25 failing to accomplish a requirement of a law, rule or contract

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1 or a charter school's bylaws that substantially affects the
2 charter school's employees' or students' rights or privileges;

3 ~~[K-]~~ J. "nondiscretionary waiver" means a waiver of
4 requirements or rules and the provisions of the Public School
5 Code that the department shall grant pursuant to Section
6 22-8B-5 NMSA 1978 and for which a charter school shall not
7 require separate approval by the department;

8 ~~[L-]~~ K. "performance indicator" means a measurement
9 tool that enables selected issues or conditions to be monitored
10 over time for the purposes of evaluating progress toward or
11 away from a desired direction;

12 ~~[M-]~~ L. "performance target" means the specific
13 rating to which the data from a school's performance indicators
14 shall be compared to determine whether the school exceeds,
15 meets, does not meet or falls far below that rating;

16 ~~[N-]~~ M. "siblings" means:

17 (1) students living in the same residence at
18 least fifty percent of the time in a permanent or semipermanent
19 situation, such as long-term foster care placements; or

20 (2) students related to each other by blood,
21 marriage or cohabitation; and

22 ~~[O-]~~ N. "start-up school" means a public school
23 developed by one or more parents, teachers or community members
24 authorized by the chartering authority to become a charter
25 school."

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1 SECTION 2. Section 22-8B-4.1 NMSA 1978 (being Laws 2000,
2 Chapter 82, Section 3) is amended to read:

3 "22-8B-4.1. CHARTER SCHOOLS' ENROLLMENT PROCEDURES.--

4 A. Start-up schools and conversion schools are
5 subject to the following enrollment procedures:

6 (1) a start-up school may either enroll
7 students on a first-come, first-served basis or through a
8 lottery selection process if the total number of applicants
9 exceeds the number of spaces available at the start-up school;
10 and

11 (2) a conversion school shall give enrollment
12 preference to students who are enrolled in the public school at
13 the time it is converted into a charter school and to siblings
14 of students admitted to or attending the charter school. The
15 conversion school may either enroll all other students on a
16 first-come, first-served basis or through a lottery selection
17 process if the total number of applicants exceeds the number of
18 spaces available at the conversion school.

19 B. In subsequent years of its operation:

20 (1) a start-up charter school shall give
21 enrollment preference to:

22 [~~(1)~~] (a) students who have been
23 admitted to the charter school through an appropriate admission
24 process and remain in attendance through subsequent grades; and

25 [~~(2)~~] (b) siblings of students already

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1 admitted to or attending the same charter school; and
2 (2) a conversion charter school shall give
3 enrollment preference to:
4 (a) students who have been admitted to
5 the charter school through an appropriate admission process and
6 remain in attendance through subsequent grades;
7 (b) siblings of students already
8 admitted to or attending the same charter school; and
9 (c) students who reside within the
10 boundaries of the attendance area for the public school that
11 existed at the time of conversion."