

1 HOUSE BILL 253

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Nora Espinoza

5
6
7
8
9
10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; ALLOWING A FOUR-YEAR PLAN FOR
12 COMPLIANCE WITH THE CHARTER SCHOOL FACILITIES REQUIREMENTS IN
13 SECTION 22-8B-4.2 NMSA 1978 (BEING LAWS 2005, CHAPTER 221,
14 SECTION 3 AND LAWS 2005, CHAPTER 274, SECTION 2, AS AMENDED).

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

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

20 "22-8B-4.2. CHARTER SCHOOL FACILITIES--STANDARDS.--

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

25 B. The facilities of a charter school whose charter

.198816.1

underscored material = new
[bracketed material] = delete

underscored material = new
~~[bracketed material] = delete~~

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

7 C. On or after July 1, 2011, a new charter school
8 shall not open and an existing charter school shall not
9 relocate unless the facilities of the new or relocated charter
10 school, as measured by the New Mexico condition index, receive
11 a condition rating equal to or better than the average
12 condition for all New Mexico public schools for that year or
13 the charter school demonstrates, within eighteen months of
14 occupancy or relocation of the charter, the way in which the
15 facilities will achieve a rating equal to or better than the
16 average New Mexico condition index.

17 D. On or after July 1, 2015, a new charter school
18 shall not open and an existing charter shall not be renewed
19 unless the charter school:

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

21 (a) owned by the charter school, the
22 school district, the state, an institution of the state,
23 another political subdivision of the state, the federal
24 government or one of its agencies or a tribal government; or

25 (b) subject to a lease-purchase

.198816.1

underscored material = new
[bracketed material] = delete

1 arrangement that has been entered into and approved pursuant to
2 the Public School Lease Purchase Act; or

3 (2) if ~~it~~ the charter school is not housed
4 in a building described in Paragraph (1) of this subsection,
5 demonstrates that:

6 (a) the facility in which the charter
7 school is housed meets the statewide adequacy standards
8 developed pursuant to the Public School Capital Outlay Act and
9 the owner of the facility is contractually obligated to
10 maintain those standards at no additional cost to the charter
11 school or the state; and

12 (b) either: 1) public buildings are not
13 available or adequate for the educational program of the
14 charter school; or 2) the owner of the facility is a nonprofit
15 entity specifically organized for the purpose of providing the
16 facility for the charter school.

17 E. Without the approval of the public school
18 facilities authority pursuant to Section 22-20-1 NMSA 1978, a
19 charter school shall not enter into a lease-purchase agreement.

20 F. The public school capital outlay council:

21 (1) shall determine whether facilities of a
22 charter school meet the educational occupancy standards
23 pursuant to the requirements of Subsection A of this section
24 or the requirements of Subsections B, C and D of this section,
25 as applicable; and

.198816.1

1 (2) upon a determination that specific
2 requirements are not appropriate or reasonable for a charter
3 school, may grant a variance from those requirements for that
4 charter school, including allowing a charter school to follow a
5 four-year plan, submitted by the charter school and approved by
6 the council, to fulfill the requirements of Subsection D of
7 this section."

8 - 4 -
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

underscored material = new
[bracketed material] = delete