

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

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

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

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

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

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

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

(b) fiscal and records management;

(c) instructional and administrative facilities;

(d) student transportation;

(e) special education;
(f) curriculum;
(g) education-related and other services;
(h) accreditation;
(i) food service;
(j) graduation requirements, if a waiver of state graduation requirements is sought;
(k) governance turnover; and
(l) student assessments and school accountability;

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

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

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

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

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