Guidance Document

Charter School Renewal

*This non-regulatory guidance addresses questions the Charter School Division has received regarding the renewal process and later contract negotiation. These guidelines do not contain all of the information that charter schools leaders need to understand to go through the renewal and contracting process, but are intended to provide general guidance on the renewal process. There are additional guidance documents regarding the renewal and contracting processes. In addition, the New Mexico Charter School act contains information on renewal and contracting requirements (NMSA 22-8B-1 et. seq.), or school leaders should contact a lawyer with questions.*

Charter schools are renewed after a set term, typically every five years.

Key concepts:

1. The charter school may select the authorizer to which it applies for renewal. There are presently two types of authorizers – the Public Education Commission (PEC) as a statewide authorizer or the local school district.
2. In the renewal process, the authorizer looks at past performance to determine if a renewed charter term is appropriate. The grounds for non-renewal are if the school:
   1. Committed a material violation of any of the conditions, standards or procedures set forth in the charter contract;
   2. Failed to meet or make substantial progress toward achievement of the department’s minimum educational standards or student performance standards identified in the charter contract;
   3. Failed to meet generally accepted standards of fiscal management; or
   4. Violated any provision of law from which the school was not specifically exempted.

NMSA 22-8B-12 K.

1. The Amended Charter School Act requires schools to identify at least two mission-specific indicators/goals in the renewal application that set targets for the implementation of the school mission. If you select the PEC as your authorizer, mission-specific indicators/goals MUST BE provided within the renewal application. If the application is approved by the PEC, these indicators/goals will be used as a “first draft” for discussion during the negotiations with the PEC.
2. During the renewal process with the PEC, the school is encouraged to consider the need for any amendments to the charter contract. The PEC will consider amendments after approving the renewal application. The school may seek an amendment at other times, but is encouraged to take this opportunity during renewal to propose amendments.
3. Amendments may be presented to allow a range of options that may take place in the future. For example, if the school is intending to move within the same county to an as-of-yet identified location, the amendment could seek a change of location within the same county as long as all other state requirements and approvals are obtained to operate in the new building.
4. The renewal application requires that the school submit “a petition in support of the charter school renewing its charter status signed by not less than sixty-five percent of the employees of the charter school.”(NMSA 22-8B-12 J. (4)) This provision applies only to charter school employees and not contractors or staff paid for by some other entity.