

**TITLE 6            PRIMARY AND SECONDARY EDUCATION**  
**CHAPTER 2        STATE BOARD OF EDUCATION COMMISSIONS AND ADVISORY BOARDS**  
**PART 9            PUBLIC EDUCATION COMMISSION STATE-CHARTERED CHARTER SCHOOL**  
**POLICY-MAKING PROCEDURES**

**6.2.9.1 ISSUING AGENCY:** New Mexico Public Education Commission.

[6.2.9.1 NMAC - N, \_\_\_\_\_]

**6.2.9.2 SCOPE:** The rule shall apply to all policies, forms and protocols adopted by the public education commission.

[6.2.9.2 NMAC - N, \_\_\_\_\_]

**6.2.9.3 STATUTORY AUTHORITY:** Pursuant to Subsections F and H of NMSA 22-8B-5.3 1978, the public education commission has authority to “monitor, in accordance with the requirements of the Charter Schools Act and the terms of the charter contract, the performance and legal compliance of charter schools under their authority;” and “develop and maintain chartering policies and practices consistent with nationally recognized principles and standards for quality charter authorizing in all major areas of authorizing.” The rule is intended to provide a procedure to exercise this authority.

The public education commission is administratively attached to the Public Education Department, and pursuant to NMSA 9-1-7 1978 exercises its functions independently of the department and without approval or control of the department. Pursuant to Subsection A. of NMSA 14-4-2 1978. the commission is an “agency” under the State Rules Act for the purposes of promulgating a rule.

[6.2.8.3 NMAC - N, \_\_\_\_\_]

**6.2.9.4 DURATION:** Permanent.

[6.2.9.4 NMAC - N, \_\_\_\_\_]

**6.2.9.5 EFFECTIVE DATE:** February 18, 2022, unless a later date is cited at the end of a section.

[6.2.8.5 NMAC - N, \_\_\_\_\_]

**6.2.9.6 OBJECTIVE:** The public education commission establishes this rule of procedure for the approval of its policies, protocols and forms.

[6.2.8.6 NMAC - N, \_\_\_\_\_]

**6.2.9.7 DEFINITIONS:** [RESERVED]

[6.2.8.6 NMAC - N, \_\_\_\_\_]

**6.2.9.8 TYPICAL SCHEDULE FOR STATE CHARTERED CHARTER SCHOOL POLICY-MAKING:**

Policymaking shall proceed under the following annual cycle unless the public education commission declares emergency circumstances to exist under Paragraph B of this rule:

**A. Policies Affecting the Operation of State-Chartered Charter Schools.** Policies, including adopted policies, forms, and procedures, shall be adopted in the existing fiscal year to be effective for the following fiscal year (July 1- June 30) for all state-chartered charter schools generally affecting the operations of state-chartered charter schools.

**B. New School and Renewing School Application Kits.** If additional time is requested by the Charter School Division at the public education department, policies, including adopted policies, forms, and procedures, related to new school application kits or renewing school application kits may be adopted no later than December 31 in a fiscal year so that those documents may be used for new school or renewing school applications beginning in January of the following year in the same fiscal year.

**C. 2022 - 2023 Policy Reviews.** For the 2022-2023 school year, in order to establish the first list of adopted policies, forms, and procedures pursuant to this rule, the public education commission shall provide:

**1.** Each policy, form, and procedure in draft in an electronic format published on its website for review and comment

- (a) ensuring that the draft documents are posted for at least 30 days prior to adoption,

- (b) and include an indication in the document of the date of the last change to the document which may include changes made during the comment period due to work by the public education commission during a public working session, as a result of comments made or otherwise;
- (c) A public comment period of at least 30 days during which the public education commission will accept written comment;
- (d) written notice on a public education commission meeting agenda of the working session(s) at which the public education commission will review each draft policy, form, and procedure and accept in-person or virtual comment in addition to the written comments provided;
- (e) written notice on a public education commission meeting agenda indicating when the public education commission will hold a hearing to adopt each policy, form, and procedure after the 30-day comment period and after discussion at a working session(s);
- (f) A web-location on the public education commission website where each adopted policy, form, and procedure will be posted in final form to remain in effect until modified pursuant to this rule.

[6.2.9.8 NMAC - N, \_\_\_\_\_]

**6.2.9.9 FUTURE YEAR REVIEW:** For each following fiscal year, a new policy, form, and procedure or revisions to an existing policy, form, and procedure may be proposed at the September public meeting of the public education commission or, with good cause shown as to why the suggested change is being presented at meeting other than the September meeting, proposed at another public meeting of the public education commission by

- A. a member of the public education commission or
- B. the charter school division director on behalf of the charter school division or another division of the public education department.

Any policy, form or protocol proposed to be revised pursuant to this section shall be revised to meet the time schedules set forth in either 6.2.9.8 A. or B. above, as appropriate, and following the processes set forth in 6.2.9.8 C.1.(a) – (e) above.

[6.2.9.9 NMAC - N, \_\_\_\_\_]

**6.2.9.10 OUT-OF-CYCLE POLICY-MAKING; EMERGENCY CIRCUMSTANCES:** Emergency circumstances for implementing a policy with an effective date other than July 1 of the next fiscal year may include the following:

- A. policy changes to protect the immediate health, welfare or education of state-chartered charter students;
- B. policy changes needed because of new case law or an attorney general’s opinion affecting the public education commission or state-chartered charter schools;
- C. policy changes needed because of statutory changes;
- D. policy changes needed because of changes to public education department rules, or
- E. other emergency circumstances as determined by the public education commission.

[6.2.9.10 NMAC - N, \_\_\_\_\_]

**History of 6.2.10 NMAC: [RESERVED]**