

Julia Hosford Barnes, P.C.

To: PEC
 From: Julia Barnes
 Re: Legislative Options for 2023 session

The following are legislative ideas identified by PEC members for possible legislative changes. The schools and other charter organizations have additional legislative proposal that the PEC could choose to support.

Legislative Proposal	Location of Statutory change	Extent of drafting work needed	PEC endorsement decision
Charter School Act Changes, 22-8B – 1 et.seq.			
1. Change the law to clarify that PEC may take “Up To 2%” with PED withholding the amount of budget approved by the PEC. The funds will be held in a non-reverting fund and returned to the school or rolled over to fund a portion of the next year’s budget.	22-8B-13 A. The amount of funding allocated to a charter school shall be no less than ninety-eight percent of the school-generated program cost. The school district or division may withhold and use two percent of the school-generated program cost for its administrative support of a charter school. 22-8B-9 B.(8) “a detailed description of how the chartering authority will use the withheld two percent of the school-generated program cost as provided in Section 22-8B-13	Not difficult to draft	
2. Limit the PED Direct Administrative funding at a fixed percentage (15 -20%) for Direct Administrative Support of CSD and PEC Administration	22-8B-13 A. The amount of funding allocated to a charter school shall be no less than ninety-eight percent of the school-generated program cost. The school district or division may withhold and use two percent of the school-generated program cost for its administrative support of a charter school. 22-8B-9 B.(8) “a detailed description of how the chartering authority will use the withheld two	Not difficult to draft MOU language: <i>funding for the Department for administrative support for the Commission and Division equal to 15% of the total 2% of SEG funds for state charters for the current fiscal year.</i>	

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	percent of the school-generated program cost as provided in Section 22-8B-13		
3. Allow The PEC To Impose A Three-Year Charter Term With Good Cause Provided.	22-8B-12 A. Approvals of less than five years may be agreed to between the charter school and the chartering authority	Easy drafting change	
4. Explicit Language For PEC Rulemaking Under The Charter School Act	This could be done in several places such as in 22-8B-1 et.seq. or 9-24-8 D.	Easy drafting change	
5. Change 30 Days To Contract, And Possibly Change Statutory Deadlines Or Add Extension By Agreement Of The Parties	22-8B-9 A. The chartering authority shall enter into a contract with the governing body of the applicant charter school within thirty days of approval of the charter application	Easy drafting change	
6. Change Appellate Review Process. Keep The Review At the PED.	22-8-7.F. A person aggrieved by a final decision of the secretary may appeal the decision to the district court pursuant to the provisions of Section 39-3-1.1 NMSA 1978	Easy drafting change	
7. Remove the State Charter Audits as Part of The PED Audit			
Outside of Charter School Law			
Eliminate Duties Regarding Vocational Training Oversight	<p>NMSA 22-14-2</p> <p>22-14-2. Vocational education; state governing authority.</p> <p>A. The commission is the governing authority and shall establish policies for the conduct of all programs of the state and state plans established relating to</p>	22-14-2 may need to be reworked in total.	

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	<p>vocational education unless otherwise provided by law.</p> <p>B. The commission is the sole agency of the state for the administration or for the supervision of the administration of any state plan relating to vocational education or for any federal aid funds, except as may otherwise be provided by law.</p> <p>C. The commission may delegate to the department its administrative functions relating to vocational education</p>		
Start Up School Grants To Help With Cash Flow For CSP Grant	Possible to seek grants fund to be placed in 22-8B-14	Funding request needed.	
Equity Councils required in Statute			PEC declined to take a formal position on this issue. Individual PEC members may take a position as individuals.

