

## 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 proposals 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.			
<p>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.</p> <p>Could make modifications to be able to add unspent funds into this account.</p>	<p>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.</p> <p>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”</p> <p>22-8B-14. Charter schools stimulus fund created.            A. The "charter schools stimulus fund" is created in the state treasury. Money in the fund is appropriated to the department of education [public education department] to provide financial support to charter schools, whether start-up or conversion, for initial start-up costs and initial costs associated with renovating or remodeling existing buildings and structures for expenditure in fiscal</p>	<p>Not difficult to draft</p>	<p>Motion: PEC to pursue language change to “up to 2 percent”</p> <p>Passed 7-0</p>



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	<p>year 2000 and subsequent fiscal years. The fund shall consist of money appropriated by the legislature and grants, gifts, devises and donations from any public or private source. The department of education [public education department] shall administer the fund in accordance with rules adopted by the state board [department]. The department of education [public education department] may use up to three percent of the fund for administrative costs. Money in the fund shall not revert to the general fund at the end of a fiscal year.</p>		
<p>2. Allow The PEC To Approve a Three-Year Charter Term With Good Cause Provided.</p>	<p>22-8B-12 A. Approvals of less than five years may be agreed to between the charter school and the chartering authority</p>	<p>Easy drafting change</p>	<p>Motion to pursue legislation that the PEC may approve a term no less than three years.</p> <p>Passes 5-3</p>
<p>3. Explicit Language For PEC Rulemaking in cooperation with PED</p>	<p>This could be done in several places such as in 22-8B-1 et.seq. or 9-24-8 D.</p>	<p>Easy drafting change</p>	<p>Motion to seek legislative authority for rulemaking.</p> <p>Passes 7-0</p>
<p>4. Change 30 Days To Contract, And Possibly Change Statutory Deadlines Or Add Extension By Agreement Of The Parties</p>	<p>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</p>	<p>Easy drafting change</p>	<p>Motion to pursue legislation to provide modified timing for contracting.</p> <p>Passes 6-0</p>
<p>5. Change Appellate Review Process. Keep The Review At the PED.</p>	<p>22-8B-7.F. A person aggrieved by a final decision of the secretary may appeal the decision to the district</p>	<p>Easy drafting change</p>	<p>No vote taken</p>

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	<p>court pursuant to the provisions of Section 39-3-1.1 NMSA 1978</p> <p><b>39-3-1.1. Appeal of final decisions by agencies to district court; application; scope of review; review of district court decisions.</b></p> <p>A. The provisions of this section shall apply only to judicial review of agency final decisions that are placed under the authority of this section by specific statutory reference.</p>		
<p>6. Remove the State Charter Audits as Part of The PED Audit</p>			<p>No vote taken</p>
<p>7. Change statute to address a school leaving an authorizer if they will not be renewed.</p>	<p>Could put in requirement to turn over authorizer records to new authorizers or something similar.</p>		<p>No vote taken</p>
<p>Outside of Charter School Law</p>			
<p><b>A. Eliminate Duties Regarding Vocational Training Oversight</b></p>	<p>NMSA 22-14-2</p> <p><b>22-14-2. Vocational education; state governing authority.</b></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 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</p>	<p>22-14-2 may need to be reworked in total.</p>	<p>No vote taken</p>

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	<p>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>		
<p>B. Remove requirement that PEC be notified of school board change</p>	<p>22-2-13</p>		
<p>C, Remove requirement that PEC advise the department and make it optional</p>	<p>9-24-9 A.</p>		
<p>D. Change legislation to modify travel reimbursement from post of duty to be broadly construed.</p>			<p>No vote taken. Discussion regarding supporting if others brought legislation up.</p>
<p>E. Start Up School Grants To Help With Cash Flow For CSP Grant</p>	<p>Possible to seek grants fund to be placed in 22-8B-14</p>	<p>Funding request needed.</p>	<p>No vote taken</p>
<p>Equity Councils required in Statute</p>			<p>PEC declined to take a formal position on this issue. Individual PEC members may take a position as individuals.</p>
<p>Limit the PED Direct Administrative funding at a fixed percentage (15 -20%) for Direct Administrative Support of CSD and PEC Administration</p>	<p>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.</p>	<p>Not difficult to draft</p> <p>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</i></p>	<p>Motion to limit PED administrative costs (not including PEC/CSD budget)</p> <p>Does not pass 6-1</p>

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	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"	<i>state charters for the current fiscal year.</i>	

