

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.

PEC endorsed legislative ideas			
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. Could make modifications to be able to add unspent funds into this account.	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” 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	Not difficult to draft	Motion: PEC to pursue language change to “up to 2 percent” Passed 7-0 2023 session outcome: legislation vetoed, May try to address via MOU

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	structures for expenditure in fiscal 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.		
2. Allow The PEC To Approve 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	Motion to pursue legislation that the PEC may approve a term no less than three years. Passes 5-3 2023 session outcome: No legislation proposed
3. Explicit Language For PEC Rulemaking	This could be done in several places such as in 22-8B-1 et.seq. or 9-24-8 D.	Easy drafting change	Motion to seek legislative authority for rulemaking. Passes 7-0 2023 session outcome: No legislation proposed. PEC rule promulgated, 6.2.9

PEC endorsed legislative ideas			
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4. 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	<p>Motion to pursue legislation to provide modified timing for contracting.</p> <p>Passes 6-0</p> <p>2023 session outcome: No legislation proposed</p> <p>There are other Charter School Act clean-up items that could be added</p>

Legislative Ideas Discussed at a PEC meeting, but not voted on			
Legislative Proposal	Location of Statutory change	Extent of drafting work needed	PEC endorsement decision
A. Change Appellate Review Process. Keep The Review At the PED.	<p>22-8B-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</p> <p>39-3-1.1. Appeal of final decisions by agencies to district court; application; scope of review; review of district court decisions.</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>	Easy drafting change	
B. Remove the State Charter Audits as Part of The PED Audit			
C. Allow replication of charter school	Add provision to 22-8B-1, <i>et seq.</i>		
Outside of Charter School Law			
D. Improve credit characteristics (e.g. a guaranteed minimum lease assistance MEM rate, intercept, and similar mechanisms) could unlock significant capacity across multiple NMFA programs (NMFA presentation 7/23)	<p>Lease assistance provisions</p> <p>https://webnew.ped.state.nm.us/bureaus/public-education-commission/meetings/2023-pec-meetings/ (July working session)</p>	Not sure where this would be placed into statute	

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E. 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 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>	22-14-2 may need to be reworked in total.	
F. Change legislation to modify travel reimbursement from post of duty to be broadly construed.			
G. 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.	
H.			

