Julia Hosford Barnes, P.C.



To: PEC

From: Julia Barnes

Re: Legislative Items Proposed Previously for 2022 session

The following are legislative ideas identified by PEC members from previous sessions.

Previously endorsed legislative ideas by the PEC				
Legislative Proposal	Location of Statutory change	Extent of drafting	PEC endorsement	
		work needed	decision for 2022	
Charter School Act Changes, 2				
1. Change the law to	22-8B-13 A. The amount of funding	Not difficult to draft	Motion: PEC to	
clarify that PEC may	allocated to a charter school shall		pursue language	
take "Up To 2%" with	be no less than ninety-eight		change to "up to 2	
PED withholding the	percent of the school-generated		percent"	
amount of budget	program cost. The school district			
approved by the PEC.	or division may withhold and use		Passed 7-0	
The funds will be held in	two percent of the school-			
a non-reverting fund	generated program cost for its			
and returned to the	administrative support of a charter			
school or rolled over to	school.		2023 session	
fund a portion of the			outcome:	
next year's budget.	22-8B-9 B.(8) "a detailed		legislation	
	description of how the chartering		vetoed, May try	
	authority will use the withheld two		to address via	
	percent of the school-generated		MOU	
	program cost as provided in Section			
	22-8B-13"			
Could make modifications				
to be able to add unspent	22-8B-14. Charter schools stimulus			
funds into this account.	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			
	year 2000 and subsequent fiscal			

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	Previously endorsed legislative ideas by the PEC			
Le	gislative Proposal	Location of Statutory change	Extent of drafting work needed	PEC endorsement decision for 2022
		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



Pr	Previously endorsed legislative ideas by the PEC			
Le	gislative Proposal	Location of Statutory change	Extent of drafting work needed	PEC endorsement decision for 2022
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	Motion to pursue legislation to provide modified timing for contracting. Passes 6-0 2023 session outcome: No legislation proposed There are other Charter School Act clean-up items that could be added

		Location of Statutory change	Extent of drafting	PEC endorsement
Le	gislative Proposal		work needed	decision
A.	Change Appellate Review Process. Keep The Review At the PED.	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 39-3-1.1. Appeal of final decisions by agencies to district court; application; scope of review; review of district court decisions. 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.	Easy drafting change	
B.	Allow more options for transportation for charter schools	Schools presently have to pay for the first year of their transportation before being allowed to get transportation funding. Then, they are not allowed to form charter groups for funding when a district school will not work with them	There may be administrative (rule: PED or PEC) or legislative changes available. Not sure the extent of drafting.	
C.	Remove the State Charter Audits as Part of The PED Audit			
D.	Allow replication of charter school	Add provision to 22-8B-1, et.seq.		
Ou	tside of Charter School Law	V		
E.	Improve credit characteristics (e.g. a guaranteed minimum lease assistance MEM	Lease assistance provisions https://webnew.ped.state.nm.us/b ureaus/public-education-	Not sure where this would be placed into statute	

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
	rate, intercept, and similar mechanisms) could unlock significant capacity across multiple NMFA programs (NMFA presentation 7/23)	commission/meetings/2023-pecmeetings/ (July working session)		
F.	Eliminate Duties Regarding Vocational Training Oversight	NMSA 22-14-2 22-14-2. Vocational education; state governing authority. 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. 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. C. The commission may delegate to the department its administrative functions relating to vocational education	22-14-2 may need to be reworked in total.	
G.	Change legislation to modify travel reimbursement from post of duty to be broadly construed.			
Н.	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.	