

LFC Requester:	Rachel Gudgel
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**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date January 28, 2015
Bill No: SB273

Sponsor: Sen. Craig Brandt **Agency Code:** Attorney General's Office
Short Charter School **Person Writing** Caroline Manierre , AAG
Title: Governance **Phone:** 505-827-6079 **Email** cmanierre@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Synopsis:

Senate Bill 273 is an act modifying the Charter Schools Act, NMSA 1978, 22-8B-1 to -17.1 (1999, as amended in 2011). The bill restructures the Charter Schools Act, moving existing language to new sections. Additionally, the bill incorporates certain requirements for school boards into requirements for charter school governing bodies (such as Section 22-5-4.7 (Additional student discipline policies; weapon-free schools) and Section 22-5-7 (Officers; surety bonds)).

FISCAL IMPLICATIONS: N/A

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES:

Though it may not be a significant issue, it is worth noting that under Senate Bill 273 a child can be expelled “from school,” under NMSA 1978, Section 22-8B-5(G), “A student who is suspended or expelled from a charter school shall be deemed to be suspended or expelled from the school district in which the student resides.” This does not appear to be in conflict with Senate Bill 273, but could perhaps be better harmonized.

PERFORMANCE IMPLICATIONS: N/A

ADMINISTRATIVE IMPLICATIONS: N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP:

- Senate Bill 236 is also an act amending NMSA 1978, Section 22-8B-4. These bills are in conflict with one another.
- Senate Bill 148 is an act amending language within the Public School Code to include charter schools within certain provisions. The bill does not appear to be in conflict with Senate Bill 273.
- Senate Bill 130 amends language in the Public School Lease Purchase Act referring to “governing body” to include that of a charter school. There does not appear to be a conflict.
- Senate Bill 91 is amending the School Personnel Act, which is cited to in Senate Bill 273. There does not appear to be a conflict.

TECHNICAL ISSUES:

Section 5 of Senate Bill 273, Charter School Governing Body Vacancies, mentions in both (C) and (D) that “the secretary shall.” It is unclear which secretary this refers to.

OTHER SUBSTANTIVE ISSUES: N/A

ALTERNATIVES: N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL: Status quo

AMENDMENTS: N/A