

NEW MEXICO

(Law passed in 1993; 21st strongest of the nation's 43 charter laws)



INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (2)

APPROVAL	School boards and State Board of Education (Public Education Commission.)
APPEAL	Yes. Applications denied by the school board may be appealed to the State Board of Education and the Secretary's decision is final. If the school board does not act on an application within 60 days, the Secretary of Education will automatically review it.

OPERATIONAL AUTONOMY

STATE	Limited. No blanket waiver from most traditional rules and regulations governing other public schools but the state grants waivers for many traditional operational requirements. For all other waivers, charters must request on a case-by-case basis. Virtual schools are allowed and sponsor can set enrollment restrictions. Management contracts restricted to nonprofit ESPs. State-chartered schools are considered their own LEA.
LOCAL	Limited. Charters must negotiate waivers on a case-by-case basis.
TEACHER FREEDOM	Yes. Teachers may negotiate as a separate unit with the charter school governing body, or work independently. Charter schools must participate in state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	Yes. Fifteen new starts may be authorized per year, with up to 75 approved in a five-year period. Charters not filled in the five-year period will roll over to the next five years. New conversions are not allowed. A charter in a district with 1,300 or fewer students may not enroll more than ten percent of students.
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EQUITY

STUDENT FUNDING	<p>Funds pass through the district. By law, charters are entitled to 98 percent of per pupil revenues. The remaining two percent is deducted for administrative fees.</p> <p>"A. The amount of funding allocated to a charter school shall be not 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. B. That portion of money from state or federal programs generated by students enrolled in a locally chartered charter school shall be allocated to that charter school serving students eligible for that aid. Any other public school program not offered by the locally chartered charter school shall not be entitled to the share of money generated by a charter school program." [NM 22-8B-13]</p>
FACILITIES FUNDS	Yes. Charter schools receive \$700 per student from a capital outlay fund, which assists charter schools to cover building costs. The charter schools stimulus fund contains appropriations for initial start-up costs and initial facilities costs. [NM 22-8B-14]

[LINK TO THE NEW MEXICO CHARTER SCHOOL LAW](#)