NEW MEXICO

(Law passed in 1993; 19th strongest of the nation's 43 charter laws)

The only components of the law that are slightly better than average for New Mexico's charter school environment are the level of per-pupil funding and the fact that the state offers facilities assistance to charter schools. With a cap on the number of schools that can open and without any independent authorizers, New Mexico is stagnating its charter growth. A new rule that mandates charters move to public buildings or buildings that meet specific criteria in law could have implications on charter school growth down the road as well.

INDEPENDENT OR MULTIPLE AUTHORIZERS – YES (2)	
APPROVAL	School boards and the State Board of Education (Public Education Commission) serve as authorizers.
APPEAL	Yes. Applications denied by the school board may be appealed to the State Secretary of Education and the 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. There is no blanket waiver but the state department must waive certain rules and regulations pertaining to length of school day, staffing, subject areas, evaluations for personnel and principal duties. The state can grant additional exemptions, but most often, charters do not receive them. Virtual schools are allowed. Management contracts are restricted to nonprofit education service providers (ESPs). Charter schools must move to public buildings by July 1, 2015 or meet other conditions in the law, such as owning the building or having a lease-purchase agreement pursuant to the Public School Lease Purchasing Act (see N.M. Stat. Ann. § 22-8B-4.2 for more information).
LOCAL	Limited. Some local exemptions are given to charter schools, but they must negotiate additional waivers from local rules on a case-by-case basis. Charters approved by the state board are exempt from district requirements and are their own LEA.
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. Public school conversions are not allowed. A charter in a district with 1,300 or fewer students may not enroll more than ten percent of students within that district.

NEW MEXICO
(Continued)

EQUITY	
STUDENT FUNDING	Funds pass through the district. By law, charters are entitled to 98 percent of the school generated program costs. The remaining two percent is deducted for administrative fees by all authorizers. Charters approved by school boards by law should receive the portion of state and federal funds generated from their students, but in practice this does not always happen. "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." N.M. Stat. Ann. § 22-8B-13 (West).
FACILITIES FUNDS	Yes. Charter schools receive lease payments of $700 per student from a capital outlay fund and inflation will determine future increases. The NM Finance Authority can use public bond funds to construct charter facilities for up to seven schools. Charter schools can access public capital outlay grants similar to traditional public schools. Districts, by law, are supposed to share a proportionate share of facilities funds with charter schools, but implementation has been spotty. N.M. Stat. Ann. § 22-8B-4.2 (West).

LINK TO THE NEW MEXICO CHARTER SCHOOL LAW