

A charter school is a public school accredited by the Public Education Department (“PED”). The Board has the authority to approve the establishment of a district-chartered school within the District. Such charter schools shall be accountable to the District for purposes of ensuring compliance with applicable laws, rules, and charter provisions. State-chartered within the District are not under the authority of the District.

### **Initial Application**

No later than the second Tuesday of January of the year in which an application will be filed, the organizers of a proposed charter school, located within the District, shall provide written notification to the Public Education Commission and the District of their intent to establish a charter school. Failure to notify may result in an application not being accepted.

A charter school application to the District shall contain the following:

1. The mission statement of the charter school;
2. The goals, objectives and student performance outcomes to be achieved by the charter school;
3. A description of the charter school’s educational program, student-performance standards and curriculum that must meet or exceed state educational standards and must be designed to enable each student to achieve those standards;
4. A description of the way a charter school’s educational program will meet the individual needs of the students, including those students determined to be at risk;
5. A description of the charter school’s plan for evaluating student performance, the types of assessments that will be used to measure student progress toward achievement of the state’s standards and the school’s student performance outcomes, the time line for achievement of the outcomes and the procedures for taking corrective action in the event that student performance falls below the standards;
6. Evidence that the plan for the charter school is economically sound, including a proposed budget for the term of the charter and a description of the manner in which the annual audit of the financial and administrative operations of the charter school is to be conducted;
7. Evidence that the fiscal management of the charter school complies with all applicable federal and state laws and rules relative to fiscal procedures;
8. Evidence of a plan for the displacement of students, teachers and other employees who will not attend or be employed in the conversion school;
9. A description of the governing body and operation of the charter school, including:
  - a. how the governing body will be selected;
  - b. qualification and terms of members, how vacancies on the governing body will be filled and procedures for changing governing body membership; and

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- c. the nature and extent of parental, professional educator and community involvement in the governance and operation of the school;
10. An explanation of the relationship that will exist between the proposed charter school and its employees, including evidence that the terms and conditions of employment will be addressed with affected employees and their recognized representatives, if any;
11. The employment and student discipline policies of the proposed charter school;
12. An agreement between the charter school and the District regarding the respective legal liability of each and applicable insurance coverage;
13. A description of how the charter school plans to meet the transportation and food service needs of its students;
14. A description of any lawful waivers that the charter school is requesting or that will be provided from the District or the PED and the charter school's plan for addressing and using these waiver requests; and
15. A description of the facilities the charter school plans to use.

### **Procedures for Application or Renewal Charter**

A charter school may be approved for an initial term of six years; provided that the first year shall be used exclusively for planning and not for completing the application. A charter may be renewed for successive periods of five years each. Approvals of less than five years may be agreed to between the charter school and the District.

During the planning year, the charter school shall file a minimum of three status reports with the District and the PED for the purpose of demonstrating that the charter school's implementation progress is consistent with the conditions, standards and procedures of its approved charter. The report content, format and schedule for submission shall be as agreed to by the District and the charter school and become part of the charter contract. Prior to the end of the planning year, the charter school shall demonstrate that its facilities meet all state requirements.

The procedures to apply for a District charter school are as follows:

1. No later than the second Tuesday of January of the year in which an application will be filed, the organizers of a proposed charter school shall provide written notification to the District of their intent to establish a charter school;
2. For initial charters, the application shall be submitted between June 1 and July 1 to be eligible for consideration for the following fiscal year; that deadline may be waived upon written agreement of the applicant and the District;
3. The Board shall receive and review all applications for charter schools. No application fees will be charged;
4. An application may be made by one or more teachers, parents or community members or by a public post-secondary educational institution or non-profit organization;
5. An application shall include the total number of grades the charter school proposes to provide, either immediately or phased. A charter school may

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- decrease the number of grades it eventually offers, but it may not increase the number of grades or the total number of students proposed to be served in each grade.
6. An application shall include a detailed description of the charter school's projected facility needs, including projected requests for capital outlay assistance that have been approved by the director of the District's facilities authority or the director's designee. The director shall respond to a written request for review from a charter applicant within forty-five (45) days of the request.
  7. The Board shall hold at least one meeting to obtain information and community input to assist the Board in its decision regarding whether to grant a charter school application;
  8. The Board may approve, approve with conditions or deny a charter school application. An application may be denied if:
    - (a) the application is incomplete or inadequate;
    - (b) the application does not propose to offer an educational program consistent with the requirements and purposes of the Charter Schools Act;
    - (c) the proposed head administrator or other administrative or fiscal staff was involved with another charter school whose charter was denied or revoked for fiscal mismanagement or the proposed head administrator or other administrative or fiscal staff was discharged from a public school for fiscal mismanagement; or
    - (d) the application is otherwise contrary to the best interests of the charter school's projected students, the local community or the District.
  10. If the Board denies a charter school application or approves the application with conditions, it shall state its reasons for the denial or conditions in writing within fourteen days of the meeting. If Board grants a charter, the approved charter shall be provided to the applicant together with any imposed conditions.
  11. A charter school that has received a notice from the board denying approval of the charter has a right to a hearing by the Secretary of Education by filing a notice of appeal with the Secretary within thirty (30) days after the District's decision.

No later than two hundred seventy days prior to the date in which the charter expires, the governing body may submit a renewal application to the District. Upon receipt of a renewal application, the District shall rule in a public hearing on the renewal application no later than one hundred eight days prior to the expiration of the charter.

A charter school renewal application submitted to the District shall contain:

1. a report on the progress of meeting the academic performance financial compliance and governance responsibilities of the charter school, including achieving the goals, objectives, student performance outcomes, state minimum educational standards and other terms of the charter contract, including the accountability requirements set forth in state law;
2. a financial statement that discloses the costs of administration, instruction and other spending categories for the charter school that is understandable to the

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- general public, that allows comparison of costs to other schools or comparable organizations and that is in a format required by the PED;
3. a copy of the charter Performance Compact, executed in compliance with state law and applicable district policies and regulations;
  4. a petition in support of the charter school renewing its charter status signed by not less than sixty-five percent (65%) of the employees in the charter school;
  5. a petition in support of the charter school renewing its charter status signed by at least seventy-five percent (75%) of the households whose children are enrolled in the charter school; and
  6. a description of the charter school facilities and assurances that the facilities are in compliance with the requirements of state law.

### **Charter Oversight**

The District shall monitor the fiscal, overall governance and student performance, and legal and/or contractual compliance of the charter schools that it oversees, including reviewing the data provided by the charter school to support ongoing evaluation according to the charter Performance Compact. The District may also conduct or require oversight activities that allow it to fulfill its legal obligations as a chartering authority and the terms of the charter contract, as long as it does not unduly inhibit the autonomy granted to District-authorized charter schools.

As part of its performance review of a charter school, the District shall visit a charter school under its authority at least once annually to provide technical assistance to the charter school and to determine the status of the charter school and the progress of the charter school toward the performance framework goals in its charter contract.

If, based on the performance review conducted by the District, a charter school's fiscal, overall governance or student performance, or legal compliance appears unsatisfactory, the District shall promptly notify the governing body of the charter school of the unsatisfactory review and provide reasonable opportunity for the governing body to remedy the problem. The District may also take appropriate corrective actions or exercise sanctions, as long as such sanctions do not constitute revocation, in response to the unsatisfactory review. Such actions or sanctions by the District may include requiring a governing body to develop and execute a corrective action plan with the chartering authority that sets forth time frames for compliance. If the unsatisfactory review warrants revocation, the revocation procedures set forth in this policy shall apply.

The District shall submit an annual report to the PED Charter School Division, including a performance report for each charter school that it oversees, in accordance with the performance framework set forth in the charter contract.

### **Suspension, Revocation or Nonrenewal of Charter**

A charter may be suspended, revoked or not renewed by the District if the District determines that the charter school did any of the following:

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1. committed a material violation of any of the conditions, standards or procedures set forth in the charter contract;
2. failed to meet or make substantial progress toward achievement of the PED's minimum educational standards or student performance standards identified in the charter contract;
3. failed to meet generally accepted standards of fiscal management; or
4. violated any provision of law from which the charter school was not specifically exempted.

The Board delegates to the Administration responsibility for developing procedures for suspension, revocation or nonrenewal of a charter, in compliance with state law. Likewise, the Board delegates to the Administration charter school closure protocol to ensure timely notification to parents, orderly transition of students and student records to new schools and proper disposition of school funds, property and assets in accordance relevant law.

If the District suspends, revokes or does not renew a charter, the District shall state in writing its reasons for the suspension, revocation or nonrenewal. If a charter school is ordered closed for any reason, prior to closure, the District shall oversee and work with the closing school to ensure a smooth and orderly closure and transition for students and parents according to the closure protocol.

While a charter school is suspended, the charter school will operate under the jurisdiction and the policies of the Board.

### **Charter School Performance Contract**

The District shall enter into a contract with the governing body of the applicant charter school within thirty (30) days of Board approval of the charter application. The District utilizes a Performance Compact for that purpose. The charter contract shall be the final authorization for the charter school and shall be part of the charter. If the District and the applicant charter school fail to agree upon the terms of or enter into a contract within thirty (30) days of the approval of the charter application, either party may appeal to the Secretary of Education to finalize the terms of the contract; provided that such appeal must be provided in writing to the Secretary of Education within forty-five (45) days of the approval of the charter application.

The Administration shall make all necessary arrangements for timely preparation of and negotiations for a legally sufficient contract.

### **Grandfathered Charter Schools**

All District-authorized charter schools in existence on the date this policy is approved, shall be subject to the provisions of this policy, including the oversight provisions, and shall comply with the renewal process, as described herein, no later than the second Tuesday in January of the following calendar year.

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**Other Provisions**

No District employees are required to be employed in a charter school.

No student residing within the geographic boundary of the District is required to enroll in a charter school. A student who is suspended or expelled from a charter school shall be deemed to be suspended or expelled from District if that student resides within District boundaries.

**Legal Reference:** NMSA 1978, §§ 22-8B-1 *et seq.* (2011).