

22-8B-9. Charter school contract; contents; rules.

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. The charter contract shall be the final authorization for the charter school and shall be part of the charter. If the chartering authority and the applicant charter school fail to agree upon the terms of or enter into a contract within thirty days of the approval of the charter application, either party may appeal to the secretary to finalize the terms of the contract; provided that such appeal must be provided in writing to the secretary within forty-five days of the approval of the charter application. Failure to enter into a charter contract or appeal to the secretary pursuant to this section precludes the chartering authority from chartering the school.

B. The charter contract shall include:

- (1) all agreements regarding the release of the charter school from department and local school board rules and policies, including discretionary waivers provided for in Section [22-8B-5](#) NMSA 1978;
- (2) any material term of the charter application as determined by the parties to the contract;
- (3) the mission statement of the charter school and how the charter school will report on implementation of its mission;
- (4) the chartering authority's duties to the charter school and liabilities of the chartering authority as provided in Section [22-8B-5.3](#) NMSA 1978;
- (5) a statement of admission policies and procedures;
- (6) signed assurances from the charter school's governing body members regarding compliance with all federal and state laws governing organizational, programmatic and financial requirements applicable to charter schools;
- (7) the criteria, processes and procedures that the chartering authority will use for ongoing oversight of operational, financial and academic performance of the charter school;
- (8) a detailed description of how the chartering authority will use the withheld two percent of the school-generated program cost as provided in Section [22-8B-13](#) NMSA 1978;

- (9) the types and amounts of insurance liability coverage to be obtained by the charter school;
- (10) the term of the contract;
- (11) the process and criteria that the chartering authority intends to use to annually monitor and evaluate the fiscal, overall governance and student performance of the charter school, including the method that the chartering authority intends to use to conduct the evaluation as required by Section [22-8B-12](#) NMSA 1978;
- (12) the dispute resolution processes agreed upon by the chartering authority and the charter school, provided that the processes shall, at a minimum, include:
 - (a) written notice of the intent to invoke the dispute resolution process, which notice shall include a description of the matter in dispute;
 - (b) a time limit for response to the notice and cure of the matter in dispute;
 - (c) a procedure for selection of a neutral third party to assist in resolving the dispute;
 - (d) a process for apportionment of all costs related to the dispute resolution process; and
 - (e) a process for final resolution of the issue reviewed under the dispute resolution process;
- (13) the criteria, procedures and time lines, agreed upon by the charter school and the chartering authority, addressing charter revocation and deficiencies found in the annual status report pursuant to the provisions of Section [22-8B-12](#) NMSA 1978;
- (14) if the charter school contracts with a third-party provider, the criteria and procedures for the chartering authority to review the provider's contract and the charter school's financial independence from the provider;
- (15) all requests for release of the charter school from department rules or the Public School Code. Within ten days after the contract is approved by the local school board, any request for release from department rules or the Public School Code shall be delivered by the local school board to the department. If the department grants the request, it shall notify the local school board and the charter school of its

decision. If the department denies the request, it shall notify the local school board and the charter school that the request is denied and specify the reasons for denial;

(16) an agreement that the charter school will participate in the public school insurance authority;

(17) if the charter school is a state-chartered charter school, a process for qualification of and review of the school as a qualified board of finance and provisions for assurance that the school has satisfied any conditions imposed by the commission;

(18) a listing of the charter school's nondiscretionary waivers; and

(19) any other information reasonably required by either party to the contract.

C. The process for revision or amendment to the terms of the charter contract shall be made only with the approval of the chartering authority and the governing body of the charter school. If they cannot agree, either party may appeal to the secretary as provided in Subsection A of this section.

History: Laws 1999, ch. 281, § 9; 2006, ch. 94, § 36; 2011, ch. 14, § 3; 2015, ch. 108, § 10.