

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 22 PUBLIC SCHOOL FINANCE - ALLOCATION AND DISTRIBUTION
PART 3 CHARTER SCHOOL STIMULUS FUND

6.22.3.1 ISSUING AGENCY: Public Education Department
[6.22.3.1 NMAC - Rp, 6.22.3.1 NMAC, 09-15-08]

6.22.3.2 SCOPE: Start-up and conversion charter schools
[6.22.3.2 NMAC - Rp, 6.22.3.2 NMAC, 09-15-08]

6.22.3.3 STATUTORY AUTHORITY: Sections 22-2-1 and 22-8B-14, NMSA 1978
[6.22.3.3 NMAC - Rp, 6.22.3.3 NMAC, 09-15-08]

6.22.3.4 DURATION: Permanent
[6.22.3.4 NMAC - Rp, 6.22.3.4 NMAC, 09-15-08]

6.22.3.5 EFFECTIVE DATE: September 15, 2008, unless a later date is cited at the end of a section.
[6.22.3.5 NMAC - Rp, 6.22.3.5 NMAC, 09-15-08]

6.22.3.6 OBJECTIVE: To establish the application process and requirements for start-up charter schools to request financial support for start-up costs and initial costs associated with renovating or remodeling existing public buildings and structures.
[6.22.3.6 NMAC - Rp, 6.22.3.6 NMAC, 09-15-08]

6.22.3.7 DEFINITIONS:

- A. “Authorizer” means either a local school board or the commission that permits the operation of a charter school.
 - B. “Charter school” means a conversion school or start-up school authorized by a chartering authority to operate as a charter school.
 - C. “Chartering authority” means either a local school board or the commission.
 - D. “Commission” means the public education commission.
 - E. “Conversion school” means an existing public school within a school district that was authorized by a local school board to become a charter school.
 - F. “Department” means the public education department.
 - G. “Division” means the charter school division of the department.
 - H. “Governing body” means the governing body of a charter school as set forth in the school's charter.
 - I. “Secretary” means the New Mexico secretary of public education.
 - J. “Start-up cost” means the initial costs associated with opening a start-up school.
 - K. “Start-up school” means a public school developed by one or more parents, teachers or community members authorized by a chartering authority to become a charter school.
- [6.22.3.7 NMAC - Rp, 6.22.3.7 NMAC, 09-15-08]

6.22.3.8 CONTENTS OF APPLICATION FOR CHARTER SCHOOL STIMULUS FUNDS: The charter school shall submit an application to the division which shall include the following descriptions, outlines and plans.

- A. The official minutes of the meeting at which the chartering authority approved the charter school application.
- B. The amount of funds requested.
- C. A budget plan that specifies in detail on what items of start-up cost the charter school will expend the funds and a specific time line for those expenditures.
- D. A description of other resources or matching funds to be used in conjunction with the charter school stimulus funds.
- E. A description of how these expenditures will support the establishment and initial operations of the charter school.

[6.22.3.8 NMAC - Rp, 6.22.3.8 NMAC, 09-15-08]

6.22.3.9 ALLOWABLE START-UP COST:

A. Start-up cost are limited to obligations which were incurred by the charter school on or after the date of the award letter granting the charter school stimulus funds and which were included in the charter school's stimulus budget as approved by the division.

B. The division may approve the use of stimulus funds for the reasonable and necessary cost for initial start-up of a charter school which may include furniture, equipment, classroom and administrative supplies and materials, curriculum materials, technology, professional development, consultant, architect and attorney fees, other necessary professional, educational or financial services and initial costs associated with renovating or remodeling of existing public buildings and structures.

C. Stimulus funds shall not be used for payment of salaries, out-of-state travel, and attorney costs for litigation or advice relating to litigation or any potential legal issues that are not directly related to start-up activities. The division shall not approve the use of stimulus funds for any costs associated with renovating or remodeling of existing non-public buildings and structures.

D. The division's approval or disapproval of allowable start-up costs shall be final and cannot be appealed to the secretary.

[6.22.3.9 NMAC - N, 09-15-08]

6.22.3.10 DISTRIBUTION OF FUNDS:

A. The division shall recommend to the secretary an amount to be awarded to the charter school based on approved start-up costs and projected enrollment.

B. The secretary shall issue an award letter that specifies the amount of stimulus funds the charter school shall receive and the period of time those funds will be available to the school.

C. Upon receipt from a charter school of a payment request with invoices or other supporting documentation required by the division, the division shall verify that the expenditures are allowable in order to approve, partially approve or deny the payment request.

D. All charter school stimulus funds awarded to a charter school must be expended or obligated within eighteen months from the date of the award letter.

E. Charter schools that receive charter school stimulus funds shall file periodic financial reports, as required by the department, to account for all stimulus funds awarded to the charter school.

F. If the charter school receives charter school stimulus funds and fails to expend all funds awarded within eighteen months from the date of the award letter, the charter school shall immediately reimburse the balance of any remaining charter school stimulus funds to the department.

G. If the charter school receives charter school stimulus funds and fails to begin operating within eighteen months from the date of the award letter, the charter school shall immediately reimburse all charter school stimulus funds to the department.

[6.22.3.10 NMAC - Rp, 6.22.3.9 NMAC, 09-15-08]

HISTORY OF 6.22.3 NMAC:

6 NMAC 11.2.3, Charter School Stimulus Fund, filed 9-3-1999

6.22.3 NMAC, Charter School Stimulus Fund, filed 10-31-2000

History of Repealed Material:

6.22.3 NMAC, Charter School Stimulus Fund, filed 10-31-2000 - Repealed effective 6-30-2008