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AN ACT

RELATING TO PUBLIC SCHOOLS; AUTHORIZING THE NEW MEXICO
FINANCE AUTHORITY TO MAKE CHARTER SCHOOL FACILITY LOANS;
CREATING THE CHARTER SCHOOL FACILITY REVOLVING FUND;
REQUIRING REPORTS; REQUIRING NOTIFICATION TO CHARTER SCHOOLS
OF PROPERTY AVAILABLE FOR THEIR EDUCATIONAL OPERATIONS;
ALLOWING SCHOOL DISTRICTS TO DEVELOP FACILITY PRIORITIZATION
PLANS; MODIFYING THE TERMS APPLICABLE TO GRANTS FROM THE
PUBLIC SCHOOL CAPITAL OUTLAY FUND FOR LEASED FACILITIES;
SPECIFYING THE DATE BY WHICH CHARTER SCHOOLS MUST PROVIDE
INFORMATION ON CAPITAL IMPROVEMENT PROJECTS PROPOSED FOR
FUNDING THROUGH PROPERTY TAX IMPOSITION; MAKING AN
APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1. CHARTER SCHOOL FACILITY LOANS--CHARTER
SCHOOL FACILITY REVOLVING FUND--CREATED--REPORTS.--**

A. The New Mexico finance authority may receive
and review applications for charter school facility loans
pursuant to this section. The authority shall adopt rules to
govern the application procedures and requirements for
disbursing charter school facility loans and for determining
the eligibility of charter schools for loans. The authority
may make loans to a charter school for the purchase,
construction, expansion or renovation of facilities or to pay

1 off lease-purchase agreements; provided that an application
2 shall include:

3 (1) evidence that any lease-purchase
4 agreements are in accordance with the Public School Lease
5 Purchase Act;

6 (2) evidence that a charter school's charter
7 has been renewed at least once; and

8 (3) a review of the last two audits of the
9 charter school.

10 B. The authority may consult with the applicant's
11 authorizer in evaluating applications; provided that a final
12 determination shall be made solely by the authority.

13 C. Receipts from the repayment of principal or
14 interest accrued on the charter school facility loans made
15 and other fees or charges paid to the New Mexico finance
16 authority in connection with charter school facility loans
17 shall be deposited in the charter school facility revolving
18 fund.

19 D. The "charter school facility revolving fund" is
20 created within the New Mexico finance authority. The fund
21 consists of appropriations, gifts, grants, donations and
22 money otherwise accruing to the fund. The fund shall be
23 administered by the authority as a separate account and may
24 consist of such subaccounts as the authority deems necessary
25 to carry out the purposes of the fund. The authority may

1 establish procedures for administering the fund in accordance
2 with the provisions of this section. Balances in the fund at
3 the end of a fiscal year shall not revert to any other fund.

4 E. Money in the charter school facility revolving
5 fund is appropriated to the New Mexico finance authority to
6 make charter school facility loans and to pay the reasonably
7 necessary administrative and other costs incurred by the
8 authority in evaluating, processing, originating and
9 servicing loans.

10 F. Money in the charter school facility revolving
11 fund that is not needed for immediate disbursement, including
12 money held in reserve, may be deposited or invested in the
13 same manner as other funds administered by the New Mexico
14 finance authority.

15 G. Prior to December 1, 2023 and each December 1
16 thereafter, the New Mexico finance authority shall submit a
17 report to the New Mexico finance authority oversight
18 committee. The report shall provide details regarding any
19 loans made pursuant to this section.

20 H. The New Mexico finance authority may exercise
21 any power provided to the authority in the New Mexico Finance
22 Authority Act to assist in the administration of this
23 section; provided that the power is consistent with the
24 provisions of that act.

25 SECTION 2. Section 22-8B-4 NMSA 1978 (being Laws 1999,

1 Chapter 281, Section 4, as amended by Laws 2021, Chapter 19,
2 Section 2 and by Laws 2021, Chapter 37, Section 2) is amended
3 to read:

4 "22-8B-4. CHARTER SCHOOLS' RIGHTS AND
5 RESPONSIBILITIES--OPERATION.--

6 A. A charter school shall be subject to all
7 federal and state laws and constitutional provisions
8 prohibiting discrimination on the basis of disability,
9 physical or mental handicap, serious medical condition, race,
10 creed, color, sex, gender identity, sexual orientation,
11 spousal affiliation, national origin, religion, ancestry or
12 need for special education services and shall not allow for
13 the imposition of discipline, discrimination or disparate
14 treatment against a student based on the student's race,
15 religion or culture or because of the student's use of
16 protective hairstyles or cultural or religious headdresses.

17 B. A charter school shall be governed by a
18 governing body in the manner set forth in the charter
19 contract; provided that a governing body shall have at least
20 five members; and provided further that no member of a
21 governing body for a charter school that is initially
22 approved on or after July 1, 2005 or whose charter is renewed
23 on or after July 1, 2005 shall serve on the governing body of
24 another charter school. No member of a local school board
25 shall be a member of a governing body for a charter school or

1 employed in any capacity by a locally chartered charter
2 school located within the local school board's school
3 district during the term of office for which the member was
4 elected or appointed.

5 C. A charter school shall be responsible for:

6 (1) its own operation, including preparation
7 of a budget, subject to audits pursuant to the Audit Act; and

8 (2) contracting for services and personnel
9 matters.

10 D. A charter school may contract with a school
11 district, a university or college, the state, another
12 political subdivision of the state, the federal government or
13 one of its agencies, a tribal government or any other third
14 party for the use of a facility, its operation and
15 maintenance and the provision of any service or activity that
16 the charter school is required to perform in order to carry
17 out the educational program described in its charter
18 contract. Facilities used by a charter school shall meet the
19 standards required pursuant to Section 22-8B-4.2 NMSA 1978.

20 E. A conversion school chartered before July 1,
21 2007 may choose to continue using the school district
22 facilities and equipment it had been using prior to
23 conversion, subject to the provisions of Subsection F of this
24 section.

25 F. A school district that has available land or

1 one or more available facilities not currently used for other
2 educational purposes shall make facilities and may make land
3 available for lease, lease-purchase or purchase to the
4 charter schools located in the school district for the
5 charter schools' operations and shall notify the charter
6 schools of that availability no later than May 1 of each
7 year. The public school facilities authority shall annually
8 ensure that each school district with available land or one
9 or more available facilities has provided that notification.
10 A school district may develop a facility prioritization plan
11 that identifies which charter schools may lease,
12 lease-purchase or purchase available school district
13 facilities. School-district-owned land shall not be
14 considered available to a charter school if the school
15 district has justified future use of that land through its
16 five-year facilities master plan. An agreement for the use
17 of school district facilities by a charter school may provide
18 for reasonable lease payments; provided that the payments do
19 not exceed the sum of the lease reimbursement rate provided
20 in Paragraph (1) of Subsection I of Section 22-24-4 NMSA 1978
21 plus any reimbursement for actual direct costs incurred by
22 the school district in providing the facilities; and provided
23 further that any lease payments received by a school district
24 may be retained by the school district and shall not be
25 considered to be cash balances in any calculation pursuant to

1 Section 22-8-41 NMSA 1978. The available facilities provided
2 by a school district to a charter school shall meet all
3 occupancy standards as specified by the public school capital
4 outlay council. As used in this subsection, "other
5 educational purposes" includes health clinics, daycare
6 centers, teacher training centers, school district
7 administration functions and other ancillary services related
8 to a school district's functions and operations.

9 G. A locally chartered charter school may pay the
10 costs of operation and maintenance of its facilities or may
11 contract with the school district to provide facility
12 operation and maintenance services.

13 H. Locally chartered charter school facilities are
14 eligible for state and local capital outlay funds and shall
15 be included in the school district's five-year facilities
16 plan.

17 I. A locally chartered charter school shall
18 negotiate with a school district to provide transportation to
19 students eligible for transportation under the provisions of
20 the Public School Code. The school district, in conjunction
21 with the charter school, may establish a limit for student
22 transportation to and from the charter school site not to
23 extend beyond the school district boundary.

24 J. A charter school shall be a nonsectarian,
25 nonreligious and non-home-based public school.

1 K. Except as otherwise provided in the Public
2 School Code, a charter school shall not charge tuition or
3 have admission requirements.

4 L. With the approval of the chartering authority,
5 a single charter school may maintain separate facilities at
6 two or more locations within the same school district; but,
7 for purposes of calculating program units pursuant to the
8 Public School Finance Act, the separate facilities shall be
9 treated together as one school.

10 M. A charter school shall be subject to the
11 provisions of Section 22-2-8 NMSA 1978 and the Assessment and
12 Accountability Act.

13 N. Within constitutional and statutory limits, a
14 charter school may acquire and dispose of property; provided
15 that, upon termination of the charter, all assets of the
16 locally chartered charter school shall revert to the local
17 school board and all assets of the state-chartered charter
18 school shall revert to the state, except that, if all or any
19 portion of a state-chartered charter school facility is
20 financed with the proceeds of general obligation bonds issued
21 by a local school board, the facility shall revert to the
22 local school board.

23 O. The governing body of a charter school may
24 accept or reject any charitable gift, grant, devise or
25 bequest; provided that no such gift, grant, devise or bequest

1 shall be accepted if subject to any condition contrary to law
2 or to the terms of the charter. The particular gift, grant,
3 devise or bequest shall be considered an asset of the charter
4 school to which it is given.

5 P. The governing body may contract and sue and be
6 sued. A local school board shall not be liable for any acts
7 or omissions of the charter school.

8 Q. A charter school shall comply with all state
9 and federal health and safety requirements applicable to
10 public schools, including those health and safety codes
11 relating to educational building occupancy.

12 R. A charter school is a public school that may
13 contract with a school district or other party for provision
14 of financial management, food services, transportation,
15 facilities, education-related services or other services.
16 The governing body shall not contract with a for-profit
17 entity for the management of the charter school.

18 S. To enable state-chartered charter schools to
19 submit required data to the department, an accountability
20 data system shall be maintained by the department.

21 T. A charter school shall comply with all
22 applicable state and federal laws and rules related to
23 providing special education services. Charter school
24 students with disabilities and their parents retain all
25 rights under the federal Individuals with Disabilities

1 Education Act and its implementing state and federal rules.
2 Each charter school is responsible for identifying,
3 evaluating and offering a free appropriate public education
4 to all eligible children who are accepted for enrollment in
5 that charter school. The state-chartered charter school, as
6 a local educational agency, shall assume responsibility for
7 determining students' needs for special education and related
8 services. The division may promulgate rules to implement the
9 requirements of this subsection.

10 U. As used in this section:

11 (1) "cultural or religious headdresses"
12 includes hijabs, head wraps or other headdresses used as part
13 of an individual's personal cultural or religious beliefs;

14 (2) "protective hairstyles" includes such
15 hairstyles as braids, locs, twists, tight coils or curls,
16 cornrows, bantu knots, afros, weaves, wigs or head wraps; and

17 (3) "race" includes traits historically
18 associated with race, including hair texture, length of hair,
19 protective hairstyles or cultural or religious headdresses."

20 SECTION 3. Section 22-24-4 NMSA 1978 (being Laws 1975,
21 Chapter 235, Section 4, as amended) is amended to read:

22 "22-24-4. PUBLIC SCHOOL CAPITAL OUTLAY FUND CREATED--
23 USE.--

24 A. The "public school capital outlay fund" is
25 created. Balances remaining in the fund at the end of each

1 fiscal year shall not revert.

2 B. Except as provided in Subsections G and I
3 through Q of this section, money in the fund may be used only
4 for capital expenditures deemed necessary by the council for
5 an adequate educational program.

6 C. The council may authorize the purchase by the
7 authority of portable classrooms to be loaned to school
8 districts to meet a temporary requirement. Payment for these
9 purchases shall be made from the fund. Title to and custody
10 of the portable classrooms shall rest in the authority. The
11 council shall authorize the lending of the portable
12 classrooms to school districts upon request and upon finding
13 that sufficient need exists. Application for use or return
14 of state-owned portable classroom buildings shall be
15 submitted by school districts to the council. Expenses of
16 maintenance of the portable classrooms while in the custody
17 of the authority shall be paid from the fund; expenses of
18 maintenance and insurance of the portable classrooms while in
19 the custody of a school district shall be the responsibility
20 of the school district. The council may authorize the
21 permanent disposition of the portable classrooms by the
22 authority with prior approval of the state board of finance.

23 D. Applications for assistance from the fund shall
24 be made by school districts to the council in accordance with
25 requirements of the council. Except as provided in

1 Subsection K of this section, the council shall require as a
2 condition of application that a school district have a
3 current five-year facilities plan that shall include a
4 current preventive maintenance plan to which the school
5 adheres for each public school in the school district.

6 E. The council shall review all requests for
7 assistance from the fund and shall allocate funds only for
8 those capital outlay projects that meet the criteria of the
9 Public School Capital Outlay Act.

10 F. Money in the fund shall be disbursed by warrant
11 of the department of finance and administration on vouchers
12 signed by the secretary of finance and administration
13 following certification by the council that an application
14 has been approved or an expenditure has been ordered by a
15 court pursuant to Section 22-24-5.4 NMSA 1978. At the
16 discretion of the council, money for a project shall be
17 distributed as follows:

18 (1) up to ten percent of the portion of the
19 project cost funded with distributions from the fund or five
20 percent of the total project cost, whichever is greater, may
21 be paid to the school district before work commences with the
22 balance of the grant award made on a cost-reimbursement
23 basis; or

24 (2) the council may authorize payments
25 directly to the contractor.

1 G. Balances in the fund may be annually
2 appropriated for the core administrative functions of the
3 authority pursuant to the Public School Capital Outlay Act,
4 and, in addition, balances in the fund may be expended by the
5 authority, upon approval of the council, for project
6 management expenses; provided that:

7 (1) the total annual expenditures from the
8 fund for the core administrative functions pursuant to this
9 subsection shall not exceed five percent of the average
10 annual grant assistance authorized from the fund during the
11 three previous fiscal years; and

12 (2) any unexpended or unencumbered balance
13 remaining at the end of a fiscal year from the expenditures
14 authorized in this subsection shall revert to the fund.

15 H. The fund may be expended by the council for
16 building system repair, renovation or replacement initiatives
17 with projects to be identified by the council pursuant to
18 Section 22-24-4.6 NMSA 1978; provided that money allocated
19 pursuant to this subsection shall be expended within three
20 years of the allocation.

21 I. The fund may be expended annually by the
22 council for grants to school districts for the purpose of
23 making lease payments for facilities, including facilities
24 leased by charter schools. The grants shall be made upon
25 application by the school districts and pursuant to rules

1 adopted by the council; provided that an application on
2 behalf of a charter school shall be made by the school
3 district, but, if the school district fails to make an
4 application on behalf of a charter school, the charter school
5 may submit its own application. The following criteria shall
6 apply to the grants:

7 (1) the amount of a grant to a school
8 district or charter school shall not exceed:

9 (a) the actual annual lease payments
10 owed for leasing a facility; or

11 (b) seven hundred dollars (\$700)
12 multiplied by the MEM using the leased facilities; provided
13 that in fiscal year 2009 and in each subsequent fiscal year,
14 this amount shall be adjusted by the percentage change
15 between the penultimate calendar year and the immediately
16 preceding calendar year of the consumer price index for the
17 United States, all items, as published by the United States
18 department of labor;

19 (2) a grant received for the lease payments
20 of a charter school may be used by that charter school as a
21 state match necessary to obtain federal grants pursuant to
22 the federal Every Student Succeeds Act;

23 (3) at the end of each fiscal year, any
24 unexpended or unencumbered balance of the grant shall revert
25 to the fund;

1 (4) no grant shall be made for lease
2 payments due pursuant to a financing agreement under which
3 the facilities may be purchased for a price that is reduced
4 according to the lease payments made unless:

5 (a) the agreement has been approved
6 pursuant to the provisions of the Public School Lease
7 Purchase Act; and

8 (b) the facilities are leased by a
9 charter school;

10 (5) if the lease payments are made pursuant
11 to a financing agreement under which the facilities may be
12 purchased for a price that is reduced according to the lease
13 payments made, neither a grant nor any provision of the
14 Public School Capital Outlay Act creates a legal obligation
15 for the school district or charter school to continue the
16 lease from year to year or to purchase the facilities nor
17 does it create a legal obligation for the state to make
18 subsequent grants pursuant to the provisions of this
19 subsection; and

20 (6) as used in this subsection:

21 (a) "MEM" means: 1) the average
22 full-time-equivalent enrollment using leased facilities on
23 the second and third reporting dates of the prior school
24 year; or 2) in the case of an approved charter school that
25 has not commenced classroom instruction, the estimated full-

1 time-equivalent enrollment that will use leased facilities in
2 the first year of instruction, as shown in the approved
3 charter school application; provided that, after the second
4 reporting date of the current school year, the MEM shall be
5 adjusted to reflect the full-time-equivalent enrollment on
6 that date; and

7 (b) "facilities" includes the space
8 needed for school activities.

9 J. In addition to other authorized expenditures
10 from the fund, up to one percent of the average grant
11 assistance authorized from the fund during the three previous
12 fiscal years may be expended in each fiscal year by the
13 authority to pay the state fire marshal, the construction
14 industries division of the regulation and licensing
15 department and local jurisdictions having authority from the
16 state to permit and inspect projects for expenditures made to
17 permit and inspect projects funded in whole or in part under
18 the Public School Capital Outlay Act. The authority may
19 enter into contracts with the state fire marshal, the
20 construction industries division or the appropriate local
21 authorities to carry out the provisions of this subsection.
22 Such a contract may provide for initial estimated payments
23 from the fund prior to the expenditures if the contract also
24 provides for additional payments from the fund if the actual
25 expenditures exceed the initial payments and for repayments

1 back to the fund if the initial payments exceed the actual
2 expenditures. Money distributed from the fund to the state
3 fire marshal or the construction industries division pursuant
4 to this subsection shall be used to supplement, rather than
5 supplant, appropriations to those entities.

6 K. Pursuant to guidelines established by the
7 council, allocations from the fund may be made to assist
8 school districts in developing and updating five-year
9 facilities plans required by the Public School Capital Outlay
10 Act; provided that:

11 (1) no allocation shall be made unless the
12 council determines that the school district is willing and
13 able to pay the portion of the total cost of developing or
14 updating the plan that is not funded with the allocation from
15 the fund. Except as provided in Paragraph (2) of this
16 subsection, the portion of the total cost to be paid with the
17 allocation from the fund shall be determined pursuant to the
18 methodology in Subsection B of Section 22-24-5 NMSA 1978; or

19 (2) the allocation from the fund may be used
20 to pay the total cost of developing or updating the plan if:

21 (a) the school district has fewer than
22 an average of six hundred full-time-equivalent students on
23 the second and third reporting dates of the prior school
24 year; or

25 (b) the school district meets all of

1 the following requirements: 1) the school district has fewer
2 than an average of one thousand full-time-equivalent students
3 on the second and third reporting dates of the prior school
4 year; 2) the school district has at least seventy percent of
5 its students eligible for free or reduced-fee lunch; 3) the
6 state share of the total cost, if calculated pursuant to the
7 methodology in Subsection B of Section 22-24-5 NMSA 1978,
8 would be less than fifty percent; and 4) for all educational
9 purposes, the school district has a residential property tax
10 rate of at least seven dollars (\$7.00) on each one thousand
11 dollars (\$1,000) of taxable value, as measured by the sum of
12 all rates imposed by resolution of the local school board
13 plus rates set to pay interest and principal on outstanding
14 school district general obligation bonds.

15 L. Upon application by a school district,
16 allocations from the fund may be made by the council for the
17 purpose of demolishing abandoned school district facilities;
18 provided that:

19 (1) the costs of continuing to insure an
20 abandoned facility outweigh any potential benefit when and if
21 a new facility is needed by the school district;

22 (2) there is no practical use for the
23 abandoned facility without the expenditure of substantial
24 renovation costs; and

25 (3) the council may enter into an agreement

1 with the school district to fully fund the demolition of the
2 abandoned school district facility if Paragraphs (1) and (2)
3 of this subsection are satisfied.

4 M. Up to ten million dollars (\$10,000,000) of the
5 fund may be expended each year for an education technology
6 infrastructure deficiency corrections initiative pursuant to
7 Section 22-24-4.5 NMSA 1978; provided that funding allocated
8 pursuant to this section shall be expended within three years
9 of its allocation.

10 N. For each fiscal year from 2018 through 2022,
11 twenty-five million dollars (\$25,000,000) of the fund is
12 reserved for appropriation by the legislature to the
13 instructional material fund or to the transportation
14 distribution of the public school fund. The secretary shall
15 certify the need for the issuance of supplemental severance
16 tax bonds to meet an appropriation from the public school
17 capital outlay fund to the instructional material fund or to
18 the transportation distribution of the public school fund.
19 Any portion of an amount of the public school capital outlay
20 fund that is reserved for appropriation by the legislature
21 for a fiscal year, but that is not appropriated before the
22 first day of that fiscal year, may be expended by the council
23 as provided in this section.

24 O. Up to ten million dollars (\$10,000,000) of the
25 fund may be expended in each of fiscal years 2019 through

1 2022 for school security system project grants made in
2 accordance with Section 22-24-4.7 NMSA 1978.

3 P. The fund may be expended in each of fiscal
4 years 2020 through 2024 for a pre-kindergarten classroom
5 facilities initiative in accordance with Section 22-24-12
6 NMSA 1978.

7 Q. The council may fund pre-kindergarten
8 classrooms with a qualifying, awarded standards-based
9 project; provided that pre-kindergarten classroom space shall
10 not be included in the project prioritization calculation
11 adopted by the council pursuant to Section 22-24-5 NMSA 1978.
12 The council shall develop pre-kindergarten classroom
13 standards to use when funding pre-kindergarten space."

14 **SECTION 4.** Section 22-25-3 NMSA 1978 (being Laws 1975
15 (S.S.), Chapter 5, Section 3, as amended) is amended to read:

16 "22-25-3. AUTHORIZATION FOR LOCAL SCHOOL BOARD TO
17 SUBMIT QUESTION OF CAPITAL IMPROVEMENTS TAX IMPOSITION.--

18 A. A local school board may adopt a resolution to
19 submit to the qualified electors of the school district the
20 question of whether a property tax should be imposed upon the
21 net taxable value of property allocated to the school
22 district under the Property Tax Code at a rate not to exceed
23 that specified in the resolution for the purpose of capital
24 improvements in the school district. The resolution shall:

25 (1) identify the capital improvements for

1 which the revenue proposed to be produced will be used;

2 (2) specify the rate of the proposed tax,
3 which shall not exceed two dollars (\$2.00) on each one
4 thousand dollars (\$1,000) of net taxable value of property
5 allocated to the school district under the Property Tax Code;

6 (3) limit the imposition of the proposed tax
7 to no more than six property tax years; and

8 (4) indicate the regular election on which
9 the ballot question shall appear or specify the date a
10 special election will be held to submit the question of
11 imposition of the tax to the qualified electors of the
12 district.

13 B. A school district that has one or more charter
14 schools located within the school district boundaries shall
15 collaborate with the charter schools to establish a process
16 through which the charter schools submit necessary
17 information to the school district for inclusion in the
18 resolution. This process shall include:

19 (1) identification of the capital
20 improvements of the charter school for which the revenue
21 proposed to be produced will be used;

22 (2) a requirement that necessary information
23 be submitted to the school district no later than June 1 of
24 the calendar year in which the local school board will
25 consider the resolution; and

1 (3) the point of contact in the school
2 district to which the charter school is to submit the
3 information.

4 C. A resolution submitted to the qualified
5 electors pursuant to Subsection A of this section shall
6 include capital improvements funding for a locally chartered
7 or state-chartered charter school located within the school
8 district if the charter school has complied with the process
9 outlined in Subsection B of this section."

10 SECTION 5. Section 22-26-3 NMSA 1978 (being Laws 1983,
11 Chapter 163, Section 3, as amended) is amended to read:

12 "22-26-3. AUTHORIZATION FOR LOCAL SCHOOL BOARD TO
13 SUBMIT QUESTION OF CAPITAL IMPROVEMENTS TAX IMPOSITION.--

14 A. A local school board may adopt a resolution to
15 submit to the qualified electors of the school district the
16 question of whether a property tax at a rate not to exceed
17 the rate specified in the resolution should be imposed upon
18 the net taxable value of property allocated to the school
19 district under the Property Tax Code for the purpose of
20 capital improvements to public schools in the school
21 district. The resolution shall:

22 (1) identify the capital improvements for
23 which the revenue proposed to be produced will be used;

24 (2) specify the rate of the proposed tax,
25 which shall not exceed ten dollars (\$10.00) on each one

1 thousand dollars (\$1,000) of net taxable value of property
2 allocated to the school district under the Property Tax Code;

3 (3) limit the imposition of the proposed tax
4 to no more than six property tax years; and

5 (4) indicate the regular election on which
6 the ballot question shall appear or specify the date a
7 special election will be held to submit the question of
8 imposition of the tax to the qualified electors of the
9 district.

10 B. A school district that has one or more charter
11 schools located within the school district boundaries shall
12 collaborate with the charter schools to establish a process
13 through which the charter schools submit necessary
14 information to the school district for inclusion in the
15 resolution. This process shall include:

16 (1) identification of the capital
17 improvements of the charter school for which the revenue
18 proposed to be produced will be used;

19 (2) a requirement that necessary information
20 be submitted to the school district no later than June 1 of
21 the calendar year in which the local school board will
22 consider the resolution; and

23 (3) the point of contact in the school
24 district to which the charter school is to submit the
25 information.

1 C. A resolution submitted to the qualified
2 electors pursuant to Subsection A of this section shall
3 include capital improvements funding for a locally chartered
4 or state-chartered charter school located within the school
5 district if:

6 (1) the charter school has complied with the
7 process outlined in Subsection B of this section; and

8 (2) the capital improvements are included in
9 the five-year facilities plan:

10 (a) of the school district, if the
11 charter school is a locally chartered charter school; or

12 (b) of the charter school, if the
13 charter school is a state-chartered charter school."

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