Start·a·School

AN EDUCATION FREEDOM FOUNDATION INITIATIVE

New Mexico

Charter Schools

The New Mexico Public Education Department's Charter Schools Division (CSD) is driving student success in New Mexico by supporting excellent authorizing practices and charter schools that provide innovative, quality education.

If you need information that is not available on the website, contact Options for Parents and Families Division (OPFD) at charter.schools@ped.nm.gov.

Please note that all charter schools in New Mexico are public schools. Public charter schools can be state-chartered or district-chartered. All state-chartered schools in New Mexico are authorized by the Public Education Commission (PEC) and serve as their own Local Educational Agency (LEA).

Several public school districts also serve as charter school authorizers and those locally-chartered public schools operate under the jurisdiction of the local school district.
More information is available at Public Charter Schools of New Mexico.

Review Charter School Policies and Processes

- For information, policies and application forms for opening a new charter school, renewing an existing charter, or amending a charter contract please visit the Public Education Commission's Charter School Policies and Processes page.
- For information on statutes, please visit the Charter School Statutes website.
- For information on the New Mexico Administrative Code (regulations) please visit the New Mexico Commission of Public Records page.
- Please submit a Non-Discretionary Waiver Form notifying CSD that the school is claiming one or more waivers. No approval is needed, as these waivers are granted by statute. Once claimed, non-discretionary waivers remain in place for the remainder of the charter contract term.

The authorization of New Mexico charter schools is governed by the Charter Schools Act, Chapter 22, Article 8B of the New Mexico Statutes Annotated (NMSA) 1978. NMSA 22-8B-5.3(H) requires all chartering authorities to "develop and maintain chartering policies and practices

consistent with nationally recognized principles and standards for quality charter authorizing in all major areas of authorizing."

As the authorizer of state charter schools, the Public Education Commission (PEC) has developed policies and processes in each area of the charter school cycle. Section 6.2.9 of the New Mexico Administrative Code (NMAC) governs the PEC's processes regarding the schools it authorizes.

New Charter Application

The charter school cycle begins with an application to open a new charter school. The application is submitted to an authorizer, either the PEC or a school district.

Implementation Year

If a charter application is approved by the PEC, the proposed school enters its implementation year or planning year. During this time the school team completes a checklist of required steps before the authorizer approves the school to open.

Contract and Performance Framework

The contract is for a maximum of five years but can be for fewer years at the discretion of the authorizer. The contract includes a performance framework by which the school is evaluated during its contract term.

Steps to Start a Charter School

Step 1: The first step in creating a Charter school is to register as a corporation. This is usually a non-profit LLC. Register with your state's Division of Corporations.

Step 2: If you are planning to operate as a non-profit, you will need to obtain your IRS Non-Profit status by submitting IRS Form 1023.

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For new School Application information, contact Melissa Brown.

Applicants for new charter schools have the option to seek initial approval from either their local chartering authority (district) or the PEC as the state chartering authority. Notices of Intent are due no later than the second Tuesday in January of the year the application will be filed.

Applications are due according to the chartering authority's deadlines but must be submitted no later than July 1 annually. Chartering authorities must decide whether to approve or deny the application by September 1 annually.

Step 3: File a Notice of Intent (NOI)

According to NMSA § 22-8B-6(B), a Notice of Intent to Submit a Charter Application (NOI) must be filed by the organizers of a proposed charter school to the Public Education Commission AND to the Superintendent of the school district in which the charter school is proposed to be located. This NOI must be filed with the PED Charter School Division (CSD) no later than the second Tuesday in January of the year the application will be filed. *Failure to file this NOI may result in the new charter school application being rejected.* The PEC and PED's

Notice of Intent form is available at this link:

- Public Education Commission (PEC) Notice of Intent (NOI) Form

  NOTE: A local district may accept or even require a different form for the NOI. It is the applicant's responsibility to contact the local district to determine if the PEC NOI form is

Step 4: Attend New Charter School Applicant Training

Training sessions are offered to prepare candidates for the application submission process. These are generally offered monthly from January through April. Please see the **2026 NOI Training Schedule** for dates.

Step 5: Submit a New Charter School Application

New Charter Application Part A (Instructions)

New Charter Application Part B

New Charter Application Part C

Statutes and Rules

- 22-8B-4. Charter schools' rights and responsibilities; operation.
- 22-8B-4.1. Charter schools' enrollment procedures.
- 22-8B-4.2. Charter school facilities; standards.
- 22-8B-5. Charter schools; status; local school board authority.
- 22-8B-5.1. Governing body training.
- 22-8B-5.2. Governing body conflicts of interest.
- 22-8B-5.3. Chartering authority; powers; duties; liability.
- 22-8B-5.4. Governing body authority over who may carry a firearm on charter school property.
- 22-8B-6. Charter school requirements; application process; authorization; state board of finance designation required; public hearings; subcommittees.

- 22-8B-7. Appeal of denial, nonrenewal, suspension or revocation; procedures.
- 22-8B-8. Charter application; contents.
- 22-8B-9. Charter school contract; contents; rules.
- 22-8B-9.1. Performance framework.
- 22-8B-10. Charter schools; employees.
- 22-8B-11. Charter schools; maximum number established.
- 22-8B-12. Charter schools; term; oversight and corrective actions; site visits; renewal of charter; grounds for nonrenewal or revocation.
- 22-8B-12.1. Charter school closure; chartering authority protocols; chartering authority duties; distribution of assets.
- 22-8B-12.2. Charter schools; proposals to open or close a public school on tribal land; consultation with tribal leaders and members and families of students.
- 22-8B-13. Charter school financing.
- 22-8B-14. Charter schools stimulus fund created.
- 22-8B-16. Public education commission; powers and duties.
- 22-8B-17. Charter schools division; duties.
- 22-8B-17.1. Division; annual report.

Resources

- Public Education Commission's Charter School Policies and Processes
- Charter Schools Conference
- NMCSP Grant