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HOUSE BILL 16

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Sandra L. Townsend

AN ACT

**RELATING TO PUBLIC SCHOOLS; PROVIDING CONDITIONS UNDER WHICH
LOCAL SCHOOL BOARDS MAY DENY ENROLLMENT OR RE-ENROLLMENT.**

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

**Section 1. Section 22-1-4 NMSA 1978 (being Laws 1975,
Chapter 338, Section 1, as amended by Laws 2000, Chapter 15,
Section 1 and also by Laws 2000, Chapter 82, Section 1) is
amended to read:**

**"22-1-4. FREE PUBLIC SCHOOLS--EXCEPTIONS--WITHDRAWING
AND ENROLLING--OPEN ENROLLMENT.--**

**A. Except as provided by Section 24-5-2 NMSA 1978,
a free public school education shall be available to any
school-age person who is a resident of this state and has not
received a high school diploma or its equivalent.**

B. A free public school education in those courses

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1 already offered to persons pursuant to the provisions of
2 Subsection A of this section shall be available to any person
3 who is a resident of this state and has received a high school
4 diploma or its equivalent if there is available space in such
5 courses.

6 C. Any person entitled to a free public school
7 education pursuant to the provisions of this section may
8 enroll or re-enroll in a public school at any time and, unless
9 required to attend school pursuant to the Compulsory School
10 Attendance Law, may withdraw from a public school at any time.

11 D. In adopting and promulgating rules concerning
12 the enrollment of students transferring from a home school or
13 private school to the public schools, the local school board
14 shall provide that the grade level at which the transferring
15 student is placed is appropriate to the age of the student or
16 to the student's score on a student achievement test
17 administered according to the statewide and [~~local~~] school
18 district testing programs as determined by the state
19 superintendent or both.

20 E. A local school board shall adopt and promulgate
21 rules governing enrollment and re-enrollment at public schools
22 other than charter schools within the school district. These
23 rules shall include:

24 (1) definition of the school district
25 boundary and the boundaries of attendance areas for each

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1 public school;

2 (2) for each public school, definition of the
3 boundaries of areas outside the school district boundary or
4 within the school district but outside the public school's
5 attendance area and within a distance of the public school
6 that would not be served by a school bus route as determined
7 pursuant to Section 22-16-4 NMSA 1978 if enrolled, which areas
8 shall be designated as "walk zones";

9 (3) priorities for enrollment of students as
10 follows:

11 (a) first, persons residing within the
12 school district and within the attendance area of a public
13 school;

14 (b) second, persons who previously
15 attended the public school; and

16 (c) third, all other applicants; [~~and~~]

17 (4) establishment of ~~maximum~~ allowable class
18 size if ~~smaller~~ than that permitted by law; and

19 (5) rules pertaining to grounds for denial of
20 enrollment or re-enrollment at public schools within the
21 school district and the school district's hearing and appeals
22 process for such a denial. Grounds for denial of enrollment
23 or re-enrollment shall be limited to:

24 (a) a student's expulsion from any
25 school district in this state or any other state during the

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1 preceding twelve months; or

2 (b) a student's behavior in another
3 school district in this state or any other state during the
4 preceding twelve months that is detrimental to the welfare or
5 safety of other students or school personnel.

6 F. As long as the maximum allowable class size
7 established by law or by rule of a local school board,
8 whichever is lower, is not met or exceeded in a public school
9 by enrollment of first-priority persons, the public school
10 shall enroll other persons applying in the priorities stated
11 in the school district rules adopted pursuant to Subsection E
12 of this section. If the maximum would be exceeded by
13 enrollment of an applicant in the second or third priority,
14 the public school shall establish a waiting list. As
15 classroom space becomes available, persons highest on the
16 waiting list within the highest priority on the list shall be
17 notified and given the opportunity to enroll. "