

1 SENATE BILL 213

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Gay G. Kernan

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9  
10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; AMENDING THE PUBLIC SCHOOL CODE TO  
12 REQUIRE THE SENDING SCHOOL DISTRICT AND THE RECEIVING SCHOOL  
13 DISTRICT ENROLLING A HIGH SCHOOL STUDENT WHO HAS EXPERIENCED  
14 DISRUPTION IN THE EDUCATION PROCESS THROUGH NO FAULT OF THE  
15 STUDENT TO PROVIDE THAT STUDENT WITH OPPORTUNITIES TO  
16 PARTICIPATE IN COMPARABLE SCHOOL ACADEMIC PROGRAMS AND  
17 EXTRACURRICULAR ACTIVITIES FOR WHICH THE STUDENT IS ELIGIBLE  
18 AND TO EARN CREDITS AND GRADUATE FROM HIGH SCHOOL.

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

21 SECTION 1. A new section of the Public School Code is  
22 enacted to read:

23 "[NEW MATERIAL] TIMELY GRADUATION AND SUPPORT FOR STUDENTS  
24 WHO EXPERIENCE DISRUPTION IN THE STUDENT'S EDUCATION.--

25 A. For purposes of this section, "a student who has

.205160.4

underscored material = new  
[bracketed material] = delete

1 experienced disruption in the student's education" means a  
2 student who experiences one or more changes in school or school  
3 district enrollment during a single school year as the result  
4 of:

5 (1) homelessness as defined in the federal  
6 McKinney-Vento Homeless Assistance Act;

7 (2) adjudication:

8 (a) as an abused or neglected child;

9 (b) as part of a family in need of  
10 court-ordered services voluntary placement pursuant to the  
11 Family Services Act; or

12 (c) as a delinquent; or

13 (3) placement in a mental health treatment  
14 facility or habilitation program for developmental disabilities  
15 pursuant to the Children's Mental Health and Developmental  
16 Disabilities Act who or placement in treatment foster care.

17 B. When a student who has experienced a disruption  
18 in the student's education transfers to a new public school or  
19 school district, the receiving school or school district shall  
20 communicate with the sending school district within two days of  
21 the student's enrollment. The sending school or school  
22 district shall provide the receiving school or school district  
23 with any requested records within two days of having received  
24 the receiving school's or school district's communication.

25 C. A student who has experienced a disruption in

1 the student's education transferring to a new school as the  
2 result of circumstances set forth in this section shall have:

3 (1) priority placement in classes that meet  
4 state graduation requirements; and

5 (2) timely placement in elective classes that  
6 are comparable to those in which the student was enrolled at  
7 the student's previous school or schools as soon as the school  
8 or school district receives verification from the student's  
9 records.

10 D. For a student who has experienced disruption in  
11 the student's education at any time during the student's high  
12 school enrollment, a school district and public schools shall  
13 ensure:

14 (1) acceptance of the student's state  
15 graduation requirements for a diploma of excellence pursuant to  
16 the Public School Code;

17 (2) equal access to participation in sports  
18 and other extracurricular activities, career and technical  
19 programs or other special programs for which the student  
20 qualifies;

21 (3) timely assistance and advice from  
22 counselors to improve the student's college or career  
23 readiness; and

24 (4) that the student receives all special  
25 education services to which the student is entitled."

.205160.4