

1 SENATE BILL 272

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Harold Pope, Jr.

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10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; REQUIRING SCHOOL DISTRICTS AND
12 CHARTER SCHOOLS TO ALLOW MILITARY FAMILIES TO ENROLL SCHOOL-AGE
13 CHILDREN PRIOR TO THEIR PHYSICAL PRESENCE IN THE STATE.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 22-1-4 NMSA 1978 (being Laws 1975,
17 Chapter 338, Section 1, as amended) is amended to read:

18 "22-1-4. FREE PUBLIC SCHOOLS--EXCEPTIONS--WITHDRAWING AND
19 ENROLLING--OPEN ENROLLMENT.--

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

25 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]~~ A person entitled to a free public school
7 education pursuant to the provisions of this section may enroll
8 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]~~ Attendance for Success Act, may withdraw from a
11 public school at any time.

12 D. In adopting and promulgating rules concerning
13 the enrollment of students transferring from a home school or
14 private school to the public schools, the local school board
15 shall provide that the grade level at which the transferring
16 student is placed is appropriate to the age of the student or
17 to the student's score on a student achievement test
18 administered according to the statewide assessment and
19 accountability system.

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 boundary
25 and the boundaries of attendance areas for each public school;

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

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

10 (a) first, students residing within the
11 school district, or who will be residing within the school
12 district if the student is a child in a military family who
13 will be attending public school in the school district during
14 the upcoming school year as provided in Subsection H of this
15 section, and within the attendance area of a public school and
16 students who had resided in the attendance area prior to a
17 parent who is an active duty member of the armed forces of the
18 United States or member of the national guard being deployed
19 and whose deployment has required the student to relocate
20 outside the attendance area for custodial care;

21 (b) second, students ~~[enrolled in a~~
22 ~~school rated as "F" for two of the prior four years pursuant to~~
23 ~~the A-B-C-D-F Schools Rating Act;~~

24 ~~(c) third students]~~ who previously
25 attended the public school; and

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1 [~~(d)~~ ~~fourth~~] (c) third, all other
2 applicants;

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

5 (5) rules pertaining to grounds for denial of
6 enrollment or re-enrollment at schools within the school
7 district and the school district's hearing and appeals process
8 for such a denial. Grounds for denial of enrollment or re-
9 enrollment shall be limited to:

10 (a) a student's expulsion from any
11 school district or private school in this state or any other
12 state during the preceding twelve months; or

13 (b) a student's behavior in another
14 school district or private school in this state or any other
15 state during the preceding twelve months that is detrimental to
16 the welfare or safety of other students or school employees.

17 F. In adopting and promulgating rules governing
18 enrollment and re-enrollment at public schools other than
19 charter schools within the school district, a local school
20 board may establish additional enrollment preferences for rules
21 admitting students in accordance with the second and third [~~and~~
22 ~~fourth~~] priorities of enrollment set forth in Subparagraphs (b)
23 and (c) [~~and (d)~~] of Paragraph (3) of Subsection E of this
24 section. The additional enrollment preferences may include:

25 (1) after-school child care for students;

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- 1 (2) child care for siblings of students
- 2 attending the public school;
- 3 (3) children of employees employed at the
- 4 public school;
- 5 (4) extreme hardship;
- 6 (5) location of a student's previous school;
- 7 (6) siblings of students already attending the
- 8 public school; and
- 9 (7) student safety.

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

23 H. Every school district and charter school shall
24 allow military families that will be relocating to a military
25 installation in New Mexico pursuant to an official military

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1 order to enroll their children in public school prior to their
2 actual physical presence in the school district. A parent may
3 submit the student's name for any lottery-selected charter
4 school, magnet school or other public school program for which
5 the student qualifies. The school district or charter school
6 shall accept electronic applications for enrollment, including
7 enrollment in a specific school or program with the school
8 district or charter school. The school district or charter
9 school shall provide the applicant with materials regarding
10 academic courses, electives, sports and other relevant
11 information regarding the public school in which the student
12 wants to be enrolled. The public school shall preregister the
13 student in anticipation of the student's enrollment. A
14 student's parent:

15 (1) shall provide proof of residence in the
16 school district within ten days after the published arrival
17 date provided on official military documentation; and

18 (2) may use any of the following addresses
19 related to the family's military move:

20 (a) a temporary on-base billeting
21 facility;

22 (b) off-base military housing; or

23 (c) a purchased or leased residence."

24 SECTION 2. APPLICABILITY.--The provisions of this act
25 apply to the 2021-2022 and subsequent school years.

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