

LFC Requester:	Liu
-----------------------	------------

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: February 20, 2025 *Check all that apply:*
Bill Number: HB464 Original Correction
 Amendment Substitute

Sponsor: Dow **Agency Name and Code** New Mexico Public School
Short Title: School Enrollment Process **Number:** Facilities Authority 940
Title: _____ **Person Writing** Alyce Ramos
Phone: 505-468-0299 **Email** aramos@nmopsfa.org

SECTION II: FISCAL IMPACT

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total				NFI		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: N/A

SECTION III: NARRATIVE

BILL SUMMARY

House Bill 464 amends the Public School Code at Section 22-1-4, adjusting statute requirements for student transfers into public schools. The bill would prevent public schools from denying enrollment to students on the basis of race, ethnicity, sex, religion, disability, socioeconomic status or residential address. It also establishes a process for parents to appeal denial of enrollment to a student. The bill removes several existing enrollment preferences for transfers, to limit it to children of employees employed at the school and siblings of students already attending the school. Rather than accepting transfers using a prioritization method, HB464 determines that they will be applied on a first come, first served basis, if the maximum allowable class size established by law or rule is not met or exceeded. HB464 also adds that the local school board shall determine the capacity of each school by grade level and post the number of vacancies on the school website every 12 weeks. If the school has capacity, the school shall enroll additional students throughout the year. Lastly, school boards shall report enrollment data for all schools to PED annually, including transfer data.

FISCAL IMPLICATIONS

Indeterminate to the Public School Facilities Authority (PSFA).
There is no appropriation for this Bill.

SIGNIFICANT ISSUES

While the New Mexico Public School Facilities Authority (PSFA) is not directly involved in enrollment/transfer policies or attendance zone definition, and is therefore not involved in much of the requirements of this bill, due to local jurisdictional autonomy

School districts can use data from its Facilities Master Plan (FMP) to guide them making facility decisions that could affect these enrollment and transfer issues, as well as complying with the requirements of the bill.

Per Section 22-24-5 NMSA 1978, all school districts and state-chartered charter schools are to prepare a FMP every five years as part of Public School Capital Outlay Council (PSCOC) funding eligibility. Each FMP contains a detailed capacity and utilization analysis, which guide the district in decisions regarding school closure, school consolidation, attendance zone adjustments, or new construction. These capacity and utilization analysis focus on each district facility and contain a classroom-by-classroom breakdown of how the school uses the room throughout the day, the number of students the room can hold, and the number of seats occupied in the classroom per day or class period. Master plan consultants consider classroom size, New Mexico Public Education Department pupil/teacher ratios (PRT), and classroom use when calculating room and school capacity. Other components of the FMP that support the capacity and utilization analysis include the building floorplans that display the classroom use as well as enrollment projections, which could aid the district in determining the number of classrooms it will need in the future. From the FMP's detailed information, PSFA planning staff can compile capacity and utilization summaries like the table below.

MS School	2024-25 Enrollment	Capacity w/o Portables	Available Capacity w/o Portables	Vacant Rooms	Classroom Occupancy Rate	Facility Utilization Rate
Heizer	616	622	6	0	93%	96%
Highland	840	639	-201	0	127%	92%
Houston	835	702	-133	0	118%	90%
TOTALS	2291	1963	-328	0	113%	91%

Source: Capacity and Utilization - 2023 Middle School Enrollment Study; 2024-25 enrollment based on September 9, 2024 HMSD Daily Enrollment Report

In this example, these middle schools are operating at or over capacity with little ability to accommodate additional students in permanent space (not counting portable classrooms). The data in the chart can help guide the district in transfer policy at the middle school level.

FMPs and subsequent district planning studies sometimes contain attendance zone analysis that reveal enrollment and/or capacity imbalances. For example, a district may be experiencing

growth in one part of the district leading to overcapacity situations where schools in non-growing areas might have excess capacity. Districts may base attendance zone adjustments on the data in the FMP or planning studies the PSCOC may require in instances where additional detailed data is warranted.

There is a limitation in the FMP capacity and utilization data, however, since most districts only update the data during a new FMP cycle (i.e, every five years upon expiration of the current plan). Room utilization can change from year to year depending on a school's educational program or unanticipated enrollment changes. For example, a school may see an increase in special education students and may need to re-purpose a general education room into a room to accommodate the program increase. As a result, PSFA considers the capacity/utilization data a "snapshot in time," which district's seldom update during the life of the FMP. The data is still valuable since it provides a foundation but it may change based on enrollment growth/loss or programmatic changes. There are a few districts in the state that have their own planning staff that update this data or hire consultants to update it for them, but the majority do not perform regular updates. In addition, while all school districts in the state have prepared a master plan at some point, not all prepare new plans upon expiration. As of February 2025, only three school districts have expired plans. The PSCOC provides matching funds to school districts desiring to update their FMP.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The amendments to Public School Code at Section 22-1-4 regarding student transfers will not be made.

AMENDMENTS

N/A