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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
57th Legislature, 1st Session, 2025

Bill Number	<u>HB464</u>	Sponsor	<u>Dow</u>
Tracking Number	<u>.230335.2</u>	Committee Referrals	<u>HEC/HGEIC</u>
Short Title	<u>School Enrollment Process</u>		
Analyst	<u>Montoya</u>	Original Date	<u>3/5/2025</u>
		Last Updated	<u></u>

BILL SUMMARY

Synopsis of Bill

House Bill 464 (HB464) would amend the Public School Code (Section 22-1-4 NMSA 1978) to prohibit public schools from denying enrollment based on race, ethnicity, sex, religion, disability, socioeconomic status, or residential address. The bill clarifies that denial may only be based on a school's lack of capacity or pre-existing factors outlined, including a student's expulsion from any public or private school within the preceding 12 months (whether in New Mexico or another state) and behavior during the same 12-month period deemed detrimental to the safety or well-being of students or staff.

Public schools would be required to enroll students on a first-come, first-served basis, provided the school has not exceeded the maximum class size. Local school boards would be required to determine each school's capacity by grade level, excluding specialized programs. Public schools would be required to post vacancy numbers by grade level on their websites at least every 12 weeks and accept students throughout the school year as capacity allows. Additionally, HB464 would require local school boards to report enrollment data to the Public Education Department (PED) annually, including transfer applications, acceptances, denials (with reasons), and the number of resident students transferring out of their attendance area. PED would be tasked with publishing this data on its website annually.

HB464 would require local school boards to establish enrollment and re-enrollment rules for district public schools, excluding charter schools. It would limit enrollment preferences to children of employees at a public school and siblings of current students at a public school. HB464 would also eliminate the requirement for local school boards to establish a hearing and appeals process for enrollment denials. Instead, it would mandate PED to promulgate rules for an appeals process, allowing parents to appeal enrollment denials to the PED secretary. The secretary would be required to issue a written and final decision within a reasonable time.

HB464 does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPACT

HB464 does not contain an appropriation.

SUBSTANTIVE ISSUES

Currently, local school boards establish and enforce enrollment and re-enrollment policies. These policies may include criteria for denying enrollment based on recent expulsions or behavior detrimental to students or school staff within the past 12 months. Additionally, local school boards are required to provide a hearing and appeals process for enrollment denials.

HB464 would prohibit the denial of enrollment or re-enrollment based on specific demographics, including race, ethnicity, sex, religion, disability, economic status, or residential address. By removing residential address as a factor in enrollment decisions, HB464 could allow students to apply for enrollment at any public school in any district, irrespective of their place of residence. Additionally, prohibiting denial of enrollment based on residential address could conflict with existing requirements included in state law ([Section 22-1-4 NMSA 1978](#)) which mandate local school boards to define district and attendance boundaries. HB464 would shift the responsibility for establishing an appeals process from local school boards to PED. While appeals policies for many public schools are not readily accessible, they generally follow a standard approach. Typically, a student or parent may appeal an enrollment or re-enrollment denial using procedures similar to those for long-term suspensions and expulsions. If the denial is based on a prior expulsion within the past 12 months, the burden falls on the student or parent to demonstrate why admission should be granted. In all other cases, the school must justify the denial.

HB464 would reduce the number of enrollment preferences by eliminating considerations for students receiving after-school care, siblings of enrolled students receiving childcare, students facing extreme hardship, the location of a student's previous school, and student safety. The bill would mandate a first-come, first-served enrollment process year-round, as capacity allows. While the state provides a general framework for enrollment and denial procedures, specific implementation details and timelines vary by district, and no statewide deadlines dictate when a school must enroll a student. In state law ([Section 22-1-4 NMSA 1978](#)), local school boards establish enrollment policies, including defining district and attendance boundaries, setting enrollment priorities, and determining maximum class sizes if smaller than state limits. Enrollment priorities typically favor students residing in or moving into the district, children of military families in transition, and students with prior attendance. School boards may also implement additional preferences, such as childcare considerations for students or their siblings and enrollment for children of school employees. Enrollment can only be denied for detrimental behavior or expulsion from any school district or private school within the past 12 months, whether in-state or out-of-state, and an appeals process must be in place.

Reporting Requirements. Currently, PED mandates [specific timelines](#) for school districts to report enrollment data, typically the 40th, 80th, and 120th days, as well as end-of-year, and summer periods. This data is used to track student mobility, calculate graduation rates, and determine school funding. As stated above, HB464 would require local school boards to report enrollment data to the PED annually, including transfer applications, acceptances, denials (with reasons), and the number of resident students transferring out of their attendance area. There is no existing report covering this specific data or a corresponding deadline in place. PED would be tasked with publishing this data on its website annually. The bill also proposes that public schools determine and publicly disclose their capacity by grade level. Specifically, schools would be required to

update and post the number of available seats for each grade on their respective websites every 12 weeks.

Federal Laws. There are multiple federal laws prohibiting public schools from denying enrollment based on race, ethnicity, sex, religion, disability, socioeconomic status, or residential address. These laws include:

- [Civil Rights Act of 1964 \(Title VI\)](#) prohibits discrimination on the basis of race, color, or national origin in programs or activities receiving federal financial assistance, which includes public schools.
- [Title IX of the Education Amendments of 1972](#) prohibits sex-based discrimination in federally funded education programs and activities.
- [Individuals with Disabilities Education Act \(IDEA\)](#) requires public schools to provide free and appropriate public education to students with disabilities.
- [Section 504 of the Rehabilitation Act of 1973](#) prohibits discrimination against individuals with disabilities in federally funded programs, including public schools.
- [Americans with Disabilities Act \(ADA\)](#) extends protections against disability-based discrimination to all public entities, including schools, regardless of federal funding.
- [McKinney-Vento Homeless Assistance Act](#) ensures that students experiencing homelessness (who often lack a fixed residential address) have the right to enroll in and attend public schools without barriers.

Inadvertent Effects. Studies have examined how first-come, first-served enrollment policies can unintentionally impact certain student populations, particularly low-income, transient, foster, homeless, and military families. These groups may face limited access to information, irregular work hours, language differences, and transportation challenges, which can hinder their ability to secure spots in preferred schools. Transient families, including those experiencing housing instability, may struggle with frequent relocations and difficulties in providing required documentation, such as proof of residence or school records. However, some existing laws and programs address these challenges. For example, students in foster care are eligible for immediate school enrollment, even without required documents, under the Every Student Succeeds Act. Similarly, the McKinney-Vento Homeless Assistance Act mandates immediate school enrollment for homeless students, even without typical documentation. LESC presented a policy brief on [Students in Foster Care or Experiencing Homelessness: An Update](#), which includes additional information on both acts. Military children are also granted immediate enrollment and placement through the [Interstate Compact on Educational Opportunity for Military Children](#). These protections ensure that vulnerable student populations can access education despite enrollment barriers.

Charter School Provisions. HB464 would establish enrollment and discrimination provisions for all public schools similar to those currently in place for charter schools. The Charter Schools Act ([Section 22-8B-4-A NMSA 1978](#)) mandates charter schools to comply with all federal and state anti-discrimination laws. Charter schools cannot discriminate based on disability, medical condition, race, creed, color, sex, gender identity, sexual orientation, spousal affiliation, national origin, religion, ancestry, or special education needs. Additionally, they must not impose discipline or disparate treatment based on a student's race, religion, culture, protective hairstyles, or cultural/religious headdresses.

The Charter Schools Act also outlines enrollment procedures charter schools must follow, including three allowed enrollment preferences. Charter schools must enroll students on a first-

come, first-served basis or through a lottery selection process if the total number of applicants exceeds capacity. Enrollment preferences include:

- Students admitted through a proper process who continue attending in later grades;
- Children of employees employed by the charter school; and
- Siblings of students already admitted to or attending the same charter school.

ADMINISTRATIVE IMPLICATIONS

Local school boards and public schools would be responsible for implementing revised enrollment rules, tracking school and grade-level capacity, and posting vacancy numbers to their website at least once every 12 weeks. HB464 could increase the administrative burden by requiring collaboration between local school boards, public schools, and PED to share detailed enrollment data, including reasons for denials. PED would also need to establish an appeals process and publish the required enrollment data. This could require additional local and state resources to manage enrollment tracking and appeals more efficiently.

TECHNICAL ISSUES

Page six, lines 24 and 25 state that a local school board’s requirement to determine the capacity of each public school in its district by grade level does not apply to “specialized programs.” However, the term “specialized programs” is not defined in the Public School Code or HB464. This lack of definition may lead to varying interpretations and would likely require PED to establish a formal definition through rulemaking. It is worth noting, however, the term “[special programs](#)” is used in other sections of the Public School Code to refer to vocational/CTE and alternative education, and sometimes extracurriculars.

SOURCES OF INFORMATION

- LESC Files
- New Mexico Regional Education Cooperatives (NMRECA)
- Public School Facilities Authority (PSFA)

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