

AN ACT

RELATING TO PUBLIC SCHOOL ENROLLMENT; PROVIDING CONDITIONS UNDER WHICH LOCAL SCHOOL BOARDS MAY DENY ENROLLMENT OR RE-ENROLLMENT; DECLARING AN EMERGENCY.

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

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

any time.

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

E. A local school board shall adopt and promulgate rules governing enrollment and re-enrollment at schools within the school district. These rules shall include:

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

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

(3) priorities for enrollment of students

as follows:

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

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

(c) third, all other applicants;

(4) establishment of maximum allowable class size if smaller than that permitted by law and ratification and description of the maximum class size in the charter of all charter schools within the district; and

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

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

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

F. As long as the maximum allowable class size established by law, by rule of a local school board or in

the charter of a charter school, whichever is lower, is not met or exceeded in a school by enrollment of first-priority persons, the school shall enroll other persons applying in the priorities stated in the school district rules adopted pursuant to Subsection E of this section. If the maximum would be exceeded by enrollment of an applicant in the second or third priority, the school shall establish a waiting list. As classroom space becomes available, persons highest on the waiting list within the highest priority on the list shall be notified and given the opportunity to enroll."

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

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