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HOUSE BILL 46

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY

Sandra L. Townsend

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

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1 who is a resident of this state and has received a high
2 school diploma or its equivalent if there is available space
3 in such courses.

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

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

19 E. A local school board shall adopt and promulgate
20 [~~regulations~~] rules governing enrollment and re-enrollment at
21 schools within the school district. These [~~regulations~~]
22 rules shall include:

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

(2) for each school, definition of the
boundaries of areas outside the school district boundary or

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

6 (3) priorities for enrollment of students as
7 follows:

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

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

12 (c) third, all other applicants; ~~[and]~~

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

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

22 (a) a student's expulsion from any
23 school district during the preceding twelve months; or

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

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F. As long as the maximum allowable class size established by law, by ~~[regulation]~~ 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 ~~[regulations]~~ 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.