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## FISCAL IMPACT REPORT

SPONSOR: Stewart DATE TYPED: 03/04/01 HB 151/aHEC  
 SHORT TITLE: Student Enrollment or Re-enrollment Denial SB \_\_\_\_\_  
 ANALYST: Gilbert

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
		Indeterminate -See Narrative			

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Relates to House Bill 16

### SOURCES OF INFORMATION

LFC Files  
 New Mexico State Department of Education (SDE)

### SUMMARY

#### Synopsis of the HEC Amendment

The House Education Committee amendment to House Bill 151 inserts the word “school” before the word “district” in eight instances to clarify the meaning of district as it appears in the bill. To provide additional clarification, on page 5, line 6, the word “public” is inserted before the word “school.”

#### Synopsis of Original Bill

House Bill 151 pertains to public schools and defines conditions under which local school boards may deny enrollment or re-enrollment of students.

#### Significant Issues

The bill amends Section 22-1-4, NMSA 1978, to make the following changes:

- C Local school boards must adopt rules pertaining to grounds for denial of enrollment or re-enrollment at schools within their school district.
- C A formal hearing and appeals process must be implemented by local school boards to address enrollment or re-enrollment denials. The bill does not mandate that enrollment or re-enrollment be denied.

- c HB 151 bill limits the grounds for denial of enrollment or re-enrollment 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.
  
- c In Section F, this bill further provides that a local board may establish additional enrollment preferences for admitting students in the second and third priorities of enrollment. The additional preferences may include: (1) after school care for students; (2) child care for siblings of students attending the public school; (3) children of employees at the public school; (4) extreme hardship; (5) location of a student's previous school; (6) siblings of students already attending the public school; and (7) student safety.

### **FISCAL IMPLICATIONS**

Since this bill requires local school boards to draft and adopt new rules, along with establishing a formal appeal process regarding denial of enrollments and re-enrollments, and indeterminate fiscal impact on local school districts may result in the form of administrative costs associated with conducting and documenting appeals.

### **CONFLICT/DUPLICATION/COMPANIONSHIP/RELATIONSHIP**

This bill duplicates most of House Bill 16, except that House Bill 151 adds a new Section F which provides that a local board may establish additional enrollment preferences for admitting students in the second and third priorities of enrollment. The additional preferences may include: (1) after school care for students; (2) child care for siblings of students attending the public school; (6) siblings of students attending the public school; and (7) student safety. This language is missing from House Bill 16.

### **OTHER SUBSTANTIVE ISSUES**

According to the SDE, State Board of Education 6.11.2 NMAC, currently provides extensive procedural due process requirements that must be followed by local school boards prior to students being suspended or expelled.

LG/ar