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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**55th Legislature, 1st Session, 2021**

<b>Bill Number</b>	<u>SB51</u>	<b>Sponsor</b>	<u>Hemphill</u>
<b>Tracking Number</b>	<u>.218513.3</u>	<b>Committee Referrals</b>	<u>SEC/SHPAC</u>
<b>Short Title</b>	<u>Charter School Enrollment Preference</u>		
<b>Analyst</b>	<u>Hathaway</u>	<b>Original Date</b>	<u>1/21/21</u>
		<b>Last Updated</b>	<u></u>

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**FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE**

**BILL SUMMARY**

Synopsis of Bill

Senate Bill 51 (SB51) would allow charter schools to give enrollment preferences to children of employees of the school, beginning in the 2021-2022 school year.

**FISCAL IMPACT**

This bill does not include an appropriation.

**SUBSTANTIVE ISSUES**

SB51 would amend existing statute to add an enrollment preference at charter schools for students whose parents are employees of the charter school. Current law allows enrollment preferences at charter schools for returning students and the siblings of enrolled students. The bill would add a third preference. School districts may already establish an enrollment preference for children of public school employees, but a similar preference does not exist for children whose parents work at charter schools.

Enrollment in charter schools must follow specific protocol established in law. Section 22-8B-4.1 NMSA 1978 identifies two types of charter schools: new charter schools called “start-up schools,” and public schools that converted to charter schools called “conversion schools.” Currently, start-up schools are initially required to enroll students on a first-come, first-serve basis or through a lottery selection process if the total number of student applicants exceeds the number of spaces available at the school. Conversion schools must first give enrollment preference to students who are enrolled in the converting school and to their siblings. Then, either type of charter school may enroll all other students on a first-come, first-serve basis or through a lottery selection.

Each charter school manages its own enrollment policies. According to Albuquerque Public Schools, charter schools generally tend to prioritize the following criteria, which are aligned with

current law: (1) returning students already enrolled at the school; (2) siblings of current students; and (3) students whose names are drawn from a lottery until all slots are filled.

An additional preference to enroll the children of employees would impact the first-come, first-serve and lottery selection process for students who do not currently have a connection to the school via previous enrollment or an enrolled sibling. This has the potential to minimize the number of uncommitted enrollment slots available at a school for students who were not previously enrolled or have a sibling enrolled at the charter school.

### **ADMINISTRATIVE IMPLICATIONS**

This bill would require charter schools and the Public Education Department to update all advertisement and procedural materials that describe the enrollment process and preferences at charter schools.

### **OTHER SIGNIFICANT ISSUES**

Charter schools in New Mexico are public schools operated independently of public school districts. As public schools, charter schools cannot charge tuition or have admission requirements. A first-come, first-serve or lottery process for enrollment is used when demand exceeds the number of spaces available in a school to ensure equitable access for all students. Adding additional enrollment preferences limits the number of open spaces for students who may desire to enroll through the lottery selection process or on a first-come, first-serve basis.

Section 22-1-4 NMSA 1978, which addresses enrollment procedure at public schools other than charter schools, allows a local school boards to establish preference for the “children of employees employed at the public school.”

### **SOURCES OF INFORMATION**

- LESC Files

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