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AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING SCHOOL DISTRICTS AND
CHARTER SCHOOLS TO ALLOW MILITARY FAMILIES TO ENROLL
SCHOOL-AGE CHILDREN PRIOR TO THEIR PHYSICAL PRESENCE IN THE
STATE.

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,
and except as provided in Subsection H of this section, 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 the 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. A 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,

1 unless required to attend school pursuant to the Attendance
2 for Success Act, may withdraw from a public school at any
3 time.

4 D. In adopting and promulgating rules concerning
5 the enrollment of students transferring from a home school or
6 private school to the public schools, the local school board
7 shall provide that the grade level at which the transferring
8 student is placed is appropriate to the age of the student or
9 to the student's score on a student achievement test
10 administered according to the statewide assessment and
11 accountability system.

12 E. A local school board shall adopt and promulgate
13 rules governing enrollment and re-enrollment at public
14 schools other than charter schools within the school
15 district. These rules shall include:

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

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

1 (3) priorities for enrollment of students as
2 follows:

3 (a) first, students residing within the
4 school district, or who will be residing within the school
5 district if the student is a child in a military family who
6 will be attending public school in the school district during
7 the upcoming school year as provided in Subsection H of this
8 section, and within the attendance area of a public school
9 and students who had resided in the attendance area prior to
10 a parent who is an active duty member of the armed forces of
11 the United States or member of the national guard being
12 deployed and whose deployment has required the student to
13 relocate outside the attendance area for custodial care;

14 (b) second, students who previously
15 attended the public school; and

16 (c) third, all other applicants;

17 (4) establishment of maximum allowable class
18 size if smaller than that permitted by law; and

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

24 (a) a student's expulsion from any
25 school district or private school in this state or any other

1 state during the preceding twelve months; or

2 (b) a student's behavior in another
3 school district or private school in this state or any other
4 state during the preceding twelve months that is detrimental
5 to the welfare or safety of other students or school
6 employees.

7 F. In adopting and promulgating rules governing
8 enrollment and re-enrollment at public schools other than
9 charter schools within the school district, a local school
10 board may establish additional enrollment preferences for
11 rules admitting students in accordance with the second and
12 third priorities of enrollment set forth in Subparagraphs (b)
13 and (c) of Paragraph (3) of Subsection E of this section.

14 The additional enrollment preferences may include:

- 15 (1) after-school child care for students;
- 16 (2) child care for siblings of students
17 attending the public school;
- 18 (3) children of employees employed at the
19 public school;
- 20 (4) extreme hardship;
- 21 (5) location of a student's previous school;
- 22 (6) siblings of students already attending
23 the public school; and
- 24 (7) student safety.

25 G. As long as the maximum allowable class size

1 established by law or by rule of a local school board,
2 whichever is lower, is not met or exceeded in a public school
3 by enrollment of first- and second-priority persons, the
4 public school shall enroll other persons applying in the
5 priorities stated in the school district rules adopted
6 pursuant to Subsections E and F of this section. If the
7 maximum would be exceeded by enrollment of an applicant in
8 the second and third priorities, the public school shall
9 establish a waiting list. As classroom space becomes
10 available, persons highest on the waiting list within the
11 highest priority on the list shall be notified and given the
12 opportunity to enroll.

13 H. Every school district and charter school shall
14 allow military families that will be relocating to a military
15 installation in New Mexico pursuant to an official military
16 order to enroll their children in public school prior to
17 their actual physical presence in the school district. A
18 parent may submit the student's name for any lottery-selected
19 charter school, magnet school or other public school program
20 for which the student qualifies. The school district or
21 charter school shall accept electronic applications for
22 enrollment, including enrollment in a specific school or
23 program with the school district or charter school. The
24 school district or charter school shall provide the applicant
25 with materials regarding academic courses, electives, sports

1 and other relevant information regarding the public school in
2 which the student wants to be enrolled. The public school
3 shall preregister the student in anticipation of the
4 student's enrollment. A student's parent:

5 (1) shall provide proof of residence in the
6 school district within forty-five days after the published
7 arrival date provided on official military documentation; and

8 (2) may use any of the following addresses
9 related to the family's military move:

10 (a) a temporary on-base billeting
11 facility;

12 (b) off-base military housing; or

13 (c) a purchased or leased residence."

14 SECTION 2. APPLICABILITY.--The provisions of this act
15 apply to the 2021-2022 and subsequent school years. _____