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AN ACT

RELATING TO PUBLIC EDUCATION; ALLOWING FOR OPEN ENROLLMENT
FLEXIBILITY FOR CHILDREN OF MILITARY FAMILIES.

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,
unless required to attend school pursuant to the Attendance
for Success Act, may withdraw from a public school at any

1 time.

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

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

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

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

24 (3) priorities for enrollment of students as
25 follows:

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

12 (b) second, students who previously
13 attended the public school or are the children of a military
14 family living in temporary housing and are assigned, awaiting
15 placement or pending a move to permanent housing in a
16 different attendance area where the students' family seeks
17 enrollment of the students in either their current school
18 attendance area or the school attendance area of the
19 permanent housing; and

20 (c) third, all other applicants;

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

23 (5) rules pertaining to grounds for denial
24 of enrollment or re-enrollment at schools within the school
25 district and the school district's hearing and appeals

1 process for such a denial. Grounds for denial of enrollment
2 or re-enrollment shall be limited to:

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

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

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

19 (1) after-school child care for students;

20 (2) child care for siblings of students
21 attending the public school;

22 (3) children of employees employed at the
23 public school;

24 (4) extreme hardship;

25 (5) location of a student's previous school;

1 (6) siblings of students already attending
2 the public school; and

3 (7) student safety.

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

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

1 enrollment, including enrollment in a specific school or
2 program with the school district or charter school. The
3 school district or charter school shall provide the applicant
4 with materials regarding academic courses, electives, sports
5 and other relevant information regarding the public school in
6 which the student wants to be enrolled. The public school
7 shall preregister the student in anticipation of the
8 student's enrollment. A student's parent:

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

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

14 (a) a temporary on-base billeting
15 facility;

16 (b) off-base military housing; or

17 (c) a purchased or leased residence."

18 SECTION 2. Section 22-8B-4.1 NMSA 1978 (being Laws
19 2000, Chapter 82, Section 3, as amended) is amended to read:

20 "22-8B-4.1. CHARTER SCHOOLS' ENROLLMENT PROCEDURES.--

21 A. Start-up schools and conversion schools are
22 subject to the following enrollment procedures:

23 (1) a start-up school may either enroll
24 students on a first-come, first-served basis or through a
25 lottery selection process if the total number of applicants

1 exceeds the number of spaces available at the start-up
2 school; and

3 (2) a conversion school shall give
4 enrollment preference to students who are enrolled in the
5 public school at the time it is converted into a charter
6 school and to siblings of students admitted to or attending
7 the charter school. The conversion school may either enroll
8 all other students on a first-come, first-served basis or
9 through a lottery selection process if the total number of
10 applicants exceeds the number of spaces available at the
11 conversion school.

12 B. In subsequent years of its operation, a charter
13 school shall give enrollment preference to:

14 (1) students who have been admitted to the
15 charter school through an appropriate admission process and
16 remain in attendance through subsequent grades;

17 (2) children of employees employed by the
18 charter school; and

19 (3) siblings of students already admitted
20 to or attending the same charter school." _____

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