

AN ACT

RELATING TO PUBLIC SCHOOLS; CHANGING PROVISIONS RELATING TO
OPEN ENROLLMENT.

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
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. Any person entitled to a free public school
education pursuant to 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 Compulsory School
Attendance Law, may withdraw from a public school at any
time.

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

E. A local school board shall adopt and promulgate rules governing enrollment and re-enrollment at schools within the district. These rules shall include:

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

(2) priorities for enrollment of students as follows:

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

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

(c) third, all other applicants;

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

