

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 492

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Ramsey Gorham

AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING OPEN ENROLLMENT
PROVISIONS TO PREVENT LOCAL SCHOOL BOARDS AND ADMINISTRATORS
FROM AVOIDING THE REQUIREMENTS OF THE LAW.

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

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 Subsection A of this section shall be available to any person
2 who is a resident of this state and has received a high school
3 diploma or its equivalent if there is available space in such
4 courses.

5 C. Any person entitled to a free public school
6 education pursuant to provisions of this section may enroll or
7 re-enroll in a public school at any time and, unless required
8 to attend school pursuant to the Compulsory School Attendance
9 Law, may withdraw from a public school at any time.

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

19 E. No later than July 15, 1999, a local school
20 board shall adopt and promulgate [~~regulations~~] rules governing
21 enrollment and re-enrollment at schools within the district.

22 These [~~regulations~~] rules shall include:

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

25 [~~(2) for each school, definition of the~~]

underscored material = new
[bracketed material] = delete

1 ~~boundaries of areas outside the district boundary or within~~
2 ~~the district but outside the school's attendance area, and~~
3 ~~within a distance of the school that would not be served by a~~
4 ~~school bus route as determined pursuant to Section 22-16-4~~
5 ~~NMSA 1978 if enrolled, which areas shall be designated as~~
6 ~~"walk zones";~~

7 ~~(3)]~~ (2) priorities for enrollment of
8 students as follows:

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

11 (b) second, persons who [~~previously~~]
12 attended the school in the immediately preceding school year;
13 [~~and~~]

14 (c) third, children of teachers
15 teaching in the school to which the child applies; and

16 [~~(c) third~~] (d) fourth, all other
17 applicants; and

18 [~~(4)~~] (3) establishment of maximum allowable
19 class size if smaller than that permitted by law and
20 ratification and description of the maximum class size in the
21 charter of all charter schools within the district.

22 F. As long as the maximum allowable class size
23 established by law, by [~~regulation~~] rule of a local school
24 board or in the charter of a charter school, whichever is
25 lower, is not met or exceeded in a school by enrollment of

underscored material = new
[bracketed material] = delete

1 first-priority persons, the school shall enroll other persons
2 applying in the order of the priorities stated in the district
3 [~~regulations~~] rules adopted pursuant to Subsection E of this
4 section. If the ~~maximum~~ would be exceeded by enrollment of an
5 applicant in the second or third priority, the school shall
6 establish a waiting list.

7 G. As soon as a reasonably accurate estimate of
8 student attendance for an ensuing school year is made, a
9 school district shall hold a public meeting after adequate
10 public notice to:

11 (1) inform parents and others of the
12 provisions of the district's rules adopted pursuant to this
13 section; and

14 (2) disclose how, when and where a
15 determination of students to be admitted or placed on a
16 waiting list will be made.

17 H. As classroom space becomes available, persons
18 highest on the waiting list within the highest priority on the
19 list shall be notified and given the opportunity to enroll.

20 I. Determinations made pursuant to Paragraph (2)
21 of Subsection G of this section shall be made in a public
22 meeting and the determinations shall be open to public
23 inspection. Applicants are entitled to have their priorities
24 for enrollment in a school be based solely on the eligibility
25 stated in Paragraph (1) and Subparagraphs (a) and (c) of

1 Paragraph (2) of Subsection E of this section. A local school
2 board shall not provide for other factors to be considered in
3 establishing applicant priorities and shall not delegate that
4 discretion to school administrators. "

5 - 5 -
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

3
4
5 February 26, 1999

6
7 Mr. President:

8
9 Your EDUCATION COMMITTEE, to whom has been referred

10 SENATE BILL 492

11
12 has had it under consideration and reports same with
13 recommendation that it DO PASS, amended as follows:

14
15 1. On page 1, line 13, strike the period after "LAW" and
16 insert in lieu thereof "; PROHIBITING CERTAIN REQUIREMENTS
17 REGARDING SCHOOL ATHLETES.".

18
19 2. On page 3, lines 14 and 15, strike "teachers teaching
20 in" and insert in lieu thereof "employees of".

21
22 3. On page 5, between lines 4 and 5, insert the following
23 section:

24 . 124277. 2

underscored material = new
[bracketed material] = delete

"Section 2. A new section of Chapter 22, Article 5 NMSA
1978 is enacted to read:

1 "[NEW MATERIAL] STUDENT ATHLETES--ACTION FORCING
2 NONPARTICIPATION FOR ONE YEAR PROHIBITED.--A local school board
3 shall neither adopt nor enforce a rule that requires a student
4 to refrain from participating in an organized competitive sports
5 activity during his first year in a public high school."".

6
7 and thence referred to the **JUDICIARY COMMITTEE**.

8
9 **Respectfully submitted,**

10
11
12
13 _____
14 Cynthia Nava, Chairman

15
16
17 **FORTY-FOURTH LEGISLATURE**
18 **FIRST SESSION, 1999**

19
20
21 **SEC/SB 492**

Page 2

22
23
24 **Adopted** _____ **Not Adopted** _____

25 . 124277. 2

underscored material = new
[bracketed material] = delete

(Chief Clerk)

(Chief Clerk)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Date _____

The roll call vote was 10 For 0 Against

Yes: 10

No: 0

Excused: None

Absent: None

S0492ED1 . 128315. 1

. 128362. 1

. 124277. 2

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

**FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999**

March 3, 1999

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 492

AMENDMENT sponsored by SENATOR JENNINGS

- 1. Strike Senate Education Committee Amendment No. 3.**

Senator Timothy Z. Jennings

underscored material = new
[bracketed material] = delete

underscored material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Adopted _____ Not Adopted _____

—

(Chief Clerk)
(Chief Clerk)

Date _____

S0492SF1