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SENATE BILL 69

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

INTRODUCED BY

Sue Wilson Beffort

AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING EACH SCHOOL DISTRICT TO OFFER AT LEAST ONE HONORS CLASS IN ALL GRADES BEGINNING WITH GRADE SIX.

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 the provisions of

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

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

18 E. A local school board shall adopt and promulgate  
19 rules governing enrollment and re-enrollment at public schools  
20 other than charter schools within the school district. These  
21 rules shall include:

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

24 (2) for each public school, definition of the  
25 boundaries of areas outside the school district boundary or

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

6 (3) priorities for enrollment of students as  
7 follows:

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

11 (b) second, students enrolled in a  
12 school ranked as a school that needs improvement or a school  
13 subject to corrective action;

14 (c) third, students who previously  
15 attended the public school; ~~and~~

16 (d) fourth, students who qualify for and  
17 want to attend an honors class offered at the public school;  
18 and

19 [~~(d) fourth~~] (e) fifth, all other  
20 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 of  
24 enrollment or re-enrollment at schools within the school  
25 district and the school district's hearing and appeals process

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1 for such a denial. Grounds for denial of enrollment or  
2 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 to  
9 the welfare or safety of other students or school employees.

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

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1 (6) siblings of students already attending the  
2 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 public  
8 school shall enroll other persons applying in the priorities  
9 stated in the school district rules adopted pursuant to  
10 Subsections E and F of this section. If the maximum would be  
11 exceeded by enrollment of an applicant in the second through  
12 [~~fourth~~] fifth priority, the public school shall establish a  
13 waiting list. As classroom space becomes available, persons  
14 highest on the waiting list within the highest priority on the  
15 list shall be notified and given the opportunity to enroll."

16 Section 2. A new section of Chapter 22, Article 13 NMSA  
17 1978 is enacted to read:

18 "[NEW MATERIAL] HONORS CLASSES.--Beginning with the 2006-  
19 2007 school year, each school district shall offer at least one  
20 honors class in all grades beginning with grade six. If the  
21 school district has more than one high school, it shall offer  
22 at least one honors class in each high school and in at least  
23 one of each level of school that feeds into the high school."