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SENATE BILL 47

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Craig W. Brandt

AN ACT

RELATING TO PUBLIC EDUCATION; PROHIBITING CERTAIN FEES;  
ALLOWING CERTAIN FEES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Public School Code is  
enacted to read:

"[NEW MATERIAL] CERTAIN FEES PROHIBITED.--

A. A school, local school board or governing body  
of a charter school shall not charge fees to a student for:

(1) participation in any course or program  
conducted during the school day that:

(a) allows the student to earn a credit;  
(b) is subject to the standardized  
statewide grading system;

(c) is pursuant to an interim next-step

underscoring material = new  
[bracketed material] = delete

1 plan, next-step plan, final next-step plan or individualized  
2 education plan;

3 (d) is necessary for enrollment, grade  
4 promotion or graduation;

5 (e) constitutes fine arts education; or

6 (f) constitutes physical education;

7 (2) participation in any school-sanctioned  
8 activity conducted during the school day;

9 (3) instruction, educational assistance,  
10 special education or intervention rendered during the school  
11 day;

12 (4) instructional materials for facilitating  
13 learning, unless the instructional materials are replacement  
14 instructional materials necessitated by the student's loss or  
15 damage;

16 (5) school library materials, unless the  
17 school library materials are replacement school library  
18 materials necessitated by the student's loss or damage;

19 (6) materials, supplies or equipment needed  
20 for a student to participate in any course or program conducted  
21 during the school day, unless the materials, supplies or  
22 equipment are replacement materials, supplies or equipment  
23 necessitated by the student's loss or damage; or

24 (7) any item or service needed for a student  
25 to attend or be enrolled in the school or be registered in the

underscoring material = new  
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1 school, school district or charter school. A school, local  
2 school board or governing body of a charter school may charge a  
3 student for a replacement item necessitated by the student's  
4 loss or damage.

5 B. A school, local school board or governing body  
6 of a charter school may charge fees to a student for:

- 7 (1) parking;
- 8 (2) attendance at an event conducted before or  
9 after the school day or not on school grounds; or
- 10 (3) anything not prohibited in Subsection A of  
11 this section.

12 C. Before a fee permitted in Subsection B of this  
13 section and not prohibited in Subsection A of this section may  
14 be charged to a student by a school, the fee shall be enacted  
15 by a local school board or governing body of a charter school  
16 at a public meeting, for which thirty days' notice was posted,  
17 and ratified by the department."