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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**56th Legislature, 1st Session, 2023**

<b>Bill Number</b>	<u>HB108</u>	<b>Sponsor</b>	<u>Block</u>
<b>Tracking Number</b>	<u>.223578.3</u>	<b>Committee Referrals</b>	<u>HEC/HJC</u>
<b>Short Title</b>	<u>Transfer of Certain School Students</u>		
<b>Analyst</b>	<u>Hathaway</u>	<b>Original Date</b>	<u>1/31/23</u>
		<b>Last Updated</b>	<u></u>

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**BILL SUMMARY**

Synopsis of Bill

House Bill 108 (HB108) amends current statute to require public schools to prioritize enrollment of transfer students who attend a public school that has been identified by the Public Education Department (PED) for support or interventions but who live outside of the attendance area of that public school.

**FISCAL IMPACT**

HB108 does not contain an appropriation.

There may be fiscal impacts to public schools to address transportation needs that may result from the proposed provisions of HB108. As HB108 opens up an enrollment priority so schools must potentially accept a greater number of students that live outside of their attendance area, it could create a need for school districts and charter schools to determine how to transport these students.

While HB108 does maintain a local school board's authority to adopt and promulgate rules governing enrollment and re-enrollment—including a definition of the boundaries of areas that would not be served by a school bus route—the proposed provisions of HB108 leave it unclear whether school districts would be required to provide transportation. While costs are indeterminate given a lack of data about how many students and public schools this may affect, should transportation be required, there could be costs to implement this bill. Transportation costs are typically greater for rural school districts that must transport students further. If public schools are not required to transport students, costs for transportation would be assumed to the responsibility of families and students.

**SUBSTANTIVE ISSUES**

Current law allows students to transfer between schools and school districts already, so long as the maximum allowable class size established by law, or by rule of a local school board (whichever is

lower), is not met or exceeded. Following this, current law requires priority for school enrollment as follows:

- First, to students residing within the school district, or who will be residing within the school district, if the child is in a military family; and students who resided in the attendance area prior to a parent who is a member of the military being deployed and whose deployment has required the student to relocate outside the attendance area for custodial care;
- Second, to students who previously attended the public school; and
- Third, to all other applicants.

HB108 would amend these enrollment priorities. It would place as the second priority group students who live “outside the attendance area but who transfer from a public school that is identified by the department as a school needing targeted support and improvement, or more rigorous interventions, to a school that does not require any improvement interventions.”

Students who previously attended the public school would move to the third priority group and all other applicants would become the fourth priority group.

**Transportation of Students.** As noted above, it is unclear if transportation would need to be provided and what financial impacts this may have. However, students with individualized education program (IEPs), under administrative rule (see [6.41.4 NMAC](#)), students with an IEP are entitled to transportation if included as part of their IEP. While HB108 does not affect the IEP development process, it may be a consideration if students impacted by this have IEPs.

**Identification of Schools.** HB108 leaves unclear which public schools may be impacted by this proposal. The bill creates an enrollment priority for students that attend a school “identified by the department [PED] as a school needing targeted support and improvement or more rigorous interventions.”

Under the federal Every Student Succeeds Act (ESSA), New Mexico is required to identify three different categories of schools: Comprehensive Support and Improvement (CSI), Targeted Support and Improvement (TSI), and chronically-failing schools that have been identified for More Rigorous Interventions (MRI). Each category comes with different rules and requirements for support.

It is unclear if HB108 intends to align identification of public schools with federal requirements and if so, which schools would be included as ones that need “targeted support and improvement or more rigorous interventions.”

## **ADMINISTRATIVE IMPLICATIONS**

PED would be required to identify public schools to be included. School districts and charter schools would be required to accept transfer students and would need to promulgate rules to determine transportation obligations in line with state law.

## **SOURCES OF INFORMATION**

- LESC Files