



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2026 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: January 31 2026

Bill No: HB245

Committee Referrals: Not Printed

Agency Name and Code: PED - 924

Sponsor: Dow / Martinez / Montoya

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Short Title: DENIAL OF ENROLLMENT TO SCHOOL

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SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY27	FY28		
None	None	N/A	NFA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY27	FY28	FY29		
None	None	None	N/A	NFA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY27	FY28	FY29	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	None	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: None as of 2/7/26.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 245 (HB245) would amend [Section 22-1-4 NMSA 1978](#) to prohibit public schools from denying enrollment to any school-age person on the basis of race, ethnicity, sex, religion, disability, socioeconomic status, or residential address and mandate that local school boards and schools verify the capacity of public schools and report these numbers. The bill outlines the process by which a parent, whose student is denied enrollment in a public school, may appeal that denial to the Secretary of Public Education and mandates that the Public Education Department (PED) promulgate rules for this appeals process.

It is important to note that [Section 28-1-7\(M\) NMSA 1978](#) of the [Human Rights Act](#) also already prohibits a public school (as a “governmental entity”) from denying or limiting any function, program, activity, or benefit to a person because of race, religion, age, color, national origin, ancestry, sex, sexual orientation, gender, gender identity, pregnancy or childbirth or related condition, physical or mental disability, serious medical condition, or spousal affiliation. HB245 explicitly adds ethnicity, socioeconomic status, and residential address to that list with regard to potential enrollment discrimination in the public schools.

HB245 would also require that public schools post the vacancies for each grade level on the school’s website at least once every 12 weeks and, if the school has capacity, enroll students throughout the year. In line with this, the aforementioned local school boards shall report annually to the PED the enrollment data for each public school in the local school board's district, including transfer applications, acceptances, denials, the reason for each denial and the number of resident students who transferred to a school outside of the student's attendance area. The PED would then be required to publish the data from these reports on the department's website on an annual basis.

This bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the Legislature enacting them, unless a later date is specified. If enacted, this bill would become effective May 20, 2026.

FISCAL IMPLICATIONS

The bill does not contain an appropriation.

SIGNIFICANT ISSUES

The [Equal Educational Opportunities Act of 1974](#) prohibits discrimination in public schools and educational programs that receive federal funding. This act made it so that, generally, public schools are prohibited from denying enrollment to any school-age person based on factors such as race, color, national origin, citizenship, immigration status, or the status of their parents/guardians. Along the same lines, the [Individuals with Disabilities Education Act \(IDEA\)](#) and [Section 504 of the Rehabilitation Act of 1973](#) protect the rights of students with disabilities to receive a free and appropriate public education.

However, there are certain circumstances where enrollment may be denied or delayed, such as

disciplinary issues, residency requirements, or capacity constraints. HB245 focuses primarily on the latter portion of these exceptions. Under current law, local school boards can adopt enrollment rules that include certain priorities or preferences (like students in specific attendance zones). HB245 would limit the ability of local boards to establish enrollment preferences that could disfavor some students. Furthermore, it would require boards to adopt rules that allow open enrollment across schools (other than charter schools) within the district.

HB245 would allow certain priorities to remain under the purview of school districts, including:

- enrollment of children of employees at the school;
- enrollment of siblings of students already attending the school; and
- consideration of a student’s record of expulsion or behavior at a previous school in the previous 12 months.

Currently, [Section 22-1-4 NMSA 1978](#) requires school districts to:

- define each public school’s attendance boundaries, for schools other than charter schools;
- follow a system of priorities for admitting or denying transfer students; and
- establish the maximum class size if fewer than allowable by law.

The bill would add a new ground for denial of enrollment requests by parents, which is the school's lack of capacity, and explicitly states that a school “shall not deny enrollment to a school-age person on the basis of race, ethnicity, sex, religion, disability, socioeconomic status or residential address.” Shifting enrollment policy to PED and away from school districts, HB245 proposes to strike several of the enrollment priorities school districts may consider, including:

- considerations of after school care for students;
- childcare for siblings of students attending the desired school;
- extreme hardship;
- the location of the student’s previous school; and
- student safety.

New Mexico would not be the first state to look to change these enrollment factors. Arkansas passed [Senate Bill 624](#) and [625](#) in 2025 to strengthen open enrollment by requiring districts to accept students where space is available and publicly post capacity and policies. Nevada opted to go even further with [Assembly Bill 533](#) (2025) to significantly broaden open enrollment by allowing students to attend schools outside their attendance zones if seats are available and requiring districts to publish quarterly seat availability by grade level.

PERFORMANCE IMPLICATIONS

HB245 would require schools to enroll transfer students throughout the school year, which may encourage multiple enrollment changes each year in steps toward schools perceived as offering greater opportunity. Transferring from school to school in an effort to enroll in ever more highly regarded schools may disrupt learning continuity, affecting student academic progress.

With local control at the school district and charter school level, transfer of students throughout the school year would potentially impact the learning of students experiencing discontinuity of curriculum. Students may not be taught all required standards and may not experience coherent curriculum across transfers to different schools.

Missouri’s nonpartisan [MOST Policy Institute’s overview of studies](#) on open enrollment suggests

that overall, it does not consistently produce significant gains in standardized test scores, especially when controlling for socioeconomic differences. They also conclude that stronger open enrollment policies do not correlate with higher public school attendance, dollars spent per pupil, or graduation rates. Evidence from a more dated study by the [Urban Institute](#) indicates that comparing students who transfer to those who do not often shows no significant long-term academic advantage for the average participant.

ADMINISTRATIVE IMPLICATIONS

Public schools other than charter schools would be required to post the number of vacancies for each grade level on the school's website and update it at least once every 12 weeks. The bill would require the local school board to report annually to PED on the enrollment data for each district school, including transfer applications, acceptances, denials, reasons for denial, and the number of resident students who transferred out of the school's attendance area. The administrative burden would vary by district size, with the greatest burden for the largest school districts.

The PED would be tasked with gathering and then publishing the data from the vacancy reports on the department's website on an annual basis. Currently there are no administrative personnel in the department assigned to this task. At least one-fifth additional administrative personnel would be necessary to meet this requirement.

Further administrative implications include the bill's directive to shift the responsibility for appeals from enrollment denials from the denying school district to the PED. The bill directs PED to promulgate rules for the Secretary's administrative review of appeals of enrollment denials brought by aggrieved students and parents. The rulemaking itself would incur expenses and staff resources, as will Secretarial review of enrollment denials. Because the Secretary previously has not had review authority of these decisions, it is difficult to estimate how much staff time and effort would be required to properly execute this newly proposed authority.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

Sections 1(E)(5) and 1(F)(1) of the bill are internally conflicting. Paragraph 5 of Subsection E explicitly limits grounds for denial to a student's prior expulsion from school, or behavior indicative of a lack of safety for other students or school staff. Paragraph 1 of Subsection F explicitly adds lack of capacity to those factors, but does not do so in Paragraph 5 of Subsection E. The sponsors may wish to consider adding the additional factor of lack of capacity to those permissible grounds for denial in Section 1(E)(5) of the bill.

OTHER SUBSTANTIVE ISSUES

HB245 would have no provisions to address the implicit selectivity of transfers between school attendance areas not afforded free transportation by the school. Providing transportation for eligible students is required by [6.41.4.6 NMAC](#), which states, "LEAs, therefore, shall ensure that all eligible students are served within the requirements of current federal and state laws and department regulations." It is typically assumed, although not addressed in statute or rule, that

required bus routes for general education students transport them only to a school with attendance boundaries within which they reside.

Transportation to transfer schools typically remains a burden families bear, if they have sufficient social or financial capital. Many transfer students are driven to school by an adult family member with a flexible weekday schedule and with flexible use of a car—a parent or grandparent employed part time or less, for example, or an older sibling who is a student of driving age. Without provision for transportation for families lacking the necessary resources to transport a transfer student daily, HB245 may exacerbate unequal educational opportunity. The bill’s potential to allow students greater opportunities to transfer to schools with open capacity, accessing better educational environments, has practical limitations to benefit only those students who have sufficient resources.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

See, “Technical Issues,” above.