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SENATE BILL 64

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

RAMSAY L. GORHAM

AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING SECTION 22-1-4 NMSA 1978
(BEING LAWS 1975, CHAPTER 338, SECTION 1, AS AMENDED) TO
PROVIDE FOR OPEN ENROLLMENT IN THE PUBLIC SCHOOLS.

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 [~~under~~] pursuant to 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 ~~[under]~~ pursuant to provisions of this section may
7 enroll 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. ~~[Local school boards shall promulgate~~
11 ~~regulations concerning the enrollment and re-enrollment of~~
12 ~~all persons]~~ In adopting and promulgating ~~[non-~~
13 ~~discriminatory]~~ regulations concerning the enrollment of
14 students transferring from a home school or private school
15 to the public schools, the local school board shall provide
16 that the grade level at which the transferring student is
17 placed is appropriate to the age of the student or to the
18 student's score on a student achievement test administered
19 according to the statewide and local school district testing
20 programs as determined by the state superintendent or both.

21 E. A local school board shall adopt and
22 promulgate regulations governing enrollment and re-
23 enrollment at schools within the district. These
24 regulations shall include:

25 (1) definition of the district boundary and

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1 the boundaries of attendance areas for each school;

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

9 (3) priorities for enrollment of students
10 as follows:

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

13 (b) second, persons residing within
14 the district and not residing within the attendance area but
15 residing within the walk zone of a school;

16 (c) third, persons not residing within
17 the district and not residing within the school's attendance
18 area but residing within the school's walk zone; and

19 (d) fourth, persons not residing
20 within the district or the school's walk zone; and

21 (4) establishment of maximum allowable
22 class size if smaller than that permitted by law and
23 ratification and description of the maximum class size in
24 the charter of all charter schools within the district.

25 F. As long as the maximum allowable class size

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1 established by law, by regulation of a local school board or
2 in the charter of a charter school, whichever is lower, is
3 not met or exceeded in a school by enrollment of first-
4 priority persons, the school shall enroll other persons
5 applying in the priorities stated in the district
6 regulations adopted pursuant to Subsection E of this
7 section. As long as classroom space is available, persons
8 shall be enrolled on a first-come, first-served basis, but
9 if that maximum would be exceeded by enrollment of an
10 applicant in the second, third or fourth priority, the
11 school shall establish a waiting list starting within
12 priorities on a first-come, first-served basis. As
13 classroom space becomes available, persons highest on the
14 waiting list within the highest priority on the list shall
15 be notified and given the opportunity to enroll. "

1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

3
4
5
6 January 26, 1998

7
8 Mr. President:

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10 Your COMMITTEES' COMMITTEE, to whom has been referred

11
12 SENATE BILL 64

13
14 has had it under consideration and finds same to be GERMANE,
15 pursuant to Senate Executive Message No. 5, and thence referred to
16 the EDUCATION COMMITTEE.
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19 Respectfully submitted,

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25 Manny M. Aragon, Chairman

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Adopted _____ Not Adopted _____

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(Chief Clerk)

(Chief Clerk)

Date _____

S0064CC1

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

SB 64/a

February 3, 1998

Mr. President:

Your EDUCATION COMMITTEE, to whom has been referred

SENATE BILL 64

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

1. On page 3, line 15, after the word "school" insert "or
persons who previously attended with a legitimate address that was
within the district and within the attendance area of the school".

Respectfully submitted,

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

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Page 8

Cynthia Nava, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: Boitano, Pinto

Absent: None

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FORTY-THIRD LEGISLATURE

SECOND SESSION

February 6, 1998

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 64, as amended

Amendment sponsored by Senator Ramsay L. Gorham

1. Strike Senate Education Committee Amendment 1.

2. On page 3, strike lines 13 through 20 and insert in lieu thereof:

“(b) second, persons who previously attended the school; and

(c) third, all other applicants; and”.

3. On page 4, line 7, after the period strike the remainder of the line, strike line 8 and on line 9, strike “that” and insert in

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lieu thereof "the".

4. On page 4, line 10, strike the comma following "second" and insert in lieu thereof "or" and strike "or fourth".

5. On page 4, line 11, after "list" strike the remainder of the line and strike line 12 through "basis".

Ramsay L. Gorham

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
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6 February 16, 1998
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8 Mr. Speaker:
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10 Your EDUCATION COMMITTEE, to whom has been referred
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12 SENATE BILL 64, as amended
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14 has had it under consideration and reports same with
15 recommendation that it DO PASS.
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17 Respectfully submitted,
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22 Rick Miera, Chairman
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 SB 64/a

Page 12

4 Adopted _____ Not Adopted _____
5 (Chief Clerk) (Chief Clerk)

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7 Date _____

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9 The roll call vote was 8 For 1 Against

10 Yes: 8

11 No: S. M. Williams

12 Excused: Nicely, Vigil, Weeks, Wright

13 Absent: None

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15 G: \BILLTEXT\BILLW_98\S0064

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

1 SB 64/a

Page 13

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

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February 19, 1998

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Mr. President:

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Your JUDICIARY COMMITTEE, to whom have been referred

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SENATE BILL 64, as amended

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SENATE BILL 349, as amended

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has had them under consideration and reports that same have been
duly enrolled and engrossed preparatory to signing by the officers
of the Senate.

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Respectfully submitted,

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Senator Dede Feldman, Co-Chairman

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Senator Cisco McSorley, Co-Chairman

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

1 SB 64/a

Page 14

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Senator William H. Payne, Co-Chairman

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Adopted _____ Not Adopted _____

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(Chief Clerk)

(Chief Clerk)

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