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HOUSE BILL 114

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Mimi Stewart

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; CHANGING PROVISIONS RELATING TO
OPEN ENROLLMENT.

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 provisions of
Subsection A of this section shall be available to any person

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1 who is a resident of this state and has received a high school
2 diploma or its equivalent if there is available space in such
3 courses.

4 C. Any person entitled to a free public school
5 education pursuant to provisions of this section may enroll or
6 re-enroll in a public school at any time and, unless required
7 to attend school pursuant to the Compulsory School Attendance
8 Law, may withdraw from a public school at any time.

9 D. In adopting and promulgating [~~regulations~~]
10 rules concerning the enrollment of students transferring from
11 a home school or private school to the public schools, the
12 local school board shall provide that the grade level at which
13 the transferring student is placed is appropriate to the age
14 of the student or to the student's score on a student
15 achievement test administered according to the statewide and
16 local school district testing programs as determined by the
17 state superintendent or both.

18 E. A local school board shall adopt and promulgate
19 [~~regulations~~] rules governing enrollment and re-enrollment at
20 schools within the district. These [~~regulations~~] rules shall
21 include:

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

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

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

6 ~~(3)]~~ (2) priorities for enrollment of
7 students as follows:

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

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

12 (c) third, all other applicants; ~~[and~~

13 ~~(4)]~~ (3) establishment of maximum allowable
14 class size if smaller than that permitted by law and
15 ratification and description of the maximum class size in the
16 charter of all charter schools within the district; and

17 (4) within each of the second and third
18 priorities for enrollment of students, the local school board
19 may establish additional preferences through policies in the
20 areas of child care, employee children, siblings, feeder
21 schools, extreme hardship and student safety.

22 F. As long as the maximum allowable class size
23 established by law, by ~~[regulation]~~ rule of a local school
24 board or in the charter of a charter school, whichever is
25 lower, is not met or exceeded in a school by enrollment of

1 first-priority persons, the school shall enroll other persons
2 applying in the priorities stated in the district
3 [~~regulations~~] rules adopted pursuant to Subsection E of this
4 section. If the ~~maximum~~ would be exceeded by enrollment of an
5 applicant in the second or third priority, the school shall
6 establish a waiting list. As classroom space becomes
7 available, persons highest on the waiting list within the
8 highest priority on the list shall be notified and given the
9 opportunity to enroll."

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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 February 15, 1999
7

8 Mr. Speaker:
9

10 Your EDUCATION COMMITTEE, to whom has been referred
11

12 HOUSE BILL 114
13

14 has had it under consideration and reports same with
15 recommendation that it DO PASS, and thence referred to the
16 APPROPRIATIONS AND FINANCE COMMITTEE.

17 Respectfully submitted,
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21 _____
22 Rick Miera, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HEC/HB 114

Page 6

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Blanton, Burpo, Dana, Hamilton, Macko, Marquardt, Williams

Absent: None

J: \99BillsWP\H0114

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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3
4 February 20, 1999

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6
7 Mr. Speaker:

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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 114

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS.

15
16 Respectfully submitted,

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20 _____
21 Max Coll, Chair man
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

Page 8

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Abeyta, Larrañaga, Parsons, Pearce, Taylor, JP, Townsend,
Varela

Absent: None

J:\99BillsWP\H0114

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

March 11, 1999

Mr. President:

Your EDUCATION COMMITTEE, to whom has been referred

HOUSE BILL 114

has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
PUBLIC AFFAIRS COMMITTEE.

Respectfully submitted,

Cynthia Nava, Chairman

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Adair, Duran, Gorham, Jennings

Absent: None

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

March 15, 1999

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been
referred

HOUSE BILL 785, as amended

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Shannon Robinson, Chairman

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Boitano, Leavell, Stockard, Smith

Absent: None

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