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HOUSE BILL 14

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Eliseo Lee Alcon

FOR THE MILITARY AND VETERANS' AFFAIRS COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; ALLOWING ENROLLMENT PRIORITY TO STUDENTS WHOSE PARENTS ARE ACTIVE DUTY MILITARY PERSONNEL IN NEW MEXICO.

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 the 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 pursuant to the provisions of this section may enroll
7 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. In adopting and promulgating rules concerning
11 the enrollment of students transferring from a home school or
12 private school to the public schools, the local school board
13 shall provide that the grade level at which the transferring
14 student is placed is appropriate to the age of the student or
15 to the student's score on a student achievement test
16 administered according to the statewide assessment and
17 accountability system.

18 E. A local school board shall adopt and promulgate
19 rules governing enrollment and re-enrollment at public schools
20 other than charter schools within the school district. These
21 rules shall include:

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

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

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

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

8 (a) first, students residing within the
9 school district and within the attendance area of a public
10 school and students who had resided in the attendance area
11 prior to an active duty military parent being deployed, which
12 deployment has required the student to relocate outside the
13 attendance area for custodial care;

14 (b) second, students enrolled in a
15 school ranked as a school that needs improvement or a school
16 subject to corrective action;

17 (c) third, students who previously
18 attended the public school; and

19 (d) fourth, all other applicants;

20 (4) establishment of maximum allowable class
21 size if smaller than that permitted by law; and

22 (5) rules pertaining to grounds for denial of
23 enrollment or re-enrollment at schools within the school
24 district and the school district's hearing and appeals process
25 for such a denial. Grounds for denial of enrollment or

1 re-enrollment shall be limited to:

2 (a) a student's expulsion from any
3 school district or private school in this state or any other
4 state during the preceding twelve months; or

5 (b) a student's behavior in another
6 school district or private school in this state or any other
7 state during the preceding twelve months that is detrimental to
8 the welfare or safety of other students or school employees.

9 F. In adopting and promulgating rules governing
10 enrollment and re-enrollment at public schools other than
11 charter schools within the school district, a local school
12 board may establish additional enrollment preferences for rules
13 admitting students in accordance with the third and fourth
14 priorities of enrollment set forth in Subparagraphs (c) and (d)
15 of Paragraph (3) of Subsection E of this section. The
16 additional enrollment preferences may include:

- 17 (1) after-school child care for students;
18 (2) child care for siblings of students
19 attending the public school;
20 (3) children of employees employed at the
21 public school;
22 (4) extreme hardship;
23 (5) location of a student's previous school;
24 (6) siblings of students already attending the
25 public school; and

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(7) student safety.

G. As 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 in a public school by enrollment of first- and second-priority persons, the public school shall enroll other persons applying in the priorities stated in the school district rules adopted pursuant to Subsections E and F of this section. If the maximum would be exceeded by enrollment of an applicant in the second through fourth priority, the public school shall establish a waiting list. As classroom space becomes available, persons highest on the waiting list within the highest priority on the list shall be notified and given the opportunity to enroll."