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HOUSE BILL 108

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

John Block

AN ACT

RELATING TO PUBLIC SCHOOLS; ALLOWING STUDENTS IN SCHOOLS THAT
NEED IMPROVEMENT INTERVENTIONS TO TRANSFER TO OTHER PUBLIC
SCHOOLS IN THE SCHOOL DISTRICT.

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--PRIORITY FOR STUDENTS ENROLLING
FROM SCHOOLS THAT NEED IMPROVEMENT INTERVENTIONS.--

A. Except as provided by Section 24-5-2 NMSA 1978,
and except as provided in Subsection H of this section, 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.

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1 B. A free public school education in those courses
2 already offered to persons pursuant to the provisions of
3 Subsection A of this section shall be available to any person
4 who is a resident of this state and has received a high school
5 diploma or its equivalent if there is available space in such
6 courses.

7 C. A person entitled to a free public school
8 education pursuant to the provisions of this section may enroll
9 or re-enroll in a public school at any time and, unless
10 required to attend school pursuant to the Attendance for
11 Success Act, may withdraw from a public school at any time.

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

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

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

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

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

10 (a) first: 1) students residing within
11 the [school district] attendance area, or who will be residing
12 within the [school district] attendance area if the student is
13 a child in a military family who will be attending public
14 school in the school district during the upcoming school year
15 as provided in Subsection H of this section; and [~~within the~~
16 ~~attendance area of a public school and~~] 2) students who had
17 resided in the attendance area prior to a parent who is an
18 active duty member of the armed forces of the United States or
19 member of the national guard being deployed and whose
20 deployment has required the student to relocate outside the
21 attendance area for custodial care;

22 (b) second, students who live outside
23 the attendance area but who transfer from a public school that
24 is identified by the department as a school needing targeted
25 support and improvement or more rigorous interventions to a

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1 school that does not require any improvement interventions;

2 [~~(b) second~~] (c) third, students who
3 previously attended the public school; and

4 [~~(e) third~~] (d) fourth, all other
5 applicants;

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

8 (5) rules pertaining to grounds for denial of
9 enrollment or re-enrollment at schools within the school
10 district and the school district's hearing and appeals process
11 for such a denial. Grounds for denial of enrollment or re-
12 enrollment shall be limited to:

13 (a) a student's expulsion from any
14 school district or private school in this state or any other
15 state during the preceding twelve months; or

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

20 F. In adopting and promulgating rules governing
21 enrollment and re-enrollment at public schools other than
22 charter schools within the school district, a local school
23 board may establish additional enrollment preferences for rules
24 admitting students in accordance with the [~~second and~~] third
25 and fourth priorities of enrollment set forth in Subparagraphs

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1 [~~(b) and~~] (c) and (d) of Paragraph (3) of Subsection E of this
2 section. The additional enrollment preferences may include:

- 3 (1) after-school child care for students;
- 4 (2) child care for siblings of students
5 attending the public school;
- 6 (3) children of employees employed at the
7 public school;
- 8 (4) extreme hardship;
- 9 (5) location of a student's previous school;
- 10 (6) siblings of students already attending the
11 public school; and
- 12 (7) student safety.

13 G. As long as the maximum allowable class size
14 established by law or by rule of a local school board,
15 whichever is lower, is not met or exceeded in a public school
16 by enrollment of first- and second-priority persons, the public
17 school shall enroll other persons applying in the priorities
18 stated in the school district rules adopted pursuant to
19 Subsections E and F of this section. If the maximum would be
20 exceeded by enrollment of an applicant in the [~~second and~~]
21 third and fourth priorities, the public school shall establish
22 a waiting list. As classroom space becomes available, persons
23 highest on the waiting list within the highest priority on the
24 list shall be notified and given the opportunity to enroll.

25 H. Every school district and charter school shall

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1 allow military families that will be relocating to a military
2 installation in New Mexico pursuant to an official military
3 order to enroll their children in public school prior to their
4 actual physical presence in the school district. A parent may
5 submit the student's name for any lottery-selected charter
6 school, magnet school or other public school program for which
7 the student qualifies. The school district or charter school
8 shall accept electronic applications for enrollment, including
9 enrollment in a specific school or program with the school
10 district or charter school. The school district or charter
11 school shall provide the applicant with materials regarding
12 academic courses, electives, sports and other relevant
13 information regarding the public school in which the student
14 wants to be enrolled. The public school shall preregister the
15 student in anticipation of the student's enrollment. A
16 student's parent:

17 (1) shall provide proof of residence in the
18 school district within forty-five days after the published
19 arrival date provided on official military documentation; and

20 (2) may use any of the following addresses
21 related to the family's military move:

22 (a) a temporary on-base billeting
23 facility;

24 (b) off-base military housing; or

25 (c) a purchased or leased residence.

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I. As used in this section:

(1) "attendance area" means the area within the geographical boundaries of a public school as defined by the local school board; and

(2) "improvement interventions" means the strategies, methods and means provided to a public school to improve student outcomes."