

J-1050 JFB
OPEN ENROLLMENT/SCHOOL ATTENDANCE ZONES

The Board of Education adopts this policy pursuant to the terms of NMSA 22-1-4, also known as the Open Enrollment Act.

The Open Enrollment Act requires that a free public school education be available to any school-age person who is a resident of New Mexico and who has not received a high school diploma or its equivalent. This policy does not apply to students who are not New Mexico residents. The Board of Education retains the discretion to determine whether the School District has sufficient accommodations to offer enrollment to students who are not New Mexico residents.

1. Attendance Area: The attendance area of each school within the School District shall be established annually by the Board of Education.
2. Enrollment Priorities: In-state students shall be enrolled or re-enrolled in each district school according to the following priorities:

Priority 1: persons residing within the attendance area of the school; and students who had resided in the attendance area prior to a parent who is an active duty member of the armed forces of the United States or a member of the national guard being deployed and whose deployment has required the student to relocate outside the attendance for custodial care;

Priority 2: Students enrolled in a school ranked as a school that needs improvement or a school subject to corrective action.

Priority 3: Students who have previously attended the school or students of employees working at the school.

Priority 4: Other enrollment preferences, include

- Siblings of students already attending the school will be placed into the requested school when possible.
- If space is still available, placement will be granted to students who have at least one parent on active military duty (U.S. or Foreign).
- Parents who have a specific reason such as child care needs.

Priority 5: Transfer requests with no reason specified.

3. Transportation: Transportation shall be provided by the School District for transportation-eligible students residing within the attendance area of the school they attend. Transportation of students residing outside of the attendance area of the school they attend shall be the responsibility of the parent/guardian or student.
4. Maximum Class Size: The Superintendent shall determine the maximum allowable class size in the School District by administrative regulation.

A. So long as the maximum allowable class size established by the Superintendent or as permitted by law is not exceeded by the enrollment of first-priority students (those residing in the attendance area or those whose active duty service member parent is deployed) the school shall continue to enroll students on the basis of the priorities established in this policy.

B. If the maximum allowable class size would be exceeded by enrollment of an applicant in priority two or three category, the school shall deny such student enrollment.

C. Each school shall establish a waiting list of priority two through five students who are seeking enrollment in the school and enter the names of such students on the list in the order in which each student sought enrollment.

D. As classroom space becomes available in each school, students within the appropriate grade level shall be invited to enroll on the basis of (1) the student's enrollment priority category, and then (2) the order of the student's entry on the waiting list.

5. Denial of Enrollment or of Re-enrollment: Notwithstanding any other provision of this policy, enrollment or re-enrollment of a student to any district school may be denied by the Principal of such school on the following grounds:

A. The student seeking enrollment or re-enrollment has been expelled from another School District in New Mexico or in any other state during the preceding twelve-month period; or

B. The student's behavior in a School District in New Mexico in another state during the preceding twelve-month period makes the student's enrollment or re-enrollment detrimental to the welfare of other students or school personnel.

6. Hearing and Appeal of Denial of Enrollment or Re-Enrollment: A student or the student's parent may appeal a denial of enrollment or of re-enrollment pursuant to Paragraph 5, above, through the procedures established for appeal of long-term suspensions and expulsions of students. When the denial of enrollment or re-enrollment was based upon the student's prior expulsion from another School District within the preceding twelve-month period, the admission of evidence of such expulsion shall shift the burden of proof to the student or parents to show that the student should be admitted despite such expulsion.

Adopted: June 19, 2013

Amended: May 15, 2019

LEGAL REF.: 22-1-4 NMSA (1978)

22-10A-20 NMSA (1978)

22-12-5 NMSA (1978)

42 U.S.C. 11301, McKinney-Vento Homeless Assistance Act of 2001

CROSS REF.: JF - Student Admissions

JFAA - Admission of Resident Students

JFAB - Admission of Nonresident Students

JG - Assignment of Students to Classes and Grade Levels