

1 **Attendance by Non-Resident Students/Open Enrollment 302-1**

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4 The Board of Education of the Deming Public Schools adopts the following policy
5 concerning the admission of school-age persons who do not live within the school district
6 pursuant to the terms of SB 64 or the 1998 New Mexico Legislature, also known as the
7 Open Enrollment Act, amending NM Statute 22-1-4, as amended by HB 46 of the 2000
8 New Mexico Legislature.

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

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17 **Attendance Area**

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19 The attendance area of each school within the district shall be established by the Board of
20 Education.

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22 **Enrollment Priorities**

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24 Any person entitled to a free public school education pursuant to the provisions of
25 Section 22-1-4 NMSA 1978 may enroll or re-enroll in a public school at any time and,
26 unless required to attend school pursuant to the Compulsory School Attendance Law,
27 may withdraw from a public school at any time.

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29 For students transferring from a home school or private school to the Deming Public
30 Schools the receiving school(s) shall provide that the grade level at which the transferring
31 student is placed is appropriate to the age of the student or to the student's score on a
32 student achievement test administered according to the statewide assessment and
33 accountability system.

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35 In-state students shall be enrolled or re-enrolled in each of the district's schools according
36 to the following:

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38 1. First, persons residing within the attendance area of the school;
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40 2. Second, students enrolled in a school ranked as a school that needs
41 improvement or a school subject to corrective action;
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43 3. Third, students who previously attended the school; and,
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4. Fourth, all other applicants for enrollment at the school, subject to the priorities as set forth in state statutes (22-1-4-E through 22-1-4-G).

Transportation

Transportation shall be provided by the district for transportation-eligible students residing within the attendance area of the school they attend. Transportation of students residing outside the attendance area of the school which they attend shall be the responsibility of the parent/guardian or student; unless the student is admitted as a second priority category and is transferring from a school ranked as a school that needs improvement or a school subject to corrective action.

Maximum Class Size

The Superintendent shall determine the maximum allowable class size in the district by administrative regulation.

1. So long as maximum allowable class size established by the Superintendent or as permitted by law is not exceeded by the enrollment of first-priority and second-priority students the school shall continue to enroll students on the basis of the priorities established in this policy.
2. If the maximum allowable class size would be exceeded by enrollment of an applicant in the third through fourth priority category, each school shall establish a waiting list.
3. As classroom space becomes available in each school, students within the appropriate grade level shall be invited to enroll on the basis of (a.) the student's enrollment priority category, and then (b.) the order of the student's entry on the waiting list.

Denial of Enrollment or of Re-enrollment

Notwithstanding any other provision of this policy, enrollment or re-enrollment of a student to any Deming Public District school may be denied by the principal of such school on the following grounds:

1. The student seeking enrollment or re-enrollment has been placed on long-term suspension or expelled from another school district in New Mexico or in any other state during the preceding twelve (12) month period; or

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- 4 2. The student’s behavior in a school district in New Mexico or in another
- 5 state during the preceding twelve (12) month period makes the student’s
- 6 enrollment or re-enrollment detrimental to the welfare or safety of other
- 7 students or school personnel as determined by the Superintendent or
- 8 his/her designee.
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10 **Hearing and Appeal of Denial of Enrollment or of Re-enrollment**

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12 A student or the student’s parents or guardians may appeal a denial of enrollment or of

13 re-enrollment pursuant to the above paragraph addressing “the denial of enrollment or of

14 re-enrollment”, through the procedures established from long-term suspensions and

15 expulsions of students, provided, that when the denial of enrollment or re-enrollment was

16 based upon the student’s prior expulsion from another New Mexico school district within

17 the preceding twelve (12) month period. The admission of evidence of such expulsion

18 shall shift the burden of proof to the student or parent(s)/guardian(s) to show that the

19 student should be admitted despite such expulsion. In proceedings regarding denials

20 under all other circumstances provided under the paragraph above, the burden of

21 sustaining the denial shall remain with the school.

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23 **Student Disenrollment**

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25 Enrollment limits are set at each school, and classroom limitations as set by legislative

26 action are followed. Limits at each school are derived at through principal and central

27 office collaboration and approved by the Board of Education.

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29 When student enrollment limits at the schools are reached, a disenrollment procedure will

30 be followed for those students from out-of-district that are impacted by the enrollment

31 restrictions.

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33 Out-of-district students affected by the procedure after the 40th day will be allowed to

34 remain in the school for the remainder of the semester.

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45 **References: NMSA 1978, Sections 22-12-1 to 22-1-4**

46 **NMSA 1978, Sections 22-1-4-E through 22-1-4-G**