

The School Board adopts this policy pursuant to the Open Enrollment Act, N.M. Stat. Ann. §22-1-4: The following guidelines apply unless excluded by other policy.

1. The attendance area of each school within the district shall be established by the Los Alamos Public School Board.

2. Because the School District may admit school-age persons who do not live within the School District boundaries, when there are sufficient available resources and space, students shall be enrolled or re-enrolled in the Los Alamos Public Schools (“LAPS”) according to the following priorities:

**Priority 1:** Students residing within the LAPS boundaries and within the attendance area of a LAPS 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 member of the National Guard being deployed, and whose deployment has required the student to relocate outside the attendance area for custodial care. NMSA 1978, § 22-1-4(E)(3)(a) (2011).

**Priority 2:** Students enrolled in a school ranked as a school that needs improvement or a school subject to corrective action. NMSA 1978, § 22-1-4(E)(3)(b) (2011).

**Priority 3:** Students who previously attended the LAPS school. NMSA 1978, § 22-1-4(E)(3)(c) (2011).

**Priority 4:** All other applicants for enrollment at a LAPS school, based on the following priorities:

- A. First, students of staff members of Los Alamos Public Schools (NMSA 1978, § 22-1-4(F)(3) (2011));
- B. Second, siblings of students who are already attending Los Alamos Public Schools (NMSA 1978, § 22-1-4(F)(6) (2011)); and
- C. All other applicants (NMSA 1978, § 22-1-4(E)(3)(d) (2011)).

3. 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 they attend shall be the responsibility of the parent/guardian or student.

4. The School Board shall determine the maximum allowable class size in the district which may be lower than the maximum allowable class size established in state law.

- A. So long as the maximum allowable class size established by the School Board or by law, whichever is lower, is not met or exceeded by the enrollment of first- and second-priority students, 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 the second through fourth priority, the District shall establish a waiting list for the schools. 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.

5. Unless the School Board establishes a lower maximum allowable class size through School Board policy, the maximum allowable class sizes shall be as follows:

- A. The individual class load for elementary school teachers shall not exceed twenty (20) students for kindergarten. Any teacher in kindergarten with a class load of fifteen (15) to twenty (20) students shall be entitled to the assistance of an educational assistant. A kindergarten teacher with a class load of fewer than fifteen students is not entitled to the assistance of an educational assistant. NMSA 1978, § 22-10A-20(A) (2003).
- B. The average class load for elementary school teachers at an individual school shall not exceed twenty-two (22) students when averaged among grades one, two and three. Any teacher in grade one with a class load of twenty-one (21) or more shall be entitled to the full-time assistance of an educational assistant. NMSA 1978, § 22-10A-20(B) (2003).
- C. The average class load for an elementary school teacher at an individual school shall not exceed twenty-four (24) students when averaged among grades four, five, and six. NMSA 1978, § 22-10A-20(C) (2003).
- D. The daily teaching load per teacher for grades seven through twelve shall not exceed one hundred sixty (160) students, except the daily teaching load for teachers of required English courses in grades seven and eight shall not exceed one hundred thirty-five (135) with a maximum of twenty-seven (27) students per class and the daily teaching load for teachers of required English courses in grades nine through twelve shall not exceed one hundred fifty (150) students with a maximum of thirty (30) students per class. NMSA 1978, § 22-10A-20(D) (2003).
- E. Students receiving special education services integrated into a regular classroom for any part of the day shall be counted in the calculation of class load averages. Students receiving special education services who are not integrated into the regular classroom shall not be counted in the calculation of class load averages. Only classroom teachers charged with responsibility for the regular classroom instructional program shall be counted in determining average class loads. In elementary schools offering only one grade level, average class loads may be calculated by averaging appropriate grade levels between schools in the District. NMSA 1978, § 22-10A-20(E) (2003).
- F. Class load limits provided for in this section do not apply to band or music classes or athletic electives. NMSA 1978, § 22-10A-20(F) (2003).
- G. The student/staff caseload shall not exceed 35:1 for a special education teacher and 60:1 for a speech-language pathologist for special education services or speech-only services, in which properly licensed special education teachers or speech-language pathologists travel from class to class or school to school, providing services to students with disabilities whose individualized education programs (IEPs) require a minimal amount of special education. (A minimal amount of special education services shall not exceed 10 per cent of the school day/week.) 6.29.1.9(H)(1) NMAC (10/31/11).
- H. The student/staff caseload shall not exceed 24:1 for a special education teacher and 35:1 for a speech-language pathologist for special education services or speech-only services which properly-licensed special education teachers or speech-language pathologists provide to students with disabilities whose IEPs require a moderate amount of special education. (A moderate amount of special

education services shall be less than 50 per cent of the school day.) 6.29.1.9(H)(2) NMAC (10/31/11).

- I. The student/staff caseload shall not exceed 15:1 for special education services in which properly licensed special education teachers provide services to students with disabilities whose IEPs require an extensive amount of special education for a portion of the school day as appropriate to implement the plan. (An extensive amount of special education services shall be provided 50 per cent or more of the school day.) 6.29.1.9(H)(3) NMAC (10/31/11).
- J. The student/staff caseload shall not exceed 8:1 for special education services in which a properly licensed professional provides services to students with disabilities whose IEPs require a maximum amount of special education. (A maximum amount of special education services shall be provided in an amount approaching a full school day.) 6.29.1.9(H)(4) NMAC (10/31/11).

6. Grounds for denial of enrollment or re-enrollment shall be limited to:

- A. A student's expulsion from any school district or private school in this state or any other state during the preceding twelve months; or
- B. A student's behavior in another school district or private school in this state or any other state during the preceding twelve months that is detrimental to the welfare or safety of other students or school employees.  
NMSA 1978, § 22-1-4(E)(5) (2011).

7. Enrollment and Disenrollment

- A. "Enrollment" means registration as a student on the rolls of LAPS. 6.10.4.7(C) NMAC (11/13/09). Each year, each student must reenroll and complete all required registration forms. A student's status as a Priority 1, 2, 3 or 4 student shall be determined at the time the student seeks to enroll or reenroll. Student transfers must apply for transfer each year.
- B. "Disenrollment" means discontinuance of the student's attendance at school. 6.10.4.7(C) NMAC (11/13/09). If a transfer student voluntarily disenrolls or is lawfully disenrolled for any reason (e.g., expulsion, withdrawal for nonattendance as permitted by NMSA 1978, § 22-8-2 (B) (2009), enrollment in another district, or disenrollment due to an invalid enrollment) during the school year, the student must reapply for transfer. The student's status as a Priority 1, 2, 3 or 4 student shall be determined at the time the student seeks to reenroll.

8. Disenrollment due to invalid enrollment. "Invalid enrollment" refers to an enrolled student or a conditionally enrolled student who has not met the requirements of law for enrollment in school, either as to age, residence, immunization, or other reasons, or has not complied with conditional enrollment requirements. 6.10.4.7(D) NMAC (11/13/09). Where a student is found to have an invalid enrollment the student shall be disenrolled from school in accordance with the procedure set forth below.

Procedure: Where the Assistant Superintendent or designee has reason to believe a student is enrolled under an invalid enrollment the Assistant Superintendent or designee shall take the following action:

- A. Preliminary notice of contemplated action of disenrollment. The Assistant Superintendent or designee shall give a preliminary notice of contemplated action of disenrollment to the student, through his/her parent or guardian, of the contemplated disenrollment and the reasons therefore. The preliminary notice shall be in writing, and mailed to the student not later than ten (10) school days before the notice of disenrollment is to be mailed. The preliminary notice shall state that: (1) the student has a right to respond, either in writing or in person, to the Assistant Superintendent or designee before the date of the contemplated action of disenrollment, and (2) the student may attempt to resolve the matter informally by presenting adequate evidence to the Superintendent or designee to refute the alleged reasons for the contemplated action of disenrollment.
- B. Stay of proceedings. Where the question of the student's enrollment is under review by an administrative agency in the state of New Mexico or any court of competent jurisdiction, and written documentation has been filed with the Assistant Superintendent or designee establishing the pendency of the action, all proceedings under this rule shall be stayed pending final determination of the question by that agency or court.
- C. Notice of disenrollment. Where the student has not presented satisfactory evidence to cure the invalid enrollment and has been afforded preliminary notice of contemplated action of disenrollment above, the Assistant Superintendent or designee shall give written notice to the student, through his/her parent or guardian, that the student will be disenrolled. The notice of disenrollment shall be mailed ten (10) school days after the mailing of the preliminary notice of contemplated action of disenrollment. The notice of disenrollment must include a copy of this rule and must advise the student, through his/her parent or guardian, of the following.
- 1) Subject to the procedure regarding hearings, if satisfactory evidence to refute the alleged reasons for the contemplated action of disenrollment is not submitted to the Assistant Superintendent or designee within ten (10) school days from the date of mailing of the notice of disenrollment, the student will be disenrolled.
  - 2) The student may, at any time within ten (10) school days after the date of mailing of the notice of disenrollment, present the Assistant Superintendent or designee with an oral or written request for a hearing on the matter.
    - a) The hearing shall be held within five (5) school days after receipt of a request for hearing.
    - b) The student may appear at the hearing, with or without counsel, to refute the alleged reasons for the disenrollment.
    - c) The student may present witnesses or evidence at the hearing, as well as question any witnesses supporting disenrollment.
  - 3) Within five (5) school days after the hearing, the hearing officer shall issue and mail to the student, through his/her guardian, the decision setting forth his/her decision and the reasons therefore.
  - 4) If the hearing officer decides in favor of the student, the matter shall be closed. If the hearing officer decides against the student, the student shall be disenrolled from school five (5) school days from the date of mailing of

- the decision.
- 5) If no request for a hearing is received within the time provided, the student shall be disenrolled from school and shall be permitted to re-enroll only when all legal requirements for enrollment are met.
- D. Hearing officer. The Superintendent or designee shall act as hearing officer for disenrollment matters; who, upon referral of the case from the Assistant Superintendent or designee, shall follow the procedures set forth in this policy to afford the student and his/her parent or guardian due process.
- E. Hearing procedure. The hearing shall be set within five (5) school days after an oral or written request for hearing is received by the Superintendent or designee.
- 1) The designated hearing officer shall conduct the hearing informally but with dignity, firmness and fairness appropriate to the importance of the proceedings.
  - 2) Written minutes of the proceedings shall be kept. A verbatim transcript shall not be required.
  - 3) The hearing shall be conducted to afford the student due process, and shall provide:
    - a) An opportunity for the student and his/her parent or guardian to respond at the hearing;
    - b) The right to present evidence;
    - c) The right to confront adverse witnesses;
    - d) The right of cross examination;
    - e) The right to be represented by counsel;
    - f) The right to have a decision based solely on the applicable legal rules and the evidence presented at the hearing.
  - 4) Within five (5) school days after the hearing, the designated hearing officer shall prepare and mail to the student, through his/her parent or guardian, a written decision and the reasons therefore.
- 6.10.4.9 NMAC (11/13/09).

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