

The Board of Education of Pojoaque Valley Schools District (PVSD) adopts this policy pursuant to the Open Enrollment Act, of the NMSA 1978, Section 22-1-4 as amended, also known as the Open Enrollment Act:

1. In that the District does not have multiple school zones, the attendance area of each school unit is defined by current exterior boundaries. The District provides transportation pursuant to paragraph 8.
2. Students shall be enrolled or re-enrolled in each school unit according to the following priorities:
  - First, students residing within the District and who had resided in the District prior to the deployment of a parent who is an active duty member of the Armed Forces of the United States or a member of the National Guard, and whose deployment required the student to relocate outside the District for custodial care.
  - Second, students enrolled in a school ranked as a school that needs improvement or graded by the New Mexico Public Education Department as a “D” or “F” school or otherwise designated under state law as a school subject to corrective action.
  - Third, students who attended PVSD the previous year, if there is space/program available. “Space/Program availability” means that there must be a program currently offered and that class size limits have not or will not be exceeded. The following factors may be used in order to determine priority for enrollment for third-party applicants:
    - Children of PVSD employees;
    - Siblings of students already attending PVSD
    - Extreme hardship as determined by the superintendent or his or her designee
    - Student safety as determined by the superintendent or his or her designee
  - Fourth, all other applicants will be considered, if there is space/program available, according to the factors set forth above.
3. Parents or guardians of students seeking out-of-District enrollment in PVSD shall submit an application annually if the student was on the waiting list in the previous year and was not placed during the year.

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4. As part of the acceptance or denial consideration for the out-of-District transfer application, PVSD reserves the right to review discipline records of the student's last places of enrollment for the prior twelve (12) months.
5. As described in paragraph 3, the school district reserves the right to deny enrollment or remove a student who is accepted on an out-of-District transfer if the student has been expelled or has exhibited behaviors in the previous school that are considered detrimental to the safety/welfare of PVS students and/or personnel. Additionally, school principals may interview prospective students and parents before accepting the student into the school.
6. PVSD will establish a timely procedure for the processing and notification of parents or guardians who wish to seek out-of-District enrollment for their child/ren. PVSD will take all the factors described under section 2.c of this Policy under consideration if there is space and/or program available in the applicant's current grade/program at the time of the application.
7. Applications will be taken in the spring of each year, and determinations for placement in the next school year will be made by May 1. Applications will be completed by parents or guardians and submitted to PVSD central office following a clearly prescribed and widely distributed set of instructions.
8. Open enrollment applications submitted outside of the enrollment window will be submitted to central office and will be reviewed in the order in which they are received and parents or guardians of students eligible for enrollment in accordance with this policy will be notified of acceptance as space becomes available. Appropriate school sites will be notified.
9. Other than space/program availability factors, PVSD, as part of the acceptance or denial process within the out-of-District transfer application, PVSD reserves the right to review discipline information related to behavior infractions within PVSD or other school districts. PVSD shall also deny enrollment to any applicant if that applicant has been expelled from any public or private school within the preceding twelve (12) months of the application or if the applicant has exhibited behaviors in the previous school that are considered detrimental to the safety/welfare of PVS students and/or personnel. If it is determined that information regarding behavioral infractions were not fully disclosed on the open enrollment application, then the student will be subject to disenrollment.
10. First priority students shall be enrolled at any time during the school year; however, in the event that local class sizes would exceed the State Standard maximums, PVSD will pursue the specific remedies for exceeding class size using permitted applicable State Regulations, and

admission would be contingent on State approval of a class size waiver. A student initially enrolled as a first priority student on the basis of residency may be disenrolled if the student is found to have provided invalid residency information or has not complied with conditional enrollment requirements. PVSD will comply with the procedures in NMAC 6.10.4.7 through 6.10.4.9 in determining whether a student’s enrollment is invalid. If a student’s enrollment on the basis of residency is found to be invalid, but is otherwise eligible to enroll, the student may reapply as an out-of-District student in a second or third priority. Enrollment by other than first priority student shall be on the basis of space and program availability subject to the following local class sizes:

Class Sizes per grade/teacher (as per SDE maximum size requirements)

Kindergarten	20
1 <sup>st</sup> – 3 <sup>rd</sup> Grade	22 averaged among these grades.
4 <sup>th</sup> – 6 <sup>th</sup> Grade	24 averaged among these grades
7 <sup>th</sup> & 8 <sup>th</sup> Grades	27 maximum class size*
9 <sup>th</sup> through 12 <sup>th</sup> Grade	30 maximum class size*
Special Education	As defined by Level/Program

Preschool is not covered by the Open Enrollment Act, and those class sizes will remain as per State Standard Requirements.

*\* Maximum Class size is also affected by the maximum daily teaching load permitted in grades 7-8 and 9-12 under NMSA 1978 β22-10A-20.*

11. PVSD shall establish a waiting list for all schools and students based on the priorities listed above. At least quarterly, PVSD officials shall, in conjunction with school principals, review the waiting list to determine if space has become available. If classroom space becomes available, students within the appropriate grade level or program shall be offered enrollment on the basis of (1) the student’s priority category, and (2) the order of the student’s application on the waiting list.
12. Transportation shall be provided by the District for transportation-eligible students who reside within the District’s boundaries. Transportation of students residing outside the boundaries of the District shall be primary responsibility of the parent or guardian. The school district retains the discretion to include the transportation of students residing outside District boundaries based on school bus availability. Transportation will not be provided to out-of-District students as a related service.

13. No student, once having been validly enrolled and in attendance in good standing, will be dis-enrolled on the basis of space for the remainder of the school year; however, the student may be disenrolled at the end of the school year. The student may re-apply as a second or third priority student for the following year. Non-renewal of second and third priority students on the basis of space will be made within each category in reverse order based on the original application date (“Last in, First out”).
  
14. **Hearing and Appeal of Denial of Enrollment or of Re-Enrollment:** A student or the student’s parents of a minor student may appeal a denial of enrollment or of re-enrollment pursuant to paragraph 4, above, through the procedures established for long-term suspensions and expulsions of students, provided, that when the denial of enrollment or re-enrollment was based upon the student’s prior expulsion from another New Mexico 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. In proceedings regarding denials under all other circumstances provided under paragraph 2, 3, and 8 above, the burden of sustaining the denial shall remain with the school.

*Note: Home School and Non-Accredited Private School transfers fall under the Open Enrollment Act under the same priority provisions as public school students. However, for the purpose of grade placement(s), see the District Policy on Home School/Private School Transfers.*