

The right to attend school in New Mexico is conferred on school-age students by the Constitution of New Mexico, Art. XII, § 1. The constitutional right to attend public school is implemented by statute. N.M.Stat. Ann. § 22-12-4 (1993 Repl.). The right to attend public school, however, is not absolute. It is conditioned upon each student's observation of the obligation to abide by the rules and policies of the school community and the state. See State Board of Education Regulation 81-3. The right may be taken away through expulsion of a student who has seriously or repeatedly violated the rules and policies of the school community.

The board of education and the administration are responsible for maintaining a safe and secure environment that is conducive to the educational mission of the schools, and the interests of the students, and may validly expel students whose conduct endangers the health or safety of students, school personnel, or others for whose safety the school is responsible, through the procedures prescribed by SBE Reg. 81-3. When a student has been validly expelled for such a reason by another school district, the expulsion constitutes a determination that the student's presence constitutes an unacceptable threat to the school community, and the student's constitutional right to attend public school in New Mexico has been extinguished. A student who has been expelled for such reason by one school district poses the same threat to any other school district.

Accordingly, it is the policy of the board of education that a student seeking admission to the schools of the district may be denied admission if such student has been validly expelled from another school district for conduct that, in the view of this district's administration, constitutes an unacceptable threat to the health or safety of the school community. This policy shall be implemented by the following:

- A. During the enrollment process, the student, parent or guardian claiming that the child has a right to admission to school in the district is required to disclose any prior expulsions, the reason(s) for such expulsions, and other pertinent information.
- B. Any student who has been validly expelled by another school district for conduct which, in the view of the administration, constitutes an unacceptable threat to the health or safety of the school community, may be denied admission.
- C. The administration may contact the student's prior school district in order to confirm or clarify information about the circumstances of such student's departure from that district. Enrollment in the Lordsburg Schools may be delayed, at the discretion of the principal or his/her designee, while awaiting such information from another school district.
- D. Non-disclosure of prior expulsions may be grounds for expulsion of a newly enrolled student.