

High School—Do we need an accredited program? And/or--the public high school is rejecting the transfer of credits and requiring repeating grades for graduation credits.

An accredited program is NOT necessary for college entrance. However, since the transfer of high school credits is left up to the discretion of each public high school, it may be difficult (but not impossible) to return to a public school program without standard credits. If there is no commitment to home school all the way through high school, an accredited course of study is recommended.

While **NM high schools are not allowed to discriminate against home educators** when transcripts are transferred, **they are also not obliged to accept non-accredited credits**. Each school district is allowed to create their own guidelines for placing transfer students, and high school credits may be subject to review if they are not recognized as accredited. In other words, we can get a non-accredited home school high school graduate accepted into any university in the state as long as the college tests are adequate, but applying home school high school credits toward a public school high school diploma can often be a headache. If that is a possibility, we recommend that you use an accredited correspondence or distance learning program. We also recommend that you ask the local district for a written copy of their policy for transferring credits.

What do we recommend?

If the "deed is done" and classes already completed are not being recognized, consider finishing course work at home.

If it is necessary to graduate from a public school, ask the district for a written copy of their policy for transferring credits. Then, diplomatically negotiate with the counselors, then the principal, and finally appeal to the school board. Textbooks used, scope and sequence, portfolios, curricula tests, standardized tests, and college tests should all be able to confirm skills and knowledge.

At the end of a school year, perhaps teachers will allow final exams to be taken for classes completed at home. Passing the exam should confirm credit.

Consider requesting probation. For example, allow student to enter Algebra 2 on probation. If he or she can produce adequately, they should be allowed to continue, AND the credit for Algebra 1 should be confirmed.

PLEASE NOTE: CAPE cannot give legal advice and our opinions should not be construed as legal advice.

If you are in doubt, please obtain competent legal counsel.

It is clear that the legislature did not intend for home schoolers to be discriminated against...

22-1-4. Free public schools; exceptions; withdrawing and enrolling; open enrollment.

A. Except as provided by Section 24-5-2 NMSA1978, a free public school education shall be available to any school-age person who is a resident of this state and has not received a high school diploma or its equivalent.

B. A free public school education in those courses already offered to persons pursuant to the provisions of Subsection A of this section shall be available to any person who is a resident of this state and has received a high school diploma or its equivalent if there is available space in such courses.

C. Any person entitled to a free public school education pursuant to the provisions of this section may enroll or re-enroll in a public school at any time and, unless required to attend school pursuant to the Compulsory School Attendance Law [22-12-1 to 22-12-7 NMSA1978], may withdraw from a public school at any time.

D. In adopting and promulgating rules concerning the enrollment of students transferring from a home school or private school to the public schools, the local school board shall provide that the grade level at which the transferring student is placed is appropriate to the age of the student or to the student's score on a student achievement test administered according to the statewide and local school district testing programs as determined by the state superintendent or both.

E. A local school board shall adopt and promulgate rules governing enrollment and re-enrollment at public schools other than charter schools within the district. These rules shall include:

(1) definition of the district boundary and the boundaries of attendance areas for each public school;

(2) for each public school, definition of the boundaries of areas outside the district boundary or within the district but outside the public school's attendance area and within a distance of the public school that would not be served by a school bus route as determined pursuant to Section 22-16-4 NMSA1978 if enrolled, which areas shall be designated as "walk zones";

(3) priorities for enrollment of students as follows:

(a) first, persons residing within the district and within the attendance area of a public school;

(b) second, persons who previously attended the public school; and

(c) third, all other applicants; and

(4) establishment of maximum allowable class size if smaller than that permitted by law.

F. As long as the maximum allowable class size established by law or by rule of a local school board, whichever is lower, is not met or exceeded in a public school by enrollment of first-priority persons, the public school shall enroll other persons applying in the priorities stated in the district rules adopted pursuant to Subsection E of this section. If the maximum would be exceeded by enrollment of an applicant in the second or third priority, the school shall establish a waiting list. 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.

History: 1953 Comp., § 77-1-4, enacted by Laws 1975, ch. 338, § 1; 1978, ch. 211, § 7; 1979, ch. 16, § 1; 1997, ch. 127, § 2; 1998, ch. 62, § 1; 2000, ch. 15, § 1; 2000, ch. 82, § 1.

22-1-5. Recompiled.

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