

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY
Mario Urioste

A JOINT MEMORIAL

REQUESTING THE STATE DEPARTMENT OF PUBLIC EDUCATION AND THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT TO STUDY THE COMPULSORY SCHOOL ATTENDANCE LAW AND THE FAMILY IN NEED OF SERVICES LAW.

WHEREAS, the Compulsory School Attendance Law requires students to attend school for the length of the school year established by law and policies of local school boards; and

WHEREAS, the Compulsory School Attendance Law sets forth provisions of enforcement for student absenteeism and requires a local school board to notify in writing the parent or guardian that the student is not in compliance with the law; and

WHEREAS, the Compulsory School Attendance Law makes provisions regarding students who are violating the law by specifying the procedures that must be followed by a local

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1 school board, including reporting to the probation services
2 office of the judicial district and requesting an
3 investigation to determine whether the student is considered
4 to be a neglected child and subject to the provisions of the
5 Family in Need of Services Act; and

6 WHEREAS, the law requires that if a determination is
7 made that the nonattendance by the student may have been
8 caused by the parent or guardian, penalties may be enforced
9 by the district court; and

10 WHEREAS, the provisions in the Family in Need of
11 Services Act allow local school boards to submit a request
12 for family services if a child is absent from school for more
13 than ten days without an authorized excuse and take
14 procedures to assist in returning the student to school; and

15 WHEREAS, New Mexico local school boards and school
16 personnel report that they are unsuccessful in having law
17 enforcement and district courts follow up on continued
18 violations of the Compulsory School Attendance Law; and

19 WHEREAS, local school boards and school personnel report
20 that provisions in the Family in Need of Services Act
21 regarding procedures for addressing student nonattendance are
22 inconsistent with the Compulsory School Attendance Law;

23 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
24 STATE OF NEW MEXICO that the state department of public
25 education and the children, youth and families department
collaborate with parents and members of the community to
study the Compulsory School Attendance Law and the Family in

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1 Need of Services Act; and

2 BE IT FURTHER RESOLVED that the parties involved in the
3 study make recommendations regarding how both laws may be
4 reconciled to ensure that the Compulsory School Attendance
5 Law is being carried out successfully for the benefit of the
6 student; and

7 BE IT FURTHER RESOLVED that the parties involved in the
8 study report their findings to the legislative education
9 study committee by November 1, 2000; and

10 BE IT FURTHER RESOLVED that copies of this memorial be
11 transmitted to the superintendent of public instruction, the
12 secretary of the children, youth and families and the
13 chairman of the legislative education study committee for
14 appropriate distribution.