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HOUSE BILL 22

**53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

INTRODUCED BY

Nate Gentry and Daniel A. Ivey-Soto

AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING PARENTAL NOTIFICATION BY  
TEXT WHEN A CHILD IS ABSENT FROM SCHOOL; REQUIRING PARENTAL  
NOTIFICATION BY TEXT AT LEAST TWO DAYS BEFORE A TEST.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 22-12-9 NMSA 1978 (being Laws 2004,  
Chapter 28, Section 1, as amended) is amended to read:

"22-12-9. UNEXCUSED ABSENCES AND TRUANCY--ATTENDANCE  
POLICIES.--

A. As used in this section and Sections 22-12-7 and  
22-12-8 NMSA 1978:

(1) "habitual truant" means a student who has  
accumulated the equivalent of ten days or more of unexcused  
absences within a school year;

(2) "student in need of early intervention"

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1 means a student who has accumulated five unexcused absences  
2 within a school year; and

3 (3) "unexcused absence" means an absence from  
4 school or classes for which the student does not have an  
5 allowable excuse pursuant to the Compulsory School Attendance  
6 Law or rules of the local school board or governing authority  
7 of a charter school or private school.

8 B. An unexcused absence of two or more classes up  
9 to fifty percent of an instructional day shall be counted as  
10 one-half day absence, and the unexcused absence of more than  
11 fifty percent of an instructional day shall be counted as one  
12 full-day absence.

13 C. Each school district and charter school shall  
14 maintain an attendance policy that:

15 (1) provides for early identification of  
16 students with unexcused absences, students in need of early  
17 intervention and habitual truants and provides intervention  
18 strategies that focus on keeping students in need of early  
19 intervention in an educational setting and prohibit out-of-  
20 school suspension and expulsion as the punishment for unexcused  
21 absences and habitual truancy;

22 (2) uses withdrawal as provided in Section  
23 22-8-2 NMSA 1978 only after exhausting intervention efforts to  
24 keep students in educational settings;

25 (3) requires that class attendance be taken

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1 for every instructional day in every public school or school  
2 program in the school district; ~~and~~

3 (4) requires the school to notify promptly by  
4 text message a parent of a student who is absent unless the  
5 parent has requested on the student's enrollment form or  
6 otherwise that the parent not be notified; and

7 [~~4~~] (5) provides for schools to document the  
8 following for each student identified as an habitual truant:

9 (a) attempts of the school to notify the  
10 parent that the student had unexcused absences;

11 (b) attempts of the school to meet with  
12 the parent to discuss intervention strategies; and

13 (c) intervention strategies implemented  
14 to support keeping the student in school.

15 D. The department shall review and approve school  
16 district and charter school attendance policies.

17 E. School districts and charter schools shall  
18 report unexcused absences and habitual truancy rates to the  
19 department in a form and at such times as the department  
20 determines and shall document intervention efforts made to  
21 keep students in need of early intervention and habitual  
22 truants in educational settings. Locally chartered charter  
23 schools shall provide copies of their reports to the school  
24 district. The department shall compile school district and  
25 charter school reports on rates of unexcused absences and

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1 habitual truancy and require school districts and charter  
2 schools to certify that the information is being reported  
3 consistently."

4 SECTION 2. A new section of the Public School Code is  
5 enacted to read:

6 "[NEW MATERIAL] NOTIFICATION OF TESTS.--Each school  
7 shall notify by text message a parent of a student that the  
8 student will be tested at least two days prior to the date of  
9 a test that will affect the student's grade point average  
10 unless the parent has requested on the student's enrollment  
11 form or otherwise that the parent not be notified."