

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 297

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

AN ACT

RELATING TO SCHOOL ATTENDANCE; ENACTING THE ATTENDANCE FOR  
SUCCESS ACT; PROVIDING FOR EARLIER AND MORE INTENSIVE  
INTERVENTION FOR STUDENTS WHO ARE ABSENT OR EXCESSIVELY ABSENT;  
DEFINING TERMS; PROVIDING A PROCESS THAT PROGRESSES FROM  
INFORMAL INTERVENTION THROUGH PARENTAL NOTIFICATION AND  
INTERVENTION TO REFERRAL TO THE CHILDREN, YOUTH AND FAMILIES  
DEPARTMENT AND POTENTIAL SUSPENSION OF AN EXCESSIVELY ABSENT  
STUDENT'S DRIVER'S LICENSE; REQUIRING DATA COLLECTION AND USE;  
REPEALING THE COMPULSORY SCHOOL ATTENDANCE LAW.

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

SECTION 1. A new section of the Public School Code is  
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--Sections 1 through 16 of  
this act may be cited as the "Attendance for Success Act"."

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underscored material = new  
[bracketed material] = delete

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

3           "[NEW MATERIAL] DEFINITIONS.--As used in the Attendance  
4 for Success Act:

5           A. "absent" means not in attendance for a class or  
6 school day for any reason, whether excused or not; provided  
7 that "absent" does not apply to attendance at interscholastic  
8 extracurricular activities;

9           B. "attendance officer" means the person in the  
10 public school assigned by the school principal or head  
11 administrator of a charter school to maintain and report  
12 absences, excessive absences and chronic absences and notify a  
13 parent of the parent's student's failure to attend school;

14           C. "chronically absent" or "chronic absenteeism"  
15 means a student has missed ten percent or more of school days  
16 when enrolled for more than ten days;

17           D. "excessively absent" or "excessive absenteeism"  
18 means a student has ten or more unexcused absences, including  
19 suspensions, from classes or school days;

20           E. "excused absence" means absence from a class or  
21 school day for medical absence, religious instruction or tribal  
22 obligations;

23           F. "interscholastic extracurricular activities"  
24 means those activities sponsored by the public school or an  
25 organization whose principal purpose is the regulation,

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1 direction, administration and supervision of interscholastic  
2 activities in public schools;

3 G. "medical absence" or "medically absent" means a  
4 student is not in attendance for a class or a school day for a  
5 parent- or doctor-authorized medical reason or the student is a  
6 pregnant or parenting student;

7 H. "school day" means a portion of the school day  
8 that is more than two classes;

9 I. "school principal" includes the charter school  
10 administrator responsible for student attendance;

11 J. "student" means a school-age person who attends  
12 a public school; and

13 K. "unexcused absence" means an absence from a  
14 class or school day for which the student does not have an  
15 allowable excuse pursuant to the Attendance for Success Act or  
16 policies of the local school board or governing authority of a  
17 charter school."

18 SECTION 3. A new section of the Public School Code is  
19 enacted to read:

20 "[NEW MATERIAL] RIGHT TO EDUCATION.--All school-age  
21 persons in the state shall have a right to a free public  
22 education as follows:

23 A. except for school-age persons who are detained  
24 in a state or local detention center or enrolled or residing in  
25 state institutions other than those school-age persons provided

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1 for in Subsection C of this section, a school-age person has a  
2 right to attend public school within the school district in  
3 which the person resides;

4 B. except as provided in Subsection C of this  
5 section, the state or local detention center or state  
6 institution in which a school-age person is detained, enrolled  
7 or residing shall be responsible for providing educational  
8 services for the school-age person; and

9 C. a school-age person who is a client as defined  
10 in Section 43-1-3 NMSA 1978 in a state institution under the  
11 authority of the secretary of health shall have a right to  
12 attend public school in the school district in which the  
13 institution in which the person is a client is located if:

14 (1) the school-age person has been recommended  
15 for placement in a public school by the educational appraisal  
16 and review committee of the school district in which the  
17 institution is located; or

18 (2) the school-age person has been recommended  
19 for placement in a public school as a result of the appeal  
20 process as provided in the special education rules of the  
21 department."

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

24 "[NEW MATERIAL] SCHOOL ATTENDANCE--RESPONSIBILITY--PRIVATE  
25 SCHOOL ATTENDANCE POLICIES.--

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underscored material = new  
[bracketed material] = delete

1           A. Except as otherwise provided, a school-age  
2 person shall attend public school, private school, home school  
3 or a state institution until the school-age person is at least  
4 eighteen years of age unless that person has graduated from  
5 high school, received a high school equivalency credential or  
6 withdrawn from school on a hardship waiver. A parent may give  
7 written, signed permission for the school-age person to leave  
8 school between the ages of sixteen and eighteen in case of  
9 hardship approved by the local superintendent or the head  
10 administrator of a charter school or private school.

11           B. A school-age person subject to the provisions of  
12 the Attendance for Success Act shall attend school for at least  
13 the length of time of the school year that is established in  
14 that person's school district, charter school or private  
15 school. The school district, charter school or private school  
16 shall not excuse a school-age person from attending school  
17 except as provided in that act.

18           C. The parent of a school-age person subject to the  
19 provisions of the Attendance for Success Act is responsible for  
20 the school attendance of that person.

21           D. Each local school board and each governing body  
22 of a charter school or private school shall enforce the  
23 provisions of the Attendance for Success Act for students  
24 enrolled in their respective schools.

25           E. Every private school in this state shall have an

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1 attendance policy that as closely as practicable follows the  
2 law for public schools. All school-age persons and the parents  
3 of the school-age persons attending a private school shall be  
4 given a copy of the private school's attendance policy each  
5 year."

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

8 "[~~NEW MATERIAL~~] PUBLIC SCHOOL ATTENDANCE.--

9 A. Local school boards may admit as students  
10 school-age persons who do not live within the school district  
11 to the public schools within the school district when there are  
12 sufficient school accommodations to provide for them.

13 B. Local school boards may allow students to  
14 transfer to a public school outside the student's attendance  
15 zone but within the school district when there are sufficient  
16 school accommodations to provide for them.

17 C. Local school boards shall charge a tuition fee  
18 for the right to attend public school within the school  
19 district to those school-age persons who do not live within the  
20 state. The tuition fee shall not exceed the amount generated  
21 by the public school fund for a student similarly situated  
22 within the school district for the current school year.

23 D. When the parent of a student not living in the  
24 state pays an ad valorem property tax for school purposes  
25 within the school district, the amount of the tuition payable

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1 for the school year shall be reduced by the district average ad  
 2 valorem tax per student as determined by the ad valorem tax  
 3 credit used in calculating the state equalization guarantee  
 4 distribution."

5 SECTION 6. A new section of the Public School Code is  
 6 enacted to read:

7 "[NEW MATERIAL] PUBLIC SCHOOL ATTENDANCE POLICIES--  
 8 REPORTING.--

9 A. Each public school shall maintain an attendance  
 10 policy that:

11 (1) provides for early identification of  
 12 students with absences and students in need of intervention  
 13 before excessive absenteeism begins;

14 (2) provides intervention strategies that  
 15 focus on:

16 (a) keeping students in an educational  
 17 setting;

18 (b) prohibiting out-of-school suspension  
 19 and expulsion as the punishment for absences and excessive  
 20 absenteeism; and

21 (c) assisting a student's family to  
 22 remove barriers to the student's regular school attendance or  
 23 attendance in another educational setting;

24 (3) limits the use of withdrawal as provided  
 25 in Section 22-8-2 NMSA 1978 only after exhausting all

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1 intervention efforts by the public school or the children,  
2 youth and families department to keep students in educational  
3 settings;

4 (4) requires that accurate class attendance be  
5 taken for every instructional class and school day in every  
6 public school or school program;

7 (5) provides for public schools to document  
8 the following for each absent or excessively absent student:

9 (a) differentiation for medical absence,  
10 religious instruction and tribal obligations, interscholastic  
11 extracurricular activities and chronic absenteeism for data  
12 purposes;

13 (b) attempts by the school to notify the  
14 parent that the student was absent from class or the school  
15 day;

16 (c) attempts to improve attendance  
17 informally by talking to the student or parent and finding  
18 solutions to barriers to school attendance or changes to the  
19 student's attendance behavior;

20 (d) attempts of the school to meet  
21 formally with the parent to discuss necessary interventions for  
22 the student or the family; and

23 (e) intervention strategies implemented  
24 to support keeping the student in an educational setting; and

25 (6) requires a student or parent of a student

1 who wants to claim excused absence because of medical  
2 condition, pregnancy or parenting to communicate the student's  
3 status to the appropriate school personnel and provide required  
4 documentation.

5 B. The school district or the governing body of a  
6 charter school shall review and approve public school  
7 attendance policies.

8 C. School districts and charter schools shall  
9 report absences, excessive absences and chronic absences data  
10 to the department at the end of each grading period and shall  
11 document intervention efforts made to keep students in an  
12 educational setting. The department shall compile school  
13 district and charter school reports on types of absences, rates  
14 of absences and chronic absenteeism and require school  
15 districts and charter schools to certify that the information  
16 is being reported consistently and correctly. The department  
17 shall share information from state-chartered charter schools  
18 with the commission.

19 D. Every public school shall provide a copy of the  
20 public school's attendance policy to all parents of students in  
21 that school. The attendance policy shall include:

22 (1) the rights and obligations of parents and  
23 students pursuant to the Attendance for Success Act;

24 (2) the interventions and strategies that will  
25 be implemented to ensure that students attend classes; and

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1 (3) details about consequences of failing to  
2 adhere to the attendance policy."

3 SECTION 7. A new section of the Public School Code is  
4 enacted to read:

5 "[NEW MATERIAL] ENFORCEMENT OF ATTENDANCE FOR SUCCESS  
6 ACT--PROCEDURES.--

7 A. Each public school shall initiate the  
8 enforcement of the provisions of the Attendance for Success Act  
9 for its enrolled students. The enforcement policies of each  
10 public school shall focus on prevention and intervention.

11 B. Every public school shall provide interventions  
12 to students who are absent or chronically absent, which may  
13 include:

14 (1) assessing student and family needs and  
15 matching those needs with appropriate public or private  
16 providers, including civic and corporate sponsors;

17 (2) making referrals to health care and social  
18 service providers;

19 (3) collaborating and coordinating with health  
20 and social service agencies and organizations through school-  
21 based and off-site delivery systems;

22 (4) recruiting service providers and business,  
23 community and civic organizations to provide needed services  
24 and goods that are not otherwise available to a student or the  
25 student's family;

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1 (5) establishing partnerships between the  
2 school and community organizations such as civic, business and  
3 professional groups and organizations and recreational, social  
4 and after-school programs such as boys' and girls' clubs and  
5 boy and girl scouts;

6 (6) identifying and coordinating age-  
7 appropriate resources for students in need of:

8 (a) counseling, training and placement  
9 for employment;

10 (b) drug and alcohol abuse counseling;

11 (c) family crisis counseling; and

12 (d) mental health counseling;

13 (7) promoting family support and parent  
14 education programs; and

15 (8) seeking out other services or goods a  
16 student or the student's family needs to assist the student to  
17 stay in school and succeed.

18 C. Beginning on the first day of school, every  
19 classroom teacher or that teacher's adult designee shall be  
20 responsible for taking accurate attendance for every class and  
21 report absences to the attendance officer. The attendance  
22 officer, in cooperation with the student's classroom teacher,  
23 shall identify patterns of behavior related to absences and  
24 report that information to the school principal."

25 SECTION 8. A new section of the Public School Code is

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1 enacted to read:

2 "[NEW MATERIAL] MEDICAL APPOINTMENTS--ILLNESS--EXCUSED  
3 ABSENCE--MAKE-UP WORK.--Students may be excused for parent- or  
4 doctor-authorized medical reasons. The public school shall  
5 provide time for the student to make up the school work missed  
6 during the absence. If the student does not make up the school  
7 work within a reasonable time, the absence may be counted as  
8 unexcused."

9 SECTION 9. A new section of the Public School Code is  
10 enacted to read:

11 "[NEW MATERIAL] ATTENDANCE POLICY FOR PREGNANT AND  
12 PARENTING STUDENTS--EXCUSED ABSENCE--MAKE-UP WORK.--

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

15 (1) provides at least ten days of medical  
16 absences during the school year for a student who provides  
17 documentation of the birth of the student's child, and the  
18 public school shall provide time for the student to make up the  
19 school work missed during the absence. If the student does not  
20 make up the school work within a reasonable time, the absence  
21 may be counted as unexcused; and

22 (2) provides four days of excused absences for  
23 a student who provides appropriate documentation of pregnancy  
24 or that the student is the parent of a child under the age of  
25 thirteen needing care, and the public school shall provide time

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1 for the student to make up the school work missed during the  
2 absence. If the student does not make up the school work  
3 within a reasonable time, the absence may be counted as  
4 unexcused.

5 B. A school district that has an alternative school  
6 for, among others, pregnant and parenting students, and that  
7 allows for off-site attendance through on-line education shall  
8 not count students as absent as long as the students are on-  
9 line with the school or other appropriate virtual course and  
10 complete their class assignments."

11 SECTION 10. A new section of the Public School Code is  
12 enacted to read:

13 "[NEW MATERIAL] RELIGIOUS INSTRUCTION--EXCUSED ABSENCE--  
14 MAKE-UP WORK.--A student may, subject to the approval of the  
15 school principal, be absent from school to participate in  
16 religious instruction for not more than one class period per  
17 school day with the written consent of the student's parent at  
18 a time that is not in conflict with the academic program of the  
19 school and the student's academic class schedule. The public  
20 school shall provide time for the student to make up the school  
21 work missed during the absence. If the student does not make  
22 up the school work within a reasonable time, the absence may be  
23 counted as unexcused. The school district or the public school  
24 shall not assume responsibility for the religious instruction  
25 of any student or permit religious instruction to be conducted

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1 on school property."

2 SECTION 11. A new section of the Public School Code is  
3 enacted to read:

4 "[NEW MATERIAL] TRIBAL OBLIGATIONS--EXCUSED ABSENCE--MAKE-  
5 UP WORK.--A public school student, with the written consent of  
6 the student's parent and subject to the approval of the school  
7 principal, may be absent from school to participate in tribal  
8 obligations. The public school shall provide time for the  
9 student to make up the school work missed during the absence.  
10 If the student does not make up the school work within a  
11 reasonable time, the absence may be counted as unexcused."

12 SECTION 12. A new section of the Public School Code is  
13 enacted to read:

14 "[NEW MATERIAL] INTERSCHOLASTIC EXTRACURRICULAR  
15 ACTIVITIES--STUDENT PARTICIPATION.--

16 A. A public school student must have at least a 2.0  
17 grade point average on a 4.0 scale, or its equivalent, either  
18 cumulatively or for the grading period immediately preceding  
19 participation, to be eligible to participate in any  
20 interscholastic extracurricular activity. For purposes of this  
21 section, "grading period" is a period of time not less than six  
22 weeks. The provisions of this subsection shall not apply to  
23 students receiving C or D level special education services.

24 B. A student shall not be absent from school for  
25 interscholastic extracurricular activities in excess of fifteen

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1 days per semester, and no class may be missed in excess of  
2 fifteen times per semester for interscholastic extracurricular  
3 activities.

4 C. The secretary may issue a waiver relating to the  
5 number of absences for participation in any state or national  
6 competition that is not an interscholastic extracurricular  
7 activity. The secretary shall develop a procedure for  
8 petitioning cumulative provision eligibility cases, similar to  
9 other eligibility situations.

10 D. Student standards for participation in  
11 interscholastic extracurricular activities shall be applied  
12 beginning with a student's academic record in ninth grade."

13 SECTION 13. A new section of the Public School Code is  
14 enacted to read:

15 "[NEW MATERIAL] PROGRESSIVE INTERVENTIONS FOR ABSENT AND  
16 EXCESSIVELY ABSENT STUDENTS.--

17 A. Every public school shall provide interventions  
18 for students who are missing school, depending on the number of  
19 absences. The process for notification and provision of  
20 interventions is:

21 (1) for a student who has three unexcused  
22 absences, five excused absences or a combination of unexcused  
23 and excused absences totaling five absences, interventions as  
24 follows:

25 (a) for elementary students, the

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1 attendance officer shall talk to the parent and inform the  
2 parent of the student's attendance history, the impact of  
3 student absences on student academic outcomes, the available  
4 interventions or services available to the student or family  
5 and the consequences of further absences, including referral to  
6 the children, youth and families department for excessive  
7 absenteeism; and

8 (b) for a middle or high school student,  
9 the attendance officer shall talk to the parent and the student  
10 about the student's attendance history and the impact of  
11 student absences on student academic outcomes, available  
12 interventions or services available to the student or family  
13 and the consequences of further absences, including referral to  
14 the children, youth and families department for excessive  
15 absenteeism;

16 (2) for students who have five unexcused  
17 absences, seven excused absences or a combination of unexcused  
18 and excused absences totaling seven absences, the attendance  
19 officer shall notify the parent in writing by mail or personal  
20 service on the parent of the student's absenteeism. The notice  
21 shall include a date, time and place for the parent to meet  
22 with the public school to develop intervention strategies that  
23 focus on keeping the student in an educational setting. A  
24 student assistance team shall be convened to establish a  
25 specific intervention plan for the student that includes

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1 establishing a weekly progress monitoring and a contract for  
2 attendance;

3 (3) for a student who has more than seven  
4 absences, whether excused, unexcused or a combination of  
5 excused and unexcused absences:

6 (a) the attendance officer shall again  
7 give written notice to the parent, including a date, time and  
8 place for the parent to meet with the school principal or head  
9 administrator and the student assistance team;

10 (b) the student assistance team shall  
11 establish nonpunitive consequences at the school level; and

12 (c) the student and the parent shall  
13 again be apprised of the consequences of further absences; and

14 (4) for a student who has excessive absences,  
15 the public school shall refer the student to the children,  
16 youth and families department.

17 B. Each public school shall initiate the  
18 enforcement of the provisions of the Attendance for Success Act  
19 for excessively absent students.

20 C. The school principal shall consult with a  
21 student's teacher and initiate meetings with the teacher and  
22 the student and the parent if the alleged cause of absence from  
23 class is teacher-student incompatibility."

24 SECTION 14. A new section of the Public School Code is  
25 enacted to read:

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1           "[NEW MATERIAL] EXCESSIVE ABSENTEEISM--NEGLECTED CHILD OR  
2 CHILD OR FAMILY IN NEED OF FAMILY SERVICES--CASEWORKER--  
3 ENFORCEMENT--DRIVER'S LICENSE SUSPENSION--PENALTY.--

4           A. If unexcused absences continue after written  
5 notice of excessive absenteeism as provided in Section 13 of  
6 the Attendance for Success Act has occurred, the school  
7 principal or head administrator, after consultation with the  
8 local superintendent or the governing board of the charter  
9 school, shall report the excessively absent student to the  
10 children, youth and families department. The children, youth  
11 and families department shall investigate whether the student  
12 should be considered to be a neglected child or a child in a  
13 family in need of family services because of excessive  
14 absenteeism and thus subject to the provisions of the  
15 Children's Code. The record of the public school's  
16 interventions and the student's and parent's responses to the  
17 interventions shall be provided to the children, youth and  
18 families department. If the children, youth and families  
19 department determines the student is a child in a family in  
20 need of family services, a caseworker from the child or family  
21 in need of family services program shall meet with the family  
22 at the public school in which the student is enrolled to  
23 determine if there are other intervention services that may be  
24 provided. The meeting shall involve the school principal or  
25 other school personnel and, unless the parent objects in

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1 writing, appropriate community partners that provide services  
2 to children and families. The children, youth and families  
3 department shall determine if additional interventions,  
4 including monitoring, will positively affect the student's  
5 behavior.

6 B. If the student has a driver's license, the  
7 caseworker assigned to the student shall notify the student and  
8 the parent at the meeting provided for in Subsection A of this  
9 section that if the child or family in need of family services  
10 does not see behavioral improvements, including class or school  
11 day attendance, the caseworker shall report the student's  
12 noncompliance to the public education department and the  
13 student's driver's license shall be suspended. The  
14 notification provided for in this subsection serves as notice  
15 for purposes of due process.

16 C. No later than thirty days after the meeting, the  
17 caseworker shall notify the public school and the public  
18 education department of the student's progress. If the student  
19 has refused interventions, including placement in an  
20 alternative educational setting, and the student's attendance  
21 behavior has not improved, the caseworker shall notify the  
22 motor vehicle division of the taxation and revenue department  
23 that the student's driver's license is suspended. The  
24 caseworker shall notify the public education department and  
25 shall forward the student's record to the public education

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1 department.

2 D. The motor vehicle division shall issue a notice  
3 of suspension to the student. The student or the student's  
4 parent may request an administrative hearing to oppose the  
5 suspension. Unless reinstatement is required as a result of a  
6 hearing, a suspended license pursuant to this section shall  
7 continue until the:

8 (1) child or family in need of family services  
9 issues a written certificate of compliance to the student;

10 (2) student presents the certificate of  
11 compliance to the motor vehicle division; and

12 (3) student pays the motor vehicle division  
13 the reinstatement fee required by Section 66-5-33.1 NMSA 1978.

14 E. If a student turns eighteen or withdraws from  
15 school under a hardship waiver and leaves school during the  
16 period of suspension, the student's driver's license shall be  
17 reinstated."

18 SECTION 15. A new section of the Public School Code is  
19 enacted to read:

20 "[NEW MATERIAL] DATA REPORTING.--Each school district and  
21 charter school shall collect and report to the department  
22 excessive and chronic absenteeism rates for each school in the  
23 aggregate and disaggregated by the subgroups required for  
24 federal Every Student Succeeds Act reporting, including the:

25 A. total number of students excessively absent who

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1 were referred to the children, youth and families department;

2 B. total number of students chronically absent in  
3 the aggregate and for each subgroup;

4 C. average number of unexcused absences per student  
5 for all students and each subgroup;

6 D. average number of excused absences per student  
7 for all students and each subgroup, including the number of  
8 average absences for religious instruction, tribal obligations  
9 and medical absences;

10 E. average number of days or class periods missed  
11 per student for all students and each subgroup due to  
12 interscholastic extracurricular activities; and

13 F. calculated rate of chronic absenteeism for the  
14 school district for all students and each subgroup."

15 SECTION 16. A new section of the Public School Code is  
16 enacted to read:

17 "[NEW MATERIAL] TIMELY GRADUATION AND SUPPORT FOR STUDENTS  
18 WHO EXPERIENCE DISRUPTION IN THE STUDENT'S EDUCATION.--

19 A. For purposes of this section, "a student who has  
20 experienced a disruption in the student's education" means a  
21 student who experiences one or more changes in school or school  
22 district enrollment during a single school year as the result  
23 of:

24 (1) homelessness as defined in the federal  
25 McKinney-Vento Homeless Assistance Act and as determined by the

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1 school or school district;

2 (2) adjudication:

3 (a) as an abused or neglected child as  
4 determined by the children, youth and families department  
5 pursuant to the Abuse and Neglect Act;

6 (b) as part of a family in need of  
7 court-ordered services voluntary placement pursuant to the  
8 Family Services Act; or

9 (c) as a delinquent if the parent wishes  
10 to disclose the adjudication of delinquency; or

11 (3) placement in a mental health treatment  
12 facility or habilitation program for developmental disabilities  
13 pursuant to the Children's Mental Health and Developmental  
14 Disabilities Act or placement in treatment foster care.

15 B. When a student who has experienced a disruption  
16 in the student's education transfers to a new public school or  
17 school district, the receiving school or school district shall  
18 communicate with the sending school district within two days of  
19 the student's enrollment. The sending school or school  
20 district shall provide the receiving school or school district  
21 with any requested records within two days of having received  
22 the receiving school's or school district's communication.

23 C. A student who has experienced a disruption in  
24 the student's education transferring to a new school as the  
25 result of circumstances set forth in this section shall have:

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1 (1) priority placement in classes that meet  
2 state graduation requirements; and

3 (2) timely placement in elective classes that  
4 are comparable to those in which the student was enrolled at  
5 the student's previous school or schools as soon as the school  
6 or school district receives verification from the student's  
7 records.

8 D. For a student who has experienced a disruption  
9 in the student's education at any time during the student's  
10 high school enrollment, a school district and public schools  
11 shall ensure:

12 (1) acceptance of the student's state  
13 graduation requirements for a diploma of excellence pursuant to  
14 the Public School Code;

15 (2) equal access to participation in sports  
16 and other extracurricular activities, career and technical  
17 programs or other special programs for which the student  
18 qualifies;

19 (3) timely assistance and advice from  
20 counselors to improve the student's college or career  
21 readiness; and

22 (4) that the student receives all special  
23 education services to which the student is entitled."

24 **SECTION 17.** Section 32A-3A-2 NMSA 1978 (being Laws 1993,  
25 Chapter 77, Section 64, as amended) is amended to read:

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1           "32A-3A-2. DEFINITIONS.--As used in the Family Services  
2 Act:

3           A. "child or family in need of family services"  
4 means:

5                   (1) a family whose child's behavior endangers  
6 the child's health, safety, education or well-being;

7                   (2) a family whose child is excessively absent  
8 from public school;

9                   ~~(2)~~ (3) a family whose child is absent from  
10 the child's place of residence for twenty-four hours or more  
11 without the consent of the parent, guardian or custodian;

12                   ~~(3)~~ (4) a family in which the parent,  
13 guardian or custodian of a child refuses to permit the child to  
14 live with the parent, guardian or custodian; or

15                   ~~(4)~~ (5) a family in which the child refuses  
16 to live with ~~his~~ the child's parent, guardian or custodian;  
17 and

18           B. "family services" means services that address  
19 specific needs of the child or family."

20           SECTION 18. Section 32A-3A-3 NMSA 1978 (being Laws 1993,  
21 Chapter 77, Section 65, as amended) is amended to read:

22           "32A-3A-3. REQUEST FOR FAMILY SERVICES--WITHDRAWAL OF  
23 REQUEST--PRESUMPTION OF GOOD FAITH.--

24           A. Any child or family member who has a reasonable  
25 belief that the child or family is in need of family services

1 may request family services from the department.

2 B. Any person, including a public or private school  
 3 principal, who has a reasonable belief that a child or family  
 4 is in need of family services may submit a referral to the  
 5 department.

6 C. A family that requests or accepts family  
 7 services may withdraw its request for or acceptance of family  
 8 services at any time.

9 D. A person who refers a child or family for family  
 10 services is presumed to be acting in good faith and shall be  
 11 immune from civil or criminal liability, unless the person  
 12 acted in bad faith or with malicious purpose."

13 SECTION 19. REPEAL.--Sections 22-12-1 through 22-12-10  
 14 NMSA 1978 (being Laws 1967, Chapter 16, Sections 169 and 170;  
 15 Laws 1986, Chapter 33, Section 27; Laws 1971, Chapter 238,  
 16 Section 1; Laws 2013, Chapter 198, Section 1; Laws 1978,  
 17 Chapter 211, Section 10; Laws 1967, Chapter 16, Sections 172  
 18 and 175; Laws 1985, Chapter 104, Section 1; Laws 2004, Chapter  
 19 28, Section 1; and Laws 2017, Chapter 53, Section 1 and Laws  
 20 2017, Chapter 85, Section 1, as amended) are repealed.

