

HOUSE RULES AND ORDER OF BUSINESS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 332

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

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
REQUIRING PARENTAL NOTIFICATION BY TEXT WHEN A CHILD IS ABSENT
FROM SCHOOL; REQUIRING PARENTAL NOTIFICATION BY TEXT FOR
CERTAIN SCHOOL EVENTS.

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;

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underscored material = new
[bracketed material] = delete

1 (2) "student in need of early intervention"
2 means a student who has accumulated five unexcused absences
3 within a school year; and

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

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

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

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

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

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1 (3) requires that class attendance be taken
2 for every instructional day in every public school or school
3 program in the school district; [~~and~~]

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

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

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

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

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

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

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

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1 charter school reports on rates of unexcused absences and
2 habitual truancy and require school districts and charter
3 schools to certify that the information is being reported
4 consistently."

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

7 "[NEW MATERIAL] PARENTAL NOTIFICATIONS.--Each high
8 school shall notify by text message a parent of a student of
9 the following events unless the parent has requested on the
10 student's enrollment form or otherwise that the parent not be
11 notified that:

12 A. a test that will affect the student's grade
13 point average will be administered in not less than two days;

14 B. the student's grade point average has fallen
15 below 2.0 on a 4.0 scale or seventy percent on a one hundred
16 percent scale; and

17 C. the student has failed to submit homework when
18 due."