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HOUSE BILL 309

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

INTRODUCED BY  
James G. Taylor

AN ACT

RELATING TO EDUCATION; PROVIDING FOR A STATE TRUANCY OFFICER;  
PRESCRIBING A PENALTY; AMENDING, REPEALING AND ENACTING  
SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. A new section of the Compulsory School  
Attendance Law is enacted to read:

"NEW MATERIAL STATE TRUANCY OFFICER--ENFORCEMENT OF  
ATTENDANCE LAW--PENALTY.--

A. The "state truancy officer" is created in the  
office of the attorney general.

B. The state truancy officer shall:

(1) initiate the enforcement of the  
provisions of the Compulsory School Attendance Law for  
students enrolled in both public and private schools;

(2) collect monthly attendance reports from

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1 each school district or each governing authority of a private  
2 school;

3 (3) send written notice to the parents of  
4 any student in noncompliance with the provisions of the  
5 Compulsory School Attendance Law; and

6 (4) call a conference between the student;  
7 the parent, legal guardian or other person having custody;  
8 the principal of the school; and the state truancy officer to  
9 discuss the noncompliance with the Compulsory School  
10 Attendance Law.

11 C. If violations of the provisions of the  
12 Compulsory School Attendance Law continue after the  
13 attendance conference, the state truancy officer shall work  
14 with the probation services office of the judicial district  
15 where the student resides for an investigation to determine  
16 within thirty days whether the student shall be considered a  
17 neglected child or a child in need of supervision who is  
18 subject to the provisions of the Children's Code.

19 D. After the state truancy officer and the  
20 juvenile probation office of the children's court division or  
21 the district judge of the children's court division where the  
22 student resides make their findings and a finding is made  
23 that the student's nonattendance may have been caused by the  
24 parent, legal guardian or other person having custody of the  
25 student, the matter shall be referred to the district  
attorney's office for appropriate investigation and filing of  
charges pursuant to the Compulsory School Attendance Law.

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1           E. A parent, legal guardian or other person having  
2 custody of a student who, after receiving written notice and  
3 attending the attendance conference, knowingly allows a  
4 student to continue to violate the Compulsory School  
5 Attendance Law is guilty of a petty misdemeanor and shall be  
6 sentenced pursuant to Section 31-19-1 NMSA 1978.

7           F. If violations of the Compulsory School  
8 Attendance Law continue after the first conviction, upon the  
9 second and subsequent convictions, the parent, legal guardian  
10 or other person having custody of the student who knowingly  
11 allows the student to continue to violate the Compulsory  
12 School Attendance Law is guilty of a misdemeanor and shall be  
13 sentenced pursuant to Section 31-19-1 NMSA 1978."

14           Section 2. Section 22-12-2 NMSA 1978 (being Laws 1967,  
15 Chapter 16, Section 170, as amended) is amended to read:

16           "22-12-2. COMPULSORY SCHOOL ATTENDANCE--  
17 RESPONSIBILITY.--

18           A. Any qualified student and any person who  
19 because of his age is eligible to become a qualified student  
20 as defined by the Public School Finance Act until attaining  
21 the age of majority shall attend a public school, a private  
22 school, a home school or a state institution. A person shall  
23 be excused from this requirement if:

24                   (1) the person is specifically exempted by  
25 law from the provisions of this section;

                  (2) the person has graduated from a high  
school;

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1 (3) the person is at least sixteen years of  
2 age and has been excused by the local school board or its  
3 authorized representative upon a finding that the person will  
4 be employed in a gainful trade or occupation or engaged in an  
5 alternative form of education sufficient for the person's  
6 educational needs and the parent, guardian or other person  
7 having custody and control consents; or

8 (4) with consent of the parent, guardian or  
9 person having custody and control of the person to be  
10 excused, the person is excused from the provisions of this  
11 section by the superintendent of schools of the school  
12 district in which the person is a resident and the person is  
13 under eight years of age.

14 B. A person subject to the provisions of the  
15 Compulsory School Attendance Law shall attend school for at  
16 least the length of time of the school year that is  
17 established in the school district in which the person is a  
18 resident.

19 C. A person subject to the provisions of the  
20 Compulsory School Attendance Law shall not have more than  
21 three unexcused absences during a grading period.

22 [~~E.~~] D. Any parent, guardian or person having  
23 custody and control of a person subject to the provisions of  
24 the Compulsory School Attendance Law is responsible for the  
25 school attendance of that person.

E. For the purposes of this section, "unexcused  
absence" means any absences that a school district considers

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1 unexcused, including suspension or expulsion."

2 Section 3. APPROPRIATION.--Eighty-five thousand dollars  
3 (\$85,000) is appropriated from the general fund to the office  
4 of the attorney general for expenditure in fiscal year 2001  
5 to pay for administrative costs incurred by the state truancy  
6 officer. Any unexpended or unencumbered balance remaining at  
7 the end of fiscal year 2001 shall revert to the general fund.

8 Section 4. REPEAL.--Section 22-12-7 NMSA 1978 (being  
9 Laws 1967, Chapter 16, Section 175, as amended) is repealed.