

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE JOINT MEMORIALS 76 & 79

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

A JOINT MEMORIAL

REQUESTING THE LEGISLATIVE EDUCATION STUDY COMMITTEE, 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 AND
RECOMMEND IMPROVEMENTS TO THE APPROPRIATE LEGISLATIVE
EDUCATION INTERIM COMMITTEE.

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 for 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 was

1 enacted in 1967 for conditions existing then, but in the
2 thirty intervening years, conditions have changed, and a
3 different set of problems faces educators and educational
4 institutions; and

5 WHEREAS, truancy has a detrimental impact on the
6 educational experience, and legal decisions about student
7 conduct and discipline in the schools present new dilemmas
8 for teachers and their institutions; and

9 WHEREAS, the Compulsory School Attendance Law makes
10 provisions regarding students who are violating the law by
11 specifying the procedures that must be followed by a local
12 school board, including reporting to the probation services
13 office of the judicial district and requesting an
14 investigation to determine whether the student is considered
15 to be a neglected child and subject to the provisions of the
16 Family in Need of Services Act; and

17 WHEREAS, the law requires that if a determination is
18 made that the nonattendance by the student may have been
19 caused by the parent or guardian, penalties may be enforced
20 by the district court; and

21 WHEREAS, the mechanics of implementing the Compulsory
22 School Attendance Law are fraught with limitations; and

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

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

5 WHEREAS, local school boards and school personnel report
6 that provisions in the Family in Need of Services Act
7 regarding procedures for addressing student nonattendance are
8 inconsistent with the Compulsory School Attendance Law;

9 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
10 STATE OF NEW MEXICO that the legislative education study
11 committee, the state department of public education and the
12 children, youth and families department collaborate with
13 parents and members of the community and cooperate in an
14 assessment of the effectiveness and efficacy of the
15 Compulsory School Attendance Law and the Family in Need of
16 Services Act; and

17 BE IT FURTHER RESOLVED that the agencies involved in the
18 study make recommendations regarding how both laws may be
19 improved and reconciled to ensure that the Compulsory School
20 Attendance Law is being carried out successfully for the
21 benefit of the student; and

22 BE IT FURTHER RESOLVED that the agencies involved in the
23 study prepare and report their findings to the legislative
24 education study committee and the appropriate legislative
25 education interim committee by November 1, 2000; and

BE IT FURTHER RESOLVED that copies of this memorial be
transmitted to the superintendent of public instruction, the

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1 secretary of children, youth and families and the chairman of
2 the legislative education study committee for appropriate
3 distribution.

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