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HOUSE BILL 36

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Rick Miera

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

**RELATING TO COMPULSORY SCHOOL ATTENDANCE; CONFORMING
COMPULSORY SCHOOL ATTENDANCE LAW WITH PROVISIONS OF THE
CHILDREN'S CODE; PROVIDING FOR INTERVENTION.**

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

**Section 1. Section 22-12-7 NMSA 1978 (being Laws 1967,
Chapter 16, Section 175, as amended) is amended to read:**

"22-12-7. ENFORCEMENT OF ATTENDANCE LAW - [PENALTY]

INTERVENTION - - REFERRAL. - -

**A. Each local school board and each governing
authority of a private school shall initiate the enforcement
of the provisions of the Compulsory School Attendance Law for
students enrolled in their respective schools.**

**B. To initiate enforcement of the provisions of
the Compulsory School Attendance Law, a local school board or**

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1 governing authority of a private school or its authorized
2 [~~representatives~~] representative shall give written notice of
3 a student's three unauthorized absences during the semester by
4 certified mail to or by personal service on the parent,
5 guardian or custodian of a student subject to and in
6 noncompliance with the provisions of the Compulsory School
7 Attendance Law.

8 C. If violations of the provisions of the
9 Compulsory School Attendance Law continue after written notice
10 as provided in Subsection B of this section has occurred, [~~the~~
11 ~~student shall be reported to the probation services office of~~
12 ~~the judicial district where the student resides for an~~
13 ~~investigation as to whether the student shall be considered to~~
14 ~~be a neglected child or a child in need of supervision and~~
15 ~~thus subject to the provisions of the Children's Code.~~

16 D. ~~If, after review by the juvenile probation~~
17 ~~office of the children's court division or by the district~~
18 ~~judge of the children's court division where the student~~
19 ~~resides, a determination and finding is made that the~~
20 ~~nonattendance by the student may have been caused by the~~
21 ~~parent, guardian or one having custody of the student, then~~
22 ~~the matter will be referred by the juvenile probation office~~
23 ~~or by the children's court division of the district court to~~
24 ~~the district attorney's office or any law enforcement agency~~
25 ~~having jurisdiction for appropriate investigation and filing~~

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1 ~~of charges allowed under the Compulsory School Attendance Law.~~

2 E. ~~A parent, guardian or one having custody of the~~
3 ~~student who, after receiving written notice as provided in~~
4 ~~Subsection B of this section and after the matter has been~~
5 ~~reviewed in accordance with Subsection D of this section,~~
6 ~~knowingly allows the student to continue to violate the~~
7 ~~Compulsory School Attendance Law shall be guilty of a petty~~
8 ~~misdemeanor. Upon the first conviction, a fine of not less~~
9 ~~than twenty-five dollars (\$25.00) or more than one hundred~~
10 ~~dollars (\$100) may be imposed, or the parent, guardian or one~~
11 ~~having custody of the student may be ordered to perform~~
12 ~~community service. If violations of the Compulsory School~~
13 ~~Attendance Law continue, upon the second and subsequent~~
14 ~~convictions, the parent, guardian or one having custody of the~~
15 ~~student who knowingly allows the student to continue to~~
16 ~~violate the Compulsory School Attendance Law shall be guilty~~
17 ~~of a petty misdemeanor and shall be subject to a fine of not~~
18 ~~more than five hundred dollars (\$500) or incarceration for a~~
19 ~~period not to exceed six months or both like an unauthorized~~
20 ~~absence,] an authorized representative of the local school~~
21 ~~board or governing authority of a private school shall~~
22 ~~intervene as follows:~~

23 (1) meet with the student's parent, guardian
24 or custodian to discuss the student's absence from school or
25 note in the student's file that the student's parent, guardian

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1 or custodian refused to attend a meeting to discuss the
2 student's absence from school;

3 (2) offer the student counseling services to
4 determine if the student's educational needs are being met
5 and, if the school provides an alternative education program,
6 provide the student the opportunity to enroll in the
7 alternative education program; and

8 (3) conduct a review of the student's
9 educational status, which may include psychological or
10 educational testing, to determine if learning problems are a
11 cause of the student's absences and, if so, identify steps to
12 overcome the learning problems.

13 D. Local school districts may, with input from
14 their communities, develop additional policies to address the
15 general issue of student absenteeism.

16 E. If the school district or private school
17 intervened as provided in Subsection C of this section and the
18 student accumulates a total of ten unauthorized absences
19 during the semester, the authorized representative shall
20 submit a request for family services to the children, youth
21 and families department as provided in the Family in Need of
22 Services Act.

23 F. The provisions of this section shall apply
24 beginning July 1, [1987] 2001. "