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SENATE BILL 674

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

INTRODUCED BY

Joseph J. Carraro

AN ACT

RELATING TO SCHOOL ATTENDANCE; PROVIDING FOR A SCHOOL ATTENDANCE OFFICER AT EACH SCHOOL TO ASSIST THE SCHOOL IN THE ENFORCEMENT OF THE PROVISIONS OF THE COMPULSORY SCHOOL ATTENDANCE LAW.

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. --

A. Each local school board [~~and each governing authority of a private school~~] shall designate a school attendance officer at each school.

B. The school attendance officer shall:

(1) determine daily which students enrolled in the school are absent from school and whether the absence

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1 is excused;

2 (2) initiate the enforcement of the  
3 provisions of the Compulsory School Attendance Law for  
4 students enrolled in their respective schools pursuant to  
5 Subsection D of this section; and

6 (3) annually report to the local school board  
7 the number of students who were absent in the previous school  
8 year and whether the absences were excused.

9 C. Each governing authority of a private school  
10 shall initiate the enforcement provisions of the Compulsory  
11 School Attendance Law for students enrolled in their  
12 respective schools pursuant to Subsection D of this section.

13 [~~B.~~] D. To initiate enforcement of the provisions  
14 of the Compulsory School Attendance Law, a [~~local school board~~  
15 ~~or~~] school attendance officer or a governing authority of a  
16 private school or its authorized representatives shall give  
17 written notice by certified mail to or by personal service on  
18 the parent, guardian or custodian of a student subject to and  
19 in noncompliance with the provisions of the Compulsory School  
20 Attendance Law.

21 [~~E.~~] E. If violations of the provisions of the  
22 Compulsory School Attendance Law continue after written notice  
23 as provided in Subsection [~~B.~~] D of this section has occurred,  
24 the student shall be reported to the probation services office  
25 of the judicial district where the student resides for an

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1 investigation as to whether the student shall be considered to  
2 be a neglected child or a child in need of supervision and  
3 thus subject to the provisions of the Children's Code.

4 [D.] F. If, after review by the juvenile probation  
5 office of the children's court division or by the district  
6 judge of the children's court division where the student  
7 resides, a determination and finding is made that the  
8 nonattendance by the student may have been caused by the  
9 parent, guardian or one having custody of the student, then  
10 the matter will be referred by the juvenile probation office  
11 or by the children's court division of the district court to  
12 the district attorney's office or any law enforcement agency  
13 having jurisdiction for appropriate investigation and filing  
14 of charges allowed under the Compulsory School Attendance Law.

15 [~~E.~~] G. A parent, guardian or one having custody  
16 of the student who, after receiving written notice as provided  
17 in Subsection [B] D of this section and after the matter has  
18 been reviewed in accordance with Subsection [D] F of this  
19 section, knowingly allows the student to continue to violate  
20 the Compulsory School [~~Attendance~~] Attendance Law shall be  
21 guilty of a petty misdemeanor. Upon the first conviction, a  
22 fine of not less than twenty-five dollars (\$25.00) or more  
23 than one hundred dollars (\$100) may be imposed, or the parent,  
24 guardian or one having custody of the student may be ordered  
25 to perform community service. If violations of the Compulsory

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1 School Attendance Law continue, upon the second and subsequent  
2 convictions, the parent, guardian or one having custody of the  
3 student who knowingly allows the student to continue to  
4 violate the Compulsory School Attendance Law shall be guilty  
5 of a petty misdemeanor and shall be subject to a fine of not  
6 more than five hundred dollars (\$500) or incarceration for a  
7 period not to exceed six months or both.

8 [F-] H. The provisions of this section shall apply  
9 beginning July 1, 1987. "