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SENATE BILL

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Cliff R. Pirtle

AN ACT

RELATING TO CHILDREN; REQUIRING NOTICE TO PARENTS OR GUARDIANS
IF A CHILD DOES NOT ARRIVE AT A DAYCARE CENTER, PUBLIC SCHOOL
OR CHARTER SCHOOL.

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

SECTION 1. [NEW MATERIAL] DAYCARE ATTENDANCE--NOTICE TO
PARENT OR GUARDIAN.--A daycare center shall provide notice to
the parent or guardian of a child if that child does not arrive
at the daycare center within one hour after the child's
scheduled arrival time. The daycare center shall contact the
parent or guardian one hour after the child has not arrived at
the daycare center to inform the parent or guardian of the
child's non-arrival. A daycare center shall not provide notice
to a parent or guardian if the parent or guardian has already
provided an excuse for the child not attending daycare that

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1 day. The parent or guardian of a child receiving daycare
2 services shall provide the daycare center with their preferred
3 method of contact for these notices.

4 SECTION 2. Section 22-12A-4 NMSA 1978 (being Laws 2019,
5 Chapter 223, Section 4) is amended to read:

6 "22-12A-4. SCHOOL ATTENDANCE--RESPONSIBILITY--PRIVATE
7 SCHOOL ATTENDANCE POLICIES.--

8 A. Except as otherwise provided in the Public
9 School Code, a school-age person shall attend public school,
10 private school, home school or a state institution until the
11 school-age person is at least eighteen years of age unless that
12 school-age person has graduated from high school, received a
13 high school equivalency credential or withdrawn from school on
14 a hardship waiver. A parent may give written, signed
15 permission for the school-age person to leave school between
16 the ages of sixteen and eighteen in case of hardship approved
17 by the local superintendent or private school.

18 B. A school-age person subject to the provisions of
19 the Attendance for Success Act shall attend school for at least
20 the length of time of the school year that is established in
21 that school-age person's school district, charter school or
22 private school. The school district or private school shall
23 not excuse a school-age person from attending school except as
24 provided in that act.

25 C. The parent of a school-age person subject to the

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1 provisions of the Attendance for Success Act is responsible for
2 the school attendance of that school-age person. If a school-
3 age person does not arrive at school within one hour after the
4 school-age person's scheduled arrival time, the school shall
5 notify the parent of that school-age person of the school-age
6 person's non-arrival. A school shall not provide notice to a
7 parent if the parent has already provided an excuse for the
8 school-age person not attending school that day. The parent of
9 a school-age person shall provide the school with their
10 preferred method of contact for these notices.

11 D. Local school boards and private schools shall
12 enforce the provisions of the Attendance for Success Act for
13 students enrolled in their respective schools.

14 E. A private school in this state shall have an
15 attendance policy that as closely as practicable follows the
16 law for public schools. A school-age person attending a
17 private school and the school-age person's parent shall be
18 given a copy of the private school's attendance policy each
19 year."

20 SECTION 3. Section 22-12A-6 NMSA 1978 (being Laws 2019,
21 Chapter 223, Section 6) is amended to read:

22 "22-12A-6. PUBLIC SCHOOL ATTENDANCE POLICIES--
23 REPORTING.--

24 A. A public school shall maintain an attendance
25 policy that:

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1 (1) establishes an early warning system that
2 includes evidence-based metrics to identify students at risk of
3 chronic absenteeism or excessive absenteeism;

4 (2) provides for early identification of
5 chronically absent and excessively absent students;

6 (3) employs an attendance improvement plan
7 that focuses on:

8 (a) keeping students in an educational
9 setting;

10 (b) prohibiting out-of-school suspension
11 or expulsion as the punishment for absences;

12 (c) assisting a student's family to
13 remove barriers to the student's regular school attendance or
14 attendance in another educational setting; and

15 (d) providing additional educational
16 opportunities to students who are struggling with attendance;

17 (4) limits the ability of a student to
18 withdraw to only after all intervention efforts by the public
19 school or the children, youth and families department to keep
20 the student in an educational setting have been exhausted;

21 (5) requires that accurate class attendance be
22 taken for every instructional class and school day in a public
23 school or school program;

24 (6) provides that a public school shall
25 differentiate between different types of absences;

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1 (7) requires a public school to document the
2 following for each chronically or excessively absent student:

3 (a) attempts by the public school to
4 notify a parent that the student was absent from class or the
5 school day;

6 (b) attempts to improve attendance by
7 talking to a student or parent to identify barriers to school
8 attendance, identify solutions to improve the student's
9 attendance behavior and discuss necessary interventions for the
10 student or the student's family; and

11 (c) intervention strategies implemented
12 to support keeping the student in an educational setting,
13 including additional educational opportunities offered to the
14 student;

15 (8) requires a student or the parent of a
16 student who intends to claim excused absence because of medical
17 condition, pregnancy or parenting to communicate the student's
18 status to the appropriate school personnel and to provide
19 required documentation; ~~and~~

20 (9) encourages and supports compliant data
21 sharing, pursuant to the federal Family Educational Rights and
22 Privacy Act of 1974, between a public school and community-
23 based organizations that provide services to students for the
24 purpose of providing more personalized interventions and
25 specialized supports as part of the public school's attendance

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1 improvement plan; and

2 (10) requires notice to the parents of a
3 student if that student has not arrived at the school within
4 one hour after the student's scheduled arrival time for that
5 day unless the parent has provided an excuse for the student
6 not attending school that day.

7 B. Local school boards shall review and approve
8 their public school attendance policies.

9 C. School districts shall report absences, chronic
10 absences and excessive absences data to the department at each
11 reporting date and the end of the school year and shall
12 document intervention efforts made to keep students in an
13 educational setting. The department shall compile school
14 district reports as provided in Section [~~13 of the Attendance~~
15 ~~for Success Act~~] 22-12A-13 NMSA 1978 and require school
16 districts to certify that the information is being reported
17 consistently and correctly. The department shall share
18 information from state-chartered charter schools with the
19 commission.

20 D. A public school shall provide a copy of the
21 public school's attendance policy to all parents of students in
22 that school and publish the policy on the public school's
23 website. The attendance policy shall include:

24 (1) the rights and obligations of parents and
25 students pursuant to the Attendance for Success Act;

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(2) the prevention strategies that will be implemented to ensure that students attend classes; and

(3) details about consequences of failing to adhere to the attendance policy.

E. A public school shall provide a parent, within five days of the parent's written request, with access to the attendance data of that parent's child, including information about any intervention strategies that have been employed to help the student improve the student's attendance.

F. Upon request, school districts shall provide the chronic absence rate from the most current reporting date or end-of-year report, in the aggregate and disaggregated by subgroups, for all its public schools."