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HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO SCHOOL ATTENDANCE; ENACTING THE ATTENDANCE FOR
SUCCESS ACT; PROVIDING FOR PREVENTION OF ABSENCES AND EARLIER
INTERVENTION FOR STUDENTS WHO ARE ABSENT OR CHRONICALLY ABSENT;
DEFINING TERMS; PROVIDING A PROCESS FOR PREVENTION OF ABSENCES,
FOR EARLY INTERVENTION, FOR SPECIALIZED SUPPORTS AND FOR
REFERRALS TO THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT;
REQUIRING DATA COLLECTION AND USE; REPEALING THE COMPULSORY
SCHOOL ATTENDANCE LAW.

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

SECTION 1. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--Sections 1 through 14 of
this act may be cited as the "Attendance for Success Act"."

SECTION 2. A new section of the Public School Code is

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1 enacted to read:

2 "[NEW MATERIAL] DEFINITIONS.--As used in the Attendance
3 for Success Act:

4 A. "absent" means not in attendance for a class or
5 school day for any reason, whether excused or not; provided
6 that "absent" does not apply to attendance at interscholastic
7 extracurricular activities;

8 B. "attendance improvement plan" means a tiered
9 data-informed system for schools and school districts to
10 identify students who are chronically absent and to aid schools
11 in developing whole-school prevention strategies and targeted
12 interventions. Each of the tiers is defined as follows:

13 (1) "prevention" means universal, whole-school
14 prevention strategies for all students;

15 (2) "early intervention" means targeted
16 interventions for students who are missing ten percent or more,
17 but less than twenty percent, of school days for any reason;

18 (3) "specialized support" means intensive,
19 individualized, targeted interventions for students who are
20 missing twenty percent or more of school days for any reason;
21 and

22 (4) "last resort" means intensive,
23 individualized, targeted interventions, including referral to
24 the children, youth and families department, for students who
25 are excessively absent;

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1 C. "attendance team" means a group of school-based
2 administrators, teachers, staff and other school personnel who
3 collaborate to implement a tiered attendance improvement plan;

4 D. "chronic absence rate" means the percentage of
5 students, in the aggregate and disaggregated by the subgroups
6 required for reporting pursuant to the federal Every Student
7 Succeeds Act, in a school or school district that missed ten
8 percent or more of school days since the beginning of the
9 school year;

10 E. "chronically absent" or "chronic absenteeism"
11 means that a student has missed ten percent or more of school
12 days for any reason, whether excused or not, when enrolled for
13 more than ten days;

14 F. "excessively absent" or "excessive absenteeism"
15 means that a student has ten or more unexcused absences,
16 including suspensions, from classes or school days;

17 G. "excused absence" means absence from a class or
18 school day for a death in the family, medical absence,
19 religious instruction or tribal obligations or any other
20 allowable excuse pursuant to the policies of the local school
21 board or governing authority of a charter school;

22 H. "interscholastic extracurricular activities"
23 means those activities sponsored by a public school or an
24 organization whose principal purpose is the regulation,
25 direction, administration and supervision of interscholastic

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1 extracurricular activities in public schools;

2 I. "medical absence" or "medically absent" means
3 that a student is not in attendance for a class or a school day
4 for a parent- or doctor-authorized medical reason or the
5 student is a pregnant or parenting student;

6 J. "school day" means a portion of the school day
7 that is at least one-half of a student's enrolled program;

8 K. "school principal" includes the charter school
9 administrator responsible for student attendance;

10 L. "student" means a school-age person who attends
11 a public school; and

12 M. "unexcused absence" means an absence from a
13 class or school day for which the student does not have an
14 allowable excuse pursuant to the Attendance for Success Act or
15 policies of the local school board or governing authority of a
16 charter school."

17 SECTION 3. A new section of the Public School Code is
18 enacted to read:

19 "[NEW MATERIAL] RIGHT TO EDUCATION.--A school-age person
20 in the state shall have a right to a free public education as
21 follows:

22 A. except for a school-age person who is detained
23 in a state or local detention center or enrolled or residing in
24 state institutions, other than a school-age person provided for
25 in Subsection C of this section, a school-age person has a

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1 right to attend public school within the school district in
2 which the school-age person resides;

3 B. except as provided in Subsection C of this
4 section, a state or local detention center or state institution
5 in which a school-age person is detained, enrolled or residing
6 shall be responsible for providing educational services for the
7 school-age person; and

8 C. a school-age person who is a client as defined
9 in Section 43-1-3 NMSA 1978 in a state institution under the
10 authority of the secretary of human services shall have a right
11 to attend public school in the school district in which the
12 institution in which the school-age person is a client is
13 located if the school-age person has been recommended for
14 placement in a public school:

15 (1) by the educational appraisal and review
16 committee of the school district in which the institution is
17 located; or

18 (2) as a result of the appeal process as
19 provided in the special education rules of the department."

20 SECTION 4. A new section of the Public School Code is
21 enacted to read:

22 "[NEW MATERIAL] SCHOOL ATTENDANCE--RESPONSIBILITY--PRIVATE
23 SCHOOL ATTENDANCE POLICIES.--

24 A. Except as otherwise provided in the Public
25 School Code, a school-age person shall attend public school,

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1 private school, home school or a state institution until the
2 school-age person is at least eighteen years of age unless that
3 school-age person has graduated from high school, received a
4 high school equivalency credential or withdrawn from school on
5 a hardship waiver. A parent may give written, signed
6 permission for the school-age person to leave school between
7 the ages of sixteen and eighteen in case of hardship approved
8 by the local superintendent or the head administrator of a
9 charter school or private school.

10 B. A school-age person subject to the provisions of
11 the Attendance for Success Act shall attend school for at least
12 the length of time of the school year that is established in
13 that school-age person's school district, charter school or
14 private school. The school district, charter school or private
15 school shall not excuse a school-age person from attending
16 school except as provided in this act.

17 C. The parent of a school-age person subject to the
18 provisions of the Attendance for Success Act is responsible for
19 the school attendance of that school-age person.

20 D. Local school boards and governing bodies of
21 charter schools or private schools shall enforce the provisions
22 of the Attendance for Success Act for students enrolled in
23 their respective schools.

24 E. A private school in this state shall have an
25 attendance policy that as closely as practicable follows the

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1 law for public schools. A school-age person attending a
2 private school and the school-age person's parent shall be
3 given a copy of the private school's attendance policy each
4 year."

5 SECTION 5. A new section of the Public School Code is
6 enacted to read:

7 "[NEW MATERIAL] PUBLIC SCHOOL ATTENDANCE.--

8 A. Local school boards may admit as students
9 school-age persons who do not live within the school district
10 to the public schools within the school district when there are
11 sufficient school accommodations to provide for them.

12 B. Local school boards may allow students to
13 transfer to a public school outside the student's attendance
14 zone but within the school district when there are sufficient
15 school accommodations to provide for them.

16 C. Local school boards shall charge a tuition fee
17 for the right to attend public school within the school
18 district to those school-age persons who do not live within the
19 state. The tuition fee shall not exceed the amount generated
20 by the public school fund for a student similarly situated
21 within the school district for the current school year.

22 D. When the parent of a student not living in the
23 state pays an ad valorem property tax for school purposes
24 within a school district, the amount of the tuition payable for
25 the school year shall be reduced by the district average ad

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1 valorem tax per student as determined by the ad valorem tax
2 credit used in calculating the state equalization guarantee
3 distribution."

4 SECTION 6. A new section of the Public School Code is
5 enacted to read:

6 "[NEW MATERIAL] PUBLIC SCHOOL ATTENDANCE POLICIES--
7 REPORTING.--

8 A. A public school shall maintain an attendance
9 policy that:

10 (1) establishes an early warning system that
11 includes evidence-based metrics to identify students at risk of
12 chronic absenteeism and excessive absenteeism;

13 (2) provides for early identification of
14 chronically absent and excessively absent students;

15 (3) employs an attendance improvement plan
16 that focuses on:

17 (a) keeping students in an educational
18 setting;

19 (b) prohibiting out-of-school suspension
20 and expulsion as the punishment for absences and excessive
21 absenteeism; and

22 (c) assisting a student's family to
23 remove barriers to the student's regular school attendance or
24 attendance in another educational setting;

25 (4) limits the ability of a student to

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1 withdraw to only after the student has exhausted all
2 intervention efforts by the public school or the children,
3 youth and families department to keep students in educational
4 settings;

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

8 (6) provides for public schools to
9 differentiate between different types of absences;

10 (7) provides for public schools to document
11 the following for each chronically or excessively absent
12 student:

13 (a) attempts by a school to notify a
14 parent that the student was absent from class or the school
15 day;

16 (b) attempts to improve attendance by
17 talking to a student or parent to identify barriers to school
18 attendance, identify solutions to improve the student's
19 attendance behavior and discuss necessary interventions for the
20 student or the student's family; and

21 (c) intervention strategies implemented
22 to support keeping the student in an educational setting;

23 (8) requires a student or the parent of a
24 student who intends to claim excused absence because of medical
25 condition, pregnancy or parenting to communicate the student's

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1 status to the appropriate school personnel and to provide
2 required documentation; and

3 (9) encourages and supports compliant data-
4 sharing, pursuant to the federal Family Educational Rights and
5 Privacy Act of 1974, between schools and community-based
6 organizations that provide services to students for the purpose
7 of providing more personalized interventions and specialized
8 supports as part of a school's attendance improvement plan.

9 B. Only individuals with appropriate permission
10 under the federal Family Educational Rights and Privacy Act of
11 1974 are permitted to view student-level data.

12 C. School districts and governing bodies of
13 charter schools shall review and approve public school
14 attendance policies.

15 D. School districts and charter schools shall
16 report absences, excessive absences and chronic absences data
17 to the department at the end of each grading period and shall
18 document intervention efforts made to keep students in an
19 educational setting. The department shall compile school
20 district and charter school reports on types of absences, rates
21 of absences and chronic absenteeism and require school
22 districts and charter schools to certify that the information
23 is being reported consistently and correctly. The department
24 shall share information from state-chartered charter schools
25 with the commission.

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1 E. A public school shall provide a copy of the
2 public school's attendance policy to all parents of students in
3 that school. The attendance policy shall include:

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

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

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

10 F. A public school shall provide a parent, upon the
11 parent's request, with timely access to the attendance data of
12 that parent's child, including information about any
13 intervention strategies that have been employed to help the
14 student improve the student's attendance.

15 G. Upon request, school districts and charter
16 schools shall provide the most up-to-date chronic absence rate,
17 in the aggregate and disaggregated by subpopulations, for all
18 public schools in the district."

19 **SECTION 7.** A new section of the Public School Code is
20 enacted to read:

21 "[NEW MATERIAL] ENFORCEMENT OF ATTENDANCE FOR SUCCESS
22 ACT--DISTRICT RESPONSIBILITIES--DIFFERENTIATION--DISTRICT
23 PLAN--ADDITIONAL SUPPORT.--

24 A. School districts and charter schools shall
25 differentiate schools based on their chronic absence rates into

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1 no fewer than four categories.

2 B. School districts and charter schools shall
3 differentiate student subpopulations based on their chronic
4 absence rates into no fewer than four categories.

5 C. Using the differentiation scheme under
6 Subsection A of this section, a school district and charter
7 school shall develop a district attendance improvement plan
8 that includes the following elements:

9 (1) specific district supports and resources
10 available to schools at each level to further the
11 implementation of their tiered attendance improvement plans;

12 (2) attendance improvement targets for public
13 schools or subpopulations with chronic absence rates of ten
14 percent or greater, developed in collaboration with each public
15 school; and

16 (3) an attendance improvement target for
17 districts with chronic absence rates of ten percent or greater.

18 D. Each school district and charter school shall
19 report its attendance improvement plan to the department no
20 later than ninety days after the beginning of the school year.
21 The department may allow school districts to report their
22 attendance improvement plans as part of the New Mexico data,
23 accountability, sustainability and high achievement system as
24 part of their school improvement plans.

25 E. At the end of each school year, each school

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1 district and charter school shall report to the local school
2 board or governing board and to the public on the school
3 district's website, the progress made on its attendance
4 improvement plan, to include:

5 (1) a description of the supports and
6 resources provided to schools at each tier of the attendance
7 improvement plan;

8 (2) the extent to which schools with chronic
9 absence rates greater than ten percent achieved their
10 attendance improvement targets;

11 (3) the extent to which the school district
12 achieved its attendance improvement targets;

13 (4) barriers and challenges to reducing
14 chronic absence rates, as reported by the school and school
15 district personnel;

16 (5) effective school-based practices, as
17 evidenced by decreased chronic absence rates; and

18 (6) recommendations for improvement during the
19 next school year at both the school and school district level.

20 F. Attendance teams may be formed in whole or in
21 part from preexisting groups or teams within a school or may be
22 formed for the explicit purpose of improving school attendance.
23 Attendance teams may include non-school personnel. School
24 districts shall reserve time for teachers and staff to
25 collaborate as an attendance team.

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1 G. School districts shall provide support and
2 guidance to attendance teams on transportation and school
3 scheduling options when these are identified as barriers to
4 school attendance."

5 **SECTION 8.** A new section of the Public School Code is
6 enacted to read:

7 "[NEW MATERIAL] ENFORCEMENT OF ATTENDANCE FOR SUCCESS
8 ACT--ATTENDANCE IMPROVEMENT PLAN--PROCEDURES.--

9 A. A public school shall initiate the enforcement
10 of the provisions of the Attendance for Success Act for its
11 enrolled students. The enforcement policies of a public school
12 shall focus on prevention and intervention.

13 B. Beginning in the 2020-2021 school year, a public
14 school with five percent or greater of students with a chronic
15 absence rate during the prior school year, or with five percent
16 or greater of one or more subpopulations of students with a
17 chronic absence rate during the prior school year, shall
18 develop an attendance improvement plan no later than thirty
19 days after the beginning of each new school year, and again no
20 later than thirty days after the beginning of the spring
21 semester, to be submitted to the department as part of the
22 school's educational plan for student success.

23 C. A public school, regardless of its chronic
24 absence rate, shall develop and implement a whole-school
25 absence prevention strategy to be reported to the department as

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1 part of the school's educational plan for student success.

2 D. An attendance improvement plan shall include:

3 (1) attendance data for each of the preceding
4 two school years and the current school year, including:

5 (a) the school's overall absence rate;

6 (b) chronic absence rates disaggregated
7 by student subpopulation;

8 (c) chronic absence rates disaggregated
9 by grade level; and

10 (d) student attendance for every day of
11 the school year;

12 (2) school-wide identification of potential
13 root causes of chronic and excessive absenteeism through one or
14 more of the following:

15 (a) national or local research;

16 (b) analysis of supportive factors and
17 barriers;

18 (c) student surveys or focus groups;

19 (d) youth participatory research; or

20 (e) other appropriate school-based
21 research methods;

22 (3) identification of strategies for each tier
23 of the attendance improvement plan, pursuant to Subsection B of
24 Section 2 of the Attendance for Success Act;

25 (4) identification of performance measures for

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1 each strategy; and

2 (5) a data-collection plan for performance
3 measures.

4 E. A public school shall provide interventions to
5 students who are absent or chronically absent, which may
6 include:

7 (1) assessing student and family needs and
8 matching those needs with appropriate public or private
9 providers, including civic and corporate sponsors;

10 (2) making referrals to health care and social
11 service providers;

12 (3) collaborating and coordinating with health
13 and social service agencies and organizations through school-
14 based and off-site delivery systems;

15 (4) recruiting service providers and business,
16 community and civic organizations to provide needed services
17 and goods that are not otherwise available to a student or the
18 student's family;

19 (5) establishing partnerships between the
20 school and community organizations, such as civic, business and
21 professional groups and organizations and recreational, social
22 and out-of-school programs;

23 (6) identifying and coordinating age-
24 appropriate resources for students in need of:

25 (a) counseling, training and placement

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1 for employment;

2 (b) drug and alcohol abuse counseling;

3 (c) family crisis counseling; and

4 (d) mental health counseling;

5 (7) promoting family support and parent
6 education programs; and

7 (8) seeking out other services or goods that a
8 student or the student's family needs to assist the student to
9 stay in school and succeed.

10 F. Beginning on the first day of school, a
11 classroom teacher or that teacher's adult designee shall be
12 responsible for taking accurate attendance for every class and
13 reporting absences to the attendance team."

14 SECTION 9. A new section of the Public School Code is
15 enacted to read:

16 "[NEW MATERIAL] MEDICAL APPOINTMENTS--ILLNESS--SPECIAL
17 SITUATIONS--MAKE-UP WORK.--

18 A. A student may be excused for parent- or doctor-
19 authorized medical reasons. A public school shall provide time
20 for the student to make up the school work missed during the
21 absence. If the student does not make up the school work
22 within a reasonable time, the absence may be counted as
23 unexcused.

24 B. A school district and a charter school shall
25 maintain an attendance policy that:

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1 (1) provides at least ten days of medical
2 absences during the school year for a student who provides
3 documentation of the birth of the student's child, and the
4 public school shall provide time for the student to make up the
5 school work missed during the absence. If the student does not
6 make up the school work within a reasonable time, the absence
7 may be counted as unexcused; and

8 (2) provides four days of excused absences for
9 a student who provides appropriate documentation of pregnancy
10 or that the student is the parent of a child under the age of
11 thirteen needing care, and the public school shall provide time
12 for the student to make up the school work missed during the
13 absence. If the student does not make up the school work
14 within a reasonable time, the absence may be counted as
15 unexcused.

16 C. A school district that has an alternative school
17 for, among others, pregnant and parenting students and that
18 allows for off-site attendance through online education shall
19 not count students as absent as long as the students are online
20 with the school or other appropriate virtual course and
21 complete their class assignments.

22 D. A student may, subject to the approval of the
23 school principal, be absent from school to participate in
24 religious instruction for not more than one class period per
25 school day with the written consent of the student's parent at

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1 a time that is not in conflict with the academic program of the
2 school and the student's academic class schedule. The public
3 school shall provide time for the student to make up the school
4 work missed during the absence. If the student does not make
5 up the school work within a reasonable time, the absence may be
6 counted as unexcused. The school district or the public school
7 shall not assume responsibility for the religious instruction
8 of any student or permit religious instruction to be conducted
9 on school property.

10 E. A public school student, with the written
11 consent of the student's parent and subject to the approval of
12 the school principal, may be absent from school to participate
13 in tribal obligations. The public school shall provide time
14 for the student to make up the school work missed during the
15 absence. If the student does not make up the school work
16 within a reasonable time, the absence may be counted as
17 unexcused."

18 SECTION 10. A new section of the Public School Code is
19 enacted to read:

20 "[NEW MATERIAL] INTERSCHOLASTIC EXTRACURRICULAR
21 ACTIVITIES--STUDENT PARTICIPATION.--

22 A. A public school student shall have at least a
23 2.0 grade point average on a 4.0 scale, or its equivalent,
24 either cumulatively or for the grading period immediately
25 preceding participation, to be eligible to participate in any

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1 interscholastic extracurricular activity. For purposes of this
2 section, "grading period" is a period of time not less than six
3 weeks. The provisions of this subsection shall not apply to
4 students receiving C or D level special education services.

5 B. A student shall not be absent from school for
6 interscholastic extracurricular activities in excess of fifteen
7 days per semester, and no class shall be missed in excess of
8 fifteen times per semester for interscholastic extracurricular
9 activities.

10 C. The secretary may issue a waiver relating to the
11 number of absences for participation in any state or national
12 competition that is not an interscholastic extracurricular
13 activity. The secretary shall develop a procedure for
14 petitioning cumulative provision eligibility cases, similar to
15 other eligibility situations.

16 D. Student standards for participation in
17 interscholastic extracurricular activities shall be applied
18 beginning with a student's academic record in ninth grade."

19 SECTION 11. A new section of the Public School Code is
20 enacted to read:

21 "[NEW MATERIAL] PROGRESSIVE INTERVENTIONS FOR ABSENT AND
22 EXCESSIVELY ABSENT STUDENTS.--

23 A. A public school shall provide interventions for
24 students who are missing school, depending on the number of
25 absences. The process for notification and interventions is:

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1 (1) for a student who has three unexcused
2 absences or who has missed more than five percent but less than
3 ten percent of the school year for any reason, the attendance
4 team shall:

5 (a) for elementary students, talk to the
6 parent and inform the parent of the student's attendance
7 history, the impact of student absences on student academic
8 outcomes, the available interventions or services available to
9 the student or family and the consequences of further absences,
10 including referral to the children, youth and families
11 department for excessive absenteeism; and

12 (b) for a middle or high school student,
13 talk to the parent and the student about the student's
14 attendance history and the impact of student absences on
15 student academic outcomes, available interventions or services
16 available to the student or family and the consequences of
17 further absences, including referral to the children, youth and
18 families department for excessive absenteeism;

19 (2) for a student who has five unexcused
20 absences, or whose absences fall within the guidelines for the
21 early intervention qualifications for the attendance
22 improvement plan, and who has missed more than ten percent but
23 less than twenty percent of school days, the attendance team
24 shall notify the parent in writing by mail or personal service
25 on the parent of the student's absenteeism. The notice shall

1 include a date, time and place for the parent to meet with the
2 public school to develop intervention strategies that focus on
3 keeping the student in an educational setting. The attendance
4 team shall be convened to establish a specific intervention
5 plan for the student that includes establishing weekly progress
6 monitoring and a contract for attendance;

7 (3) for a student who has more than seven
8 absences, or whose absences fall within the guidelines for the
9 specialized support qualifications for the attendance
10 improvement plan, the attendance team shall:

11 (a) give written notice to the parent,
12 including a date, time and place for the parent to meet with
13 the school principal or head administrator and the attendance
14 team;

15 (b) establish nonpunitive consequences
16 at the school level;

17 (c) identify appropriate specialized
18 supports that may be needed to help the student address the
19 underlying causes of excessive absenteeism; and

20 (d) apprise the student and the parent
21 of the consequences of further absences; and

22 (4) for a student whose absences fall within
23 the guidelines for the last resort qualifications for the
24 attendance improvement plan and who has excessive absences, the
25 public school shall refer the student to the children, youth

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1 and families department.

2 B. A public school shall initiate the enforcement
3 of the provisions of the Attendance for Success Act for
4 excessively absent students.

5 C. The school principal shall consult with a
6 student's teacher and initiate meetings with the teacher, the
7 student and the parent if the alleged cause of absence from
8 class is teacher-student incompatibility."

9 SECTION 12. A new section of the Public School Code is
10 enacted to read:

11 "[NEW MATERIAL] EXCESSIVE ABSENTEEISM--NEGLECTED CHILD OR
12 CHILD OR FAMILY IN NEED OF FAMILY SERVICES--CASEWORKER--
13 ENFORCEMENT--DRIVER'S LICENSE SUSPENSION--PENALTY.--

14 A. If unexcused absences continue after written
15 notice of excessive absenteeism as provided in Section 11 of
16 the Attendance for Success Act, the school principal or head
17 administrator, after consultation with the local superintendent
18 or the governing board of the charter school, shall report the
19 excessively absent student to the children, youth and families
20 department. The children, youth and families department shall
21 investigate whether the student should be considered to be a
22 neglected child or a child in a family in need of family
23 services because of excessive absenteeism and thus subject to
24 the provisions of the Children's Code. The record of the
25 public school's interventions and the student's and parent's

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1 responses to the interventions shall be provided to the
2 children, youth and families department. If the children,
3 youth and families department determines that the student is a
4 child in a family in need of family services, a caseworker from
5 the child or family in need of family services program shall
6 meet with the family at the public school in which the student
7 is enrolled to determine if there are other intervention
8 services that may be provided. The meeting shall involve the
9 school principal or other school personnel and, unless the
10 parent objects in writing, appropriate community partners that
11 provide services to children and families. The children, youth
12 and families department shall determine if additional
13 interventions, including monitoring, will positively affect the
14 student's behavior.

15 B. If the student has a driver's license, the
16 caseworker assigned to the student shall notify the student and
17 the parent at the meeting provided for in Subsection A of this
18 section that if the child or family in need of family services
19 does not see behavioral improvements, including class or school
20 day attendance, the caseworker shall report the student's
21 noncompliance to the public education department and the
22 student's driver's license may be suspended; provided that the
23 suspension is not likely to exacerbate the student's
24 absenteeism and will not result in hardship to the student's
25 family. The notification provided for in this subsection

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1 serves as notice for purposes of due process.

2 C. No later than thirty days after the meeting, the
3 caseworker shall notify the public school and the public
4 education department of the student's progress. If the student
5 has refused interventions, including placement in an
6 alternative educational setting, and the student's attendance
7 has not improved, the caseworker shall notify the motor vehicle
8 division of the taxation and revenue department that the
9 student's driver's license is suspended. The caseworker shall
10 notify the public education department and shall forward the
11 student's attendance record to the public education department.

12 D. The motor vehicle division shall issue a notice
13 of suspension to the student. The student or the student's
14 parent may request an administrative hearing to oppose the
15 suspension. Unless reinstatement is required as a result of a
16 hearing, a suspended license pursuant to this section shall
17 continue until the:

18 (1) child or family in need of family services
19 issues a written certificate of compliance to the student;

20 (2) student presents the certificate of
21 compliance to the motor vehicle division; and

22 (3) student pays the motor vehicle division
23 the reinstatement fee required by Section 66-5-33.1 NMSA 1978.

24 E. If a student turns eighteen or withdraws from
25 school under a hardship waiver and leaves school during the

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1 period of suspension, the student's driver's license shall be
2 reinstated."

3 SECTION 13. A new section of the Public School Code is
4 enacted to read:

5 "[NEW MATERIAL] DATA REPORTING.--School districts and
6 charter schools shall collect and report to the department
7 excessive and chronic absenteeism rates for each school, in the
8 aggregate and disaggregated by the subgroups as required for
9 reporting pursuant to the federal Every Student Succeeds Act,
10 including the:

11 A. total number of students excessively absent who
12 were referred to the children, youth and families department;

13 B. total number of students chronically absent in
14 the aggregate and for each subgroup;

15 C. average number of unexcused absences per student
16 for all students and each subgroup;

17 D. average number of excused absences per student
18 for all students and each subgroup, including the number of
19 average absences for religious instruction, tribal obligations
20 and medical absences;

21 E. average number of days or class periods missed
22 per student for all students and each subgroup due to
23 interscholastic extracurricular activities; and

24 F. calculated rate of chronic absenteeism for the
25 school district for all students and each subgroup."

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1 SECTION 14. A new section of the Public School Code is
2 enacted to read:

3 "[NEW MATERIAL] TIMELY GRADUATION AND SUPPORT FOR STUDENTS
4 WHO EXPERIENCE DISRUPTION IN THE STUDENT'S EDUCATION.--

5 A. For purposes of this section, "a student who has
6 experienced a disruption in the student's education" means a
7 student who experiences one or more changes in school or school
8 district enrollment during a single school year as the result
9 of:

10 (1) homelessness as defined in the federal
11 McKinney-Vento Homeless Assistance Act and as determined by the
12 school or school district;

13 (2) adjudication:

14 (a) as an abused or neglected child as
15 determined by the children, youth and families department
16 pursuant to the Abuse and Neglect Act;

17 (b) as part of a family in need of
18 court-ordered services voluntary placement pursuant to the
19 Family Services Act; or

20 (c) as a delinquent if the parent wishes
21 to disclose the adjudication of delinquency; or

22 (3) placement in a mental health treatment
23 facility or habilitation program for developmental disabilities
24 pursuant to the Children's Mental Health and Developmental
25 Disabilities Act or placement in treatment foster care.

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1 B. When a student who has experienced a disruption
2 in the student's education transfers to a new public school or
3 school district, the receiving school or school district shall
4 communicate with the sending school district within two days of
5 the student's enrollment. The sending school or school
6 district shall provide the receiving school or school district
7 with any requested records within two days of having received
8 the receiving school's or school district's communication.

9 C. A student who has experienced a disruption in
10 the student's education because of transferring to a new school
11 as the result of circumstances set forth in this section shall
12 have:

13 (1) priority placement in classes that meet
14 state graduation requirements; and

15 (2) timely placement in elective classes that
16 are comparable to those in which the student was enrolled at
17 the student's previous school or schools as soon as the school
18 or school district receives verification from the student's
19 records.

20 D. For a student who has experienced a disruption
21 in the student's education at any time during the student's
22 high school enrollment, a school district and public schools
23 shall ensure:

24 (1) acceptance of the student's state
25 graduation requirements for a diploma of excellence pursuant to

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1 the Public School Code;

2 (2) equal access to participation in sports
3 and other extracurricular activities, career and technical
4 programs or other special programs for which the student
5 qualifies;

6 (3) timely assistance and advice from
7 counselors to improve the student's college or career
8 readiness; and

9 (4) that the student receives all special
10 education services to which the student is entitled."

11 SECTION 15. Section 32A-3A-2 NMSA 1978 (being Laws 1993,
12 Chapter 77, Section 64, as amended) is amended to read:

13 "32A-3A-2. DEFINITIONS.--As used in the Family Services
14 Act:

15 A. "child or family in need of family services"
16 means a family:

17 (1) [~~a family~~] whose child's behavior
18 endangers the child's health, safety, education or well-being;

19 (2) whose child is excessively absent from
20 public school as defined in the Attendance for Success Act;

21 [~~(2) a family~~] (3) whose child is absent from
22 the child's place of residence for twenty-four hours or more
23 without the consent of the parent, guardian or custodian;

24 [~~(3) a family~~] (4) in which the parent,
25 guardian or custodian of a child refuses to permit the child to

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1 live with the parent, guardian or custodian; or

2 [~~(4) a family~~] (5) in which the child refuses
3 to live with [~~his~~] the child's parent, guardian or custodian;
4 and

5 B. "family services" means services that address
6 specific needs of the child or family."

7 SECTION 16. Section 32A-3A-3 NMSA 1978 (being Laws 1993,
8 Chapter 77, Section 65, as amended) is amended to read:

9 "32A-3A-3. REQUEST FOR FAMILY SERVICES--WITHDRAWAL OF
10 REQUEST--PRESUMPTION OF GOOD FAITH.--

11 A. Any child or family member who has a reasonable
12 belief that the child or family is in need of family services
13 may request family services from the department.

14 B. Any person, including a public or private school
15 principal, who has a reasonable belief that a child or family
16 is in need of family services may submit a referral to the
17 department.

18 C. A family that requests or accepts family
19 services may withdraw its request for or acceptance of family
20 services at any time.

21 D. A person who refers a child or family for family
22 services is presumed to be acting in good faith and shall be
23 immune from civil or criminal liability, unless the person
24 acted in bad faith or with malicious purpose."

25 SECTION 17. REPEAL.--Sections 22-12-1 through 22-12-10

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1 NMSA 1978 (being Laws 1967, Chapter 16, Sections 169 and 170;
2 Laws 1986, Chapter 33, Section 27; Laws 1971, Chapter 238,
3 Section 1; Laws 2013, Chapter 198, Section 1; Laws 1978,
4 Chapter 211, Section 10; Laws 1967, Chapter 16, Sections 172
5 and 175; Laws 1985, Chapter 104, Section 1; Laws 2004, Chapter
6 28, Section 1; and Laws 2017, Chapter 53, Section 1 and Laws
7 2017, Chapter 85, Section 1, as amended) are repealed.

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