HOUSE BILL 955

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

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AN ACT

RELATING TO COMPULSORY SCHOOL ATTENDANCE; REQUIRING THAT SCHOOL
DISTRICT ATTENDANCE POLICIES USE WITHDRAWAL OF STUDENTS
PURSUANT TO THE DEFINITION OF MEMBERSHIP IN THE PUBLIC SCHOOL
FINANCE ACT ONLY AFTER EXHAUSTING EFFORTS TO KEEP STUDENTS IN
EDUCATIONAL SETTINGS.

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

    Section 1. Section 22-8-2 NMSA 1978 (being Laws 1978,
Chapter 128, Section 3, as amended) is amended to read:

    "22-8-2. DEFINITIONS.--As used in the Public School
Finance Act:

        A. "ADM" or "MEM" means membership;

        B. "membership" means the total enrollment of
qualified students on the current roll of a class or school on
a specified day. The current roll is established by the

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1   addition of original entries and reentries minus withdrawals.

2   Withdrawals of students, in addition to students formally

3   withdrawn from the public school, include students absent from

4   the public school for as many as ten consecutive school days;

5   provided that withdrawals do not include truants and habitual

6   truants the school district is required to intervene with and

7   keep in an educational setting as provided in Section 22-12-9

8   NMSA 1978;

9   C. "basic program ADM" or "basic program MEM" means

10   the MEM of qualified students but excludes the full-time-

11   equivalent MEM in early childhood education and three- and

12   four-year-old students receiving special education services;

13   D. "cost differential factor" is the numerical

14   expression of the ratio of the cost of a particular segment of

15   the school program to the cost of the basic program in grades

16   four through six;

17   E. "department" or "division" means the public

18   education department;

19   F. "early childhood education ADM" or "early

20   childhood education MEM" means the full-time-equivalent MEM of

21   students attending approved early childhood education programs;

22   G. "full-time-equivalent ADM" or "full-time-

23   equivalent MEM" is that membership calculated by applying to

24   the MEM in an approved public school program the ratio of the

25   number of hours per school day devoted to the program to six

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hours or the number of hours per school week devoted to the program to thirty hours;

H.   "operating budget" means the annual financial plan required to be submitted by a local school board;

I.   "program cost" is the product of the total number of program units to which a school district is entitled multiplied by the dollar value per program unit established by the legislature;

J.   "program element" is that component of a public school system to which a cost differential factor is applied to determine the number of program units to which a school district is entitled, including but not limited to MEM, full-time-equivalent MEM, teacher, classroom or public school;

K.   "program unit" is the product of the program element multiplied by the applicable cost differential factor;

L.   "public money" or "public funds" means all money from public or private sources received by a local school board or officer or employee of a local school board for public use;

M.   "qualified student" means a public school student who:

(1)   has not graduated from high school;

(2)   is regularly enrolled in one-half or more of the minimum course requirements approved by the department for public school students; and

(3)   is at least five years of age prior to

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1   12:01 a.m. on September 1 of the school year; or

2   (4)   is at least three years of age at any time

3   during the school year and is receiving special education

4   services pursuant to rules of the department; or

5   (5)   has not reached [his] the student's

6   twenty-second birthday on the first day of the school year and

7   is receiving special education services pursuant to rules of

8   the department; and

9   N.   "state superintendent" means the secretary of

10   public education or [his] the secretary's designee."

11   Section 2.   Section 22-12-9 NMSA 1978 (being Laws 2004,

12   Chapter 28, Section 1) is amended to read:

13   "22-12-9.   UNEXCUSED ABSENCES AND TRUANCY--ATTENDANCE

14   POLICIES.--

15   A.   As used in this section and Sections 22-12-7 and

16   22-12-8 NMSA 1978:

17   (1)   "habitual truant" means a student who has

18   accumulated the equivalent of ten or more unexcused absences

19   within a school year;

20   (2)   "truant" means a student who has

21   accumulated five unexcused absences within any twenty-day

22   period; and

23   (3)   "unexcused absence" means an absence from

24   school or a class for which the student does not have an

25   allowable excuse pursuant to the Compulsory School Attendance

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1   Law or rules of the local school board or governing authority

2   of a private school.

3   B.   Each school district shall maintain an

4   attendance policy that:

5   (1)   provides for early identification of

6   students with unexcused absences, truants and habitual truants

7   and provides intervention strategies that focus on keeping

8   truants in an educational setting and prohibit out-of-school

9   suspension and expulsion as the punishment for truancy; [and]

10   (2)   uses withdrawal as provided in Section

11   22-8-2 NMSA 1978 only after exhausting efforts to keep students

12   in educational settings; and

13   [(2)] (3)   requires that class attendance be

14   taken for every instructional day in every public school or

15   school program in the school district.

16   C.   School districts shall report truancy and

17   habitual truancy rates to the department in a form and at such

18   times as the department determines and shall document efforts

19   made to keep truants and habitual truants in educational

20   settings."

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