

1 HOUSE BILL 236

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Patricio Ruiloba

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10 AN ACT

11 RELATING TO PUBLIC SCHOOL ATTENDANCE; ENACTING THE ATTENDANCE
12 FOR SUCCESS ACT; PROVIDING FOR PREVENTION OF ABSENCES AND
13 EARLIER INTERVENTION FOR STUDENTS WHO ARE ABSENT OR CHRONICALLY
14 ABSENT; PROVIDING A PROCESS FOR PREVENTION OF ABSENCES, FOR
15 EARLY INTERVENTION, FOR SPECIALIZED SUPPORTS AND FOR REFERRALS
16 TO THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT; REQUIRING DATA
17 COLLECTION AND USE; REPEALING THE COMPULSORY SCHOOL ATTENDANCE
18 LAW.

19
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

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

25 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 participation in
7 interscholastic extracurricular activities;

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

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

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

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

24 (4) "intensive support and intervention" means
25 intensive, individualized, targeted interventions, including

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1 referral to the children, youth and families department, for
2 students who are excessively absent;

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

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

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

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

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

24 H. "interscholastic extracurricular activities"
25 means those activities sponsored by a public school or an

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1 organization whose principal purpose is the regulation,
2 direction, administration and supervision of interscholastic
3 extracurricular activities in public schools;

4 I. "local school board" includes the governing body
5 of a charter school;

6 J. "medical absence" or "medically absent" means
7 that a student is not in attendance for a class or a school day
8 for a parent- or doctor-authorized medical reason or the
9 student is a pregnant or parenting student;

10 K. "school day" means a portion of the school day
11 that is at least one-half of a student's approved program;

12 L. "school district" includes a charter school;

13 M. "school principal" includes the head
14 administrator of a charter school; and

15 N. "unexcused absence" means an absence from a
16 class or school day for which the student does not have an
17 allowable excuse pursuant to the Attendance for Success Act or
18 policies of the local school board."

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

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

24 A. except for a school-age person who is detained
25 in a state or local detention center or enrolled or residing in

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1 a state institution, other than a school-age person provided
2 for in Subsection C of this section, a school-age person has a
3 right to attend public school within the school district in
4 which the school-age person resides;

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

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

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

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

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

24 "[NEW MATERIAL] SCHOOL ATTENDANCE--RESPONSIBILITY--PRIVATE
25 SCHOOL ATTENDANCE POLICIES.--

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

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

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

21 D. Local school boards and private schools shall
22 enforce the provisions of the Attendance for Success Act for
23 students enrolled in 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 or 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 or expulsion as the punishment for absences; and

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

24 (4) limits the ability of a student to
25 withdraw to only after all intervention efforts by the public

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1 school or the children, youth and families department to keep
2 the student in an educational setting have been exhausted;

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

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

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

10 (a) attempts by the public school to
11 notify a parent that the student was absent from class or the
12 school day;

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

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

20 (8) requires a student or the parent of a
21 student who intends to claim excused absence because of medical
22 condition, pregnancy or parenting to communicate the student's
23 status to the appropriate school personnel and to provide
24 required documentation; and

25 (9) encourages and supports compliant data

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1 sharing, pursuant to the federal Family Educational Rights and
2 Privacy Act of 1974, between a public school and community-
3 based organizations that provide services to students for the
4 purpose of providing more personalized interventions and
5 specialized supports as part of the public school's attendance
6 improvement plan.

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 and require school districts to certify that
16 the information is being reported consistently and correctly.
17 The department shall share information from state-chartered
18 charter schools with the commission.

19 D. A public school shall provide a copy of the
20 public school's attendance policy to all parents of students in
21 that school. The attendance policy shall include:

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

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

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

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

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

12 SECTION 7. A new section of the Public School Code is
13 enacted to read:

14 "[NEW MATERIAL] ENFORCEMENT OF ATTENDANCE FOR SUCCESS
15 ACT--DISTRICT RESPONSIBILITIES--DIFFERENTIATION--DISTRICT
16 PLAN--ADDITIONAL SUPPORT.--

17 A. School districts shall differentiate public
18 schools based on their chronic absence rates into no fewer than
19 four categories.

20 B. School districts shall differentiate student
21 subpopulations based on their chronic absence rates into no
22 fewer than four categories.

23 C. Using the differentiation scheme pursuant to
24 Subsections A and B of this section, a school district shall
25 develop attendance improvement plans that include the following

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1 elements:

2 (1) specific school district supports and
3 resources available to public schools at each level to further
4 the implementation of their attendance improvement plans;

5 (2) attendance improvement targets for public
6 schools or subpopulations with chronic absence rates of ten
7 percent or greater, developed in collaboration with each public
8 school; and

9 (3) an attendance improvement target for
10 school districts with chronic absence rates of ten percent or
11 greater.

12 D. Each school district shall report its attendance
13 improvement plan to the department no later than forty-five
14 days after the beginning of the school year. The department
15 may allow a school district to report its attendance
16 improvement plan as part of the educational plan for student
17 success.

18 E. At the end of each school year, each school
19 district shall report to the local school board and to the
20 public on the school district's website, the progress made on
21 its attendance improvement plan, to include:

22 (1) a description of the supports and
23 resources provided to public schools at each tier of the
24 attendance improvement plan;

25 (2) the extent to which public schools with

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1 chronic absence rates greater than ten percent achieved their
2 attendance improvement targets;

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

5 (4) barriers and challenges to reducing
6 chronic absence rates, as reported by the public school and
7 school district personnel;

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

10 (6) recommendations for improvement during the
11 next school year at both the public school and school district
12 level.

13 F. Attendance teams may be formed in whole or in
14 part from preexisting groups or teams within a public school or
15 may be formed for the explicit purpose of improving school
16 attendance. Attendance teams may include persons who are not
17 school personnel. School districts shall reserve time for
18 school personnel to collaborate as an attendance team.

19 G. School districts shall provide support and
20 guidance to attendance teams on transportation and school
21 scheduling options when these are identified as barriers to
22 school attendance."

23 SECTION 8. A new section of the Public School Code is
24 enacted to read:

25 "[NEW MATERIAL] ENFORCEMENT OF ATTENDANCE FOR SUCCESS

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1 ACT--ATTENDANCE IMPROVEMENT PLAN--PROCEDURES.--

2 A. A public school shall initiate the enforcement
3 of the provisions of the Attendance for Success Act for its
4 enrolled students. The enforcement policies of a public school
5 shall focus on prevention and intervention.

6 B. Beginning in the 2020-2021 school year, a public
7 school with five percent or greater of students with a chronic
8 absence rate during the prior school year, or with five percent
9 or greater of one or more subpopulations of students with a
10 chronic absence rate during the prior school year, shall
11 develop an attendance improvement plan no later than thirty
12 days after the beginning of each new school year, and again no
13 later than thirty days after the beginning of the spring
14 semester, to be submitted to the department and may be part of
15 the public school's educational plan for student success.

16 C. A public school, regardless of its chronic
17 absence rate, shall develop and implement a whole-school
18 absence prevention strategy to be reported to the department as
19 part of the public school's educational plan for student
20 success.

21 D. An attendance improvement plan shall include:

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

24 (a) the public school's overall absence
25 rate;

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1 (b) chronic absence rates disaggregated
2 by student subpopulation;

3 (c) chronic absence rates disaggregated
4 by grade level; and

5 (d) student attendance for every day of
6 the school year;

7 (2) school-wide identification of potential
8 root causes of chronic and excessive absenteeism through one or
9 more of the following:

10 (a) national or local research;

11 (b) analysis of supportive factors and
12 barriers;

13 (c) student surveys or focus groups;

14 (d) youth participatory research; or

15 (e) other appropriate school-based
16 research methods;

17 (3) identification of strategies for each tier
18 of the attendance improvement plan;

19 (4) identification of performance measures for
20 each strategy; and

21 (5) a data-collection plan for performance
22 measures.

23 E. A public school shall provide interventions to
24 students who are absent or chronically absent, which may
25 include:

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

4 (2) making referrals to health care and social
5 service providers;

6 (3) collaborating and coordinating with health
7 and social service agencies and organizations through school-
8 based and off-site delivery systems;

9 (4) recruiting service providers and business,
10 community and civic organizations to provide needed services
11 and goods that are not otherwise available to a student or the
12 student's family;

13 (5) establishing partnerships between the
14 public school and community organizations, such as civic,
15 business and professional groups and organizations and
16 recreational, social and out-of-school programs;

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

19 (a) counseling, training and placement
20 for employment;

21 (b) drug and alcohol abuse counseling;

22 (c) family crisis counseling; and

23 (d) mental health counseling;

24 (7) promoting family support and parent
25 education programs; and

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

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

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

10 "[NEW MATERIAL] MEDICAL APPOINTMENTS--ILLNESS--SPECIAL
11 SITUATIONS--MAKE-UP WORK.--

12 A. A student may be excused for parent- or doctor-
13 authorized medical reasons. A 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 B. A school district shall maintain an attendance
19 policy that:

20 (1) provides at least ten days of medical
21 absences during the school year for a student who provides
22 documentation of the birth of the student's child, and the
23 public school shall provide time for the student to make up the
24 school work missed during the absence. If the student does not
25 make up the school work within a reasonable time, the absence

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1 may be counted as unexcused; and

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

10 C. A school district that has an alternative public
11 school for, among others, pregnant and parenting students and
12 that allows for off-site attendance through online education
13 shall not count students as absent as long as the students are
14 online with the public school or other appropriate virtual
15 course and complete their class assignments.

16 D. A student may, subject to the approval of the
17 school principal, be absent from school to participate in
18 religious instruction for not more than one class period per
19 school day with the written consent of the student's parent at
20 a time that is not in conflict with the academic program of the
21 school and the student's academic class schedule. The public
22 school shall provide time for the student to make up the school
23 work missed during the absence. If the student does not make
24 up the school work within a reasonable time, the absence may be
25 counted as unexcused. The school district or the public school

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1 shall not assume responsibility for the religious instruction
2 of any student or permit religious instruction to be conducted
3 on school property.

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

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

14 "[NEW MATERIAL] INTERSCHOLASTIC EXTRACURRICULAR
15 ACTIVITIES--STUDENT PARTICIPATION.--

16 A. A public school student shall have at least a
17 2.0 grade point average on a 4.0 scale, or its equivalent,
18 either cumulatively or for the grading period immediately
19 preceding participation, to be eligible to participate in any
20 interscholastic extracurricular activity. For purposes of this
21 section, "grading period" is a period of time not less than six
22 weeks. The provisions of this subsection shall not apply to
23 students receiving C or D level special education services.

24 B. A student shall not be absent from school for
25 interscholastic extracurricular activities in excess of fifteen

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1 days per semester, and no class shall be missed in excess of
2 fifteen times per semester for interscholastic extracurricular
3 activities.

4 C. The secretary may issue a waiver relating to the
5 number of absences for participation in any state or national
6 competition that is not an interscholastic extracurricular
7 activity. The secretary shall develop a procedure for
8 petitioning cumulative provision eligibility cases, similar to
9 other eligibility situations.

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

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

15 "[NEW MATERIAL] PROGRESSIVE INTERVENTIONS FOR ABSENT,
16 CHRONICALLY ABSENT AND EXCESSIVELY ABSENT STUDENTS.--

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

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

24 (a) for elementary students, talk to the
25 parent and inform the parent of the student's attendance

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1 history, the impact of student absences on student academic
2 outcomes, the interventions or services available to the
3 student or family and the consequences of further absences,
4 including referral to the children, youth and families
5 department for excessive absenteeism; and

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

13 (2) for a student who has five unexcused
14 absences, or whose absences fall within the guidelines for the
15 early intervention tier of the attendance improvement plan, and
16 who has missed more than ten percent but less than twenty
17 percent of school days, the attendance team shall notify the
18 parent in writing by mail or personal service on the parent of
19 the student's absenteeism. The notice shall include a date,
20 time and place for the parent to meet with the public school to
21 develop intervention strategies that focus on keeping the
22 student in an educational setting. The attendance team shall
23 be convened to establish a specific intervention plan for the
24 student that includes establishing weekly progress monitoring
25 and a contract for attendance;

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1 (3) for a student who has more than seven
2 absences, or whose absences fall within the guidelines for the
3 specialized support tier of the attendance improvement plan,
4 the attendance team shall:

5 (a) give written notice to the parent,
6 including a date, time and place for the parent to meet with
7 the school principal and the attendance team;

8 (b) establish nonpunitive consequences
9 at the school level;

10 (c) identify appropriate specialized
11 supports that may be needed to help the student address the
12 underlying causes of excessive absenteeism; and

13 (d) apprise the student and the parent
14 of the consequences of further absences; and

15 (4) for a student whose absences fall within
16 the guidelines for the intensive support and intervention tier
17 of the attendance improvement plan and who has excessive
18 absences, the public school shall refer the student to the
19 children, youth and families department.

20 B. A public school shall initiate the enforcement
21 of the provisions of the Attendance for Success Act for
22 excessively absent students.

23 C. The school principal shall consult with a
24 student's teacher and initiate meetings with the teacher, the
25 student and the parent if the alleged cause of absence from

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1 class is teacher-student incompatibility."

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

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

7 A. If unexcused absences continue after written
8 notice of excessive absenteeism as provided in Section 11 of
9 the Attendance for Success Act, the school principal, after
10 consultation with the local superintendent, shall report the
11 excessively absent student to the children, youth and families
12 department. The children, youth and families department shall
13 investigate whether the student should be considered to be a
14 neglected child or a child in a family in need of family
15 services because of excessive absenteeism and thus subject to
16 the provisions of the Children's Code. The record of the
17 public school's interventions and the student's and parent's
18 responses to the interventions shall be provided to the
19 children, youth and families department. If the children,
20 youth and families department determines that the student is a
21 child in a family in need of family services, a caseworker from
22 the child or family in need of family services program shall
23 meet with the family at the public school in which the student
24 is enrolled to determine if there are other intervention
25 services that may be provided. The meeting shall involve the

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1 school principal or other school personnel and, unless the
2 parent objects in writing, appropriate community partners that
3 provide services to children and families. The children, youth
4 and families department shall determine if additional
5 interventions, including monitoring, will positively affect the
6 student's behavior.

7 B. If the student has a driver's license, the
8 caseworker assigned to the student shall notify the student and
9 the parent at the meeting provided for in Subsection A of this
10 section that if the child or family in need of family services
11 does not see behavioral improvements, including class or school
12 day attendance, the caseworker shall report the student's
13 noncompliance to the public education department and the
14 student's driver's license may be suspended if the suspension
15 is not likely to exacerbate the student's absenteeism and will
16 not result in hardship to the student's family. The
17 notification provided for in this subsection serves as notice
18 for purposes of due process.

19 C. No later than thirty days after the meeting, the
20 caseworker shall notify the public school and the public
21 education department of the student's progress. If the student
22 has refused interventions, including placement in an
23 alternative educational setting, and the student's attendance
24 has not improved, the caseworker shall notify the motor vehicle
25 division of the taxation and revenue department that the

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1 student's driver's license is suspended. The caseworker shall
2 notify the public education department and shall forward the
3 student's attendance record to the public education department.

4 D. The motor vehicle division shall issue a notice
5 of suspension to the student. The student or the student's
6 parent may request an administrative hearing to oppose the
7 suspension. Unless reinstatement is required as a result of a
8 hearing, a suspended license pursuant to this section shall
9 continue until the:

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

12 (2) student presents the certificate of
13 compliance to the motor vehicle division; and

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

16 E. If a student turns eighteen or withdraws from
17 school under a hardship waiver and leaves school during the
18 period of suspension, the student's driver's license shall be
19 reinstated."

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

22 "[NEW MATERIAL] REPORTING REQUIREMENTS.--

23 A. For each reporting date and at the end of the
24 year, each school district shall report:

25 (1) the total number of days missed for

1 excused and unexcused absences for each student in each public
2 school, the total number of days each student was enrolled and
3 in which tier each student with absences fell during the
4 reporting period, along with the student's demographics;

5 (2) the number of students at each public
6 school who were referred to the children, youth and families
7 department because of unexcused absences, in the aggregate and
8 disaggregated by subpopulations; and

9 (3) the number of excused absences that were
10 converted to unexcused absences because a student did not make
11 up missed class work.

12 B. The department shall compile a report by public
13 school and school district that includes:

14 (1) the total number and percent of students
15 who were in each tier of chronic absenteeism or were
16 excessively absent at each public school and school district in
17 the aggregate for each public school and school district and
18 disaggregated by subpopulations;

19 (2) the average number of excused and
20 unexcused absences per student for all students and
21 subpopulations, with excused absences reported as death in the
22 family; medical; religious instruction; tribal obligations; or
23 interscholastic extracurricular activities;

24 (3) a calculated chronic absenteeism rate for
25 the school district for all students and for each

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1 subpopulation; and

2 (4) the number of excused absences that were
3 converted to unexcused absences because the student did not
4 make up missed classwork."

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

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

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

14 (1) homelessness as defined in the federal
15 McKinney-Vento Homeless Assistance Act and as determined by the
16 public school or school district;

17 (2) adjudication:

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

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

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

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

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

14 C. A student who has experienced a disruption in
15 the student's education because of transferring to a new public
16 school as the result of circumstances set forth in this section
17 shall have:

18 (1) priority placement in classes that meet
19 state graduation requirements; and

20 (2) timely placement in elective classes that
21 are comparable to those in which the student was enrolled at
22 the student's previous public school or schools as soon as the
23 public school or school district receives verification from the
24 student's records.

25 D. For a student who has experienced a disruption

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1 in the student's education at any time during the student's
2 high school enrollment, a school district and public schools
3 shall ensure:

4 (1) acceptance of the student's state
5 graduation requirements for a diploma of excellence pursuant to
6 the Public School Code;

7 (2) equal access to participation in sports
8 and other extracurricular activities, career and technical
9 programs or other special programs for which the student
10 qualifies;

11 (3) timely assistance and advice from
12 counselors to improve the student's college or career
13 readiness; and

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

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

18 "32A-3A-2. DEFINITIONS.--As used in the Family Services
19 Act:

20 A. "child or family in need of family services"
21 means a family:

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

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

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

4 [~~(3)~~—a family] (4) in which the parent,
5 guardian or custodian of a child refuses to permit the child to
6 live with the parent, guardian or custodian; or

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

10 B. "family services" means services that address
11 specific needs of the child or family."

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

14 "32A-3A-3. REQUEST FOR FAMILY SERVICES--WITHDRAWAL OF
15 REQUEST--PRESUMPTION OF GOOD FAITH.--

16 A. Any child or family member who has a reasonable
17 belief that the child or family is in need of family services
18 may request family services from the department.

19 B. Any person, including a public or private school
20 principal, who has a reasonable belief that a child or family
21 is in need of family services may submit a referral to the
22 department.

23 C. A family that requests or accepts family
24 services may withdraw its request for or acceptance of family
25 services at any time.

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

SECTION 17. REPEAL.--Sections 22-12-1 through 22-12-10 NMSA 1978 (being Laws 1967, Chapter 16, Sections 169 and 170; Laws 1986, Chapter 33, Section 27; Laws 1971, Chapter 238, Section 1; Laws 2013, Chapter 198, Section 1; Laws 1978, Chapter 211, Section 10; Laws 1967, Chapter 16, Sections 172 and 175; Laws 1985, Chapter 104, Section 1; Laws 2004, Chapter 28, Section 1; and Laws 2017, Chapter 53, Section 1 and Laws 2017, Chapter 85, Section 1, as amended) are repealed.