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HOUSE BILL 158

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

INTRODUCED BY

Mary Helen Garcia

AN ACT

RELATING TO EDUCATION; REQUIRING HOME SCHOOL STUDENTS TO TAKE  
REQUIRED STANDARDS-BASED ACADEMIC PERFORMANCE TESTS; ALLOWING  
THE PUBLIC EDUCATION DEPARTMENT TO REQUIRE HOME SCHOOL STUDENTS  
WHO DO NOT DEMONSTRATE ADEQUATE YEARLY PROGRESS TO ATTEND A  
PUBLIC OR PRIVATE SCHOOL.

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

Section 1. Section 22-1-2.1 NMSA 1978 (being Laws 1985,  
Chapter 21, Section 2, as amended) is amended to read:

"22-1-2.1. HOME SCHOOL--REQUIREMENTS.--

A. Any person operating or intending to operate a  
home school shall:

~~[A. within thirty days of its establishment]~~

(1) notify the ~~[state superintendent]~~  
department in writing of the establishment of ~~[a]~~ the home

underscored material = new  
[bracketed material] = delete

1 school within thirty days of its establishment; and  
2 shall notify the [~~state superintendent~~] department in writing  
3 [~~on or before April 1 of each subsequent year of operation~~] of  
4 the school district from which the home school is drawing  
5 students by April 1 of each subsequent year of operation;

6 [B.] (2) maintain records of student disease  
7 immunization or a waiver of that requirement; and

8 [C.] (3) provide instruction by a person  
9 possessing at least a high school diploma or its equivalent.

10 B. All home school students shall participate in  
11 the state's academic assessment program and shall take the  
12 standards-based academic performance tests in their respective  
13 school districts that are required of public school students.

14 C. The department may require home school students  
15 who do not demonstrate adequate yearly progress to attend a  
16 public or private school."

17 Section 2. EFFECTIVE DATE.--The effective date of the  
18 provisions of this act is July 1, 2005.