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SENATE BILL 290

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Cynthia Nava

AN ACT

RELATING TO TRUANCY; CLARIFYING THE DEFINITION OF HABITUAL
TRUANT.

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

SECTION 1. Section 22-12-9 NMSA 1978 (being Laws 2004,
Chapter 28, Section 1, as amended) is amended to read:

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

A. As used in this section and Sections 22-12-7 and
22-12-8 NMSA 1978:

(1) "habitual truant" means a student who has
accumulated the equivalent of ten days or more of unexcused
absences within a school year;

(2) "student in need of early intervention"
means a student who has accumulated five unexcused absences

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1 within a school year; and

2 (3) "unexcused absence" means an absence from
3 school or classes for which the student does not have an
4 allowable excuse pursuant to the Compulsory School Attendance
5 Law or rules of the local school board or governing authority
6 of a charter school or private school.

7 B. An unexcused absence of two or more classes up
8 to fifty percent of an instructional day shall be counted as
9 one-half day absence, and the unexcused absence of more than
10 fifty percent of an instructional day shall be counted as one
11 full-day absence.

12 C. Each school district and charter school shall
13 maintain an attendance policy that:

14 (1) provides for early identification of
15 students with unexcused absences, students in need of early
16 intervention and habitual truants and provides intervention
17 strategies that focus on keeping students in need of early
18 intervention in an educational setting and prohibit
19 out-of-school suspension and expulsion as the punishment for
20 unexcused absences and habitual truancy;

21 (2) uses withdrawal as provided in Section
22 22-8-2 NMSA 1978 only after exhausting intervention efforts to
23 keep students in educational settings;

24 (3) requires that class attendance be taken
25 for every instructional day in every public school or school

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1 program in the school district; and

2 (4) provides for schools to document the
3 following for each student identified as [a] an habitual
4 truant:

5 (a) attempts of the school to notify the
6 parent that the student had unexcused absences;

7 (b) attempts of the school to meet with
8 the parent to discuss intervention strategies; and

9 (c) intervention strategies implemented
10 to support keeping the student in school.

11 D. The department shall review and approve school
12 district and charter school attendance policies.

13 E. School districts and charter schools shall
14 report unexcused absences and habitual truancy rates to the
15 department in a form and at such times as the department
16 determines and shall document intervention efforts made to keep
17 students in need of early intervention and habitual truants in
18 educational settings. Locally chartered charter schools shall
19 provide copies of their reports to the school district. The
20 department shall compile school district and charter school
21 reports on rates of unexcused absences and habitual truancy and
22 require school districts and charter schools to certify that
23 the information is being reported consistently."

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