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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 within a school year; and

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

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

1 fifty percent of an instructional day shall be counted as one  
2 full-day absence.

3 C. Each school district and charter school shall  
4 maintain an attendance policy that:

5 (1) provides for early identification of  
6 students with unexcused absences, students in need of early  
7 intervention and habitual truants and provides intervention  
8 strategies that focus on keeping students in need of early  
9 intervention in an educational setting and prohibit  
10 out-of-school suspension and expulsion as the punishment for  
11 unexcused absences and habitual truancy;

12 (2) uses withdrawal as provided in Section  
13 22-8-2 NMSA 1978 only after exhausting intervention efforts  
14 to keep students in educational settings;

15 (3) requires that class attendance be taken  
16 for every instructional day in every public school or school  
17 program in the school district; and

18 (4) provides for schools to document the  
19 following for each student identified as an habitual truant:

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

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

24 (c) intervention strategies implemented  
25 to support keeping the student in school.

1           D. The department shall review and approve school  
2 district and charter school attendance policies.

3           E. School districts and charter schools shall  
4 report unexcused absences and habitual truancy rates to the  
5 department in a form and at such times as the department  
6 determines and shall document intervention efforts made to  
7 keep students in need of early intervention and habitual  
8 truants in educational settings. Locally chartered charter  
9 schools shall provide copies of their reports to the school  
10 district. The department shall compile school district and  
11 charter school reports on rates of unexcused absences and  
12 habitual truancy and require school districts and charter  
13 schools to certify that the information is being reported  
14 consistently." 

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