

HOUSE BILL 22

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

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Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING PARENTAL NOTIFICATION BY TEXT WHEN A CHILD IS ABSENT FROM SCHOOL; REQUIRING PARENTAL NOTIFICATION BY TEXT HLELC→~~AT LEAST TWO DAYS BEFORE A~~ TEST←HLELC HLELC→FOR CERTAIN SCHOOL EVENTS←HLELC.

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.--

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

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

(1) provides for early identification of students with unexcused absences, students in need of early intervention and habitual truants and provides intervention strategies that focus on keeping students in need of early intervention in an educational setting and prohibit out-of-

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school suspension and expulsion as the punishment for unexcused absences and habitual truancy;

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

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

(4) requires the school to notify promptly by text message a parent of a student who is absent unless the parent has requested on the student's enrollment form or otherwise that the parent not be notified; and

~~(4)~~ (5) provides for schools to document the following for each student identified as an habitual truant:

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

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

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

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

E. School districts and charter schools shall report unexcused absences and habitual truancy rates to the department in a form and at such times as the department

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determines and shall document intervention efforts made to keep students in need of early intervention and habitual truants in educational settings. Locally chartered charter schools shall provide copies of their reports to the school district. The department shall compile school district and charter school reports on rates of unexcused absences and habitual truancy and require school districts and charter schools to certify that the information is being reported consistently."

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

HLELC→"~~[NEW MATERIAL] NOTIFICATION OF TESTS.--Each school shall notify by text message a parent of a student that the student will be tested at least two days prior to the date of a test that will affect the student's grade point average unless the parent has requested on the student's enrollment form or otherwise that the parent not be notified.~~"←HLELC

HLELC→"[NEW MATERIAL] PARENTAL NOTIFICATIONS.--Each high school shall notify by text message a parent of a student of the following events unless the parent has requested on the student's enrollment form or otherwise that the parent not be notified that:

A. a test that will affect the student's grade point average will be administered in not less than two days;

B. the student's grade point average has fallen

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below 2.0 on a 4.0 scale or seventy percent on a one hundred percent scale; and

C. the student has failed to submit homework when due."←HLELC