

Regular class attendance by school age persons at all grade levels is an essential component of the learning process, the development of self discipline and preparation for post-secondary training, education and employment. It is also a requirement of the New Mexico’s Compulsory School Attendance Law, NMSA §§ 22-12-1, *et seq.* (2009) ("Law"). Unless excused by the Law, all school age persons subject to the Law shall attend school until attaining the age of majority during the established District school year.

Any parent of a school age person subject to the Law is responsible for the school attendance of that person.

The Board of Education (“Board”) is responsible for enforcement of the Law. This Board has adopted the following rules which are intended to help parents and educators carry out their responsibilities in preventing truancy, to identify students who may require interventions, and to assist other agencies which may have law enforcement responsibilities under the Children's Code (NMSA 1978, §§ 32A-1-1, *et seq.*) or other laws.

State law requires schools to report violations of the Law to the Probation Services Office of the judicial District where the student resides for further investigation to determine whether the student is being neglected or belongs to a family in need of services under the Children’s Code. Parents may be subject to criminal sanctions for violation of Law. In addition, the Law contains provisions authorizing the Children’s Court to order a suspension of a habitual truant’s driver’s license for up to ninety (90) days on the first determination of habitual truancy and up to one (1) year for any subsequent finding.

A. Definitions

Age of majority: any person who has reached his eighteenth birthday;

Habitual Truant: a student who has accumulated the equivalent of ten (10) or more unexcused absences within a school year;

Parent: parent or legal guardian;

Qualified Student or Student:

1. a person who is at least five years of age prior to 12:01 a.m. on September 1 of the school year and who has not received a high school diploma or its equivalent. A maximum age of twenty-one is applied for a person who is receiving special education services; and

2. is regularly enrolled in one-half, i.e. two, or more of the minimum course requirements approved by the Public Education Department for public school students.

Student in Need of Early Intervention: a student who has accumulated five (5) unexcused absences within a school year; and

Unexcused absence: an absence from school or a class for which the student does not have an allowable excuse pursuant to the Law or rules of this Board. A one-half day absence shall be recorded as unexcused when two (2) or more classes up to 50% of the instructional day are missed without an allowable excuse. A full day absence shall be recorded as unexcused if more than 50% of an instructional day is missed without an allowable excuse.

B. Exemptions from the Law

Any qualified student and any person who because of his age is eligible to become a qualified student shall be excused from remaining in school until attaining the age of majority if:

1. the person is specifically exempted by law;
2. the person has graduated from a high school or received a general education certificate;
3. with written consent of the parent of the person to be excused, the person is excused from the provisions of the Law by the superintendent of schools because of a hardship.

C. Attendance Record

A record of student class attendance shall be taken and maintained by class period for every instructional day for each student in each public school or school program in the District.

D. Parent Notification of Absences

1. A parent shall notify the school each day the student is absent and provide the reason(s) for the absence or, if the school has been notified the parent anticipates the absence will extend beyond one school day, the parent may provide a written explanation of the reasons, signed by the parent, to be presented on the first day of the student's return to school. In addition, the principal or his/her designee may require a written verification from the student's licensed health care provider if a student is absent for three (3) or more consecutive days due to the student's health. If a parent has not contacted the school on the first day of the student's absence, the school will make a reasonable attempt to contact the parent before the end of the day and shall document the contact and reasons for the absence.

2. Prolonged/Chronic Health Conditions.

If the student's health condition is chronic or reasonably expected to last ten (10) days or more and the student's condition does not prevent him/her from completing school work, the parent shall provide a written statement from the student's licensed health care provider, including a prognosis as to the length of the student's absence and the student's ability to complete school work. On receipt of the healthcare provider's written statement the student will be placed in a home bound school program until he or she is able to return to school.

E. Excused Absences

1. The following are considered to be excused absences:

a. Parent or licensed health provider authorized absences for medical reasons.

b. A student may, with the written consent of her/her parents and subject to the approval of the principal, be excused from school to participate in religious instruction for not more than one class period each school day at a time period not in conflict with the academic program of the school. A student also may be excused for observance of a religious holiday which does not coincide with a school holiday.

c. Eligible students who participate in school-sponsored interscholastic extracurricular activities may be absent from school for such activities as provided in §22-12-2.1 of the Law, provided further that such excused absences from school for school sponsored interscholastic extracurricular activities shall not exceed fifteen (15) days per semester and no class may be missed in excess of fifteen times per semester.

d. Family emergency/death in the Family.

e. Diagnostic testing.

f. Extenuating circumstances as approved by the principal.

2. Missed Work During Excused Absences.

If an absence is excused, a student will be given a reasonable period of time in which to complete or make up missed assignments and tests. If a student fails to complete or make up missed work, the teacher shall enter a grade for the incomplete work as if it were the student's total submission for the grade and, for completely missed work, shall enter a zero in his/her grade book. These grades shall be included in the calculation of a student's final grade for the applicable grading period.

F. Unexcused Absences.

If an absence is unexcused, any work which should have been submitted during the period of unexcused absence and any tests given during such period shall be treated according to the school handbook. A student may also receive detention or in-school suspension for any unexcused absence. During detention or in-school suspension the student may complete the missed work to avoid falling behind in substantive learning experiences, but shall not receive a grade.

G. Procedures for Notice of Unexcused Absences.

All parental notifications shall be respectful and in a language and in a manner that is understandable to the parent and student.

1. If a student is absent for all or part of three (3) successive school days during which time his or her parent has not contacted the school and given an appropriate reason for the absence as required by Section D.1, the principal or his /her designee, shall, by the end of the school day, of the first day following the three (3) day period, contact the parent by telephone, electronically or in person to give notice of the student's absence and to determine and document the reason for the absence. The principal shall document such attempts or contacts.

2. If a student accumulates three (3) unexcused absences during a twenty (20) day period, the school principal, or his/her designee, shall contact the parent in writing, by mail or personal service to schedule a meeting with the parent to identify the causes for the student's truancy, identify what actions can be taken that might prevent the student's truancy, identify possible school and community resources to address the causes for the student's truancy, and establish a corrective action intervention plan to address the student's truancy. At the meeting the parent will be provided with a copy of the Law. The principal and parent will sign the intervention plan and the parent will be provided one copy of the plan.

3. If a student has accumulated the equivalent of five (5) unexcused absences within any school year, the principal or his designee shall notify the parent in writing, by mail or personal service of a date, time and place to meet and discuss the student's continued truancy. The principal, or his or her designee, the parent and the student shall hold an in person meeting to review the student's intervention plan and to make any modification deemed necessary to prevent additional unexcused absences. The parent, student and principal shall sign any modified plan and the parent shall be given a copy of the modified plan.

4. A notice of habitual truancy shall be delivered to the parent by mail or personal service after a student's tenth (10th) unexcused absence in a school year. The notice shall include a date, time and place for the parent to meet with the principal to again review the modified plan.

5. If unexcused absences continue after written notice of habitual truancy has been served on the parent, the principal or his/her designee shall report the student to the proper Probation Services Office within seven (7) days for investigation as to whether the student shall be considered a neglected child or a child belonging to a family in need of services and thus subject to the provisions of the Children's Code.

6. For each student who is a habitual truant, the school shall document and maintain records of the attempts by the school to notify the parent that the student had unexcused absence; attempts of the school to meet with the parent to discuss intervention strategies; and intervention strategies implemented to support keeping the student in school.

7. Withdrawal, as provided in Section 22-8-2, may be considered by a school only after intervention efforts outlined in this policy have been exhausted.

H. Parent's Failure to Meet.

If a parent fails to arrange or attend a meeting within ten (10) days following written notice that the student is considered a habitual truant, the principal shall provide the Probation Services Office with written notification of such failure and shall cooperate with the Probation Services Office in any subsequent determination as to whether the parent has knowingly allowed the student to continue to violate the Law.

I. Distribution of Policy/Acknowledgment of Receipt.

On the first day of school, each student shall receive a copy of this policy with an acknowledgment of receipt form to be signed by the parent. The parent shall return the signed acknowledgment to the student's school no later than the fifth day of school. If a returned Signed Acknowledgment is not received by the school, the school shall make a reasonable attempt to contact the parent to determine if the parent received the form. The student's failure to deliver this Policy and the Acknowledgment form to his or her parent may subject the student to disciplinary action.

J. Limitation on Disciplinary Action for Truancy.

No out of school suspension or expulsion shall be imposed on a student as a penalty for truancy. However, a student may be withdrawn from the school if he or she is a habitual truant and all other efforts to keep the student in the educational setting have been exhausted. Other disciplinary actions and strategies that focus on keeping truants in an educational setting, including, but not limited to, the reassignment of a student to an alternative school program may be imposed.