

American Legion Auxiliary  
New Mexico Girls State  
2016 Bill/Resolution



Committee: EDUCATION 1

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Bill No.: H38 Delegation: ALA NM Girls State 2016

Status: Failed in committee

Title of Bill: School Attendance Law Early Warning System

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2 **Be It Enacted By The American Legion Auxiliary New Mexico Girls State 2016**

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4 **Section I. Body:** In short summary, this bill's primary area of focus and  
5 concern is the attendance of New Mexico students in school. The bill provides  
6 guidelines that students must stay within the parameters of in order to avoid  
7 intervention from administration. The School Attendance Law Early Warning  
8 System requires school districts and charter schools to notify parents when a  
9 student has three or more unexcused absences, after five unexcused absences a  
10 truancy prevention team meet with the student and parents and develop a  
11 written attendance plan, after ten unexcused absences parents must be  
12 notified that their child is now characterized as a habitual truant. This  
13 bill is fairly specific with what qualifies as truancy under the law and  
14 specific and tough consequences. However, there is very little to be said  
15 about preventive measures or notes about specific cases or situations. It's  
16 important that as legislators we implement a bill that is always advocating  
17 for our citizens, in this case students, and not simply listing harsh  
18 consequences. If a student is classified as a habitual truant (10 or more  
19 unexcused absences) the consequences include: "notice of noncompliance to the  
20 parents including notice of the opportunity for the student and parents to  
21 request an optional meeting with the school principal to commit to the  
22 student returning to school, contest the occurrence and number of unexcused  
23 absences, provide evidence that the student is no longer subject to the  
Compulsory School Attendance Law, or request a hardship waiver" AND "give to  
the student's parents and PED a certification of noncompliance with the  
Compulsory School Attendance Law". A certificate of noncompliance means that  
a student is now subject to DMV enforced suspension of any form of driver's  
license.

19 **Section II. Definitions:**  
20 Truancy: the action of staying away from school without good reason;  
21 absenteeism  
22 PED: Public Education Department  
23 Truancy prevention team: a group consisting of a school administrator, a  
licensed school employee, and one or more truancy and dropout prevention  
coach or another school employee who is responsible for monitoring student

attendance and addressing unexcused absences, a municipal, county, state, tribal or federal official and a member of an organization supporting students at risk of becoming habitual truants or dropping out of school.

**Section III. Penalty:** I believe it would be in the best interest of students and the school system if the PED created clear and strict rules to regulate the attendance of students while also providing state funded support measures for students who show great likelihood or evidence of ongoing truancy. Also, the PED should explicitly state flexibility options for students as well as consequences or lack thereof according to grades that are being maintained. Firstly, my amendment would be that under the circumstance of any unexcused absence a call is made home to the students parents/guardian to ensure safety and communication, not just on the third absence. According to the absence numbers and their corresponding steps a "truancy prevention team" is necessary and not merely an option according to funding. The PED should make it a priority that funding is found and each school is given a team or counselor to provide support for students who need guidance according to educational targets, home/family conflicts, transportation needs, etc. Preventative counseling and assistance should be put in place as the law's number one intention and priority. Although it is with good intention, simply revoking a driver's license may not solve this issue; still not providing a solution if a student is under the driving age. The law needs to state not only disciplinary consequences but also educational consequences; education should be priority. If a student is maintaining successful grades (to be determined) and also shows effort to make up missing work, their consequences need to be greatly contemplated and more flexibility should be mandated on the hand of administration. If there is a case of truancy a student and their family should be able to vouch for the reasoning and provide grades to be exempt from license revocation or other disciplinary action.

**Section IV. Repeal:** All laws, acts, provisions, or parts of laws contained in the Constitution of the State of New Mexico in conflict with any provision of this act are hereby repealed.

**Section V. Effective Date:** This act shall become effective immediately upon its passage and approval by the American Legion Auxiliary New Mexico Girls State Governor on June 5, 2016 or its otherwise becoming a law