

POLICY SERVICES

ADVISORY

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Policy Advisory Discussion

House Bill 236/a was enacted by the 2019 New Mexico Legislature as the "Attendance for Success Act" and is now compiled as 22-12A-1 et. seq. NMSA. The new law repeals and replaces the "Compulsory School Attendance Law" formerly 22-12-1 to 22-12-10 NMSA. The new law is currently in effect and requires local school boards to modify the policies and procedures by which attendance is enforced and records are maintained and reported. Due to the length and complexity of the new law, several policies and procedures were required to be modified. Normally Policy Services would simply provide the updated policies with a brief explanation of what the changes mean in terms of the educational practices necessary for their implementation. With an entirely new attendance law, Policy Services has chosen to provide an outline of what the new law, "Attendance for Success Act," will require for implementation as well as the policies and procedures. Districts will see that there are also modifications to how special subgroups within the school population are provided for by policy. The following steps, taken from the law, will provide an outline for districts to follow for compliance with the new attendance act.

Know The Terminology

- "School day" means a portion of the school day that is at least one-half of a student's approved program.
- "Absent" means not in attendance for a class or school day for any reason, whether excused or not, provided that "absent" does not apply to participation in interscholastic extracurricular activities.

- "Attendance improvement plan" means a tiered data-informed system for public schools and school districts to identify students who are chronically or excessively absent and to aid public schools in developing whole-school prevention strategies and targeted interventions.
- "Chronic absence rate" means the percentage of students, in the aggregate and disaggregated by the subgroups, required for reporting pursuant to the federal Every Student Succeeds Act, in a public school and a school district who have been enrolled for at least ten days and who have missed ten percent or more of school days since the beginning of the school year.
- "Chronically absent" or "chronic absenteeism" means that a student has been absent for ten percent or more of classes or school days for any reason, whether excused or not, when enrolled for more than ten days.
- "Excessively absent" or "excessive absenteeism" means a student who is identified as needing intensive support and has not responded to intervention efforts implemented by the public school.
- "Excused absence" means absence from a class or school day for a death in the family, medical absence, religious instruction or tribal obligations or any other allowable excuse pursuant to the policies of the local school board.
- "Medical absence" or "medically absent" means that a student is not in attendance for a class or a school day for a parent- or doctor-authorized medical reason or the student is a pregnant or parenting student.
- "Unexcused absence" means an absence from a class or school day for which the student does not have an allowable excuse pursuant to the Attendance for Success Act or policies of the local school board.

Know The Reporting Categories For Prevention Of Student Absence

- "Whole school prevention" means universal, whole-school prevention strategies for all students, including students who have missed less than five percent of classes or school days for any reason.
- "Individualized prevention" means targeted prevention strategies for individual students who are missing five percent or more but less than ten percent of classes or school days for any reason.
- "Early intervention" means interventions for students who are missing ten percent or more but less than twenty percent of classes or school days for any reason.

- "Intensive support" means interventions for students who are missing twenty percent or more of classes or school days for any reason.

Begin Gathering Attendance Data

- Gather attendance data from the last school year and assess based upon the reporting categories for prevention of student absence.
- Start gathering attendance data for the current school year based upon the reporting categories for prevention of student absence.

Know How To Aggregate And Disaggregate Attendance Data By Schools And Student Subgroups Into Reporting Categories

- Assess chronic absences and divide school data into reporting categories required for reporting pursuant to the federal "Every Student Succeeds Act." This will include racial and ethnic identity and disability status, as well as homeless and foster care students who have been enrolled for at least ten days and who have missed ten percent or more of school days since the beginning of the school year.
- Differentiate the public schools based on their chronic absence rates into no fewer than four categories.
- Differentiate the student subgroups into no fewer than four categories based on their chronic absence rates.

Form An Attendance Team

- Attendance team means a group of school-based administrators, teachers, staff, other school personnel and community members who collaborate to implement an attendance improvement plan.
- Attendance teams may be formed in whole or in part from preexisting groups or teams within a public school. The team may also be formed for the explicit purpose of improving school attendance. School districts shall reserve time for school personnel to collaborate as an attendance team.
- School districts shall provide support and guidance to attendance teams on transportation and school scheduling options when these are identified as barriers to school attendance.

The District Shall Develop An Attendance Improvement Plan Using The Reporting Categories To Include:

- specific school district supports and resources available to public schools at each level to further the implementation of their attendance improvement plans;
- attendance improvement targets for public schools or subpopulations with chronic absence rates of ten percent or greater, developed in collaboration with each public school; and
- an attendance improvement target for school districts with chronic absence rates of ten percent or greater.

Reporting The Attendance Improvement Plan

- Each school district shall report its attendance improvement plan to the department no later than forty-five days after the beginning of the school year.
- At the end of each school year, each school district shall report to the local school board and to the public on the school district's website, the progress made on its attendance improvement plan as follows:
 - a description of the supports and resources provided to public schools at each tier of the attendance improvement plan;
 - the extent to which public schools with chronic absence rates greater than ten percent achieved their attendance improvement targets;
 - the extent to which the school district achieved its attendance improvement targets;
 - barriers and challenges to reducing chronic absence rates, as reported by the public school and school district personnel;
 - effective school-based practices, as evidenced by decreased chronic absence rates; and
 - recommendations for improvement during the next school year at both the public school and school district level.

THE FOLLOWING SET OF ADVISORIES MAY BE SUBJECT TO THE PUBLIC EDUCATION DEPARTMENT (PED) WRITING INTERPRETATIONS OR ADOPTING REGULATIONS (NMAC) IN THE FUTURE. HOWEVER, POLICY SERVICES FELT THAT THE "ATTENDANCE FOR SUCCESS ACT" NEEDED TO BE INTERPRETED AND POLICIES AVAILABLE PRIOR TO THE SCHOOL YEAR 2019-2020 TO ALLOW FOR THE ASSESSMENT OF DATA FROM PREVIOUS SCHOOL YEARS AND TO ESTABLISH NEW METHODS OF COLLECTION AND INTERPRETATION OF DATA . THEREFORE, POLICY SERVICES HAS WRITTEN THE ENCLOSED POLICIES, PROCEDURES AND SUGGESTED STEPS FOR IMPLEMENTATION BASED UPON THE 2019 LEGISLATIVE ENACTMENT,

HOUSE BILL 236. THE CONTENT OF THE BILL MAY BE ACCESSED BY COMPUTER USING THE WEB ADDRESS PROVIDED FOLLOWING THE POLICIES BELOW.

The policies that follow are recommended for adoption by policy services.

Policy Advisory No. 185 IHBCA - Programs for Pregnant/Parenting Students. Changes to this policy include a further definition for a parenting student, indicating that the children must be under 13 years of age and needing care. With this definition of a parenting student, the law permits four (4) days of excused absence for child care with time for make up of school work for either student parent of a child under 13 years of age needing care. The policy also indicates the new law's provision of at least ten (10) days of approvable medical absence for the documented birth of a student's child and make up time for school work missed. The exhibit was modified to identify both pregnant and parenting students. No gender is noted in the statute for the student who provides documentation of the birth of the student's child. For this reason the medical absence and make up following the birth of a child should be extended to either the student father or mother or both.

Policy Advisory No. 186 IKEA - Make up Opportunities. Originally, the make up policy was optional. With the recognition of pregnant and parenting students and now the new attendance act, this policy has become required. It now reflects the reasons students may be excused as found in Policy JH, as revised. Districts should review the regulation to determine if it meets their requirements and the way they currently handle excused and unexcused absence make up work. Please keep in mind that the new act has as its intent the encouragement of not only attendance but completion of the work required for success in classes and for graduation. In light of this emphasis, consider carefully before reducing grades and preventing credit on make up assignments.

Policy Advisory No. 187 JE - Student Attendance. Student attendance is the policy chosen to be the copy of the overall "Attendance Policy" required to be provided to all parents of students in the school and published on the public schools web site per 22-12A-6 D NMSA. The regulation JE-RA reflects the change in record keeping needed to show compliance with the keeping of attendance and records on interventions initiated. New regulation JE-RB has been prepared to identify the newly required appointment of an attendance team. The composition of the team as required by law and the functions it is to provide are indicated therein.

One of the intervention strategies mentioned in the requirements for a student attendance policy and also in the charges to the Attendance Team is establishing partnerships between the public school and community organizations, such as civic, business and professional groups, organizations and recreational groups, social and out-of-school programs. Policy Services recognizes that this type of community school cooperation brings into play the Family Education Rights and Privacy Act. Rather than try to explain the relations that can be established, the privacy issues and under what circumstances these organizations can be

involved in the school interventions, Policy Services has included a reference to a guidance document from Family Policy Compliance Office U.S. Department of Education that explains these factors. You can find the WEB site address to download this document at the end of the advisories.

Policy Advisory No. 188 JEA - Compulsory Attendance Ages. There were some naming changes in the law governing this policy and some minor but important clarifications were made. A school age person has been further defined and the responsibility for attendance has been more clearly stated.

Policy Advisory No. 189 JEB - Entrance Age Requirements. The definition of the child that may be admitted to kindergarten has been clarified.

Policy Advisory No. 190 JFAA - Admission of Resident Students. The new law indicates that a school age person who is a client as defined in Section 43-1-3 NMSA in a state institution has a right to attend public schools in the district in which the institution is located if certain conditions are met. This has been added by citation rather than by explaining the conditions. Attendance is based upon either the districts appraisal and review or as a result of an appeal process through Special Education rules of the Public Education Department.

Policy Advisory No. 191 JFAB - Tuition/Admission of Nonresident Students. The new language added to this policy specifically authorizes the admission of any school-age person, not a resident, where there are sufficient school accommodations to provide for them. This language allows the admission of the children of staff who live outside of the district should your district wish to have that option.

Policy Advisory No. 192 JFC - Student Withdrawal from School/Dropouts. Added to withdrawals is the hardship waiver, attendance at private or home school, and the change based upon the Attendance for Success Act focusing on chronic absence rather than truancy.

Policy Advisory No. 193 JH - Student Absences and Excuses. In the case of the new attendance law, the emphasis is on prevention of chronic absence and increasing attendance not on whether the student is excused or unexcused. Reasons for student absences to be excused or unexcused are more clearly spelled out in this revision. The requirement that allows a student to make up missed work is now in this policy. Included are the definitions for unexcused absence and excused absence. Note that per the law, Policy Services has chosen to include the school administrator being given the authority to approve reasons for absence based upon the circumstances. The law allows additional reasons for excused absences to be provided by policy.

Policy Advisory No. 194 JHB - Truancy / Chronic Absence. The name of this policy, regulation and exhibits has been altered to reflect the change from tracking only unexcused absences known as truancy to the new acts tracking of all chronic absences regardless of being excused

or unexcused. With the change from a Compulsory School Attendance Law to the Attendance for Success Act this title now reflects most of 22-12A-8, 11, 12 and 13 NMSA. The policy provides the directions for handling chronic and unexcused absences by indicating the intervention definitions, how interventions are to be implemented and what will result upon a lack of success with the interventions. The regulation indicates record keeping requirements for all absences and what parents may request in the way of attendance data with timelines.

The exhibits found in JHB include some of the interventions the district may use with absent or chronically absent students. A form letter that may be used to contact parents and a form for recording the actions to be taken with a student in cooperation with the parents or the legal guardian. Also found in an exhibit are instructions from the "Attendance for Success Act" on how to develop a school improvement plan and a whole school absence prevention strategy.

Policy Advisory No. 195 JHCB - Released Time for Religious Instruction. The changes to this policy were very minor but lead to the conclusion that religious instruction is given more deference in that it should not interfere with a student's normal schedule, rather than using the term "shall not." Allowing make up work in case of interference furthers this indication.

Policy Advisory No. 196 JJJ - Extracurricular Activity Eligibility. Specific language regarding grade point average, minimum length of grading periods, and when the academic record is applied relative to extracurricular activity eligibility were included in the Attendance for Success Act in Section 10. These were therefore added to this policy replacing the language from the New Mexico Activities Association Handbook Section. 6. Policy Services suspects this may be revisited in the future but the language was clearly stated in Section 10 of 22-12A NMSA.

Policy Advisory No. 197 LF - Relations with State Education Agencies. Also included in Section 10 of 22-12A NMSA was the waiver option for the maximum number of days of absence due to participation in state or national competition that is not an interscholastic extracurricular activity. This was placed with other waivers that may be obtained through the Secretary of Public Education as provided for in State law. A procedure for obtaining this waiver is to be developed by the Secretary.

Notes

Several of the bills passed by the 2019 legislature still require the Public Education Department (PED) to prepare regulatory documents. Those requiring PED action before Policy Services can prepare policy advisories are SB 48 on diabetes management, HB 129 on arming school security officers, SB 288 on bullying prevention, and SB 398 on screening for Dyslexia.

Policy Services is currently experiencing difficulty with the web links for statutory citations from the on line policy manual documents. This is due to the New Mexico Compilation Commission assuming responsibility for providing free access to all New Mexico laws. In doing so they changed the format and web location Policy Services was using. Policy Services is in the

process of arranging for the updating of all statutory links in school district web policy manuals. This may take a month or so. Your patience would be appreciated during the transition period. In the meantime any person wishing access to New Mexico Statutes can obtain this by using the following address in their computer web browser:
<https://www.nmcompcomm.us/search-laws/>

Materials of a legal nature in support of these advisories may be found below. If you have any questions or requests please call Policy Services at (505) 469-0193 or E-mail Dr. Donn Williams, Policy Services Director at [nmsbapolicy@cox.net].

This Material is written for information only and is not intended as legal advice. Please consult your attorney if legal explanations are needed.

Advisory 185

**PROGRAMS FOR PREGNANT /
PARENTING STUDENTS**

Pregnant and parenting students should have the same educational opportunities as their peers. Such students may also need additional counseling and health services that are available through the public schools.

Pregnant students may elect to remain in the regular school program and shall not be involuntarily excluded from any part of the school program, provided, however, that reasonable safeguards are maintained both for the school's and the student's best interests.

Pregnant students shall notify school authorities of their status as soon as it is ascertained. At least ten (10) days of medical absence may be approved for a student who provides documentation of the birth of the student's child and time shall be provided for the student to make up the work.

Pregnant and parenting students of children under thirteen (13) shall be permitted additional four (4) days of excused absences for a child needing care such purposes upon proper documentation in accord with policy and statute. Time shall be provided for the student to make up the school work missed during the absence. The Superintendent will establish procedures as necessary to implement this policy.

Parenting students shall not bring their children to school during the regular school day. Student's children will only be permitted in specified classes when requested by an instructor with the approval of the building administration. They are not to be in any other area of the school campus.

Adopted: date of manual adoption

LEGAL REF.: ~~22-12-2 NMSA (1978)~~
~~22-12-8 NMSA (1978)~~
~~22-12-3.1 NMSA (1978)~~
22-12A-9 NMSA

CROSS REF.: AD - Educational Philosophy/School District Mission
 IHBF - Homebound Instruction
IKEA - Make Up Opportunities
 JIE - Pregnant / Parenting Student

REGULATION

REGULATION

**PROGRAMS FOR PREGNANT /
PARENTING STUDENTS**

The District affirms the right of a pregnant/parenting student to continue ~~her~~ participation in the public school program.

As soon as the pregnancy is medically confirmed, the student shall consult with a member of the counseling staff or the principal for the purpose of planning ~~her~~ an educational program.

The pregnant student may remain in ~~her~~ the present school program with modifications as necessary, until the birth of ~~her~~ a baby is imminent or until ~~her~~ the physician states that continued participation would be detrimental to ~~her~~ the student's health.

Efforts will be made to see that ~~the~~ educational programs of the students ~~is~~ are disrupted as little as possible; that ~~she~~ they receive information on available health and counseling services, as well as instruction; and that ~~she is~~ they are encouraged to return to school after delivery or following the child's needed care.

Advisory 186

MAKE UP OPPORTUNITIES

The Superintendent shall develop and implement standards that shall apply to requirements for student make up assignments ~~during~~ because of absence for appropriate reasons. Among those reasons are parent or doctor authorized medical absences, pregnancy, care for a child under 13, religious instruction, tribal obligations, injury, bereavement of a family member, other family emergencies, and observance of major religious holidays of the family's faith.

School administrators are authorized to excuse students from school for necessary and justifiable reasons as determined from the circumstances surrounding the cause of the absence.

Adopted: date of manual adoption

LEGAL REF.: 22-12A-9 NMSA.

CROSS REF.: EBAA - Reporting of Hazards/Warning Systems
IHBCA - Programs for Pregnant / Parenting Students
JH - Student Absences and Excuses

REGULATION**REGULATION****MAKE UP OPPORTUNITIES**

The following standards shall apply in the District for make up work due to student absence. Adjustments may be made when it is in the best interest of the student(s).

- It will be the student's responsibility to ask for make up work and to arrange for a time to make up tests when the student returns from an absence.
- ~~If the teacher is unable to supply the student with a make up assignment, the student will not be held responsible for that make up assignment.~~
- The student has the responsibility to work with the teacher to develop a plan for making up homework and tests.
- If work is not turned in by the time the make up assignment is due, and the student fails to provide an acceptable explanation of the extenuating circumstances that would merit an extension, the teacher may reduce the grade on the assignment, ~~or withhold credit on the assignment.~~
- When a student has been absent for illness, ample time will be given for make up work once the student returns to school.
- In situations where the student will be absent for more than three (3) days, due to illness (i.e., chicken pox, measles, etc.), or when the parent notifies the office that the student will be absent more than one (1) week for other reasons ~~(e.g., vacation)~~, teachers may provide required assignments in advance or send assignments to the student.

Advisory 187

STUDENT ATTENDANCE

Any parent, guardian or person having custody and control of a "school-age person" is responsible for the school attendance of that person until that person has reached at least eighteen years of age unless the person has graduated from high school, received a school equivalency credential or withdrawn on a hardship waiver. The school age person has the right to attend public school within the school district of residence. The school-age person shall attend school for at least the length of time of the school year that is established in the school district in which the child is a resident or enrolled, A "school-age person" means a person is at least five (5) years of age prior to 12:01 a.m. on September 1 of the then current school year.

Pregnant and parenting students must have the same educational opportunities as their peers.

The regular school attendance of a child of school age is required by state law. Regular school attendance is essential for success in school; therefore, absences shall be excused only for necessary and important reasons. Such reasons include but are not limited to, illness, injury, bereavement of a family member, other family emergencies, and observance of major religious holidays of the family's faith or religious instruction and tribal obligations. For religious instruction and tribal obligations written consent of a parent and approval of the principal are required. A student may be excused for authorized reasons and time shall be provided for the student to make up the work.

An unexcused absence means an absence from a class or school day (half of the students approved program) for which the student does not have an allowable excuse.

Absent means not in attendance for a class or school day for any reason, excused or not except for interscholastic extracurricular activities.

In the event of a necessary absence known in advance, the parent is expected to inform the school. If the absence is caused by emergency, such as illness, or injury the parent is expected to telephone the school office, if possible. When a student returns to school following an absence, a note of explanation from the parent is required, unless the parent notified the school in advance of the absence.

School administrators are authorized to excuse students from school for necessary and justifiable reasons as determined from the circumstances surrounding the cause of the absence.

The district shall provide interventions for students who are missing school, depending on the number of absences.

Intervention is called for if a student misses 5% or more of classes or days of school.

A public school shall provide interventions to students who are absent or chronically absent, which may include:

- assessing student and family needs and matching those needs with appropriate public or private providers, including civic and corporate sponsors;
- making referrals to health care and social service providers;
- collaborating and coordinating with health and social service agencies and organizations through school-based and off-site delivery systems;
- recruiting service providers and business, community and civic organizations to provide needed services and goods that are not otherwise available to a student or the student's family;
- establishing partnerships between the public school and community organizations, such as civic, business and professional groups and organizations and recreational, social and out-of-school programs;
- identifying and coordinating age-appropriate resources for students in need of:
 - counseling, training and placement for employment;.
 - drug and alcohol abuse counseling;
 - family crisis counseling; and
 - mental health counseling;
- promoting family support and parent education programs; and
- seeking out other services or goods that a student or the student's family needs to assist the student to stay in school and succeed.

The attendance team may be convened to establish;

- a specific intervention plan for the student,
- weekly progress monitoring, and
- a contract for attendance.

If a student misses 20% or more of the classes or days of school. The attendance team shall:

- notify the parent in writing by mail or personal service,
- providing the date, time and place for a meeting to be held with the parent, principal of the school and the attendance team for the purpose of;
 - establishing nonpunitive consequences for the student at the school level,
 - Identifying appropriate specialized supports needed to help the student address the underlying causes of excessive absenteeism, and
 - apprising the student and the parent of the consequences of further absences.

Student-teacher incompatibility, if alleged, will require consultation with the teacher and a meeting initiated by the principal with the student, parent and teacher.

If a student does not respond to intensive support as implemented above but continues displaying excessive absenteeism, the school board shall consult with the superintendent in executive session on the issue and shall cause the student to be reported to the probation services office of the appropriate judicial district for the purpose of an investigation as to whether the student should be considered a neglected child or a child in a family in need of family services, subjecting the the child to provisions of the Children's code.

The records supporting such action shall be provided to the juvenile probation services office by the superintendent within ten (10) days of the identification of the student excessively absent.

Consequences shall not include out-of-school suspension or expulsion, but should focus on intervention and fostering retention of students in the educational setting.

Only after exhaustion of intervention strategies may the District consider withdrawal of the student from membership in the school. Consulting with the juvenile probation services office or the caseworker for child services should be accomplished before such action.

Upon a written request by a parent for attendance data the school shall provide the following information within five (5) days:

- absence data,
- preventive measures,
- resources to address the causes, and
- a corrective action plan and interventions including follow-up procedures.

Adopted: date of manual adoption

LEGAL REF.: 22-12A-1 et. seq. NMSA
6.10.4.9 NMAC
6.10.8.7 NMAC
6.10.8.8 NMAC
6.10.8.9 NMAC
6.10.8.10 NMAC
6.11.2.9 NMAC
42 U.S.C. 11301, McKinney-Vento Homeless Assistance
Act of 2001, as amended by the Every Student
Succeeds Act (ESSA) of 2015
New Mexico Activities Association Handbook Sec. 6

CROSS REF.: IHBCA - Programs for Pregnant/Parenting Students
IKEA - Make up Opportunities
JE - Student Attendance
JEA - Compulsory Attendance Ages
JFAA - Admission of Resident Students
JFAB - Tuition/Admission of Nonresident Students
JFC - Student Withdrawal from School/Dropouts
JH - Student Absences and Excuses
JHB - Truancy / Chronic Absence
JHCB - Released time for Religious Instruction
JJJ - Extracurricular Activity Eligibility
LF - Relations with State Education Agencies

REGULATION**REGULATION****STUDENT ATTENDANCE****Attendance Records**

Each time a class meets, the teacher shall check and formally record the attendance of all students assigned to the class or program for that period of instruction. The name of any absent student shall be entered on the prescribed attendance/absence report and be submitted to the office.

A master list of student absences will be prepared daily from attendance reports received in the office.

The school administrator is accountable for assuring that accurate and timely daily records of student membership and attendance are maintained and reported.

Record Keeping and Reports

The following records shall be kept for each student with absences exceeding the individual prevention level of 5% or more who have been enrolled for 10 days or more identified as habitually truant:

- Attempts to notify the parent of student ~~unexcused~~ absences on any given day,
- Attempts to improve attendance by a talk with parent,
- Attempts to meet with the parents to discuss intervention strategies, and
- Intervention strategies implemented to support keeping the student in ~~school~~ an educational setting.

REGULATION**REGULATION****STUDENT ATTENDANCE**

An attendance team shall be established at each school in the district comprised of administrators, teachers, staff and community members whose responsibilities will include:

- Recommending evidence-based metrics to provide early identification of students at risk of chronic or excessive absenteeism.
- Developing and implementing an attendance improvement plan that;
 - keeps students in an educational setting.
 - assists a student's family to remove barriers to the student's regular school attendance or attendance in another educational setting.
 - provides additional educational opportunities to student's who are struggling with attendance.
- Establishing intervention efforts to keep students in the educational setting which will permit withdrawal, suspension or expulsion only after exhaustion of these efforts for absence related actions.
- Examining for accuracy class attendance records, absence reports, and documentation required for chronically or excessively absent students and any other absence reports required by the Public Education Department per the Attendance for Success Act.
- Assessing community-based organizations that may provide services to students in the way of support and intervention regarding attendance issues and encouraging school sharing of compliant data in accord with the Family Educational Rights and Privacy Act exceptions.

Advisory 188

COMPULSORY ATTENDANCE AGES

A "school-age person" means a person who is at least five (5) years of age prior to 12:01 a.m. on September 1 of the then current school year and who has not received a high school diploma or its equivalent and who has not reached the person's twenty-second birthday on the first day of the school year and meets other criteria provided in the Public School Finance Act.

Any parent, guardian or person having custody and control of a person subject to the provisions of the ~~Compulsory School Attendance Law~~ Attendance for Success Act is responsible for the school attendance of that person until that person has reached at least eighteen years of age unless the person has graduated from high school, ~~or~~ received a ~~general educational development certificate~~ school equivalency credential or withdrawn on a hardship waiver.

A person shall be excused from this requirement if, with the written signed permission of the parent, guardian or person having custody and control of the person to be excused, the person is excused from the provisions of this section by the Superintendent of schools for a hardship.

The school-age person shall attend school for at least the length of time of the school year that is established in the school district ~~or charter school~~ in which the child is a resident or enrolled and the school district ~~or charter school~~ shall not excuse a student from attending school except as provided in the ~~Compulsory School Attendance Law~~ Attendance for Success Act or for parent-authorized medical reasons.

Adopted: date of manual adoption

LEGAL REF.: 22-1-2 NMSA
~~22-12-2 NMSA~~
22-12A-4 NMSA

CROSS REF.: JE - Student Attendance
 JH - Student Absences and Excuses
 JHB - Truancy

Advisory 189

ENTRANCE AGE REQUIREMENTS

Special Preschool

A child evaluated and recommended for special services for a disability in accord with statute, and who is at least three (3) years of age at any time during the school year, may be admitted to preschool.

Kindergarten

~~A "school-age person" means a person who is~~ A child who has reached at least five (5) years of age prior to 12:01 a.m. on September 1 of the then current school year may be admitted to kindergarten.

High School

A person who has not received a high school diploma or its equivalent and qualifies on the basis of standards and qualifying examinations may enter high school.

Adopted: date of manual adoption

LEGAL REF.: 22-1-2 NMSA (1978)
~~22-12-1 NMSA (1978) et seq.~~
22-12A-1 et seq NMSA

CROSS REF.: JHD - Exclusions and Exemptions from School Attendance
 JLC - Student Health Services and Requirements

Advisory 190

**ADMISSION OF
RESIDENT STUDENTS**

A student who is a resident of the District and who meets the applicable requirements established by state law shall be admitted without payment of tuition to the school in the attendance area in which the student resides and may be admitted as a resident transfer student to another school in the District in accordance with the District's open enrollment policy.

- A student who is in the legal custody of a natural or adoptive parent or other person to whom custody has been granted by a court order and who resides with the parent or other person in the District.
- A student who is an emancipated minor and whose place of residence is in the District. When determining whether a minor is emancipated, the Superintendent will consider such factors as whether the student is married, financially independent, and residing away from the family domicile with parental consent.
- A student who is seventeen (17) years of age or older and whose place of residence is in the District.
- A student who is homeless, and who attended a school in the District at the time of becoming homeless.
- A school age person institutionalized per 43-1-3 NMSA and recommended for placement in public schools..

The residency of a student, natural or adoptive parent, or other person to whom custody of the student has been granted by court order shall be based upon evidence of the individual's physical presence and intent to remain in the District. Such evidence of residency may include, without limitation, landlord-tenant agreements, rent receipts, and receipts for utility payments.

A student found to have an invalid enrollment shall be disenrolled from school in accordance with the procedure set forth in Section 6.10.4.9 NMAC.

Adopted: date of manual adoption

LEGAL REF.: 22-12A-3 NMSA
43-1-3 NMSA (1978)
6.10.4.9 NMAC
42 U.S.C. 11301, McKinney-Vento Homeless Assistance
Act of 2001, as amended by the Every Student
Succeeds Act (ESSA) of 2015

CROSS REF.: IKEB - Acceleration
JFAB - Admission of Nonresident Students
JFABD - Admission of Homeless Students
JFB - Open Enrollment
JG - Assignment of Students to Classes and Grade Levels
JLCB - Immunizations of Students
JR - Student Records
JRCA - Request for Transfer of Records

Advisory 191

**TUITION / ADMISSION OF
NONRESIDENT STUDENTS**

The Board may admit as students school-age persons who do not live within the school district to the schools when there are sufficient school accommodations to provide for them.

For purposes of open enrollment a "nonresident pupil" means a student who resides in this state and who is enrolled in or is seeking enrollment in a school district other than the school district in which the student resides. A student who is not a resident of the District but is a resident of New Mexico who meets the age and other requirements for open enrollment established by state law and District policy may be admitted to a school without payment of tuition.

Out-of-state school age persons may be admitted when there are sufficient school accommodations to provide for them and tuition may be charged. The tuition shall not exceed the amount generated by the public school fund for school-age persons similarly situated within the district for the current year. The amount of the tuition payable for the school year may be reduced by the District average ad valorem tax per pupil as determined by the ad valorem tax credit utilized in calculating state equalization guarantee distribution if the parent or guardian for the student pays an ad valorem property tax for school purposes within the District.

Adopted: date of manual adoption

LEGAL REF.: ~~22-12-5 NMSA (1978)~~
22-12A-7 NMSA
42 U.S.C. 11301, McKinney-Vento Homeless Assistance
Act of 2001, as amended by the Every Student
Succeeds Act (ESSA) of 2015

CROSS REF.: IKEB - Acceleration
JFABD - Admission of Homeless Students
JFB - Open Enrollment
JG - Assignment of Students to Classes and Grade Levels
JLCB - Immunizations of Students
JR - Student Records
JRCA - Request for Transfer of Records

Advisory 192

STUDENT WITHDRAWAL FROM SCHOOL / DROPOUTS

A withdrawal form shall be presented to the parent or legal guardian of a student who may or must withdraw from school. The withdrawal form shall include space for the reason for withdrawal and the signature of an official of the school from which the student has withdrawn.

Reasons for withdrawal may include:

- Parents or legal guardians moving from the District or to an area served by another school.
- A request from a student who has reached eighteen (18) years of age.
- An approved hardship waiver for a student who is between sixteen and eighteen (18) years of age.
- Absence of more than ten (10) consecutive days; provided that withdrawals do not include ~~truants and habitual truants~~ children that the school district is required to intervene with and keep in an educational setting as provided in ~~Section 22-12-9 NMSA 1978~~ the Attendance for Success Act.
- Attendance in a private school or home school.
- Expulsion or long-term suspension.

Upon withdrawal, the student shall check in all books and other District property through the office of the school that was attended.

Adopted: date of manual adoption

LEGAL REF.: 22-8-2 NMSA (1978)
~~22-12-2 NMSA (1978)~~
~~22-12-9 NMSA (1978)~~
22-12A-1 et seq NMSA

CROSS REF.: JF - Student Admissions

Advisory 193

STUDENT ABSENCES AND EXCUSES

The regular school attendance of a child of school age is required by state law. Regular school attendance is essential for success in school; therefore, absences shall be excused only for necessary and important reasons. Such reasons include but are not limited to ~~those reasons approved by the school administration such as~~, illness, injury, bereavement of a family member, other family emergencies, and observance of major religious holidays of the family's faith or religious instruction and tribal obligations. For religious instruction and tribal obligations, written consent of a parent and approval of the principal are required. A student may be excused for parent or doctor authorized medical reasons. Time shall be provided for the student to make up the work.

An unexcused absence means an absence from a class or school day (half of the students approved program) for which the student does not have an allowable excuse.

Absent means not in attendance for a class or school day for any reason, excused or not excused except for interscholastic extracurricular activities.

In the event of a necessary absence known in advance, the parent is expected to inform the school; if the absence is caused by emergency, such as illness, or injury the parent is expected to telephone the school office, if possible. When a student returns to school following an absence, a note of explanation from the parent is required, unless the parent notified the school in advance of the absence.

School administrators are authorized to excuse students from school for necessary and justifiable reasons as determined from the circumstances surrounding the cause of the absence.

Adopted: date of manual adoption

LEGAL REF.: ~~22-12-2 NMSA (1978)~~
 ~~22-12-8 NMSA (1978)~~
 22-12A-6 NMSA
 22-12A-9 NMSA

CROSS REF.: JE - Student Attendance
 JHB - Truancy/Chronic Absence

STUDENT ABSENCES AND EXCUSES

When Absent from School

If the parent(s)/guardian(s) have a telephone and provide the contact number to the school, the school may make a reasonable effort to give notification of absence within three (3) hours of the beginning of the school day if the school has not received confirmation of the student's absence. No right of being informed is established by this direction to staff.

State law mandates that parents are responsible for children to be in attendance during the period when school is in session. Therefore, when a student is absent, the parent shall call the school on or before the day of the absence in order to advise the school as to the reason for the absence if a telephone is available. When it is impossible to call on the day of the absence, the school should be notified on the morning the student returns by signed parental note, in time for the student to obtain an admission approval prior to class time. All absences not verified by parental or administrative authorization will be considered unexcused.

If a parent does not have access to a phone, either at home or at work, a note will be accepted for verification purposes.

For absences greater than one (1) day in length, the school should be notified each day of the absence.

If a student is absent for three (3) or more successive school days, the school shall contact the student's parents, legal guardian or custodian by telephone, if possible, no later than the close of school on the school day next succeeding the three-day period. A written notice shall be dispatched if telephone contact has not been made. The provisions of this section do not apply to any absence if the parent, legal guardian or custodian, prior to the end of the three-day period, has contacted the school to explain the absence.

All personnel will solicit cooperation from parents in the matter of school attendance and punctuality, particularly in regard to the following:

- The scheduling of medical and dental appointments after school hours except in cases of emergency.
- The scheduling of family vacations during school vacation and recess periods.

The school may require an appointment card or a letter from a hospital or clinic when the parent has not notified the school of an appointment of a medical or dental nature.

Advisory 194

TRUANCY / CHRONIC ABSENCE**Interventions for Student Absences**

Chronic absence differs from truancy in that it tracks both excused and unexcused absences.

The district shall provide interventions for students who are missing school, depending on the number of absences.

Individual prevention is called for if a student misses 5% or more but less than 10% of classes or days of school. For elementary school absences the parent is to be contacted by the attendance team for discussion, middle school and high school absence discussions by the attendance team are to be with the parent and student. The discussions shall inform them of;

- the student's attendance history,
- interventions or services available to the student or family, and
- consequences of further absences which may include referral to the children, youth and families department for excessive absenteeism,

Early Intervention is called for if a student misses 10% or more but less than 20% of classes or days of school. The attendance team shall;

- notify the parent in writing by mail or personal service,
- providing the date, time and place for a meeting to be held for the purpose of developing intervention strategies to keep the student in an educational setting.

The attendance team shall be convened to establish;

- a specific intervention plan for the student,
- weekly progress monitoring, and
- a contract for attendance.

Intensive Support is called for if a student misses 20% or more of the classes or days of school. The attendance team shall;

- notify the parent in writing by mail or personal service,
- providing the date, time and place for a meeting to be held with the parent, principal of the school and the attendance team for the purpose of;
 - establishing nonpunitive consequences for the student at the school level,
 - Identifying appropriate specialized supports needed to help the student address the underlying causes of excessive absenteeism, and
 - apprise the student and the parent of the consequences of further absences.

Student-teacher incompatibility, if alleged, will require consultation with the teacher and a meeting initiated by the principal with the student, parent and teacher.

If a student does not respond to intensive support as implemented above by continued absence (excessive absenteeism), the school board shall consult with the superintendent in executive session on the issue and shall cause the student to be reported to the probation services office of the appropriate judicial district for the purpose of an investigation as to whether the student should be considered a neglected child or a child in a family in need of family services, subjecting the the child to provisions of the Children's code.

The records supporting such action shall be provided to the juvenile probation services office by the superintendent within ten (10) days of the identification of the student excessively absent.

~~A student with five (5) unexcused absentees within a school year is a a student in need of early intervention and one with ten (10) or more unexcused absences within a school year is "habitually truant." The Superintendent will establish procedures to identify and intervene with students in need of early intervention, beginning with contacting parents and requesting an opportunity to discuss interventions. Discipline Consequences shall not include out-of-school suspension or expulsion, but should focus on intervention and fostering retention of students in the educational setting.~~

~~Parents of "habitually truant" students are to receive notice of such which shall include a specific date, time and place for the "habitually truant" student's parent to meet with school personnel to develop intervention strategies for keeping the student in an educational setting. Only after exhaustion of intervention strategies may the District consider withdrawal of the student from membership in the school. Consulting with the juvenile probation services office or the caseworker for child services should be accomplished before such action.~~

~~An excused absence shall be as determined in Policy JH but statutes and regulations relative to notice and intervention do not apply to any absence if the parent has contacted the school to explain the absence.~~

Adopted: date of manual adoption

LEGAL REF. 22-8-2 NMSA (1978)
 ~~22-12-7 NMSA (1978)~~
 ~~22-12-8 NMSA (1978)~~
 ~~22-12-9 NMSA (1978)~~
 22-12A-9 NMSA
 22-12A-11 NMSA
 22-12A-12 NMSA
 6.10.8.7 NMAC
 6.10.8.8 NMAC
 6.10.8.9 NMAC
 6.10.8.10 NMAC

CROSS REF.: JE - Student Attendance
 JEA - Compulsory Attendance Ages
 JH - Student Absences and Excuses

TRUANCY / CHRONIC ABSENCE

Interventions for Student Absences

~~Parental Involvement~~

~~Upon a student's fifth (5th) unexcused absence within a school year parent(s)/guardian(s) shall be contacted to inform them of the absences and to meet and establish a cooperative arrangement to prevent future absences by identifying:~~

Upon a written request by a parent for attendance data the school shall provide the following information within five (5) days:

- the ~~cause(s)~~ absence data,
- preventive measures,
- resources to address the causes, and
- a corrective action plan and interventions including follow-up procedures.

~~The parental meeting notice shall be respectful and the meeting shall be held in a language and manner understandable to the parent(s)/guardian(s).~~

~~Notice of Habitual Truancy~~

~~Upon a student's tenth (10th) unexcused absence within a school year, written notice of the habitual truancy shall be given by regular mail to or by personal service on the parent of the student subject to and in noncompliance with the provisions of the Compulsory School Attendance Law. The notice shall include the date, time and place for the parent to meet with a district representative to develop intervention strategies focused on keeping the student in school.~~

~~Should an additional unexcused absence occur after delivery of a written notice of habitual truancy, the probation services office of the district where the student resides shall be notified within seven (7) days.~~

~~Follow up with the probation office shall be accomplished within a reasonable time to determine the disposition of the violation of the Compulsory School Attendance Law, and may, if no referral was made to the children's court, include contact with the children's court attorney to determine what action is to be taken. If the probation office determined that the~~

~~parent or guardian may have caused the habitual truancy and no charges have been filed, the school district may contact the district attorney's office to determine what action will be taken.~~

Record Keeping

The following records shall be kept for each student with absences exceeding the individual prevention level of 5% or more but less than 10% of classes or days of school ~~identified as habitually truant:~~

- Attempts to notify the parent of student ~~unexcused~~ absences on any given day,
- Attempts to improve attendance by a talk with parent,
- Attempts to meet with the parents to discuss intervention strategies, and
- Intervention strategies implemented to support keeping the student in ~~school~~ an educational setting.

Reporting

The following shall be reported as required by PED

- The total number of days each student
 - has missed for excused and unexcused absences, and
 - was enrolled by school .
- Within which tier of the Attendance For Success Act did each absent student fall, and
 - what were the student's demographics.
- The number of students, by school, referred to children, youth and families department for
 - excessive absences, and by
 - aggregated and disaggregated subgroups.

TRUANCY / CHRONIC ABSENCE

Interventions for Student Absences

A public school shall provide interventions to students who are absent or chronically absent, which may include:

- _____ • assessing student and family needs and matching those needs with appropriate public or private providers, including civic and corporate sponsors;
- _____ • making referrals to health care and social service providers;
- _____ • collaborating and coordinating with health and social service agencies and organizations through school-based and off-site delivery systems;
- _____ • recruiting service providers and business, community and civic organizations to provide needed services and goods that are not otherwise available to a student or the student's family;
- _____ • establishing partnerships between the public school and community organizations, such as civic, business and professional groups and organizations and recreational, social and out-of-school programs;
- _____ • identifying and coordinating age-appropriate resources for students in need of:
 - _____ ▪ counseling, training and placement for employment;
 - _____ ▪ drug and alcohol abuse counseling;
 - _____ ▪ family crisis counseling; and
 - _____ ▪ mental health counseling.
- _____ • promoting family support and parent education programs; and
- _____ • seeking out other services or goods that a student or the student's family needs to assist the student to stay in school and succeed.

EXHIBIT **EXHIBIT**

TRUANCY / CHRONIC ABSENCE

Interventions for Student Absences

The following letter may be used for the students in need of intervention

Dear _____ :

This letter is to inform you that the School District has noted absences on the part of (student name) _____ that exceed established guidelines for school attendance.

Your child has missed a minimum of 10% of the the classes or days of school and is in need of establishing conditions under which missing school can be remedied.

A representative of the school will meet with you to discuss methods of preventing future absences and to identify interventions that may ensure that your child will continue to receive an appropriate public education. Please make the time to attend the meeting. The following date and time has been established for the meeting. Please contact us by telephone or return mail to confirm your attendance at the time and location noted.

Date _____ Time _____

Location _____

If you have any questions, please contact me at _____.

Sincerely,

TRUANCY / CHRONIC ABSENCE

DEVELOPING A SCHOOL IMPROVEMENT AND ATTENDANCE IMPROVEMENT PLAN

School Improvement Plan

School districts shall differentiate public schools based on their chronic absence rates into no fewer than four categories.

School districts shall differentiate student subpopulations based on their chronic absence rates into no fewer than four categories.

Using the differentiation scheme pursuant to Attendance for Success Act, a school district shall develop attendance improvement plans that include the following elements:

- _____ • specific school district supports and resources available to public schools at each level to further the implementation of their attendance improvement plans;
- _____ • attendance improvement targets for public schools or subpopulations with chronic absence rates of ten percent or greater, developed in collaboration with each public school; and
- _____ • an attendance improvement target for the school district with chronic absence rates of ten percent or greater.

Each school district shall report its attendance improvement plan to the department no later than forty-five days after the beginning of the school year. The department may allow a school district to report its attendance improvement plan as part of the educational plan for student success.

At the end of each school year, each school district shall report to the local school board and to the public on the school district's website, the progress made on its attendance improvement plan, to include:

- _____ • a description of the supports and resources provided to public schools at each tier of absence of the attendance improvement plan;
- _____ • the extent to which public schools with chronic absence rates greater than ten percent achieved their attendance improvement targets;
- _____ • the extent to which the school district achieved its attendance improvement targets;
- _____ • barriers and challenges to reducing chronic absence rates, as reported

by the public school and school district personnel;

_____ • effective school-based practices, as evidenced by decreased chronic absence rates; and

_____ • recommendations for improvement during the next school year at both the public school and school district level.

Attendance Improvement Plan

A public school shall initiate the enforcement of the provisions of the Attendance for Success Act for its enrolled students. The enforcement policies of a public school shall focus on prevention and intervention.

Beginning in the 2020-2021 school year, a public school with five percent or greater of students with a chronic absence rate during the prior school year, or with five percent or greater of one or more subpopulations of students with a chronic absence rate during the prior school year, shall develop an attendance improvement plan no later than thirty days after the beginning of each new school year, and again no later than thirty days after the beginning of the spring semester, to be submitted to the department and may be part of the public school's educational plan for student success.

A public school, regardless of its chronic absence rate, shall develop and implement a whole-school absence prevention strategy to be reported to the department as part of the public school's educational plan for student success.

An attendance improvement plan shall include:

_____ • attendance data for each of the preceding two school years and the current school year, including:

- _____ ▪ the public school's overall absence rate;
- _____ ▪ chronic absence rates disaggregated by student subpopulation;
- _____ ▪ chronic absence rates disaggregated by grade level; and
- _____ ▪ student attendance for every day of the school year;

_____ • school-wide identification of potential root causes of chronic and excessive absenteeism through one or more of the following:

- _____ ▪ national or local research;
- _____ ▪ analysis of supportive factors and barriers;
- _____ ▪ student surveys or focus groups;
- _____ ▪ youth participatory research; or
- _____ ▪ other appropriate school-based research methods;

_____ • identification of strategies for each tier of the attendance improvement plan;

_____ • identification of performance measures for each strategy; and

_____ • a data-collection plan for performance measures.

_____ 7.

_____ 8. Student agrees to attend classes and commits to cooperating with the planned interventions.

Student's Signature _____

Date _____

Parent/guardian agrees to contact the school for absences during the school year and to cooperate with the planned interventions.

Parent's Signature _____

Date _____

Approved: _____
Principal's signature

Annual review of Action Plan:

___ Number of excused absences ___ Number of unexcused absences Transcripts and attendance records

For the _____ school year, should / should not be continued on an intervention plan.

School representative signature

Parent's signature

Date

Advisory 195

**RELEASED TIME FOR
RELIGIOUS INSTRUCTION**

Students at the school may be granted released time to attend religion classes near the school campus under the following conditions and guidelines:

- The person who has custody of the student has given written consent.
- Any religious instruction or exercise takes place at a suitable place away from school property designated by a church or religious denomination or group.
- Released time ~~shall~~ should not interfere with the student's normal schedule.
- ~~Any tardiness related to religious instruction will be unexcused~~ Time shall be provided for the student to make up the school work if missed during the absence.
- School credit will not be given for religion classes, nor will the course title be placed on the permanent record of the student.
- Discipline problems, reporting to parents, and attendance and other procedures necessary to religion class operation shall be the responsibility of the religion class instructors or supervisors.

Adopted: date of manual adoption

LEGAL REF.: ~~22-12-3 NMSA (1978)~~
 22-12A-9 NMSA

Advisory 196

EXTRACURRICULAR ACTIVITY ELIGIBILITY

All interscholastic extracurricular activities in grades nine (9) through twelve (12) that are of a competitive nature and involve more than one (1) school where a championship, winner, or rating is determined shall be conducted under the provisions of this policy. Such activities will be established and designed to offer students worthwhile athletic and leisure-time interests, wholesome recreational and social activity, and an opportunity to develop skills in democratic and cooperative management for these activities.

All such activities conducted under the auspices of the District shall be under the direct supervision of the licensed individual responsible for the activity.

It is necessary to have the interscholastic extracurricular activities function within a realistic framework of control. In order that overenthusiastic students do not place a social or athletic function on a higher plane than the academic program, the following policy will be adhered to:

- All classwork counted for eligibility must be acceptable for graduation.
- The student must be enrolled in more than half of the school's regular class schedule.
- Regular attendance must be maintained and no more than fifteen (15) days or the same class more than fifteen (15) times may be missed each semester due to interscholastic extracurricular activities.
- The eligibility criterion for interscholastic participation shall be in accord with ~~Section 6.2 on Scholarship of the New Mexico Athletic Association handbook~~ the following:
 - ~~Fall 2018 eligibility will be based on the 2nd semester grades from 2017-2018 school year and must be~~ A public school student shall have at least a grade average of 2.0 on a 4.0 scale adjusted for honors points with no F's or failures either cumulatively or for the grading period immediately preceding participation to be able to participate in any interscholastic extracurricular activity. A grading period shall be not less than six (6) weeks; ~~Eligibility will be determined by semester grades.~~
 - Eligibility may be reestablished following each ~~semester~~ grading period; and ~~using the grades from the next grading period within the semester.~~ A student may

~~participate immediately with a 2.0 on a 4.0 scale adjusted for honors points with no F's or Failures. If an additional grading period (six [6] week periods) falls within the semester, eligibility will be checked at that point also.~~

- ~~The cumulative period eligibility for participation shall be applied beginning with the student's academic record in the may only be used at the beginning of a semester and must include all high school semester grades beginning with the ninth (9th) grade year. This provision may be used if the student has no more than one (1) F grade at the immediate past semester.~~
- If the student does not meet the eligibility requirements the penalty will be removal from participation in any athletic team or extracurricular performances or travel. A student that demonstrates academic progress toward eligibility may practice with the team or group.
- The responsibility for notification of students and parents of these requirements and for enforcement of the above rule rests with the Superintendent.
- The student and the parents or guardian shall be notified of ineligibility in a manner such that confidentiality is maintained when:
 - Ineligibility is pending, and
 - Ineligibility is determined to be necessary.
- Support services may be made available to students who become ineligible for extracurricular programs as well as to students notified of pending ineligibility depending upon resources available.
- Students whose behavior presents a problem or jeopardizes school discipline may be ineligible for participation in extracurricular activities until such time as their behavior warrants reinstatement.

~~Students whose behavior presents a problem or jeopardizes school discipline may be ineligible for participation in extracurricular activities until such time as their behavior warrants reinstatement.~~

The same general standards shall apply for special education students except that such eligibility shall be determined on a case-by-case basis in relationship to the respective student's individual education programs for those receiving C and D level services.

The Superintendent shall establish regulations to ensure that:

- Necessary documents in support of this policy are maintained.
- Necessary data related to ineligible students are collected and reported as required.

- The cultural traditions of students are considered when establishing or enforcing rules related to participation in extracurricular activities.
- The requirements of this policy are met.

The Superintendent may develop additional rules or procedures for the proper conduct of extracurricular programs and the implementation of the provisions of this policy.

Adopted: date of manual adoption

LEGAL REF.: ~~22-12-2.1 NMSA (1978)~~
22-12A-10 NMSA
6.11.2.9 NMAC
New Mexico Activities Association Handbook Sec. 6

CROSS REF.: JJIB - Interscholastic Sports

Advisory 197

**RELATIONS WITH STATE
EDUCATION AGENCIES**

It shall be the policy of the District to cooperate with the state educational agencies in the attainment of educational goals and objectives.

**Waiver from The New Mexico
Administrative Code**

A waiver from specific administrative rules may be requested, in accord with 22-2-2.1 and 22-5-14, by submitting such request to the Secretary of Education for approval. Such requests from the Board may include:

- The graduation requirement as provided in Section 22-2-8.4 NMSA 1978 [recompiled];
- Evaluation standards for school personnel; and
- Other requirements of the Public School Code [Chapter 22 NMSA 1978] that impede innovation in education, if the waiver request is supported by the teachers at the requesting school and the requesting school's local school board.

Waivers granted pursuant to 22-2-2.1 shall begin in the school year following that in which a public school exceeds educational standards and may remain in effect as long as the school continues to exceed educational standards.

The Secretary shall only waive requirements that do not conflict with the federal No Child Left Behind Act of 2001 or rules adopted pursuant to that act.

The superintendent may apply to the Secretary for a waiver of the following provisions of the Public School Code:

- The length of the school day,
- Staffing patterns,
- Subject areas,
- The purchase of instructional materials for the purpose of implementing a collaborative school improvement program for an individual public school; and

- The number of absences for participation in any state or national competition that is not an interscholastic extracurricular activity.

Adopted: date of manual adoption

LEGAL REF.: 22-2-2.1 NMSA (1978)
22-5-14 NMSA (1978)
22-12A-10 NMSA (1978)
6.29.1.10 NMAC

RELEVANT STATUTES, RULES AND CITATIONS

The Bills and materials that are referenced in the advisories above make up an additional 44 pages in PDF format. Policy Services has chosen to provide a reference to the WEB site where these documents can be found rather than include them in the text which the district will download. Please use the references below starting with https in an internet browser to get to the sites indicated.

House Bill 236 "Attendance for Success Act" 29 pages-
<https://www.nmlegis.gov/Sessions/19%20Regular/final/HB0236.pdf>

**The Family Educational Rights and Privacy Act Guidance on Sharing Information with
Community-Based Organizations 15 pages-**
https://studentprivacy.ed.gov/sites/default/files/resource_document/file/ferpa-and-community-based-orgs.pdf

