

ROSWELL INDEPENDENT SCHOOL DISTRICT BOARD POLICY 5130

Attendance (Revised 6/04)

New Mexico State Law requires every student in the state who is five (5) years of age and not more than sixteen (16) years of age to attend school. When students exhibit a pattern of nonattendance, the principal and/or designee will refer students to the Student Assistance Team. Students who have been absent from class ten (10) or more times per semester may be subject to loss of grades. SAT will determine whether grades will be awarded.

The Roswell Independent School District shall maintain an attendance policy that:

- A. Provides for early identification of students classified as truant and habitual truant and provides intervention strategies that focus on keeping truants and habitual truants in an educational setting and prohibit out-of-school suspension and expulsion as the punishment for truancy.
- B. Requires that class attendance be taken for every instructional day in every school or school program in the district.
- C. Reports truancy and habitual truancy rates to the Department in a form and at such times as the department determines. (NMSA 22-12-7 and 22-12-8)
- D. Elementary schools will make referrals to the attendance officer after three processed truanancies. Upon receipt of the truancy referral, the attendance officer will make contact with the parent/guardian for the purpose of determining why the student has continued to miss school.
- E. Middle Schools will make referrals to the attendance officer after three processed truanancies. Upon receipt of the truancy referral, the attendance officer will make contact with the parent/guardian for the purpose of determining why the student has continued to miss school.
- F. High Schools will make referrals to the attendance officer after three processed truanancies. Upon receipt of the truancy referral, the attendance officer will make contact with the parent/guardian for the purpose of determining why the student has continued to miss school. The student will be immediately placed on a 30 day contract and referred to counseling as appropriate.
- G. As used in this section and Sections 22-12-7 and 22-12-7 and 22-12-8 NMSA 1978:
 - (1) "habitual truant" means a student who has accumulated the equivalent of ten or more unexcused absences within a school year;
 - (2) "truant" means a student who has accumulated five unexcused absences within any twenty-day period; and
 - (3) "unexcused absence" means an absence from school or a class 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 private school.
- H. Any qualified student and any person who because of his age is eligible to become a qualified student as defined by the Public School Finance Act until attaining the age of majority shall attend a public school, a private school, a home school or a state institution. A person shall be excused from this requirement if:
 - (1) the person is specifically exempted by law from the provisions of this section;
 - (2) the person has graduated from a high school;
 - (3) the person is at least seventeen years of age and has been excused by the local school board or its authorized representative upon a finding that the person will be employed in a gainful trade or occupation or engaged in an alternative form of education sufficient for the person's educational needs and the parent, guardian or other person having custody and control consents; or
 - (4) with consent of the parent of the person to be excused, the person is excused from the provisions of this section by the superintendent of schools of the school district in which the person is a resident and the person is under eight years of age.
- I. A person subject to the provisions of the Compulsory School Attendance Law shall attend school for at least the length of time of the school year that is established in the school district in which the person is a resident.

- J. Any parent of a person subject to the provisions of the Compulsory School Attendance Law is responsible for the school attendance of that person.
- K. Each local school board and each governing authority of a private school shall enforce the provisions of the Compulsory School Attendance Law for students enrolled in their respective schools.”

Excused Absences

Any student not exempted from compulsory school attendance may be excused for temporary absence resulting from personal illness, illness or death of immediate family member, or any other unusual cause acceptable to the principal or superintendent. The reason for an excused absence must be stated in writing and signed by the parent or other person standing in parental relation to the student. The person discharging the duties of attendance officer of the school may investigate any case in which an excused absence is requested. Court related absences will be excused only with a statement from a proper legal authority.

If a student has an unexcused absence, he or she will not be eligible to participate in any school activity on the date of the absence.

Consecutive Absences

A student absent five or more consecutive days for personal illness must produce medical verification upon returning to school.

Parent Notification (Revised 6/04)

Early Identification—Unexcused Absences And Truancy: Section 4. 22-12-8 NMSA 1978. – Notwithstanding the provisions of Section 22-12-7 NMSA 1978, if a student is truant, the school district shall contact the student’s parent to inform the parent that the student is truant and to discuss possible interventions. The provisions of this section do not apply to any absence if the parent has contacted the school to explain the absence. The parent/legal guardian must contact the school within twenty four hours of the student’s absence. If a student is absent from school, the school will attempt to contact the parent by telephone to verify the student’s absence. Mail contact will be utilized when students are absent 3 or more consecutive days

Make-Up Work (Revised 10/03)

Students who are absent from school are responsible for collecting missed assignments on the first day following the absence and submitting make-up work in no more than twice the number of days missed. Students who complete make-up work within the allocated time will be allowed to make up one hundred percent of the work and grace missed including “participation” grades. Student’s grades will in no way be reduced, except in the case of poor quality or late make-up work. In such case, make-up work must be graded and the grade explained to the student by the teacher. Credit will be given for all work completed including whole or portions of assignments/projects.

Tardiness (Revised 10/03)

A student who is tardy to school or to class may be assigned to detention hall or the tardy room. The student who is frequently tardy will be subject to further disciplinary action. Car trouble or missing the bus are not accepted excuses for arriving on campus late. A student arriving on campus late must first report to the attendance office or school secretary. A student (high school/middle school) absent more than half a class period shall be considered absent for that period.

Enforcement of Attendance Law—Habitual Truants—Penalty. (Section 3. 22-12-7 NMSA)

- A. Each local school board and each governing authority of a private school shall initiate the enforcement of the provisions of the Compulsory School Attendance Law for students enrolled in their respective schools.
- B. To initiate enforcement of the provisions of the Compulsory School Attendance Law against an habitual truant, a local school board or governing authority of a private school or its authorized representatives shall give written notice of the habitual truancy of certified 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.
- C. If unexcused absences continue after written notice of habitual truancy as provided in Subsection B of this section has occurred, the student shall be reported to the probation services office of the judicial district where the student resides for an investigation as to whether the student shall be considered to be a neglected child or a child in a family in need of services because of habitual truancy and thus subject to the provisions of the Children's Code. In addition to any other disposition, the children's court may order the habitual truant's driving privileges to be suspended for a specified time not to exceed ninety days on the first finding of habitual truancy and not to exceed one year for a subsequent find of habitual truancy.
- D. If, after review by the juvenile probation office where the student resides, a determination and finding is made that the habitual truancy by the student may have been caused by the parent of the student, then the matter will be referred by the juvenile probation office to the district attorney's office or any law enforcement agency having jurisdiction for appropriate investigation and filing of charges allowed under the Compulsory School Attendance Law. Charges against the parent may be filed in metropolitan court, magistrate court or district court.
- E. A parent of the student who, after receiving written notice as provided in Subsection B of this section and after the matter has been reviewed in accordance with Subsection D of this section, knowingly allows the student to continue to violate the Compulsory School Attendance Law shall be guilty of a petty misdemeanor. Upon the first conviction, a fine of not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100) may be imposed, or the parent of the student may be ordered to perform community service. If violations of the Compulsory School Attendance Law continue, upon the second and subsequent convictions, the parent of the student who knowingly allows the student to continue to violate the Compulsory School Attendance Law shall be guilty of a petty misdemeanor and shall be subject to a fine of not more than five hundred dollars (\$500) or imprisonment for a definite term not to exceed six months or both.