



<b>ATTENDANCE POLICY</b>	Policy Number: D-01	Version Number: 1.0
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## 1. PURPOSE

It is the policy of the Governing Council of New Mexico International School to ensure that all students succeed in a rigorous world curriculum in a bilingual and biliterate environment. Regular, uninterrupted classroom instruction, classroom participation, and interaction with classmates are essential to this educational process. Preparation and training for subsequent study or employment includes the development of self-discipline through regular class attendance. For these reasons and others, the New Mexico International School require that all enrolled students attend classes regularly. The New Mexico Compulsory School Attendance Law [NMSA 1978, § 22-12-2] requires that all school-age children attend school until the age of eighteen, or until they graduate from high school or receive a GED certificate. This Policy implements state law.

## 2. SCOPE

This policy applies to students and their parents or legal guardians.

## 3. REFERENCES/RELATED policies

- 3.1 NMSA 1978 22-12-2
- 3.2 NMSA 1978 22-12-7
- 3.3 NMSA 1978 22-8-2
- 3.4 NMAC 6.10.8

## 4. RESPONSIBILITIES

- 4.1 It is the responsibility of the Governing Council to review and approve policies, and to enforce the provisions of the Compulsory School Attendance Law.
- 4.2 It is the responsibility of the NMIS staff to record students' daily attendance.
- 4.3 It is the responsibility of the parent, guardian or person having custody and control of the student to ensure the student's school attendance.

## 5. DEFINITIONS [Pursuant to NMSA 1978, § 22-12-2]

- 5.1 "Excused absence" is an absence due to illness, appointments with health or mental health care providers, family emergencies, or religious holidays. A written excuse must be provided by the student's parent or legal guardian when the student returns to school. Special family situations may be considered appropriate for excused absence when *prior* approval is received from the School



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Director or his/her designee. The Director's decision on the request shall be considered final.

- 5.2 "Excused early release" is a student's departure from school before 3:30 pm (or 2:30 pm on early-dismissal days) for reasons listed in 5.1.
- 5.3 "Unexcused absence" is an absence from school or from a class for which the student does not have an allowable excuse as identified in paragraph 5.1.
  - 5.3.1 "Half-day unexcused absence" is an absence of less than 50% of the instructional day.
  - 5.3.2 "Full-day unexcused absence" is an absence of 50% or more of the instructional day.
- 5.4 "Tardy" is an arrival to school between 8:30 and 8:45. After 8:45 am, the student incurs a half-day unexcused absence. Five tardies constitute one unexcused absence.
- 5.5 "Unexcused early release" is a student's departure from school before 3:30 pm (or 2:30 pm on early-dismissal days) for reasons not listed in 5.1.
  - 5.5.1 Five "unexcused early releases" of 15 minutes or less constitute one unexcused absence.
  - 5.5.2 Two "unexcused early releases" of more than 15 minutes but less than 50% of the instructional day constitute a "half-day" absence."
  - 5.5.3 One "unexcused early release" constitutes an "unexcused absence."
- 5.6 "Student in need of early intervention" is a student who has accumulated five unexcused absences within a school year.
- 5.7 "Habitual truant" is a student who has accumulated ten or more unexcused absences within a school year.



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## 6. POLICY

### 6.1 Attendance Requirement

- 6.1.1 The New Mexico Compulsory School Attendance Law [NMSA 1978, § 22-12-2] requires that all persons between the ages of five and eighteen attend a public, private, or home school, or a state institution, unless that person has graduated from high school or has received a general education development certificate, or that person's parent or guardian provides written, signed permission for that person to leave school for health reasons or in case of hardship, and that permission is approved by the NMIS Head Administrator or School Director.
- 6.1.2 Students enrolled in NMIS shall attend school for the length of time of the school year as established by the Governing Council.

### 6.2 Documentation and Notification

- 6.2.1 Notification of an Absence by a Parent or Guardian: The parent or guardian shall notify NMIS each day that his or her child will be absent from any part of the school day, except in the case of an emergency, and shall give the reason for the absence and shall provide a written verification upon the child's return to school. If the student has been absent for 5 or more consecutive days due to illness, the School Director or his/her designee may require written verification from the student's professional health-care provider.
- 6.2.2 Notification to a Parent or Guardian of an Unexcused Absence: If a student is absent from school without a parent or guardian's notification of absence, the School Director or the designee will, as soon as practicable, contact the parent or legal guardian by telephone or e-mail to give notice of the student's absence and to ascertain and document the reason for the absence.
- 6.2.3 Prolonged Illness: In cases of chronic or prolonged illnesses expected to last 10 days or more, during which the student is able to do school work, the student's parent or guardian shall present written verification by the student's professional health care provider of the expected length of the



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illness and of the student's ability to do school work at home, and the student shall be placed on home-bound study until he or she can return to school.

6.2.4 Habitual Truant Documentation Required: Schools shall document the following for each student identified as a habitual truant:

- 6.2.4.1 attempts of the school to notify the parent or guardian that the student had unexcused absences;
- 6.2.4.2 attempts of the school to meet with the parent or guardian to discuss intervention strategies; and
- 6.2.4.3 intervention strategies implemented to support keeping the student in school.

6.3 Make Up of Work Missed:

6.3.1 Following an excused absence, parent or guardians shall discuss make-up work with the student's teacher. A student shall be given a reasonable time by the teacher within which to make up the work the student missed during the absence. Following an unexcused absence, make-up work is at the discretion of the teacher.

6.3.2 Students with regularly scheduled excused absences must have such services documented in a student's Individual Education Plan, 504 Plan, or other school-approved written intervention plan.

6.4 Disciplinary measures

6.4.1 Fewer than 5 Unexcused Absences: In addition to the other measures to be imposed according to this policy, students may receive a corrective plan from the teacher or School Director, designed to keep the student in school and progressing academically.

6.4.2 Out-of-school suspension and expulsion will not be used as punishment for truancy or unexcused absences.

6.4.3 Early Intervention: after five unexcused absences [as pursuant to NMAC, § 6.10.8.8]



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- 6.4.3.1 If a student has accumulated five unexcused absences in the school year, the school shall contact the student's parent(s)/guardian(s) to inform them that the student has unexcused absences and to discuss possible interventions.
- 6.4.3.2 A representative of the school shall meet with the student in need of early intervention and his or her parent(s)/guardian(s) to identify the causes for the student's unexcused absences, identify what actions can be taken that might prevent the student's unexcused absences, identify possible school district, charter school and community resources to address the causes for the student's unexcused absences, and establish a corrective action plan to address the student's unexcused absences;
- 6.3.4.3 The notification to the student's parent(s)/guardian(s) and the meeting with the parent(s)/ guardian(s) must be respectful and in a language and in manner that is understandable to the student and the parent(s)/guardian(s);
- 6.3.4.4 The corrective action plan must contain follow-up procedures to ensure that the causes for the student's unexcused absences are being addressed;
- 6.3.5 Habitual Truancy: after 10 unexcused absences [as pursuant to NMAC, § 6.10.8.8]
  - 6.3.5.1 If the student is a habitual truant, the Governing Council or their authorized representatives shall, in addition, give written notice of the habitual truancy by mail to or by personal service on the student's parent(s)/guardian(s); the notice shall include a date, time and place for the parent to meet with the local school district or charter to develop intervention strategies that focus on keeping the student in an educational setting;
  - 6.3.5.2 If there is another unexcused absence after delivery of a written notice of habitual truancy, the student shall within seven (7) days of this unexcused absence be reported to the probation services office of the judicial district where the student resides;



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6.3.5.3 If the habitual truant is not referred to the children’s court by the juvenile probation office for appropriate disposition, the school district may contact the children’s court attorney directly to determine what action will be taken.

6.3.5.4 If a determination and finding has been made by the juvenile probation office that the habitual truancy by a student may have been caused by the parent or guardian of the student, and no charges have been filed against the parent or guardian, the school district may contact the district attorney’s office to determine what action will be taken.

6.3.5.5 The public education department’s truancy prevention coordinator shall be permitted access to any records and information related to students in need of early intervention or habitual truancy.

6.3.6 **Withdrawal for 10 Consecutive Unexcused Absences Only After Intervention:** A school administrator may use withdrawal of a student who has 10 consecutive unexcused absences only after exhausting intervention efforts to keep the student in the educational setting [As pursuant to NMSA 1978, § 22-8-2]

6.4 **Legal Penalties** [NMSA 1978, § 22-12-7]

6.4.1 A parent [or legal guardian] 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



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more than five hundred dollars (\$500) or imprisonment for a definite term not to exceed six months or both.

6.5 Intergovernmental Agreements [NMAC, § 6.10.8.9]:

6.5.1 In carrying out its duties under this rule and the compulsory school attendance law, school districts and charter schools shall take into consideration the sovereignty of a Native American tribe. While all children attending public schools will still be subject to being reported to the public education department if they are habitually truant, a school district or charter school shall respect tribal laws and traditions in carrying out its duties of early identification, intervention, and parental notification. To do so, school districts and charter schools shall adopt policies that:

6.5.1.1 emphasize a better understanding of tribal customs, religious practices and laws,

6.5.1.2 consider entering into a memorandum of agreement, a memorandum of understanding, or some other form of intergovernmental agreement with Native American tribes,

6.5.1.3 consider respectful and effective ways to notify a parent(s)/guardian(s) of student in need of intervention and habitually truant Native American students,

6.5.1.4 consider follow-up or reinforcement procedures after Native American children have undergone intervention through Native American or other agreed upon resources.

6.9 Distribution of Policy; Acknowledgment of Receipt: A copy of this policy and an acknowledgment form will be issued to each student on the first day of school or within ten (10) days of adoption by the Governing Council. The student shall return the acknowledgment form. A student who fails to return a signed form within that time shall be subject to disciplinary actions. A copy of this policy shall also be submitted to the Public Education Department's Truancy Prevention Coordinator within ten (10) days of adoption by the Governing Council.



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**7. ATTACHMENTS**

<b>Forms</b>	
Form Number	Form Titles
Not Applicable	

<b>Other Attachments</b>	
Type	Title of Attachment
Acknowledgment form	Acknowledgement of Receipt of NMIS Attendance Policy

**8. REVISION HISTORY**

Version Number	Effective Date	Description of Document Revision
1.0	CURRENT	New

**STATEMENT OF ACCEPTANCE**

This document was approved by the Governing Council of the New Mexico International School on December 15, 2011. The effective date of this Policy is December 16, 2011. This Policy is effective and enforceable immediately.

Any future additions, deletions, or amendments of this Policy are to be recorded on the REVISION HISTORY of this policy. These revisions will state the date of revision, section revised, and authorization of the revision. A copy of the complete revision will become a permanent part of this Policy.