

POLICY JHB

Board of Education Las Cruces Public Schools

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Responsible Office: Associate Superintendent for ~~Instruction~~ [Equity, Innovation & Social Justice](#)

Students in Need of **Early** Intervention for Attendance

I. PURPOSE

To ~~initiate enforcement of~~ [ensure the Las Cruces Public Schools is in compliance with](#) the provisions of the ~~Compulsory School Attendance Law~~ [Attendance for Success Act](#) that is focused on prevention and intervention.

II. DEFINITIONS

- A. ["**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;
- B. ["**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 the district and schools in developing whole-school prevention strategies and targeted interventions. Each of the tiers is defined as follows:
1. ["**Whole school prevention**"](#) means universal, whole-school prevention strategies for all student, including students who have missed less than five percent of classes or school days for any reason;
 2. ["**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;
 3. ["**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; and
 4. ["**Intensive support**"](#) means interventions for students who are missing twenty percent or more of classes or school days for any reason.
- C. ["**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;
- D. ["**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 or the student's official date of official enrollment;

- E. "*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;
- F. "*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;
- G. "*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;
- H. "*Interscholastic extracurricular activities*" means those activities sponsored by a public school or an organization whose principal purpose is the regulation, direction, administration and supervision of interscholastic extracurricular activities in public schools;
- I. "*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;
- J. "*School day*" means a portion of the school day that is at least one-half of a student's approved program;
- K. "*Student who has experienced a disruption in the student's education*" means a student who experiences one or more changes in public school or school district enrollment during a single year as a result of homelessness (as defined in the federal McKinney-Vento Homeless Assistance Act), adjudication [Chapter 32A, Article 3A and Article 4 NMSA 1978], placement in a mental health treatment facility or habitation program for developmental disabilities as defined in the Children's Mental Health and Developmental Disabilities Act [32A-6A-1 to 32A-6A-30 NMSA 1978].
- L. "*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.

III. GUIDELINES POSITION

- A. The Las Cruces Public Schools shall enforce the provisions of the Student for Success Act (§22-12-A to 22-12A-14 NMSA 1978) for all students enrolled in district schools.
- B. A school-age person shall attend public school until the school-age person is at least eighteen years of age unless that school-age person has graduated from high school, received a high school equivalency credential or withdrawn from school on a hardship waiver.

- C. A school-age person subject to the provisions of the Attendance for Success Act shall attend school for at least the length of time of the school year and the district shall not excuse a school-age person from attending school except as provided in the Attendance for Success Act.
- D. The parent of a school-age person subject to the provisions of the Attendance for Success Act is responsible for the school attendance of that school-age person.
- E. The Superintendent shall develop a regulation that accompanies this policy that:
 - 1. Establishes an early warning system that includes evidence-based metrics to identify students at risk of chronic absenteeism or excessive absenteeism;
 - 2. Provides for early identification of chronically absent and excessively absent students;
 - 3. Employs an attendance improvement plan that focuses on:
 - a. keeping students in an educational setting;
 - b. prohibiting out-of-school suspension or expulsion as the punishment for absences;
 - c. assisting a student's family to remove barriers to the student's regular school attendance or attendance in another educational setting; and
 - d. providing additional educational opportunities to students who are struggling with attendance;
 - 4. Limits the ability of a student to withdraw only after all intervention efforts by the school district or the New Mexico Children, Youth and Families Department to keep the student in an educational setting have been exhausted;
 - 5. Requires that accurate class attendance be taken for every instructional class and school day in all district schools or school programs;
 - 6. Provides that district schools shall differentiate between different types of absences;
 - 7. Requires each school to document the following for each chronically or excessively absent student:
 - a. attempts by the public school to notify a parent that the student was absent from class or the school day;
 - b. attempts to improve attendance by talking to a student or parent to identify barriers to school attendance, identify solutions to

improve the student's attendance behavior and discuss necessary interventions for the student or the student's family; and

c. intervention strategies implemented to support keeping the student in an educational setting, including additional educational opportunities offered to the student;

8. Requires a student or the parent of a student who intends to claim excused absence because of medical condition, pregnancy or parenting to communicate the student's status to the appropriate school personnel and to provide required documentation; and

9. Encourages and supports compliant data sharing, pursuant to the federal Family Educational Rights and Privacy Act of 1974, between a public school and community-based organizations that provide services to students for the purpose of providing more personalized interventions and specialized supports as part of the public school's attendance improvement plan.

F. The district shall report absences, chronic absences and excessive absences data to the Public Education Department at each reporting date established by the Department and at the end of the school year. This report shall document intervention efforts made to keep students in an education setting.

G. The district shall provide a copy of the approved attendance policy to all parents of students and publish the policy on the district's web site. The attendance policy shall include:

1. The rights and obligations of parents and students pursuant to the Attendance for Success Act;

2. The prevention strategies that will be implemented to ensure that students attend class; and

3. Details about consequences of failing to adhere to the attendance policy.

H. Schools shall provide a parent, within five days of the parent's written request, with access to the attendance data of that child's parent, including information about any intervention strategies that have been employed to help the student improve the student's attendance.

I. Upon request, the district shall provide the chronic absence rate from the most current reporting data or end-of-year report, in the aggregate and disaggregated by subgroups for all of schools.

J. The district shall differentiate public schools and student subgroups based on their chronic absence rates into no fewer than four categories. Using this

differentiation scheme, the district shall develop attendance improvement plans that includes the following elements.

1. Specific supports and resources available to schools at each level to further the implementation of their attendance improvement plans;
2. Attendance improvement targets for each school or subpopulation with chronic absence rates of ten percent or greater;
3. An attendance improvement target for the district if the chronic absence rate is ten percent or greater.

K. The district shall report its attendance improvement plan to the Public Education Department no later than forty-five days after the beginning of the year following guidance established by the department.

L. At the end of the school year, the Superintendent shall report to the Board of Education the progress made on its attendance improvement plan. This report shall also be posted on the district's web site. The report shall include:

1. A description of the supports and resources provided to schools at each tier of the attendance improvement plan;
2. The extent to which schools with chronic absence rates greater than ten percent achieved their attendance improvement targets;
3. The extent to which the school district achieved its attendance improvement targets;
4. Barriers and challenges to reducing chronic absence rates as reported by schools;
5. Effective school-based practices, as evidenced by decreased chronic absence rates; and
6. Recommendations for improvement during the next school year at the school and district level.

M. The Superintendent through regulation shall establish the composition of attendance teams at each school and specify the support and guidance on transportation and school scheduling options when these are identified as barriers to school attendance.

N. The development of the district's attendance improvement plan must include information on the enforcement of the Attendance for Success Act, attendance improvement plan, and procedures as specified in §22-12A-8.D-E and also include progressive interventions for absent, chronically absent and excessively absent students specified in §22-12A-11.

- O. A student may be excused for parent- or doctor-authorized medical reasons and schools shall provide time for the student to make up the schoolwork missed during the absence.
- P. The Las Cruces Public Schools shall provide:
1. Ten days of medical absences during the school year for a student who provides documentation of the birth of the student's child, and the school shall provide time for the student to make up the schoolwork missed during the absence; and
 2. Four days of excused absences for a student who provides appropriate documentation of pregnancy or that the student is the parent of a child under the age of thirteen needing care, and the schools shall provide time for the student to make up the schoolwork missed during the absence.
- Q. For students enrolled in an alternative school setting that offers online courses and allows for off-site attendance through online education, the student shall not be counted as absent as long as the student is completing class assignments.
- R. A student may, subject to the approval of the school principal, be absent from school to participate in religious instruction for not more than one class period per school day with the written consent of the student's parent at a time that is not in conflict with the academic program of the school. The schools shall provide time for the student to make up the schoolwork missed during the absence. The school district or the school shall not assume responsibility for the religious instruction of any student or permit religious instruction to be conducted on school property.
- S. A student, with the written consent of the student's parent and subject to the approval of the school principal, may be absent from school to participate in tribal obligations. The public school shall provide time for the student to make up the schoolwork missed during the absence.
- T. A student shall not be absent from school for interscholastic activities in excess of fifteen days per semester, and no class shall be missed in excess of fifteen times per semester for interscholastic activities.
- U. Excessive Absenteeism:
1. If unexcused absences continue after written notice of excessive absenteeism as provided in Section 11 [22-12A-11 NMSA 1978] of the Attendance for Success Act, the Board of Education delegates the responsibility to the Superintendent, or qualified designee, to make the report on behalf of the Board to the probation services office for an investigation as to whether the student should be considered to be a neglected child or a family in need of family services because of excessive absenteeism, and thus subject to the provisions of the Children's Code. When a report is made on behalf of the Board pursuant to the Act, the

- Superintendent will report to the Board in a public meeting without disclosing any personally identifiable student information.
2. The record of the public school's interventions and the student's and parent's responses to the interventions shall be provided to the juvenile probation services office. The superintendent, or qualified designee, shall provide the documentation to the juvenile probation services office within ten business days of the student being identified as excessively absent.
- V. When a student who has experienced a disruption in the student's education transfers to a district school, the receiving school shall communicate with the sending school or school district within two days of the student's enrollment to secure all educational records and class schedule.
- W. A student who has experienced a disruption in their education because of transferring to a new public school shall have:
1. Priority placement in classes that meet state graduation requirements;
 2. Timely placement in elective classes that are comparable to those in which the student was enrolled at the student's previous school as soon as the school receives verification from the student's records;
- X. For a student who has experienced a disruption in the student's education at any time during the student's high school enrollment, the school district shall ensure:
1. Acceptance of the student's state graduation requirements for a diploma of excellent pursuant to the Public School Code;
 2. Equal access to participation in sports or other extracurricular activities, career and technical programs or other special programs for which the student qualifies;
 3. Timely assistance and advice from counselors to improve the student's college and career readiness;
 4. Access to all special education services to which the student is entitled; and
 5. Receive credit for any work completed prior to the transfer, regardless of whether the transfer occurred at the end of a grading period based on Public Education Department rule on how credit shall be awarded for courses that are partially completed.
- Y. The Superintendent shall develop a regulation for the enforcement of this policy.
- ~~1. Las Cruces Public Schools shall initiate enforcement of the provisions of the Compulsory School Attendance Law regarding a student in need of early intervention by providing written notice of the habitual truancy by mail to or by personal service. The notice shall advise the parent regarding~~

~~the student's noncompliance with the provisions of the Compulsory School Attendance Law.~~

- ~~2. If unexcused absences continue after written notice of habitual truancy as provided in section 2 in this policy 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 [32A-1-1 NMSA 1978]. 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 finding of habitual truancy.~~
- ~~3. 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.~~
- ~~4. A parent of the student who, after receiving written notice as provided in section 2 of this policy and after the matter has been reviewed in accordance with section 4 of this policy, knowingly allows the student to continue to violate the Compulsory School Attendance Law shall be guilty of a petty misdemeanor.~~

~~A. Penalties~~

- ~~i. 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.~~
- ~~ii. 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.~~

IV. REVIEW

This policy shall be reviewed in accordance with the Board of Education policy review process.

President, Board of Education

Date

History: Procedure 300; Revised September 17, 2009 and renamed from “Truancy” to “Students in Need of Early Intervention for Attendance”, [Revised 9.27.20](#)

Legal Ref: ~~22-12-7 through 22-12-9, NMSA 1978~~ [22-12A-1 through 22-12A-14, NMSA 1978](#)