

# POLICY JHB

## Board of Education Las Cruces Public Schools

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**Related Entries:** JE, JEA, JEA-R, JHB-R

**Responsible Office:** Associate Superintendent for Instruction

### Students In Need of Early Intervention for Attendance

#### I. PURPOSE

To initiate enforcement of the provisions of the Compulsory School Attendance Law.

#### II. GUIDELINES

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.

**III. REVIEW**

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

*History:* Procedure 300; Revised September 2009

*Legal Ref:* 22-12-7 through 22-12-9, NMSA 1978

  
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*President, Board of Education*

November 17, 2009  
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*Date*