

**NEW MEXICO
PUBLIC EDUCATION
DEPARTMENT**

**PROCEDURES
MANUAL
FOR HOME
SCHOOL
OPERATORS IN
NEW MEXICO**

**Dr. Veronica C. García
Secretary of Education**

INTRODUCTION

The purpose of this **Procedures Manual for Home School Operators in New Mexico** is to assist parents, legal guardians, and local school districts to understand the Notification procedures in a more user-friendly approach. Local school districts are responsible for ensuring that all school children are enrolled in some type of educational program; the Public Education Department is responsible for ensuring that home school children are being home schooled until at least age 17. The Department provides a list of the names and ages of the children that are enrolled in a home school program to the local superintendent within each school district.

It is the intention of the Public Education Department to communicate positively with the home school community. Comments or questions specific to this document should be referred to the Home School Bureau at the Public Education Department (PED), 300 Don Gaspar Avenue, Santa Fe, New Mexico 87503. The telephone number for the Home School Bureau (505) is 827-6909.

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HOME SCHOOL PROCEDURES FOR HOME SCHOOL OPERATORS

1. Complete and submit the **Notification of Establishment of a Home School Form (PED 542-99A)**. Mail, fax or submit on line to the Secretary of Education within thirty (30) days of the establishment of a home school. Re-notification must be submitted by April 1st, of each subsequent year. The form can be obtained and submitted via the PED web page at www.ped.state.nm.us
 - Click on PED “A to Z Directory”
 - Click on “Home Schools”
 - Click on “Home Schools Notification Form”
 - Fill out the form, when complete click “Submit”
 - You will receive an automatic confirmation.
 - Print confirmation page or copy confirmation number for your records.

You may call The Home Schools Bureau at (505) 827-6909 or your local Superintendent's office to request a form. You may also pick up a form at the address listed below. The completed form may be delivered, faxed or mailed to:

New Mexico Public Education Department
Attention: Home Schools Bureau
300 Don Gaspar Ave.
Santa Fe, NM 87501-2786
Fax # 827-6527

2. Maintain records of your child's immunization, or a religious/conscientious objection form, for each child to be taught. Health records must be submitted to The Department of Health. Questions about health records should be directed to www.health.state.nm.us (1-888-231-2367).
3. Maintain a school attendance calendar. The school attendance calendar must indicate instruction 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, in accordance with Section 22-12-2, NMSA, 1978.
4. Maintain documentation verifying that at least a high school diploma or G.E.D. was earned by the person giving instruction.
5. Provide written notification to the Secretary of Education of any changes in the information provided in the **Notification of Establishment of a Home School Form (PED 542-99A)** within thirty (30) days.
6. Provide written notification to the Secretary of Education in the event you move or cease to home school.

EXCERPTED PUBLIC SCHOOL CODE PROVISIONS

Section 22-1-2.1. Home School Requirements

Any person operating or intending to operate a home school shall:

- A. notify the Secretary of Education of the establishment of a home school within thirty days of its establishment, and notify the Secretary of Education on or before April 1, of each subsequent year of operation;
- B. maintain records of student disease immunization;
- C. provide instruction by a person possessing at least a high school diploma or its equivalent in basic academic educational program, including reading, language arts, mathematics, social studies and science.

Section 22-12-2. Compulsory School Attendance; Responsibility

- A. 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 [22-8-1 to 22-8-42, NMSA, 1978] 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, 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 of the school district in which the person is a resident, and the person is under eight years of age.
- B. A person subject to the provisions of the Compulsory School Attendance Law [22-12-1 to 22-12-7, NMSA 1978] 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.
- C. Any parent, guardian or person having custody and control of a person subject to the provisions of the Compulsory School Attendance Law is responsible for the school attendance of that person.

Section 22-12-7. Enforcement of Attendance Law; Penalty

- 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 [Sections 22-12-1 to 22-12-7, NMSA, 1978] for students enrolled in their respective schools.
- B. To initiate enforcement of the provisions of the Compulsory School Attendance Law, a local school board or governing authority of a private school or its authorized representatives shall give written notice by certified mail to or by personal service on the parent, legal guardian or custodian of a student subject to and in noncompliance with the provisions of the Compulsory School Attendance Law.
- C. If violations of the provisions of the Compulsory School Attendance Law continue after written notice 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 need of supervision and thus subject to the provisions of the Children's Code.

Section 22-12-7. Enforcement of Attendance Law; Penalty (Continued)

- D. If after review by the juvenile probation office of the Children's Court Division or by the district judge of the Children's Court Division where the student resides, a determination and finding is made that the nonattendance by the student may have been caused by the parent, guardian or custodian having custody of the student then the matter will be referred by the juvenile probation office or by the Children's Court Division of the district court 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.
- E. A parent, guardian or one having custody 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 (\$100.00) may be imposed, or the parent, guardian or one having custody 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, guardian or one having custody 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 (\$500.00) or incarceration for a period not to exceed six months, or both.

REQUIREMENTS UNDER THE PUBLIC HEALTH ACT

Section 24-5-1. Immunization Regulations

The Public Health Division of the Department of Health shall, after consultation with the State Board of Education, promulgate rules and regulations governing the immunization against diseases deemed to be dangerous to the public health, to be required of children attending public, private, home or parochial schools in the state. The immunizations required and the manner and frequency of their administration shall conform to recommendations of the advisory committee on immunization practices of the United States department of Health and Human Services and the American academy of pediatrics. The public health division shall supervise and secure the enforcement of the required immunization program.

Immunization forms, including the Certificate of Religious/Conscientious Objection to Immunization form, can be obtained from the local school district, and/or the New Mexico Department of Health, Public Health Division, 1190 St. Francis Drive, Santa Fe, New Mexico 87502. The telephone number is (505) 827-2366. While specific forms in this manual are not required, any alternative form or statement that is utilized must comply with the requirements set forth in Section 24-5-3, NMSA, 1978, and Department of Health regulations 7-5-3, NMAC ("Religious Exemption from School Immunization") and 7.5.2, NMAC ("Immunization Requirement").