



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

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**Secretary of Education**

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# INTRODUCTION

In 1985, amendments to Chapter 22 of New Mexico Statutes Annotated, (NMSA), 1978, provided a framework in which the right of parents to home school their children was recognized. Under the Public School Code, "Home School" means the operation by a parent, legal guardian, or other person having custody of a school-age person who instructs a home study program that provides a basic academic educational program, including but not limited to reading, language arts, mathematics, social studies and science. In 2001, Section 22-1-2.1 NMSA, 1978 was amended by requiring home school parents to: (1) notify in writing, the Secretary of Education of the establishment of a home school; (2) maintain records of student immunization; and (3) possess at least a high school diploma or its equivalent. The amendment removed the annual testing requirement.

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 application 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. The Department does **NOT** disclose any identifiable home school student information to any other party.

It is the intention of the Public Education Department to communicate more positively with the home school community. Your cooperation with the request for information is greatly appreciated. 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.

Dr. Verónica Garcia  
Secretary of Education

# 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;

## 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").

# HOME SCHOOL PROCEDURES FOR HOME SCHOOL OPERATORS

1. Complete and submit a **Notification of Establishment of a Home School Form (PED 542-99A)** to the Secretary of Education within thirty (30) days of the establishment of a home school, and another form on or before April 1, of each subsequent year in order to renew. **A new form must be completed and submitted for each year your child(ren) is/are home schooled.** The form can be obtained through the PED web page at [www.ped.state.nm.us](http://www.ped.state.nm.us) following these directions:
  - Click on Home School link
  - Click on Home School Establishment Form to download (it is a .pdf file – you'll need Adobe Acrobat to read it) (if you don't have Adobe Acrobat you may download it for free from our website)
  - Fill out the form and click on the SUBMIT button.
  - You will receive an automatic response.

If you prefer, you may call The Office of Home Schools 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 faxed to (505) 827-6725, or mailed to:

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

**Don't forget to save a copy for your own records.**

2. Maintain records of your child's immunization, or a religious/conscientious objection form, for each child to be taught. See page 4 for further information.
3. Maintain a school calendar at home with other records. The school 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. or other degree was earned by you the parent/legal guardian who will be providing instruction.
6. 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.
7. Provide written notification to the Secretary of Education in the event you move or cease to home school.
8. Obtain copies of local board policies addressing placement, transfer of credits and issuance of diploma from your local public school district.
9. Call (505) 827-6702 for information relative to GED.

# COMPLETING AND SUBMITTING THE ESTABLISHMENT OF A HOME SCHOOL FORM (PED 542-99 A)

## **INSTRUCTIONS FOR HOME SCHOOL OPERATORS**

1. Please print or type. Form PED 542-99A.
2. Submit the completed Notification of Establishment of a Home School form to the Secretary of Education within thirty days (30) of its establishment and, on or before April 1, of each subsequent year of operation. A new form must be completed every year a student is home schooled. The form may be mailed, faxed, or submitted electronically to the Public Education Department. Any form may be used as long as the required information is submitted.
3. The term “school district” means the public school district, not the individual school, where the student is a resident.
4. **Submit the following document to the Secretary of Education for processing:**
  - Notification of Establishment of a Home School - Form PED 542-99A
5. Please notify the Secretary of Education immediately, in writing, in the event you move or cease to home school your child(ren).

**Note:** To ensure compliance with Section 22-12-1, *Compulsory School Attendance*, Submit written notification to the State Superintendent in the event you move or cease to home school.

**NEW MEXICO PUBLIC EDUCATION DEPARTMENT  
ATTENTION: HOME SCHOOLS  
300 DON GASPAR AVENUE  
SANTA FE, NM 87501-2786  
(505) 827-6909  
FAX: (505) 827-6725**

**NOTIFICATION OF ESTABLISHMENT OF A HOME SCHOOL (ped542-99A)**

This form must be completed and submitted to the Secretary of Education within thirty (30) days of the establishment of a home school AND by April 1 of each subsequent year. **PLEASE TYPE OR PRINT.**

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<b>School District (district where student is a resident)</b>	<b>School Year</b>
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\* **Legal Name of all Parents/Legal Guardian Providing Instruction**

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<b>Street (P.O. Box)</b>	<b>City</b>	<b>State</b>	<b>Zip Code</b>
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<b>Telephone</b>	<b>Relationship to student</b>
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**Yes, I (the parent/legal guardian) received the following:**

**GED**

**High School Diploma**

Child's Name	Age

\* Instruction must be provided by parent(s) or legal guardian(s)

**REMEMBER TO:**

1. Notify the Public Education Department of the establishment of a home school within thirty (30) days of its establishment, and on or before April 1, of each subsequent year of operation for renewal.
2. Keep documentation readily available verifying that a high school diploma, G.E.D., or other degree was earned by you, the parent or legal guardian, who will be providing instruction, the immunization records for the child(ren), and a school calendar. The Public Education Department may request school verification.
3. Submit written notification to the Secretary of Education in the event that you move or cease to home school your child(ren).

The information given by me in this *notification of Establishment of a Home School Form* is true and correct to the best of my knowledge and belief, and I will adhere to the minimum requirements listed in this document in the operation of a home school.

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Date	Signature of each Parent or Legal Guardian/Custodian Providing Home Instruction
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