



CAPE
CHRISTIAN ASSOCIATION OF
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To whom it may concern:

Home schools are not the most common form of education in New Mexico, and you may have questions about the relevant statutes.

A legally established home school fulfills the compulsory attendance requirement in state statute.

A legally established home school has

- notified the NM Public Education Department of their original “Intent to Establish a Home School” and then again annually. Contact information on the operators (parents or guardians) and the names and ages or dates of birth of the students enrolled are required.
 - Either a paper copy of the notification or a
 - Copy of the information filed electronically with the confirmation number should satisfy the notification requirement.
- Immunization record or waiver (waiver must be renewed annually)

Other documentation may (or may not) include a copy of operator/instructor’s high school diploma and a calendar planning 180 days of instruction every 12 months (number of days may vary with district). These can be provided upon request. No statute specifies days or number of hours of instruction, or curriculum. Home school operators are free to choose days, hours, and curriculum independently.

Attached please find the relevant statutes. Contact the Public Education Department, 505-827-6909, directly if you need any further verification.

Thank you for respecting every parent’s right to direct the education of his or her children.

Sincerely,
CAPE-NM

New Mexico Home School Laws: Requirements and Definitions Summarized

A home school fulfills the compulsory attendance law.

A home school

- is operated by parent or guardian,
- provides a basic academic educational program, including reading, language arts, mathematics, social studies and science, and
- offers instruction for 180 days (may vary with district) out of 12 months.

A home school must

- notify the state of its original establishment within 30 days, and then notify annually
- maintain immunization records or waiver
- be instructed by a person possessing a high school diploma or G.E.D.

New Mexico Home School Laws Requirements and Definitions excerpted from NM Statutes Annotated

Public School Finance Act Sec. 5. Compulsory school attendance.

Every child of school age and of sufficient physical and mental ability shall be required to attend a public or other school during such period and for such time as may be prescribed by law.

NMSA 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]...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;

NMSA 22-1-2 Definitions.

F. "home school" means the operation by the parent of a school-age person of a home study program of instruction that provides a basic academic educational program, including reading, language arts, mathematics, social studies and science;

K. "parent" includes a guardian or other person having custody and control of a school-age person;

V. "school year" means the total number of contract days offered by public schools in a school district during a period of twelve consecutive months;

P. "school-age person" means a person who is at least five years of age prior to 12:01 a.m. on September 1 of the school year and who has not received a high school diploma or its equivalent.

NMSA 22-1-2.1. Home school; requirements.

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

A. Within thirty days of its establishment, notify the state superintendent [secretary] of the establishment of a home school within thirty days of its establishment [sic] and notify the state superintendent in writing on or before April 1 of each subsequent year of operation of the school district from which the home school is drawing students;

B. Maintain records of student disease immunization or a waiver of that requirement; and

C. Provide instruction by a person possessing at least a high school diploma or its equivalent.

This summary is provided by Christian Association of Parent Educators – New Mexico

PLEASE NOTE:

CAPE cannot give legal advice and this summary should not be construed as legal advice.

If you are in doubt, please obtain competent legal counsel.