



## **Expecting and Parenting Students in New Mexico**

Prepared on Behalf of New Mexico Civil Legal Services

By

**Southwest Women's Law Center**

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The Southwest Women's Law Center is a non-profit legal advocacy organization in Albuquerque, New Mexico. Founded in 2005, the Center's mission is to provide women in New Mexico with the opportunity to achieve their full economic and personal potential by: eliminating gender bias, discrimination and harassment; lifting women and their families out of poverty; and ensuring access to comprehensive reproductive health services and information. SWLC integrates five tools to create social change: legal research; policy analysis; advocacy; community and stakeholder education; and coalition work on local, state and national levels. The Center's goals include ensuring low and middle-income families in the state know the rights they possess under the law. This report outlines the rights of expecting and parenting students in New Mexico, including laws and programs to assist these students in their educational attainment.

### **I. Introduction**

Students who are expecting and parenting have specific legal protections under the law. A student cannot be excluded or discriminated against because of his or her status of being an expecting or parenting student. These students can require additional flexibility and support to complete their education. Student parents have the complex tasks of attending school, completing schoolwork, and caring for a child. By providing basic accommodations, schools can help these students succeed. Both the State of New Mexico and the United States federal government have recognized these students need legal protection. While these laws are vital to an expecting or parenting student's success, schools can do more to ensure these students complete their education.

### **II. Expecting and Parenting Youth in New Mexico**

In 2008, New Mexico had the highest pregnancy rate among youth in the United States. In New Mexico, there were 93 births per 1,000 girls compared to the national average of 68 births per 1,000 girls. In 2011, the state declined having the third highest pregnancy rates among youth. In 2011, New Mexico girls aged 15 to 19 had 48.8 births per 1,000

girls compared to the national average of 31.3 births per 1,000 girls.<sup>1</sup> By 2014, New Mexico's birth rate among girls ages 15 to 19 fell to 34.3 births per 1,000 girls.<sup>2</sup> The national average in 2014 for birth rates among girls ages 15 to 19 was 24.2 births per 1,000 girls.<sup>3</sup>

New Mexico has a higher birth rate among 18 and 19 year old women. In 2014, the birth rate for this age group was 59.9 births per 1,000 women.<sup>4</sup> It is important to note that these women are classified as adults. They are often out of high school at this time in their life. Younger girls have a lower birthrate. In 2014, girls ages 15 to 17 had a birth rate of 17.2 per 1,000 girls.<sup>5</sup> Girls ages 10 to 14 had a birthrate of 0.4 per 1,000.<sup>6</sup>

### **A. Expecting and Parenting Students: Rural Verses Urban Counties**

Rural areas have a higher birthrate than urban centers among youth. This birthrate for urban and suburban counties is lower than rural counties.<sup>7</sup> A recent study found several factors contributing to the higher rate of youth pregnancy in rural areas.<sup>8</sup> This study found access to healthcare as a significant contributing factor to the difference in pregnancy rates among in urban and rural residents.<sup>9</sup> Poverty rates were among the highest indicators for teen pregnancy. These two areas often interact. Individuals in poverty have less access to healthcare. Rural areas tend to have higher rates of poverty and lower access to healthcare. The study found the interaction of economic and education factors contributed to pregnancy rates among youth. The study also found that whether a county was losing residents and college enrollment numbers were also predictive factors for these pregnancy rates.

The availability of recreational activity had an effect on pregnancy rates among youth. Having access to sports and other recreation resulted in a 0.7% decline in pregnancy among youth.<sup>10</sup> Since there are less recreational opportunities in rural counties, sexual activity is higher. In rural areas, 55% of girls between the ages of 15 and 19 years old had engaged in sex compared to 40% of girls in metropolitan settings.<sup>11</sup> Girls in rural settings were less likely to use contraception. Contraception rates directly relate to healthcare availability.

### **B. New Mexico Birthrates Among Youth by County**

In New Mexico, the counties with the highest birthrate for girls 15 to 19 years old are considered mixed urban and rural counties.<sup>12</sup> In 2014, these counties had a birth rate of 46.9 births per 1,000 girls.<sup>13</sup> These counties included Curry, Roosevelt, Chavez, Otero, Eddy, Lea, Luna, Grant, McKinley, Cibola, Rio Arriba, Taos, Los Alamos, and San Miguel. Rural counties ranked the next highest with 35 births per 1,000 girls in 2014.<sup>14</sup> These counties included Quay, Guadalupe, De Baca, Lincoln, Socorro, Sierra, Catron, Hidalgo, Colfax, Mora, Union, and Harding. Small metro areas including Dona Ana, Santa Fe, and San Juan County had a birth rate of 34.7 per 1,000 girls.<sup>15</sup> Finally, the metropolitan counties of Bernalillo, Sandoval, Valencia, and Tarrant had an average birthrate of 24.9 births per 1,000 girls.<sup>16</sup>

In 2014, New Mexico had 24 counties with a higher birthrate among girls 15 to 19 years old than the national average of 24.2 births per 1,000 girls. Curry, Sierra, and Cibola all had birthrates of about 50 births per 1,000 girls. Quay, Otero, Roosevelt, Lincoln, Chaves, Hidalgo, McKinley and Colfax had birthrates between 40 and 45 births per 1,000 girls. San Juan, Rio Arriba, and Dona Ana had birthrates between 35 and 40 births per 1,000 girls. Grant, Union, and San Miguel had birthrates between 35 and 40 births per 1,000 girls. Taos, Socorro, Santa Fe and Bernalillo had birthrates between 25 and 30 births per 1,000 girls.

In 2014, three counties had a higher birthrate for girls ages 15 to 19 years old than the rest of the state. Luna County had the highest birthrate with a 84.5 births per 1,000. At that time, Luna County had 24,518 residents.<sup>17</sup> The largest town located in Luna County was Deming. Lea County had the second highest birthrate with 64.9 births per 1,000 girls.<sup>18</sup> Lea County had a population of 71,180 residents. Hobbs was the largest town in Lea County. Eddy County had a birthrate of 61.5 births per 1,000 girls.<sup>19</sup> Eddy County had a population of 57,578 people. The largest city in the county was Carlsbad.

### **C. Stigmatization of Expecting and Parenting Students**

Discussing policy for pregnancy among youth and young parents is a complex issue. These individuals have faced a culture of stigma and judgment. Pregnancy at a young age is looked down upon and condemned by a large portion of society.

As discussed above, teen birth rates are heavily based on poverty and zip code. Yet, this does not give the whole picture. In June of 2016, Young Women United launched a new campaign “Dismantling Teen Pregnancy Prevention.” This campaign and accompanying report notes the systematic control exerted over women of color and their reproductive choices.<sup>20</sup> Teen pregnancy prevention is another control on young women of color’s reproductive choices. Youth should be trusted to make their own choices about if and when they want to have children. The focus needs to move away from preventing teen pregnancy to empowering youth with knowledge and available healthcare to make decisions about their reproductive lives.

The stigma associated with parenthood at a young age does nothing to help young parents. Often national problems are blamed on young parents. Young parents are demonized as being a drain on society. These assumptions do not look at the full picture. Since high birthrates among youth are caused by poverty, it is irresponsible to blame a young parent who is impoverished.

Finally, 73% of the teen birth rate is comprised of women 18 and 19 years old.<sup>21</sup> These women are legally adults. This contradicts the stigmas that teen parents are young, and therefore, not capable of caring for children. The majority of young parents are actually adults when they give birth.

#### **D. Expecting and Parenting Students Educational Attainment Data**

Nationally, studies were done on the link between expecting and parenting students and dropout rates. The National Campaign to Prevent Teen and Unplanned Pregnancy reported 30% of girls who left school cite a pregnancy or being a parent as their reasoning.<sup>22</sup> The National Campaign found that 40% of girls who were pregnant or parenting completed school.<sup>23</sup>

Girls ages 15-17 gave birth to 3,773 babies between the years of 2011 and 2014 in New Mexico. If girls in New Mexico who were pregnant and parenting dropped out at the same rate as pregnant or parenting girls did nationally, over 1,000 girls dropped out of high school during that time because they were pregnant or parenting.

Local data on expecting and parenting students' education attainment is minimal. New Mexico Public Education Department published drop out reports for the 2007-2008 school year.<sup>24</sup> This report identified a students reasoning for dropping out of school. Information was gathered from individual schools and students when available. The students' reasoning was still not explicitly known for many students. The most common reasoning for dropping out of schools was listed as "Unknown" at 32.1% of students who left school. The next common reasoning was "Did not reenroll, no transcript requested," with 19.6% of dropped outs. Other classifications included "Invalid transfer, no transcript requested," "Intends to take GED," and "Lack of interest." These classifications did not provide any reason the student actually left school.

Pregnancy and childcare problems were among the reasons identified for leaving school in the 2007-2008 report. Students listed pregnancy as their reason for leaving school 0.6% of the time and childcare problems as their reasoning 1.9% of the time.

Expecting a child or caring for a child was likely the motivation for many more of the students who left school. First, the majority of reasons listed by the report were not based on information from the student themselves. Second, many expecting and parenting students may have chosen to disclose a different reason for leaving school such as intending to obtain a GED instead of disclosing their status as expecting or parenting. Finally, many of the reasons given may have been driven by the fact the student was expecting or parenting. For example, 1.9% of students noted they left school to work. Many expecting or parenting students may have left school to provide for their families.

New Mexico Public Education Department has not published a similar report on student's reasoning for dropping out since the 2007-2008 report. There is very little current data available. The dropout rate at New Futures Alternative High School is one of the only local indicators available. New Futures School is the only specialty school for expecting and parenting students. The school's dropout rate fluctuates year-to-year. The 2007-2008 report lists New Futures Alternative High School in Albuquerque had a dropout rate of 23.8%. New Mexico's average dropout rate that year was listed as 3.6%. The report for the 2008-2009 school year stated New Future's dropout rate was substantially lower. The school had a dropout rate of 7.8% in 2008-2009 compared to the state average of 3.8%.<sup>25</sup>

In 2012-2013, the school's dropout rate was higher with a 20.1% dropout rate compared to the statewide of 4.7%.<sup>26</sup> This suggests that expecting and parenting students are still not getting the consistent support they need to complete high school.

### **E. Lack of Local Data**

Educational attainment is not the only data unavailable on a local level. Without local data, it is difficult for policymakers to create targeted laws to benefit students. Policymakers need detailed information and statistics to create laws to assist expecting and parenting students. They also need information to analyze the effectiveness of current laws and policies.

While the birthrate among youth is available per county, there is no data on the number of expecting or parenting students attending school in each county. Schools could compile this data along with statistics they are required to report to the Public Education Department, but there are no requirements for reporting this data. With the New Mexico Excused Attendance statute in place, students are required to disclose their status as a pregnant or parenting student to receive the available excused absences. The school districts could easily compile and report the number of expecting or parenting students attending each school. Further, school districts are not required to report the number of students utilizing additional excused absences when they are expecting or parenting. By compiling and reporting this information, policymakers would know how successful the policy is for these students.

### **III. National Protections Under Title IX**

Expecting and Parenting Students have well defined rights under federal law. Title IX was passed into law in 1972. This law provides a national framework to protect expecting and parenting students. Title IX states:

No person in the United States shall, on the **basis of sex**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.<sup>27</sup>

Title IX prohibits schools from excluding or discriminating against students on the basis of sex. This law has been interpreted broadly. Federal regulations codified this broad interpretation of sex discrimination. Specifically, schools receiving federal funding are prohibited from excluding or discriminating against a student on the basis of a “**student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery.**”<sup>28</sup> Further, the regulations prohibit treating students differently based on the student actual or potential parental status or the students' marital status.<sup>29</sup> Title IX and the accompanying regulations provide federal protections for expecting and parenting students.

Title IX clearly prohibits schools from treating expecting or parenting students different from any other students attending the school. Schools are prohibited from treating

students differently in access to school and classes. A school cannot force an expecting or parenting student to attend a different school.<sup>30</sup>

A special school dedicated to expecting and parenting students can be established by the school district.<sup>31</sup> However, attendance at that specialty school must be completely voluntary.<sup>32</sup> If they choose, expecting or parenting students can stay enrolled at their original school. If a special school or program is provided to expecting and parenting students, it must provide the same opportunities as other schools or programs in the district.<sup>33</sup> All programs or schools for expecting and parenting students must be comparable to other programs and schools within the district.

A school cannot exclude students from extracurricular activities.<sup>34</sup> The school cannot require a doctor's note unless a doctor's note is required for all other students being treated for a physical or emotional condition.<sup>35</sup> This means that a school can only ask for a doctor's note to allow an expecting or parenting student to participate in an activity, if the school requires all students being treated by a physician to provide a note. This restriction applies to all extracurricular activities including sports.

A school is required to treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery as the school treats any other temporary disability.<sup>36</sup> The school is required to provide the same support and assistance to pregnant students as the school does for any other student suffering a temporary disability.<sup>37</sup> If a school provides temporary disabled students with a tutor, the school is required to provide an expecting or parenting student a tutor. When the school allows students with temporary disabilities to miss class, the school is also required to grant an expecting or parenting student time off of school.

#### **IV. New Mexico's Treatment of Expecting and Parenting Students**

##### **A. New Mexico Laws**

All New Mexico schools receiving federal funding are required to follow federal statutes and regulations discussed above. New Mexico has also created an attendance statute to help expecting and parenting students complete school. The legislature recognized expecting and parenting students may need additional time away from school when the student is pregnant or parenting a child. In 2013, the legislature passed a law allowing additional excused absences for pregnant and parenting students.

New Mexico school districts are required to give students ten days of excused absences after the birth of their child.<sup>38</sup> These excused absences are not contingent on medical necessity. Both the mother and the father of the child are entitled to the excused absences. The student must notify the school of the child's birth and provide proper documentation to the school.<sup>39</sup>

School districts in New Mexico are also required to grant pregnant and parenting students four additional excused absences per semester.<sup>40</sup> These absences are available to the

mother and father of a child under the age of 13 and a student who is pregnant. These absences are not allocated for any particular activity. These absences can be utilized for prenatal appointments, ultrasounds, taking the child to the doctor, caring for a sick child, or any other needs the pregnant or parenting student has.

School districts are required to notify all students in middle school, junior high school, and high school of the additional excused absences for pregnant and parenting students.<sup>41</sup> For more information on the New Mexico statute and how school districts are complying with the statute, see Southwest Women’s Law Center’s 2016 report, “New Mexico Attendance Policy for Expecting and Parenting Students in Action.”<sup>42</sup>

## **B. New Mexico Schools and Programs**

New Mexico has one special school for expecting and parenting students in Albuquerque. The state has several schools with a specialized program for expecting and parenting students. Many schools also have school based health centers where students and the community can seek healthcare.

### **1. New Futures Alternative High School in Albuquerque**

Albuquerque Public Schools has a specialty school available to pregnant and parenting students. This school is a “School of Choice” for pregnant and parenting students.<sup>43</sup> The school’s mission is “to guide pregnant and parenting students to become life-long learners who are prepared for post-secondary education and successful futures.”<sup>44</sup> New Futures provides a comprehensive education where students can earn their high school diploma along with learning parenting and life skills. The school provides advanced placement classes (AP classes) and dual credit programs just as traditional high schools in the district. Currently, Albuquerque Public Schools reports that 192 students attend the school.<sup>45</sup>

The high school provides an on-site childcare facility to students. Childcare is provided to students at no charge with certain restrictions. The Children, Youth and Families Department of New Mexico provide funding for the childcare program. Mothers living with their child’s father must provide proof the child’s father is working or attending school full time to qualify for funding. Children ages two weeks to three years old are eligible to attend. Once a child becomes three years old, the childcare manager will refer the child to a Head Start program or preschool. These referrals are made to ensure the child is receiving the right care for their development.<sup>46</sup>

### **2. New Mexico Graduation Reality And Dual-Role Skills (NMGRADS)**

New Mexico Graduation Reality and Dual-Role Skills (NMGRADS) is an in-school, for-credit program that provides support and training for expecting and parenting students at schools around the state. The program has a curriculum encompassing ten critical areas for expecting and parenting students. These areas include: Career; Economic Independence; Relationship and Social Support Systems; Creation of a Health and Safe

Environment; Enhancing Child Development; Parenting; Postpartum and Neonatal Care; Pregnancy, Wellness and Prenatal Care; Self-Formation; and Process Skills and Decision Making.<sup>47</sup>

The NM GRADS program is in 29 high schools in New Mexico.<sup>48</sup> The program serves 613 expecting and parenting students.<sup>49</sup> NMGRADS has a program at Deming High School located in Luna County. Luna has the highest rate of youth pregnancy in the state. The county with the second highest youth pregnancy rate also has an NMGRADS program. This program is located at Hobbs High School in Lea County. Eddy County is the only county within the top three for highest youth pregnancy rates without a NMGRADS program.

NMGRADS has shown to promote successful outcomes for expecting and parenting students.

### **3. Student Based Health Centers (SBHC)**

School Based Health Centers (SBHC) are clinics located in schools. These clinics provide a range of services to students. Many SBHC provide services to school staff and student family members. Some clinics provide services for the community at large.

These clinics can provide students with primary care, dental services, behavior health services, and reproductive healthcare. Some clinics only provide some of these services. The majority of SBHC in New Mexico include reproductive healthcare. Reproductive healthcare in the SBHC is a way to improve healthcare access to students both in rural and urban settings. New Mexico has 67 SBHC in schools across the state. Of those 67 clinics, 18 fail to provide their patients with comprehensive reproductive healthcare.<sup>50</sup>

Healthcare access is an important indicator of the birthrate among youth.<sup>51</sup> Lea, Luna, and Eddy County have the highest birth rates from women aged 15 to 19 in the state. Of these counties, Lea and Eddy County each have one school based health center located in the whole county. There is a SBHC in Lovington High School in Lea County and Carlsbad High School in Eddy County. However, neither of these health centers are authorized to provide reproductive healthcare to any of their patients. Luna County does not have a single SBHC in the county.

## **V. Recommendations**

Since access to healthcare is an indicator for higher pregnancy rates among youth, the State of New Mexico needs to prioritize funding for safety-net clinic that provide reproductive healthcare to youth across the state. By expanding access to healthcare, youth would be better able to make conscious decisions about their reproductive lives.

New Mexico has taken positive steps to assist expecting and parenting students' success. New Mexico should expand the NMGRADS program throughout the state. These programs have shown to be successful in increasing graduation rate among expecting and

parenting students. The program also provides guidance and support to students when they need assistance. The New Mexico school system needs to reach out to expecting and parenting students more.

Finally, the state needs more data to ensure students are not being left behind. Without New Mexico specific data, policymakers cannot see problems or work to correct them. It is vital that the State collect not only state wide, but county specific data as well. The needs of New Mexicans can vary greatly depending on what county someone resides. By collecting state and county data, policymakers can see what programs are working well and be expanded. They can also see where policy is falling short of the actual need and revise laws and policy. Finally, they can see holes in policy and create new laws to better the lives and success of expecting and parenting students.

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<sup>1</sup> Office of Adolescent Health, U.S. Department of Health and Human Services. <http://www.hhs.gov/ash/oah/adolescent-health-topics/reproductive-health/states/nm.html>

<sup>2</sup> New Mexico's Indicator-Based Information System, Query Results for New Mexico Birth Data, Years 1990 to 2014 – Adolescent Births, Girls Aged 15-19. Available at [https://ibis.health.state.nm.us/query/result/birth/AdolBirthCnty/AdolBirth15\\_19.html](https://ibis.health.state.nm.us/query/result/birth/AdolBirthCnty/AdolBirth15_19.html)

<sup>3</sup> U.S. Department of Health and Human Services, “Trends in Teen Births and Childbearing,” (Last updated June 2, 2016). Available at <http://www.hhs.gov/ash/oah/adolescent-health-topics/reproductive-health/teen-pregnancy/trends.html>.

<sup>4</sup> New Mexico's Indicator-Based Information System, Query Results for New Mexico Birth Data, Years 1990 to 2014 – Adolescent Births, Girls Aged 18-19. Available at [https://ibis.health.state.nm.us/query/result/birth/AdolBirthCnty/AdolBirth18\\_19.html](https://ibis.health.state.nm.us/query/result/birth/AdolBirthCnty/AdolBirth18_19.html)

<sup>5</sup> New Mexico's Indicator-Based Information System, Query Results for New Mexico Birth Data, Years 1990 to 2014 – Adolescent Births, Girls Aged 15-17. Available at [https://ibis.health.state.nm.us/query/result/birth/AdolBirthCnty/AdolBirth15\\_17.html](https://ibis.health.state.nm.us/query/result/birth/AdolBirthCnty/AdolBirth15_17.html)

<sup>6</sup> New Mexico's Indicator-Based Information System, Query Results for New Mexico Birth Data, Years 1990 to 2014 – Adolescent Births, Girls Aged 15-17. Available at [https://ibis.health.state.nm.us/query/result/birth/AdolBirthCnty/AdolBirth10\\_14.html](https://ibis.health.state.nm.us/query/result/birth/AdolBirthCnty/AdolBirth10_14.html)

<sup>7</sup> Alison Stewart Ng and Kellen Kaye, The National Campaign to Prevent Teen and Unplanned Pregnancy, *Sex in the (Non) City: Teen Childbearing in Rural America*. Available at [http://d3np9zinex7nzb.cloudfront.net/sites/default/files/resource-primary-download/sex-in-the-non-city-final\\_0.pdf](http://d3np9zinex7nzb.cloudfront.net/sites/default/files/resource-primary-download/sex-in-the-non-city-final_0.pdf).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> New Mexico's Indicator-Based Information System, Query Results for New Mexico Birth Data, Years 1990-2014 – Adolescent Births, Girls Age 15 – 19. Available at [https://ibis.health.state.nm.us/query/result/birth/AdolBirthCnty/AdolBirth15\\_19.html](https://ibis.health.state.nm.us/query/result/birth/AdolBirthCnty/AdolBirth15_19.html).

<sup>13</sup> *Id.*

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<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> United States Census Bureau. Available at <http://www.census.gov/quickfacts/map/PST045214/35001,35>.

<sup>18</sup> New Mexico's Indicator-Based Information System, Query Results for New Mexico Birth Data, Years 1990 to 2014-Adolescent Births, Girls Age 15-19. Available at [https://ibis.health.state.nm.us/query/result/birth/AdolBirthCnty/AdolBirth15\\_19.html](https://ibis.health.state.nm.us/query/result/birth/AdolBirthCnty/AdolBirth15_19.html).

<sup>19</sup> *Id.*

<sup>20</sup> Micaela Cadena, MCRP, Raquel Z. Rivera, Ph.D, Tannia Esparza & Denicia Cadena, Dismantling Teen Pregnancy Prevention (June 2016). Available at <http://www.youngwomenunited.org/wp-content/uploads/2016/05/ywu-dismantlingtpp-may2016-digital.pdf>.

<sup>21</sup> U.S. Department of Health and Human Services, "Trends in Teen Births and Childbearing," (Last updated June 2, 2016). Available at <http://www.hhs.gov/ash/oah/adolescent-health-topics/reproductive-health/teen-pregnancy/trends.html>.

<sup>22</sup> Lisa Shuger, The National Campaign to Prevent Teen and Unplanned Pregnancy, *Teen Pregnancy and High School Dropout: What Communities Can Do to Address These Issues*. Available at <https://d3np9zinex7nzb.cloudfront.net/sites/default/files/resource-primary-download/teen-preg-hs-dropout.pdf>

<sup>23</sup> *Id.*

<sup>24</sup> Dr. Veronica Garcia, New Mexico Public Education Department, *New Mexico Student Dropout Report for School Year 2007-2008*. Available at <http://www.ped.state.nm.us/IT/fs/dropout/2007-08%20Dropout%20Report.pdf>.

<sup>25</sup> Dr. Veronica Garcia, New Mexico Public Education Department, *New Mexico Student Dropout Report for School Year 2008-2009*. Available at <http://www.ped.state.nm.us/IT/fs/dropout/08-09%20Dropout%20Report.pdf>  
[PED Approved Final Dropout Rates.xlsx](#)

<sup>26</sup> New Mexico Public Education Department, SY1213 Approved Final Dropout Rates. Available at [PED Approved Final Dropout Rates.xlsx](#).

<sup>27</sup> 20 U.S.C § 1681 (1972) (emphasis added).

<sup>28</sup> 34 C.F.R. § 106.40§ 106.40(b)(1) (2000) (emphasis added).

<sup>29</sup> 34 C.F.R. § 106.40§ 106.40(a) (2000).

<sup>30</sup> 20 U.S.C § 1681 (1972).

<sup>31</sup> 34 C.F.R. § 106.40§ 106.40(b)(3) (2000).

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> 20 U.S.C § 1681 (1972).

<sup>35</sup> 34 C.F.R. § 106.40§ 106.40(b)(2) (2000).

<sup>36</sup> 34 C.F.R. § 106.40§ 106.40(b)(4) (2000).

<sup>37</sup> *Id.*

<sup>38</sup> § 22-12-3.1(A)(1) NMSA 1978.

<sup>39</sup> *Id.*

<sup>40</sup> § 22-12-3.1(A)(2) NMSA 1978.

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<sup>41</sup> § 22-12-3.1(C) NMSA 1978.

<sup>42</sup> Southwest Women’s Law Center’s 2016 report “New Mexico Attendance Policy for Expecting and Parenting Students in Action” is available at <http://www.swwomenslaw.org/>.

<sup>43</sup> New Futures Alternative High School. <https://nfahs-aps-nm.schoolloop.com/map>

<sup>44</sup> New Futures Alternative High School. [https://nfahs-aps-nm.schoolloop.com/cms/page\\_view?d=x&piid=&vpid=1323249613257](https://nfahs-aps-nm.schoolloop.com/cms/page_view?d=x&piid=&vpid=1323249613257)

<sup>45</sup> Albuquerque Public Schools. <http://www.aps.edu/schools/schools/new-futures-high-school>.

<sup>46</sup> New Futures Alternative High School Handbook. 2014-2015. Available at <http://nfahs-aps-nm.schoolloop.com/file/1323006087964/1405064316752/4289595689745610222.pdf>.

<sup>47</sup> NM GRADS curriculum available at <http://nmgrads.org/?pId=dUn>.

<sup>48</sup> NM GRADS locations available at <http://nmgrads.org/?pId=fAs>.

<sup>49</sup> NM GRADS locations available at <http://nmgrads.org/?pId=aBt>.

<sup>50</sup> New Mexico Alliance for School-Based Healthcare. SBHC Directory and Map. [http://www.nmasbhc.org/SBHC\\_Locator.html](http://www.nmasbhc.org/SBHC_Locator.html)

<sup>51</sup> Stewart Ng and Kaye, *supra* note 7, at 22.