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**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
54th Legislature, 1st Session, 2019**

Bill Number SB341 **Sponsor** Lopez

Tracking Number .212166.1 **Committee Referrals** SEC/SPAC

Short Title Transfer Completed Course Work **Original Date** 2/6/19
Analyst Force **Last Updated** _____

BILL SUMMARY

Synopsis of Bill

Senate Bill 341 (SB341) proposes to amend Section 22-12-10 NMSA 1978 to require that students who transfer between public schools, either within the same district or between different districts, receive credit for any work completed before their transfer, whether the transfer occurred at the end of a grading period or within a grading period. The bill would also require local school districts to create policies for how credit for partially completed coursework would be awarded with the guidance of the Public Education Department (PED).

FISCAL IMPACT

SB341 does not contain an appropriation.

SUBSTANTIVE ISSUES

SB341 would ease transfers between schools for students experiencing disruption in their education due to homelessness, as defined by the federal McKinney-Vento Homeless Assistance Act; adjudication as an abused or neglected child, part of a family in need services, or as a delinquent; or placement in a mental health treatment center, habilitation program for developmental disabilities, or treatment foster care. These students suffer many disadvantages in school as a result of their homelessness or other educational disruption. According to WestEd, a nonpartisan, nonprofit focused on success for every student, on average, youth who are homeless or in foster care change schools an average of six times, losing four to six months of learning time for each transfer; 80 percent of them repeat a grade by third grade; less than 20 percent are proficient in English, and less than 10 percent in math, by 11th grade; only 40 percent graduate high school; and less than 3 percent obtain a college degree; and figures for homeless students can be even worse.

The federal Every Student Succeeds Act (ESSA) has provisions applicable to both state education agencies (SEAs) and local education agencies (LEAs) that ensure educational rights and protections for homeless children and youth. Together, SEAs and LEAs must review and revise policies and procedures to remove barriers for children who are homeless or in the foster care system. Through this

process, amendments were made to the federal McKinney-Vento Homeless Assistance Act (McKinney Vento), which addresses homelessness and foster care specifically. The amendments went into effect in 2016, and require SEAs, and LEAs to review and revise policies and procedures to remove barriers to a high-quality education for homeless children and youth. McKinney-Vento requires:

- Every SEA to have an Office of the State Coordinator to oversee implementation of the act, and every LEA to designate a local liaison able to carry out their duties to ensure that homeless students are identified and have a full and equal opportunity to succeed in school.
- Homeless students who move have the right to remain in their schools of origin if it is in the student's best interest.
- If it is in the student's best interest to change schools, the student's enrollment in a new school must be immediate even if records required for enrollment are not available.
- Transportation to and from a student's school of origin must be provided at the request of a parent, guardian, or in the case of an unaccompanied youth, the local liaison.
- Homeless students must have access to all programs and services for which they are eligible, including special education services, preschool, school nutrition programs, language assistance for English learners, career and technical education, gifted and talented programs, magnet schools, charter schools, summer learning, online learning, and before- and after-school care.

Recent changes to state law implementing requirements of McKinney-Vento include Laws 2017, Chapter 64 (HB411), which required school districts to appoint points of contact for students in foster care or involved with juvenile justice; and Laws 2017, Chapter 85 (SB213), which required timely transition for enrolling high school students who experience disruption related to homelessness, foster care, family services, or juvenile justice and immediate transfer of school records for these students who are forced by their circumstances to transfer to a new school. SB213 also required priority placement in courses required for graduation, and timely placement in elective courses similar to those in which the student was previously enrolled.

The provisions of SB341 appear to align with federal requirements and guidance regarding the education of homeless and fostered youth, and mesh well with these recent efforts to ease the educational burdens of these disadvantaged students. The requirement that they receive credit for partial work should not only ease transfer between schools and help ensure they receive appropriate credit for their work, but also help avoid making these students feel as if their prior efforts were for naught and discounted through no fault of their own. Oftentimes, students in these situations become discouraged, and may consider dropping out. Awarding partial credit may help to keep these students in school and on track to graduate.

PED indicates the awarding of partial credit may be problematic for core academic requirements by impacting the total credit count toward graduation on a student's record. By way of example, PED notes if a district implemented a partial credit policy that was a direct fraction, then a student attending for half of the scheduled course time could earn half a unit. However, if a student was taking eight block-scheduled courses and transferred mid-way through the semester, the receiving school might reflect that student as earning four units toward graduation, even though the student has not completed any of the courses in question.

The Higher Education Department (HED) suggests SB341 would impact HED largely via dual credit programs. If a student transfers within the same school district and is taking a college course on the college campus, the transfer may not affect the student's ability to complete his or her dual credit course. However, if a student is taking a college course on the high school campus and

transfers to another high school in the same district or if the student transfers to another school district in another part of the state, the student may no longer have access the dual credit course. Finally, HED notes it has no established mechanism for granting partial credit for incomplete courses.

ADMINISTRATIVE IMPLICATIONS

The bill would require school districts, with the guidance of PED, to create policy to determine how partial credit should be awarded for partially completed courses. However, to promote uniformity among school district policies, it may be better to direct PED to promulgate rules requiring school districts to set such policies, with certain minimal requirements and similar or uniform provisions.

TECHNICAL ISSUES

It should be noted that current Section 22-12-10 NMSA 1978 makes clear its provisions are for the benefit of students whose educational experience is disrupted by homelessness or foster care and the like. The amendment proposed by SB341, however, can be read as applying to all students who transfer between schools. The sponsor may wish to clarify the amendment applies only to students experiencing disruption in their education. Alternatively, if the sponsor prefers the bill apply to all students, it may be better to address the amendment in another section of the Public School Code.

RELATED BILLS

SB402, which appropriates \$413 thousand from the general fund to the Department of Finance and Administration to provide the Mortgage Finance Authority with matching funds for the U.S. Department of Housing and Urban Development to address youth homelessness in New Mexico.

SOURCES OF INFORMATION

- LESC files
- Public Education Department (PED)
- Higher Education Department (HED)

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