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FISCAL IMPACT REPORT

SPONSOR Swisstack DATE TYPED 02/17/04 HB 106/aHEC

SHORT TITLE Enforcement of Habitual Truancy SB _____

ANALYST Segura

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Public Education Department (PED)
 Children, Youth and Families Department (CYFD)
 Department of the Public Defender (DPD)

SUMMARY

Synopsis of HEC Amendment

The House Education Committee amendment to HB106:

Changes “hearing officer” on page 5, line 21 to “special master” .
 Reinstate the original penalty for first conviction of parents to a minimum of \$25.00.
 Correct language for imprisonment on page 6, line 16 to read “imprisonment for a period”.

Synopsis of Original Bill

House Bill 106 creates a new section of the Compulsory School Attendance Act (NMSA 1978, §§ 22-12-1 through -8), defines “unexcused absence”, “truant” and “habitual truant” provides for early identification of unexcused absences and truancy, requires early intervention procedures be developed, provides for the enforcement of habitual truancy laws, and provides penalties for the parents or guardians of habitual truants.

Significant Issues

The PED reports that while dropout rates have decreased on a statewide basis, unexcused absences and truancy continue to have higher than desired rates. Because the correlation between dropout rates and truancy is high, this bill is predicated on the notion that lowering absences will

help lower the dropout rate. (See Other Substantive issues for details of bill's provisions.)

OTHER SUBSTANTIVE ISSUES

HB 106 amends the Compulsory School Attendance Law (NMSA 1978, §§ 22-12-2) as shown below:

1. Adding a new section for Unexcused Absences and Truancy – Attendance Policies that:
 - a. Defines “habitual truant,” “truant” and “unexcused absence”
 - b. Requires each school district to maintain an attendance policy that provides for early identification of students with unexcused absences, truants and habitual truants
 - c. Requires that class attendance be taken for every instructional day
 - d. Requires school districts to report truancy and habitual truancy rates to the Public Education Department (PED).
 - e.
2. Amends NMSA 1978, § 22-12-7 to:
 - a. Require local school boards and governing authorities of private schools to enforce the provisions of the Compulsory School Attendance Law for students enrolled in their respective schools
 - b. Require local school boards or governing authorities of private schools or their authorized representative, in order to initiate enforcement, to give written notice of habitual truancy by certified mail or by personal service to the parent, guardian or custodian of the student if there is noncompliance of the Compulsory School Attendance Law
 - c. Require reporting of a student’s unexcused absences to the local court probation department
 - d. Grant the juvenile probation officer the sole responsibility for determining cause and making referrals to the district attorney’s office or any law enforcement agency having jurisdiction for appropriate investigation and the filing of charges
 - e. Confer jurisdiction upon magistrate court or district court to hear cases, permitting a hearing officer to hear charges if filed in a district court
 - f. Increase fines for those convicted of violating the act for a first offense from a former range of \$25-\$100 to \$100 or imprisonment for a definite term not to exceed 90 days or both
 - g. Provide for imprisonment for second or subsequent offenses for a definite term not to exceed six months.
3. Amending NMSA 1978, § 22-12-78 from Notice of Absence to Early Identification – Unexcused Absences and Truancy. The amendments in this section require a school district to contact the student’s parent, legal guardian or custodian to inform him that his child is truant and to discuss possible interventions.

FISCAL IMPLICATIONS

The bill does not contain an appropriation. Costs for developing enforcement policies and procedures will be borne by school districts. The fiscal and administrative impact on the courts, if any, is not known.