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FISCAL IMPACT REPORT

ORIGINAL DATE 3/1/09

SPONSOR Espinoza LAST UPDATED 3/7/09 HB 874

SHORT TITLE School Truant Drug Testing Policies SB _____

ANALYST Aguilar

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$4,800.0 - \$9,200.0	\$4,800.0 - \$9,200.0	\$9,600.0 - \$18,400.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Conflicts with SB 189

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)

Children, Youth and Families Department (CYFD)

SUMMARY

Synopsis of Bill

House Bill 874 provides for the public education department to develop a model drug testing policy for truants and habitual truants, defines drug testing and establishes a parameter for individualized suspicion sufficient to justify drug testing.

FISCAL IMPLICATIONS

While not containing a specific appropriation, this bill provides for drug testing to take place for truant or habitual truants. PED reports that based on 68,349 truant and habitual truants identified in the 2007 school year and a per test cost between \$70 to \$135 dollars, the annual cost of implementing the provisions of this bill could be anywhere from \$4.8 million to as much as \$9.2 million annually. The bill does not indicate who is responsible for the cost these provisions, but it appears to be significant.

SIGNIFICANT ISSUES

The bill adds new language to the Public School Code, to require the Public Education Department to establish a model drug testing policy for public schools. This policy would include a process for conducting drug testing of a student's blood, hair or urine administered through the auspices of a CYFD's juvenile probation offices to screen for the presence of an illegal substance. The new policies would also be required to address minimum accuracy standards, actions that justify individualized suspicion and adequate safeguards against false positive results. The bill would include continued absence of a student after a written notice of habitual truancy as a justification for drug testing. A student who fails to submit to drug testing may be suspended or expelled.

PED also notes that HB 874 would require that drug testing be administered under the auspices of a juvenile probation office to screen for the presence of an illegal substance.

PED further reports that given the controversy in the area of mandatory drug testing of public school students, there could be a challenge to this program. It should be noted that in a choice between testing for drugs on the basis of reasonable suspicion or randomly based, HB 874 opts for the new category of *individualized suspicion* triggered by a student's status of continued absence from school. This would mean that even though a student or his parents might have a reasonable explanation for the student's absence, the student would be treated as a delinquent and could not return to school without taking a drug test.

The department also reports that the bill does not address such important considerations as: whether drug test results can/must be turned over to a law enforcement authority; whether test results and related documents can/must be kept confidential and who can access them; whether the test results can be transferred to another school/school district if the student changes schools; whether the test results can be transferred to a college that the student enters after leaving secondary school; and it does not address if drug test results can be placed in a student's other educational records which would implicate privacy concerns under FERPA.

PA/svb