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FISCAL IMPACT REPORT

ORIGINAL DATE 02/05/09
 LAST UPDATED 03/04/09 HB _____

SPONSOR Garcia, MJ

SHORT TITLE School Attendance Notices & Absences SB 189/aSEC/aSJC

ANALYST Varela

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	None		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$1,600.0	\$0.1	\$0.1	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Finance and Administration (DFA)
 Children Youth and Families Department (CYFD)
 Public Education Department (PED)

SUMMARY

Synopsis of SJC Amendment

The Senate Judiciary Committee amendment removes the strikeout on page 8, line 12. On page 8, line 13, the amendment removes “and private school.” On page 9, lines 10 through 14, the amendment strikes Subsection D in its entirety. Succeeding subsections are re-lettered accordingly.

Synopsis of SEC Amendment

The Senate Education Committee amendment strikes “School districts, charter schools and private schools may create” and replace it with “The department shall develop rules for school districts

and charter schools” regarding policies for referrals to probation services. The amendment also strikes “verify” and replaces it with “require school districts and charter schools to certify” regarding reporting requirements.

Synopsis of Original Bill

This bill amends Section 22-8-2 NMSA 1978, which is the compulsory school attendance law, in the following ways:

- Changes the term “truants” to “students in need of early intervention”.
- Eliminates the requirement of notifying parents of habitual truants through certified mail.
- Requires that the notification to parents include a date, time, and place for the parent to meet with school officials to develop intervention strategies for the student.

- Allows juvenile probation services office to send written notification to a parent of a habitually truant student to come to the probation office to discuss services for the student or the family.
- Clarifies a definition for unexcused absences.
- Clarifies requirements for school districts and charter schools to maintain attendance policies.
- Adds private schools to attendance intervention and notification requirements.
- Requires schools to document the following for each student identified as a habitual truant:
 - Attempts of the school to notify the parent that student has unexcused absences;
 - Attempts of the school to meet with parents for intervention strategies;
 - Intervention strategies should support keeping the student in school.
- Allows school districts, charter schools and private schools to create policies that allow referral to the probation services office for students who are consistently absent without excuse for one class period or up to half a day.
- Requires the Public Education Department (PED) to review and approve school district and charter school attendance policies.
- Requires PED to compile school district and charter school reports on rates of unexcused absences and habitual truancy and verify that information is being reported consistently.

FISCAL IMPLICATIONS

This bill carries no appropriation; however, there are additional operating budget impacts.

PED would be required to collect, review and approve attendance policies. This process takes approximately 200 hours of staff time at an estimated cost of \$6.6 thousand. In addition, PED would be required to verify district and charter school unexcused absence and habitual truancy reports. PED does not currently have the resources or staff to accomplish this task. It is difficult to determine the fiscal impact of this requirement as PED would need to establish a system for verification of attendance information statewide. Public schools would be required to update existing, or establish new, attendance policies as well as report data to PED. It is unclear what the fiscal impact to schools will be; however, schools should be able accomplish this with existing staff.

Public schools would be required to document attempts to meet intervention strategies. This may require additional resources for schools. However, the LESC Truancy Work Group members that represented schools indicated this could be accomplished with existing staff.

CYFD reports that at least five new FTE will be required to handle the expanded referrals from private schools, at an estimated cost of \$287 thousand. CYFD's Juvenile Probation and Parole currently receives 2,600 non-delinquent referrals per year from public school districts and charter schools. With the addition of 22.12.9.D contained in this bill, which expands the population of students who can be reported to probation services, this number could easily increase to 5 thousand cases per year. This increase would require up to 24 new positions within juvenile probation and parole, at a cost of approximately \$1.4 million per year. These new positions would be needed in urban communities statewide where most of the youth reside and attend school, and the cost does not include support services as required for each probation and parole staff person.

The anticipated fiscal impact for these changes is \$1.6 million annually. This is not a part of the CYFD request or the executive recommendations.

SIGNIFICANT ISSUES

PED states that during the 2000 interim, the Legislative Education Study Committee (LESC) studied the topic of Strategies for Keeping Students in School. Enforcement of truancy was identified as a major issue.

In 2001, the LESC endorsed legislation that would amend the Compulsory School Attendance Law to be consistent with FINS in the Children's Code; however, it did not pass.

During the 2003 interim, the LESC convened a work group to study the issue of truancy. As a result, in 2004, the LESC-endorsed legislation was enacted to amend the Compulsory School Attendance Law to define truant, habitual truant and unexcused absence; require local school boards to establish attendance and truancy policies; designate the local juvenile probation office as the lead referral agency for habitual truancy; allow charges against a parent to be filed in magistrate court or district court; and provide for suspension of a habitual truant's driver's license.

In 2005, the Legislature addressed inconsistencies relating to the withdraw of a student for school absences in the Compulsory School Attendance Law and the Public School Finance Act by amending the definition of "membership" in the Public School Finance Act.

In 2007, among the changes made by the Legislature to the Public School Code was the extension of the mandatory school age to 18 in the Compulsory School Attendance Law.

In 2008, the LESC convened a Truancy Work Group for the purpose of reviewing statute, policy and school practices and provide a recommendation to the committee. The LESC Truancy Work Group staff report included a discussion of intervention strategies and best practices to address issues of attendance and truancy. Most of the changes to the Compulsory School Attendance Law contained in SB183 are a result of the recommendations of this work group.

In addition, the 2008 LESC Truancy Work Group recommended applying adequate funding and staff to implement effective interventions in all school districts, as well as the coordination of schools, juvenile services, and community agencies to ensure the best utilization of resources for students' needs. Below are some of the approaches that the work group found most effective in New Mexico:

- A case management approach
- Pre-adjudication training sessions for parents and students
- Age and grade-level interventions
- School-based behavioral health services, and
- Community coordination teams.

According to the National Center for School Engagement (2008):

- Truancy has been identified as one of the early warning signs of students headed for potential delinquent activity, social isolation or educational failure via suspension, expulsion or dropping out.
- Truancy is considered to be one of the top 10 problems facing schools. Nationally, 80% of dropouts were chronically truant before dropping out; 90% of youths in detention for delinquent acts were chronically truant.
- If the attendance rate continues to decrease, the graduation rate will be affected.
- Further, dropout and truancy have been correlated to an increase in juvenile crime.

The new 22-12-9.D section would be challenging for CYFD to implement without additional staff to meet the referrals that this bill would produce statewide. In addition, the LESC thoroughly reviewed the Compulsory School Attendance Act as part of its research of truancy, and did not identify this section as a key recommendation as a legislative initiative.

Adding private schools to reporting requirements to the probation office in each school district would create a much greater work demand on probation staff. New Mexico has approximately 181 private schools and the potential increase in referrals to the probation and parole offices statewide is approximately 500 or more new cases.

Program outcomes established for the Governor's Truancy Prevention Program and Dropout Program are: (1) decreased truancy rates, (2) decreased dropout rates, and (3) increased attendance rates.

References:

Education World, Schools Administrators Article. *In-School Suspension: A Learning Tool*. Retrieved January 22, 2008, from http://www.education-world.com/a_admin/admin/admin329.shtml .

- National Center for School Engagement, Virginia Truancy Prevention Institute. *Truancy, Dropouts and Delinquency: Lessons, Costs and Strategies*. Retrieved January 15, 2008, from [http://www.pubapps.vcu.edu/soe/csc/Virginia%20Truancy%20Final9-15-05.ppt#407,2,What is NCSE?](http://www.pubapps.vcu.edu/soe/csc/Virginia%20Truancy%20Final9-15-05.ppt#407,2,What%20is%20NCSE?)

PERFORMANCE IMPLICATIONS

According to PED, this legislation could potentially have a positive impact on program measures that relate to the Governor's Truancy and Dropout Prevention initiatives as well as public schools' performance measures.

ADMINISTRATIVE IMPLICATIONS

PED states the following administrative implications:

SB 183 requires PED to revise the compulsory school attendance rule (6.10.8. NMAC) and collect review and approve attendance policies. This can be accomplished with existing staff.

SB 183 requires school districts, charter schools and private schools to update existing or establish new attendance policies. School districts and charter schools should be able accomplish this with existing staff. PED cannot determine what the impact will be on private schools.

SB 183 requires school districts and charter schools to report rates of unexcused absences and habitual truancy to the PED. This is currently a requirement for school districts and charter schools so there should not be an increase in administrative implications.

In addition, PED would be required to verify district and charter school unexcused absence and habitual truancy reports. PED does not currently have the resources or staff to accomplish this task. It is difficult to determine the administrative impact of this requirement as PED would need to establish a system for verification of attendance information statewide.

TECHNICAL ISSUES

PED reports that Senate Bill 183 adds a requirement for private schools to maintain an attendance policy (page 8, line 13). The bill does not indicate how private schools will be held accountable for maintaining attendance policies. The federal No Child Left Behind Act does not require non-public schools to report truancy rates. In addition, the PED does not have the capacity or resources to oversee truancy for non-public schools.

This bill requires PED to verify that the information on unexcused absences and habitual truancy submitted by school districts and charter schools is consistent (page 10 lines 1 and 2). With many data sets PED requests school districts and charter schools to provide an assurance on the accuracy of the data submitted, but this does not verify the consistency of the data being submitted. PED does not have the resources to accomplish the requirement of verifying consistency of data. In order to verify data for consistency, PED would have to do extensive site visits to each school in the state.

OTHER SUBSTANTIVE ISSUES

According to CYFD, the new methodology of counting classes for half day and full day unexcused absences in section B will potentially add to the Juvenile Probation and Parole Office (JPPO) caseload as well as many school districts currently likely do not count anything less than missing all classes in one day as an absence. This new formula would require schools to count

any classes above 2 missed in a single day as at least a half day, which would amount to a much more rapid accumulation of the 5 or 10 days of unexcused absences required to trigger referral to a JPPO office for a student in need of services or a habitual truant, respectively.

The increase in truant student referrals due to the new counting formula may result in an overall decrease in delinquency, as students will be referred to JPPO offices earlier than they do now, and some who never accumulate enough overall absences to warrant a referral, but still engage in delinquent behaviors, will receive intervention services that could assist them.

AMENDMENTS

PED recommends the following amendments.

Amend 22-12-9 C – Page 8, lines 12 and 13 to: C. Each school district, and charter school ~~and private school~~ shall maintain an attendance policy that:

Eliminate 22-12-9 D – Page 9, lines 10 through 14: ~~D. School districts, charter schools and private schools may create policies that allow referral to the probation services office of students who consistently are absent without excuse for one class period or for less than one half day.~~

Amend 22-12-9 F – Page 10, line 1 to: habitual truancy and verify require district and charter schools to certify that the information is being reported

PV/mt:svb