

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** SM 72

**51st Legislature, 1st Session, 2013**

**Tracking Number:** .193201.1

**Short Title:** Truancy & Dropout Prevention Task Force

**Sponsor(s):** Senator Gay G. Kernan

**Analyst:** Travis Dulany

**Date:** March 5, 2013

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**Bill Summary:**

SM 72 requests the University of New Mexico Center for Education Policy Research (CEPR) to appoint a task force composed of:

- the Director of CEPR, as chair; and
- members who represent:
  - local school districts;
  - the Public Education Department (PED);
  - the Legislative Education Study Committee (LESC);
  - the Legislative Finance Committee (LFC);
  - the Children, Youth and Families Department (CYFD);
  - the Children's Court Division or probation services offices of district courts;
  - district attorneys' offices;
  - local law enforcement;
  - the Corrections Department; and
  - the Department of Workforce Solutions (DWS).

The memorial further requests that the task force:

- develop and recommend multi-agency coordinated and cooperative strategies to keep students in school and prevent truancy and early withdrawal from school;
- develop and recommend measures for schools and school districts to use in identifying the primary source of a student's truancy problem and ways to address the sources;
- develop and recommend best practices for encouraging student engagement in school;
- recommend and promote truancy and early withdrawal prevention in ways that do not lead to arrest or incarceration;
- recommend professional development for school personnel to engage with students at risk for truancy and early withdrawal from school; and
- recommend ways for schools, school districts, and PED to track, understand, and work toward reducing the incidence of truancy and dropouts, including the maintenance of various types of data.

Finally, the task force is requested to report its findings and recommendations to the LESC and LFC no later than November 30, 2014.

## **Fiscal Impact:**

Legislative memorials do not contain appropriations.

Memorials requesting the formation of task forces in order to conduct studies are likely to have a fiscal impact in terms of staff time, travel, office supplies, and other items.

## **Substantive Issues:**

CYFD notes that truancy and dropout rates play a major role in New Mexico's economic health and growth and have a strong correlation with juvenile delinquency and future criminality.

DWS reports that "the need for coordinated and cooperative strategies across agencies to impact truancy and the dropout rate is vital, as is the partnership between education and workforce." Additionally, "Truancy and resulting dropout rates impact the cost and effectiveness of state workforce development programs, which are designed to prepare individuals for employment and develop the workforce."

According to the PED bill analysis:

- one strategy that may be effective would be an early warning dropout system that would use data already collected by PED; and
- PED would coordinate with districts to provide support for students identified as at-risk for dropping out.

Finally, according to the Administrative Office of the Courts (AOC):

- Casey Family Programs is assisting New Mexico with a juvenile detention alternatives initiative to prevent children from entering detention unnecessarily; and
- the Joint Education Task Force (JETF), the Children's Law Center, and the Court Improvement Project also are working on projects that are complementary to the proposed task force in SM 72:
  - The JETF:
    - is a joint effort between the judiciary and executive branches to improve educational stability for children in the foster care and juvenile justice systems; and
    - works on the issue of truancy and alternatives to having youth come in contact with the delinquency system.
  - The Children's Law Center and the Court Improvement Project, along with the AOC, are working with JETF to coordinate its efforts with initiatives around educational outcome measures for both foster children and youth in delinquency matters.

## **Background:**

The *Compulsory School Attendance Law* defines the term "habitual truant" as a student who has accumulated the equivalent of 10 or more days of unexcused absences in a school year. An "unexcused absence," according to this law, means an absence from school or classes for which

the student does not have an excuse allowed under either the law or the rules of the local school board, the governing authority of a charter school, or a private school.

CEPR testified before the LESC that more than 51,000 students in the state's elementary, middle, and secondary schools were habitual truants in school year 2011-2012. Maps presented as part of this testimony illustrated that truancy rates vary widely among schools within given districts. This testimony also provided an overview of the entities that may take action in the enforcement of penalties for habitually truant students, including:

- the school of the truant student;
- PED;
- the Probation Services Office of CYFD;
- the district attorney; and
- law enforcement agencies.

This testimony added that truancy is a symptom of three general factors:

- individual challenges, such as low-academic performance, low-educational aspirations, boredom with school, drug use, or pregnancy;
- relational challenges, such as a lack of caring adults, bullying, or a lack of participation in school sports and activities; and
- structural challenges, such as weak truancy policies, institutional racism and discrimination, and low-income families.

Furthermore, CEPR staff referred to a 2007 study of the New Mexico school-to-prison pipeline indicating that the state mirrors a national trend of young people from minority communities being overrepresented in the juvenile justice and criminal justice systems. CEPR staff also emphasized that New Mexico has two options:

- criminalize more of its children's behaviors; or
- invest in the resources needed to ensure that children are more engaged and supported.

Finally, CEPR staff reviewed several issues, including how to ensure that schools have the resources needed to reduce truancy, and said that it is unknown what happens to habitually truant students when they enter probation services, the district attorney's office, etc. CEPR staff also explained that the center is working closely with CYFD and the Student, Family and Community Support office at Albuquerque Public Schools to learn more about these students.

### **Committee Referrals:**

SRC/SEC

### **Related Bills:**

SB 382aa *Excused School Absences for Pregnancy* (Identical to HB 300a)  
CS/SB 393 *School Truancy Identification & Penalties* (Identical to HB 456)  
HB 300a *School Excused Absences for Pregnancy* (Identical to SB 382aa)  
HB 456 *School Truancy Identification & Penalties* (Identical to CS/SB 393)