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FISCAL IMPACT REPORT

SPONSOR	SEC _____	ORIGINAL DATE	LAST UPDATED	03/08/13	HB _____
SHORT TITLE	School Truancy Identification & Penalties			SB	393/SECS
					ANALYST Roberts _____

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI	NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
Children, Youth & Families Department (CYFD)
Public Education Department (PED)
Taxation and Revenue Department (TRD)
Administrative Office of the District Attorney (AODA)

SUMMARY

Synopsis of Bill

The Senate Education Committee Substitute for Senate Bill 393 amends the Public School Code (Sections 22-12-2, 22-12-7 through 9) and adds a new section to the Motor Vehicle Code (Section 66-5-30 NMSA 1978).

The bill expands on reasons that allow a student to withdraw from school. Amendments to the Motor Vehicle Code allow the Motor Vehicle Division (MVD) to suspend or revoke the license or suspend the instruction permit of a student certified and referred by the Public Education Department (PED) as being in violation of the Compulsory Attendance Law.

New subsection E of Section 22-12-2 provides that the certification of noncompliance is to be sent no fewer than thirty days after notice sent to the parent if the school-aged person remains noncompliant. Section 22-12-7F adds specificity to the language regarding truancy by providing that noncompliance by truancy applies to school aged persons who accumulate ten or more unexcused absences and becomes a habitual truant. The bill adds language providing an opportunity for due process at the district level with additional opportunities for appeals to the PED and district court.

FISCAL IMPLICATIONS

The PED notes that communication related to the changes in the Compulsory School Attendance Law and the new dropout prevention system to districts and schools would be led by the department and could be done with existing resources.

SIGNIFICANT ISSUES

The AOC notes that the substitute bill eliminates a judge's discretion over using suspension of licenses or permit denials. Section 22-12-2E provides that a school may provide notice of non-compliance. If this means that providing notice is discretionary, there may be an administrative due process issue. Although the subsection does not call the meeting with a principal a "hearing," that serves as the "opportunity to be heard" immediately following notice that precedes action to affect the privilege of driving. There is a procedure for notice and hearing after the privilege has been affected by suspension or denial.

The PED notes:

As part of the executive recommendation, \$4.75 million was requested to support the New Mexico Graduates Now initiative. Included as part of the request, is \$500 thousand to support the development and implementation of the early identification and notification system for students at risk of dropping out of school.

Further, the bill requires immediate intervention with any student who demonstrates risk factors-which may lead to withdrawal from school. Parents are required to be involved in the interventions which are addressed in the student's Next Step Plan. The Next Step Plan is currently in statute (22-13-1.1 NMSA 1978) and should already be in place for any student in grade 8 or higher. Research shows that early intervention that involves the student's parent, can prevent truancy and harsh consequences such as the suspension or postponement of driving privileges

The National Dropout Prevention Center Network has identified 15 effective strategies that have the most positive impact on the dropout rate. These strategies have been implemented successfully at all education levels and environments throughout the nation. The programs proposed in SB393 align to this research and these proven practices.

The DOH reports:

Little research has been completed on the effect state laws have on truancy or dropout rates, but state policymakers should consider that, for many teenagers, driving is real currency. Promoting this privilege as a reward for attending and succeeding in school resonates with many students. Districts and/or schools may incur administrative costs in collaborating with the MVD, but still these can be relatively low-cost policies. Several U.S. states have introduced no pass no drive (NPND) laws that have been effective in reducing truancy and increased time allocated to school.

Effective truancy reduction programs are comprehensive and consist of four broad categories: 1) sound and reasonable attendance policies with consequences for missing school; 2) early interventions especially with elementary students and their families; 3) targeted interventions for students with chronic attendance problems; and 4) strategies to

increase engagement and personalization with students that can affect attendance rates. Such strategies include: family involvement, culturally responsive environments, smaller learning community structures, mentoring, advisory programs, and maximization of the focus on learning.

PERFORMANCE IMPLICATIONS

The PED notes that the bill supports PED's Strategic Lever 2: Real accountability, real results through increasing parental involvement and Strategic Lever 3: Ready for success by increasing graduation rates.

ADMINISTRATIVE IMPLICATIONS

The PED will be responsible for communicating the changes in the Compulsory School Attendance Law and the new dropout prevention system to districts and schools. The PED notes that the department will need to enhance current mechanisms and/or develop, in collaboration with the Juvenile Probation Office of the Judicial District and the MVD of the TRD, a systematic method for referral, reporting and monitoring the reporting of school-age persons in violation of the Compulsory School Attendance Law.

The MVD of the TRD will be responsible for administering changes to the Motor Vehicle Code to suspend or revoke the license or suspend the instruction permit of a student certified and referred by the PED as being in violation of the Compulsory Attendance Law.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Duplicate to House Bill 456.

OTHER SUBSTANTIVE ISSUES

The AOC notes that SB 528 also addresses truancy and withdrawal in terms of school discipline policy and alternatives to detention in delinquency cases. If alternatives are not in place, it may be that school-aged youth who have their licenses suspended or have their permits denied, will drive without proper authorization. If stopped by law enforcement, the school-aged person may face delinquency issues. This may result in more hearing and an increased load for probation.

MIR/blm