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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
53rd Legislature, 1st Session, 2017

Bill Number	<u>HB437/HECS</u>	Sponsor	<u>HEC</u>
Tracking Number	<u>.207489.2</u>	Committee Referrals	<u>HEC/HJC</u>
Short Title	<u>School Attendance Interventions</u>		
Analyst	<u>Force</u>	Original Date	<u>3/7/17</u>
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BILL SUMMARY

Synopsis of Bill

House Education Committee Substitute for House Bill 437 (HB437/HECS) proposes to amend the Compulsory School Attendance Law (CSAL) to provide for early, intensive interventions for absent or truant students, and proposes amendments to other sections of law. HB437/HECS provides a new exception to the CASL, including: a student over 16 to whom all interventions have been offered, and for whom a parent gives written signed permission to leave school, and the request is approved by the local superintendent; a student excused, for no more than one class period per day, to attend to tribal obligations; and a student with at least 10 days of excused medical absences with documentation of the birth of a student's child, with more, if deemed necessary by the student's doctor.

The bill repeals and replaces several current sections of the CASL. Section 22-12-7 NMSA 1978 (Enforcement of attendance law; habitual truants, penalty) would be replaced by a definitions section, defining the terms "absent," "habitual truant," "medical absence," "nine-week period," "pattern of absences," "school day," and "truant."

Section 22-12-8 NMSA 1978 (Early identification; unexcused absences and truancy) would be replaced by a section requiring public school attendance policies and reporting, including early identification of students in need of intervention, providing for strategies to keep students in school, prohibiting out-of-school suspension and expulsion for absence and truancy, and helping families remove barriers to school attendance. Public schools would be required to document absent and truant students, attempts to improve their attendance, and report absences and truancy rates to the Public Education Department (PED).

Section 22-12-9 NMSA 1978 (Unexcused absences and truancy; attendance policies) would be replaced by a section addressing enforcement procedures, requiring public schools to report attendance data to school districts and PED, or in the case of state-chartered charter schools, the Public Education Commission (PEC) and the Options for Parents: Charter Schools Division (CSD). The bill requires public schools have a Family Resources Program, as required by the Family Youth and Resource Act of the Public School Code, and develop partnerships with public

and private agencies, and community-based, civic, corporate and professional organizations. Public schools would be required to contact the parents of a student who has five or more medical absences in a nine-week period if the school was unaware of the student's medical condition. Similarly, if a student has five or more absences in a nine-week period, excused for interscholastic activities, religious instruction or tribal obligations, the school must contact the student's parents if the student's academic performance is suffering.

Enforcement actions under the bill are gradual based on number of absences in a single nine-week period, with successively greater intervention being required for three, five, and 10 unexcused absences in one nine-week period. Ten unexcused absences would be considered habitual truancy, and require the student be referred to the Children, Youth and Families Department (CYFD) for additional interventions that may include a report to PED recommending suspension of the student's driver's license upon notification to the Motor Vehicles Division (MVD). The bill would also require law enforcement to investigate, and potentially file charges against a parent, if CYFD determines the parent is the cause of a student's truancy.

FISCAL IMPACT

HB437/HECS appropriates no funds, although PED notes the greater administrative responsibilities in the bill, including expanded reporting requirements, may result in administrative costs to schools and state agencies.

SUBSTANTIVE ISSUES

The PED fact sheet on truancy for the 2014-2015 school year indicates habitual truancy rates were 11.9 percent in elementary schools, 10.3 percent in middle schools, 19.9 percent in high schools, and 14.29 percent overall. PED also notes that the New Mexico Administrative Code (NMAC) provides guidelines and requirements to address school attendance and truancy, at 6.10.8 NMAC, which include the possibility of suspension of driving privileges.

Research consistently links habitual truancy to the risk of permanently dropping out of school, potentially resulting in a wide range of problems that can affect students long after they have dropped out (see, e.g., *Truancy Reduction: Research, Policy and Practice*, Cumbo, Burden and Burke, The Center for Children and Youth Justice, Spring 2012). Low graduation rates affect not only students who fail to graduate, but also their communities and society as a whole. Students who do not graduate have higher death rates, worse mental health, increased likelihood of teen pregnancy and parenting, and increased risk of personal injury. Over the course of their lifetime, high school dropouts earn, on average, approximately \$250 thousand less than high school graduates and \$1 million less than college graduates, and are more likely to require some form of public assistance. Consequently, higher graduation rates may save billions of dollars annually in Medicaid and TANF costs, more than \$350 million per year in food stamps, and up to \$18 million in housing assistance; a 5 percent increase in boys' graduation rates alone could save nearly \$5 billion per year in crime related costs. Although, according to a Johns Hopkins University research project, the graduation rate in New Mexico grew from 63 percent in 2011 to 68.6 percent in 2015, it remains one of the lowest in the country.

Effective dropout prevention programs, according to Cumbo, et al, feature six main components:

- “community collaboration,” which encourages students’ greater community involvement allows programs to draw on diverse viewpoints and to maximize the different strengths of program partners;
- “family involvement,” which may help to address underlying family-based barriers to attendance and graduation, in turn helping students to remain engaged with school and improve academic performance;
- “comprehensive approach to prevention, intervention and retrieval,” which holistically addresses the problem at all three levels, increasing student and family engagement, addressing root causes of truancy, and retrieving youth who have already dropped out;
- “incentives and sanctions,” both tailored to student’s individual circumstances, with positive incentives serving as motivation to stay in school, and graduated sanctions directly related to truants’ behavior that avoids out-of-school penalties such as suspension;
- “supportive context” among school, family, and community partners, all invested in keeping students in school and on track to graduate; and
- “program evaluation,” via data collection, monitoring, and analysis to make schools’ prevention programs more effective over time.

HB437/HECS requires school and community-based partnerships, with public and private agencies and community-based civic, corporate, and professional organizations. A successful example of such a community-based truancy prevention partnership can be found in Carlsbad Municipal Schools. Carlsbad’s Community Truancy Action Committee (CTAC), composed of organizations such as CYFD, the Juvenile Probation and Parole Office, local police, anti-drug and alcohol groups, United Way, and local charities, engages in a tiered series of responses to student truancy that attempt to address the underlying causes of students’ disengagement. A student’s third unexcused absence results in a meeting between a social worker and the student and their guardian to discuss consequences, and to sign an attendance “contract.” Any identified underlying circumstances causing the student’s truancy can be identified here. A fifth absence requires the student to attend Truancy Intervention Court. Response in court is a community wraparound affair, where partners from the community, other state and local agencies, mental health providers, juvenile probation officers, local homeless shelters, and the United Way work together to help students and their families stay on track to graduation.

The threat of suspension of driving privileges, as included in HB437/HECS, can be an effective tool against habitual truancy. According to the Education Commission of the States, 27 states have policies connecting various combinations of student attendance, performance, and behavior to driving privileges. State policymakers should consider that, for many teenagers, driving is real currency, and promoting this privilege as a reward for attending and succeeding in school, as proposed by the bill, resonates with many students.

ADMINISTRATIVE IMPLICATIONS

PED notes HB437/HECS would necessitate amendment of its administrative rules addressing compulsory school attendance (6.10.8 NMAC). Additionally, the department would be required to compile school district and charter school reports on absence and truancy rates, and the types of absences encountered. PED would be required to certify that schools consistently report on absence and truancy. The Student Teacher Accountability Reporting System provides guidelines for determining which students may be habitual truants, at 10 or more unexcused absences per

school year, which would need to be modified to be in alignment with the updated provisions in HB437/HECS.

TECHNICAL ISSUES

The federal Every Student Succeeds Act provides that neglected, delinquent, and other at-risk youth are entitled to the same free and appropriate education and educational challenges as other students. Under the terms of HB437/HECS, however, students in state or local detention centers are not entitled to attend public school in the school district in which they reside or the detention center is located. Further, the bill does not designate a party responsible for providing an education to these students, as it does with students enrolled or residing in state institutions. The sponsor may wish to consider amending the bill so that students in detention centers may either attend school in the appropriate local school district, or so that detention centers are named responsible for providing that education in the absence of a local school district.

Section 2 of the bill proposes to amend Section 22-12-2.1 NMSA 1978, and replaces the term “student” with “public school student” in Subsection A, requiring public school students to have at least a 2.0 grade point average (GPA) on a 4.0 scale in order to be eligible to participate in interscholastic extracurricular activity. The New Mexico Activities Association (NMAA), however, has private school members, and even students of nonmember private schools are permitted to participate in NMAA-sanctioned activities if they fulfill certain requirements. Changing the more generic term “student” to the specific “public school student” may render the GPA requirement inapplicable to private school students, creating an inequity in how different students are treated in the same circumstances, putting a greater burden on public school students than on their private school peers.

RELATED BILLS

Relates to *HB53, Allow Curfew Ordinances, which authorizes counties and municipalities to adopt curfew ordinances restricting the activities of minors between midnight and 5:00 a.m.

Relates to HB163/HECS, School Grade Test Scores & Unexcused Absences, which requires PED to establish criteria to ensure that student attendance does not affect student achievement measures on a teacher’s evaluation.

Relates to SB397, School Protections for Certain Students, which proposes to adopt “Michael’s Law,” providing protections for students diagnosed with behavioral or mental health issues, or developmental disabilities.

SOURCES OF INFORMATION

- Legislative Education Study Committee Files
- Public Education Department

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