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## FISCAL IMPACT REPORT

**ORIGINAL DATE** 1/29/2019

**SPONSOR** Trujillo, L/Stefanics      **LAST UPDATED** \_\_\_\_\_      **HB** 168

**SHORT TITLE** Student ID Number Tracking & Reporting      **SB** \_\_\_\_\_

**ANALYST** Lobaugh

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		See Fiscal Implications				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Homeland Security and Emergency Management (DHSEM)  
 New Mexico Attorney General (NMAG)  
 Children, Youth, & Families Department (CYFD)  
 Public Education Department (PED)

#### Responses not Received From

Department of Public Safety (DPS)  
 Department of Health (DOH)

### SUMMARY

#### Synopsis of Bill

House Bill 168 (HB168) adds a new section to the Public School Code to require the Public Education Department (PED) to track student identification numbers every ten days and identify all students who are not continuously enrolled, or who have not graduated with a high school diploma or high school equivalency, and contact the last known school districts or charter schools in which the identified students were enrolled.

If a school district or charter school does not know the current whereabouts of a student, HB168 requires PED to report the disenrolled student to the Children, Youth, & Families Department (CYFD) for investigation. HB168 would require school districts to report to PED when a student has enrolled in another public or private school. HB168 would also require school districts and charter schools to determine whether a student has an existing student identification number

before the school districts or charter schools could create a new student identification number for a student. HB168 does not contain an appropriation.

### **FISCAL IMPLICATIONS**

HB168 does not contain an appropriation. HB168 would require staff time and resources from PED, CYFD, school districts, and charter schools and could result in operating budget impacts.

### **SIGNIFICANT ISSUES**

PED reports that the requirement in HB168 to report on student enrollment every ten days is “not technically feasible as the data that would populate this report are only submitted at forty day intervals to the PED by districts and charter schools”. School districts and charter schools report student enrollment to PED at forty day intervals, or three reporting dates for each school year, in accordance with Section 22-8-13 NMSA 1978 of the Public School Finance Act. PED suggests that HB168 should either be amended to align with the current reporting timeline or provide additional funding to create a process that supports the ten day reporting requirement.

Under the Code of Federal Regulations (CFR) relating to the federal Family Educational Rights and Privacy Act (FERPA), an educational institution may disclose a student’s personally identifiable information without prior consent to “other school officials” or another “party to whom an agency or institution has outsourced institutional services or functions” that the educational institution has determined to have “legitimate educational interests” (34 CFR §99.31).

PED mentions that HB168 does not address student identification numbers created by entities other than PED or public schools, such as the Bureau of Indian Education, the state Department of Health, or CYFD early childhood programs.

### **ADMINISTRATIVE IMPLICATIONS**

PED reports that HB168 would require existing staff to take on the responsibilities of analyzing student enrollment data every ten days and working with school districts and charter schools throughout the year. PED estimates that a 0.3 to 0.5 full-time employee would be needed in order to complete the work required from HB168.

CYFD indicates that HB168 would “likely result in additional referrals of neglect to CYFD, necessitating an expansion of personnel at the CYFD”. CYFD did not specify an estimate of how many full-time employees would be needed in order to complete the work required from HB168.

### **OTHER SUBSTANTIVE ISSUES**

CYFD notes that Section 32A-4-3(A) NMSA 1978 requires any person who knows or has reasonable suspicion that a child is an abused child to immediately report the matter to a local law enforcement agency, CYFD, or a tribal law enforcement or social services agency.

**TECHNICAL ISSUES**

HB168 requires a school district to report to PED when a public school student enrolls in another public or private school, as indicated by a request for a records transfer from the enrolling school. The language for this requirement in HB168 only refers to school districts while other requirements in HB168 refer to school districts and charter schools.

CYFD notes that HB168 “appears to require reporting of disenrollment of children over the compulsory school attendance age (18 years) for whom CYFD has no investigatory authority”. The Public School Code does not define a maximum age-limit for which general education students can enroll or participate in the state’s public education system.

CSL/gb