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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
55th Legislature, 1st Session, 2021

Bill Number	<u>SB115</u>	Sponsor	<u>Pirtle</u>
Tracking Number	<u>.218336.1</u>	Committee Referrals	<u>SHPAC/SJC</u>
Short Title	<u>Daycare Notices to Parents</u>		
Analyst	<u>Juliani</u>	Original Date	<u>2/2/2021</u>
		Last Updated	<u></u>

BILL SUMMARY

Synopsis of Bill

Senate Bill 115 (SB115) requires daycare centers and schools to contact the parent or guardian of a child or student who fails to arrive at the daycare or school within one hour after the scheduled arrival time, unless the parent or guardian has already provided an excuse for the child not attending that day.

FISCAL IMPACT

The bill does not contain an appropriation.

Analysis from the Early Childhood Education and Care Department (ECECD) noted a fiscal impact will be borne by childcare providers that may not have the resources or staffing to contact parents daily within the mandated one-hour timeframe.

SUBSTANTIVE ISSUES

Notifications from Daycares About Child Non-Arrivals. SB115 would enact a new section of law to require daycare centers to contact a child's parent or guardian if that child fails to arrive at the daycare. However, most often a parent or care provider transports a child to daycare settings themselves. Consequently, the parent or care provider in most cases will be aware if a child is not attending daycare on a given day. Of greater concern is the non-arrival of children attending afterschool childcare programs because many of these children are transported by the childcare personnel or by the child's school, and if the child fails to arrive, parents would need to be informed immediately to ensure the child was not left behind.

This type of reporting may exist already in the policies and procedures of some daycares or early childhood education providers as a courtesy, but state statute provides no requirement. The

Prekindergarten Act, Section 32A-23 NMSA 1978, governs early childhood care accountability but nothing exists in statute related to when a prekindergarten or childcare center is required to notify a parent in the case of a missing child.

Applying a notification law to daycare centers poses challenges in that wide variation exists in child care settings. As indicated in the ECECD analysis, different types of child care programs across the state, including:

- Child care centers licensed by the ECECD to provide care for more than 12 children in a classroom setting following regulatory ratios, group sizes and child ages;
- Child care licensed homes licensed by the ECECD to provide care for less than 12 children in a home setting following regulatory ratios, group sizes and child ages;
- Child care registered homes registered with the ECECD to provide care for less than 4 children in a residential home.

However, SB115 does not define “daycare center,” nor make any distinctions among the various types of child care centers in the state. The lack of definition and distinction will likely create variability in how different child care providers are able to fulfill the bill’s notification requirements.

Notifications from Schools About Student Absences. SB115 amends Section 22-12A-4 NMSA 1978, the Attendance for Success Act, to require schools to contact the parent or guardian of a student who fails to arrive at the school. Research indicates student attendance is a strong predictor of academic success. Students who miss more days of school perform worse academically, score lower on reading and math proficiency tests, and graduate high school at lower rates. Evaluations from the Legislative Finance Committee have shown chronic absenteeism to be a factor in low rates of student achievement and low-performing schools. Regular daily attendance is even more important for at-risk students, such as English learners and students from low-income backgrounds.

Some evidence suggests the implementation of attendance interventions beyond a school’s normal practice can positively affect student attendance. Some studies suggest the method by which schools communicate such information to parents can affect how parents respond. A 2016 study by the Education Endowment Foundation on the effects of sending parents one text message per week, with such information as upcoming tests and missed homework, found students receiving this intervention reduced their absences and made an additional month’s progress in math. Research from the Teachers College of Columbia University found course failures were reduced by 39 percent while class attendance increased by 17 percent in cases where the middle and high schools texted parents about absences, missed assignments, and grades. Researchers from the University of California, Berkeley and Harvard University have found modified truancy notifications using simplified language that highlighted the negative effects of missing school reduced student absences by 0.07 days compared with the standard, punitively worded notification – an estimated 40 percent improvement over the standard truancy notification. The researchers indicated, while the average per student effect is modest, sending this type of modified notice to all truant students could generate tens of thousands of additional days of attendance in a single state. Conversely, however, a 2016 study of public schools in New York City found no impact of this sort of intervention on attendance rates.

SB115 does not require a specific method of communication – telephone, text, or other form – by which daycares and schools must notify parents or guardians. But the bill does require parents to

provide the school with their preferred method of contact. Families may not be receptive to receiving text messages as they may incur costs in cellular data charges for receiving text messages from which they may have to opt out. Moreover, schools will face challenges trying to keep in contact with those parents and guardians with disposable phones or who frequently change phone numbers.

ADMINISTRATIVE IMPLICATIONS

Local schools will need to develop a series of specific procedures and protocols, including designating clear roles or tasks to appropriate staff members, to ensure schools have the processes in place to enable their compliance with the notification “within one hour” requirement. While all schools likely have a process in place to notify parents when their child is absent, the requirement to send notification within one hour may require alterations to these processes.

ECECD’s analysis indicated it does not have the mechanisms to monitor compliance with the one-hour notice requirement within SB115. It also noted childcare programs in the state do not have reporting mechanisms that account for the wide variety of schedules for children throughout the day, creating undue burden for childcare programs.

OTHER SIGNIFICANT ISSUES

Parental notification appears in state statute, primarily the Attendance for Success Act, but it appears only as after-the-fact procedure, such as part of a school’s attendance policy or as an intervention after a student has accrued enough absences. Parental notification related to students missing from school has mostly been used as a reactive measure or resource. SB115 represents a more proactive application of parental notification to attempting to prevent a child who rides a bus to daycare getting lost before arriving and addressing truancy in the moment, primarily at the secondary school level.

SOURCES OF INFORMATION

- LESC Files
- Early Childhood Education and Care Department (ECECD)

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