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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
56th Legislature, 1st Session, 2023

Bill Number	<u>SB367</u>	Sponsor	<u>Pope</u>
Tracking Number	<u>.224142.5SA</u>	Committee Referrals	<u>SEC/SFC</u>
Short Title	<u>School Attendance Changes</u>		
Analyst	<u>Condon</u>	Original Date	<u>02/16/2023</u>
		Last Updated	<u></u>

BILL SUMMARY

Senate Bill 367 (SB367) amends Section 22-8-30 NMSA 1978, which deals with supplemental distributions in public school finance, and makes significant changes to Section 22-12A-1 to 22-12A-14 NMSA 1978, the Attendance for Success Act (AFSA).

SB367 amends the Attendance for Success Act to:

- Require that a student be withdrawn from membership counts when the student has ten or more consecutive unexcused absences, and after the student has been provided all appropriate progressive interventions;
- Reduce reporting attendance data from three times a year to be required only at the end of the school year;
- Require school districts to set targets for attendance improvement based on attendance rates from the prior school year instead of current rates;
- Remove the requirement for school districts to provide their chronic absence rate when requested; and
- Remove the local school board or governing body of a charter school or private school from the reporting process for excessively absent students and requires a school district to report these students instead.

SB367 adds a new section to AFSA and creates the attendance for success fund to support a statewide attendance program and to make grant awards to school districts and state-chartered charter schools to provide intervention resources. Eligible school districts or state-chartered charter schools would receive a minimum award of \$20 thousand and funds are restricted to cover personnel and contract support costs.

The bill would go into effect during the 2023-2024 school year.

FISCAL IMPACT

The bill does not contain an appropriation.

Existing Public School Attendance Policies. SB367 requires that a student be withdrawn from membership counts in accordance with the Public School Finance Act when the student: (a) has ten or more consecutive unexcused absences; and (b) has been provided all appropriate progressive interventions in accordance with Section 22-12A-11 NMSA 1978.

Requiring that schools withdraw students who have ten or more consecutive days of unexcused absences is an existing law established in Section 22-8-2 NMSA 1978. However, this section references interventions that are aligned with the previous Compulsory School Attendance Law (CSAL) and should be updated to reference 22-12A-11 NMSA 1978.

Attendance For Success Fund. SB367 creates the attendance for success fund subject to appropriation by the Legislature and administered by the Public Education Department (PED). The [House Appropriations and Finance Committee Substitute](#) for House Bill 2 and 3 (HB2&3/HAFCS) does not include an appropriation for the fund established by SB367.

SUBSTANTIVE ISSUES

Attendance For Success Act. In 2019, the Legislature repealed the existing attendance law, CSAL, and replaced it with the AFSA. Beyond prescribing data collection and use, AFSA was created to prevent absences, provide earlier interventions for students missing school, and create a process for prevention and support. The act further established requirements for attendance teams and attendance improvement plans.

- Attendance Team: A group of school-based administrators, staff and community members who collaborate to implement the Attendance Improvement Plan.
- Attendance Improvement Plan: A four-tiered, data-informed system for schools and districts to identify chronically or excessively absent students to develop whole-school prevention and interventions.

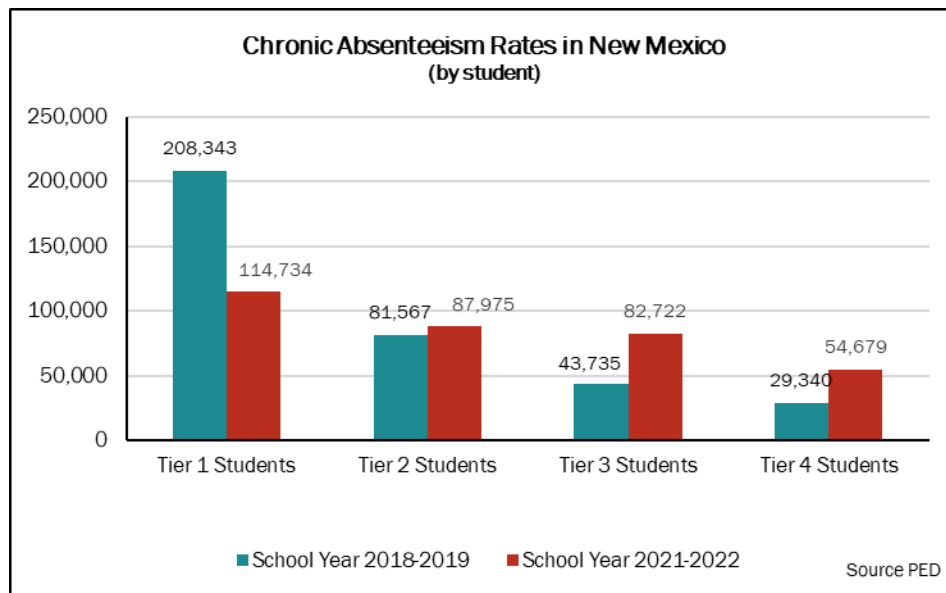
AFSA requires schools to establish an early warning system that includes evidence-based metrics to identify students at risk of chronic absenteeism or excessive absenteeism, which led PED to establish a four-tier intervention protocol designed to capture how many students are missing school, the rate at which they miss school, and to provide guidelines to districts on interventions. Students fall into tiers based on the percent of classes or school days missed:

- Tier-1: Students who have missed less than 5 percent of classes.
- Tier-2: Students who are missing 5 percent or more but less than 10 percent of classes or school days.
- Tier-3: Students who are considered chronically absent and missing 10 percent or more but less than 20 percent of classes or school days.
- Tier-4: Students who are considered excessively absent and missing 20 percent or more of classes or school days.

Attendance Improvement Plans (AIPs) are designed to specify school district supports at each tier level, identify attendance improvement targets for schools with subpopulations with chronic absence rates of 10 percent or greater, and identify an attendance improvement target for districts with chronic absence rates of 10 percent or greater.

The Current State of Absenteeism. Prior to the pandemic, according to PED, the average chronic absence rate in New Mexico in the 2018-2019 school year was 17.87 percent. In 2020-2021, that number rose to 29.66 percent, and in 2021-2022 the number increased again to 40.4 percent. While the average is an alarming increase for education leaders, some New Mexico school districts saw chronic absence rates as high as 66.02 percent and during the interim, many school districts expressed concerns about strategies to effectively address chronic absenteeism among their students.

Comparing measurements of the four tiers from 2018-2019 and 2021-2022 demonstrates the growing chronic absenteeism rates. In addition to an overall increase in chronic absenteeism, data also shows a significant increase in Tier 4 students (missing 20 percent or more of classes or school days). These students require intensive support from schools that may or may not be equipped with the appropriate staff and resources to focus on attendance issues and solutions.



[PED data](#) shows chronic absent rates and average unexcused absences per student by school district, which can also be broken down by school. While the statewide average chronic absentee rate is 40.40%, many school districts have higher rates for absenteeism and higher than average unexcused absences per student.

Experts are seeing the effects of chronic absenteeism translate into widening achievement gaps across all student demographic groups, but particularly for students from marginalized backgrounds. The Hunt Institute, a nonprofit focused on education policy and research, reports the negative consequences of chronic absenteeism post-pandemic have disproportionately affected students of color, English language learners, students with disabilities, and students from low-income communities, which is reflected in PED data of absenteeism rates.

2021-2022 Statewide Average Absenteeism Rates Compared to School Districts

	Statewide Average	Deming	Belen	Cuba
Chronic Absentee Rate	40.40%	68.40%	66.02%	92.48%

Average Unexcused Absences Per Student	9.23	20.75	14.48	31.02
Male	40.48%	69.19%	65.89%	94.39%
Female	40.32%	67.57%	66.17%	90.47%
Hispanic	42.16%	70.56%	67.46%	85.47%
American Indian/Alaskan Native	51.20%	77.36%	77.30%	95.29%
Black or African American	41.75%	58.56%	60.92%	-1%
Caucasian	39.04%	68.82%	65.82%	84.57%
Economically Disadvantaged	45.44%	68.40%	66.07%	92.46%
Students with Disabilities	46.40%	69.12%	72.05%	95.04%
English Language Learners	46.53%	73.79%	68.46%	97.12%
Experiencing Housing Insecurity	59.12%	72.14%	76.98%	95.71%
				Source PED

ADMINISTRATIVE IMPLICATIONS

SB367 could lessen administrative and reporting duties for school districts. ASFA currently requires reporting on absenteeism three times a year during the reporting dates (40th, 80th, and 120th day), and requires schools to develop and implement a whole-school absence prevention strategy and report that plan to PED. SB367 would reduce reporting data to the end of the school year and set targets for attendance improvement based on prior year performance, and removes the requirement to submit their prevention strategy with PED. While this will reduce reporting requirements for schools, real-time information on absenteeism and prevention plans will no longer be available.

TECHNICAL ISSUES

The sponsor could consider amending Section 22-8-2 NMSA 1978 to reference 22-12A-11 NMSA 1978, the Attendance for Success Act, instead of the repealed Section 22-12-9 NMSA 1978, the previous Compulsory School Attendance Law.

SOURCES OF INFORMATION

- LESC Files

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