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## FISCAL IMPACT REPORT

02/13/13

**ORIGINAL DATE** 02/18/13

**SPONSOR** Lopez/Miera **LAST UPDATED** 02/25/13 **HB** \_\_\_\_\_

**SHORT TITLE** Excused School Absences for Pregnancy **SB** 382/aSPAC/aSEC

**ANALYST** Roberts

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

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicate to HB 300

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Human Services Department (HSD)  
 Department of Health (DOH)  
 Children, Youth and Families Department (CYFD)  
 Public Education Department (PED)

### SUMMARY

#### Synopsis of SPAC Amendment

The Senate Public Affairs Committee's amendment to Senate Bill 382 adds language on page 2, line 8, after "absences" to include " , in addition to the number of allowed absences for all students".

#### Synopsis of SEC Amendment

The Senate Education Committee amendments to Senate Bill 382 includes inserting language that would broaden the number of school absences for a pregnant or parenting student, deemed necessary by the student's physician.

Synopsis of Original Bill

Senate Bill 382 would amend the Public School Code by adding a new section to the Compulsory School Attendance Law (Chapter 22, Article 12, NMSA 1978) requiring school districts and charter schools to maintain an attendance policy that provides for excused absences for pregnant and parenting teens. The specific provisions are as follows:

- Providing ten days of excused absence for a student who provides documentation of the birth of the student's child with a time period to make up missed work during absence;
- Providing four days of excused absence for a student who provides appropriate documentation of pregnancy or that student is the parent of a child under the age of thirteen, with a time period to make up missed work during absence;
- The pregnant or parenting student is responsible for communicating the student's pregnancy and parenting status to appropriate school personnel if they choose to disclose the information; and
- Require school districts or charter schools to provide a copy of the pregnant and parenting student absence policies to all students in middle, junior high and high schools.

**FISCAL IMPLICATIONS**

No fiscal impact. The Public Education Department (PED) would need to communicate the changes to the Compulsory School Attendance Law to school districts and charter schools and the Department notes that this can be done with existing resources.

**SIGNIFICANT ISSUES**

The Department of Health (DOH) reports that New Mexico is among the top three states in the nation with the highest teen birth rates. In 2010, the most recent year of data ranked by states, New Mexico was the second highest for birth rates to teens 15-17 (30 for every 1,000) and also the second highest in the nation for birth rates to teens 15-19 year olds. The birth rate for NM teens ages 15-17 is nearly 1.7 times higher than the national rate. In 2009, more than 20 percent of teen births in NM were repeat births. States with the highest percentage of repeat teen births are also the states with the highest rates of teen childbearing.

The PED cites that Title IX of the Education Amendments of 1972 prohibits sex discrimination against pregnant and parenting students. Title IX bans educational institutions that receive federal funds from discriminating against students based on their "actual or potential parental, family, or marital status" or a student's "pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery there from." These protections include the requirement that absences due to pregnancy or childbirth must be excused for as long as deemed medically necessary by the student's doctor. The regulations require that at the conclusion of pregnancy-related leave, "a student must be reinstated to the status that she held when the leave began."

The PED further reports:

Pregnant teens may have access to school-based health centers for reproductive health services however, prenatal care is often not provided by a school nurse or a school-based health center. Currently, school-based health services do not provide these services due to limited financial, personnel and capacity resources. Parenting teens often do not have access to well child services

through school nurses, school-based health centers, or public health offices.

School nurses and school-based health centers often have to provide offsite referrals for prenatal care for pregnant teens and well child care for children of parenting teens. In many instances, specialized health services for pregnant and parenting teens and their children do not exist in rural communities. This requires traveling to access services.

The Compulsory School Attendance Law, as it currently reads, does not take into account pregnant and parenting teen issues or issues around temporary disability status of pregnant and parenting teens.

During the 2011-2012 school year, 920 New Mexico students, approximately 0.27 percent of students statewide, had a pregnancy diagnosis on file with school nurses in the school district.

### **PERFORMANCE IMPLICATIONS**

The PED notes that enacting this bill may positively impact student reading and math scores, assisting in closing the achievement gap because it would allow pregnant and parenting teens a time period to make up work that the student missed up to a prescribed limit.

### **ADMINISTRATIVE IMPLICATIONS**

The PED would be responsible for communicating the changes to the Compulsory School Attendance Law to school districts and charter schools. The communication would need to require that districts and charter schools update their existing attendance policies and local school boards or governing bodies would need to approve policies to allow for the provision of a prescribed number of excused absences for pregnant and parenting teens.

Additionally, the PED reports that the Department would need to develop a process (e.g., assurances submitted by districts and charter schools) to ensure that districts and charter schools are in compliance with the new section of the Compulsory School Attendance Law.

### **OTHER SUBSTANTIVE ISSUES**

The DOH reports that research indicates that 30 percent of teen girls who have dropped out of high school cite pregnancy or parenthood as a key reason. Rates are even higher for African American and Latino girls, 38 percent and 36 percent respectively. In its national report the Education Week and Editorial Projects in Education Research Center identified the 25 persistently lowest-achieving school districts in the United States. Albuquerque Public Schools is one of these districts. The twenty-five persistently low-achieving school districts account for 20 percent (1 in 5) of all high school dropouts in the United States, and births to teens in these 25 school districts account for 16 percent of teen births in the United States.

The PED notes that districts and charters school are currently required to affirm that they are in compliance with all components of Title IX, as part of the Education Amendments of 1972, through the New Mexico School Athletics Equity Act.

The PED further notes that proposed changes to the Compulsory School Attendance Law would apply to both females and males as the new language provides for both pregnant *and* parenting teens.