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FISCAL IMPACT REPORT

SPONSOR <u>Pope</u>	LAST UPDATED <u>2/12/23</u> ORIGINAL DATE <u>1/31/23</u>
SHORT TITLE <u>Open Enrollment For Military Children</u>	BILL NUMBER <u>Senate Bill 120/aSEC</u>
ANALYST <u>Helms</u>	

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Minimal	Minimal	Minimal	Minimal		

Parentheses () indicate expenditure decreases.
 *Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Responses Received From

Public Education Department (PED)
 Office of Military Base Planning and Support (OMBPS)
 Department of Military Affairs (DMA)

SUMMARY

Synopsis of SEC Amendment

The Senate Education Committee amendment to Senate Bill 120 adds language which changes the specification of “students who had resided in the attendance area prior to a custodial parent who is an active duty member of the armed forces of the United States moving or pending a move from temporary to permanent housing or are pending a move from temporary to permanent housing into the attendance area of a public school” to “are the children of a military family living in temporary housing and are assigned, awaiting placement or pending a move to permanent housing in a different attendance area where the students' family seeks enrollment of the students in either their current school attendance area or the school attendance area of the permanent housing.” The amendment clarifies and expands Senate Bill 120’s provisions may apply to any military family who anticipates moving to any attendance area may enroll in schools in that attendance area prior to establishing a residence.

Synopsis of Original Bill

Senate Bill 120 (SB120) amends Section 22-1-4 NMSA 1978 and Section 22-8B-4.1 NMSA 1978 to allow open enrollment flexibility for children of military families prior to a family’s physical relocation at public schools and state-appointed charter schools.

FISCAL IMPLICATIONS

SB120 does not contain an appropriation.

SIGNIFICANT ISSUES

As the Public School code has already allowed local school boards to prioritize enrollment of children from military families, SB120 amends this and as such would allow for families to apply for school enrollment when they have knowledge of their future school district but have not yet physically relocated.

PED analysis notes some complications: “SB120 provides for inclusion of military students in priority status for enrolling in public schools and charter schools and for pre-enrolling when coming from out-of-state prior to arriving in the state. However, granting lottery preference for children of military families would be against the US Department of Education’s (USDE) guidance [for charter school lotteries] and could affect a program’s eligibility for the federal Charter Schools Program grant.”

Exemptions to USDE’s charter lottery do not include military families and their guidelines state, “When recruiting students, charter schools should target all segments of the parent community. A charter school must recruit in a manner that does not discriminate against students of a particular race, color, national origin (including English language learners), religion, or sex, or against students with disabilities; in order to meet this goal, charter schools should consider additional recruitment efforts toward groups that might otherwise have limited opportunities to participate in the charter school's programs.”

The Department of Military Planning notes in their analysis:

This bill emphasizes the importance of removing even the appearance of a penalty for military service as military families enroll their children in public or charter schools.

The Office of Military Base Planning and Support notes in their analysis:

The DOD grades installations, the surrounding community and the state based on a number of criteria that include education, professional license portability, health care, etc. This bill takes a small step towards improving the state’s education score by allowing military dependents to enroll in a school in the district where they plan to be living prior to the military member arriving on station at the military facility, and the Office of Military Base Planning and Support recommends this improvement.

OTHER SUBSTANTIVE ISSUES

PED analysis describes:

Student movement, often referred to as mobility, has been identified as a significant issue affecting student success and educational continuity and is a significant component of the at-risk calculation contained in the New Mexico funding formula.

Dependent children of military personnel face challenges associated with frequent moves in and among states, installations, and school districts. These moves may cause issues relating to a student's ability to adjust to new communities and impede students' ability to connect with another learning environment. This lack of connectivity can be harmful to military students' educational outcomes when it undermines the degree to which they feel connected to school and to students and staff in their school.

Per 6.12.2 NMAC, Health Services, children of military families – children enrolled in kindergarten through 12th grade in the household of an active duty member – are required to be enrolled and conditionally placed in any public, nonpublic or home school to which they are eligible for thirty (30) days while the student obtains the required immunizations. For a series of required immunizations, students of active military families must obtain at least the first in the series of required immunizations within 30 days of the date of enrollment.

SH/rl/ne/mg