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FISCAL IMPACT REPORT

SPONSOR:	Taylor, J.G.	DATE TYPED:	02/08/00	HB	309
SHORT TITLE:	State Truancy Officer			SB	
				ANALYST:	Valdes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY00	FY01	FY00	FY01		
	\$ 85.0			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to Compulsory School Attendance Law

SOURCES OF INFORMATION

State Department of Education

Attorney General

SUMMARY

Synopsis of Bill

This bill enacts a new section of the Compulsory School Attendance law to create a "state truancy officer" in the Attorney General's Office. The purpose of the state truancy officer is to:

1. Enforce the provisions of the Compulsory School Attendance law;
2. Collect monthly attendance reports;
3. Send written notice to the parents of any student not in compliance with the provisions of the attendance law;
4. Call a conference between the student, parent or legal guardian, the principal and the state truancy officer to discuss noncompliance of the attendance law.

The bill also requires the state truancy officer to work with the probation services office if violations continue, to determine whether the student shall be considered a neglected child or a child in need of supervision. Further, if a finding is made that the parent or legal guardian of the student has caused the student's nonattendance, the matter shall be referred to the district attorney's office for appropriate investigation and filing of charges.

The bill also requires that students subject to the Compulsory School Attendance Law shall have no more than three unexcused absences during a grading period. Unexcused absences are defined as absences that a school considers unexcused, including suspension or expulsion.

FISCAL IMPLICATIONS

The Attorney General's Office did not identify any additional fiscal impact related to this bill.

ADMINISTRATIVE IMPLICATIONS

The analysis prepared by the Attorney General's Office states that this bill appears to add an additional layer of personnel on top of the current structure.

CONFLICT/DUPLICATION/COMPANIONSHIP/RELATIONSHIP

According to Attorney General's Office, this bill conflicts with Section 22-12-7 NMSA 1978, which requires the school board or other governing body (private institutions) to enforce the provisions of the Compulsory School Attendance Law. This law currently requires the board/ body to give written notice to the parent or guardian that the child is not in compliance. The proposed bill would require the truancy officer to first collect attendance data and then initiate any noncompliance action by writing to the parent or guardian and scheduling a conference.

Furthermore, the current law and proposed law also conflict in terms of the penalty imposed on parents who fail to assure the child is in compliance. Currently, the law subjects a parent or guardian to a \$25 to \$100 fine for the first violation and a petty misdemeanor upon the second violation (not more than a \$500 fine and/or incarceration of up to six months). The proposed law would allow a petty misdemeanor violation upon the first violation and a full misdemeanor (fine up to \$1,000 and up to one year incarceration) violation upon a second conviction.

TECHNICAL ISSUES

The Attorney General recommends harmonizing this bill with existing law to avoid inconsistencies.

OTHER SUBSTANTIVE ISSUES

In 1993 the Children's Code was amended to provide for intervention and services to families in need of

services, recognizing that many instances of truancy on the part of the child are symptomatic of a family in need of services. A family in need of services was defined, in part, as a family whose child, subject to compulsory school attendance, is absent from school without authorized excuse more than ten days during a school semester. Such a child would no longer be defined as a child in need of supervision, but one for whom family services should be provided.

MFV/gm