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A JOINT MEMORIAL

REQUESTING THAT THE CHILDREN, YOUTH AND FAMILIES AND PUBLIC
EDUCATION DEPARTMENTS STUDY THE SUBJECT OF TRUANCY AND
DELINQUENCY NOTICES.

WHEREAS, the Children's Code and the Compulsory School
Attendance Law in the Public School Code should be consistent
in addressing truancy issues in the public schools and of
individual students; and

WHEREAS, both school districts and the courts report
difficulty in enforcing truancy rules because of
inconsistencies between the provisions of these laws; and

WHEREAS, a work group formed during the 2003 interim by
the legislative education study committee found that the
provisions of the Children's Code are seldom applied because
of certain mitigating factors, among them: limited
resources; delays in the schedule of interventions;
permissive language; and unclear lines of responsibility; and

WHEREAS, the Children's Code requires that the children,
youth and families department, the public education
department and the department of health coordinate services
for families and their children; and

WHEREAS, studies report that truancy may be the
beginning of a lifetime of problems for students who
routinely skip school; that habitually truant students

1 eventually drop out of school and set themselves up for a
2 life of struggle by reducing their ability to become
3 productive citizens; and that high truancy rates are linked
4 to increased burglary, vandalism and substance abuse rates;
5 and

6 WHEREAS, there have been instances in which a juvenile
7 charged with a serious crime, as cited in a delinquency
8 petition, has been enrolled in a public school without the
9 school personnel's knowledge of the charges against the
10 juvenile; and

11 WHEREAS, in some cases these students may pose a threat
12 to other students or to school personnel; and

13 WHEREAS, if school personnel were informed of the
14 circumstances, they might be able to provide assistance to
15 the accused student and to take additional measures to ensure
16 that another student or staff member does not become the
17 victim of an assault or other serious crime; and

18 WHEREAS, the Children's Code and the federal Family
19 Educational Rights and Privacy Act restrict the dissemination
20 of information about juveniles even though delinquency
21 petitions are public records open to public inspection at the
22 court of jurisdiction; and

23 WHEREAS, all persons, including juveniles, charged with
24 serious crimes are presumed innocent until proven guilty;
25 and

1 WHEREAS, the constitution of New Mexico requires that a
2 "uniform system of free public schools sufficient for the
3 education of, and open to, all the children of school age in
4 the state shall be established and maintained";

5 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
6 STATE OF NEW MEXICO that the children, youth and families
7 department and the public education department, in
8 consultation with the office of the attorney general and with
9 representatives of public school districts, private schools,
10 district attorneys, law enforcement agencies and other
11 appropriate entities, study truancy and the issues
12 surrounding the timely notification of public and private
13 schools when a student is the subject of a delinquency
14 petition; and

15 BE IT FURTHER RESOLVED that the study include a review
16 of actions that school personnel may take upon receipt of a
17 delinquency petition to assist the student and to discourage
18 truancy; and

19 BE IT FURTHER RESOLVED that the study include a
20 comprehensive review of the intervention and enforcement
21 provisions in both the Compulsory School Attendance Law and
22 the Children's Code and that the children, youth and families
23 department and the public education department report their
24 findings and recommendations for legislation to reconcile the
25 inconsistencies in provisions in law dealing with truancy to

1 the legislative education study committee no later than
2 November 1, 2007; and

3 BE IT FURTHER RESOLVED that copies of this memorial be
4 transmitted to the secretary of children, youth and families,
5 the secretary of public education, the attorney general and
6 the director of the legislative education study committee for
7 appropriate distribution. _____

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