

1 SENATE JOINT MEMORIAL 36

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

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

14  
15 WHEREAS, the Children's Code and the Compulsory School  
16 Attendance Law in the Public School Code should be consistent  
17 in addressing truancy issues in the public schools and of  
18 individual students; and

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

22 WHEREAS, a work group formed during the 2003 interim by  
23 the legislative education study committee found that the  
24 provisions of the Children's Code are seldom applied because of  
25 certain mitigating factors, among them: limited resources;

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1 delays in the schedule of interventions; permissive language;  
2 and unclear lines of responsibility; and

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

7 WHEREAS, studies report that truancy may be the beginning  
8 of a lifetime of problems for students who routinely skip  
9 school; that habitually truant students eventually drop out of  
10 school and set themselves up for a life of struggle by reducing  
11 their ability to become productive citizens; and that high  
12 truancy rates are linked to increased burglary, vandalism and  
13 substance abuse rates; and

14 WHEREAS, there have been instances in which a juvenile  
15 charged with a serious crime, as cited in a delinquency  
16 petition, has been enrolled in a public school without the  
17 school personnel's knowledge of the charges against the  
18 juvenile; and

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

21 WHEREAS, if school personnel were informed of the  
22 circumstances, they might be able to provide assistance to the  
23 accused student and to take additional measures to ensure that  
24 another student or staff member does not become the victim of  
25 an assault or other serious crime; and

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1           WHEREAS, the Children's Code and the federal Family  
2 Educational Rights and Privacy Act restrict the dissemination  
3 of information about juveniles even though delinquency  
4 petitions are public records open to public inspection at the  
5 court of jurisdiction; and

6           WHEREAS, all persons, including juveniles, charged with  
7 serious crimes are presumed innocent until proven guilty; and

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

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

21           BE IT FURTHER RESOLVED that the study include a review of  
22 actions that school personnel may take upon receipt of a  
23 delinquency petition to assist the student and to discourage  
24 truancy; and

25           BE IT FURTHER RESOLVED that the study include a

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1 comprehensive review of the intervention and enforcement  
2 provisions in both the Compulsory School Attendance Law and the  
3 Children's Code and that the children, youth and families  
4 department and the public education department report their  
5 findings and recommendations for legislation to reconcile the  
6 inconsistencies in provisions in law dealing with truancy to  
7 the legislative education study committee no later than  
8 November 1, 2007; and

9 BE IT FURTHER RESOLVED that copies of this memorial be  
10 transmitted to the secretary of children, youth and families,  
11 the secretary of public education, the attorney general and the  
12 director of the legislative education study committee for  
13 appropriate distribution.

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