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FISCAL IMPACT REPORT

ORIGINAL DATE 1/23/2008

SPONSOR Foley LAST UPDATED _____ HB 186

SHORT TITLE Citizen \$ Noncitizen Student Reporting SB _____

ANALYST Aguilar

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	See Fiscal Implications		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)

Responses NOT Received From

Attorney General's Office (AGO)

Department of finance and Administration (DFA)

SUMMARY

Synopsis of Bill

House Bill 186 provides for the statewide unique student identifier be modified to include a symbol that would indicate the citizenship status of the student.

HB 186 also provides for school districts in their annual assessment reports to include a report that separates assessments for citizens and noncitizens.

FISCAL IMPLICATIONS

Although the bill does not have a direct fiscal impact, PED projects that litigation would be a certainty as the bill attempts to divide public school students in the state on the basis of their United States citizenship. Litigation costs are indeterminate at this time, but could be considerable.

SIGNIFICANT ISSUES

While the intent of this legislation is unclear, New Mexico has historically supported providing a free public education to all students in the state without regard to citizenship as a means of improving conditions for all citizens:

Section 1 of the State Constitution provides that, *“A uniform system of free public schools sufficient for the education of and open to all the children of school age in the state shall be established and maintained.”*

Section 22-1-4 NMSA 1978, “a free public school education shall be available to any school-age person who is a resident of this state and has not received a high school diploma or its equivalent” unless the school age person has not been immunized as required by Section 24-5-2 NMSA 1978.

Also, Section 22-12-4 NMSA 1978 provides that “any school age person shall have a right to attend public school within the school district *in which he resides or is present.*”

PED notes provisions in this bill conflict with the singular purpose of the State Student ID System (SIS), which is to assign a permanent, unique identifier to each student to enable reporting of student enrollment, program membership, demographics, and standardized test scores to the Public Education Department.” Citizenship is a changeable attribute, and if embedded in the State Student ID Number, the number is no longer permanent, and data systems lose longitudinal tracking capabilities.

PERFORMANCE IMPLICATIONS

PED reports the bill places additional responsibilities on the school districts to collect information about citizenship from a student which is not currently collected.

The State will need to determine what forms of documentation will demonstrate proof of citizenship.

The State will need to determine requirements to secure confidential information about citizenship and communicate those requirements to the school districts.

School districts will need to implement security procedures to protect the privacy of information regarding citizenship.