

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 291a

50th Legislature, 1st Session, 2011

Tracking Number: .184460.1

Short Title: Compulsory School Attendance Law Enforcement

Sponsor(s): Senators Cynthia Nava and Mary Jane M. García

Analyst: Ally Hudson

Date: February 25, 2011

AS AMENDED

The Senate Public Affairs Committee amendment adds language to require that a child under 18 years of age who wishes to enroll in an institution offering a general educational development (GED) certificate program must provide written permission from the child's parent that allows, in accordance with the federal *Family Educational Rights and Privacy Act of 1974*, an institution to release and report the child's individually identifiable information to the Children, Youth and Families Department if the child does not attend or complete the GED certificate program.

Original Bill Summary:

SB 291 amends the *Compulsory School Attendance Law* in the *Public School Code* to require institutions that offer general educational development (GED) certificate programs to enforce the provisions of the law, including:

- attendance until the school-age person is at least 18 years of age unless that person has graduated from high school or received a GED;
- attendance at school for at least the length of time of the school year that is established in the school district in which the person is a resident; and
- the parental responsibility for school attendance of a school-age person.

Fiscal Impact:

SB 291 does not contain an appropriation.

Substantive Issues:

According to an analysis by the Higher Education Department (HED):

- the department “provides oversight for 27 Adult Basic Education (ABE) programs that serve adults 16 years of age and older who function below the high school completion level”;
- New Mexico's community colleges host the majority of the ABE programs in the state; and

- according to HED’s data, of the 23,248 students who attended ABE programs for 12 hours or more during FY 10, only 2,251 were less than 18 years of age and “fewer than 300 were at the Adult Secondary Education level (grades 11 and 12).”

HED’s analysis also indicates that SB 291 “would not affect attendance policies at adult education programs or the truancy status of students in these programs” because:

- under current law, no person under the age of 18 is permitted to attend ABE classes in lieu of public school, private school, home school, or a state institution without written, signed permission from a parent and approval by the local superintendent; and
- any student who does not provide this written, signed permission would be considered truant under current law.

According to HED, the passage of SB 291 “would appear to equate ABE classes in preparation for a GED with high school education, and it appears that this would carry requirements regarding length and intensity of instruction that are inimical to the purposes of adult education programs and contrary to accepted best practices in adult education.” HED’s analysis argues that ABE programs are designed to accommodate adult lifestyles and adult learning styles. For example:

- adult education is voluntary and must remain so in order to successfully address students’ needs;
- scheduling is flexible;
- students advance solely based on their measured performance against national standards; and
- term lengths range from six to 16 weeks, depending on the intensity of instruction required by the curriculum and the students’ needs at a given program.

Finally, HED indicates that passage of SB 291 may require ABE programs to adjust their term lengths to match the state’s public school year. In their estimation, this requirement “would significantly downgrade the services required by 90 percent of New Mexico’s ABE students.”

An analysis by the Public Education Department (PED) states that:

- there is no state requirement that students must go through a GED certificate program prior to taking the GED test;
- there is not a tracking system for GED students;
- as noted by HED’s analysis, GED programs serve a variety of students including adults; and
- “an unintended consequence of [SB 291] might actually be to encourage school age persons to drop out of school since they will be considered to be enrolled in a school for purposes of compliance with the *Compulsory School Attendance Law*.”

Background:

HED’s analysis explains that ABE educators help adult students to design individual learning plans that correspond to their personal needs and goals such as:

- learning the English language;
- helping their children succeed in school;

- earning a GED;
- enrolling in a college, university, or other training program; and
- securing a job.

Related Bills:

None as of February 5, 2011.