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SENATE BILL 220

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO PUBLIC ASSISTANCE; CREATING AN EDUCATION
REQUIREMENT FOR NEW MEXICO WORKS ACT PARTICIPANTS; PENALIZING
BENEFIT GROUPS WHOSE SCHOOL-AGE MEMBERS HAVE A CERTAIN NUMBER
OF UNEXCUSED ABSENCES; AMENDING, REPEALING AND ENACTING
SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the New Mexico Works Act is
enacted to read:

" NEW MATERIAL MANDATORY SCHOOL ATTENDANCE. --

A. If a school-age member of a benefit group has
five or more unexcused absences in a grading period, that
benefit group shall be subject to the following sanctions:

(1) twenty-five percent reduction of cash
assistance for the first incidence of five or more unexcused

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1 absences in a grading period;

2 (2) fifty percent reduction of cash
3 assistance for the second incidence of five or more unexcused
4 absences in the succeeding grading period; and

5 (3) termination of cash assistance for the
6 third incidence of five or more unexcused absences in the
7 succeeding grading period.

8 B. A benefit group whose cash assistance has been
9 terminated may reapply for assistance only after the school-
10 age member of the benefit group has completed a grading period
11 with four or fewer unexcused absences. Upon approval of the
12 application, the benefit group shall be eligible to receive:

13 (1) fifty percent of the amount of cash
14 assistance it was receiving prior to the imposition of the
15 first sanction after the school-age member of the benefit
16 group completes a grading period following the termination of
17 benefits with four or fewer unexcused absences;

18 (2) seventy-five percent of the amount of
19 cash assistance it was receiving prior to the imposition of
20 the first sanction after the school-age member of the benefit
21 group completes the first grading period following the
22 reinstatement of benefits with four or fewer unexcused
23 absences; and

24 (3) full reinstatement of benefits after the
25 school-age member of the benefit group completes the second

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1 grading period following the reinstatement of benefits with
2 four or fewer unexcused absences.

3 C. The parent or legal guardian of each school-age
4 member of a benefit group shall deliver a copy of a certified
5 attendance report that indicates whether a child's absences
6 are excused or unexcused to the local income support division
7 office within five days of its issuance or be subject to
8 sanctions pursuant to Subsection A of this section.

9 D. Upon the request of a parent or legal guardian,
10 a public school shall provide a certified attendance report
11 that indicates the number of unexcused absences an enrolled
12 student in that public school accumulates each grading period.

13 E. For the purposes of this section:

14 (1) "school-age member" means any dependent
15 child who is at least five years of age prior to 12:01 a.m. on
16 September 1 of the school year and who has not received a high
17 school diploma or its equivalent; and

18 (2) "unexcused absence" means any absence
19 that a school district considers unexcused, including
20 suspension or expulsion."

21 Section 2. Section 27-2B-11 NMSA 1978 (being Laws 1998,
22 Chapter 8, Section 11 and Laws 1998, Chapter 9, Section 11) is
23 amended to read:

24 "27-2B-11. INELIGIBILITY. --

25 A. The following are ineligible to be members of a

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1 benefit group:

2 (1) an inmate or patient of a nonmedical
3 institution;

4 (2) a person who, in the two years preceding
5 application, assigned or transferred real property unless he:

6 (a) received or receives a reasonable
7 return;

8 (b) attempted to or attempts to receive
9 a reasonable return; or

10 (c) attempted to or attempts to regain
11 title to the real property;

12 (3) a minor unmarried parent who has not
13 successfully completed a high school education and who has a
14 child at least twelve weeks of age in his care unless the
15 minor unmarried parent:

16 (a) participates in educational
17 activities directed toward the attainment of a high school
18 diploma or its equivalent; or

19 (b) participates in an alternative
20 educational or training program that has been approved by the
21 department;

22 (4) a minor unmarried parent who is not
23 residing in a place of residence maintained by his parent,
24 legal guardian or other adult relative unless the department:

25 (a) refers or locates the minor

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1 unmarried parent to a second-chance home, maternity home or
2 other appropriate adult-supervised supportive living
3 arrangement, taking into account the needs and concerns of the
4 minor unmarried parent;

5 (b) determines that the minor unmarried
6 parent has no parent, legal guardian or other appropriate
7 adult relative who is living or whose whereabouts are known;

8 (c) determines that a minor unmarried
9 parent is not allowed to live in the home of a living parent,
10 legal guardian or other appropriate adult relative;

11 (d) determines that the minor unmarried
12 parent is or has been subjected to serious physical or
13 emotional harm, sexual abuse or exploitation in the home of
14 the parent, legal guardian or other appropriate adult
15 relative;

16 (e) finds that substantial evidence
17 exists of an act or a failure to act that presents an imminent
18 or serious harm to the minor unmarried parent and the child of
19 the minor unmarried parent if they live in the same residence
20 with the parent, legal guardian or other appropriate adult
21 relative; or

22 (f) determines that it is in the best
23 interest of the unmarried minor parent to waive this
24 requirement;

25 (5) a minor child who has been absent or is

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1 expected to be absent from the home for forty-five days;

2 (6) a person who does not provide a social
3 security number or who refuses to apply for one;

4 (7) a person who is not a resident of New
5 Mexico;

6 (8) a person who fraudulently misrepresented
7 residency to receive assistance in two or more states
8 simultaneously except that such person shall be ineligible
9 only for ten years;

10 (9) for five years following the date of
11 release from any federal or state prison or county jail or
12 following the date of completion of the terms of probation, a
13 person convicted of a drug-related felony on or after August
14 22, 1996; however, the cash assistance of the other members of
15 his assistance group shall be reduced only by the amount to
16 which he otherwise would be entitled;

17 (10) a person who is a fleeing felon or a
18 probation and parole violator;

19 (11) a person concurrently receiving
20 supplemental security income, tribal temporary assistance for
21 needy families, bureau of Indian affairs general assistance or
22 adoption subsidies; [and]

23 (12) unless he demonstrates good cause, a
24 parent who does not assist the department in establishing
25 paternity or obtaining child support or who does not assign

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1 support rights to New Mexico as required pursuant to the
2 federal act;

3 (13) a person between sixteen and sixty-one
4 years of age with access to child-care services who does not
5 have either a high school diploma or its equivalent and who
6 does not participate in educational activities directed toward
7 the attainment of a high school diploma or its equivalent;

8 (14) a person sixty-two years of age or older
9 who has not received cash benefits or services prior to June
10 18, 1999 and who has access to child-care services and does
11 not have a high school diploma or its equivalent and who does
12 not participate in educational activities directed toward the
13 attainment of a high school diploma or its equivalent; and

14 (15) a person who is participating in
15 educational activities directed toward the attainment of a
16 high school diploma or its equivalent and who does not
17 complete his course of study within one year of its
18 initiation.

19 B. At the time of application, a participant shall
20 state in writing whether he or another member of the benefit
21 group has been convicted on or after August 22, 1996 of a
22 drug-related felony.

23 C. A person convicted of a drug-related felony may
24 be eligible to receive services if the department in
25 consultation with the corrections department determines that

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1 services would enhance his rehabilitation and employment
2 success.

3 D. For the purposes of this section, "second-
4 chance home" means an entity that provides a supportive and
5 supervised living arrangement to a minor unmarried parent
6 where the minor unmarried parent is required to learn
7 parenting skills, including child development, family
8 budgeting, health and nutrition and other skills to promote
9 long-term economic independence and the well-being of
10 children. "

11 Section 3. REPEAL. --Section 27-2B-9 NMSA 1978 (being
12 Laws 1998, Chapter 8, Section 9 and Laws 1998, Chapter 9,
13 Section 9) is repealed.