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1 WHEREAS, students who are not in school cannot gain the
2 knowledge and skills necessary to become contributing members
3 to society; and

4 WHEREAS, national studies report that one in ten fifteen-
5 year-olds was truant at least once a week and that high truancy
6 rates are linked to increased burglary, vandalism and substance
7 abuse rates; and

8 WHEREAS, national studies also report that forty-four
9 percent of juvenile crimes occur between 8:30 a.m. and 1:30
10 p.m. each day and that two-thirds of male juveniles arrested
11 while truant tested positive for drug use; and

12 WHEREAS, in the 2003 interim the legislative education
13 study committee convened a work group consisting of
14 representatives from New Mexico's school districts, judicial
15 districts, tribal governments, the public education department
16 and other executive agencies, educational organizations and
17 groups working with at-risk youth to examine the problem of
18 truancy, including issues of law and methods to keep children
19 in school; and

20 WHEREAS, the work group found that the Compulsory School
21 Attendance Law in the Public School Code and the Family in Need
22 of Services Act in the Children's Code are intended to
23 complement each other in addressing truancy issues; and

24 WHEREAS, the work group found that throughout the state
25 the provisions of the Family in Need of Services Act are seldom

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1 applied because of mitigating factors, among them limited
2 resources, delays in the schedule of interventions, permissive
3 language and unclear lines of responsibility; and

4 WHEREAS, the Family in Need of Services Act requires that
5 the children, youth and families department, the public
6 education department and the department of health coordinate
7 services for families and their children;

8 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
9 STATE OF NEW MEXICO that the children, youth and families
10 department, in collaboration with the public education
11 department and the department of health, be requested to study
12 the Family in Need of Services Act in order to identify
13 strategies and methods to address and prevent truancy and to
14 keep students in school; and

15 BE IT FURTHER RESOLVED that the study include a
16 comprehensive review of enforcement and intervention provisions
17 in both the Compulsory School Attendance Law and the Family in
18 Need of Services Act to ensure a cohesive framework that
19 prevents truancy; and

20 BE IT FURTHER RESOLVED that the children, youth and
21 families department report its findings and recommendations on
22 any changes necessary to align both laws to the legislative
23 education study committee by November 2004; and

24 BE IT FURTHER RESOLVED that copies of this memorial be
25 transmitted to the secretary of children, youth and families,

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1 the secretary of public education, the secretary of health and
2 the legislative education study committee for appropriate
3 distribution.

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