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FISCAL IMPACT REPORT

ORIGINAL DATE 01/19/11

SPONSOR Alcon LAST UPDATED 02/08/11 HB 14/aHEC

SHORT TITLE School Priority For Military Children SB _____

ANALYST Haug

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Military Affairs (DMA)

Public Education Department (PED)

SUMMARY

Synopsis of HEC Amendment

The House Education Amendment to House Bill 14 adds a member of the national guard being deployed to the first priority for enrollment to students who resided in a school's attendance area prior to the deployment where the parental deployment caused the student to relocate outside the attendance area.

Synopsis of Original Bill

House Bill 14, introduced on behalf of the Military and Veterans' Committee, amends the open enrollment section of the Public School Code by extending the existing first priority for enrollment of students who already reside within the school district and within the attendance area of a public school, to students who resided in a school's attendance area prior to an active-duty military parent's deployment where the parental deployment caused the student to relocate outside of the attendance area for custodial care.

FISCAL IMPLICATIONS

House Bill 14 contains no appropriation and according to the PED has no fiscal impact.

SIGNIFICANT ISSUES

The PED states:

In essence, this bill would move such students from third priority for enrollment of students, by reason of their having previously attended the public school in question, to first priority due solely to their parent’s military deployment.

The bill appears to be contemplating the situation where the deployment of a parent in the military may so disrupt a student’s ability to remain in their previous home/school attendance area that their new custodial arrangement would put them in a different community. In short, it would be the custodian of the student who could determine which school district in New Mexico the student could be enrolled in and where the student would enjoy first priority.

TECHNICAL ISSUES

Both the DMA and the PED note that the bill as drafted does not appear to apply to members of the Army/Air National Guards regardless of whether they had been called to service. The DMA suggests that if there is intention to include members of the National Guard called to service (e.g., deployed overseas to assist the military), the following should be added: “including National Guard members on active duty for a period of more than 30 days.”

OTHER SUBSTANTIVE ISSUES

The PED reports:

While the custodian of a child of an active duty military parent who is deployed might be the other parent, sometimes another relative assumes custody of that child. To facilitate the smooth enrollment of such children, the Interstate Compact on Educational Opportunity for Military Children (“Military Compact”), which became effective on May 19, 2010, considered this possibility in Article 6(A) of Section 11-8B-1 which provides:

Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent. A military child who is in transition and is placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent may continue to attend the school in which the child was enrolled while residing with the custodial parent.

Arguably, this provision in the Military Compact renders the bill unnecessary since a person enrolling such a child must possess some legal authority over the child in the absence of the custodial parents.”

GH/mew:bym