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FISCAL IMPACT REPORT

ORIGINAL DATE 02/04/11
 LAST UPDATED 02/24/11 **HB** _____

SPONSOR Nava

SHORT TITLE Compulsory School Attendance Law Enforcement **SB** 291/aSPAC

ANALYST Haug

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)

Higher Education Department (HED)

SUMMARY

Synopsis of SPAC Amendment

The Senate Public Affairs Committee Amendment to Senate Bill 291 would require that the parent of a child under 18 years wishing to attend a general educational development (GED) certificate program sign a permission slip to allow the Children, Youth and Families Department access to the child's individually identifiable information should the child not attend or complete the GED certificate program.

Synopsis of Original Bill

Senate Bill 291 amends Section 22-12-2 NMSA 1978 to require in-state institutions that offer a GED certificate program to comply with the compulsory school attendance law.

FISCAL IMPLICATIONS

Senate Bill 291 would have no fiscal impact.

SIGNIFICANT ISSUES

The HED states:

The New Mexico Higher Education Department Adult Basic Education Division (NM ABE) 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 community colleges house the majority of the ABE Programs in the state. The programs provide opportunities for New Mexico's adults to improve their lives through education:

- Learning basic literacy and numeracy skills;
- Earning a GED high school diploma;
- Learning English as a second language (ESL) and Civics;
- Preparing for college and careers;
- Obtaining and keeping a job.

ABE educators help adult students to design individual learning plans that correspond to their personal needs and goals such as learning the English language, understanding U.S. culture and participating in society, helping their children achieve success in school, earning a GED, enrolling in college or university or other training, securing a job and leaving public assistance, and earning a family-sustaining income.

Of 23,248 students who attended these programs more than twelve hours during FY 09-10, only 2,251 (including those studying English as a second language) were less than eighteen years of age. Of those, fewer than 300 were at the Adult Secondary Education level (grades 11 and 12).

The HED comments further that the purpose of SB 291 is unclear. Proposed changes would not affect attendance policies at adult education programs or the truancy status of students in these programs. Please note that:

Under the current Compulsory School Attendance Law, no person under the age of 18 is permitted to attend ABE (or any other) classes in lieu of public school, private school, home school, or a state institution (22-12-2, A) without written, signed permission for the school-age person to leave school in case of hardship approved by the local superintendent.(22-12-2, B).

From the point of view of NM ABE, students sixteen and over may attend ABE classes; however, any student under the age of eighteen must provide a written, signed release from the student's parent or guardian and approval from the appropriate school district superintendent, pursuant to the requirements of the Compulsory School Attendance Law. Any student who did not would be considered truant under the law as it exists.

The PED reports:

There is no state requirement that students must go through a GED program prior to taking the GED testing and currently there is not a tracking system for GED students.

Students under the age of 18 who are in GED programs must have dropped out of school to be eligible to register for and take a GED test. An unintended consequence of this measure 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.

OTHER SUBSTANTIVE ISSUES

According to the 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. ABE programs (including their GED preparation components) are designed to accommodate adult lifestyles and adult learning styles. For example:

- At its core, adult education is purely voluntary, and it must remain that way in order to successfully fill the needs of its students. Students must be free to stop out and return when they are able in order address issues in their lives. The reasons students decide to attend ABE classes are more akin to the reasons students decide to pursue postsecondary education than they are to the reasons students attend high school.
- Scheduling is flexible and reflects the needs of the program's particular students. It accommodates the needs of working or job-seeking adults, many of whom have children. Classes may be offered in the daytime, in the evenings, partially or entirely by distance or correspondence, and students may be individually tutored or study independently at home.
- Students advance solely based on their measured performance against national standards. While student persistence is, of course, critical, time spent in a classroom is not an appropriate indicator of adult learning gains.
- Term lengths range from 6 to 12 to 16 weeks long, depending on the intensity of instruction required by the program's curriculum and the needs of the students at a given program.

GH/mew